

# Overview and Scrutiny Panel Report

REVIEW TITLE	O&S PANEL	DATE
Enforcement Strategy	Environment and Communities	16 March 2023

“This review was a direct result from the Integrated Enforcement review which was completed in September 2022. The panel wanted to ensure that the policy and strategy of enforcement were being followed.”



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

## Recommendations



1. Executive member for Planning and Transport to contact the relevant minister, with a request for local authorities to have greater power in declining retrospective planning and prevent abuse of the planning system. This should be achieved by July 2023.
2. Raise awareness of [One.network](#) on the Council website to enable residents to find who is responsible for highways works and identify unauthorised works. This should be achieved by July 2023.
3. Investigate development of the use of CCTV as an enforcement tool to simplify the enforcement process when issuing fines, e.g., for fly-tipping. This will be an ongoing process; however, an update will be expected in 12 months' time.
4. Increase enforcement through the development of the Community Safety Accreditation Scheme (CSAS) training.
  - By adding value to the existing enforcement toolkit e.g., the use of the power to stop vehicles.
  - Look at the effectiveness of the existing partnership arrangement with the Lexicon security operators.This will be an ongoing process; however, an update will be expected in 12 months' time.
5. Develop and maintain the policy of enforcement regarding flyposting to ensure consistency is achieved throughout the borough. To be reviewed within 6 months.
6. Improve communication on the Council website:
  - To include greater coverage and reporting of success stories within enforcement including successful prosecutions.
  - Provide more information around highways works and the fact that emergency work can go ahead with retrospective application for a permit.Progress on this should be expected imminently and reviewed within 12 months.

## Background information and key findings

This companion review follows the Integrated Enforcement Review (September 2022) which identified that enforcement is a complex area covering a wide range of services across various departments, organisations, and agencies. It focussed on looking at what enforcement powers the council holds and how these are distributed across teams within the council. One of the recommendations was to develop enforcement strategies encouraging greater collaboration across services and with partners. Therefore the aim of this review was to focus on the use,

effectiveness, and consistency of application of enforcement powers within the council and discuss if any changes to policy or approach should be recommended.

The panel found that:

- Enforcement processes can be complex which can make it difficult for residents to understand or follow, this was evident when looking at enforcement strategies within planning.
- Greater power within planning for local authorities needs to be sought.
- There was evidence of good examples of effectiveness of powers within enforcement, specifically with the recent implementation of CSAS powers for Lexicon staff. Further success was seen within the Public Protection Partnership (PPP) regarding the issue of fly tipping.
- Greater publicity of enforcement strategies and success stories will help to improve the effectiveness of enforcement powers.
- One.network is a useful tool that can enhance residents' knowledge of highways work.

## Good Practice



The panel recognised the good work that exists within enforcement, specifically the recent success story around the Community Safety Accreditation Scheme (CSAS) which has provided security staff at the Lexicon with greater powers to help curb anti-social behaviour (ASB). It is anticipated that this scheme will act as a pilot and be a useful contribution to the recommendation to increase enforcement through the development of the CSAS scheme.

## Review findings



As acknowledged in the recent integrated enforcement review enforcement is an activity which covers a broad range of services across many departments within the Council. The review highlighted that the range of activities within enforcement can be complex and is often not helped by public misinformation regarding processes and policies. Awareness of enforcement can be raised through publicity to make sure residents can see the results of successful enforcement within the borough and are aware of the processes involved in enforcement across the Council.

A focus in this review was for the Environment and Communities Overview and Scrutiny Panel to look at strategies and policies with consideration of the following:

- ✓ Is the policy fit for purpose or does it need to be reviewed?
- ✓ Is it being adhered to, if not why?
- ✓ Are there any ways the process or policy can be enhanced?

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, Head of Natural Estates, Assistant Director Planning, Assistant Director Highways and Transport and the Head of the Public Protection Partnership. Additionally, desktop analysis of policies and other relevant documents was undertaken by the panel.

