

# Public Document Pack

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**Our reference:**  
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**Date:** 11 January 2023

To all Members of the Communities Scrutiny Group

Dear Councillor

A Meeting of the Communities Scrutiny Group will be held on Thursday, 19 January 2023 at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

This meeting will be accessible and open to the public via the live stream on YouTube and viewed via the link: <https://www.youtube.com/user/RushcliffeBC>  
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Yours sincerely



Gemma Dennis  
Monitoring Officer

## AGENDA

1. Apologies for Absence
2. Declarations of Interest
3. Minutes of the Meeting held on 6 October 2022 (Pages 1 - 10)
4. Establishment of a Youth Council (Pages 11 - 22)  
Report of the Director - Neighbourhoods
5. Corporate Enforcement (Pages 23 - 44)  
Report of the Monitoring Officer
6. Work Programme (Pages 45 - 46)  
Report of the Director – Finance and Corporate Services



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**Opening hours:**  
**Monday, Tuesday and Thursday**  
8.30am - 5pm  
**Wednesday**  
9.30am - 5pm  
**Friday**  
8.30am - 4.30pm

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## Membership

Chairman: Councillor G Williams

Vice-Chairman: Councillor J Murray

Councillors: G Dickman, L Healy, Mrs C Jeffreys, R Jones, R Mallender, F Purdue-Horan and R Walker

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## **MINUTES OF THE MEETING OF THE COMMUNITIES SCRUTINY GROUP THURSDAY, 6 OCTOBER 2022**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West  
Bridgford

### **PRESENT:**

Councillors G Williams (Chairman), J Murray (Vice-Chairman), L Healy,  
Mrs C Jeffreys, R Jones, R Mallender, F Purdue-Horan and R Walker

### **OFFICERS IN ATTENDANCE:**

D Burch  
E Palmer

Service Manager - Neighbourhoods  
Communications and Customer  
Services Manager  
Democratic Services Officer

E Richardson

### **27 Apologies for Absence**

There were no apologies for absence.

### **28 Declarations of Interest**

There were no declarations of interest.

### **29 Minutes of the meeting held on 21 July 2022**

The minutes of the meeting held on 21 July 2022 were approved as a true record and signed by the Chairman.

### **30 Council's External Communications Strategy**

The Communications and Customer Services Manager presented the Council's External Communications Strategy to the Group.

The Communications and Customer Services Manager explained that the Council would usually develop five to ten year strategies but that this was a three year strategy to allow for further adaptation in line with resident and Councillor behaviour and expectation. He explained that this was in some part due to adaptation to a post covid-19 era and also due to the rapid nature of change in the communications and customer services arena, impacted by the wider financial landscape.

The Communications and Customer Services Manager explained that there were a variety of channels through which residents could feed back to the Council, one of which being the Residents' Survey which would take place in 2025, before the Strategy expired which meant that it could be taken into

account.

The Communications and Customer Services Manager said that external communications needed to be timely and engaging, clear, accurate, inclusive and informative, and to utilise a variety of channels and mediums to ensure that as many residents as possible were informed. The Group was informed that whilst there was an ever growing digital audience who were engaged with the Council, there was also a large percentage of residents who didn't engage, perhaps who were digitally active but chose not to, or perhaps who were not digitally engaged at all.

The Communications and Customer Services Manager said that external communications were critical to strengthening the Council's relationship with residents and communities in delivering the Council's vision for the Borough and in communicating the Council's priorities and activities which had been designed to meet the needs of the community.

The Communications and Customer Services Manager said that the internal communications strategy focussed on internal stakeholders such as Councillors and staff and was particularly important during and post covid-19. He explained that it required continual review to ensure that the methods remained effective in keeping internal parties feeling integrated and connected to the Council's internal objectives.

In relation to the Action Plan, the Communications and Customer Services Manager said that education about Council services was important, including the ways in which this could be done. The Group was informed that social media development, adapting to new channels and new trends in channels and advocacy and behaviour change would be important. The Group was informed that the Council's email subscription service which was sent out on Sunday mornings had circa four thousand subscribers and the Council was committed to developing this as a means of reaching residents in a convenient way. The Group was also informed of the importance of aligning both digital and non-digital communications, with Rushcliffe Reports circulated three times a year to every household in the Borough, as potentially the main direct communication that the non-digitally engaged had with the Council.

The Communications and Customer Services Manager added that the team would look at conducting a skills survey to assess who read what survey to ensure communications were reaching the desired audience and having the desired effect. Activity would also include looking at external partner development and working with partners to relay messages, notably a renewed partnership with health colleagues.

The Group was informed that an annual Communications Planner would be developed to provide an outline of activities, including the anticipated launch of a new website next year.

In relation to the Internal Action Plan, the Communications and Customer Services Manager explained that this would include surveys, annual assessment of content, identification of new ways of engagement, reflection and recognition of achievement, Smarter Ways of Working, addressing health

and wellbeing and ongoing engagement with staff groups and Councillors.

Councillor Jeffreys suggested holding a yearly conference for older pupils aged sixteen and above, similar to the Town and Parish Forum, as she thought it important for teenagers to be able to ask questions and receive answers in a non-political format, to prepare them with information before they left school and took up jobs.

The Communications and Customer Services Manager highlighted the Council's existing partnership working with education for annual learning about the election process and also with the YouNG scheme and said that he would explore the possibility of holding a youth conference event. The Service Manager Neighbourhoods added that a report on potential establishment of a Youth Council was on the agenda for the January meeting of this Group.

Councillor Jones echoed Councillor Jeffreys' suggestion and added that it could be widened to include Duke of Edinburgh participants and their parents. Regarding the Strategy, Councillor Jones said that he had been looking for it to be higher profile and include information about benefits, personal finance, energy saving and scam warning type information. The Communications and Customer Services Manager explained that the reason the Strategy did not cover such details was because information and environments would likely change over the three year lifespan of the document, that what would be relevant now may not be in two years' time, and that more timely content would instead be included in Rushcliffe Reports.

Councillor Jones said that whilst he thought that the Council was good at acknowledging praise, there was benefit in equally reflecting complaints to give balance and credence, as not everyone would be happy with everything. In relation to the videos and guides about the Council's services, he noted that the Council's communications were inevitably geared towards White, English speaking residents and asked about reaching minorities and people who were deaf, blind and disabled and whether there was option to interpret the information into other languages.

In relation to complaints, the Communications and Customer Services Manager said that this was perhaps not so prevalent on social media channels as the Council recognised that people were very busy and only had limited time to engage and so the Council wanted to focus on putting out helpful and useful information and hoped that complaints could be addressed via other means.

In relation to minorities, the Communications and Customer Services Manager said that information was included on the inside cover of Rushcliffe Reports about options to receive it in CD format and that it may be possible to extend this to offering to provide it in other languages. The Communications and Customer Services Manager explained that most Council videos were subtitled and it was hoped that in the future there would be facility for someone to choose the language of their subtitles.

Councillor Jeffreys referred to religious turmoil in the world and suggested holding an annual event bringing together representatives from different religions.

Councillor R Walker referred to previously expressed concern about some relatively poor scores in the last residents' survey in relation to residents not feeling that their views were taken into account or that they felt unable to influence decisions. He asked whether the Action Plan addressed those two points strongly enough and thought that it was a question of balance between highlighting what the Council was doing well against having broad enough shoulders to demonstrate recognition of areas where it could improve. Councillor R Walker asked whether the Council's social media content was balanced between showing and telling versus asking. He also noted that the most popular post of Rushcliffe's Facebook recently had been about helping to find a lost dog.

Councillor R Walker asked whether the Council was brave enough to take on some of the more contentious areas, such as issues around what the County and the Borough Councils did, why road works were timed in the way that there were, recognising that that was a County Council issue, and why the Council did not collect glass and food waste.

The Communications and Customer Services Manager appreciated the importance of listening and asking residents for their views and noted that the Council could look at ways of better showcasing results from consultations and surveys, particularly for areas that were relatable and of interest. The Group was informed that in the post covid-10 era there was much over saturation of information and it was necessary to find the right balance, that there was only so much information that residents could consume and so it needed to be prioritised.

