

7 February 2023

8

Community Protection Enforcement

Ward(s): All

Portfolios: Resilient Communities and Clean and Green.

1. Aim

- 1.1 The council uses its community protection enforcement powers to support the resilient communities model. This model aims to deliver cleaner, greener, safer and stronger borough through a strength-based approach, which empowers individuals and communities to support themselves.
- 1.2 The perception of safety and the environment in which we live are key drivers of resident satisfaction, one of the three Proud promises.

2. Recommendations

- 2.1 That the Overview and Scrutiny Committee considers the information contained in this report and comments on how resources are allocated to provide integrated enforcement to support of the resilient communities approach.

3. Report detail – know

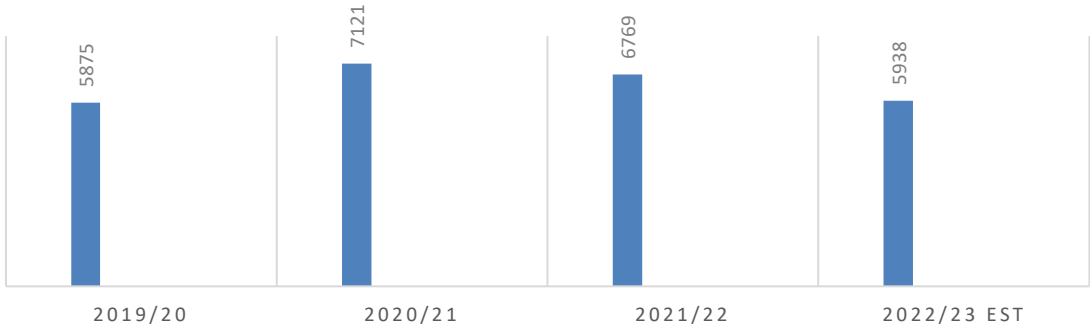
Background

- 3.1 In October 2019, cabinet approved a paper on resilient communities entitled 'Resilient Communities – A New Model of Personal Responsibility, Community Led Solutions, Integrated Community Safety and Community Protection and Enforcement'. This introduced the concept of resilient communities, which is a strength-based approach that, where appropriate, utilises individuals and communities to support themselves and underpins that support with integrated services and enforcement.



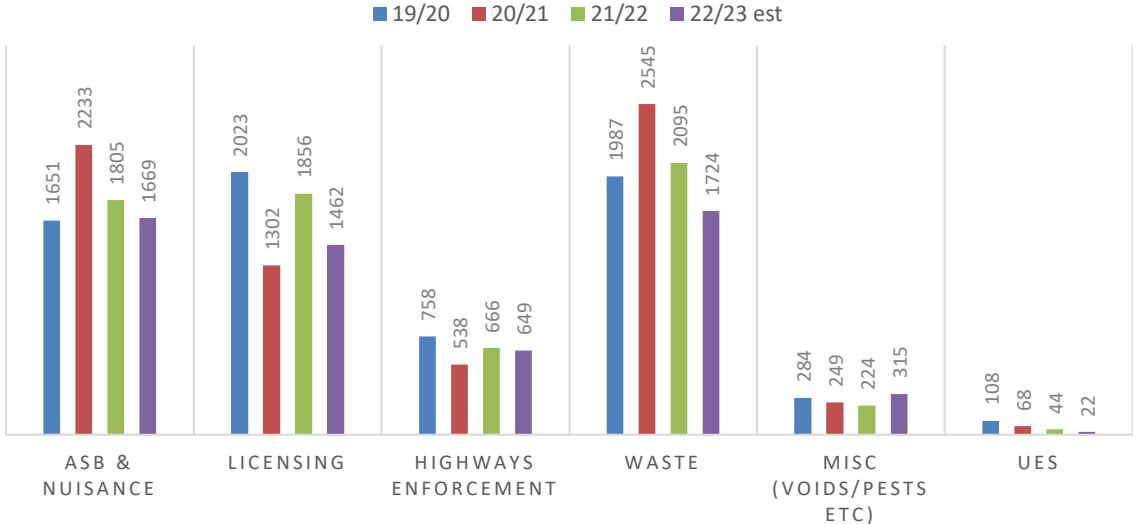
- 3.2 Enforcement is one of the themes of the street scene strategy, which Economy and Environment Overview and Scrutiny Committee considered on 20 October 2020. The 4 priorities of the strategy are safer streets, cleaner streets, greener streets and stronger streets. The initiatives for each of these will be based on 4 themes: empowerment, education, enforcement and delivery. The strategy will be considered by cabinet in March.
- 3.3 In support of the resilient communities model the service aims to provide a group of consistently trained and experienced enforcement staff who can be directed to focus on areas of harm or emerging threat to the communities of Walsall in a flexible manner.
- 3.4 Over that last few years, the service has been transformed significantly in response to financial constraints, the Proud promises and the resilient communities model. The current structure has 12 full time equivalent (FTE) operational (see **Appendix 1**). The community protection team leader post is current vacant and subject to a recruitment process.
- 3.5 The total number of service requests received by the community protection team is shown below.