## Planning



Councillors highlighted that a common complaint from residents was regarding concern around planning enforcement. This was often in relation to what is, to the casual observer, a dismissive

approach to planning applications which can result in the erection of buildings larger than the submitted plans followed by a reliance on retrospective planning to resolve the issue. Councillors are concerned that planning enforcement within the borough is perceived as weak which may result in an increase of planning breaches.

Senior officers explained that after a breach of planning has been reported the enforcement process can be lengthy. Buildings need to be physically measured and compared to approved plans. Officers then need to check to see if retrospective planning could be made and assess the harm that the breach has made. To appeal against a refusal of planning requires a long list of grounds. However, if there is genuine reason and harm being caused by a breach then it is pursued using a rigorous eight-phase investigation which forms part of the council's [local enforcement plan](#) for planning. Retrospective applications then need to be dealt with on the same basis as the initial application which adds further time to the process.

The panel raised the point that the tightening of planning enforcement is not a priority within central government and the wider planning system. In fact, there is a focus to deliver more homes through permitted development and hence increased possibilities for people to make changes without the need for planning permission.

Discussions around the conversion of office blocks, which is covered by prior approval processes, highlighted a need for improved protection of residents. Planning enforcement follows legislation and therefore doesn't have much input into the conversions of these buildings. There have been concerns with one particular property, Hayley house, which needed to be passed onto the PPP and the fire service.

Overall, the planning team confirmed that they are confident with the strengths of their enforcement strategy and feel it supports and reinforces cases where they need to go to court to make prosecutions. Evidence of this is seen within the planning policy document where an eight-phase investigation flow chart, on page 28, can be found which details the process from receipt of complaint through to direct action if necessary. This strategy remains successful due to regular reviews and updates in response to changes in legislation.



After discussions about issues within planning enforcement the panel felt that local authorities should have greater powers to help address abuse of the planning system, specifically regarding retrospective planning. It was felt that a step towards achieving this would be for the Executive member for Planning and Transport to contact the relevant minister in central government.

## Highways and Transport



An issue discussed around highways was the volume of work taking place, however, it was acknowledged that companies have a statutory right to carry out work. The council cannot decline applications but are able to control when the work happens. The website [one.network](#) can help increase awareness and provide a platform to find out when and where work is taking place.

By registering for free residents can use the one.network website to receive updates of work due to take place in the selected area and also the duration of the work. This information is helpful for residents as it keeps them up to date with disruption within the chosen area caused by highway work. If they wish residents can also use the information to report unauthorised works to the council which will assist officers to investigate and implement enforcement to contractors and companies undertaking works without a permit.



After learning about the benefits the one.network website can provide the panel recommends improving awareness via promotion on the council website. This will be beneficial for residents and the council and could be a useful tool to help monitor and report unauthorised highways work.

<b>Public Protection Partnership</b>		
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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.

A focus within the PPP’s strategy is to take an approach of tackling issues from 3 ways:

- ✓ Prevention – using media and information on the website to provide information to the public around a topic. The use of signage and CCTV as a preventative measure.
- ✓ Intelligence gathering – encouraging residents to report offences, highlighting ways to achieve this i.e. Who to contact, where on the website to find forms to report concerns and breaches of enforcement.
- ✓ Enforcement – issue of fines

This strategy has produced some successful results:

- **The Community Safety Accreditation Scheme (CSAS)**  
Thames Valley Police have accredited ABM Facility Services UK Ltd, a private company who hold the security contract at the Lexicon Shopping Centre in Bracknell. Five of their Security Officers have been presented with individual CSAS certificates. These members of the security team have been granted police powers to assist them in tackling ASB, all have been police vetted and completed a CSAS training course. Working in partnership with Thames Valley Police and Bracknell Forest Council, the Security Officers have the authority to issue fixed penalty notices (FPN) for graffiti, fly-posting, cycling on a footpath as well as breaches of the Alcohol Public Space Protection Order (PSPO).
- **Fly tipping** – there has been a marked reduction in fly tipping and resulting prosecutions for offenders. A decision was made about 12-18 months ago to employ a dedicated resource to specifically deal with this problem. Some recent successes in this area are evidenced here:

<b>Offence</b> 	<b>Outcome</b> 
Fly tipper convicted after collecting rubbish from residents to be disposed of was found fly tipped at a disused school site.	The defendant was fined £320 and was ordered to pay a contribution towards the prosecution costs
Fly tipper convicted at Reading Magistrates Court following rubbish found fly tipped outside a charity shop.	The Court sentenced by way of a conditional discharge for 12 months and ordered the defendant to pay a contribution towards the prosecution costs.

