

PLYMOUTH CITY COUNCIL

Subject: Collaborative Enforcement Pilot
Committee: Cabinet
Date: 9 December 2014
Cabinet Member: Councillor Penberthy
CMT Member: Chris Singer, Police
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Ref:
Key Decision: No
Part: I

Purpose of the report:

An aspiration of Plymouth's Brilliant Co-operative Council is to create a fairer city where everyone does their bit. This includes Plymouth being a place where 'people can have a say about what is important to them and where they can change what happens in their area'

Building on the framework for working with our citizens and communities, adopted by Cabinet in July 2014, this report sets out the case for, and scope of, a 'Collaborative Enforcement' Pilot between Devon and Cornwall Police and Plymouth City Council to enable communities to protect their local amenity and environment.

Examples of how this pilot would work in practice include:

Vehicle removal – currently three sets of people are involved in getting abandoned vehicles removed. In addition there is no system in place to cross reference stolen vehicles against those found abandoned or ticketed for parking infringements, leading to delays in recovery and removal. Collaboration will see information exchanged and any relevant officer positioned to take action immediately.

Graffiti removal – we want to shorten the route to make this happen, and ensure all those working in an area know how to effect this quickly; the 'don't walk by' principle at work.

Begging and street anti-social behaviour – by extending powers rather than summoning another agency to deal with these issues we are together able to effect quicker resolutions.

The Brilliant Co-operative Council Corporate Plan 2013/14 -2016/17:

Pioneering Plymouth – Designing co-operative enforcement services that are needs based, more accountable, flexible, efficient and accessible to local communities. Ensuring that resources are responsive to need, simplifying the enforcement landscape and avoiding the duplication of resource required to resolve any particular situation.

Caring Plymouth – Providing a coordinated and co-designed response to deal with the needs and concerns of individuals or communities.

Confident Plymouth - Aims to instil confidence and pride within our city and its communities, by enabling customers to have a say in decision making and putting citizens at the centre.

Growing Plymouth - Support our communities and citizens to build on and release their skills and capacity to fully contribute to the future prosperity of the city. This will include encouraging a community focus in the use of citywide assets; using knowledge and intelligence alongside customer insight from consultation and engagement to support better service planning, enterprise and design across all key agencies in the city.

**Implications for Medium Term Financial Plan and Resource Implications:
Including finance, human, IT and land:**

It is proposed that the pilot will be completed within existing budgets.

The scope of the pilot includes the evaluation of the potential costs associated with collaborative enforcement. The pilot will identify and estimate the costs of introducing a city wide collaborative enforcement project.

Matters to be considered within the pilot include:

- The potential impact upon revenue and capital budgets depending upon the scale and nature of co-location.
- Cost of alternatives to co-location.
- IT – information sharing, access to systems and data protection.
- Human – potential risks associated with increased vetting requirements should individuals not pass vetting.
- Training – a potential for additional training requirements.
- Resource required to achieve effective enforcement results.
- Evaluation methods to support cost benefit analysis.
- Governance
- Policy and process alignment
- Resources to deliver new methods of engagement

Other Implications: e.g. Child Poverty, Community Safety, Health and Safety and Risk Management:

- Community Safety – the direction of travel can serve to enhance approaches to community safety, ensuring that partners maximise the use and availability of enforcement resources to the benefit of our communities, and communities are empowered to deliver solutions.
- Health and Safety – progression of options may see a requirement for enhanced training to mitigate potential threats arising from increased enforcement activity by individuals.

Equality and Diversity:

An Equality Impact Assessment will be undertaken as part of the pilot. This will be informed not only by a consideration for the potential impacts in Plymouth, but also information from other areas where collaborative enforcement is well established.

Recommendations and Reasons for recommended action:

That Cabinet:

- 1) Approve the delivery of the Collaborative Enforcement Pilot.
- 2) Agree to officers included in the Council's scheme of delegations authorising suitable staff employed by Devon and Cornwall Police to undertake the enforcement functions assigned to the Authority (as stated by law and as may be identified by the proposed Pilot).
- 3) Approve the authorisation of Council officers by Devon and Cornwall Police for the purposes of the pilot.
- 4) Recommends that Your Plymouth Scrutiny Panel works with the Safer Plymouth Partnership to identify how the findings of the Collaborative Enforcement pilot can be implemented on a city wide basis.

Reasons

As set out in the report.

Alternative options considered and rejected:

To do nothing: - This option was rejected because the authority needs to explore how it can improve the effectiveness of current enforcement resources.

To implement a city wide pilot: - This was rejected because a city wide pilot would have required disproportionate investment of resources to support a pilot that needs to be manageable within existing resources and agile enough to trial different solutions as problems arise.

