

IMPROVING PLACES SELECT COMMISSION

**Venue: Town Hall, Moorgate
Street, ROTHERHAM.
S60 2TH**

**Date: Wednesday, 29th November,
2017**

Time: 10.00 a.m.

A G E N D A

1. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.
2. To determine any item(s) the Chairman is of the opinion should be considered later in the agenda as a matter of urgency.
3. Apologies for absence
4. Declarations of Interest
5. Questions from members of the public and the press
6. Communications
7. Evaluation of the 'Time for Action' Enhanced Enforcement Pilot (Pages 1 - 14)
8. Date of the next meeting - Wednesday 3rd January, 2018

Improving Places Select Commission: membership: -

Councillors Albiston, Allen, Atkin, Buckley, B. Cutts, Elliot, Jepson, Jones, McNeely, Mallinder (Chairman), Price, Reeder, Sheppard (Vice-Chairman), Taylor, J. Turner, Vjestica, Walsh and Wyatt.

Co-opted members:- Mrs. L. Shears and Mr. P. Cahill.

Public Report
Improving Places Select Commission

Summary Sheet**Council Report**

Improving Places Select Commission – 27th November 2017

Title

Evaluation of the ‘Time for Action’ enhanced enforcement pilot

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

Damien Wilson, Strategic Director of Regeneration and Environment

Report Author(s)

Lewis Coates, Head of Service, Regulation and Enforcement, Community Safety and Street Scene

Ward(s) Affected

All

Summary

Tackling environmental crime is a corporate and public priority: fly-tipping, litter and dog fouling blight communities and are a strain on public resources. Removal and disposal of fly-tipping alone costs the Council in excess of £250,000 per year. Street cleansing, litter picking, environmental enforcement activity, and engagement increases the annual cost of dealing with environmental crime significantly to around £1.7 million.

On 12th September 2016, the Cabinet and Commissioners’ Decision Making Meeting adopted a ‘Time for Action’ initiative to deal with the problem, demonstrating a desire to strengthen enforcement activity around littering, dog fouling and fly-tipping.

Following this at the Cabinet and Commissioners’ Decision Making Meeting of 9th January 2017, a number of options were considered to deliver enhanced enforcement and it was agreed that a shared service with Doncaster Metropolitan Borough Council is progressed, to deliver enhanced environmental crime and parking enforcement within Rotherham.

A pilot exercise in Rotherham has been underway since 26th April 2017 to test the effectiveness of any potential future contractual arrangements to enhance the Council’s enforcement approach to environmental crime. This pilot is to end on 24th January 2018 with the formal termination of the agreement.

The pilot has proven to be successful having delivered an unprecedented number of environmental offences being dealt with by the Council. Moreover, patrols and actions to tackle littering and dog fouling offences have been delivered across all wards in the Borough.

The desire to deliver shared service arrangements is to ensure that enforcement of environmental crime offences is enhanced, which in turn will provide a deterrent and in the long term influence behavioural change. Shared service will provide for increased flexibility, with staff from other areas being drawn on to enhance project and hot spot work, along with ensuring effective and immediate cover for leave and sickness issues. Additionally, shared service arrangements ensure synergy of enforcement across Borough boundaries and consistency of approach, administration, and tolerances.

Whilst it is difficult to measure any long term effects in relation to deterrent or reducing street cleansing costs, the short term aim of increasing enforcement against environmental crime offences can clearly be demonstrated. Consequently, it is considered appropriate to ensure that further progress is made to deliver enhanced enforcement.

Recommendations

Members are asked to note the outcome of the 'Time for Action' trial and proposals for a shared service with Doncaster.

List of Appendices Included

None

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel Council Approval Required

In relation to the Stage 3 complaint received by the Council described in this report, the Complaints Panel considered this on 9th October 2017

Exempt from the Press and Public

No

Title: Evaluation Report relating to the 'Time for Action' initiative

1. Recommendations

- 1.1 Members are asked to note the outcome of the 'Time for Action' trial and proposals for a shared service with Doncaster.

