

OVERVIEW AND SCRUTINY BOARD



Report subject	Place Operations Enforcement
Meeting date	17 May 2021
Status	Public Report
Executive summary	<p>There are a significant number of enforcement functions across Place Operations. These functions protect and regulate the visitors, residents and businesses of Bournemouth, Christchurch and Poole.</p> <p>Many of the enforcement functions are statutory requirements of the local authority and ensure the safety of services offered by businesses and landlords, as well as managing negative behaviours.</p> <p>The report details the various enforcement services across the Communities, Housing, Planning, Transport and Engineering, Destination and Culture, and Environment Directorates. It highlights the successes and challenges faced when taking enforcement action and explores options for enhanced future service delivery.</p>
Recommendations	<p>It is RECOMMENDED that:</p> <ol style="list-style-type: none">1. Members are asked to note the content of the report and to comment on the current approach to service delivery across Place Operations.2. Members are asked to consider areas of further focus by the Board.
Reason for recommendations	Enforcement across the Place Operations directorate is a vast subject area, with a range of successful statutory, non-statutory and regulatory functions.

	The report provides an overview of the approach and remit of the services, which Members are asked to note and comment on.
Portfolio Holder(s):	Cllr Haines, Portfolio Holder for Community Safety Cllr Anderson, Portfolio Holder for Environment, Cleansing and Waste Cllr Lawton, Portfolio Holder for Homes Cllr Broadhead, Portfolio Holder for Regeneration, Economy and Strategic Planning
Corporate Director	Kate Ryan, Corporate Director Environment & Community
Report Authors	Kelly Ansell, Director of Communities
Wards	All Wards
Classification	For Information

Background

1. This report provides an overview of the enforcement activity undertaken across the Place Operations Directorate. Enforcement activity is summarised by service area and headline outputs are provided in order to give a sense of scale and response. The report then considers the challenges and opportunities relating to enforcement and sets out the priorities of the next 12 months.
2. Appendix A gives a summary of the enforcement activity which takes place within the scope of this report – the Place Operations Directorate. This activity spans several service directorates, teams and disciplines.
3. It should be noted that the work of enforcement based services and teams across the Council cannot be characterised by formal enforcement outcomes alone. These services are charged with utilising and applying available legal powers to uphold compliance and enforce where necessary. However, the majority of the work involved in securing compliance happens at an informal level.
4. The skills and experience of the respective teams involved in the delivery of these services is both broad and specialist – and the scope of the activity as shown in the appendix is significant. This report therefore is not intended to focus on any particular area, but gives an overview and is intended to prompt

discussion around further work regarding Place Operations Enforcement activity.

Current Context

5. In November 2019, Cabinet approved the commencement of an ambitious programme of transformation. Smarter Structures is the first step on this journey and within this programme an organisation wide review of job roles has taken place. 26 'job families' bring together groups of roles with common features that describe like or comparable work.
6. The Communities job family comprises of all enforcement based roles within the Place Operations scope. It draws together all roles which are providing a diverse range of community facing services delivering outputs directly within community settings. They may be roles that protect communities through enforcing the Council's powers with regards to specific legislation to ensure compliance with regulations and legislation. Roles may also be engaging and collaborating with the community and community groups.
7. Staff consultation on Smarter Structures proposals was launched across the organisation on 26 April 2021. The proposals bring the majority of enforcement based roles in to the Communities Directorate structure. However, Planning Enforcement will remain within Planning and Parking Enforcement within Transport at this time.
8. Looking ahead to the vision for the BCP Operating Model and the Organisational Design principles the council has committed to, there are opportunities to be pursued within the Communities Job Family as a centre of excellence for enforcement. These include;
 - Training programmes by common job roles – improving our skill base, raising awareness
 - Co-location and collaborative working
 - Enhanced communications and joint tasking across roles
 - Enhanced collaboration amongst enforcement staff and with partners
 - Customer journey improvement and enhanced reporting options, improved feedback
 - Consideration of holistic activities and roles
 - Improved efficiency of response
9. COVID-19 has placed considerable pressure on enforcement services - be that as a result of the need to stand up COVID-19 compliance activity throughout the pandemic, or as a result of service disruption during lockdowns and restrictions. Across the Communities Directorate in particular, there has been a marked increase over the last 14 months, in community based enforcement issues

throughout the pandemic, such as noise, anti social behaviour and environmental crime.

