



**BASSETLAW**  
**DISTRICT COUNCIL**  
**NORTH NOTTINGHAMSHIRE**

Select Panel 2

# ALL ENFORCEMENT

Scrutiny is an independent, councillor-led function, working with local people to improve services

Councillor Miss M Stokes  
(Chairman)  
Councillor C Entwistle (Vice  
Chairman)

January 2009



## **Introduction**

I have had the pleasure of chairing this Select Panel, which has reviewed all enforcement. The first meeting was held in July 2008 and it was decided to look into four areas of enforcement – environmental, planning, licensing and council tax.

It has been an extremely interesting and informative review. The main purpose of the review was to undertake an examination of the four areas of enforcement and to identify possible improvements. The Panel focused on increasing the number of prosecutions, but also on education and raising awareness.

The Select Panel has greatly appreciated the efforts of everyone involved in the review. I would like to take this opportunity to thank all the Members and Officers involved in this review and to all the witnesses who came and gave presentations.

Councillor Miss. M Stokes  
Chair of Select Panel 2

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## 1. Recommendations

### 1. Closer Working Relationship

That Officers continue to improve co-ordination between enforcement activities by making better use of existing facilities, for example, GIS, and investigate the possibility of one corporate debt management system.

### 2. Enforcement and Prosecution

That resources be requested for an additional Officer within the enforcement section of Environmental Health to demonstrate a more proactive approach to prosecutions. The Officer will also focus on education and raising awareness.

### 3. Publicity Campaign

That a publicity campaign be introduced to raise awareness and make people aware of potential fines that could be imposed when committing an environmental crime.

## **2. Background**

- 2.1** Bassetlaw District Council's Select Panel 2 was tasked to review all enforcement by the Overview and Scrutiny Committee as part of its Annual Programme of Work for 2008/09.
- 2.2** Members put forward separate sections of enforcement to review. The first section of enforcement included environmental, which could include fly tipping, litter dropping and dog fouling. Under the previous scrutiny arrangements, a Panel had reviewed environmental crime enforcement. The main recommendations that came from the review focused on policy, procedures and structures. It was noted by the Select Panel that duplication should not occur when undertaking this review and that Members should focus on all areas of enforcement (which were excluded from the previous review).
- 2.3** The second area of enforcement proposed for review concerned planning. The Development Control Manager gave a presentation to Overview and Scrutiny Committee regarding planning enforcement in November 2007. The presentation informed the Committee that the service was discretionary, however all priority cases were dealt with as part of the day to day business of the Department. The Select Panel wanted to develop and discuss this further as part of the review.
- 2.4** The third area of review proposed was licensing. Under the Licensing Act 2003, a Responsible Authority, for example, Police, Environmental Health, Planning, Fire Service, Social Services, or Trading Standards can request a Review of a Premises Licence at any time. At Bassetlaw District Council, the Licensing Panel undertakes reviews of licenses. During the course of the review, the Select Panel focused on taxi enforcement, different types of vehicles and costings for the service.
- 2.5** A fourth area of enforcement that arose during the Select Panel's discussions concerned council tax enforcement and debt recovery. Enforcement is controlled by Council Tax Regulations and is a task that the Council has to undertake.
- 2.6** The review will support the Council's Corporate Priorities of Clean and Green and Efficient and Effective.

## **3. Scope of Review**

- 3.1** There was a discussion about the scope of the review at the initial meeting and it was agreed that the Select Panel would focus on the issues identified by Overview and Scrutiny at their June 2008 meeting:
- Environmental Enforcement in all areas, particularly the number of prosecutions for fly-tipping, litter dropping and dog fouling
  - Strengthening Planning Enforcement
  - Licensing Enforcement - granting of licences to inappropriate premises.

**3.2** During later meetings it was decided to include council tax enforcement, thereby covering all aspects of enforcement undertaken by Bassetlaw District Council.