Published work / information:

Framework for working with our communities and citizens: <http://tinyurl.com/pre9pzg>

Background papers:

Title	Part I	Part II	Exemption Paragraph Number							
			1	2	3	4	5	6	7	
Officer resource available to undertake tasks	X									

Sign off:

Fin	mc 1415.16	Leg	21244/ag/2 4/11/14	Mon Off	21244 /DVS	HR		Assets		IT		Strat Proc	
Originating SMT Member: Chris Singer													
Has the Cabinet Member(s) agreed the content of the report? Yes													

1. Introduction

The protection of our local communities and environment is in part determined by the enforcement of legislation by a variety of agencies. Primarily this is the responsibility of the Council and the Police.

Although partnership work is well developed, there are some areas where greater co-ordination between Council services internally and between the Council and the Police would be beneficial. This would result in more efficient services that are better able to identify and respond to local community issues.

This pilot would support delivery of the framework for working with our communities and citizens which clearly states the intention for Plymouth to create a new relationship with its citizens, so that they feel they are encouraged and supported to be less passive customers of the services we collectively provide, and more active and involved in their communities.

The intention of collaborative working is to increase the range of interventions available to the Police, the Council and other agencies that can be used to improve the lives of residents. Collaborative working will increase intelligence and information sharing and could create a readily recognisable Plymouth enforcement presence which is easy to contact, able to respond and has the power to act on issues that cause communities greatest concern, for example, dog fouling, littering and fly posting, parking and obstructions and vehicle removal.

Collaborative enforcement would seek to give Community Safety Accreditation powers (see Appendix A) granted by the Chief Constable for Council staff and seek to give Police employees relevant Council enforcement powers such as those listed. The Council would also realign enforcement powers within the Council. Collaborative enforcement principles could also be adopted by other agencies such as the Fire Service.

The principle for all resources in scope is **'don't walk by'**. Where an issue is encountered that is a clear community concern, regardless of the agency encountering the issue, action is taken there and then or, where that is not appropriate, an effective means of ensuring a proper remedy is applied.

2. Collaborative Enforcement as a working model for Plymouth.

Collaborative enforcement in other areas has seen City Council Community Safety Officers, Police PCSOs and Constables and other enforcement services from Trading Standards, Environmental Health and Street Services deploy together operationally to create a single enforcement presence across the city. Table 2 shows the potential resource available in Plymouth which would be available to deal with a range low level environmental crimes and low level antisocial behaviour that have a disproportionate impact on the amenity of an area, and is of high concern to members of that local community.

Effective enforcement, in many cases, is dependent on seeing an offence take place, of simple evidence gathering or an ability to challenge members of the public about their behaviour. Success requires a visible presence on the streets capable of witnessing offences and on officers in uniform who can challenge public behaviour with a broad range of enforcement tools.

The adoption of the principles of collaborative working will ensure the maximisation of enforcement efforts across agencies to meet the needs of local communities. While Enforcement Agencies across the City already regularly work effectively together in specialist partnerships and when working on specific issues, collaborative enforcement will take such partnerships to another level where all parties involved work together on shared problems and with shared solutions, communities are able to influence enforcement priorities.

These principles of collaborative enforcement are: -

- Don't walk by
- Shared problems and shared solutions
- Community engagement and intelligence informs service planning
- A readily recognisable Plymouth enforcement presence
- Structured information gathering and sharing
- Shared intelligence and analysis
- Joint tasking based on evidence
- Joint priorities
- Coterminous boundaries.

Enforcement can only be successful when it is aligned to programmes of work designed to change public behaviour and public expectations. The pilot will identify where this is necessary and explore how resources and policies can be developed in ways that develop public support and that can generate peer pressure to tackle problems. The pilot will seek to identify other services that could come into the scope of the pilot where appropriate e.g. the Fire Service and registered social landlords.

Systems thinking should be used as a tool to develop collaborative working. In this way "shared problems" will result in "shared solutions".

Collaborative working will initially comprise Devon and Cornwall Police and Plymouth City Council, and local communities, but can be extended to other agencies such as Registered Social Landlords, the Fire Service, the private sector, the voluntary sector and the community.

The introduction of a more integrated enforcement model will require new ways of working, training, legal authorisation, intelligence sharing and analysis. One of the greatest challenges will be the embedding of new ways of thinking amongst the services and staff involved.

In order to understand these issues and identify effective ways of working, it is proposed to undertake a 12 month pilot.

The pilot will take current partnership working into a collaborative model, and will explore the degree of integration and shared services that are practicable and beneficial.