In relation to broad shoulders, the Communications and Customer Services Manager referred to the Action Plan referencing the Environment Bill and kerbside collections. The Group was informed that transparency was important and it was important for content about issues to be positive to generate new ideas about new topics and issues for improvement rather than those already known about and which had already been responded to. A continued highlighting of known issues risked spread of misinformation and confusion.

Councillor R Mallender thought that reviewing the Strategy in three years as opposed to five years meant that people elected at next year's elections would review it whereas if on a five year cycle they may not.

Councillor R Mallender expressed surprise at only four thousand email subscribers and asked whether the Council received statistics on how many people had opened emails, deleted them and clicked on any links.

In relation to social media, Councillor R Mallender agreed that it was a fast moving market and noted that during covid-19 many people joined many social groups. He said also that people from other countries often used the social media platform from their country which may be different to those used in the UK. He said that there was also common information that people searched for, such as bin days and local supermarket opening times, and endorsed the message about being concise, that concise communications were more impactful and reached out to more residents.

Councillor R Mallender referred to the language of communications and how many residents did not understand local government speak, that it was important to think about how the Council expressed itself and what it called its services so that their meaning translated to residents.

The Communications and Customer Services Manager confirmed that the Council had a campaign to increase subscriptions and thought that there would be much future exploration of different social media and communications channels. The Group was informed that the new website would look to address providing key search information.

In relation to the Council's language the Communications and Customer Services Manager agreed that this was important and added that the Council continually looked at what other services and local authorities were doing, particularly those in more urban areas. However, it was important to recognise that Rushcliffe had the oldest demographic in the County and so some care was needed when making changes to ensure that all could engage, but that it was likely that some changes would be made over time.

Councillor Healy referred to the residents' survey statistics and asked whether questions had been asked as to why many residents did not feel that the Council kept them well informed and the potential 45% of residents who did not trust the Council and whether the Council set itself any achievement targets.

The Communications and Customer Services Manager confirmed that when looked at in more depth the response rate potentially related to a variety of reasons, some due to perception and some not related to the Borough Council, and that this would be explored further in the future. The Group was informed that the last survey results were in line with the LGA national average markers, except for the two results highlighted by Councillor Healy. The Communications and Customer Services Manager said that the next residents survey was due to be held in 2025 and he could provide further information about review of the residents' survey separately.

The Chairman referred to the Action Plan, namely regarding providing audio for people with sight loss and asked whether it would be possible to offer sign language and whether the new website would be able to provide audio with the text read and to sign language. The Communications and Customer Services Manager Audio said that he would review options and thought that access to this and different languages and social media would become ever more accessible over the years.

In relation to the weekly subscription email being sent on Sunday mornings, the Chairman asked if there was research about best times to send different types of communications to maximise impact and engagement. The Communications and Customer Services Manager explained that it was always difficult to gauge but that there was good engagement on weekend mornings as it was thought that people had more time to digest information.

The Chairman referred to different platforms being popular with different

generations and asked about harnesses that potential, including to make content more accessible, visually and audibly. The Group were informed that social media channels would be explored over the coming years to review what would work best in engaging with different demographics.

In relation to the internal survey, the Chairman asked how the results were reviewed by the organisation and the Communications and Customer Services Manager said that these reviewed through all levels, from Service Managers to team leaders discussing with their staff.

Councillor Jeffreys thought it was important for Councillors to be approachable by the public, that Councillors needed to have awareness of how they may be perceived by the public. The Communications and Customer Services Manager noted that the Town and Parish Forums regularly sought to provide information about how to use social media in positive ways and whilst he recognised that what Councillor Jeffreys was referring to was slightly different, there was some overlap in terms of best communication.

Councillor Jones thanked the Communications and Customer Services Manager for the report and thought that it demonstrated how complex the communications of the Council were. In relation to the Council having broad shoulders, Councillor Jones said that one of the most controversial aspects of the Council's services was planning and whilst very difficult to explain in guidance was an issue important to many people. The Communications and Customer Services Manager said that the team could look at providing educational information about the Council's services but that planning was very challenging with much complexity about decision making and so was very difficult to provide in a concise and quickly understandable way.

Councillor R Walker referred to the Action Plan points eleven and thought that they fell into the tell and sell categories, with none being ask or delegate and asked if it would be possible to review them. In relation to residents not feeling able to influence Council decisions, he noted that Full Council included a section for citizens questions and wondered how this could be increased.

The Communications and Customer Services Manager said that he would review the action plan point. The Group was informed that the Council had previously run a campaign explaining citizens questions which had received limited engagement but which could be revisited.

It is **RESOLVED** that the Communities Scrutiny Group reviewed the action plan contained within the External and Internal Communications Strategy 2022-2025 and made any further suggestions to officers they felt appropriate.

## 31 **Customer Access Strategy**

The Communications and Customer Services Manager presented the Council's Customer Access Strategy to the Group.

The Group was informed that the previous Customer Access Strategy had expired in 2017 and that covid-19 had brought about significant changes in



resident behaviours and the Council therefore wanted to ensure that it delivered contemporary, efficient and easy to use channels for residents to access services where and when they needed them.

The Group was informed that the Strategy sought to respond to customer's current and future needs and to identify and explore innovative digital options to meet the increased engagement with web and email services, whilst balancing with the continued need for traditional face to face and over the phone services. The Group was informed that the Council was looking at its customer services sites and working with partners to ensure that they were accessible and were places that residents felt that they could visit.

The Communications and Customer Services Manager said that the key themes of the Strategy were to build on and explore innovation, embed further self-service, review and building on partnerships and to listening and respond to residents

In relation to the Action Plan, The Communications and Customer Services Manager ran through the key elements which were to identify and explore new contact channels, develop and embed self-services and online options, aided by free wi-fi at customer service sites, showcase digital solutions in person to customers, review existing contact point locations, use Customer Service Advisors to further shape services, signpost customers to develop their digital skills, have clear Customer Service Standards across channels and sites, review service level agreements with partners, routinely monitor customer feedback and satisfaction, evaluate systems for more responsive service and review postal communication.

Members of the Group said that they were pleased to see that face to face and telephone services were still being offered. The Group referred to some hold messages being irritating, in particular when being constantly directed to the website.

The Communications and Customer Services Manager explained that often the answer to a customer's query could be found on the website and so the Council would continue to signpost to it. He explained that the Council was also exploring chat bot options as an effective way of providing quick answers. He confirmed that the key aim was to provide features that helped people find information quicker, whilst noting that it would be important to find balance between options.

Councillor R Mallender understood but thought that there were times when people just wanted to speak to a human being or required help in understanding nuanced information, and so it was therefore important to continue to offer the option. The Communications and Customer Services Manager assured the Group that the Council was committed to providing the option of having someone to speak to, to meet the needs of the Borough's demographic but that there was also need to review how it would evolve over the next three years.

The Communications and Customer Services Manager said that it was also important to consider inhibitors to digital interaction and how best to enable

residents to upskill where possible.

Members of the Group suggested that providing information about a caller's position in the telephone queue would be helpful so that people would have an idea of how long they may be waiting. The Group also asked whether the Council had call time targets. The Communications and Customer Services Manager said that Council constantly reviewed customer service call numbers and hold times and believed that no-one would be waiting to speak to a Customer Service Advisor for more than a few minutes in general but would explore offering queue numbers. .

Councillor Murray asked about the opening hours of Fountain Court and noted that they were less than when it had been based at the Police Station. The Communications and Customer Services Manager said that having reviewed the increased shift to web and email engagement, the Council was not looking to increase opening hours, which would also have budget implications due to increased staffing costs. Whilst there was some anecdotal feedback about expecting the contact point to be open longer, there wasn't sufficient demand to support it. Whilst the contact point had seen a slight increase in visitors recently to 400 a month this was still significantly fewer than previously.

The Communications and Customer Services Manager said that the Council had also looked at what neighbouring local authorities were offering and confirmed that Rushcliffe had the most contact points in the County. He said, however, that if there was evidence of greater need then opening times would be reviewed.

Councillor Jones said that the location of Fountain Court was not as prominent as when it was located in the Police Station and thought that offering a public toilet may help make it more attractive. The Communications and Customer Services Manager explained that the lease of the premises would not allow the Council to offer toilet facilities and that there were public toilet facilities located nearby. He said that the Council was looking at how to make the premises more attractive, such as having vinyl windows displays to make it stand out more.

