

## CABINET

17 DECEMBER 2021

### REFERENCE REPORT FROM THE RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE

#### A.1 TENDRING DISTRICT COUNCIL - ENFORCEMENT

(Report prepared by Keith Durran and Keith Simmons)

##### **BACKGROUND**

At its meeting held on 1 November 2021 (Minute 33 refers) the Resources and Services Overview & Scrutiny Committee (“the Committee”) had scrutinised Enforcement throughout the Council.

The Committee undertook an enquiry into the Council’s enforcement function as “Effective Enforcement and Regulation” was a priority in the Council’s Corporate Plan 2020-24 (within the theme of Delivering High Quality Services).

To assist the Committee with its enquiry, the Committee received a report in the name of the Portfolio Holder for Corporate Governance and Finance. His report referenced at the Corporate Enforcement Group (CEG) and which had been formed in 2017 with a view to coordinating the enforcement response across the Council under the overarching Corporate Enforcement Strategy. The group had a number of iterations and the current group comprised of Portfolio Holders, Directors, Assistant Directors and Senior Managers within the Council with the aim to improve and develop the enforcement response across the Authority.

It was also reported to the Committee that all authorised Officers when making enforcement decisions should abide by the Corporate Enforcement Strategy, and the supporting documented procedures, both within the appendices and departmental processes.

Enforcement enabled the Council to ensure rules were followed in a way that improved outcomes for residents in Tendring. The Council’s investment and wide range of enforcement activity successfully helped to keep the district clean and tidy, supported high quality housing, kept people safe travelling, and ensured better health.

The Council would exercise its regulatory activities in a way which was:

- ✚ **“Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
- ✚ **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures.
- ✚ **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities.
- ✚ **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return.
- ✚ **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities”.

The report also provided an overview of training for officers to equip them to enforce in accordance with the legislative requirements and the Corporate Enforcement Strategy. In addition details of enforcement activity across the Council, including against fly tipping, littering, to address stray dogs, dog fouling, noise nuisance, situations prejudicial to health, filthy and verminous premises, pests, contaminated land, permitting of polluting processes, abandoned vehicles, regulated housing conditions in the owner occupied and privately rented housing (including in respect of the licensing of mobile home sites and houses in multiple occupation), enforcement of tenancy conditions and the collection of rent for those properties the Council is the landlord, planning enforcement and anti-social behaviour (with partners).

In response to questions, Members were advised that the Community Ambassadors had also been trained in issuing Fixed Penalty Notices for dog fouling, littering and fly tipping. These Notices had been printed.

### **RESOURCES AND SERVICES OVERVIEW & SCRUTINY COMMITTEE'S RECOMMENDATION(S) TO CABINET**

After a detailed discussion, the Committee had **RECOMMENDED** to Cabinet that:-

1. the protection of trees on land to be developed be considered with the view to seeking to prevent a loss of trees in sites that are approved for development,
2. Essex County Council be requested to plant a tree for each highway or other tree removed by it as close as possible to the site of the removed tree,
3. the Council looks at the reintroduction of Perspex lamp post signs to reinforce the message about not dog fouling and the penalty for those that all their dogs to foul in conjunction with ward Councillors,
4. the Council discuss again the relative advantage of deploying covert cameras as part of enforcement, particularly for those specific areas where there is reoffending, in order to identify those offenders,
5. the legal position be considered on the responsibility of those who sell fast food for litter that comes from the packaging provided by those who sell fast food,
6. the reasoning why there have been no FPN's issued in respect of breaches of the PSPO, dog fouling, fly-tipping and littering be shared with the Committee
7. the Council uses social media and the press to make a push to highlight our Community Ambassadors, ASB case officer and Town Centre Officer, the powers they have and the tickets, fines they can issue.

### **PORTFOLIO HOLDER COMMENT(S) AND RECOMMENDATION(S) TO CABINET**

#### **Portfolio Holder's Comments**

#### **Cllr Michael Talbot, Portfolio Holder for Environment and Public Space**

As the portfolio holder under whose remit most of the recommendations fall I acknowledge that they are all issues that contribute to the corporate plan priority of Effective Enforcement and Regulation. I shall therefore be discussing the recommendations with the relevant officers such that should they be accepted by Cabinet we can either implement or explore further with other agencies as appropriate.

**Recommendations to Cabinet:**

**That the recommendation made by the Resources and Services Overview & Scrutiny Committee be noted and that the response of the Portfolio Holder thereto be endorsed.**