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**Meeting:** Sustainable Communities Overview and Scrutiny Committee

**Date:** 7 September 2010

**Subject:** Visible Presence

**Report of:** Councillor David McVicar, Portfolio Holder for Safer Communities and Healthier Lifestyles

**Summary:** The report proposes that the Sustainable Communities Overview and Scrutiny Committee consider recommendations to support changes to existing practices to provide a co-ordinated approach to undertaking statutory duties under the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation, across Central Bedfordshire.

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**Advising Officer:** Gary Alderson, Director of Sustainable Communities

**Contact Officer:** Jeanette Keyte, Head of Community Safety

**Public/Exempt:** Public

**Wards Affected:** All

**Function of:** Executive

## **CORPORATE IMPLICATIONS**

### **Council Priorities:**

A visible presence approach would contribute to the Councils priority to create safer communities by reducing crime, fear of crime, anti social behaviour and increase public confidence.

The implementation of environmental legislation through prevention, education, intervention and enforcement activities can make a significant contribution to the physical environment and quality of life experienced by local residents and communities which also supports the Council priority for managing growth.

### **Financial:**

In implementing the agreed policy approach officers will have regard to the Councils financial position and make best use of existing resources to provide a more effective, efficient and co-ordinated service, that provides value for money.

Resource allocation to this area of work will be dealt with separately through the annual Budget Strategy process.

**Legal:**

The duties and responsibilities the Council has under this legislation are clearly laid out. Guidance from government departments and the 'Working Together Better' agreement between the Local Government Association and Environment Agency, support and provide more detail on the application and enforcement of these duties to address issues locally. These will be used as a framework for working procedures.

In taking a new approach as proposed, there is a potential for more offences to be identified, fixed penalty notices served and further legal action (including prosecutions) taken. This may have an impact on resources within the legal service.

**Risk Management:**

There is reputational risk should the Council not agree a new approach for the whole area, as potentially different action for similar environmental crimes and offences in the north and south of Central Bedfordshire could be taken.

There are potential environmental and financial implications if enforcement action is not undertaken as part of the overall approach as the Council would continue to bear the costs for removal and disposal of fly tips, fly posters and litter.

There are also potential risks and challenges to working in partnership with the Police, Environment Agency and others, due to their expectations, should the Council not agree a new approach in respect of its duties and responsibilities.

**Staffing (including Trades Unions):**

Implementation of a new approach will have an impact on current ways of working. Staff involved in this work are in teams within the Sustainable Communities Directorate (Community Safety, Public Protection and Waste); staff in Private Sector Housing (Adult Social Care and Housing) also undertake an element of the activity. All staff concerned will be consulted on the proposed way forward and any organisational changes required as a result, in line with HR guidance and support.

**Equalities/Human Rights:**

An equalities impact assessment of working practices and procedures developed will be undertaken to consider impact on particular client groups e.g. young people or areas of deprivation – often hot spots, addressing these issues through the range of prevention, intervention and enforcement action, should help reduce problems in the longer term.

**Community Safety:**

The detrimental impact that illegal waste disposal, fly tipping and other environmental crime, litter, fly posting and anti social behaviour of this nature continue to be raised by local residents through surveys and other mechanisms. In agreeing a new approach to address these matters more effectively should help improve the quality of life for our communities, and help reduce crime, fear of crime and anti social behaviour.

The proposed approach will support our responsibilities under Section 17 of the Crime and Disorder Act

**Sustainability:**

Enforcement of environmental legislation can make a significant contribution to effective waste management, quality of the physical environment, tackle those responsible for environmental crime and anti social behaviour and prevent further offences.

#### **RECOMMENDATION:**

- 1. that the Sustainable Communities Overview and Scrutiny Committee comment on the report and recommend that the Executive agrees to the development of a visible presence approach to addressing local environmental issues in Central Bedfordshire, using a phased introduction, beginning with the proposed changes to the Envirocrime Team.**

