

DRAFT Clean Neighbourhood Enforcement Protocol

This protocol covers the Cleaner, Greener enforcement work carried out by a number of Council services. The purpose of our enforcement work is to protect and enhance the environment and the places where people live and work. Our aim is to provide a firm but fair approach to enforcement that can be understood by everyone.

Breaking the law - some examples

- Dropping litter or chewing gum and not clearing it up
- Dumping a bag of rubbish on the pavement
- Street trading without a licence
- Letting a dog foul in a public place and not clearing it up
- Causing a nuisance by feeding pigeons
- Blocking the pavement with tables and chairs outside a café
- Flytipping rubbish in a park or layby
- Putting rubbish out too early

Decisions about enforcement action

We cannot take action every time we find evidence of an offence. We have to use our judgement to decide when enforcement action is possible and necessary.

We will ask ourselves the following questions when we find that a law has been broken:

- Has the offender been given an opportunity to rectify the offence?
- Is the offence serious? Is it a danger to the public?
- Is the offence spoiling the local environment?
- Has the offender done it before?
- Is there a reasonable excuse?
- Is it likely that it will happen again?
- Does the offender care about their responsibilities - or not?
- Are there aggravating circumstances?
- Is the offender in a fit state to stand trial?
- What is the likely severity of punishment that the courts will impose?

We consider other matters as well

An offence may seem minor - like dropping litter or gum. But if the offence is often repeated by many people, the overall effect can be very damaging. So we may need tough enforcement action to control a minor but widespread problem.

We need to protect investment and enhance tourism and economic vitality. For example, the City centre is an international tourist attraction and Cowley

Road has been improved using public money. We will be tough on anyone who spoils these streets with litter, rubbish or illegal trading.

Sometimes there has to be give and take, particularly where the problem is short term and there are understandable reasons the problem exists. For example, a builder is working on a house and has ordered a skip to arrive at ten o'clock in the morning. He leaves some waste outside the house at a quarter to ten to make room for a delivery of materials but the skip lorry is delayed for a few hours because of road works.

What kind of enforcement action is taken?

We can take tough enforcement action to protect public safety and to help people enjoy the local environment. However, sometimes we decide that tough enforcement action would not be right. We can get the same result by giving a warning, or advice.

We use our judgement to decide what kind of enforcement action best fits the crime. Here are some examples of enforcement action:

- A verbal warning
- A written warning
- A legal notice
- A formal caution
- A fixed penalty fine
- Prosecution in court
- A court injunction to stop something happening again and again

Fixed penalty fines can be an effective form of enforcement. We usually offer a fixed penalty fine as an alternative option to being prosecuted. Formal cautions are another alternative to prosecution.

We will never offer the option of paying a fixed penalty notice or a formal caution unless there is sufficient evidence for a prosecution. If the offender refuses the options of a fixed penalty fine or caution, or doesn't pay the fine, the case will then generally go to court.

The Enforcement Concordat

The government has issued a code that contains principles of good enforcement. This is called the "Enforcement Concordat". We have signed up to this code.

Openness and helpfulness

We will publicise this enforcement protocol so people know what standards are expected. We will help you keep within the law. We will always explain what we are doing and why. We will explain the likely timetable for enforcement action and we will make sure people know about their rights of appeal. We will make sure people know how to complain. We will ensure

those people who cannot read or speak English receive help to understand this protocol.

Getting the balance right

We will not take harsh enforcement action against every petty technical offence. However we will not be soft on serious offences. Any enforcement action we take will be proportionate and expedient. We will take all the circumstances into account such as the severity of the crime, the previous record of the offender and what warnings we have given.

Targeting

We will deal with the worst first. We may have to walk past a petty offence if we need to deal urgently with a serious one. We may also concentrate all our efforts in "hot-spots" rather than spread out what we do thinly across the whole City.

Consistency

The facts of each case will be unique. Some offences are much worse than others. Our enforcement priorities will change from area to area. But we will train staff to apply the law and this protocol in a consistent way as far as possible. Management will look at cases regularly to check for consistency.

Working with other Enforcers

We will have regular contacts with other enforcement organisations e.g. the County Council, to ensure effective co-ordination, avoid inconsistencies or duplication, and to ensure that the most appropriate enforcer takes action.

IW/JSC/MG
November 2006