3. The Collaborative Enforcement Pilot

In order to establish a good evidence base and test new ways of working, it is proposed that the pilot be undertaken through two projects:

3.1 Project 1: Community Based Project

This project will be based in the St Peters and the Waterfront ward subject to members agreement, and will look to expand to other areas in order to understand the benefits and challenges faced by collaborative enforcement across the City. The initial pilot area is located within a single Police sector.

The project will have five inter dependent work streams, as seen below, that will run concurrently, each with their own timescales to create a sustainable model for collaborative working.

Work Stream 1: Problem Profiles

In line with the framework for working with our communities and citizens, and the lessons learned from the community engagement pilot project in Barne Barton by Connecting Communities, this work stream aims to better understand the issues affecting the local community, and will seek the help of different participating organisations and the wider community to:

- Identify existing information and intelligence systems and any gaps
- Develop systems for gathering, recording and reporting information / intelligence.
- Develop systems /protocols for sharing and analysing information and intelligence within organisational and legal constraints.

This work stream will also feed into the development of an information sharing hub as part of the Council's wider transformation programme.

Neighbourhood Watch will also be re-launched and extended. This will be an integral part of the new collaborative enforcement approach.

Work Stream 2: Solution Analysis

This work stream will seek to understand what resources are available to the pilot and what legislative tools we can use and how we can best deploy them to address the problems and needs identified in Work Stream 1. The following issues will be considered:

- Identify staff and budget resources available to the pilot
- Develop cross warranting and competency procedures and protocols
- Identify operational needs and resolve differences
- Identify media strategies, protocols and constraints
- Alignment of enforcement policies and decision making
- Identify legal challenges and establish remedies

Work Stream 3: Solution design

Having identified the problems and gathered sufficient intelligence to fully understand the most effective way or ways to resolve or reduce these problems, solutions will be designed.

Enforcement is just one part of a problem solving approach to issues affecting communities. For effective sustainable solutions to work, enforcement needs to be accompanied by a total system approach that put the customer needs at the centre of the solution, as outlined within the framework for working with our communities and citizens. This could involve the production of new strategies, new policies, education programmes, and awareness raising. With finite resource at our disposal, all activity needs to be prioritised to areas of greatest need, recognising the scale of the issues affecting our communities and responding appropriately following the objective assessment of where resources are best deployed.

This work stream may require: -

- Protocols and mechanisms that can bring other Council Services and resources into scope in fast and seamlessly
- Development of methodologies for cost benefit analysis of solution options
- Agreed governance arrangements
- Prioritisation models
- Defining what success requires
- Processes for involving the community in the solution design
- Processes for involving partners in the solution design

Work Stream 4: Solution delivery

Solutions will be delivered by the resources in scope for the Pilot but also by partners and the wider community, for example through work that is taking place to educate for the future through Education, Learner and Family Support, family intervention, or systems leadership on harm caused by alcohol. Prevention work is being promoted through Public Health and the Health and Wellbeing Board. Work to transform rehabilitation, whilst at its early stages and not without challenges, will play an important part in supporting prevention. It will be essential to align this Work Stream with the wider piece of work to deliver the framework for working with our communities and citizens that aims to develop capacity and capability within communities to help themselves.

Work Stream 5: Assessment of success

The model enables measurement against the original problem profile that has triggered action. This will inform the pilot in terms of the problem. However each work stream and each solution within each work stream will be assessed to establish how practical and how expensive that solution is considered to be. This information will be evaluated at the end of the pilot.

3.2 Project 2: Problem based pilot - New Anti-Social Behaviour Powers

Anti-social behaviour (ASB) legislation has been completely reviewed and a new Act came into effect in October 2014. This Act consolidates a variety of powers that cover a range of ASB issues.

This new Act will have shared enforcement responsibility between the Council, Police and the Registered Social Landlords (RSL). This will require establishing systems to deliver the coordinated use of these new powers to control the presence of ASB within our communities.

Many of the work streams necessary to utilise these new powers will also inform improved methods of collaborative working.

These include:

- Data sharing/protection
- Recording the intelligence/data- a shared database
- Joint tasking of resources
- Maximising and tasking of available resources
- Training and competency requirements

It seems sensible to use this piece of work to help inform the wider collaborative working project and consequently the development of the new ASB regime will be delivered alongside this Pilot.

The implementation of the new ASB powers will require separate oversight and decision making on how the Act will be put into practice. This is the subject of another Cabinet report titled Adoption and Implementation of Anti-Social Behaviour, Crime and Policing Act 2014.

