

**Subject: Enforcement Group – Progress Update**

**Report to: ELT, Monday 2<sup>nd</sup> September 2019**

**Policy and Resources Committee, Tuesday 10<sup>th</sup> September 2019**

**Report by: Kate Watts, Strategic Director**

## **CONFIDENTIALITY**

**Appendix 3 of this report qualifies as exempt information under section 100(A)(4) and paragraph 2 & 7 of Part I of Schedule 12A of the Local Government Act (1972) as it is “information which is likely to reveal the identity of an individual” and contains “Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime” and**

**In relation to the “exempt” information, it has been determined that the public interest in maintaining the exemption outweighs the public interest in disclosing the information because disclosure would adversely affect the authority’s ability to undertake its enforcement work.**

**Accordingly, appendix 3 to this report should remain confidential**

## **OVERVIEW/RECOMMENDATIONS**

This paper presents to the Members of the Council’s Policy and Resources Committee progress of the Council’s Enforcement Group, as part of its business strategy.

The progress detailed within this report includes;

- An update of progress against the 18/19 workplan for the enforcement group
- A detailed 19/20 work plan for the enforcement group
- A summary of properties, actions and progress in relation to the Operational Property Enforcement Task Group

- A dashboard of performance measures in relation to this work

This Committee is asked to note the content of this report.

## **1. INTRODUCTION**

- 1.1 The Enforcement Group was created in 2017. Beneath this group sits an Operational Property Enforcement Group (OPEG) which focuses predominantly on empty homes and businesses, alongside complex enforcement matters.
- 1.2 The Enforcement Group has terms of reference and develops an annual work programme. The work programme and progress summary for 18/19 can be seen at Appendix 1 and the work programme for 19/20 can be seen at Appendix 2. Essentially this group deals with strategic cross cutting enforcement issues which affect a number of services across the Council.
- 1.3 In January 2018 Members of the Council's Policy and Resources Committee resolved to allocating funding of £80,000 to support the appointment of;
  - 1 FTE to undertake joint enforcement activities across Building Control, Planning, Conservation and Environmental Health and
  - 1 PT (20 hours a week) to undertake positive engagement with property owners
- 1.4 Subsequently a part time Property Enabling Assistant and a full time Multi Disciplined Enforcement Officer have been appointed to work on behalf of the Operational Property Enforcement Group with the aim of resolving complex issues and liaise positively with owners of properties/businesses listed with OPEG.

## **2. PERFORMANCE**

- 2.1 Performance of the enforcement group is detailed within its work plan, which is reviewed at bi monthly meetings (see Appendix 2). In addition to this, the work of the OPEG is monitored through its case list. Appendix 3 provides an overview of the current list.
- 2.2 To further monitor the progress of the Enforcement Group and the OPEG a suite of performance measures are reported to this Committee. See Appendix 4 for this information.
- 2.3 The number of empty business across the Borough have increased and the impact of the OPEG group in terms of the numbers of properties this work has resolved remains low. The OPEG are currently reviewing the reasons for this. Whilst the work of the OPEG is clearly improving the visual amenity of many premises across the Borough it is slow in moving empty properties back into use. This is partially due to this group working with some of the most complex cases as detailed within Appendix 3, and it is hoped that over the coming months properties that have reached the end of various enforcement options will be evaluated for their potential with regards to compulsory purchase and or enforced sale.

## **3. CASE STUDIES**

### **Case Study 1;**

A property was identified as being in poor condition in a well maintained area popular with tourists. As part of working with this property this successful proactive communication led to a one-off major clearance with regular maintenance now in place. As a direct result of this activity the outside of this property has been transformed – see the following before and after pictures



## **Case study 2;**

A property was highlighted as being in poor condition by officers whilst visiting other properties in the area. It is in a prominent location near commercial businesses. The Property Enabling Assistant liaised positively with the property owner to encourage improvements to be made and assisted with potential changes to access points with highways. Further support was offered in relation to sourcing local companies who could complete required works to improve the visual appearance of the property. As highlighted from the photos below, huge improvements have been made to the property, enhancing the visual amenity of the area.