In relation to chat bots, the Chairman asked whether they would direct a customer to a person or to leave a message should they not be able to offer an answer or perhaps redirect to the County Council. The Communications and Customer Services Manager said that the Council was looking at what could be offered currently but that this would be line with expectations and with the aim of providing a timeframe for when an answer could be provided.

In relation to accessibility of Customer Contact points, the Chairman asked whether the Council had considered having staff go out on road trips to different localities that didn't have contact points, such as Ruddington and Keyworth. The Communications and Customer Services Manager said that roadshows would be an over and above service and would need to be assessed to see if there was desire. They may not align with the move to upskill and improve digital capacity but could perhaps be used to promote the digital skills education. He noted that there used to be a contact point in Keyworth which closed due to lack of activity.

Councillor R Walker referred to statistics about face to face and telephone contacts and asked if there was information that drilled down further that could be shared with the Group, for example as to what the contacts were about. Councillor R Walker said that whilst often people thought that they wanted to speak to a human there was a difference with needing to speak to one. He said that providing personal quality contact came with a cost and suggested that the Council should provide personal contact where people needed to speak to someone and not where they only wanted to due to the huge cost differentials involved.

The Communications and Customer Services Manager said that customer service staff speaking with customers about alternative places where they could find the information would be a key focus in helping to educate residents and identify barriers and solutions. He noted that the pandemic had shown that people were able to access information and service differently and that it was more about preference. He said that revenues and benefits brought most calls and were the longest calls and whilst the Council was committed to increasing its digital offer this needed to be balanced with improving digital skills and confidence

Councillor Purdue-Horan referred to physical access and thought that care was needed as a recent survey found that 22% of the population did not have access to a computer, whilst the ONS had this at 10% and the Council did not want to leave this section of society behind. He referred to increased footfall in Fountain Court over the summer this year and wondered whether it needed to be open more often with more advertising. He thought that most visits involved paperwork and the society was currently in a period of transition.

The Communications and Customer Services Manager confirmed that the Strategy reflected that there some of the Rushcliffe demographic were not digitally engage and so there was need to continue to provide contact points and that this would be monitored as to how it evolves over the next three years. In relation to Fountain Court visitor numbers, he explained that this was half pre pandemic figures and the Council need to respond and juggle its resources accordingly so as to provide efficient and cost effective services.

Councillor Jones thought that people still needed to access facilities to help understand documents and to print and scan paperwork. The Communications and Customer Services Manager agreed and confirmed that was part of why the Council continued to offer those services.

Councillor R Mallender asked about SLAs with partner organisations and whether the Council could ask them to make their digital information more aligned and comprehensible. The Communications and Customer Services Manager confirmed that the Council was working with partners to review services, for example the Council had changed its contact point opening hours at Cotgrave to enable the library to extend its opening hours. The Council would continue to work closely with partner agencies. In relation to forms and correspondence, the Communications and Customer Services Manager explained that the Council continued to look to improve and ensure that that information was clear and easy to use.

The Chairman referred to 82% of people having a smartphone and noted that some websites were not user friendly on mobile phones and asked if there was the option of having an app for information and alerts, and whether it would be possible to sync bin collection dates with personal calendars. The Communications and Customer Services Manager confirmed that the Council's new website would explore making information as accessible as possible. Over 50% of website hits are through a smartphone and it was already configured some years ago for it to be accessible from all digital platforms and the Council has not received any negative feedback about accessibility.

It was **RESOLVED** that the Communities Scrutiny Group reviewed the action plan contained within the Customer Access Strategy 2022-2025 and made any further suggestions to officers they felt appropriate.

## 32 **Work Programme**

The Chairman presented the report of the Director - Finance and Corporate Services, which detailed the proposed Communities Scrutiny Group Work Programme for 2022/23.

It was **RESOLVED** that the Group consider its Work Programme and that the following items for scrutiny were agreed.

### **19 January 2023**

- Establishment of a Youth Council
- Corporate Enforcement Policy
- Work Programme

### **16 March 2023**

- Carbon Management Plan
- Environment Policy
- Work Programme

The meeting closed at 8:43pm

CHAIRMAN



## Communities Scrutiny Group

Thursday, 19 January 2023

## Establishment of a Youth Council

### Report of the Director Neighbourhoods

#### 1. Purpose of report

- 1.1. A motion to create a youth council focused on environmental topics was proposed (and lost) at Council in December 2021. A scrutiny matrix was subsequently submitted that asked for an investigation into whether a broader youth council for Rushcliffe could be established.
- 1.2. Investigations have taken place which have found that Rushcliffe has a fledgling Youth Forum chaired by the Member of Youth Parliament for Rushcliffe and supported by the County Council. This group would like to build links with the Borough Council and is interested in support that the Borough Council could offer.
- 1.3. This report provides information about the Rushcliffe Youth Forum and suggests a number of ways that the Borough Council could support its development and growth if a collaborative relationship is sought.

#### 2. Recommendation

It is RECOMMENDED that Communities Scrutiny Group:

- a) Consider the information about youth councils in the report and provided by officers at the meeting
- b) Recommend to Cabinet that the Borough Council supports the existing Rushcliffe Youth Forum for the next two years to help expand membership, increase awareness and increase opportunities for collaboration.

#### 3. Reasons for Recommendation

- 3.1. Investigations have shown that youth councils can be a valuable part of democracy within a district area and that given the right support young people can affect change at a local level.
- 3.2. Rushcliffe has a fledgling Youth Forum chaired by the Member of Youth Parliament for Rushcliffe. The Forum is owned and run by young people – this is an important part of its future effectiveness and acceptance by young people. The Council can support its growth and build a productive working

relationship with its members providing opportunities for collaboration in the future.

#### **4. Supporting Information**

##### *Background*

4.1. In December 2021 Councillor R Jones submitted a motion as follows:

“Threats from avoidable Climate Change to the future are all too real and Council has a leadership role in promoting action to reduce the local carbon footprint. Council believes that the voice of young people in Rushcliffe should be enhanced through the implementation of a structure for considering and advocating carbon reducing behaviour within Rushcliffe. This will be best achieved by establishing a 'Rushcliffe Youth Council for Action on Climate Change' involving representatives of young people in Secondary Schools. This Council commits to investigating the establishment of a youth council through engagement with each of the eight local schools and YOUNG with a view to implementing this Rushcliffe initiative in early 2022. The Communities Scrutiny Group will consider progress to achieve Youth Council, its remit and the interaction with the Council and the Community”.

4.2. In presenting his motion Councillor Jones argued that young people in Rushcliffe did not currently have an opportunity to influence the decisions that may affect them in the future. He also stated that young people were very concerned about climate change and therefore the single focus of the youth council was likely to generate engagement. The ensuing debate highlighted general support for the establishment of a youth council but questioned the narrow remit of one focused entirely on climate change. Councillor J Wheeler suggested that a scrutiny matrix be brought forward, and an investigation undertaken to establish what was done elsewhere and recommend a course of action for Rushcliffe. The motion was lost.

4.3. In February 2022 the Corporate Overview Group considered a scrutiny matrix brought forward jointly by Councillors J Wheeler and Jones. It asked scrutiny to:

“consider how we can establish a Youth Council to enable the Council to engage with our young people to hear their views on key subjects such as Climate Change, our Nature Strategy and leisure provision as well as other areas we are responsible for. This Youth Council should aim to have representation from every Secondary School across year groups, as well as YOUNG and Positive Futures. Primary School aged children should also have an opportunity to contribute”.