Total Community Protection Service Requests

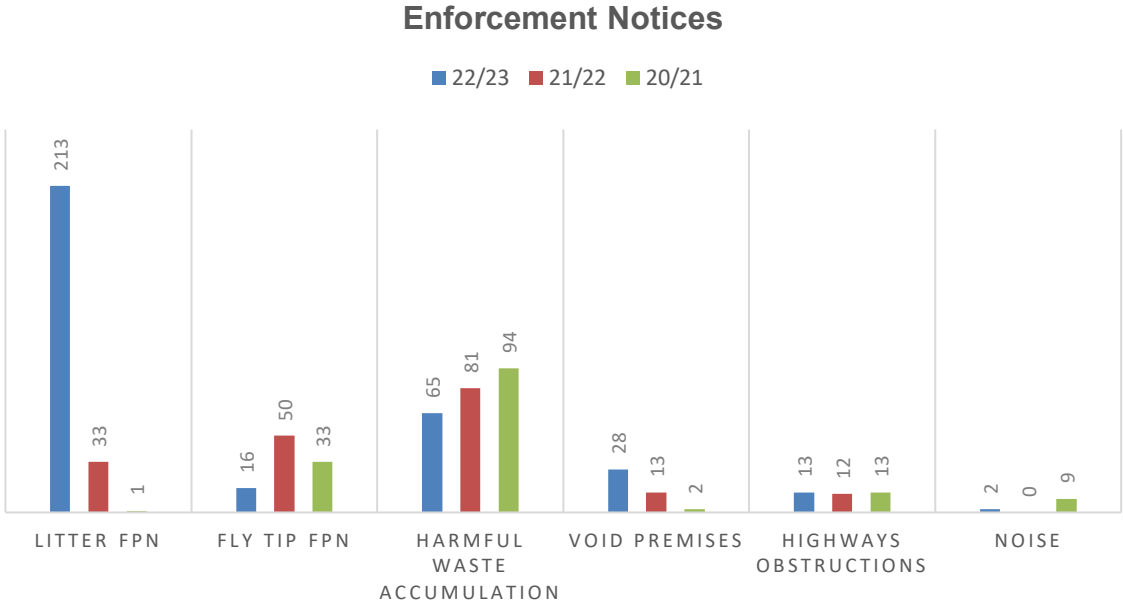


- 3.6 The graph below shows that the workload of the team is largely consistent albeit with some peaks around 20/21 due to the impact of COVID-19.

Main areas of activity Community Protection



- 3.7 During 2020/21 the COVID-19 pandemic required staff to be allocated to other duties. either consistently throughout the lock down periods, or at specific times for intensive pieces of work. From the graphs waste crime and ASB/nuisance significantly increased during the pandemic as people were at home more of the time and disruptions to public services occurred. Licensing and highways complaints decreased largely due to the restriction on trading within various sectors and again many people staying at home and not travelling to work.
- 3.8 The number of enforcement notices issued is shown in the graph below. The compliance rates for these were:
- 20/21 46%
 - 21/22 60%
 - 22/23 55% (year to date)



- 3.9 Low compliance rates place additional burdens on the authority as staff are required to take matters to court, carrying out work in default or issuing debt recovery instructions.
- 3.10 Some of the successful outcomes are listed in **Appendix 2**.

