



**Service Delivery
Committee**

8 July 2014

**Matter for
Information**

Title: **Corporate Enforcement Update**

Author: **Kalv Garcha - Head of Corporate Resources**

1 Introduction

The Corporate Enforcement Team was set up to ensure that best value and efficient working was taking place in respect of all enforcement areas within the Borough of Oadby & Wigston. Since its creation, a consultation exercise has been undertaken in respect of all Council regulatory services and a uniform and consistent procedure has been mapped out with regards to reporting and prioritising. There is also a draft Corporate Enforcement and Prosecution Policy, which is still being worked on and that which will be presented to the Policy, Finance & Development Committee on 22 July 2014.

2 Recommendations

To note the contents of the report which is presented for information only.

3 Information

The intention behind the creation of the Corporate Enforcement Team was so as to ensure that all intelligence collected by various Officers under various legislations, were all brought together under the radar of the Corporate Enforcement team. With this in mind, the Council's Solicitor, who leads on Corporate Enforcement, would be best prepared to be able to advise the Corporate Enforcement Officer and the Corporate Enforcement team on priority investigations and order of enforcement, to assist in the order and ranking of prosecution cases. For example, where one property was the subject matter of several complaints, under several differing regulatory regimes, the Solicitor would be able to advise on the ranking and order of which case to be tried before court first, so as to ensure maximum benefit and impact in obtaining the required output and result.

Moreover, in having one central Corporate Enforcement team, would alleviate any duplication of work by one service area of the Council and all intelligence would be captured across the Council. In essence, the Council now will now have in place, a cohesive complaint handling and recording system with a Council wide unity in the way formal enforcement action is considered and actioned, which naturally involves information sharing between the relevant service areas.

The Corporate Enforcement Team is led by the Solicitor in conjunction with the Corporate Enforcement Officer. Each regulatory service area has nominated an Officer who attends the Corporate Enforcement Team meetings which are held every 6 weeks. There is also engagement with external agencies via the Joint Action Group (JAG) meetings namely the Police. See 'Appendix A' for a list of cases already investigated for the purpose of corporate enforcement.

Below is a list of some of the Acts of Parliament (as amended) (this list is not exhaustive) under which the Corporate Enforcement team carries out investigatory work and wherever appropriate prosecutions:

- Local Government (Miscellaneous Provisions) Act 1976 and 1982
- Housing Acts 1985, 1998, 1996 and 2004
- Town and Country Planning Act 1990
- Environmental Protection Act 1990
- Food Safety Act 1990
- Social Security Administration Act 1992
- Clean Neighbourhoods and Environment Act 2005 and 2011
- The Fraud Act 2006

It is recognised that as a Council we have been reticent in pursuing offences by way of Fixed Penalty Notices (FPN's) particularly in respect of household waste, litter and other environmental offences, pursuant to the Clean Neighbourhoods Act 2005, owing to the lack of available Officer resources and lack of training. This is now going to be an area that is actively trained upon and proactively pursued so as to ensure that the Borough of Oadby & Wigston is free from unsightly and unattractive environmental offences. This will also add to assist the Greening of the Borough Strategy where volunteers will also receive training on environmental offences, who are then able to provide credible first hand evidence when such offences are commissioned. The Corporate Enforcement Team will work closely with the Country parks and Environment Manager, in this regard in relation to volunteer participation.

Compliance with a consistent practice and procedure will give service areas and their respective teams the confidence to share information and intelligence with a view to improving the overall enforcement actions taken by Oadby and Wigston Borough Council and take collective responsibility. The spirit of the Corporate Enforcement team will also work in pursuit of at least three of the Council's corporate priorities namely (1) to work with the Police to create a safer Borough where people feel comfortable and at ease, (2) improve the health and well being of our residents, by controlling dog fouling as well as (3) enhancing the green environment of the Borough so that residents are able to take full advantage of it, by ensuring litter is dealt with by FPN's.

Email: crystal.andrade@oadby-wigston.gov.uk Tel: 0116 2572626

Implications	
Equalities (CA)	None

Financial (PL)	There have been a significant number of cases where successful prosecutions have achieved a reimbursement of the Council's costs in full.
Legal (CA)	It is prudent that strict statutory time limits are met and complied with so as to ensure that the Council is not time barred.
Risk (CA)	CR4 – Reputation damage; CR6 - Regulatory Governance

Background papers –

Appendix A – List of cases investigated by the Corporate Enforcement Officer.