4.4. The matrix was supported, and scrutiny scheduled for January 2023 by the Communities Scrutiny Group.

##### *Initial investigations*

- 4.5. Initial investigations focused on councils in the local area that already have a youth council or similar. Following a web search, visits or phone calls were made to Blaby, Gedling, Newark and Sherwood, and Bassetlaw. These investigations highlighted a number of different models and varying levels of success.
- 4.6. In Blaby, the youth council is run by the district council, is well attended and has reached maturity (i.e. it had been running successfully for a number of years). The same is true in Gedling where the youth council is a joint venture between Gedling Borough Council and Nottinghamshire County Council. Bassetlaw District Council has a small but well developed and active youth council. Newark and Sherwood District Council are in the process of setting up their youth council but are doing so along the same lines as Gedling Borough Council in partnership with Nottinghamshire County Council.
- 4.7. In all examples outlined above, the youth council is chaired by the district's Member of the Youth Parliament. The UK Youth Parliament "enables young people to use their energy and passion to change the world for the better" by providing opportunities for 11-18 year olds to use their elected voice to bring about social change through meaningful representation and campaigning". Members of Youth Parliament are elected every two years and, once elected, they meet with MPs and local councillors, organise events, run campaigns, make speeches, hold debates, and ensure the views of young people are listened to by decision makers.
- 4.8. Rushcliffe's Member of Youth Parliament is called Oliver Keay. Oliver is in year 13 at Rushcliffe Spencer Academy and has been our MYP for the last 18 months. He is particularly interested in the environment, the protection of green spaces and charity work.
- 4.9. In some places, separate arrangements exist for a Youth Mayor who may accompany the Mayor or Chairman on engagements. This person is part of the youth council but not the Member of Youth Parliament.
- 4.10. Following discussions with a number of councils about their youth councils it became clear that the involvement of Nottinghamshire County Council Youth Services and the locally elected Member of Youth Parliament were both factors contributing to the success of the youth council.

#### *Engagement with local schools*

- 4.11. Alongside the above outlined investigations, an email was sent to all secondary schools in the Borough. It asked the following questions:
  - Does your school currently have a youth council or similar body?
  - Do pupils from your school sit on a youth council or similar body that is organised by somebody else (please give details below)?
  - Would you be happy for your students to represent the school on a youth council?

- Would the school be able to take responsibility for recruiting and selecting representatives to the youth council?
  - Please provide the contact details of the best person at your school to contact regarding the youth council if one is set up?
- 4.12. No responses were received to this initial email, or the follow-up email that was sent after the summer break. Anecdotal evidence suggests that schools are currently focused on assisting students to catch-up as a result of the impact of repeated Covid lockdowns over the last few years. In addition, evidence from other areas suggests that whilst many schools have a school council or equivalent these tend to be focused internally within the school rather than on broader topics or campaigns.
- 4.13. It was clear from the outset that if the Council were to set up a youth council then recruitment via schools would be difficult if not impossible without assistance from other parties.

#### *Nottinghamshire County Council*

- 4.14. Nottinghamshire County Council has an active Youth Services department who support Young People's Centres across the county, deliver the 4Uth Awards, provide support to young people in a variety of situations, and act as the administrative link between the county's seven Members of Youth Parliament. They are also very involved with the youth councils in Gedling and Newark and Sherwood, and keen to help establish more formal arrangements in other district areas across the county. They have recently developed draft terms of reference for the joint support of a youth council in a district area and these are included at Appendix One for information. The County Council's Youth Services Officer was able to tell us about the Rushcliffe Youth Forum that the County Council already supports.

#### *Rushcliffe Youth Forum*

- 4.15. Rushcliffe's Member of Youth Parliament, Oliver Keay, is the chair of Rushcliffe Youth Forum. The Forum meets six times a year either online or at the Young People's Centre in West Bridgford. The Forum is supported by Amy Beckworth from Nottinghamshire County Council Youth Services. Attendees at Forum meetings vary in number and recent activities have focused on the protection of green spaces, the environment, and charity events.
- 4.16. Officers were invited to attend a Youth Forum meeting in October 2022 to find out more about the work and aspirations of the Youth Forum and its members. The existing Rushcliffe Youth Forum is keen to build relationships with Rushcliffe's Leader and Mayor. They would like to increase the profile of the Youth Forum and represent the views of young people within the Borough so that these are more visibly taken into account by the Council. At the current time all active members of the Youth Forum are from one school and the Member of Youth Parliament would welcome support to increase the membership and diversity of Forum members across the Borough.



### *Investigation Findings*

4.17. In examining whether a youth council should be established for the Borough of Rushcliffe the following findings have been made:

- Rushcliffe has a Youth Forum which operates as a youth council
- It is chaired by the Member of Youth Parliament for Rushcliffe
- It is supported by Nottinghamshire County Council Youth Services
- Numbers are low and it has been difficult to engage young people and schools following the pandemic
- It is difficult for the Borough Council to engage with schools – because of their remit, the County Council is better placed to do this and has had more success in the past
- Many schools both primary and secondary have a school council – most are self-sufficient and inwardly focused on school life but there is scope to attract more members to the Youth Forum with adequate publicity and opportunity
- Introducing a separate and additional youth council for Rushcliffe does not seem to be a good idea – it would be in competition with the Youth Forum for members and lack the support of the County Council and leadership of the Member of Youth Parliament for Rushcliffe
- The Borough Council has no remit or resources to set up a youth council – this would be a discretionary activity and would need funding out of already stretched budgets.

4.18. As a result of these findings, it is suggested that the Council considers supporting the existing Rushcliffe Youth Forum rather than establishing a youth council from scratch.

### *Potential Support*

4.19. The following areas of potential support were discussed with the existing members of the Rushcliffe Youth Forum and their support officer, Amy Beckworth from Nottinghamshire County Council Youth Services:

- Venue – offering free of charge room hire at Rushcliffe Arena for half of the Youth Forum meetings each year
- Attendance – offering an officer to attend all Youth Forum meetings to observe, answer questions and provide insight when invited to do so
- Attendance – offering a portfolio holder (or other senior, relevant councillor) to attend dependent on the focus of discussion to observe, answer questions and provide insight when invited to do so
- Consultation – actively seeking the views of young people as represented by members of the Youth Forum on key decisions
- Projects – actively involving members of the Youth Forum in Council projects where priorities overlap or are complimentary

- Publicity – assisting the Youth Forum to create an online presence and amplifying their messages where appropriate on the Council’s social media channels and in Rushcliffe Reports
- Membership – hosting a Young People’s Summit at the Council Offices with the Youth Forum and Nottinghamshire County Council Youth Services; targeted at members of school councils but open to all; discussing topics of importance to young people and promoting involvement in the Youth Forum moving forward to increase membership and awareness.

4.20. Current members of the Youth Forum were very grateful for the input of the Borough Council Officers and the ideas put forward.

#### *Suggested Discussion Points*

4.21. To assist the Group in their debate, the following questions have been posed as a starting point:

- Does the Group feel that there is a need or desire to establish a youth council or equivalent in the Borough?
- Does the Group have questions about the existing Rushcliffe Youth Forum and Nottinghamshire County Council Youth Services that have not been answered in this report?
- Does the Group believe that working with the existing Rushcliffe Youth Forum and Nottinghamshire County Council Youth Services is a suitable option?
- Does the Group believe that the potential ways in which the Borough Council can work with and support the existing Rushcliffe Youth Forum outlined in paragraph 4.19 will enhance and develop the existing Rushcliffe Youth Forum and meet the aspirations outlined in the original motion and scrutiny matrix?
- Does the Group have additional ideas that would contribute towards the development of the Rushcliffe Youth Forum?

#### *Conclusions*

4.22. Following discussion, the Group is asked to consider the recommendation put forward.

### **5. Risks and Uncertainties**

5.1. There is a risk that despite the involvement of the Borough Council it continues to be difficult to engage young people in the work of the Youth Forum. This would result in Borough Council resources being wasted. Without new members the current Youth Forum is likely to become untenable as all members are currently in their final year at school.

5.2. Additionally, the Youth Forum is an independent body and will consider those issues that it considers to be important. At times these may be different to, or in conflict with, the Council’s priorities. The Council will not be able to control

the Youth Forum but should seek a positive and supportive working relationship.

## **6. Implications**

### **6.1. Financial Implications**

By offering free of charge room hire there could be a potential loss of income assuming the demand is at capacity. The costs associated with staff attending the Youth Forum and liaison with Member of Youth Parliament and Nottinghamshire County Council Youth Services would be minimal and contained within existing budgets.

### **6.2. Legal Implications**

DBS checks would be needed if officers were working alone with the young people on the Youth Forum. However, the NCC Youth Services Officer is DBS checked and as long as they are present no one else needs to be checked.

### **6.3. Equalities Implications**

Encouraging engagement with young people in democracy and making sure their voices are heard.

### **6.4. Section 17 of the Crime and Disorder Act 1998 Implications**

The Youth Forum presents a safe and effective way of young people bringing the issues that are important to them to the attention of decision makers.