#### **Background**

1. The Executive received a report outlining the Councils statutory duties under the Environmental Protection Act 1990 (EPA) and the Clean Neighbourhood and Environment Act 2005 (CNEA) on 12 January 2010. The report outlined the need to adopt a new approach to implementing the statutory duties set out in this legislation (Appendix A).
2. Prime responsibility for implementation of environmental legislation sits with local authorities as an 'enforcing authority'. As such, local authorities have always had teams to implement requirements under EPA and since 2005 the CNEA. The duties identified in the legislation are statutory and the Council must ensure that its statutory duty to protect the environment is complied with. The Council has teams/services implementing this legislation as per legacy authority arrangements as set out in Appendix B. Following discussions with colleagues in the relevant teams/services, and subject to the Executive agreeing the recommendation in this report, the Council statutory responsibilities will be re-assigned across services and teams, as set out in Appendix C.
3. Each teams approach is reflective of those adopted by legacy authorities, however whilst these teams implement the same legislation, it is not the case that the different teams are duplicating work. Each team applies the legislation most appropriate to its particular remit, and undertakes a cross-service approach where the situation requires. The existing arrangements do ensure the Council is fulfilling its statutory duties in respect of environmental legislation, however it is now essential that Central Bedfordshire Council agrees its own approach using recognised best practice principles.
4. Pending any changes that may be announced by the new Coalition Government, current national best practice identified by Department for Environment, Food and Rural Affairs (DEFRA) and Local Government Regulation (formerly Local Authorities Coordinators of Regulatory Services: LACoRS) advocates a 'streetscene' approach at the heart of which is a clearly identifiable Council visible presence. To support this approach, Local Government Regulation is developing a Streetscene vision for 2015 and has brought together internal departments to form a team that will take responsibility for national guidance on this approach.

5. Public space and the streetscene impacts on the whole community, whilst the quality of the local environment consistently rates as the most important issue for local people. The Local Government Association (LGA) Reputation Campaign shows that two of the most important drivers of resident satisfaction with councils are to improve the quality of the public realm, and to improve the visibility of council staff and services. This result is also supported by the Councils 2009 MORI Employee and Residents Survey, which identified 5 key drivers of confidence of which one is liveability, anti social behaviour (ASB) and street cleaning.(See appendix D)
6. There are also demonstrable links between streetscene issues and other environmental issues. High quality local environments can support and achieve wider corporate objectives on health, employment, transport, education etc. If parks are cleaner, safer and greener, more children will use them, increase their social networks and become fitter. A cleaner, well-used area creates a perception that it is cared-for and safe and discourages anti-social behaviour and serious crime. Cleaner, greener environments also encourage investment and economic development, support regeneration and help areas to thrive, providing more local jobs and facilities.
7. The Council currently operates a visible presence approach in Community Safety, through the work of the Envirocrime Team. The team was set up in South Bedfordshire to provide the resource to fulfil new statutory duties under the CNEA in addition to existing EPA legislation. Working with colleagues across council services the team continue to be the Council resource in the south of our area for ensuring compliance with statutory duties around local environmental quality (LEQ) issues.
8. The team operate on a predominantly 'enforcement' based approach, and this will change in line with the recommendations made in the report to Executive in January 2010. The team will adopt a balanced approach to prevention, intervention and enforcement (PIE). The remit and the structure of the team will be changed to reflect the re-balanced priorities as core functions, and to support the change in approach the team will be renamed as the Environmental Protection Team, with officers titles changing to Environmental Protection Officers.
9. Changing the organisation and remit of the team will ensure that it becomes more responsive to the community across a range of issues and importantly the team will become far more visible and approachable to communities, in effect becoming one of the Councils' first line responses for the community.

10. The area covered by the team will extend across the whole of Central Bedfordshire. This being made possible by co-ordinating with and working closely with colleagues in Waste, Public Protection, ASB etc as well as other external partners also working in localities e.g. Town Councils, police and voluntary and community sector. The ability to cover a wider area will also require the team to adopt an intelligence led, problem solving approach, thus targeting resources more effectively to deal with LEQ issues and the links to ASB and crime and disorder. The team also provide a limited out of hours service in the south of the area, this will be reviewed in conjunction with the planned revision of the Councils' out of hours service by colleagues in Public Protection.
11. The intelligence led problem solving approach will also link to the Community Safety Partnership via its bi-weekly Tasking Group thus securing additional support from external partners and a greater degree of information, intelligence and resource sharing. This is of particular importance when working in geographical areas or addressing a particular type of service request.
12. In moving towards a visible presence approach the team will also take responsibility for co-ordinating any service requests received whilst out and about in the community. These may be requests which ultimately will be dealt with by other service areas/teams, however initially the team will act as a single point of contact, ensuring that the request is handed over appropriately, making sure that the customer is fully advised of who is dealing with the matter, identifying/introducing the new point of contact and following up to make sure that action is being taken.
13. This is likely to involve a small number of service requests, as the bulk of customers will continue to report issues and make service requests using published contacts through the Customer Services Team. The service requests that officers would deal with are those where they are directly approached on the street and a member of the public logs a request/complaint with them. The key principle is to take responsibility for that contact, and not simply refer it back to that person by advising them to call or e-mail 'the Council'. This type of approach often leads to issues not being reported, a sense that officers are 'not interested' and does not contribute to increasing public confidence in the service that we provide.
14. Adopting a visible presence approach in central Bedfordshire would require a phased approach. The first phase would be implementing changes to the remit and function of the Envirocrime Team and confirming service responsibilities for the statutory duties set out in the EPA and CNEA.

