

Appendix: Strategic Enforcement Scrutiny Report - Response to Recommendations

		Response	Who & When
	Enforcement Culture		
	<p>A. It is recommended that the current Council Enforcement Strategy (2007-2010) is assessed and updated to reflect the conclusions and recommendations made within this report.</p>	<p>Agreed. The council's Regulatory Services Manager will take the lead in reviewing the council's enforcement strategy and preparing a new enforcement policy. This will seek to give strategic direction to the Council's enforcement strategy. This work will involve input from a range of services including Planning, Neighbourhood Action, Parking, Housing and Building Control. It is not intended for areas falling outside "environment and housing" to be included in this particular policy, some of which have their own enforcement policies, e.g. benefit fraud. However, relevant service heads will be consulted in the preparation of the policy.</p>	<p>Regulatory Services Manager, supported by identified Services</p> <p>January 2015</p>
	<p>B. The following recommendations have been developed in the context of the council's broader approach to enforcement and work already under way. It is recommended that Haringey Council adopt the following enforcement principles:</p>	<p>Generally agreed. To be addressed as part of a new enforcement policy and strategic direction. Enforcement income is commonly used to defray enforcement costs although there are certain statutory constraints on its use, for example in terms of parking enforcement.</p>	<p>Regulatory Services Manager</p> <p>January 2015</p>

	<ul style="list-style-type: none"> • A fair yet firm approach to enforcement; • The willingness to take direct action where appropriate and necessary; • A focus on prevention (through education and advice) where possible as a means to promoting awareness and compliance to avoid the need for enforcement action; • A policy of investing to save so that resources can be saved on enforcement surveillance and action that could be better used across the council; • Cross departmental and inter-agency dialogue and cooperation that lends itself to a strategic approach to enforcement and best use of finite resources in the context of a decreasing local government budget; • Where possible, enforcement income is ring-fenced to consolidate enforcement services; • Raising the profile of Haringey's enforcement actions through effective communications with partners, residents and local businesses. 	<p>Part of this conversation will be what sort of funds we need to set aside with regard to facilitating direct action and what service would be most appropriate to carry this out for any given breach. Need to bear in mind that not all costs will be recovered and may be locked into the property as a charge on the land for many years.</p>	
	<p>Information systems</p>		
<p>1</p>	<p>To support a strategic and more coordinated approach to enforcement across the Council, it is recommended that existing enforcement information systems are linked to a core database. This will create a centralised record of enforcement actions/ events which, once analysed, can be used to guide and inform enforcement priorities and action across the Council. The core database:</p> <ul style="list-style-type: none"> • Should be linked to a Local Land Property 	<p>Generally agreed. The contract for one of the council's existing enforcement databases, M3, is currently up for renewal. IT will be asked to examine the potential for a more integrated database approach as part of this exercise. However, it should be appreciated that this is a complex requirement that will require clear definition of the</p>	<p>Assistant Director for Communications</p>

	<p>Gazetteer to ensure that the system is underpinned by accurate and consistent property referencing;</p> <ul style="list-style-type: none"> • Be supported by a small dedicated unit (Enforcement Task Force) who can provide analytical expertise, add value to the core data and, guide and inform a strategic approach to enforcement. <p>The establishment of a core database will assist the Council to:</p> <ul style="list-style-type: none"> • Deliver more coordinated and joined up enforcement action across the Council; • Prioritise and target enforcement action and use resources more effectively; • Develop a proactive approach to enforcement; • Better respond to the enforcement concerns and priorities of the community • Map out the effectiveness and compatibility of existing database and IT systems. 	<p>requirements. Any new procurement and/or development will need to be subject to a business case. There may be scope for this as part of the wider customer services database being pursued by the council.</p> <p>In addition the Business Infrastructure Programme manager will be consulted to ensure alignment to the work of this programme.</p> <p>In preparing a new enforcement policy for the council consideration will be given to the value of seeking a dedicated Enforcement Taskforce. Given the financial constraints faced by the council any associated costs would need to be sought from existing budgets or additionally generated enforcement income.</p>	
2	<p>It is recommended that the Council ensure that any new information system procured for parking is fully integrated and compatible with systems used in other regulatory and enforcement services.</p>	<p>Not agreed. Parking enforcement systems are very much bespoke and designed to address specific parking income recovery including bailiff services.</p>	