10. Regulatory Services have been significantly impacted during the COVID-19 pandemic. COVID-19 compliance will be business as usual in this area going forward as Environmental Health and Trading Standards teams continue to work with Public Health Dorset to support outbreak management and contribute to the control of transmission by ensuring local businesses remain vigilant in their application of COVID-19 regulations. The need to direct resources into COVID-19 compliance however has generated a backlog of work.
11. Street based enforcement services are also in high demand as a result of the easing of lockdown and the need to support our retail sector, night time economy, and tourist industry has resulted in unique demands anticipated for the 2021 season. The management of public order and anti-social behaviour issues are a priority as the Government's Roadmap to Recovery is implemented.
12. In many areas, the need to transition from pandemic response into recovery is a challenge. There are backlogs of inspections to address, and heavy prioritisation of resources is critical in ensuring the most pressing issues are addressed across BCP. However, positively, significant additional resources have been secured through various sources to support activity throughout the pandemic and through the initial stages of recovery.
13. In addition to COVID-19 demands, EU Exit has placed additional requirements upon the local authority, meaning that a new Port Health service has been implemented within Regulatory Services in order to meet new statutory requirements.
14. BCP Council has launched its Big Plan, setting ambitions for our area as a world class city region. Priorities of taking pride in our place are prevalent and the role of compliance and enforcement is key to this.

Communities Directorate Enforcement Overview

15. The Communities Directorate holds the majority of enforcement functions. Many of the elements of services in this area, such as environmental protection, private sector housing and anti-social behaviour require the application of a balance of enforcement and support. Cases where mental health concerns or physical needs are present need to be equally supported and therefore the services operate in a multi-agency manner with both internal and external agencies. Enforcement is not always the appropriate or only tool and a person-centred approach is taken to each case, for both the person affected and the person potentially committing the issue.

16. Services such as the Community Safety Accreditation Scheme (CSAS) have seen rapid development since the Council commenced the service in 2016. CSAS is a patrolling function designed to address street related issues, with officers delegated some limited Police powers by the Chief Constable of Dorset Police. The Council has CSAS accreditation across the whole of BCP. At present, schemes are operating in Boscombe, Bournemouth Town Centre, Ashley Road, Poole and Poole Town Centre. Powers accredited to individuals under CSAS can be applied to any roles that hold a community safety function. There are over 40 powers that can be designated to officers from moving and direction of traffic, to issuing fixed penalty notices and requiring identification details. It is an offence not to comply with an accredited officer, and the BCP CSAS teams work within Dorset Police teams to enhance the policing and community safety resource.
17. Private Sector Housing Enforcement manage the mandatory licensing of 1458 houses in multiple occupation across BCP, caravan site licensing and the investigation and enforcement of housing conditions. The team are also responsible for the enforcement of flammable cladding and insulation systems on high rise buildings in the private sector.
18. The anti-social behaviour (ASB) team take a multi agency approach to enforcement and balance this with support. Street related anti-social behaviour is a complex matter normally born of chaotic lifestyles or addiction and simple enforcement alone does not address the systemic vulnerability in these cases. The ASB team work alongside partners in housing, mental health and addiction services to try and engage a person in support. Where this is not successful, positive reinforcements can be placed within enforcement action to both manage negative behaviour and engage support services. Youth anti-social behaviour is also complex, with many issues stemming from childhood vulnerability and factors that require support. Finally, neighbourhood issues can be a challenge to solve with intractable neighbour disputes, and services such as mediation are regularly engaged. At times, matters are not enforceable and the team manage expectations accordingly.
19. The Licensing service manage a breadth of functions: taxi licensing, licensable premises to include sex establishments, venues selling alcohol and gambling venues such as betting shops and casinos. In addition they also oversee the licensing of scrap metal dealers, pleasure boats and undertake pedlar enforcement activities. There are currently 1025 licenced vehicles, 1615 drivers and 115 private hire operators across BCP, this licensing ensures drivers undertake relevant safeguarding and both the driver and vehicle are fit for purpose. The functions attached to the licensing are statutory and ensure the safety of customers in the 1482 licenced venues across BCP. The licensing committee decide on any contested applications for premises licences, review the fitness of licenced drivers and applicants and have the power to modify and revoke both premises and taxi licences if required, however, primarily informal

negotiation is undertaken, dependant on risk. Since 2019 four premises licences have been reviewed and nine licences have been revoked.

