

EAST AYRSHIRE COUNCIL

CABINET – 22 OCTOBER 2008

CORPORATE ENFORCEMENT UNIT UPDATE

Report by Head of Legal, Procurement and Regulatory Services

1. PURPOSE OF REPORT

- 1.1 To advise Cabinet of progress made in the establishment of a Corporate Enforcement Unit (CEU) to coordinate the operation of Statutory enforcement duties involving the issuing of Fixed Penalty Notices and related activity.

2. BACKGROUND

- 2.1 On 2nd July 2008 Cabinet approved the permanent establishment of a Corporate Enforcement Unit.
- 2.2 The dedicated Enforcement Unit has been developed to provide a more effective approach to enforcement action through the issue of Fixed Penalty Notices and associated activity relative to dog fouling, fly tipping, littering, illegal dumping and smoking enforcement.

3. PROGRESS UPDATE

- 3.1 The Corporate Enforcement Unit has been created within the Environmental Health Service with support from Legal Services.
- 3.2 The Unit comprises two dedicated officers who will coordinate the work of the Corporate Enforcement Unit and provide a regular and routine enforcement role in the operation of the relevant statutory enforcement activities which involve the issuing of Fixed Penalty Notices.
- 3.3 The Unit will carry out regular enforcement activity with responsive and routine patrols to accommodate complaints and also coordinated and targeted enforcement initiatives. The enforcement initiatives will draw on other duly authorised employees within other Council services. The Unit will also support other Departments in their own specific initiatives as required.
- 3.4 All existing authorisations have been reviewed by Legal Services and new authorisations produced to incorporate dog fouling, litter control, fly tipping and smoking enforcement. Following consultation, staff from various services have been identified for authorisation in terms of the various legislative requirements and Appendix I details the service areas for cross-cutting activity involving multiple services with details of staff and services with the potential for involvement in planned initiatives.

- 3.5 Procedures, protocols and guidance have been produced providing operational details for enforcement of specific legislation leading to the issue of Fixed Penalty Notices. All staff potentially involved in the issue of Fixed Penalty Notices will be issued with the procedures.
- 3.6 Training and support packs will be provided to all relevant staff. Training has been sourced and has been arranged for the first week in November.
- 3.7 A pilot initiative was carried out in Stewarton from 3rd to 5th September involving partnership working with the Police, Community Wardens and the two core members of the Corporate Enforcement Unit to address specific problems of dog fouling in Stewarton. The initiative provided the opportunity of engagement with the public in an education and awareness role together with an enhanced enforcement role. One fixed penalty notice was issued during the initiative with numerous dog walkers spoken to on the issue of responsible dog ownership. A previous initiative on 4th June carried out at various locations involving a multi discipline approach resulted in 10 Fixed Penalty Notices being issued.
- 3.8 Two major initiatives have been programmed for November and December to involve Cumnock and Kilmarnock areas respectively. The initiatives will be fully publicised to advise the public and raise awareness. Thereafter a coordinated programme of specific initiatives will involve a partnership approach to enforcement involving the Police and various Council services.
- 3.9 All administration arrangements relative to the routine and planned enforcement activities will be carried out by the Corporate Enforcement Unit to provide an enhanced centralised approach to enforcement.

4. FINANCIAL IMPLICATIONS

- 4.1 Expenditure for the two core members of the Corporate Enforcement Unit will be met from current resources within the revenue budget. The enforcement activity should lead to the increase in Fixed Penalty Notices being issued with resultant income to the Council.

5. LEGAL/POLICY/COMMUNITY PLAN IMPLICATIONS

- 5.1 The operation of the Corporate Enforcement Unit is commensurate and supports the Community Plan theme of Improving the Environment.
- 5.2 The Corporate Enforcement Unit with dedicated support from Legal Services will ensure full compliance with legislative requirements relative to enforcement, authorisations and guidance.

6. RECOMMENDATIONS

6.1 Cabinet is invited to :-

- (i) Note the progress is establishing the Corporate Enforcement Unit in terms of staffing, training, authorisations, procedures and initiatives.
- (ii) Agree the multi service involvement in the enforcement initiatives as in Appendix 1.
- (iii) Otherwise note the contents of this report.

David Mitchell
Head of Legal, Procurement and Regulatory Services

6 October 2008

DM/PLT/EHG

List of Background Papers

Nil

Any person wishing any further information should contact David Mitchell, Head of Legal, Procurement and Regulatory Services on 01563 576161 or Paul Todd, Principal Officer, Environmental Health (01563) 554021.

PROPOSED AUTHORISED STAFF

	ENVIRONMENTAL PROTECTION ACT 1990			DOG FOULING (SCOTLAND) ACT 2003	SMOKING, HEALTH & SOCIAL CARE (SCOTLAND) ACT 2005
	<u>Littering</u>	<u>Fly-Tipping</u>	<u>Illegal Dumping</u>	<u>Dog Fouling</u>	<u>Smoking</u>
<u>Neighbourhood Services</u>					
1. Community Wardens	24	24	24	24	24
2. Cleansing	15	15	15	15	15
3. Outdoor Amenities	1	1	1	1	1
<u>Corporate Support</u>					
5. Environmental Health (Food Team)	5	5	5	5	5
5A Environmental Health (Public Health)	4	4	4	4	4
5B Environmental Health (Pest Control)	3	3	3	3	3
5C Environmental Health (Corporate Enforcement Unit)	2	2	2	2	2
5D Environmental Health (Health & Safety)	2	2	2	2	2
6. Liquor Licensing	2	2	2	2	2
7. Local Government Licensing Taxi Enforcement	1	1	1	1	1