2. Introduction: Corporate Priority

- 2.1 Cabinet and Commissioners' Decision Making Meeting of 12th September 2016 approved the 'Time for Action' initiative to enhance the Council's drive to tackle environmental offences. Furthermore, at the Cabinet and Commissioners' Decision Making Meeting of 9th January 2017, following consideration of a number of options, it was agreed that discussions should be progressed with Doncaster Metropolitan Borough Council to consider options for a shared service.
- 2.2 The decision to engage in discussions around shared service arrangements with Doncaster Council critically aimed to deliver the necessary capacity to enhance the Council's enforcement of environmental crime offences. The pilot project has been conducted within similar terms to that which would be anticipated from the shared service arrangements, and existing arrangements in Doncaster, with staff employed by Kingdom undertaking the work. The resource provided to deliver the project has clearly demonstrated that extra capacity can be provided to deliver the required enhanced provision of enforcement.
- 2.3 The pilot has demonstrated that significant numbers of offences can be dealt with through the model. It would be anticipated that continuation of this approach and the number of environmental crimes tackled, will reduce the amount of littering experienced in Rotherham as behavioural change takes place.
- 2.4 Over the past few years, the focus on tackling littering and dog-fouling has declined through re-engineering of the function. Whilst Wardens continued to issue fines where offences were witnessed whilst carrying out statutory work around nuisances, this role was supplementary rather than a priority. Subsequently, the Council only issued 344 fines for littering and dog fouling during the three years prior to the 'Time for Action' initiative.
- 2.5 The 'Time for Action' initiative demonstrates the Council's desire to strengthen enforcement activity around environmental crime issues such as littering, dog fouling and fly-tipping, together with parking offences. The removal and disposal of fly-tipping alone costs over £250,000 each year. The overall cost is dramatically increased when street cleansing, litter picking, environmental enforcement activity and engagement activities are taken into account, increasing the cost to the public purse to around £1.7 million per annum.

- 2.6 It is essential that plans for a more robust approach to enforcement are supported by a programme of engagement, education, recruitment of and support to volunteers. The 'Love Where you Live' initiative has been developed for this purpose and includes a communications plan and dedicated branding.
- 2.7 Projects to deliver sustainable improvement to keep Rotherham clean are critical to the Council's success. Whilst enforcement can deliver a deterrent and sanctions for offences, long term sustainability strategies are critical to continued success. The 'Love where You Live' approach has delivered environmental crime messages across a number of schools, along with vital recruitment of volunteers to undertake litter picks and take pride in their communities. The work for example within the Eastwood Deal, is a keystone to long term delivery. It would be naïve to believe that behaviours can be changed overnight, however the 'Love Where You Live' project provides the structure to ensure that methodologies exist over the long term to influence individual and community behaviour.
- 2.8 A pilot exercise in Rotherham has been underway since 26th April 2017 to test the effectiveness of any potential future contractual arrangements to enhance the Council's enforcement approach to environmental crime.
- 2.9 Discussions were held with Doncaster Council prior to initiating the pilot to ensure that the project mobilisation and execution was comparable to existing contractual arrangements in Doncaster. The major exception however, was that in order to reduce the call on Rotherham resources, the pilot was administered through online IT solutions. The service providers' software and utilisation of hand held devices, ensures that all administrative functions from the issuing of fines, collation of payments, handling of representations and initiation of prosecutions, ensures a light touch in relation to staff needed to process the work. This has mitigated the demands on Council staff processing to such an extent that the only input now required is to finalise prosecution files.

3. 'Time for Action'

- 3.1 The pilot was resourced with five enforcement officers, a supervisor and a clerical officer. The enforcement officer and the supervisor were assigned duties to issue fixed penalty fines for littering, dog fouling and fly-tipping, across all wards within the Borough.
- 3.2 The staff were uniformed in the same style as Rotherham Wardens with identification logos. The staff displayed dual badging on their uniforms; one being the conventional Rotherham Metropolitan Borough Council sewn in logo in the same style as the Rotherham Wardens; the other, a sewn in Kingdom Services Group badge. This ensured that the staff engaged in the pilot were uniformed in the same way as Council officers undertaking the same duties, but were readily identifiable to the public as being part of the pilot project.

- 3.3 The use of body cameras has been critical to ensure that any representations or complaints against staff, can be considered against visual contemporary evidence. Indeed, it is often the case that those caught committing offences, make representations to over-turn the fines alleging poor behaviour of staff. This is very easily assessed using the recordings of the interactions.
- 3.4 In addition, staff working as part of the pilot wore body cameras which were used to record the interactions between officers and offenders once an offence had been witnessed. All footage is uploaded and stored, and is consequently available to scrutinise. The use of body cameras not only provides a contemporaneous record of the interaction, but also provides a record that can be referenced in relation to any allegations of inappropriate behaviour by the officers.
- 3.5 Staff carried out patrols across the Borough on foot to challenge any environmental crime offence that was witnessed. The patrols were influenced by hot spot intelligence from elected members, the public, partners, and weekly operational meetings with Regulation and Enforcement.
- 3.6 Where an offence is witnessed, the individual is served with a fine and the interaction between the officer and the offender is recorded. The fines levied are at the maximum allowed by legislation, at £80 for a littering offence, and £100 for a dog fouling offence. The issuing of the fine, if paid, discharges the offence without the offence going to Court. Individuals are allowed up to nine weeks to pay the fine in accordance with the service providers' processes, albeit there is no provision for payment plans or reduced payments.
- 3.7 The team engaged in the pilot project were embedded and co-located within the Regulation and Enforcement teams, sharing intelligence and information to ensure joined up delivery and allowing management on a daily basis, including morning briefings.
- 3.8 The pilot up until 19th November 2017, dealt with 4,716 environmental crime offences: 99.40% were littering offences; 0.60% were for dog fouling. In addition, some 164 parking offences were tackled. Of the littering offences identified, 54.26% were in the town centre and 45.74% across other Wards. More detailed information is provided at Appendix A.
- 3.9 Representations, often referred to as 'appeals', were received in relation to 399 of the incidents, approximately 8.4% of the total number of incidents. These relate to individuals challenging whether a fine should have been issued or not. Only one has been upheld. Similarly, the Council has received twelve complaints in relation to the pilot, one of which went to Stage 3 and was not upheld. Many of the complaints made against officers allege inappropriate behaviour. This is quickly resolved through reference to the body camera recordings.

