

The following is Cllr Negus' statement to Cabinet on the 3<sup>rd</sup> September 2019 referring to item 12: New Enforcement Policies. The Cabinet meeting 3<sup>rd</sup> September agenda and decisions can be found [here](#).

This statement published as Chair's Business on the Communities Scrutiny Commission agenda on the 10<sup>th</sup> October 2019, is with regard to agenda item 8: Neighbourhood Enforcement.

Enforcement should focus on the prospect of deterrence rather than responsive punishment.

This document is a necessary housekeeping exercise but this council should go forward by re-examining how enforcement could be more effective and use scarce resources more efficiently.

Let me give an example. How do we presently address the problem of fly-tipping and overfull domestic bins and boxes in a mixed business and residential area? Despite promises on the BCC website about enforcing waste/bin management – taken down now that I have pointed out that officers have admitted that this cannot be done with present powers – enforcement is non-existent for domestic bins. But these common problems maybe because business premises are attempting to dump their waste. Fly tipping can be painstakingly identified with the perpetrator but instead of doing this why aren't we ensuring that all businesses have a valid commercial waste disposal licence? Better yet why should we use precious resources to chase their legal responsibility and instead place the onus on them to confirm– perhaps when they pay their business rates – that they have such a licence? We might at this stage also advertise the service that could be provided by BWC in this respect.

Thus with minimum resources we could reduce future waste enforcement actions which presently drain precious resources or are not capable of enforcement.

This change in direction could be applied to a long overdue reassessment of our enforcement approach in general. While the law now allows councils to impose fixed penalty notices for certain misdemeanours, that makes the process self -funding in principle, we

are presently unable to recover the full costs of actions as the fines are generally paid into the courts. Nevertheless if this council could at least reduce over time the size of the problem – or number of offences – and at the same time make its enforcement team more efficient that would at least show benefits and cost savings.

I ask you to consider that instead of responding to possible offences and using our precious resources to prove and prosecute as many as possible with no financial advantage to the council, instead we should spend our budget more on publicising what the law requires, identifying and prosecuting a very small number of attractive cases which might mean they are simpler, more high profile or more important, achieving a successful prosecution and then spending more money again publicising these outcomes including, if financially prudent, placing adverts across all types of media highlighting the council's success and the resulting penalties.

This would require a shift from using resources to address the maximum possible number of current difficulties to instead maximising the level of resource spent on suppressing future transgressions across a much wider base. Digital technology and making beneficial use of the opportunities from present-day media could transform our success in this field. At present we simply scratch the surface because we focus on enforcing individual acts of wrongdoing. Rather we should be looking to reduce the overall incidence of wrongdoing – surely the goal of effective enforcement. The expertise of the team would need to change to embrace a greater legal strength and certainly more media/marketing expertise but its medium-term effectiveness would soon be realised.

Once again I appreciate that this paper to this cabinet is not seeking to change the direction of the city's enforcement team. When officers talk openly of their impact being limited by the available resources the smart play is to look outside the box and be prepared to initiate radical new ways of addressing the wider issues that confront us all every day. Simply making minor administrative adjustments to how we do the same thing will not deliver potentially great improvements and make much better impact with our limited resources.

I commend this fundamental approach to enforcement combining wider benefits with prudent use of resources which also applies to many other aspects of this council's responsibilities. When faced with reducing outcomes this council should be open to a bolder re-aligned strategy of deterring many wrongdoers rather than punishing a few.

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