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<b>REPORT TO:</b>	<b>ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE</b>	<b>AGENDA ITEM: 12</b>
<b>DATE OF MEETING:</b>	<b>19th NOVEMBER 2016</b>	<b>CATEGORY: RECOMMENDED</b>
<b>REPORT FROM:</b>	<b>MIKE HAYNES – DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES</b>	<b>EXEMPT PARAGRAPH NO: Not Exempt</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>MATT HOLFORD – ENVIRONMENTAL HEALTH MANAGER</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>QUARTERLY ENFORCEMENT REPORT</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>ALL</b>	<b>TERMS OF REFERENCE: EDS14 &amp; HCS10</b>

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## **1. Recommendations**

- 1.1 That Members satisfy themselves on the basis of the report that the Council is using its regulatory powers in a way proportionate to the demands for regulatory services.

## **2. Purpose of Report**

- 2.1 To provide Members with details of the Councils use of its tools and powers to take appropriate enforcement action.

## **3. Background**

- 3.1 One of the key objectives identified by Members under the 'People' theme of the 2016-21 Corporate Plan was that the Council would "*Use existing tools and powers to take appropriate enforcement action*".
- 3.2 The Council is authorised to use in excess of 100 different statutes to regulate and ensure compliance in areas of work as diverse as planning, food hygiene, licensing, pollution control, anti-social behaviour, building control, public health, waste and dog control.
- 3.3 The way in which the Council utilises these powers is governed by law, statutory guidance and previous legal precedent. Some services (notably many of the functions of Licensing and Environmental Health) also have a duty to have regard to the five governing principles of the Legislative and Regulatory Reform Act 2006, namely that all regulatory interventions are transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
- 3.4 This report provides a high level summary of the regulatory action over the past quarter and provides a comparison against historical levels of regulatory action.

## **Demands for services**

- 3.5 The demands for our services this year is illustrated by Figure 1 in the report appendix.
- 3.6 In the first 6 months of this financial year there has been a substantial increase in demand for a number of services. Complaints about abandoned vehicles are already at nearly double the number we have dealt with in previous full calendar years. We have also seen significant increases in complaints about noise (up by 28%) and increases in complaints about public health problems (up by 41%), most notably about filthy and overgrown domestic properties and about accumulations of waste on private land. Officers are therefore delivering considerably more volumes of work with the same level of resources.

## **Demands for Inspections of Businesses**

- 3.7 Food hygiene and pollution control laws require that businesses are risk assessed and then inspected with a frequency based on legal guidance. Figure 2 in the appendix to this report illustrates the number of inspections carried out.

## **Legal Interventions**

- 3.8 The Council has published enforcement policies which explain how we will go about using our various tools and powers to help our business community and residents to meet the various laws we are tasked with regulating. When we are unable to ensure compliance through persuasion we may need to resort to use of more formal means. We have powers in the form of various compliance notices which can be issued requiring some form of action to be taken (or to be stopped) by the recipient in order to more formally require compliance than through advice and guidance.
- 3.9 Figure 3 in the appendix to this report illustrates the numbers of formal notices issued and in broad terms the nature of the problem which led to the notice being served.

## **Punitive Outcomes from Offences**

- 3.10 In a small number of cases, the Council is required to resort to the courts or other forms of judicial punishment in order to seek restitution for confirmed offences. This restitution can be in one of three forms; Firstly, for a limited number of offences and where the offender admits to the offence, we can issue a fixed penalty notice. Where the offender admits the offence and there is no fixed penalty notice option available, but prosecution is not deemed to be proportionate then the offender may be given the option to sign a formal caution. Usually the most severe form of intervention is a prosecution. Table 1 below summarises the recent numbers of each of these punitive outcomes.

**Table 1 – Summary of Punitive Outcomes following Offences**

	<b>2013-14</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17 Q1&amp;2</b>
Fixed Penalty Notices	3	6	34	40
Dog offences	0	1	23	8
Fly tipping & waste offences	1	1	0	3
Litter	2	4	8	22
Community Protection Notice breach	0	0	3	7
Formal Cautions	0	3	3	1
Prosecutions	0	0	3	1

3.11 In Q2 2016/17 the Director of Housing and Environmental Services approved one recommendation by his officers to take prosecution proceedings.

### **Cases of Particular Note**

- A 42 tonne three axle articulated HGV associated with a major fly tipping incident has been seized and detained.
- A legal notice was served requiring smoke from a burning manure stockpile to be stopped.
- An injunction limiting the permitted number of motoring events per year has been issued to a landowner.
- Food inspectors have worked closely with local food businesses after 50% of ice samples were found to contain unsatisfactory levels of bacterial contamination.

## **4. Financial Implications**

4.1 None to minor adverse. Most forms of actions to achieve compliance have a cost implication. In cases of formal legal interventions we will always seek to recover costs, however most of the rest of the costs are currently established within the revenue budgets of each of the relevant departments.

## **5. Corporate Implications**

5.1 The report has been produced to provide Members with details how officers are delivering the “People” themed objective of “Keeping Residents Safe and Happy” in the 2016-21 draft Corporate Plan and in particular the aim to “Use existing tools and powers to take appropriate crime enforcement action”.

