

Overview and Scrutiny Panel Report

REVIEW TITLE	O&S PANEL	DATE
Integrated Enforcement	Environment and Communities	1 September 2022

“During this review it quickly became apparent how vast and complex enforcement can be. Nonetheless, it was encouraging to discover that the Council is working hard to tackle well known issues associated with enforcement and that a joint working approach is often adopted by officers. By using the opportunity to speak to different local authorities about their own approach to enforcement, panel members have deepened their understanding of what good enforcement looks like and how this is reflected in council policy and activity, which can help to further strengthen enforcement at Bracknell Forest Council”



Councillor John Porter,
Chair: Environment and Communities Overview and Scrutiny Panel

Recommendations



1. Introduce the Community Safety Accreditation Scheme (CSAS) as a new standard:
 - Provide appropriate officers with training, ensuring they become accredited.
 - Encourage other appropriate officers to participate in becoming accredited where practical and where resource is available.The scheme should be introduced by January 2023.
2. Introduce an allocation process where a team or officer is assigned as the lead for the duration of an enforcement case. This should be achieved by November 2022.
3. Develop enforcement strategies encouraging greater collaboration across services and with partners. This will be an ongoing process but an update on its progress will be expected in 12 months' time. It is recognised progress may be impacted by the outcomes of the Panel's upcoming review of the Council's enforcement strategies.
4. Run regular educational and awareness campaigns on enforcement policies and activities for residents. This includes information campaigns on CSAS as it is introduced. Good enforcement should also be publicised and celebrated, particularly when it involves a joint working approach. This will be an ongoing process but an update on its progress will be expected in 12 months' time.

Key findings

The Panel found that:

- Joint working is often necessary during enforcement cases. A proactive attitude is adopted by Bracknell Forest officers when crossover between teams is required.
- There was evidence of productive partnerships with external agencies when carrying out enforcement activities
- The Public Protection Partnership enables the Council to be flexible and resilient when responding to emerging crises and provides greater access to enforcement specialist areas

- CSAS is a useful enforcement tool available to local authorities that provides additional powers to an approved officer while further improving relationships with the police by enhancing intelligence sharing.
- There is no one size fits all integrated enforcement model available to local authorities
- Integration of enforcement services is not judged by senior officers or the lead Executive members to be beneficial financially or structurally

Introduction

For local authorities, enforcement covers a wide range of services across various departments, organisations, and agencies. Local authorities regularly have to tackle difficult issues often associated with enforcement such as lengthy delays caused by complex cases, public misinformation and rapidly emerging crises. Some of these problems are likely to be exacerbated due to increasing financial constraints on local councils.

 Financial implications are highlighted throughout the report using this symbol.

By its nature, enforcement in this context often requires collaboration between teams, services, and/or external partners. It is not unusual for an enforcement case to require crossover between departments and interventions from external organisations such as the police or fire service. Therefore, it is important a collaborative culture exists between all enforcement actors.

As part of this review, the Environment and Communities Overview and Scrutiny Panel wanted to explore whether a development of this collaborative approach, in the form of a more integrated model, could help to improve existing enforcement in Bracknell Forest. This would be achieved by looking at the current enforcement structures and policies at the Council while exploring a range of best practices relating to integrated enforcement from other local authorities.

Throughout the review the Panel recognised that the range of services and enforcement activities that could be considered was vast and varied. Unregulated activity had the impact of being anti-social, affecting local communities and impacting on community safety. In order to remain within the scope for this review, as originally commissioned by the Overview and Scrutiny Commission, the Panel focussed on those aspects which fell within the 'protecting and enhancing our environment' theme of the Council Plan, and not the 'communities' theme in which the phrase 'community safety' referred to activities to maintain good public order, reduce anti-social behaviour and combat drug related crime therefore, the council's Community Safety Team was out of scope.

The Panel identified and interviewed senior officers from Bracknell Forest Council including the Executive Director of Place, Planning and Regeneration, Assistant Director of Contract Services and the Head of the Public Protection Partnership, in addition to officers from partner organisations such as the Local Fire Authority and Thames Valley Police. Desk top analysis of policies and other relevant documents was also conducted by the Panel.

As part of the Panel's work on best practice in terms of enforcement they spoke to officers and looked at policies from other borough councils who have introduced different variations of an integrated enforcement model. This included interviewing the Assistant Director of Community Safety and Environmental Health from the Royal Borough of Greenwich who oversaw the implementation of the integrated enforcement model at Greenwich.

 Good practice is highlighted throughout this report using this symbol.




