

1 Purpose of Report

To update on Environmental Health enforcement activity over the past 12 months.

2 Executive Summary

2.1 This report provides a brief summary of enforcement related activity undertaken by Environmental Health between July 2018 and July 2019. It also covers key enforcement undertaken by Wellingborough Norse.

3 Appendices

None

4 Proposed action:

4.1 The Committee RESOLVES to note the update on enforcement activity.

5 Background

5.1 In September 2017 a report was presented to Services Committee to inform members of the environmental enforcement arrangements in place and to suggest ways to address members' concerns over the current level of enforcement. Members agreed that there was a need for both traditional enforcement and educational activities. This report provides an update on environmental enforcement now undertaken.

5.2 The Environmental Health Enforcement Policy guides all enforcement decisions. The policy sets out that a graduated approach to enforcement should be taken, with informal action usually being considered in the first instance, unless there are specific circumstances that require a more formal approach.

5.3 The majority of non-compliance identified is resolved informally. This is usually the most effective solution both for the council and other parties, as it does not involve complex or expensive legal processes. However, where non-compliance is persistent, serious or poses a significant risk to safety or the environment, officers do not hesitate to use all powers available to them.

5.4 Formal enforcement action levels are relatively low, since officers in the main are successful in achieving compliance through informal approaches.

6 Discussion

- 6.1 The Environmental Health team encompasses a number of areas of enforcement. A summary of the key disciplines covered by each section within Environmental Health is set out below.

Section	Disciplines covered
Environmental Protection	Statutory Nuisance Anti-social Behaviour Contaminated Land Air Quality Stray Dogs, dog fouling and animal welfare Mobile Home & Caravan Site licensing Travellers Pest Control Environmental Permitting Planning Consultation Responses Public Health
Health Protection	Food Hygiene Health & Safety Infectious Disease / Public Health Smoke-Free Premises and Vehicles
Licensing	Licensing Act (Alcohol and entertainment) Taxi and Private Hire Animal Activities Street Trading Tattooing and Piercing Gambling Street and House to House Collections
Private Sector Housing	Houses in Multiple Occupancy Housing conditions Housing related grants Illegal evictions
Wellingborough Norse	Fly-Tipping Littering Abandoned Vehicles Management of Domestic Waste

- 6.2 Wellingborough Norse is responsible for environmental crime enforcement and further detail on their enforcement activity is also provided below.

Anti-Social Behaviour

- 6.3 The advent of the Anti-Social Behaviour, Crime and Policing Act 2014 placed more focus on local authorities to assist policing teams with this legislative remit. Previously the council had little involvement in anti-social behaviour (ASB) enforcement, other than signposting. Environmental enforcement undertaken at the time this legislation came into force included;
- The Environmental Protection team investigating statutory nuisance issues such

as noise, bonfires, light nuisance, odour and rubbish, along with other public health matters such as pest control, dog fouling, drainage etc.

- The Community Safety Officer post (vacant since October 2017) undertook some liaison/case management with the police on joint investigations and anti-social behaviour complaints, although did not undertake any enforcement.
- Wellingborough Norse investigated complaints of fly-tipping in accordance with resources available.

6.4 In September 2017 Members agreed that the budget of £51,000 pa previously allocated for the police community support officers, should be removed with effect from 1 October 2017 and that this budget should be earmarked for targeted surveillance, prevention and enforcement actions.

6.5 In May 2018 SMT approved the recruitment of two new Community Protection Enforcement Officer (CPEO) roles, funded using the money previously allocated to the police and part of the money previously used to fund the vacant Community Safety Officer post. The CPEO posts started work for the council in October 2018 and sit in the Environmental Protection team.

6.6 The CPEO's receive complaints relating to low-level ASB such as neighbour disputes, hate crime, young people and adults causing a disturbance in the community, poor housing management, street drinking, cannabis smoking, aggressive begging and areas blighted by ASB and environmental crime etc. The Police do not have the resources required to investigate these complaints and have focused their work on the investigation of serious and organised crime.

6.7 The officers also undertake daily patrols, checking for compliance with the public space protection orders (PSPOs). In the town centre this includes checking compliance with street drinking, anti-social behaviour and begging restrictions, and in the parks checking for compliance with dog fouling; dog exclusion; and dogs on leads restrictions. The officers only have powers in relation to rough sleepers who are behaving anti-socially and cannot enforce against homelessness, so have little control over where the rough sleepers choose to sit in the town centre.

6.8 Both aspects of the job role (patrols and complaint investigation) are important in reducing low level ASB within the Borough. Due to the high workload of the new posts, patrols are currently mainly targeted at hot spots areas.

6.9 The posts also lead on operational work undertaken in relation to community safety and act as a general enforcement lead for cases requiring cross department working to prevent a silo approach. This would previously have been undertaken by the council's vacant Community Safety Officer post.