## 4. CONCLUSIONS

- 4.1 The activity as part of the Enforcement Group and Operational Property Enforcement Group continues to happen at both strategic and operational levels across the Council, as presented in the attached appendices. The work of the group is aided by additional resource via multi-disciplined Enforcement Officer.

Area for consideration	Comment
Monitoring Officer Consultation:	N/A
Section 151 Officer Consultation:	Member of the enforcement group
Existing Council Policies:	N/A
Financial Implications:	Yes – re reserve funding and compulsory purchase funding
Legal Implications (including human rights):	Yes – Nplaw form part of the enforcement group and operational property task group
Risk Implications:	N/A
Equality Issues/EQIA assessment:	N/A

Crime & Disorder:	N/A
Every Child Matters:	N/A

## Appendix 1

### Enforcement Group Workplan 18/19 End of Year Summary

Activity	Lead Officer	Outcome of Work/KPI's	Progress to Date	Completion Date	Status
Review of Nplaws ability to support enforcement issues, concerns raised regarding; <ul style="list-style-type: none"><li>• Level of support</li><li>• Consistency of support</li><li>• Timeliness of responses</li><li>• Ability to think “outside of the box”</li></ul>	Karen Sly	Improvement in service provided by Nplaw is sought, KPI's are to be developed as part of the work with Nplaw; proactive and timely legal support for individual projects and cases; improved system for actions being taken.	Issues identified as part of this group have been raised via Karen Sly to Abdus Choudhury from Nplaw	March 19	Completed but ongoing monitoring in place
Completion and Member sign off of ASB Strategy and ASB Policy	Kate Watts	Clear strategy in place to tackle ASB and a clear policy on how the Council operationally with do this, KPI's to be detailed as part of this work	Housing & neighbourhoods approval given in December 2018.	December 2018	Completed
A review of rough sleeping and tent sleeping in the Borough with consideration to Policy changes as appropriate	Trevor Chaplin	An approved Homelessness & Rough Sleeping Strategy, KPI's are as follows; Number of true rough sleepers in the borough (monthly count/estimate).	Draft strategy going to H & N Committee in September asking to formally start a 4 week consultation period around this. Sign off of final policy given in December 2018.	March 2019	Limited work completed but requires further work



Activity	Lead Officer	Outcome of Work/KPI's	Progress to Date	Completion Date	Status
Strategic thinking about impact on GYBC re low level drug use to include County Lines work	Neil Shaw /Trevor Chaplin	KPI's include; Number of CPW/CPN's issued in relation to drug use. Number of NOSP's/NODOs issued to GYBC tenants in relation to drug use. Number of Anti-Social Behaviour injunctions issued in relation to drug use Number of cases referred to ASBAG under Operation Gravity.	Regular updates given to the enforcement group	March 2018	Completed but ongoing monitoring in place
Monitoring of crime across the Borough including GYBC incidence of crime such as reports of violence etc and to raise with group as appropriate	Grizelle Britton	Real time identification of issues throughout the borough allowing the enforcement board to deal with actual concerns rather than perceived concerns.	Regular updates given to the enforcement group	Quarterly review	Completed but ongoing monitoring in place
Managing business rates avoidance within legal limitations	Miranda Lee	KPI's include; Number of rate avoidance cases identified Number of rate avoidance cases which have been successfully challenged Value of successful/unsuccessful rate avoidance cases	All cases where rates avoidance tactics are being identified are being recorded with effect from 1 <sup>st</sup> August 2018  Business Rate Compliance (Avoidance) Group established and met June	Quarterly review	Completed but ongoing monitoring in place



Activity	Lead Officer	Outcome of Work/KPI's	Progress to Date	Completion Date	Status
			<p>18 – CLG, LGA, CIPFA, IRRV (To look at high level legislation changes required to eradicate rate avoidance - will be monitoring welsh consultation on Business Rate legislation changes)</p> <p>GYBC are members of BREACH (IRRV Rates Avoidance Forum – best practice/technical advice)</p> <p>Regular meetings in place with NPLAW – specific cases</p> <p>Rates Avoidance specialist Solicitors, Greenhalgh Kerr engaged on case by case</p> <p>To initiate the setting up of a local forum with Norfolk and Suffolk LA's case studies, best practice</p> <p>Engagement with HMRC/Charity Commission(where appropriate) to combine</p>		

