
REPORT FOR: CABINET

Date of Meeting:	14 September 2017
Subject:	Integrated Enforcement Policy
Key Decision:	Yes
Responsible Officer:	Simon Baxter, Divisional Director of Environment and Culture
Portfolio Holder:	Councillor Graham Henson, Portfolio Holder for Environment
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A – Integrated Enforcement Policy Appendix B – EqlA Appendix C – Consultation Feedback

Section 1 – Summary and Recommendations

At Cabinet on 15 June 2017, Members approved the draft integrated enforcement policy for consultation purposes and noted that the outcome of the consultation would be reported back to Cabinet with any amendments considered appropriate, for final approval.

This report presents the findings from the consultation.

Recommendations:

Cabinet is requested to:

1. Note the outcome of the consultation undertaken.
2. Approve the final policy for adoption with immediate effect.
3. Delegate authority to the Corporate Director of Community or, in his/her absence, the Divisional Director of Environment and Culture, following consultation with the Portfolio Holder for Environment, to make amendments to the policy.

Reason: (For recommendation)

The above recommendations are made

To ensure that:

- The views of residents and businesses are considered and amendments made to the draft policy as appropriate.

Section 2 – Report

1. Introduction

- 1.1. As noted in the Cabinet report of 15 June 2017, this policy has been developed to provide a framework for enforcement in Harrow.
- 1.2. The policy is intended to span 3 years thereby giving the council the flexibility to review the policy in light of changes that occur in the enforcement sector. It has been developed with reference to national guidance as well as taking into account regional work in this area.
- 1.3. There are a number of key considerations influencing this policy. The overriding one is the need to manage enforcement more effectively and efficiently. The aim is to use all aspects of enforcement and regulation to maximise impact ensuring that the community and businesses alike take responsibility for their actions so that Harrow is a place that people enjoy living and working in and are proud of.

2. Background

- 2.1 The Community Directorate was commissioned to undertake a review of enforcement activity. The services in scope were agreed as:
 - Community Protection and Housing (Tackling anti-social behaviour)

- Environmental Health
- Environmental Enforcement
- Licensing (Highways and Premises)
- Noise and Pollution Management
- Planning Enforcement
- Private Sector Housing
- Street Trading (including shop front trading and markets)

2.2 One of the objectives of this review was to develop an integrated enforcement policy. This policy has been consulted on and is now ready for adoption.

3. Consultation Process and Results

3.1 Following the Cabinet meeting in June 2017, the council has undertaken extensive consultation (from 29th June to 20th July 2017) and has reviewed the responses received. The Community Engagement team publicised the web-link through the Community Champion network, as well as publicising it on the Harrow Council website.

3.2 33 responses were received with 88% from residents. There was overwhelming support for the policy and its principles. 100% agree with the overriding consideration influencing this policy and the principles of enforcement outlined in the policy.

3.3 For question 3, respondents were asked – “What in your view are the most effective actions/sanctions that underpin the principles? (1-11 with 1 being the most effective and 11 the least effective).

3.4 Those who responded to the consultation view Proceeds of Crime as the most effective sanction. The percentage scoring a 1 (most effective) for each of the sanctions is as follows. Proceeds of Crime (42%), Refusal, revocation or suspension of licence (35%), Prosecution (33%), Seizure (31%), Informal Action (28%), Fixed Penalty Notice (22%), Licence Review and Injunction (19%) Simple Cautions (9%), Statutory Notice (9%), Work in Default (7%). From the responses received the sanctions viewed as least effective include Informal Action and Injunction (10%).

3.5 In terms of what respondents can do to help the council deliver better enforcement, responses include 1) Reporting issues as early as possible and 2) Passing on relevant information to the council. Further comments include – 1) A clear well-written document that gives a good coverage of enforcement approaches. 2) A helpful document for businesses especially those who are new to the borough. It is good that housing, planning and environmental

health are included in one document. 3) There should be strict action against anti-social behaviour to protect our local community. Full details of the responses can be found in the attached appendix.

- 3.6 Responses to the equality monitoring questions show that, 67% of respondents were male and 33% female. 18% of respondents have a disability. 48% were over 65 years and 37% were between 45 and 64 years.
- 3.7 Having reviewed the consultation responses, no changes are proposed to the policy.

4. Options considered

Adopt the integrated enforcement policy

Following the consultation, it is proposed that the policy is adopted without change as the feedback received does not require any changes to be made. This option is preferred by officers.

Do Nothing

If the integrated enforcement policy is not adopted, enforcement would not be managed in a coherent way across the relevant Council service areas. This could result in a fragmented approach being taken that does not result in improved outcomes for local people. This option is not supported by officers.

5. Resources

- 5.1 Current staffing will be used and there is no requirement for additional staffing as a result of this policy. Consultation has taken place with key service managers to ensure that the policy aligns with service areas. Consultation has also taken place with the wider community of Harrow and the results form the basis of this report.

6. Performance Issues

- 6.1 This policy will be reviewed in light of developing practice, guidance and changing legislation as necessary and in any event every three years. The Community and Public Protection team will be responsible for monitoring this policy. Any changes to the policy will be agreed by the Corporate Director – Community following consultation with the Portfolio Holder for Environment.

7. Environmental Implications

- 7.1 The approach to enforcement noted in this report is expected to lead to a positive environmental impact. It should promote effective management of enforcement across the borough to better meet the needs of residents and businesses.

8. Risk Management Implications

- 8.1 This policy is not included on the Directorate or any other corporate risk register.

9. Legal Implications

The Legislative and Regulatory Reform Act 2006 requires a local authority exercising specific regulatory functions to have regard to the following principles when exercising these functions:

- (a) Regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;
- (b) Regulatory activities should be targeted only at cases in which action is needed.

Local authorities should also have regard to the statutory code of practice, known as the Regulators Code. This requires that local authorities consider the following matters when devising policies and operational guidance:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

10. Financial Implications

- 10.1 The proposed activity outlined in this report will be carried out within the existing budget allocation.

11. Equalities implications / Public Sector Equality Duty

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

An Equalities Impact Assessment (EqIA) has been carried out in relation to the integrated enforcement policy and is attached to this report (Appendix B). The EqIA did not identify any (potential) adverse or disproportionate impact on any of the protected groups. Following consultation, the EqIA has been reviewed and no changes have arisen as a result.

Council Priorities

The Corporate Plan 2016-2019, entitled “Harrow Ambition Plan 2020” sets out the council’s vision of “Working together to make a difference for the vulnerable, communities, families and businesses”. The council’s strategy (priorities) to deliver its vision, between now and 2020 is to:

- Build a Better Harrow
- Be more Business-Like and Business Friendly
- Protect the Most Vulnerable and Support Families.

The council’s vision and the corporate priorities have been taken into account when developing this policy. In particular, “Build a Better Harrow” that includes a safe and clean environment. The integrated enforcement policy is crucial to achieving this priority.

Section 3 - Statutory Officer Clearance

Name: Jessie Man	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 26 July 2017		
Name: Isha Prince	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 25 July 2017		

Ward Councillors notified:	NO, as it impacts on all Wards
EqIA carried out:	YES
EqIA cleared by:	Dave Corby, Chair of Directorate Equality Task Group, Community Directorate

Section 4 - Contact Details and Background Papers

Contact: Simon Baxter, Divisional Director – Environment and Culture.
simon.baxter@harrow.gov.uk
020 8416 8675

Background Papers: None.

**Call-In Waived by the
Chairman of Overview
and Scrutiny Committee**

NOT APPLICABLE

[Call-in applies]