Fly Tipping (Enviro Crime)

- 3.11 Service requests about waste appear to be reducing and this may be attributable to the partnership working with the Fly Tipping Operational Group. This group contains 3 FTE staff from community protection, managers from operations service, Walsall Housing Group and the CCTV team. There is also liaison with police colleagues over the identification of vehicles and persons insured to drive vehicles. Reviews of hot spot areas, CCTV deployment and evidence gathering take place on a weekly basis to ensure waste complaints are tackled effectively.
- 3.12 Litter enforcement has been carried out by a contractor on behalf of the authority. This contract will be ending in March 2023. The options for the future provision of this service are being considered.

Highways and Miscellaneous (e.g. Overgrown Hedges)

- 3.13 The community protection team is working with highway colleagues to streamline the system for dealing with highways obstructions, including overgrown hedges. This has included highways inspectors approaching residents with a letter at the time of the inspection warning there is an obstruction and work needs to take place to deal with it. Non-compliance is then passed to community protection for attention.
- 3.14 The service has also become a key member of the void and derelict property working group formed to consider how best to deal with long term void properties which blight neighbourhoods.

ASB and Nuisance

- 3.15 Since 2016 this area of the service has undergone significant transformation. An on-call system has been replaced with a more intelligence led system where staff triage complaints and arrange specific working nights when they needed to capture evidence of specific complaints. This was enhanced with the use of the Noise App where residents can record noise and upload it and send to the team for assessment. The use of this App is fairly standard across many local authorities and has helped to highlight serious cases of noise nuisance as well as help focus resources away from more trivial cases.
- 3.16 Some of the successful outcomes of the team are listed at **Appendix 3**

Licensing Enforcement

- 3.17 The two primary areas of focus within this aspect of the work revolve around taxi and private hire trades and the licensed premises trade. Since the implementation of the resilient communities model work has taken place to rationalise some of this work. Changes within the processes for taxi and private hire regulation have meant less administrative noncompliance is sent to the enforcement team and is dealt with at source within the licensing service. This frees up the approximately 2 FTE enforcement staff to develop good operational relationships with the police partnerships team around high risk offenders and conduct vehicle stop checks and other work to more effectively tackle noncompliance.
- 3.18 Since 2021 Operation Argonite a partnership approach to working with Walsall police on the night time economy (NTE) has been implemented. The community protection team contribute approximately one FTE member of enforcement staff and two members of the management team to tackling venues that have allowed crime or disorder to take place within or outside their venues. The Argonite team met weekly for most of 2022 to consider crime and disorder and decide upon relevant interventions including, licence reviews, objections to temporary event notices or new applications, meetings with Licensees, agreed voluntary action plans to improve performance etc. the operation has largely been successful with crime and disorder reducing across the NTE.
- 3.19 Some of the successful outcomes of the team are listed at **Appendix 4**.

Unauthorised Encampments (Bailiffs)

- 3.20 The impact of unauthorised encampments on communities is significant. It causes a great deal of fear and concern amongst existing communities and has impacts upon the health and welfare of the travellers themselves.
- 3.21 Some of the successful outcomes of the team are listed at **Appendix 5**.

Performance and Priorities

- 3.22 The service needs to continuously prioritise its work and take a strategic view of issues within the borough to enable it to divert its resources accordingly. This can lead to a gap in expectation versus reality around individual complaints. Traditional metrics such as time taken to respond to complaints **Appendix 6** have been used to measure the success of the service in the past. Whilst that has given some indication of how timely interventions are on a cases by case basis it does not provide qualitative information about how successful the interventions were. The outcomes achieved by the service can be seen in the appendices including responses to enquires from elected members and Members of Parliament at **Appendix 7**.
- 3.23 Response times to members enquiries have not been meeting the corporate target of 5 days. Addressing this will be a key aim of the new community protection team leader, once appointed.
- 3.24 The service has developed positively in terms of working relationships with key partners such as the police, social landlords, operations, planning, children's and adults services. It is essential that all partners and internal services continue to develop their working arrangements to use limited resources to best effect to protect the communities of Walsall.
- 3.25 During 2022 there has been an upturn in court cases particularly as regards flytipping as well as significant increases in objections to and action against licence holders who are failing to comply with the law. The support of legal services is essential for successful outcomes.

Benchmarking

- 3.26 Due to the unique ways councils organise their services it is rare for there to be any consistency in approach and comparisons are therefore a major challenge. The Head of Community Safety and Enforcement has met with the Association for Public Service Excellence (APSE) recently to discuss how such service may be benchmarked and a trail is due to take place in 2023/24 for at least some elements of the service.