Activity	Lead Officer	Outcome of Work/KPI's	Progress to Date	Completion Date	Status
			<p>investigations into prolific rate avoidance businesses</p> <p>Staff awareness/training</p> <p>Success I getting Cliff Hotel to pay their arrears and current year</p>		
To review condition of our own property stock outside of the HRA – to include review of lease arrangements as appropriate	Andy Dyson	To provide essential detail for Asset Management Plan	Condition surveys and financial details have been completed and input into Concerto database for all priority 1 and 2 assets. Priority 3 assets condition surveys currently being completed.	September 2019	Completed but ongoing monitoring in place
A review of Seafront and Regent Road enforcement to include the development of policy for this area	Grizelle Britton & Denise Wilby	Reduction in antisocial behaviour and complaints from businesses and visitors to the area	Policy has been developed and circulated for comment. Nplaw have provided an updated opinion on the licensing and enforcement of A-boards. This is now being incorporated into a GYBC enforcement policy.	March 2019	Outstanding

## **Appendix 2**

### **Enforcement Group Workplan 19/20**

<b>Activity</b>	<b>Lead Officer</b>	<b>Outcome of Work/KPI's</b>	<b>Progress to Date</b>	<b>Completion Date</b>	<b>Status</b>
Development of a corporate enforcement policy that includes service specific appendices and will include seafront enforcement powers	James Wilson	Council approved corporate enforcement policy in place		November 2019	
The development of area-based initiatives including a top ten list of areas to work through being developed	Chair of the Enforcement Group	Top ten list completed and then ongoing reviews of progress and improved standards/resolution of issues		September 19 for the top ten list, then ongoing monitoring	
Development of a clear pathway to assist and undertake enforcement as appropriate in relation to <ul style="list-style-type: none"><li>- Street attached lifestyles</li><li>- Rough sleeping including tents</li></ul> A review of rough sleeping and tent sleeping in the Borough with consideration to Policy changes as appropriate	James Wilson & Nichola Turner	Review of current approach and development of associated policies/guidance		December 2019	

Activity	Lead Officer	Outcome of Work/KPI's	Progress to Date	Completion Date	Status
A standard agenda item to identify complex cases and areas of concern that will be reviewed by this group and passed to the OPEG for enforcement action	Chair of the Enforcement Group	Resolution of complex cases using all powers available across all service areas		Ongoing - to be reviewed at each meeting	
<b>Lifted from ASB workplan</b> To work with partners to explore ways to engage with residents to assess their perception of safety	Miranda Lee	To be able to evaluate resident's perception of safety in the Borough and to provide a benchmark figure		March 2020	
<b>Lifted from ASB workplan</b> To provide further training to housing officers, environmental health officers, and Neighbourhood teams on tackling ASB complaints, including both legal and interpersonal aspects of ASB case management	James Wilson & Nichola Turner	Unreasonable behaviour in the community will be addressed using all available tools and powers		December 2019	

## Appendix 4

### ENFORCEMENT GROUP PERFORMANCE INDICATORS – QUARTER 1 (April - June) 2019/20 POLICY & RESOURCES COMMITTEE

Enforcement Indicators	Previous Quarter	This Quarter
No of empty properties across the borough	1504	1314
No of empty businesses across the borough	462	505
No of cases listed with the Operational Property Enforcement Task Group	51	66
No of cases closed through the Operational Property Enforcement Task Group	4	11
No of properties brought back into use through the Operational Property Enforcement Task Group	0	2
No of businesses brought back into use through the Operational Property Enforcement Task Group	1	1
No of advisory contacts made through the Operational Property Enforcement Task Group	30	39
No of enforcement notices serviced through the Operational Property Enforcement Task Group	5	10
No of works in default undertaken through the Operational Property Enforcement Task Group	0	1
No of Compulsory Purchase Orders agreed	0	1