20. Environmental Health is concerned with aspects of the environment that can present a risk to health. Areas of responsibility include: food hygiene & food safety; control of infectious diseases (including Covid-19); health and safety at work; air quality; industrial pollution; land contamination; pest control; private water supplies; commercial nuisance; Port Health (provided at the Airport and Sea Port); events safety; commercial waste compliance. 'Official Food Controls' are a requirement of statute, and there are over 4000 food businesses where Environmental Health carries out an intervention programme of inspections as well as investigating complaints about food hygiene standards or investigating food borne illness. The service also enforces health and safety in certain businesses, a role that is split between the Health and Safety Executive and the Local Authority.
21. Animal welfare is a small part of the service with a limited resource to deal with animal licensing of pet shops, catteries, dog breeding and various other establishments. The stray dog element of the service is a small part of the service as the introduction of microchipping and social media platforms has meant that dogs can be returned to their owners quickly and without the need for additional intervention from the service of seizure and kennelling.
22. Trading standards enforces the law across a range of subject areas, including: age restricted sales; animal health; fair trading; descriptions of goods; digital content and services; terms and conditions; food standards; petrol and fireworks storage; intellectual property (e.g. counterfeiting); product safety; weights and measures; rogue traders; scams; money laundering; misdescriptions; certain types of fraud. Last year the service investigated 1434 referrals and carried out 653 Covid related interventions. Increasingly Trading Standards is having to address issues around organised crime, including a current issue where Organised Crime Groups are operating in the BCP Council area targeting vulnerable and elderly residents via Telesales calls.
23. Environmental Protection has a range of residential functions addressing untidy sites, accumulations, drainage and residential noise. The team take a solution-focused approach, applying the most relevant and efficient legislation to address an issue. Partnership working with other services and partners including highways, street services, anti-social behaviour, targeted enforcement and the local Universities is commonplace and the team are supported by strong working links with the Police.

Housing Directorate Enforcement Overview

24. The Council's in-house Neighbourhood Management team manage approximately 5,096 properties owned by BCP within the Bournemouth

Neighbourhood. Approximately 4,555 properties within the Poole Neighbourhood are managed by Poole Housing Partnership under a separate contract. The Neighbourhood Management team undertake engagement and enforcement in relation to tenancy management, rent arrears, leasehold management and anti-social behaviour. Tenancy management issues include unauthorised alterations, unlawful occupation, changes to tenancies and gaining access to properties to carry out repairs and compliance work such as gas servicing. Anti-social behaviour includes any conduct that has caused, or is likely to cause, harassment, alarm or distress to any person; conduct capable of causing nuisance or annoyance to a person in relation to that person's occupation of residential premises; or conduct capable of causing housing-related nuisance or annoyance to any person. This behaviour can include noise, harassment, failure to control pets and substance misuse/dealing.

25. The tenancy management and income team enforce the requirements of the tenancy agreements which are civil functions. The anti-social behaviour team within housing management work to enforce both tenancy conditions and utilise the powers prescribed within the Anti-Social Behaviour, Crime and Policing Act 2014.

Destination and Culture Directorate Enforcement Overview

26. The Destination and Culture team have enforcement functions within the Seafront Ranger resource. Seafront Rangers are responsible for the safety and enjoyment of the visitors to the beaches. There are three senior rangers and six full time rangers, however, base line resources have been significantly enhanced to eleven rangers for 2021 as part of the Councils seasonal response plans. Seafront rangers enforce local bylaws, where applicable, and can serve fixed penalty notices for litter offences. Enforcement is only a minor part of the seafront ranger resource, with seasonal staff management functions and the oversight of the wider beach operations as part of their general role.
27. Bylaws across the three preceding authorities differ in what is covered and the penalties for breaches, therefore enforcement cannot be consistent in this area. Bylaw enforcement relies on court based prosecutions therefore the impact of enforcement is not instant and officers rely on available court dates and legal support.
28. Fixed penalty notices can be issued for littering offences under Cleaner Neighbourhoods and Environment Act 2005, however this function is specific to this legislation and cannot be applied to bylaws.

Environment Directorate Enforcement Overview

29. The Environment directorate undertake parks enforcement and waste education. Similarly to the Seafront Rangers, parks enforcement relies on bylaw enforcement primarily. Resource for parks based enforcement is limited to 2

FTE and therefore future consideration of multi-departmental working to support these functions, potentially through the use of CSAS support, would be of benefit in this area.

30. At present the 2 FTE parks enforcement officers address: BBQs, tents, litter, graffiti, flytipping, overnight sleeping in vehicles and cycling. Previously fly grazing was contracted to an external company, however this is current a gap in service delivery and a challenging function. The team work closely with street cleansing, CCTV and anti-social behaviour to broaden the legislative tools available to address issues. This multi-agency working is a success, however, with limited resource and a significant amount of open space in BCP, also a challenge.
31. The Gypsy and Traveller Liaison team also sit within the Parks service and this team undertake engagement and needs assessment functions for unauthorised encampments. Where required, the team will serve eviction notices and progress possession action to move encampments on. The police, where serious disorder is present, can undertake enforcement, however the remit of this is limited due to the lack of transit site within the BCP area.
32. There are a number of powers attached to littering and accumulation of waste offences. Many of these are used by the Communities Directorate, specifically Community Protection. The environment team primarily educate on correct disposal of waste with enforcement functions held within Communities.