Review findings

Place, Planning and Regeneration

Enforcement is undertaken through:

- Planning enforcement as a mechanism to uphold the integrity of the wider planning system to protect the public, businesses and the environment from unauthorised development and its harmful impacts. Potential breaches are examined and appropriate action determined by the Planning team.
- Building Control officers use the powers to impose fines for contraventions of the Building Regulations and to remove or alter offending building work as appropriate, subject to a successful prosecution.
- The Highways and Transport team manage:
 - street work permit enforcement and issue penalty fines for non-compliance or over-run-on road space
 - overgrown vegetation notices, highway obstruction, failure to maintain ditches to recover all costs if there is a failure to comply
 - Advanced Payment Code (APC) notices, securing bond against unfinished new roads (debt applied to Land Charges Register)

Officers with enforcement powers:

	Building control officers
	Planning enforcement officers
	Highway works inspectors

Enforcement duties are carried out as part of different engineering roles, requiring a range of different skillsets. Some of these roles are only part enforcement focused and so have other functions. Enforcement staffing is therefore difficult to quantify. The Panel were advised that income in terms of fines was hard to quantify and varied, but the revenue income was very low.

Parking

Bracknell Forest Council is responsible for parking enforcement on its streets and in its car parks using the civil parking enforcement powers provided by the Traffic Management Act 2004. It is also responsible for the operation and management of the Council owned car parks and both these functions are undertaken by contractors (NSL Ltd) working on behalf of the Council. Revenue to the Council for Penalty Charge Notices (PCNs) is approximately £65k per year.

NSL Ltd:

- distinctive blue uniforms
- an identification number and badge
- serve PCNs to vehicles parked illegally
- do not get incentives for issuing tickets enforce parking regulations:
- PCNs processed end to end by NSL

NSL Contracted Staff

Civic Enforcement Officers	
Cleaners	
Supervisor	
Senior Supervisor	
Client Account Manager	

It is recognised by senior officers and by the Executive portfolio holder that the contract with NSL has seen improvements in parking enforcement within the borough. The Panel was also pleased to discover postal PCNs had recently been introduced as a means of allowing officers to issue tickets quicker.



In response to Covid-19 restrictions, NSL provided the Council with Covid Ambassadors to advise and support members of the public and businesses on following social distancing rules. Their success was recognised last year when Bracknell Forest Council and NSL were given a British Parking Award in the 'a positive response to the pandemic' category.

Public Protection Partnership



The Public Protection Partnership (PPP) is a shared service delivering Environmental Health, Licensing and Trading Standards on behalf of two authorities Bracknell Forest Council and West Berkshire Council.

These services encompass a wide range of areas of responsibility.

- Air quality management
- Animal warden
- Animal welfare
- Contaminated land
- Communicable diseases
- Community education
- Community mediation
- Consumer advice
- Environmental nuisance protection
- Fair trading
- Financial investigations
- Fraud and counterfeiting
- Food safety
- Gambling
- Health and safety at work

- Health promotion
- Industrial pollution
- Licensing
- Metrology
- Overloaded vehicles
- Pest control
- Petroleum and explosives
- Primary Authority
- Private sector housing
- Product safety
- Public health
- Rogue trading
- Scams
- Taxi licensing
- Underage sales
- Water supplies

The PPP's priorities are informed by the assessment of evidence from across a wide range of sources which include assessment of resident concerns, council and national priorities as well as emerging issues.

The priorities of the PPP are:

- community protection
- protecting and improving health
- protection of the environment
- supporting prosperity and economic growth
- effective and improving service delivery
- partnership working.

Senior officers explained that the PPP aims to make it clear how they operate and show why it does the work it does as they identify communication and transparency as key to the partnership's success. They explained that each project undertaken should be linked back to an evidence-based approach.

There are approximately 100 officers covering the Bracknell Forest and West Berkshire areas. Being part of the PPP provides the Council with not only greater resilience when resources are stretched but also greater access to specialist officers. There is also a shared Trading Standards Service with Wokingham who also buy into the PPP case management and intelligence functions. Due to the

nature of these types of enforcement services it would be difficult to further integrate them. To keep services as they are within the PP would be cost effective for the Council.



The PPP have their own case management function who have had a high level of success in pursuing criminal actions. These have resulted in publicity which in turn acts as a deterrent for those considering offending. Therefore, it is recommended that good enforcement across the Council is regularly publicised for the reasons set out above. It is also recommended that the Council develops the PPP's drive for transparency by ensuring regular educational campaigns on enforcement are run for residents. This will help to tackle local misinformation on enforcement while increasing awareness of rules and regulations across the borough.