3	<p>In discussions with all regulatory and enforcement services together with IT, it is recommended that there is a detailed assessment of the longer term viability of M3 regulatory system, considering that:</p> <ul style="list-style-type: none"> • It is not presently being used to full capacity; • There are limitations to its use and accessibility by other enforcement and regulatory services that would benefit from having access to it; • It is not compatible with other enforcement systems (e.g. planning IPIAN) • Any new system should be developed with need to support the mobility of front line officers. 	<p>Agreed. The M3 contract is up for renewal and there is currently a review underway as indicated in 1 above.</p>	<p>Regulatory Services Manager</p> <p>Business Support & Development Manager</p> <p>January 2015</p>
Collaborative top 10/20 enforcement priorities			
4	<p>It is recommended that the Council develop a Top 10 system where enforcement and regulatory services and partners meet/communicate regularly, on items from their own of their own (level 2) Top 10 enforcement cases that they nominate. The collation of the range of (Level 2) Top 10 lists to form a central top 20 (level 1), each entry being designated to one department/ partner with a named officer to take the lead in delivering a holistic assessment, action and enforcement outcome.</p>	<p>Agreed. Within existing resources a top 10/20 task and finish group should determine corporate enforcement priorities and how these might most effectively be pursued.</p>	<p>Regulatory Services Manager</p> <p>January 2015</p>
5	<p>It is recommended that the Council further promotes and extends the use of My Haringey enforcement APP across front line council staff (e.g. Planning service).</p>	<p>The My Haringey App was originally developed by Single Frontline to principally for the highways, waste and cleansing service areas and to allow more convenient public reporting of</p>	<p>IT</p> <p>Business Support & Development Manager</p>

		<p>issues, defects and complaints. A key component of this was the integration of the App with the Highways Confirm and Veolia waste management systems to minimise the manual intervention required. The Mobile Device Management Project (MDM) provides a platform for all Frontline Staff to easily report defects. Homes for Haringey are currently developing an extension to the App to report Housing repairs. Originally the App development looked at integration with the M3 system for enforcement activity, however integration was not possible due to the current development status of M3. As part of the M3 review we will be seeking that this is addressed</p>	
6	<p>Where appropriate, to raise awareness and reporting of enforcement issues, enforcement services undertake selective training or briefings with other front line services, utilising the capacity for in-house training and knowledge sharing e.g. Building Control briefing for Social Workers.</p>	<p>Agreed. Service performance briefing already taking place to cascade information. The proposed Top 10 officer and partner group referred to in 4 above would appear to be a suitable mechanism through which to deliver this recommendation.</p>	<p>Regulatory Services Manager</p> <p>January 2015</p>
7	<p>a) The Partnership Tasking Group is an effective group for prioritising and targeting enforcement action, and it is recommended that its key elements of success (e.g. partnerships, prioritised activity) are shared more widely across the Council to</p>	<p>Agreed.</p>	<p>Head of Community and Enforcement</p> <p>January 2015</p>

	<p>promote and extend best practice.</p> <p>b) That an audit of Tasking Groups, including who sits on these, how frequently they meet, their remit and powers and who they report to, is undertaken to aid sharing of information and effective partnership working.</p>	<p>This would appear to be ideally pursued through the group tasked with determining the Top 10 system by way of essential background input to that process.</p>	<p>Regulatory Services Manager</p> <p>January 2015</p>
8	<p>a) To ensure that public is aware of the context and need to share information across the Council, there should (where possible) be council wide conformity to Data Protection and sharing statements on all forms and applications (developed in consultation with legal, Information Governance and Audit).</p> <p>b) In addition, to promote clearer understanding, consistency of approach and effective information sharing arrangements it is recommended that the Council further Data Protection guidance is provided to enforcement services. Guidance should work on a proactive 'how can we act' principle if basic criteria are set.</p>	<p>Agreed. Lead will be with individual services with appropriate support from Legal, Audit and Information Governance.</p>	<p>Enforcement Services</p> <p>January 2015</p>
9	<p>It is recommended that a key link (named contact) is established within NAT (or other lead enforcement service) to liaise with Mental Health Services (BEHMT) to support enforcement outcomes (whilst also being sensitive to mental health needs).</p>	<p>Agreed. A meeting will be arranged with an appropriate contact within BEMHT to explore how this might best operate for the benefit of both organisations.</p>	<p>Neighbourhood Action Manager</p> <p>November 2014</p>
10	<p>To promote information sharing, the Council should</p>	<p>Agreed. The Neighbourhood Action</p>	<p>Neighbourhood Action</p>

	seek to develop the provision and use of Memorandums of Understanding that services have with key utility companies. The Council may build on those experiences of the NAT in this process.	Manager will be asked to make an appropriate presentation to the multi-service prioritisation group.	Manager January 2015
11	To further promote local enforcement partnership working, it is recommended that the Council work with Police Service to reinvigorate local SNT panels and ensure that there is representation from key council services such as NAT and Homes for Haringey.	Agreed. The SNT panels are however not directly under council control in terms of what they are used to achieve. In a similar vein the Council will need to work with the London Fire Brigade with regard to certain housing and planning matters.	Head of Community Safety and Enforcement/Neighbourhood Action Manager/HfH Director of Operations January 2015
12	In the context of substantive organisational change, it is important that the Council retains those informal partnerships and information sharing arrangements which underpin effective enforcement action (organisational memory). It is therefore recommended that where possible, information sharing protocols are developed across enforcement and regulatory services to formalise such arrangements.	Agreed. To be pursued through 4 and 10 above	Regulatory Services Manager January 2015
	Training and development		
13	To increase the investigative capacity and skills of the organisation, it is recommended that the Council should develop the pool of Proceeds of Crime Act (POCA) trained staff (e.g. through future	Agreed. There have been three complete POCA cases for planning enforcement which	Regulatory Services Manager/Legal Services January 2015