## **7. Link to Corporate Priorities**

Quality of Life	Young people are an important group of residents, and it is important that the Council does what it can to ensure they are engaged and have a say in the issues that affect them and their future. The Youth Forum would provide a clear link between young people and the Council.
Efficient Services	Young people are Council service users of the future and may have very interesting ideas about how services should be delivered. The Council is always interesting in hearing from users about how services could be improved.
Sustainable Growth	Young people wanting to stay local to their families will have a view on growth within the Borough and may have a different perspective about how and where that growth should be. The Council is open to the views of residents as they understand how emotive this issue can be.
The Environment	Young people are very concerned about the Environment and feel very passionately about the future of the planet. On a local

level this passion can lead to change within the Borough if heard and resourced. The Youth Forum would facilitate that process.
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**8. Recommendations**

It is RECOMMENDED that Communities Scrutiny Group:

- a) Consider the information about youth councils in the report and provided by officers at the meeting
- b) Recommend to Cabinet that the Borough Council supports the existing Rushcliffe Youth Forum for the next two years to help expand membership, increase awareness and increase opportunities for collaboration.

<b>For more information contact:</b>	Charlotte Caven-Atack Service Manager - Corporate Services Tel: 0115 9148278 ccaven-atack@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	
<b>List of appendices:</b>	Appendix One: NCC Draft Terms of Reference for the Youth Forum

## **DRAFT DOCUMENT**

### **Terms of reference District/Borough youth forums**

#### **1.0 Purpose of Report**

- 1.1 To define the working agreement between District/Borough councils and Nottinghamshire County Council Youth Service.

#### **2.0 Background Information**

- 2.1 A Youth Council represents the views of young people in the district, allowing them to actively participate in the democratic process, and liaise with District Council officers when drafting new policies and procedures. This supports and encourages the involvement and understanding of democracy for local young people, giving them a voice in future issues that may affect them. A Youth Council can formally comment on council procedures and services, helping to shape the future for residents and tenants, and actively contribute towards the Council's strategic objectives such as, the development of the Community plan. Nottinghamshire county councils' youth service facilitates youth councils ( youth forums) and these groups are chaired by Members of youth parliament for the area. The chair will attend the young people's board where they will give updates on their youth forum, they will also report back to the youth forum on the activities of the young people's board. This is in line with Nottinghamshire County councils' youth service participation strategy.
- 2.2 Youth Council's that have been successfully established by other Local Authorities as a means of gaining representative views of young people in an area. There are several Youth Councils across the country that are currently assisting in the following service areas:

- Democratic services
- Finance
- Environmental Health
- Planning
- Community and Culture
- Housing
- Media and Communications
- Licensing
- Street scene

#### **3.0 Proposals**

- 3.1 It is proposed that the District/Borough council works alongside the established Youth Council with the following considerations for delivery:
- 3.2 The District/Borough and County Council would work in partnership to deliver the Youth Council within district, optimising outputs through collaborative working and the sharing of resources and local knowledge. Both Nottinghamshire County Council Youth Service and the

District/Borough will continue to recruit young people through the local Youth Centres and Secondary Schools and other networks as an existing and committed programme within the area. The Youth Council recruitment process will be ongoing and any young person living within the district will be able to attend aged 10 – 19 or 25 if they have a disability or are care leavers.

- 3.3 A youth forum is made up representatives from Youth Centres within the district, young people within the community and additional representative welcome from local school councils. To encourage a fair demographic representation across the district, the Youth Council would work with local secondary schools to target a variety of local young people.
- 3.4 Youth Council members would be responsible for setting the Youth Council agenda with additional support and guidance from the Youth Service and local council officers. Meetings would be delivered in a formal manner but offering an environment that encourages young people to interact and engage as much as possible. The Youth Council would be able to invite 'non-voting members' to participate in their meetings as either advisors or guests, as and when deemed appropriate
- 3.5 A hybrid approach to delivering the meetings would be adopted, this would be based on availability of venues and voted on by members were appropriate.

3.6

- The Youth Council will seek to communicate and liaise between, and where appropriate advise and support existing and new youth organisations within the district
- The Youth Council will work towards the improvement of the image, status, and welfare of young people within the district
- The Youth Council will seek to represent and communicate the views and needs of all young people including comments on the implementation of facilities for young people within the district to any relevant statutory, maintained or voluntary body.
- The Youth Council will, where applicable, be involved in the organisation of events for young people including those with differing cultural and religious backgrounds and those with special or different needs.
- The Youth Council will act as advisors to the District/Borough Council and other agencies on issues affecting young people and their concerns.

#### **4.0 Equalities Implications**

- 4.1 The Youth Service would continue to work with local schools and Youth Centres to encourage a variety of young people within the district to represent the Youth Council and share their

views. The Council and Youth Service will ensure that there are no negative equality implications associated with the delivery of Youth Council meetings.

## **5.0 Financial Implications**

Resources will be arranged locally between the relevant council and Nottinghamshire County Council youth service dependant on capacity and need.

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## Communities Scrutiny Group

Thursday, 19 January 2023

## Corporate Enforcement Policy Review

### Report of the Monitoring Officer

#### 1. Purpose of report

- 1.1. Rushcliffe's current Corporate Enforcement Policy was adopted in March 2010 and last reviewed in October 2019. It is therefore timely that the Policy is reviewed again to ensure it remains fit for purpose and meets the needs of our communities.
- 1.2. It was agreed that this would form part of this year's work programme for Communities Scrutiny Group.

#### 2. Recommendation

It is RECOMMENDED that the Communities Scrutiny Group:

- a) Considers and comments on proposed amendments from officers in respect of the review of the Corporate Enforcement Policy and puts forward any further suggestions.
- b) Agrees that the refreshed Corporate Enforcement Policy be presented to Cabinet.

#### 3. Reasons for Recommendation

- 3.1. It is important that the Council has an up-to-date Corporate Enforcement Plan which accurately reflects the approach taken to enforcement corporately and links with the area specific enforcement plans produced by the various departments who have enforcement responsibilities and powers within the Council.
- 3.2. It is important for Councillors to have the opportunity to understand more about enforcement powers the Council can use as well as the framework within which the Council's Enforcement Officers operate.

#### 4. Supporting Information

- 4.1. The Corporate Enforcement policy is an umbrella policy which applies to legislation enforced or administered by Council officers in the following areas:

- Enviro-crime – fly tipping, graffiti, litter, abandoned vehicles
  - Environmental health – food safety, health and safety, private sector housing including empty homes, environmental protection, statutory nuisance and dogs
  - Licensing
  - Building control
  - Planning enforcement.
- 4.2. The term ‘enforcement’ includes any action taken by officers aimed at ensuring that individuals or businesses comply with the legislation the Council enforces. This includes setting standards (whether by imposing conditions on a consent or licence or permission, by order or otherwise), advisory visits, carrying out inspections and investigations, serving notices as well as taking other more formal enforcement action to deal with contraventions and criminal behaviour such as prosecutions.
- 4.3. The Corporate Enforcement Policy is supplemented where required by individual service area policies which, whilst following the corporate approach, will provide information in greater detail as to how the specific legislation applicable to that service is applied.
- 4.4. Officers have reviewed the Corporate Enforcement Policy and proposed some amendments as per the tracked change version of the document at Appendix 1. Some of these amendments are required as a result of changing legislation and alterations to reporting procedures/monitoring within the Council. Additional information has also been included to provide more context around the various options available to the Council in terms of enforcement action and when these options might be appropriate.
- 4.5. Officers also recommend that additional text is added to make it clear that the first stages in the enforcement process undertaken by the Council will be prevention; followed by control by licence, approval or consent where appropriate. In addition, officers recommend that the policy makes it clear that individual enforcement teams have their own powers and procedures, but enforcement at Rushcliffe is very much a collaborative process and teams will work together to use the correct enforcement tools to secure the desired outcomes.

## **5. Risks and Uncertainties**

- 5.1. It is important that the Council has an up-to-date Corporate Enforcement Policy which accurately reflects the approach taken to enforcement corporately and links with the area specific enforcement Plans produced by the various service areas who have enforcement responsibilities and powers within the Council. It is important that the Council reviews the policy regularly to ensure it is still fit for purpose and aligns with the corporate aims of the authority.

## **6. Implications**

### **6.1. Financial Implications**

- There are no financial implications.