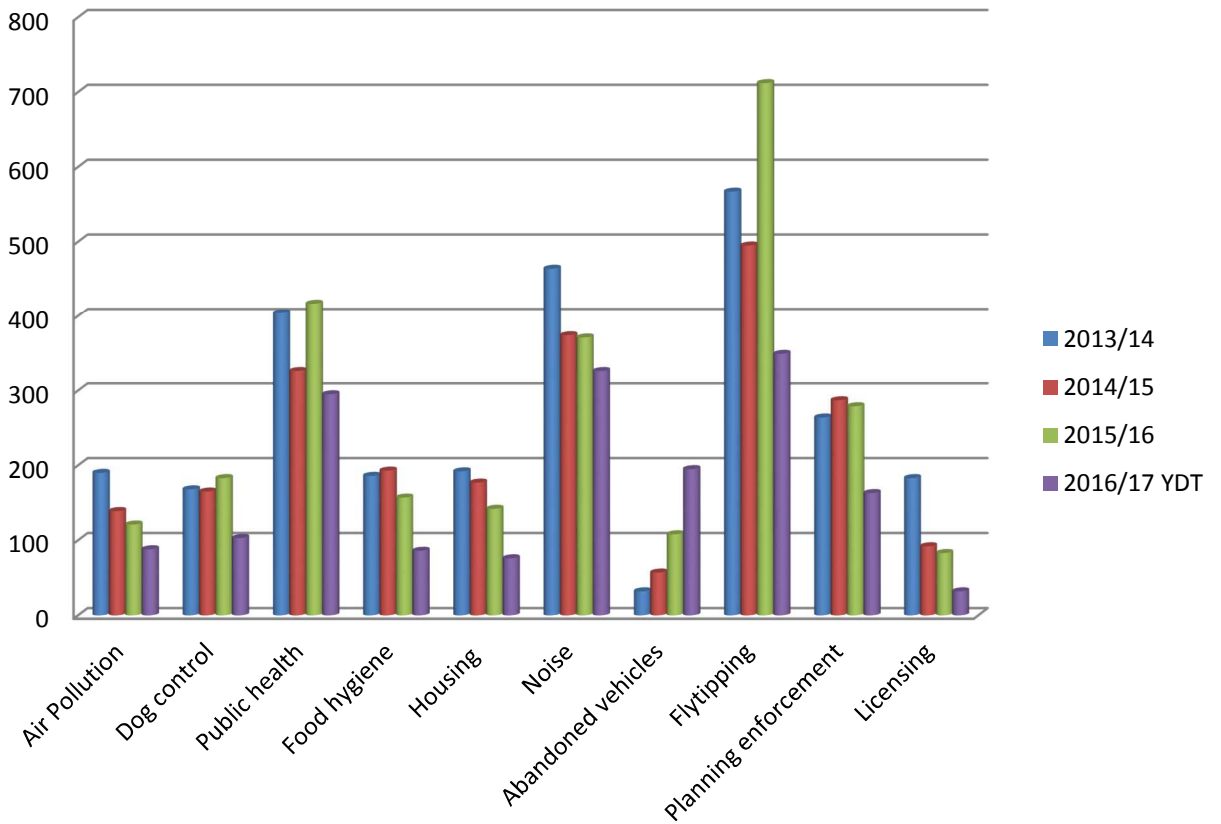
## **6. Community Implications**

6.1 Beneficial. Proportionate regulation is an important feature of ensuring community cohesion and economic growth.

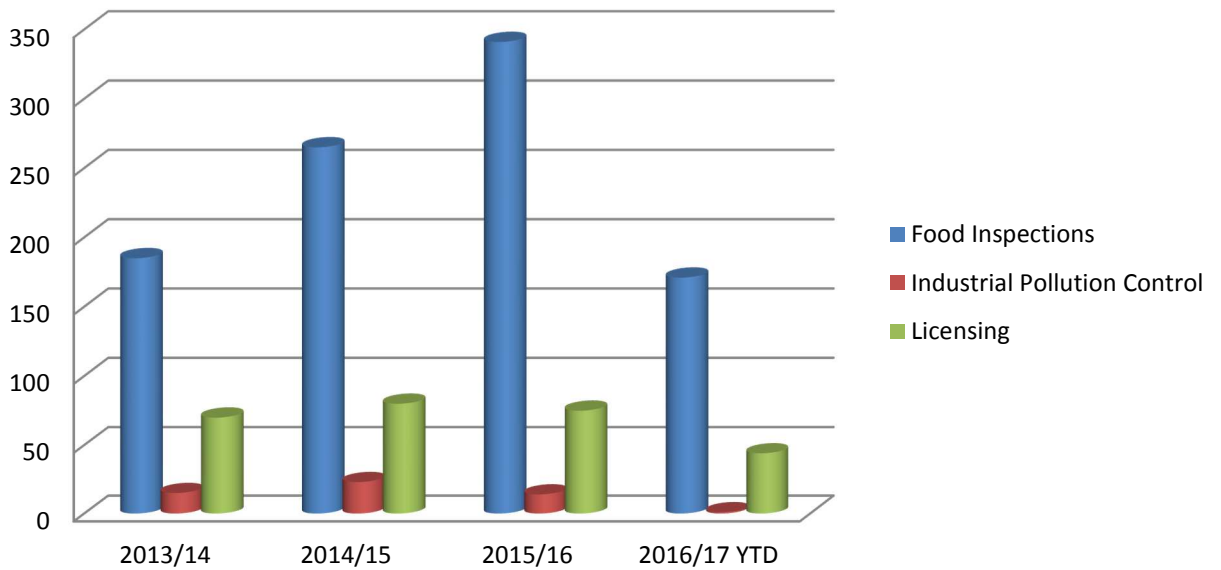
## **7. Conclusion**

7.1 That Members agree that officers are using tools and powers to take appropriate enforcement action.

**Figure 1 - Requests for Enforcement Action**



**Figure 2 - Proactive Inspections of Businesses**



### Figure 3 - Enforcement Notices Served