	recruitment, provision of educational allowances).	<p>should bring in a total of over £70K to the Council.</p> <p>Planning enforcement has identified several cases at prosecution stage where the perceived benefits would qualify them as suitable for confiscations under POCA if convictions are successful.</p> <p>A Trading Standards test POCA case has taken place. Although an Order is in place the authority has not received the full amount. The service is using this to develop its understanding of this legislation and the potential it affords to the council. This experience will be shared with other internal enforcement services.</p> <p>The opportunity will be taken as part of the preparation of a new enforcement policy to ensure this is further developed and suitable staff training arrangements put in place.</p> <p>When considering whether to invest in training Council staff to become accredited financial investigators (which would result in the Council gaining a further 18.75% share of POCA awards), the capacity of the police (who currently</p>	
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		undertake this role) will be taken into account along with the fact that POCA awards cannot always be recovered.	
14	That the Council, (perhaps in conjunction with other North London Boroughs) and through the Chair of the North London Bench, seek to offer update and training to local magistrates to promote mutual awareness and appreciation of the problems of regulation in the private rented housing sector (e.g. how cases are handled in court, costs are recovered).	Agreed.	Housing Improvement Manager/Legal Services March 2015
	Selective Licensing		
15	Using the evidence and learning from London Borough of Newham, it is recommended that the Council adopt Selective Licensing in a pilot area, and if successful roll it out more widely across the borough. This approach will; <ul style="list-style-type: none"> • Help to develop an evidence base for implementation (e.g. ASB) • Help to coordinate enforcement action; • Place greater emphasis on the landlord for regulatory compliance; • Focus on core IT and legal issues that other local authorities (including Newham) have encountered; • Improve private sector management and the quality of housing services for local tenants in the private rented sector; 	Selective licensing needs to be whole borough or the biggest scheme the data will allow, otherwise it will not stack up. The effort to set a pilot is just as demanding as a larger scheme. The fee level is low so need ?as many properties as possible. Selective licensing will give the flexible powers to support a co-ordinated enforcement programme and provide serious sanctions for all officers to use. Selective licensing also gives Rent Repayments Orders which will complement the Proceeds of Crime activity.	Housing Improvement Manager

	<ul style="list-style-type: none"> This should link to a) Discretionary Licensing Pilot Scheme b) the conversion of industrial unit to residential units. 	<p>Selective and Additional HMO licensing also can tackle all the properties that are subject to certificates of lawfulness but fail to meet housing standards, often through room sizes.</p> <p>Selective licensing will need to be considered as part of a new enforcement strategy and will require a separate Cabinet report and decision.</p> <p>Article 4 Direction regarding change of use to HMO is now in force in east of borough. Whilst there are referrals between services, greater focus and control is likely to mean more planning applications / unauthorised changes of use which will attract no fee as in Article 4 area.</p>	
	<p>Communications</p>		
<p>16</p>	<p>Effective enforcement is underpinned by sound communication and information sharing processes between enforcement services, local residents and businesses. Three critical areas for development are:</p> <ul style="list-style-type: none"> The way in which enforcement services communicate and engage with the local community to set local regulatory or statutory requirements - the enforcement framework – including the development of realistic 	<p>Agreed. This will be achieved through the development of a communications plan to support the delivery of the council's new enforcement policy and the associated co-ordinated cross-service approach.</p> <p>The new enforcement policy will need to address the issue of the collection of local intelligence.</p>	<p>Communications</p>

	<p>expectations and a culture of co-production with residents and other local groups;</p> <ul style="list-style-type: none"> • The way in which intelligence is garnered from local residents to guide and inform local enforcement action; • The frequency, profile and substance of successful enforcement outcomes are communicated to local residents, businesses to reinforce enforcement approach, culture of the organisation; 		
17	<p>It is recommended that further work is undertaken by the EHSP to help gauge how enforcement services can improve the way that they engage and involve with local residents, business and traders associations.</p>	<p>EHSP to determine future review priorities.</p>	<p>EHSP</p>
18	<p>That further consideration is given within the Customer Service Transformation Programme in the way that local residents present enforcement information and intelligence to the Council (level 1 customer services) and how this is effectively shared (with level 2 enforcement services).</p>	<p>Agreed.</p>	<p>CST Team</p>
	<p>Regeneration and enforcement</p>		
19	<p>It is recommended given the substantive new development planned for the borough that further assessment and modelling is undertaken to assess the demand for demand for enforcement services in the future.</p>	<p>It is anticipated that the current extent of enforcement issues faced by the council will not be replicated in future development and regeneration as a result of robust and effective</p>	