### **6.2. Legal Implications**

- Section 21 of the Regulatory Reform Act 2006 requires the Council to have regard to the way it carries out regulatory functions and to do so in a way which is transparent, accountable, proportionate, consistent and targeted at cases where action is needed.
- Section 22 of the Regulatory Reform Act 2006 requires the Council to have regard to the Regulators' Code in determining any general policies or principles by reference to which we exercise regulatory functions.

### **6.3. Equalities Implications**

- An Equality Impact Assessment has been completed as part of the review of the policy – see Appendix 2.

### **6.4. Section 17 of the Crime and Disorder Act 1998 Implications**

- Enforcement action taken under this policy can impact positively on public safety, this is therefore one of the key issues which is borne in mind when reviewing this policy.

## **7. Link to Corporate Priorities**

Quality of Life	Fair and effective enforcement is essential for the protection of the individual and the community as a whole.
Efficient Services	This policy sets out the powers available to the Borough Council and the criteria which are applied when decisions are made around the utilisation of these powers; keeping residents informed and involved in our decision making.
Sustainable Growth	Fair and effective enforcement allows sustainable growth to occur; whilst at the same time ensuring that growth can be regulated appropriately where necessary.
The Environment	Fair and effective enforcement can be used as a tool to protect and enhance both the natural and built environment.

## 8. Recommendations

It is RECOMMENDED that Communities Scrutiny Group:

- a) Considers and comments on proposed amendments from officers in respect of the review of the Corporate Enforcement Policy and puts forward any further suggestions.
- b) Agrees that the refreshed Corporate Enforcement Policy be presented to Cabinet.

<b>For more information contact:</b>	Gemma Dennis Monitoring Officer  gdennis@rushcliffe.gov.uk
<b>Background papers available for Inspection:</b>	
<b>List of appendices:</b>	Appendix 1 – Corporate Enforcement Policy – tracked change version  Appendix 2 – Equality Impact Assessment



## EQUALITY IMPACT ASSESSMENT FORM

Name and brief description of proposal/project / policy / service being assessed:

*Corporate Enforcement Policy*

Information used to analyse the effects of equality:

*Consultation with officers involved with Enforcement work re experience of applying this policy, review of similar policies and EIAs from other Local Authorities*

	<b>Could particularly benefit (X)</b>	<b>May adversely impact (X)</b>	<b>How different groups could be affected: Summary of impacts</b>	<b>Details of actions to reduce negative or increase positive impact (or why action not possible)</b>
People from different ethnic groups		X	Should English not be a person's first language it may be difficult to appreciate the implications of a particular situation	<p>Where English is not a person's first language, there are a number of ways that we can seek to communicate with them:</p> <ul style="list-style-type: none"> <li>- Seek assistance from a colleague who speaks the relevant language</li> <li>- Mobile phone translation Apps</li> <li>- Interpreting &amp; Translating Services/LanguageLine UK</li> </ul> <p>Should an investigation require an informal interview, the Officer will ask the person being interviewed whether they need to assistance of an independent, registered interpreter to ensure they fully understand the</p>

				implications of the process and to enable them to fully exercise their rights. The costs will be paid for by the Council but may be added to the Council's cost schedule should the matter go to Court.
Men, women (including maternity/pregnancy impact), transgender people				
Disabled people or carers		X	Should a person have mental health issues or learning difficulties that impair their judgment or make it difficult for them to understand the implications of a particular situation	The Council will use best endeavours to ensure that any person with physical, mental health and/or learning disabilities is accompanied by a responsible person to assist and support their needs and understanding.
People from different faith groups				
Lesbian, gay or bisexual				
Older or younger people		X		Where there are persistent issues with a child breaking the law, other avenues will be explored prior to formal enforcement action e.g. Safeguarding referral or taking action against the parent/guardian where appropriate.
Other (marriage/civil partnership. Looked after children, cohesion/good				

relations, vulnerable children/adults)				
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**OUTCOME(S) OF EQUALITY IMPACT ASSESSMENT:** *(delete as appropriate)*

No major change needed

**Arrangements for future monitoring of equality impact of this policy/proposal/project:**

Monitoring will be undertaken at the same time as the next review of the policy, or sooner, should an issue around equality in relation to this policy be raised.

**Names of officers who conducted EIA and date**

Gemma Dennis 19/12/22

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**Approved by:**  
*(manager signature)*

**Date:**

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## **RUSHCLIFFE BOROUGH COUNCIL CORPORATE ENFORCEMENT POLICY**

### **1.0 INTRODUCTION**

1.1 The Council is responsible for enforcing a wide range of statutory provisions. This policy explains how the Council's regulatory and enforcement activities will be carried out and what individuals and businesses can expect from those Council services involved in enforcement.

1.2 Fair and effective enforcement is essential for protecting the individual and the community as a whole. This includes health and safety, the environment, business and legitimate economic interests.

1.3 The Corporate Strategy 2019-2023 has 4 aims:

- Supporting economic growth to ensure a sustainable, prosperous and thriving local economy
- Maintaining and enhancing our residents' quality of life
- Transforming the Council to enable the delivery of efficient high quality services
- The Environment

This policy relates to all of those aims.

1.4 The current version of the policy was adopted by the Council in March 2010. It replaced the Enforcement Policy originally adopted in 2001. It takes into account the principles of good enforcement contained in the Concordat on Good Enforcement (adopted by the Council on 14 December 2000) and has regard to the principles laid down in section 21 of the Legislative and Regulatory Reform Act 2006 and the Regulators' Code issued under section 22 of that Act which came into force on 6 April 2014 and which replaced the former Regulators' Compliance Code.

## **2.0 SCOPE**

2.1 This policy is an umbrella policy which applies to legislation enforced or administered by the Council in the following service areas and to officers engaged in enforcement activity in those areas:

- a) street cleansing and waste
- b) 'enviro' crime – fly tipping, graffiti, litter, abandoned vehicles
- c) environmental health – food safety, health and safety, private sector housing including empty homes, environmental protection, statutory nuisance, dogs, animal welfare, public health, anti-social behaviour
- d) licensing
- e) building control
- f) planning and development control

2.2 This policy is supplemented where required by individual service area Enforcement Policies and protocols which, whilst following the corporate approach, will provide information in greater detail as to how the specific legislation applicable to that service is applied. Officers across the Council who are involved with enforcement will work collaboratively to resolve problems, ensuring that the powers utilised are the most appropriate and effective and keeping others informed as to progress and outcomes.

2.3 This umbrella policy does not apply to Council Tax enforcement (collecting unpaid council tax), car park enforcement or debt collection.

2.4 This policy provides a guide to those regulated and to officers of the Council responsible for enforcement.

2.5 In this policy the term 'enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the legislation the Council enforces. This includes setting standards (whether by imposing conditions on a consent, licence or permission, by order or otherwise), advisory visits, carrying out inspections, carrying out investigations, serving notices, issuing penalty notices as well as taking other more formal enforcement action to deal with contraventions and criminal behaviour such as prosecutions or other legal sanctions.

## **3.0 PRINCIPLES OF ENFORCEMENT**

3.1 The primary purpose of enforcement is to protect the public and / or the environment. This includes protecting health and safety, individuals, business and legitimate economic interests.

3.2 The Council will carry out its enforcement functions in an equitable, practical and consistent manner. It recognises that the effectiveness of legislation in protecting the public and the environment depends upon compliance by those who are regulated by the legislation. It believes most individuals and businesses want to comply with their legal obligations. The Council will therefore seek to help individuals and businesses meet their obligations without unnecessary expense, whilst taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly.

### 3.3 Standards

Where possible, we will consult with individuals, businesses and other relevant interested parties (including representative bodies) when drawing up standards for enforcement activity carried out by the Council. We will also consult, where appropriate, on the standards we set for compliance, for example in relation to licence conditions. Where appropriate we will publish these standards and monitor performance against them.

### 3.4 Transparency and Openness

We will provide information and advice on the legislation we enforce and how to comply in plain language and disseminate it as widely as possible. Unless there are good reasons for not doing so, we will be open about what we do and the way we do it, including any charges set and what consultations are undertaken. We will discuss general issues as well as specific problems of compliance with those who have difficulty in complying with their statutory responsibilities.