Planning Services Enforcement Overview

33. Planning Enforcement sits within Planning Services and responsible for ensuring the local planning system is upheld and complied with in accordance with planning legislation and policy. The team's core activities are focused on investigating unauthorised development and changes of use of land (i.e. development that does not have planning permission), breach of conditions on planning permissions, adverts that do not have consent, damage to Listed Buildings, damage or loss of trees subject to a Tree Preservation Order and collection of overdue Community Infrastructure monies.
34. The team's priorities are guided by the BCP Council's Enforcement Plan that identifies how enquiries are to be investigated based on severity and extent to which action is in the public interest. The team has a range of tools it can use to achieve planning regularisations including formal warnings, statutory notices and prosecutions.
35. The team works closely with colleagues within the Communities and Environment Directorates on related issues that cross over with the different legislative frameworks the teams operate within. This is particularly the case with Private Sector Housing Enforcement colleagues who make a large number of referrals into the planning service in respect of Houses of Multiple Occupation.

36. In addition to HMO enquiries, the team is very busy at any given time dealing with a high volume of general planning enforcement enquiries. The level of enquiries remains constantly high at around 2000 transactions a year and the team with its current resources find it a challenge to keep up with demand to maintain a responsive service. The team resources comprise a manager, a Senior Enforcement Officer, 3.6 x FTE Enforcement Officers and a 0.8 FTE Planning Technician alongside carrying some vacancies. It is expected that the Smarter Structures project will enable the vacancies to be filled to boost resources in the team to deal with the ongoing demands and enhance service delivery.
37. Whilst resources in the team are limited at present the team is maintaining service delivery and has an excellent track record of serving Enforcement Notices where required and achieving successful prosecutions for the most serious breaches. These successes help to maintain the reputation of the Council in terms of its commitment to upholding the integrity of the local planning system through its Planning Enforcement Team.

Transport and Engineering Directorate Overview

38. Parking falls within the Transport and Engineering Directorate. Parking Enforcement addresses illegal parking by the issuing of Penalty Charge Notices by Civil Enforcement Officers; the very worst contraventions can also be managed by removal of the vehicle (tow-away.). Parking also manage the private CSAS contract for moving and directing traffic in key congestion areas in the summer months. Parking enforcement officers enforce traffic regulation orders and issue penalty charge notices for relevant contraventions. Parking enforcement have 49 FTE civil enforcement officers at the time of writing, however similarly to the seafront ranger resource, this is being significantly enhanced as part of the summer resilience planning. The recruitment aim is to permanently employ 72 civil enforcement officers which should give suitable coverage of the BCP area. Civil enforcement officer roles are self-funding from income through penalty charge notices. To ensure parking income is generated and the legal process of PCN challenges is adhered to there is also a team of 14 FTE specialist Parking Officers; Smarter Structures proposes these officers move to other services (five to Business, eight to Customer and one to Finance). There is a risk to parking income with these proposals, which are currently subject to consultation.
39. In 2019/20 parking services generated £21.6m in income from chargeable parking places, in 2020/21 this figure was significantly lower due to the impact of Covid-19 restrictions on movement. In 2019/20 parking services issued 66,630 penalty charge notices, in 2020/21 55,286 penalty charge notices were issued. Each penalty charge notice generates an average of £28 income.
40. In 2020 the Council began the use of a tow away service to enforce traffic regulation orders where permitted by legislation. This service began mid-July

and focused on congestion caused by illegal parking in the summer. 13 vehicles were identified as qualifying to be towed and all 13 were removed and, like many visual enforcement actions, the deterrent of wider illegal parking was a success. The aim of all parking enforcement activity is to keep traffic (including pedestrians and cyclists) moving as part of the Councils wider Network Management Duty. Parking must strike a balance between educating drivers and issuing penalties.