- The PPP also utilise the positive effects that publicity of successful cases and outcomes can have. The main benefits of this:
  - Develops knowledge and awareness of enforcement which can result in increased reporting from the public of enforcement breaches.
  - Can help to act as a deterrent if there is publicity around the fines given.
  - Provide reassurance that Councils are implementing successful enforcement strategies.

The good practice and examples provided by the PPP have highlighted some ways to enhance enforcement strategies within the Council. Therefore, the panel proposed the following recommendations:



- Improve communication, through greater coverage and reporting of success stories on the Council's website. This could be used to develop and increase understanding of enforcement processes.
- Increase enforcement through the development of CSAS.
- Investigate the use of CCTV to enhance the enforcement process when issuing fines, e.g for fly-tipping. CCTV can additionally act as a deterrent and provide reassurance to the public with respect to fly-tipping hotspots.

### Parks and open spaces (rangers)



There was discussion within this review regarding CSAS training of park rangers, which could enable them to issue fines regarding littering, dog fouling etc. Whilst currently staff within the Parks and Countryside don't have enforcement powers it was acknowledged that expanding CSAS powers within this area would not be appropriate for the following reasons:

- ✓ Due to the nature of their work park rangers often work on an individual basis and therefore for safety reasons it was not felt appropriate to provide them with CSAS powers
- ✓ Residents are respectful of park rangers, and it is felt that this relationship could be harmed through providing them with powers to enforce fines. It was acknowledged that they can achieve good results through speaking with and asking residents to pick up litter or clear up dog fouling without additional powers enabling them to issue fines. They are respected within the community and have a good relationship with the public.

The Parks and Countryside team carried out an extensive piece of work to look at how some enforcement action might be delivered for dog fouling and environmental crime issues. It was found that this wasn't straightforward in terms of ensuring how staff would be able to witness offences and then go through a process of issuing a fixed penalty notice. They concluded that giving rangers these additional responsibilities would be too much of a shift in terms of the core work they are currently required to do. An important aspect noted was whether pursuing CSAS training for park rangers was worthwhile to target a minority of people who commit these crimes. It was however noted that there is a process in place if a ranger, or member of the public, were to witness an offence such as dog fouling where a form can be completed, and the issue is followed up with the PPP partnership to take further action.



The panel concluded that no recommendations were necessary within the parks and countryside team, and it was agreed that the team is successful in their approach towards enforcement and the work they do.

## 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

<b>Councillor Angell</b>	<b>Councillor Mrs Ingham</b>
<b>Councillor Allen</b>	<b>Councillor Kirke</b>
<b>Councillor Brossard</b>	<b>Councillor Mrs McKenzie-Boyle (Vice chair)</b>
<b>Councillor Brown</b>	<b>Councillor Porter (Chair)</b>
<b>Councillor Ms Gaw</b>	

## Contributors to the review

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<b>Damian James</b>	Assistant Director: Contract Services, Bracknell Forest Council
<b>Sean Murphy</b>	Head of Public Protection Partnership
<b>Alison Beynon</b>	Strategic Manager, Public Protection Partnership
<b>Councillor John Harrison</b>	Executive Member for Culture, Delivery and Public Protection
<b>Councillor Chris Turrell</b>	Executive Member for Planning & Transport
<b>Wayne Scott</b>	Traffic Manager: Highways and Transport
<b>Stephen Chown</b>	Head of Natural Estates: Parks and Countryside
<b>Max Baker</b>	Assistant Director: Planning
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