### 3.5 Helpfulness, Advice and Guidance

We believe good enforcement is as much about preventing a breach as it is about dealing with contraventions.

We will endeavour to bring to the attention of relevant regulated entities information and advice about their legal responsibilities and any changes to the legal requirements in a timely fashion. We will provide this in a clear, concise and accessible form, using a variety of formats and media.

We will endeavour to work with individuals and businesses to advise and assist them with compliance by helping them understand and meet their statutory responsibilities. We will do so in a courteous, efficient and professional manner. Staff will identify themselves by name and provide a contact point and telephone number for further dealings. Applications for licenses, consents, registrations, etc will be dealt with efficiently and promptly.

### 3.6 Complaints

Complaints about the standard of enforcement activities carried on by the Council may be made to the relevant Director, Service Manager or Lead Specialist in the first Corporate Enforcement Policy – revised December 2022 20

instance or by using the Council's Complaints Procedure. Details can be found on the Council's website [www.rushcliffe.gov.uk](http://www.rushcliffe.gov.uk). Hard copies of the complaints form and/or procedure can be made available on request.

In addition, in many instances there are statutory rights of appeal against formal enforcement action. Where this applies we will set out the rights of appeal in writing.

Complaints of maladministration may also be made to the Local Government Ombudsman ([www.lgo.org.uk](http://www.lgo.org.uk)).

### 3.7 Proportionality

We will seek to minimise the cost of compliance by ensuring that any action we require is proportionate to the seriousness of any breach, the risks involved and the requirements set out in the relevant legislation. Where appropriate, we will take into account the attitude and circumstances of the individual or business being regulated in considering what action to take.

In particular, we will take into consideration the impact of any enforcement activity on small businesses and organisations and community organisations being regulated.

### 3.8 Consistency

Enforcement activity will be carried out in a fair, equitable and consistent manner. However, enforcement officers will be expected to exercise their own judgment in individual cases. Procedures are in place to promote consistency of action and decision-making. This will include effective monitoring and review of cases, liaison with other local authorities and enforcement agencies.

### 3.9 Accountability

We will ensure officers involved with enforcement are properly trained in order to maintain high standards of competence and professionalism in their field.

We will monitor the way we perform our enforcement activities using a range of performance indicators. Lead Specialists will report on performance to the Executive Management Team at regular Performance Clinics and appropriate action will be taken to address any areas of concern.

Whilst the Council will be accountable for the efficiency and effectiveness of its enforcement activities it will nevertheless at all times remain independent in its decision making.

### 3.10 Targeted Approach

In deciding what enforcement action to take the Council will take into consideration the costs, effectiveness and perceptions of fairness of regulation. In particular, it will consider the economic, social and environmental costs and benefits of adopting a particular approach.

### 3.11 Risk assessments

Regulatory activity will be informed by properly assessing the risk of non-compliance with statutory requirements and the risk of harm arising from a failure to comply, so that resources can be targeted appropriately. This will apply to data collection, inspection programmes, advice and support programmes as well as to investigation and more formal enforcement action.

Relevant factors to be taken into account can include:

- Past compliance records and potential future risks;
- Existence of good systems for managing risks, in particular within regulated entities or sites;
- Evidence of external accreditation;
- Management competence and willingness to comply.

We will consult with regulated entities and other interested bodies in designing any risk methodologies and will publish details of the methodologies used.

## 4.0 PRACTICES

4.1 Each regulatory service will operate in accordance with its own practices relevant to its specific enforcement area. These will be set out in written codes or guidelines and will include:

- The legislative requirements
- The steps to be taken in dealing with a complaint or taking informal or formal action
- The procedures to be adopted in carrying out surveillance activity

4.2 In operating within these defined practices each service will have regard to the principles set out in Section 3 of this policy and endeavour to minimise the cost of compliance by ensuring that any action required is proportionate to the risk involved.

## 5.0 ENFORCEMENT OPTIONS

5.1 In many cases the Council has a choice about what enforcement action to take. When making decisions relating to enforcement activity officers will have regard to the following:

- a) The Enforcement Concordat
- b) Legislative and Regulatory Reform Act 2006
- c) Regulators' Code
- d) Regulation of Investigatory Powers Act 2000
- e) Police and Criminal Evidence Act 1984
- f) Criminal Proceedings and Investigation Act 1996
- g) The Code for Crown Prosecutors
- h) Data Protection Act 2010
- i) Human Rights Act 1998
- j) Freedom of Information Act 2000
- k) General Data Protection Regulations 2016
- l) Anti-Social Behaviour, Crime and Policing Act 2014
- m) Crime and Disorder Act 1998
- n) Equality Act 2010
- o) Local Government Acts
- p) Other relevant Government guidance and professional advice
- q) Other policies of the Council relating to the specific service areas.
- r) Home Office guide on the use of Simple Cautions
- s) Service specific legislation
- t) RBC internal protocols and procedures
- u) all other relevant legislation applicable from time to time

5.2 In deciding the appropriate enforcement action to take officers will have regard to the following criteria and all the circumstances of the case.

- The seriousness of the offence or contravention;
- The history
- The likelihood of compliance
- The consequence of non-compliance
- The likely effectiveness of the enforcement options

These criteria are not exhaustive.

5.3 After considering the enforcement criteria the Council will consider the following options (where appropriate):

- Prevention
- Approvals, Consents and Licences
- Take no action
- Take informal action
- Serve a statutory notice
- Issue a simple caution
- Suspend, revoke or refuse to renew a licence
- Remedy a breach
- Impose an administrative penalty
- Issue a fixed penalty notice
- Prosecution
- Injunction or other Legal / Court Sanction

5.4 There may be other options available depending on the relevant legislation, and not all of the options listed above will apply in every case.

5.5 Generally, we will take a staged approach to enforcement so that informal action will be considered before formal action, in particular, prosecution. We will usually give people the opportunity of discussing and remedying any problem with compliance although in some cases immediate action may be necessary.

#### 5.6 Prevention

We believe that the first step in enforcement is to promote good practice, ensure policy compliance and prevent contravention of the law by raising awareness and promoting good practice. This approach will be applied when we are not aware of any specific contraventions of the law.

#### 5.7 Approvals, Consents and Licences

We provide a range of approvals, consents and licences as specified by individual pieces of legislation. Most of these are compulsory, such as planning applications, licensing applications and building regulation approvals, but a few are optional. These are an important part of the preventative aspect of our work.

We will work with applicants to help them to understand what is required to gain approval

through pre-application advice (fees for this service may apply), published guidelines, and post-application discussion.

Applications may be approved as they are submitted, varied by agreement and then approved, approved subject to conditions or rejected. Applicants, or their agents, will always be notified, in writing, of the outcome of their application, including the reasons if rejected. Details of any rights of appeal will be provided at the time the decision is notified.

Any rejection notice will inform the applicant, or their agent, of the reasons for refusal and any right of appeal.

## 5.8 Informal Action

Where appropriate, regulatory services will endeavour to resolve matters without the use of formal notices, prosecution or the courts. This will usually be when:

- the act or omission is not serious enough to warrant formal action; or
- there is no history of non-compliance;
- the Council can reasonably expect informal action will result in compliance; or
- the consequence of non-compliance will not lead to significant harm

Informal action (including any advice) will be confirmed clearly and concisely in writing. We will clearly distinguish between what action is required to secure compliance with the law and other advisory action.

## 5.9 Formal Action

In most situations before formal action is taken, we will provide an opportunity to discuss matters and, hopefully, resolve points of difference. The extent of this will depend on the seriousness of the contravention, and may not be possible where immediate action is considered necessary, e.g. where there is an immediate risk to health, safety or the environment, or where the formal action takes the form of a fixed penalty notice.