41. Highways enforcement currently falls within Transport and Engineering, however it is proposed this falls within Communities as part of smarter structures. Highways enforcement work with vehicle, property and business owners to address overhanging vegetation, abandoned vehicles, table and chairs licences and enforcement, and obstructions. There is a single full time officer dedicated to this work, so resource is a significant challenge and enforcement is prioritised on risk. The highways enforcement team work alongside environmental protection and use the most efficient legislation to address the issue. Highways enforcement can take action under the Highways Act where informal resolution is unsuccessful, which results in formal court based prosecution. Enforcement of unauthorised vehicle access is a challenge requiring multi-team engagement and a lead team and process is required if this enforcement is a priority within the current limited resource. The Environment directorate have 7 FTE highways inspectors that undertake informal resolutions and engagement with residents as part of their general patrols, which are not enforcement focused and rather maintain the highway. Highways inspectors are due to trial a process of escalation to enforcement from informal resolutions, however, due to resource, enforcement may still pose a challenge.

Enforcement Priorities – Next 12 Months

42. Each enforcement service has been developed within preceding authorities for many years, adapting to changing legislation and guidance. Since the creation of BCP Council further work has been undertaken to align policies and procedures to ensure consistent approaches across Bournemouth, Christchurch and Poole.
43. Some elements of legislation, particularly locally constructed bylaws, are archaic in their approaches. Services such as Seafront and Parks rely on the enforcement of these bylaws to regulate behaviours, however, due to the court based prosecution method and lack of on-the-spot enforcement, the deterrence of such behaviours is limited. A key priority is to review the use of bylaws across the conurbation and instigate legal review where required. There is risk attached to this due to the legislative process and likelihood of limited enforcement while the bylaws are reviewed by Secretary of State. However, for future enforcement requirements this should be considered.
44. At present the anti-social behaviour team are consulting on a Public Spaces Protection Order in key areas to alleviate disorder associated with alcohol

consumption. Further consideration will be given to dog control orders alongside the bylaw review noted above. This review may also bring about opportunity for behaviours not covered by other primary legislation (such as bylaws) within a PSPO for BCP.

45. The new Housing Strategy proposes to create a 'Tackling Rogue Landlord Strategy'. This strategy will target landlords who deliberately breach relevant legislation and where education of legal requirements has failed. This strategy would look to include multi-agency partners such as Shelter, Citizens Advice and BCP Housing.
46. There are a range of resource challenges within enforcement, and it is hoped that Smarter Structures proposals will support statutory enforcement priorities and community priorities by improving efficiency and joint working. Further exploration of the opportunity for joint working is a priority for the next 12 months, with particular emphasis on harnessing information sharing, the use of solution focused approaches and upskilling of relevant staff. In addition, many services with an enforcement requirement have a street related enforcement function. Further work to develop multi-agency and potentially co-located approaches and therefore protect and enhance key resources would be of benefit.
47. The priority of delivering Cleaner, Greener and Safer places across our BCP communities is a key priority over the next 12 months.

Summary of financial implications

48. None.

Summary of legal implications

49. Legal services provide support and representation to Client Departments in regard to informal and formal enforcement action. Any enforcement action taken must be proportionate and taken in line with any statutory provisions. If formal enforcement action is taken through the Court's such action must meet both the public interest test and the evidential test. There will often be statutory time limits in which to commence legal action so timely instructions and collation of evidence is required. Legal Services work with the local Courts in relation to processing formal enforcement action and time periods for the conclusion of any Court action is determined by the Court's capacity.

Summary of human resources implications

50. As noted in the report, staff are currently being consulted on Smarter Structures proposals which will have an impact on the resources available for enforcement activity.
51. There are resource challenges within some enforcement functions, especially those that are non-statutory or do not generate income. Joint

working and upskilling of staff and relevant delegated powers can be considered, however, wider human resources implications around pay and grading may apply.

Summary of sustainability impact

52. Enforcement activity looks to protect residents, public health and the environment. Enforcement of environmental aspects such as waste accumulations, flytipping and bylaw enforcement in open spaces helps to protect and preserve the natural environment and support the carbon neutrality agenda. There are no negative impacts on the enforcement of these issues, however, where challenges are present around land ownership identification, this presents enforcement challenge.

Summary of public health implications

53. A large amount of the enforcement and regulation functions of the communities directorate look to promote the health and wellbeing of the residents and visitors to BCP. This public health function supports healthy homes, food establishments and ensures a sustainable environment for people to live, work and visit. There are no negative impacts borne from the enforcement of these issues and the correlation of enforcement and support when promoting the public health agenda is key to long term resolution for many of the issues associated with these functions.

Summary of equality implications

54. There are no direct implications in regard to this report. Enforcement action is taken on a case by case basis and is proportionate to the risks posed. Support is offered where there are identified needs in order to achieve a long term approach to identified issues. Legally prescribed enforcement action does not discriminate against any protected characteristic.

Summary of risk assessment

55. Not applicable.

Background papers

None.

Appendices

Appendix A - Enforcement Summary