		<p>development control through the planning system. Future demand assessment is not seen therefore as a current necessity although this can be reviewed at a future date should time series analysis of enforcement demands suggest otherwise. Any such future reassessment would also have to have regard to the council's budgetary position at the time.</p> <p>Where there is a profit motive or the surrounding area suffers from poor and unauthorised development breaches of planning control are likely to occur. This is where project orientated integrated enforcement, e.g. town centres will be most effective and make efficient use of resources.</p>	
20	<p>It is recommended that a 'welcome pack' is developed for small business that sets out the duties and expectations of responsible businesses as well as the range of support services available. It is suggested that this is systematically distributed to new business as they are identified to promote awareness and compliance with local regulatory and enforcement frameworks.</p>	<p>Agreed. Communications team to lead on this and to link it to the responsible retailers' pack being prepared by Trading Standards/Public Health.</p> <p>Recommend welcome pack on housing and planning front for private landlords and for Council tenants and what they can or cannot do especially in Tower Gardens / Noel Park.</p>	Communications
21	<p>It is recommended that regeneration, enforcement (planning and licensing) and local taxation services</p>	<p>Agreed.</p>	Enforcement Services/Business Rtes

	develop a mechanism through which the details of new businesses are communicated and shared across the council to ensure, where necessary, business are appropriately registered (e.g. food premises, council tax etc).		
22	It is recommended that a due diligence checklist operates together with an assessment of compliance with local regulatory and enforcement framework before the award of any local grants (e.g. shop frontage).	Agreed with this extended to any other type of council award. The database recommendations in recommendation 1 above should assist with this process.	Relevant council service areas November 2014
23	It is suggested that, periodically, enforcement officers walk local high streets to gauge compliance with and adherence to the local enforcement and regulatory frameworks (e.g. waste, planning and licensing).	Agreed. This already happens through the NA Team in relation to visible street-related issues. This can also be tied into the joint enforcement project being pursued by the council.	Regulatory Services Manager Ongoing
	Member involvement		
24	It is recommended that further use should be made of members extensive knowledge and understanding of a local areas and issues (e.g. community concerns, new businesses,) in order to identify and prioritise local enforcement action. <ul style="list-style-type: none"> It is recommended that members should be encouraged to identify local hotspots and priorities for enforcement action which would benefit from a holistic enforcement approach from a range of services (e.g. 	Agreed. This already happens in relation to the NA Team. NA Officers regularly meet and communicate with Ward Members on local enforcement matters. The NA Team already produces a monthly enforcement activity summary which is circulated officers and Members. The collaborative Top 10/20	Neighbourhood Action Manager Ongoing

	<p>waste, planning, licensing);</p> <ul style="list-style-type: none"> • The provision of introductory member training to promote an understanding of enforcement and regulatory framework and the powers available to the council; • It is recommended that a enforcement circular could help to improve member interaction with enforcement and regulatory services (where action is being taken, progress, so this can be communicated to community). 	<p>enforcement priority approach suggested in recommendation 4 above should facilitate communication with councillors regarding both priorities and progress.</p> <p>Suitable briefing sessions should be considered for Members to increase their awareness of key enforcement issues and how the council can best respond to them.</p>	<p>Regulatory Services Manager</p> <p>January 2015</p>
25	<p>A dedicated web page (or information sheet) is developed for members outlining key enforcement information and contacts which may assist in the identification and or resolution of local enforcement concerns.</p>	<p>Agreed. Appropriate enforcement contacts already exists on Hairinet. These will be reviewed to see if they can be more effectively brought together.</p>	<p>Communications supported by Enforcement Services</p>
	<p>Lobbying for change</p>		
26	<p>It is recommended that the relevant Cabinet member writes to relevant Minister and local MPs to seek clarification in which multiple units are designated as such by the Valuation Office (there is currently some ambiguity as to whether multiple units are HMO's or separate flats - test is can they be sold as 1 contained unit and do they have shared facilities). This is important as it decision determines who is liable for council tax (residents if</p>	<p>Agreed</p>	<p>Cabinet Member</p>

	<p>separate and owner if HMO) and other regulatory compliance. It is also suggested that the Cabinet member write to and to ascertain if this is an issue with other representative bodies (e.g. London Councils / GLA).</p>		
27	<p>Appropriate Cabinet member write to local MPs, London Councils to highlight issued and problems associated with new conditions for 'right to buy'.</p>	Agreed	Cabinet Member