Financial information

- 3.27 The budget for the service is £1,073,685 this is made up of the following area
- Salaries £691,268
 - Controllable revenue £225,874
 - Non Controllable revenue £156,543
 - Income £247,989

3.28 All enforcement carried out by the team, whether civil or criminal, can be appealed against at a court of summary jurisdiction. Therefore, every case can end up before a court and require additional expenditure through use of specialist services, witnesses, barristers and counsel to prosecute or defend a case. The budget does not include funding for these types of cases, although costs are always requested as part of a hearing and if awarded are paid to the service from the court through legal services.

Reducing Inequalities

3.29 The service exists to protect the communities of Walsall and a variety of statutory requirements underpin this work including:

- the Licensing Act objectives - protecting public safety, protecting children from harm, preventing crime and disorder, preventing public nuisance.
- Statutory Nuisance - preventing and tackling those matters which are prejudicial to health or interfere with the use and enjoyment of some ones property.
- Taxi and private hire work - protecting public safety from unsafe vehicles and persons who are not fit and proper to hold a licence and ASB law protecting people from hear, alarm, harassment and distress.

3.30 These matters apply equally to all residents, businesses and communities in the borough although in general terms those who are considered vulnerable will receive a higher level of priority and reach case will always be determined on its merits.

4. Decide

4.1 The committee is asked to consider the details of the report and its appendices and provide comment on the operation and performance of the service. Comments with regard to the services priorities and whether it is using the resources available to it for best effect may also be useful.

5. Respond

5.1 The management team will certainly consider all comments or recommendations made by the Committee and if required provide a follow up response in due course.

6. Review

6.1 All the matters raised in this report are monitored by the community safety and enforcement management team and relevant issues are reported to Councillor Garry Perry as Portfolio Holder for Resilient Communities and Councillor Kerry Murphy as Portfolio Holder for on a monthly basis. As stated earlier in the report the service is constantly prioritising the work load in order to make best use of resources, learning from its various experiences and implementing new approaches wherever possible.

Background papers

None

Author

A handwritten signature in black ink, appearing to read 'D Elrington', with a stylized flourish at the end.

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Appendix 1 - Structure



Appendix 2 Environmental Crime

Prosecutions

Jan Tokar : Found guilty of Flytipping at Dudley Magistrates Court on 26 October 2022. Mr Tokar pleaded guilty to the offence of Flytipping a vanload of household waste in Crook Lane, Aldridge. Fine: £6,667.00, Officers costs: £1009.26 .Total: £7,676.26

Darren Sneyd: The case against Sneyd was heard in his absence at Dudley Magistrates Court on 09.11.22. He was found guilty of Fly Tipping and ordered to pay the following. Fine: £1,760, Officers costs: £985.62 Total: £2,921.62

Andrew James Evans: Found guilty of Flytipping at Dudley Magistrates' Court on 21/12/22. Caught on CCTV depositing black bags and cardboard from a vehicle in Woodward's Road, Walsall. Fine: £2,640, officers costs: £291.98 TOTAL: £2,931.98

Martin Cawley: Found guilty at Dudley Magistrates Court on 09/11/2022 of offences under 108 of the Environment Act 1995. Failed to co operate with officers following a fly tip in Bray Street, Willenhall from a vehicle registered in his name. Offence was captured on privately owned CCTV. Fine £1,769, officer costs £985.62, VSC £176 Total £2,921.62

Nathan Yombo: Single Justice Procedure (SJP) for non-payment of a littering fine on Pelsall High Street, Walsall, a court hearing on 21st December 2022. Fine £220.00, Officers costs £199.00 Total £339.00.

Vehicle Seizures:

- Ford Transit Flat Bed seized from an Industrial Estate on 6/10/22. Had been involved in three large fly tips across the Borough in the previous fortnight.
- Hino Hiab crane wagon (largest vehicle seized to date) seized from an Industrial estate on 17/11/22. Had been used in a major tip in Willenhall which blocked the highway. Was on false plates and exact identity of vehicle was unknown. Not claimed and in the process of being crushed

Both vehicles were unclaimed and in the process of being crushed.