Services under the PPP were put under immense pressure during the Covid-19 pandemic. Due to its fluidity in structure and design the service was able to adapt and react to the challenges the crisis saw emerge. Covid is just one such example of a fast-emerging issue from over the years that have required the PPP to not only be flexible but resilient and resourceful too. Other examples include the Foot and Mouth outbreaks in the 2000's. By design the PPP must be able to adjust its plans for such eventualities and the partnership has so far proved itself to be responsive when faced with quickly changing demands.

A Joint Working Approach

Enforcement cases often require crossover between teams and services and the Panel discovered this is regularly the case within the borough. For example, teams across services of the Council often work together on 'problem sites' – particular sites that have been identified as having multiple sets of enforcement related issues. Officers from different services will coordinate and seek to work closely by meeting regularly to tackle 'problem sites'.

Teams within the PPP regularly coordinate with other officers at Bracknell Forest Council. PPP officers within environmental health will work closely with the Council's Highways and the Planning teams on issues of air quality. For instance, the PPP is working closely with Civil Enforcement Officers to tackle car idling near schools. On issues concerning street trading, appropriate officers from the PPP's licensing team will collaborate with officers from Highways and Planning. Examples of joint working between officers from the PPP and from the Council are not limited to these two and the Panel was pleased to hear there were many more.

External Partnerships

Bracknell Forest Council has a good working relationship with the Local Fire Authority. On enforcement the Council has signed a Memorandum of Understanding (MoU) with Royal Berkshire Fire Authority (RBFRA), alongside other borough councils in the county. The objective of the MoU is to ensure appropriate standards of fire safety and other safety provisions are provided and maintained in high and medium rise flats common to both the local authority and RBFRA areas. It also aims to establish a joint working team to carry out joint inspections.

Due to the specialist issues the different teams cover within the three main areas of the PPP, they regularly coordinate with a wide range of other partners outside the Council.



Fly tipping has increasingly become a challenging issue both nationally and locally. In the Bracknell area there are, on average, 25 reports a week of fly tipping. In response, the PPP has recruited an enviro-crime officer as well as introduced CCTV at local hotspots. In addition to this, the PPP has worked alongside several Thames Valley teams, The Driver and Vehicle Standards Agency and HMRC on operations designed to tackle a variety of enforcement issues, including fly tipping. As a result of these campaigns there are now currently a significant number of enviro-crime related investigations being undertaken and several files are with the PPP case management unit for progressing through to court.

Integrated Enforcement at other local authorities

The Panel quickly discovered the term integrated enforcement can be interpreted in many ways, particularly in a local authority setting. For some authorities it can mean the merging of all enforcement services together under one structure while for others it could simply mean the introduction of a single integrated enforcement policy. This is because enforcement can be highly complex and so there isn't a 'one size fits all' model.

By speaking to the Assistant Director of Community Safety at the Royal Borough of Greenwich, the Panel discovered Greenwich had recently adopted what was described as a 'hybrid model'. At Greenwich integrated enforcement was reflected not only in their approach to enforcement but they also have a more integrated service design in order to reduce delays caused by silo working. Most enforcement cases will require some crossover between services, and this can cause unnecessary delays as cases are often 'ping-ponged' back and forth between teams. To tackle this, Greenwich has introduced a process where a team will take ownership from start to finish of a case, ensuring they regularly follow up cases once they are with different teams. Responsibility for an enforcement case is decided on a case-by-case basis.



The Royal Borough of Greenwich has received several plaudits for its joint enforcement work, including a Met Police Excellence Award 2021 for 'Safer Neighbourhood Team of the Year' due to its outstanding productivity, performance, and partnership working.

Other local authorities such as Spelthorne Borough Council and Reigate and Banstead Borough Council have introduced a Joint Enforcement Team (JET). The JETs see council officers working collectively with the police to combat local issues such as noise, anti-social behaviour and low-level crime. The JET team at Reigate and Banstead Borough Council is made up of five CSAS accredited officers. They act as a point of contact and have been described as "enforcement coordinators". Most of their cases are related to environmental crime.

Good enforcement practices shared by all the aforementioned borough councils include:



- Regular formal meetings between all enforcement teams to reflect and review ongoing enforcement challenges as well as share relevant intelligence
- A collaborative culture exists. Officers actively seek to work closer with internal and external partners to ensure cases are solved both efficiently and quickly
- An enforcement officer usually takes responsibility of a case from start until finish to avoid delays caused by silo working



It is recommended that the Council introduces an allocation process where a team or officer is assigned as the lead for the duration of an enforcement case. It is also recommended that the Council develops enforcement strategies that encourage greater collaboration across services and with partners. Upon strengthening their knowledge of good enforcement practices at other local authorities the Panel feel these recommendations will complement and enhance existing enforcement activities within the borough.