One of the ASB powers available to the Council is a public spaces protection order (PSPO). This is designed to stop individuals or groups committing antisocial behaviour in a public space. The Council can issue a PSPO after consultation with the Police, Police and Crime Commissioner and other relevant bodies.

The pilot will be used to test consistency of application and purpose and the application of joint processes in relation to the new powers between the City Council and Police.

4. **Duration of the Pilot**

The pilot will run initially for up to 12 months, with progress reviews undertaken at months six and nine.

Findings and recommendations for future action will be brought back to Cabinet to determine progression of collaborative working.

It is important that benefits are realised as soon as possible. Where clear workable benefits are identified during the course of the pilot, these will be introduced without waiting for the completion of the pilot.

5. **Beyond the pilot**

The pilot will influence the scale, speed and opportunities that arise from collaborative working, which will influence the delivery of enforcement activity at community level. This will deliver improved protection to our local communities but may also offer strategic benefits such as financial efficiencies.

The pilot will explore and report on the opportunities for the following:

- Shared budgets
- Co-location and shared accommodation
- Community engagement around enforcement activity

- A shared uniformed service
- Agreed and consistent coterminous operational boundaries
- Shared call handling facilities
- Joint emergency service response

Many of these opportunities will form part of the Council's wider transformation programme and as such members of the transformation team may be expected to also be part of the pilot project team.

Where clear opportunities for benefits can be identified and implemented these will be taken forward before the end of the pilot to avoid any undue delay.

6. **Risk Analysis and Resources**

The pilot will explore how existing resources can be better utilised. Some enforcement sanctions could result in the increased use of fixed penalties fines.

One of the purposes of the pilot is to identify and then to provide mitigation of risk to the success of individual work streams. Risk tables will form part of the reporting process. However the pilot is itself may be at risk if: -

- The identification of community issues and community aspirations leads to demand that that outstrips the capacity of our joint enforcement resources. This may be managed by the joint prioritisation of resource with the local communities concerned.
- Key partners are unable to fully commit to the Pilot or to a sustainable model of collaborative enforcement once the pilot is complete.

7. **Governance**

Delivery of the Collaborative Enforcement Pilot will be overseen by the Safer Plymouth Partnership. Update reports will be provided to the Project Manager and the portfolio holder at six weekly intervals. The Safer Plymouth Partnership will review progress at all meetings.

Plymouth City Council's Director of Public Health will act as Project Manager for the pilot, with a project team consisting of:

- Police Superintendent
- Head of Public Protection Service
- Safer Plymouth Partnership
- Assistant Director for Street Services
- Legal Services
- Transformation

Appendix A

Community Safety Accreditation powers:

The power to:

- Require the name and address of a person who has committed certain criminal offences
Require name and address of a person acting in an anti-social manner
- Require the person to stop drinking in a designated place and confiscate alcohol
- Confiscate alcohol from young people
- Confiscate cigarettes and tobacco from young people
- Require removal of abandoned vehicles
- Stop cyclists in they have committed an offence of riding on a footpath
- Stop a vehicle for the purpose of inspection
- Control traffic to escort wide loads or a traffic survey or other purpose

To issue a penalty notice for:

- Cycle riding on a footpath
- Dog fouling
- Littering
- Graffiti and fly posting

To issue a penalty notice for disorder for:

- Sale of alcohol to person under 18
- Buying or attempting to buy alcohol for consumption by a person under 18
- Consumption or allowing consumption by a person under 18
- Delivery of alcohol or allowing delivery to a person under 18
- Possession by a person under 18 of an adult firework
- Wasting police time or giving a false report
- Behaviour likely to cause harassment or alarm
- Improper use or possession of fireworks

The act also makes it a Criminal Offence to assault, resist or obstruct an Accredited Person in the execution of their duty.

Council Authorisation / Delegation

The Council will seek ways to authorise the Police and other enforcement agencies, where allowed by law, under relevant legislation. Listed are examples of the legislation that will be examined to determine suitability for delegation. This list is not exhaustive. The new Antisocial Behaviour, Crime and Policing Act 2014 makes provision to replace some existing Council powers. The new tools within this legislation will empower the Police as well as Council staff.

- Refuse Disposal (Amenity) Act 1978 (Abandoned vehicles provisions)
- Traffic Management Act 2004 (Parking offences).
- Clean Neighbourhoods and Environment Act 2005 (Exposing vehicles for sale on a road)
- Environmental Protection Act 1990 (Sections covering – littering, fly tipping, duty of care etc.)
- Clean Neighbourhoods and Environment Act 2005 (Dog Control in respect of dog fouling, dog exclusion, dogs on leads).
- Town and Country Planning Act 1990