6.10 The post holders were instrumental in resurrecting the Hate Crime and Anti Social Behaviour Action Group (HASBAG) and the cuckooing forum for Wellingborough. This involved production of new referral procedures and processes. They also administer the HASBAG, which is a role previously undertaken by the Police. This is resource intensive, but has greatly improved joint working and helped to reduce silo working by the agencies involved, which is improving outcomes. This has improved links with external partners including the voluntary sector.

- 6.11 A significant amount of time and resources have been devoted to working with rough sleepers. In the absence of an outreach worker the officers have been providing support, with the aim of assisting them in to accommodation. Rough sleeping is a complicated issue and enforcement alone is not the answer to resolve the issues. In many cases they require support and assistance with finding accommodation (in association with the housing team), and with other needs they have, by linking in with support services. Enforcement action has been taken where support has been refused and they are aggressively begging, urinating/defecating in public or behaving in other inappropriate ways. The councils appointed outreach worker, started with the authority in August and will be able to provide additional support to rough sleepers.
- 6.12 The CPEO's have developed a good working relationship with the police. They attend weekly operational meetings with them to discuss ongoing cases and to identify new areas of joint working. This has enabled prompt police support in undertaking joint monitoring visits where a police presence is required. They have also achieved Accredited Warden status, which improves their ability to work closely with the Police and will soon be wearing Body Cams following training on data protection procedures.
- 6.13 Officers have devoted considerable resource to working in a number of hot spot areas considered to be a priority in relation to ASB. These areas have been identified by analysing complaints received and monthly police crime statistics reports. This work has achieved a number of successes within the town centre and parks.
- 6.14 The CPEO's have investigated around 350 complaints to date relating to ASB. Over 350 visits have been made to investigate these complaints and over 120 informal letters have been issued.
- 6.14 In addition to the informal letters and verbal warnings, the Environmental Protection team have issued 44 Community Protection Warning Notices (CPW's), 12 Community Protection Notices (CPN's) and 9 Fixed Penalty Notices between July 2018 and July 2019.

Environmental Protection

- 6.16 There are 27 businesses within the Borough with Environmental Permits in relation to control of pollution to the air and one with a permit in relation to control to air and water. The majority of these businesses are broadly compliant and are visited annually on a risk rated basis.
- 6.17 There are 15 Permanent, 3 Seasonal and 2 temporary caravan sites, which are inspected by Environmental Protection Officers.
- 6.18 A weekly report on traveller encampments is provided by the County Travellers Unit and work is conducted jointly with them.
- 6.19 During the period July 2018 to July 2019, 918 complaints were received by the Environmental Protection Team. 317 of these complaints pertained to noise nuisance. Informal letters are issued and visits are undertaken for the majority of

these complaints. 23 Noise Abatement Notices have been served during this period, in addition to the CPN's detailed above.

6.21 Other work of note includes:

- Improving links with external partners including the voluntary sector. This includes weekly case meetings with Northants Police and monthly meetings with Greatwell Homes.
- Investigation in to an ID programme for rough sleepers to assist them in finding accommodation and work, which will be passed to the outreach worker to implement.
- Attendance at the Rural Joint Action Group and links formed with community groups such as Street Watch, who have undertaken some effective work in the community.
- Pro-active work such as educational programmes on dog fouling and safety around dogs in schools and country parks.
- Launching of a new enforcement programme, with new posters to target parks with issues with dog fouling.
- Training sessions on the use of Ecins (a shared multi-agency ASB intelligence database) for staff both in-house and within Greatwell Homes, to encourage increased use of the system.
- Increase in the number of safeguarding referrals.
- Supporting pro-active community safety projects such as 'Kicks', to improve youth engagement in the community.
- Working with the three other authorities in the north of the county to align procedures, including enforcement approaches, where possible.
- Working with planning policy and development and other County Environmental Health Departments on place shaping documents and an East Midlands air quality document for developers.

Health Protection

6.22 There are 719 food businesses in the borough, each of which is risk rated to determine inspection frequency. Of these, 689 are considered 'broadly compliant' with a Food Hygiene Rating of 3 or above. Between July 2018 and July 2019, Health Protection Officers have;

- Undertaken 516 Intervention visits (this includes sampling, revisits, food complaint visits etc.)
- Investigated 85 complaints regarding food premises
- Undertaken 2 voluntary closures on non-compliant food businesses

- Undertaken 1 voluntary surrender of non-compliant food
 - Undertaken 3 seizures of unsafe food
 - Served 2 emergency prohibition notices, requiring closure of businesses
- 6.23 There are over 1300 businesses in the borough, regulated by the local authority for health and safety enforcement. During this period Health Protection Officers have;
- Undertaken 29 health and safety intervention visits
 - Investigated 42 reportable accidents
 - Investigated 18 health and safety complaints
 - Issued 1 simple caution