Circumstances where formal action will be considered include (but are not restricted to):

- There is a significant contravention of legislation
- The wording of legislation requires the Council to take a specified action
- An informal approach has failed
- There is a history of non-compliance with informal action
- There is a lack of confidence in the successful outcome of an informal approach
- Standards are generally poor, suggesting a low level of awareness of, and compliance with, statutory responsibilities



- The consequences of non-compliance, for health, safety, the environment, or other Council priorities, are unacceptable and/or immediate
  - There is demonstrable harm to the amenity of the area
  - Effective action needs to be taken quickly in order to remedy conditions which are deteriorating
  - Formal action is expected to achieve the desired outcome without incurring expense or inconvenience that is disproportionate to the risks
  - Legal requirements, relevant formal guidance, or other Council policies or strategies require formal action to be taken
  - A charge applied by a Fixed Penalty Notice has not been paid
- 6 Formal action can take any form that the Council is empowered by legislation to take. The following will be the most commonly used.
- Fixed Penalty Notices

Government guidance on the issuing of fixed penalty notices can be found in the Code of Practice for Litter and Refuse: Part 1A - effective enforcement ([publishing.service.gov.uk](http://publishing.service.gov.uk)). Government guidance for the issuing of civil penalties can be found in the Civil penalties under the Housing and Planning Act 2016 - GOV.UK ([www.gov.uk](http://www.gov.uk))

We may issue Fixed Penalty Notices for the following types of offence

- Dog fouling
- Littering
- Fly Posting
- Fly Tipping
- Smoke free enforcement
- Smoke Control
- Breaches of Housing Standards
- Anti-Social Behavior

These notices result in fines being paid to the Council. There is no formal right of appeal against a FPN but if it remains unpaid, the matter would then be decided by the Court..

A fixed penalty notice is not a criminal fine and does not appear on an individual's criminal record. If a fixed penalty is not paid, the Council may commence criminal proceedings or take other enforcement action in respect of the breach

If a fixed penalty is paid within the specified timescale in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent

breaches.

The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a civil/fixed penalty notice.

### Civil Penalties

The Council has powers to issue civil notices in respect of some breaches. If a civil penalty is not paid, the Council may commence proceedings or take other enforcement action in respect of the breach

If a civil penalty is paid within the specified timescale in respect of a breach the Council will not take any further enforcement action in respect of that breach. Payment of a civil penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue civil penalties where it has specific powers to do so. If civil penalties are available, their issue is at the Council's discretion. In some circumstances, in particular where breaches are serious or recurrent, it may be that proceedings are more appropriate than the issue of a civil penalty.

### Community Protection Notices

We normally issue a Community Protection Notice for the following types of offences

- Nuisances
- Waste accumulations on private land
- Anti-Social Behaviour
- Animal related issues

These notices are served where the behaviour is having a negative impact on the local community's quality of life. A Community Protection Notice will only be served after the issue of a written warning.

A Community Protection Notice can be appealed in the Magistrates Court within 21 days. Failure to comply with the notice is an offence and may result in a fine or fixed penalty notice.

### Statutory Notices

A statutory notice may be issued where there is a statutory duty to do so or if there are statutory contraventions or if any of the criteria referred to in 5.2 above make it appropriate to do so. Where a statutory notice is served, the method of appealing against the notice and the timescale for doing so will be provided in writing at the same

time. The notice will explain what is wrong, what is required to put things right and what the likely consequences are if the notice is not complied with. In some cases a statutory notice can be served to prevent the occurrence or recurrence of a problem e.g. a noise nuisance.

Failure to comply with a statutory notice may result in prosecution and in some cases can result in the Council carrying out works in default and seeking to recover the cost.

#### Work In Default

In general, it is the responsibility of others to achieve compliance with the law. In certain cases the Council may undertake work to achieve compliance on behalf of others, and may seek a warrant to gain entry to land or premises to do so. This may occur if the responsible person fails to comply, cannot comply by virtue of genuine hardship, or is unable to comply by virtue of being absent. In these cases the Council's costs will be recovered from the responsible person. If the costs cannot be recovered, they will usually be placed as a charge against the property, to be recovered at a later date.

#### Prosecution / Civil Penalties

Not every contravention of the law should be prosecuted through the Courts. The Council will weigh the seriousness of the offence (taking into account the harm done or the potential harm arising from the offence) with other relevant factors, including the financial circumstances of the defendant, mitigating circumstances and other public interest criteria.

The Council will have regard to the Code for Crown Prosecutors issued under section 10 of the Prosecution of Offences Act 1985 in deciding whether to prosecute in any particular case. Thus, before starting proceedings, the Solicitor to the Council must be satisfied that there is a realistic prospect of a conviction based on the evidence (that is, there must be sufficient admissible, substantial and reliable evidence to secure a conviction). In addition, the Council will balance carefully and fairly the various public interest criteria as against the seriousness of the offence. These public interest criteria include:-

- a) the likely sentence (if convicted);
- b) previous convictions and conduct of the defendant;
- c) whether there are grounds for believing the offence is likely to be repeated;
- d) the prevalence of the offence in the area;
- e) whether the offence was committed as a result of a genuine mistake or misunderstanding;
- f) any delay between the offence taking place and the date of trial;
- g) the likely effect the prosecution will have on the defendant;
- h) whether the defendant has put right the loss or harm caused.

If a number of offences have been committed and prosecution is deemed appropriate then in selecting the offences for prosecution the Council will have regard to the need to reflect the seriousness of the case and to give the court adequate sentencing powers to deal with the case appropriately.

Through judicious exercise of discretion, the Council will aim for a consistent and uniform approach to prosecution, having due regard to the deterrent effect of a prosecution and the need to deal with offences in a proportionate way.

Civil penalties may be considered where there are clear breaches of enforcement notices, order or HMO licence condition(s) or any relevant HMO management regulation(s).

### Simple Caution

Occasionally, a simple caution (previously known as a formal caution) may be issued instead of prosecution proceedings. The Council will have regard to the guidance contained in the Ministry of Justice guidance

‘Simple Cautions for Adult Offenders’ (Apr. 2015) in deciding whether or not to offer a simple caution.

A caution is a serious matter, which will influence any future decision should the company or individual offend again. It can be referred to in any subsequent court proceedings, but this will not apply if the caution was issued more than 3 years before.

Where the offer of a caution is refused, a prosecution will generally be pursued. No pressure will be applied to a person to accept a caution. The Council maintains a central register of cautions administered

## 6.0 EQUALITIES

6.1 In developing this policy, the council has recognised its responsibility under the Equality Act 2010 to have due regard to the need to:


- Eliminate unlawful discrimination, harassment and victimization and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

The Act and the Council seeks to outlaw unlawful discrimination against a person or group of people because of:

- Age
- Disability

- Gender Reassignment
- Marriage and civil partnerships (in respect of the requirement to have due regard to the need to eliminate discrimination)
- Pregnancy and maternity
- Race
- Religion
- Sex
- Sexual Orientation

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 <p><b>Rushcliffe</b> Borough Council</p>	<p><b>Communities Scrutiny Group</b></p> <p><b>Thursday, 19 January 2023</b></p> <p><b>Work Programme</b></p>
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## Report of the Director of Finance and Corporate Services

### 1. Summary

- 1.1. The work programmes for all Scrutiny Groups are created and managed by the Corporate Overview Group. This Group accepts and considers Scrutiny Matrices from both officers and councillors which propose items for scrutiny. If those items are accepted following discussion at the Corporate Overview Group, they are placed on the work programme for one of the Council's Scrutiny Groups.
- 1.2. The work programme is also a standing item for discussion at each meeting of the Communities Scrutiny Group. In determining the proposed work programme due regard has been given to matters usually reported to the Group and the timing of issues to ensure best fit within the Council's decision-making process.
- 1.3. The work programme is detailed in this report for information only so that the Group is aware of the proposed agenda for the next meeting. The work programme does not take into account any items that need to be considered by the Group as special items. These may occur, for example, through changes required to the Constitution or financial regulations, which have an impact on the internal controls of the Council.
- 1.4. The future work programme was updated and agreed at the meeting of the Corporate Overview Group on 6 September 2022, including any items raised via the scrutiny matrix.

Members are asked to propose future topics to be considered by the Group, in line with the Council's priorities which are:

- Quality of Life;
- Efficient Services;
- Sustainable Growth; and
- The Environment

### 2. Recommendation

It is RECOMMENDED that the Group agrees the work programme as set out below:

**16 March 2023**

- Carbon Management Plan
- Environment Policy
- Work Programme

**3. Reason for Recommendation**

To enable the Council's scrutiny arrangements to operate efficiently and effectively.

<b>For more information contact:</b>	Pete Linfield Director of Finance and Corporate Services 0115 914 8349 <a href="mailto:plinfield@rushcliffe.gov.uk">plinfield@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None.
<b>List of appendices (if any):</b>	None.