#### **4. Method of Review**

**4.1** The following Councillors were appointed to be members of Select Panel 2:

Councillor M Stokes (Chair)  
 Councillor C Entwistle (Vice-Chair)  
 Councillor J H Clayton  
 Councillor H S Colton  
 Councillor G Freeman  
 Councillor M T Gray  
 Councillor J D A Hayward  
 Councillor J W Ogle  
 Councillor M W Quigley  
 Councillor A Rhodes  
 Councillor J B Rickells

**4.2** The Panel scheduled meetings with witnesses on the occasions detailed below:

Date	Objective	Witnesses
28th July 2008	Scoping Meeting Planning Enforcement	Development Control Manager, Bassetlaw District Council
26th August 2008	Environmental Enforcement	Principal Environmental Health Manager, Bassetlaw District Council
11th September 2008	Licensing Enforcement	Licensing Enforcement Officer, Bassetlaw District Council
22nd September 2008	Licensing Enforcement	Proactive Licensing Officer, Nottinghamshire Police
9th October 2008	Council Tax Enforcement	Debt Recovery Manager, Bassetlaw District Council
20th October 2008	Licensing Enforcement	Chair of Bassetlaw Taxi Association
13th November 2008	Licensing Enforcement	Chief Superintendent, Nottinghamshire Police

		Police Council's Solicitor, Bassetlaw District Council
28th November 2008  10.00pm to Midnight	Evening Visit – Retford Town Centre	Licensing Enforcement Officer, Bassetlaw District Council
10th December 2008	To decide on the recommendations of the Final Report	Head of Community Prosperity Head of Revenues and Customer Services Council's Solicitor Principal Environmental Health Manager Debt Recovery Manager
14th January 2009	To discuss the draft Final Report	Head of Community Engagement and Performance Acting Policy and Scrutiny Co-ordinator
29th January 2009	To finalise recommendations of the Final Report	Head of Environment and Housing Principal Environmental Health Manager

**4.3** The Panel also sent out a list of questions to each of the four Departments undertaking enforcement:

- What enforcement has your service taken since April 2007?
- Did this involve other services in Bassetlaw District Council and/or other partners?
- Is this the full range of enforcement that your service should be enforcing?
- Do you have any performance indicators to measure the service's performance?
- How does your service compare locally, regionally and nationally.

**4.4** The evidence was collected from each of the four services regarding the above questions. The Select Panel noted that each service was responsible for enforcement in a number of fields, for example, contaminated land, Sunday trading, pet shops, amongst many others.



Despite enforcement action being increased in many areas, the Select Panel still felt that further prosecutions would act as a deterrent.

## **5. Closer Working Relationship**

### **Evidence for Recommendation**

- 5.1** There are four departments within Bassetlaw District Council that undertake enforcement: planning, environmental, licensing and debt recovery. However, there are some local authorities that have Enforcement Departments combining all enforcement functions. The Select Panel noted that this would come at a considerable expense and all Officers would be required to have a detailed knowledge of each area of enforcement. This would also have implications for job evaluation and potential re-grading of posts.
- 5.2** Even though Members decided not to investigate the potential strengths of a combined Enforcement Department, the Select Panel agreed that a need exists for enhanced inter-departmental working. Throughout the meetings, Members were informed that in many cases people are committing more than one type of offence, for example, environmental and planning. Therefore, enhanced working practices could be used to combat this. This should provide a more consistent approach to enforcement between the Departments, but still allowing each Officer to continue a more tailored approach to reflect and suit individual Department workloads and challenges.
- 5.3** Enhanced inter-departmental working would enable Officers to identify key issues, provide for greater partnership working and offer the opportunity to work together to reflect the Council's priorities. This could prove instrumental in tackling those committing environmental or planning offences. A way of achieving enhanced inter-departmental working is through the GIS and Jupiter IT systems.
- 5.4** It was also recognised that there are currently five debt systems utilised by Bassetlaw District Council, therefore it would be more cost effective in the long-term and less time consuming for Officers to have one corporate debt management system. This will provide Officers with a system that can integrate data and be a visual tool to enable all Officers working within enforcement to see where offences have taken place and by which individuals.

#### **Recommendation:**

That Officers continue to improve co-ordination between enforcement activities by making better use of existing facilities, for example, GIS, and investigate the possibility of one corporate debt management system.

