

DATE: 13th December 2017

SUBJECT: UPDATE ENFORCEMENT PROJECT GROUP

1 **Summary**

1.1 A group of officers representing the Enforcement Officers within the council has been formed to review documents, procedures and practises for enforcement activities across the council.

2 **Recommendations**

2.1 Note the work of the group to date.

3 **Reasons for the Recommendations**

3.1 The Enforcement group have examined the documents, procedures and guidance in a variety of subject areas in order to evaluate best practise and ensure compliance with the relevant legislation. In doing so they have made various recommendations to improve the delivery of enforcement activities across the council.

4 **Background**

4.1 This officer group was formed in order to tackle a number of issues:

- Inconsistency of procedures across enforcement officers
- Inconsistency of practices across enforcement officers
- Identification of skills gaps in the competences of enforcement officers
- Questions regarding the use of 'new' enforcement powers
- Legal costs associated with formal action.

4.2 In addition, the Central England Environmental Health Management Board has been reviewing the availability of training for front line enforcement staff and want to map officer skills gaps in order to better target training and allow delivery in a cost effective way.

4.3 The group has fed into and led on the development of core competence mapping as part of 4.2. Appendix 1 seeks to detail the required core competences of an enforcement officer. Once completed this document will allow an officers knowledge and experience to mapped. It will also allow any skills gaps to be highlighted for an officers personal development plan and when mapped across Central England, for an officer training programme.

4.4 The competence list is being used to develop relevant guidance documentation and procedures to support each competence. The aim is to standardise any existing guidance and documentation across the services to develop consistent

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procedures. The green and amber boxes highlight the work completed and currently ongoing.

- 4.5 Where procedures or documents currently do not exist the aim is develop these as far as is reasonably practicable.
- 4.6 Following examination of the templates, guidance and procedures in place in each of the service areas the group has recommended the standardisation of the following:
 - Officer pocket notebooks (PACE notebooks) procedure
 - Standard format for PACE notebooks (produced in-house)
 - Exhibit lists template
 - Photographic exhibits template
 - Exhibit labels template
 - Civil witness statement template
 - Witness statement template
 - Invitation to interview under caution
 - Guidance on how to apply for a copy of the interview recording
 - Suggested Script for the start, end and breaks in any recorded interview.
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- 4.8 Further to the work of the group all enforcement officers have received training in the use of PACE note books (employed at the time of training delivery).
- 4.9 The Group is currently examining the following matters:
 - Guidance on phrasing for introduction of self, evidence etc in a witness statement.
 - Interviews not under caution documentation
 - Digital evidence collation and storage
 - National Consultation on proposed RIPA changes
 - Authorisations of officers
 - Completion of and correct service of notice procedures
- 4.10 All new procedures will be circulated for consultation prior to recommendation for council wide adoption. All enforcement officers have had a chance to feed into the PACE notebook procedure.
- 4.11 As a side arm project Neighbour Services conducted a review of refuse enforcement activities with which he was tasked. Officers fed into that project and the results of which were reported to Executive. A service level agreement was formed with the waste enforcement team in Rugby to deliver the required service.

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Appendix 1: Legal and Regulatory Competence Assessment

No.	Element	Knowledge	y / n	Experience	y / n
A1	Understand the UK court processes for criminal and civil proceedings				
A2	Able to determine the definition of a criminal offence, corresponding legal defences and mitigation claims				
A2a	Able to identify the points to prove in an offence				
A2b	Able to identify if they are correctly authorised for the offences under determination.				
A3	Understands the processes of criminal law enforcement in the context of their regulatory services				
A4	Understands the context, purpose requirements and good practice implementation of:				
A4a	PACE				
A4b	CPIA				
A4c	RIPA				
A5	Able to conduct directed surveillance in accordance with RIPA and own employers in house administrative process.				
A6	Able to prepare and serve statutory notices that withstand appeal in accordance with legal requirements and good practice.				
A7	Able to conduct effective regulatory inspections in accordance with legal requirements and good practice.				
A8	Able to plan, implement, coordinate and review effective investigative investigations.				
A8a	Understands the role of and can act as supervising officer in an investigation				
A8b	Understands the role of and can act as lead investigator in and investigation				
A9	Able to gather and secure sound evidence that will with stand legal scrutiny in accordance with legal requirements and good practice.				
A9a	Able to make Notebook entries that will with stand legal scrutiny in accordance with legal requirements and good practice				
A9b	Able to generated other officer documentary records that will with stand legal scrutiny in accordance with legal requirements and good practice				
A9c	Able to take a witness statement				
A9d	Able to write an officer witness statement (criminal & civil)				
A9e	Able to make and take Photographic records that will with stand legal scrutiny in accordance with legal requirements and good practice				
A10	Able to enforce powers of entry and obtain warrants for entry into premises				
A11	Able to conduct searches of premises in accordance with legal requirements and good practice				
A12	Able to plan and conduct interviews with suspects including tape recording of interviews				
A13	Able to safeguard and manage legal exhibits that withstand challenge for use in legal procedures				
A14	Able to reach enforcement decisions in accordance with legal requirements and own councils enforcement policy				
A15	Able to serve fixed penalty notices				
A16	Able to prepare prosecution files, including summary of evidence, Collation of evidence and evaluation of the materials				
A17	Able to identify and collate documents for disclosure during legal proceedings in accordance with legal requirements and good practice.				
A18	Able to appear as a witness in court, give evidence in chief				