Licensing

- 6.24 There are approximately 240 premises licensed under the Licensing Act for alcohol or entertainment in the borough and approximately 18 premises licensed for animal activities in the borough.
- 6.25 There are approximately 44 hackney carriages and 190 private hire vehicles licensed and approximately 319 drivers licensed in the borough. During this period Health Protection Officers have;
- Undertaken 30 visits to licensed premises
 - Investigated 96 complaints received
- 6.26 During this period the Licensing Committee received referrals to consider potential action in relation to 5 licensed drivers. Following these hearings 2 licences were refused/revoked and another was suspended. The team has also successfully defended a licensing appeal against a decision to revoke a licence.

Private Sector Housing

- 6.27 Private Sector Housing activity has been focused mainly on reactive enforcement over the past 12 months due to vacancies and other priority matters, such as bringing the disabled facilities grants service back in house and ensuring this is operating efficiently.
- 6.28 We have recently recruited in to the team to increase capacity and are moving towards increasing proactive enforcement interventions over the coming months. This will include targeting unlicensed houses in multiple occupation (HMO's), gathering data on housing stock conditions to inform interventions, and re-vitalising the empty property strategy. Some of this is likely to see an increase in formal enforcement outcomes.
- 6.29 Private Sector Housing enforcement powers are currently being reviewed and updated to include new legislation, and are being incorporated into the Environmental Health scheme of delegation. The enforcement policy has recently been updated to include Private Sector Housing. A review has been undertaken of training needs to ensure all officers have undertaken appropriate training on investigations and legal powers.

- 6.30 Officers undertook 53 housing interventions during the period July 2018 to July 2019, including responding to 20 complaints of unsatisfactory conditions. The remaining visits were for housing fitness checks, including immigration inspections and inspections for the Housing Options team.
- 6.31 All complaints during this period were resolved informally with landlords.
- 6.32 It is estimated there are between 170 and 200 HMOs in the borough. Of these, 45 have now been licensed under mandatory licensing requirements. A programme of proactive work is being scheduled to investigate the rest over the next few months, although it is anticipated a significant proportion will be HMOs which are not subject to mandatory licensing.
- 6.33 Other work of note includes:
- Bringing a prolonged compulsory purchase of a domestic property to a conclusion, with a public inquiry date set for 21st November.
 - Successful recovery of three separate grant sums which applicants had requested were written off by the council.
 - Working with the three other authorities in the north of the county to align procedures, including enforcement approaches, where possible.

Wellingborough NORSE

- 6.34 Wellingborough Norse enforcement actions, undertaken between July 2018 and July 2019 include;
- 502 reports were received of fly-tipping and 148 investigations were undertaken.
 - 1 prosecution was taken for fly tipping / contravening household waste duty of care (Fine: £1000.00, Victim Surcharge: £100.00, Costs: £1075.34)
 - Fixed penalty notices served included:
 - Fly tipping - 4 (1 at £400, 2at £300 for early payment, 1 is awaiting payment)
 - Littering – 4 at £75
 - Dog fouling – 1 at £75
 - 217 street cleansing service requests were received.
- 6.35 In addition to the enforcement activities undertaken, the team supported the Young Citizens campaign in conjunction with Police, Fire Service, the council and Greatwell Homes. Events were undertaken at 4 primary schools during the

Spring/Summer term (Ruskins, All Saints CEVA Primary School, Croyland Primary School and Olympic Primary School).

- 6.36 A fly tipping awareness operation in Victoria ward began in July 2019 for 6-8 weeks as part of the countywide S.C.R.A.P campaign (Suspect, Check, Refuse, Ask, Paperwork). This campaign includes visiting homes, offering advice/warnings and taking enforcement action as appropriate. This campaign is ongoing.

7 Risk analysis

Nature of risk	Consequences if realised	Likelihood of occurrence	Control measures
Enforcement not undertaken in accordance with enforcement policy	Enforcement action is open to challenge, or the public is not protected	Low	Officers to continue to undertake enforcement action in accordance with the enforcement policy

8 Implications for resources

None

9 Implications for stronger and safer communities

- 9.1 Enforcement action supports businesses and the community by protecting public safety through risk-based regulation, in accordance with the Regulators Code.
- 9.2 Enforcement action also supports economic growth through improvements directly in businesses located within the district.

10 Implications for equalities

None

11 Author and contact officer

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12 Consultees

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Shaun Darcy, Director
Vicki Jessop, Assistant Director

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Wellingborough Norse

13 **Background papers**

Environmental Health Enforcement Policy