Fly Tipping Fixed Penalty notices:

To date 16 Fly Tipping Fixed Penalty Notices (FPN's) of £400 have been issued for the offences of Fly Tipping within the Walsall borough. 13 of which have been paid their respective FPN.

Vehicle Littering

During 2022 work was undertaken to train the Council's CCTV Team to issue Fixed Penalty Notices for littering from vehicles this has proven a major success with 213 Fixed Penalties served to date.

Appendix 3 ASB Nuisance

On the 22nd June 2022 at Dudley Magistrates Court Jonathan Ricketts a 40 year old man, was fined a total of £614 for 4x episodes of urinating in the town centre. The Council are presently also considering prosecuting him for 2x further breaches of the PSPO, and to also consider applying for a Criminal Behaviour Order.

On the 2nd November 2022 at Dudley Magistrates Court Peter Pinder aged 60 years, was fined a total of £637.89, for refusing to stop drinking alcohol when instructed to do so which was a breach of the Walsall Public Spaces Protection Order (PSPO).

On the 2nd November 2022 at Dudley Magistrates Court Richard OBrien aged 37 years, was fined a total of £632.45, for refusing to stop drinking alcohol when instructed to do so which was a breach of the Walsall Public Spaces Protection Order (PSPO).

Community Protection Enforcement Officers are engaging with the town centre drinkers on a daily basis enforcing the PSPO the vast majority of drinkers comply and stop drinking when required to do so.

CPEOs are also using Community Protection Warnings/Notices to deal with ASB. One recent example is when a CPW was successfully used to deal with 2 dogs that were causing nuisance to neighbours in Palfrey. The dogs were not being adequately cared for, were damaging neighbours fences, escaping from their confined rear garden and also on one occasion bit a neighbour. The owners were persuaded to rehome the dogs as they could not care for them adequately.

During the year the Community Protection, Legal Services and Highways have worked to provide evidence for a Black Country wide injunction to stop car cruising/street racing. This has meant collecting and providing evidence alongside the other Black Country Councils to prove the issue is a continuing problem and has also meant the erection of signage on all key routes advising the injunction is in force so that enforcement by West Midlands Police can take place.

Appendix 4 Licensing

Taxi and Private Hire Enforcement during 2022 – 2023 has included.

102 Vehicles have been suspended on the grounds of public safety largely following road traffic collisions reported by the vehicle licence holder and presented to the Council for Inspection.

The team have been involved in at least two road safety operations alongside Police, VOSA, other partners and neighbouring local authority enforcement staff. During the exercises vehicles, including taxis, are pulled over and a variety of checks are undertaken to ensure they are insured, fit to be on the road, there are any outstanding warrants etc.

On the most recent exercise 6/1/2023 six private hire vehicles were dealt with five from Walsall Council and one from Wolverhampton Council:-

- No Internal ID
- Advice regarding tread on both rear tyres
- Informed to remove 3 brackets from roof (previous been fitted with roof rack)
- No Seatbelt, not wearing ID Badge (Wolverhampton)
- No Issues

Fifty seven referrals have been made to management for decisions about driver behaviour or new applicants with concerns raised through the DBS process.

As a result of these referrals

- 27 licences suspended primarily for failure to provide evidence of medical fitness to drive
- 9 licences were revoked for serious allegations or convictions for example drink driving, sexual misconduct etc.
- 16 complied with management request by producing outstanding documents etc.
- 3 referred to Licensing and Safety Committee for a decision in line with delegations
- 2 drivers surrendered their licence.

Licensing Act

There have been three residents meetings held with the team, Police and Business owners over concerns about premises in regards to noise nuisance and anti-social behaviour and these meetings are continuing to ensure that residents are aware of how and who to report issues through to.

The team with the support of Environmental Health have been able to show evidence and support the issue of two counter notices for temporary events where the events taking place would impact on the public nuisance within the community.

Community Protection Team supported the Review Application made by West Midlands Police in regards to Lexx Bar and Grill Review in submitting a representation in relation to Public Nuisance being breached. The Committee took to revoke this licence based on the evidence provided to them.

Appendix 5 Unauthorised Encampments (UEs)

Transit Site

During 2022 the Council opened a six berth Transit Site in Pleck for use by the Travelling Community. This was the culmination of a great deal of planning and community engagement to ensure as far as possible that the site was in an appropriate location and fit for purpose those using it. The site has significantly better facilities than many others of its nature and has temporary planning permission for three years when its use will be reviewed. It is presently managed by a private firm contracted to the Council and Community Protection manage the occupancy and relationship with the contractors.