15. The second phase would be to further develop the approach within other areas of Sustainable Communities, including Public Protection, Waste Services, Highways and external contractors. It is proposed that in this second phase the approach is extended to Parking, where existing resources already undertaking an enforcement role would add value by supporting a visible presence approach. The Councils current contract with Vinci provides 13 Officers patrolling streets and car parks and a further 2.5 officers covering the multi storey car park in West Street Leighton Buzzard. Whilst Parking Wardens must use a set uniform identified in parking legislation, it can be branded to clearly link officers with the Council. As civil enforcement officers, wardens could also be used to undertake other duties, if trained and provided with the necessary equipment, including monitoring LEQ issues and, as appropriate, issue Fixed Penalty Notices for littering. Similarly, officers such as the Environmental Protection Officers could, subject to compliance with aspects of the Traffic Management Act and training enforce parking infringements. Phase three would see further implementation across appropriately identified services.
16. If the Executive decide not to agree a visible presence approach the alternative is to:
  - a. maintain the status quo; or
  - b. disband the existing Envirocrime Team and redeploy the resources to Waste, Public Protection and Private Sector Housing to undertake the statutory duties.

As part of organisational review Waste Services has recently completed a restructure which has reduced posts and thereby available resources.

Public Protection will complete a restructure in the autumn which will also see a reduction in posts and available resource. Business Process Re-engineering work may also lead to further restructuring within Public Protection and further reductions in service capacity.

Private Sector Housing is currently using an external consultant to cover statutory duties due to resource pressures. It is anticipated that the consultants services will cease at the end of September.

As the Council has a statutory duty to undertake these duties, these teams would require additional resources to take back the statutory duties currently covered by the Envirocrime Team. Therefore, option b is unlikely to:

- realise efficiency savings
- provide our communities with a visible contact with the Council
- add value to existing services
- improve public confidence in our services.

In view of this it is recommended that Executive agrees to the development of a visible presence approach to addressing local environmental issues in Central Bedfordshire, using a phased introduction, beginning with the proposed changes to the Envirocrime Team.

17. In addition to considering the visible presence approach, the Council is also undertaking a review of its CCTV service provision. To provide some clarity, it is pertinent to consider the links between these two pieces of work. CCTV acts as a capable guardian across Central Bedfordshire, adopting a visible presence approach will not negate the need for CCTV provision or indeed replace it. In practise, the two are complementary. CCTV provides a tool by which it is possible to proactively direct activity to areas where a visible presence may be required e.g. littering offences being committed in a particular area. In the same way that CCTV directs policing activities, the service is also able to do the same for services internally. CCTV also expands our visible presence, albeit in a different way, by acting as an additional set of eyes for the Council, and the service has been proactively monitoring and reporting LEQ issues, particularly littering offences, for some time. Since January 2010 CCTV have captured 84 littering incidents and 410 other incidents related to crime and disorder.

## **Conclusion and Next Steps**

18. The Council has a range of statutory duties under the EPA and CNEA that it must comply with. Currently a range of teams ensure compliance based upon legacy authority approaches and a key resource in delivering those duties is the EnvirocrimeTeam. Whilst the existing arrangements ensure the Council is fulfils its statutory duties it is now essential that Central Bedfordshire Council agrees its own approach using recognised best practice principles.
19. The adoption of a visible presence approach in Central Bedfordshire using the renamed Environmental Protection Team as the core deliverer will enable the Council to fulfil its statutory duties in a more effective way through a co-ordinated approach to implementing environmental legislation across services.
20. A visible presence is not about promoting a 'uniformed presence' in the way that police or fire colleagues do, it is about ensuring that where we do have officers working within communities that they take responsibility for and address issues in a cross-service co-ordinated approach. Many authorities that have adopted this approach ensure there is a clear link between their officers and their council through the use of 'branded' corporate work wear, an approach already used in Housing, the Handy Van Team and Waste Services Waste Minimisation Officers and Open Space thus promoting the presence of their officers in the community through a corporate brand.
21. A visible presence promotes re-assurance and confidence in our communities and enables the Council to make a positive impact on how our communities perceive the Council and the services it provides, whilst providing value for money by utilising existing resources in a more co-ordinated and targeted way to provide better outcomes on LEQ issues within communities.

**Appendices:**

- Appendix A – Executive Report: Policy approach to enforcement of the Environmental Protection Act 1990, Clean Neighbourhoods and Environment Act 2005 and associated legislation
- Appendix B – Council Services Implementing EPA and CNEA
- Appendix C – Proposed Council Services for implementing EPA and CNEA
- Appendix D – MORI Residents Survey – Drivers of Confidence

**Background Papers:** (open to public inspection)

None

**Location of papers:**

n/a