A further consideration highlighted during the Panel's work on integrated enforcement at other Councils is the importance of Executive Members' and Officers' buy-in to an integrated enforcement model as a means of improving local enforcement.

CSAS

The Community Safety Accreditation Scheme (CSAS) allows organisations and their employees to be given targeted police powers by the Chief Constable. There are currently over 40 powers available to an Accredited Person which are set out in Schedule 5 of the Police Reform Act 2002. These include issuing fixed penalty notices for various low level offences, power to control traffic and the power to require giving of name and address.

The Chief Inspector advised the Panel that the CSAS allows for greater partnership working between the police and local organisations. The scheme creates a framework for public and private bodies to work in partnership with the police, providing additional uniformed presence in communities and capitalising on the skills and information captured by those already engaged with the community.

Benefits of CSAS

- ▲ Allows for a closer working relationship between the Council and TVP
- ▲ Raises priority of community safety
- ▲ Increasing uniformed presence on the streets
- ▲ Reductions in a range of local issues such as street drinking and dog fouling
- ▲ Public reassurance
- ▲ Enhanced intelligence sharing
- ▲ Save police valuable time

Thames Valley Police have seen council schemes introduced at Cherwell District Council and Royal Borough of Windsor and Maidenhead Council. Both have accredited warden schemes which are working well. Furthermore, the CSAS accredited JET officers at Spelthorne have experienced some success with the scheme. As a result of enforcement officers having CSAS powers, they have been able to ensure convictions for serial fly-tippers and the seizure of fly-tippers vehicles.

Registration CSAS costs are as below:

Organisation fee for set up: nil

Individual fee: £75 per person for Level 2 Vetting (usually valid for 3 years)



Further to an application, the staff seeking accreditation will be required to undergo police vetting checks and complete a CSAS training course with an approved training provider, before they can be accredited. The cost of the training will be met by the organisation seeking accreditation. The training will cover the specific powers that are being requested together with other elements such as personal safety and conflict resolution. Costs for the training course vary depending on the provider, also the number of employees, no of power being accredited. CSAS training lasts for 5-7 days.

It is a police decision which powers would be appropriate after close consultation between the organisation and the police. They will need to consider:

CSAS Considerations

- ▲ Organisation applying has a satisfactory complaints procedure



- ▲ The organisation applying has a fit and proper supervisory/management structure to oversee the accredited person
- ▲ The organisation must be suitable to exercise the accredited powers
- ▲ The organisation applying has a fit and proper supervisory/management structure to oversee the accredited person
- ▲ The organisation must be suitable to exercise the accredited powers
- ▲ The employee must be capable of executing the tasks provided by the accredited powers
- ▲ The employee must have received appropriate CSAS training – this is the employer's responsibility



It is recommended that the CSAS is introduced at Bracknell Forest Council. By doing so officers will be able to further strengthen their joint working approach while reassuring residents the Council aims to ensure the borough is a safer, cleaner and happier borough to live in. Any introduction of the CSAS must be accompanied by a public awareness campaign of the scheme.

Financial considerations

These recommendations will mean additional responsibilities are to be added to existing employees' workloads.

All costs (including training) will be contained within existing budgets but if they exceed these they will be highlighted as budget pressures and additional funding will be requested as part of the annual budget cycle. Some costs may well be offset through additional income gained by enforcement activity.

Review Panel

Councillor Angell	Councillor Mrs Ingham
Councillor Allen	Councillor Kirke
Councillor Brossard	Councillor Mrs McKenzie-Boyle (Vice chair)
Councillor Brown	Councillor Porter (Chair)
Councillor Ms Gaw	Also attending: Councillor Temperton

Contributors to the review

Andrew Hunter	Executive Director: Place, Planning and Regeneration, Bracknell Forest Council
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Sean Murphy	Head of Public Protection Partnership
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Alison Beynon	Strategic Manager, Public Protection Partnership
Helen Kenny	Chief Inspector, Thames Valley Police
Sean McDermid	Assistant Director: Community Safety & Environmental Health, Royal Borough of Greenwich
Councillor Colin Dudley	Chairman, Royal Berkshire Fire Authority
Wayne Bowcock	Chief Fire Officer, Royal Berkshire Fire and Rescue Service
Tregear Thomas	Area Manager, Royal Berkshire Fire and Rescue Service
Councillor John Harrison	Executive Member for Culture, Delivery and Public Protection
Councillor Chris Turrell	Executive Member for Planning & Transport
Ben Murray	Senior Manager for Regulatory Services, Reigate and Banstead Borough Council
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