The site was occupied almost immediately upon opening and has largely been occupied since. There has been one incident where Travellers were accused of a potentially alcohol fuelled violent incident toward local traders and were promptly evicted from the site.

However the majority of families that have been on site have caused few issues and 2022 has seen the smallest number of UEs recorded in the Borough for several years. This is likely to be a combination of the swift action on the injunction sites and the provision of the Transit Site.

UEs

In 2016 the Council successfully applied for an Injunction to protect twelve key sites around the Borough from UEs. This applied to some identified individuals who could not form a UE in the Borough and for unidentified persons for key sites.

In the period 2017-18 injunctions were gained for twenty one additional sites to protect them from UEs following gathering of evidence and presentation at Court.

In 2020 a Judge reviewing a Borough wide injunction in London which aimed to achieve similar aims to the Walsall injunction reflected that this may not be lawful or appropriate and called in other injunctions from around the country for scrutiny. This included the Walsall injunction and resulted in the first injunction from 2016 being set aside in its totality. The Injunction from 2017-18 is still in force.

As a result of the response to Covid the service changed its processes so that Bailiffs are now instructed to visit site, conduct welfare checks of the families, serve legal documents and attend court to seek possession of the land. They also deal with forcible evictions if required alongside the Police. This has a cost attached however it also frees up Community Protection

Appendix 6 Response Times

Although the performance metric 'first response' to complaints is still built into the recording system it is not used as the preferred way to measure the team's success as it gives no indication of quality of outcome.

	Average first response in working days	Average time to complete a case
2019/20	12	35
2020/21	14	28
2021/22	17	33
2022/23	11	25
Overall	13	30

The period 2020 to 2022 coincided with the Covid pandemic and as described in the main body of the report complaints rose sharply in some areas of work in 2020-21 and the post covid recover took place during 2022.

During 2022 – 2023 of our major areas of activity the current performance is as follows

	No of Complaints	Average days to respond	Average days to complete
Noise	705	14	32
Fly Tipping	667	8	26
Private Hire Vehicles	564	11	19
Highway Obstructions	496	25	39
Licensing Act enquiries & applications	396	4	14
ASB (Location)	328	6	36
Domestic Waste	304	9	28
Private Hire Driver complaint	181	6	21
Smoke - domestic	160	6	21
Void buildings	94	10	34

Appendix 7 Councillors and Members of Parliaments (MP).

For the year to date 1st April 2022 to 24th January 2023 the number of enquiries set out in the tables below have been received by Community Protection from Councillors and MPs.

There are corporate standards as regards how elected member enquiries and MP enquiries are dealt with. This includes a first response to Councillors of five working days. Whilst enquiries that go to the Council via EandEmembers@walsall.gov.uk are responded to at a rate of around 90% within the time scale required by the Chief Executive many Councillors contact staff directly and these can be harder to monitor and response times may vary.

MPs in general contact the authority via the Chief Executive's Office or EandEmembers@walsall.gov.uk and therefore the response rates of 20 working days is relatively consistent.

Often Councillor and MP enquiries result from difficult or complex scenarios and can involve several services or agencies which can sometimes delay response or resolution however it is acknowledged that response times need to be better. The Head of Community Safety and Enforcement has been part of a corporate working group looking at making the response to Councillor enquiries more efficient and it is hoped this programme will assist with improving response times.

	No of Enquiries	Waste	ASB and Nuisance	Highways	Licensing	UE/Transit	Misc.
Cllr							
22/23	216	80	69	36	3	2	26
21/22	243	107	54	54	10	6	10
20/21	170	74	45	21	8	6	16
19/20	123	58	16	24	11	8	6
MP							
22/23	131	34	41	13	1	1	41
21/22	61	21	26	11	0	0	3
20/21	68	25	28	5	0	1	9
19/20	14	7	4	2	0	0	1

	Average no of days to respond	Average no of days to complete
Councillor		
22/23	9	34
21/22	9	23
20/21	20	37
19/20	9	48
MP		
22/23	10	24
21/22	29	55
20/21	55	79
19/20	66	116