

EXECUTIVE SUMMARY

Between September 2004 and May 2005, City of York Council's Environment and Sustainability Scrutiny Board conducted a detailed review into the subject of 'Powers of Enforcement – Take-Aways'. This topic was progressed in response to the concerns of York residents who live near to take-away outlets and suffer from late night noise, anti-social behaviour and the deterioration in street hygiene which a proportion of premises attract.

The Board has conducted a series of investigative meetings with officers in Planning, Licencing and North Yorkshire Police. The Board believes that this report should support greater public understanding of the legislative framework and the public's role in lodging complaints to the right places in a timely manner. In addition, the Board believes its recommendations will help improve the partnership arrangements (both internal and external) necessary for the Council to address the issues of enforcement in a more efficient manner than has been done previously.

Summary of Recommendations

Recommendation 1

The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the penalty notice support bid would make to addressing these issues.

Recommendation 2

A multi-agency access database containing details about all individual take-away properties should be created. Such details should be in the form of notes on disturbance, environmental health issues, actions taken to ensure compliance etc and updated by licensing, planning, environmental health and the community police as appropriate. This should be maintained to ensure that it remains current

Under Section 17 of the Crime & Disorder Act 1998 this information could, and should, be shared with North Yorkshire Police. This would allow Police Officers to assist in the collecting of evidence about late-night activities. The Environment and Sustainability Scrutiny Board would welcome the positive contribution that the success of the IT bid would make to addressing these issues.

Recommendation 3

That activities be coordinated between all relevant City of York Council Departments (including Street Environment, Environmental Protection Unit, Planning Enforcement and Licensing Officers); especially at the point of determining which enforcement regime would be most effective. Working practices need to be agreed and joint training sessions considered where relevant, to avoid duplication or unwitting interference in each other's cases.

Recommendation 4

That the Assistant Director in responsible for the Planning and Enforcement Team be instructed to review risk assessments carried out for all aspects of the officer's duties and to thereafter produce appropriate working practice agreements in consultation with the appropriate Officer In Human Resources.

Recommendation 5

An official vehicle should be available during the day, or close parking provided for the on-call officer's personal vehicle. Council owned transport should be provided if the officer is working a night shift. Both marked and unmarked vehicles should be available, as required; especially for out of hours working.

Recommendation 6

That Planning Enforcement Officers be enabled to process their own prosecutions, that at least one Planning Enforcement Officer to undergo formal Court Training in order to support this.

Recommendation 7

That an investigation should be undertaken to assess which other officers are able to supplement the Planning Enforcement team.

Recommendation 8

Officers should be equipped with the necessary tools to undertake their work. The present level of equipment between departments is variable. Equipment should be assessed to meet the needs of the work and ensure equality of access between equivalent areas of work. The equipment list below should be taken as a starting point.

| | |
|-----------------------|--|
| Fluorescent tabard | These should be marked to identify the Council and the officer's position, like Street Environment Officers. |
| Fleece | These should be supplied and marked accordingly. |
| Laptop | A laptop should be available to the duty officer to ensure access to the data at all times. |
| Digital camera | Each officer should have a camera. |
| Safety boots | All officers should be supplied with a pair of safety boots and safety wellingtons. |
| Attack alarms | Should be provided |
| Hard hats | Should be provided for use where appropriate |
| Torch | Should be provided for use where appropriate |
| Mobile phone | Should be provided for use when appropriate |
| First Response Kit | Officers should have access to a kit for personal use or in cases where the required level of training has been undertaken wider use as appropriate. This could be kept in the pool cars. |
| Hazard flashing light | These should be supplied to ensure the safety of officers when parked to remove illegal adverts, etc. |
| Cars (pool) | Access should be available during the working day. If an Officer is on a night shift they should not be expected to hazard the safety of their personal car, whilst performing duties for the Council. |