## **6. Enforcement and Prosecutions**

## **Evidence for Recommendation**

- 6.1** The Panel felt that more prosecutions were needed, which should act as a deterrent for non-compliance. However, a concern was raised that the cost of pursuing a fine could prove too expensive in the majority of cases and felt that Bassetlaw District Council were often intimidated by the cost and potential resource implication. Many Members agreed that the principle of pursuing a fine was extremely important, despite not being cost effective.
- 6.2** The Panel decided to analyse the resource and cost implication for each enforcement Service in order to increase staffing capabilities to pursue non-payment.
- 6.3** In order to increase capacity within the Planning Enforcement team it would be necessary to employ additional staff. Experience in the past has shown that part-time Officers do not always provide the continuity to enable cases to be progressed by individual officers and can lead to additional pressures on the other Members of the team when staff are not available. The appropriate scale for an Officer to support the current team and have the necessary skills would be in the range of scales 4/5/6. As a minimum, therefore, one full-time equivalent Officer would cost approximately £30,000 per annum at maximum grade when on costs are included.
- 6.4** With regards to the licensing function, there is currently a deficit on the income generated from licensing fees as against the outgoings. There are currently two part-time Enforcement Personnel working a total of 40 hours per week. In respect of taxis/private hire, approximately £18,000 is attributable to 'vehicle enforcement'. However, Bassetlaw District Council is "above average" when compared with other Councils in both Nottinghamshire and the East Midlands. Benchmarking analysis [carried out by Gedling in conjunction with other East Midlands authorities] has been ongoing for eighteen months and Bassetlaw District Council perform well in terms of enforcement. There is no 'significant problem' in Bassetlaw in respect of vehicle enforcement, for example, over the Christmas period, it generated very few minor infringements, compared with the cost of the operation. If there is to be an increase in enforcement, this will entail resources input. An additional 20 hours part-time Officer will cost approximately £20,000 including on costs, which will increase the calculated deficit to £38,000 from the current £18,000.
- 6.5** With regards to environmental enforcement, it is not possible to compare like with like, but experiences elsewhere could give an indication of possible increases in enforcement activity if Officers are dedicated to a specific task, for example, fly tipping enforcement. Newark and Sherwood have a dedicated team of three officers within the Waste Management Team who are responsible for the enforcement of environmental crime including fly-tipping. The output for the full year up to the end of November 2008 includes 35 prosecutions and 15 formal cautions for fly tipping. Effectively, this would mean eleven prosecutions and five formal cautions per full time equivalent member of staff.
- 6.6** During the final meeting, a proposal was put forward for a recommendation to be put into the final report requesting additional resources for an Officer within the Environmental Health Unit. Five Members voted for the recommendation and three Members voted against the recommendation.

- 6.7 A minority report will be presented at the Overview and Scrutiny Committee putting forward an alternative recommendation.

Recommendation:

That resources be requested for an additional Officer within the enforcement section of Environmental Health to demonstrate a more proactive approach to prosecutions. The Officer will also focus on education and raising awareness.

## 7. Publicity Campaign

### Evidence for Recommendation

- 7.1 Despite the general feeling of the Select Panel that prosecutions would act as a deterrent, there was the recognition that prevention and education have a positive effect. This will make people aware of the offences and of the penalties they may face if they commit an environmental crime. Publicity is also a useful tool to encourage community engagement and highlights issues that are important to people, for example, dog fouling and litter dropping.
- 7.2 The prevention campaign can initially be conducted through generic and targeted posters, which are inexpensive, convenient and versatile. This can be a targeted campaign and placed in specific areas to discourage offenders and raise awareness.

Recommendation:

That a publicity campaign be introduced to raise awareness and make people aware of potential fines that could be imposed when committing an environmental crime.

## 8. Conclusion:

- 8.1 The Select Panel know that the quality of the local environment is a priority for local residents and businesses. The Panel felt it was important for the additional Officer to concentrate efforts on educational campaigns and distribution of appropriate signage and material raising the public's awareness and help change behaviour that damages the local environment. The majority of the Select Panel agreed that fixed penalty notices and prosecutions act as a deterrent and request that the additional Officer should pursue prosecutions for those committing environmental offences.
- 8.2 During the course of the review, the Select Panel were informed of 'Operation Maid Marion'. The Environment Agency, Nottinghamshire County Council, Nottingham City Council and the other six District Councils launched "Operation Maid Marian", which is a two year project targeting fly tippers in Nottinghamshire. The partners are committed to working together, sharing

information and using the latest technology to crack down on fly tippers to make the county a better place for residents and visitors alike.

**8.3** Operation Maid Marian will:

- Target fly tipping hot spots across Nottinghamshire with the latest covert surveillance techniques
- Reduce the frequency of fly tipping within the county
- Minimise the financial burden on local authorities charged with clearing and disposing of fly tipped waste.

**8.4** Many areas of the Council undertaking enforcement are performing well, and above average in many cases. However, the Select Panel still recognise that more prosecutions would act as a deterrent and publicity will raise public awareness.





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