- 3.10 All fines issued are reviewed by the team supervisor once they are served. This ensures that scrutiny is undertaken to ensure that fines are not issued inappropriately. The supervisor has cancelled or written off 145 (less than 3.1%) fixed penalties at the scrutiny stage for a number of reasons such as the individual being underage, illness, mental illness, unable to pursue such as being homeless. Only six of the fines issued were identified as showing an evidential shortfall.
- 3.11 Whilst it is difficult to measure any long term effects in relation to deterrent or reducing street cleansing costs, the short term aim of increasing enforcement against environmental crime offences can clearly be demonstrated.

4. Outcomes

- 4.1 Whilst the pilot was instigated to test the suitability of the proposals to deliver the 'Time for Action' initiative, key objectives of the pilot were to demonstrate that increased capacity and enforcement against environmental offences could be delivered.
- 4.2 The 4,716 offences dealt with during the pilot is a substantial improvement on the 344 littering and dog fouling offences dealt with over the past three complete financial years by the Council. Although this is not comparing like for like in that the officers tasked with issuing fines do so as part of their other extensive duties, including statutory obligations around statutory nuisance, and non-statutory work around evidence gathering and assessment of fly-tipping. It provides a baseline to demonstrate the increased activity brought about by the pilot.
- 4.3 Of the offences identified, some 94.06% are related to cigarettes being discarded. This offence is the one that is most commonly witnessed by officers as they patrol an area. Staff are engaged to deal with all offences of littering that they witness, and whilst cigarette ends may be small they are often more difficult and expensive to clean up than other litter. Additionally, cigarettes contain over 400 toxins, of which more than 40 are carcinogenic; consequently there is risk that these damaging chemicals will enter the environment and ultimately the food chain.
- 4.4 As a comparator, during 2016/17 Doncaster Council issued some 10,000 fines for environmental crime offences; 8,000 of those fines were issued as part of contracted work; 2,000 were issued by the Council's dedicated enviro-crime team. In Kirklees, where a similar pilot project has been in operation since April 2017, over 2,800 littering fines were issued up to August 2018; whilst Kirklees officers had not issued fines during the period and the previous year. In Rotherham during the current financial year, the Council has issued 43 littering fines, 7 dog fouling fines, 15 failure to furnish waste documents fines, 15 Community Protection fines, 3 fly-tipping fines and 1 Public Space Protection Order fine: whilst the pilot has delivered 4,688 fines for littering and 28 fines for dog fouling.

- 4.5 A significant increase in the capacity and flexibility that the Council has to tackle environmental crimes and parking offences has been provided by the pilot, substantially enhancing the Council's enforcement capabilities. This capacity is critical given the demand for enforcement work and the level of resources available.
- 4.6 Importantly, the pilot has created capacity that has allowed the Council to tackle environmental crimes and parking offences across the Borough, rather than being focused in the town centre and a few hot spot areas. Although initially the pilot focused on the town centre as part of the familiarisation and mobilisation work, the pilot has progressively covered all Wards. Such geographical coverage is vital if the Council is to demonstrate that it is providing a deterrent and driving a change in behaviour. It is important to note that the pilot has not replaced existing staff, but has rather enhanced the number of staff dealing with environmental crime enforcement. Additionally, the revenue from the pilot has supported the Council's budget savings.
- 4.7 The Council has received 12 complaints relating to the pilot. These were considered by the Complaints Panel, none have been upheld, for which the body camera recordings have proven to be invaluable.
- 4.8 Some of the learning points from the complaints were as follows:
- Calls to the customer service lines were not recorded
 - The need for clarity for members of the public of the difference between the appeals through the Court Procedure and the Council's internal Complaints Procedure
 - Publicity of the 'hotspots' which Kingdom would be targeting and the number of fines issued
 - Review of the dual badging of uniforms worn by Kingdom
 - The use of language used in e-mails by Kingdom employees with regard to members of the public
 - The Panel also requested that the pilot be submitted to the Improving Places Select Commission for scrutiny.
- 4.9 In the meeting of the Overview and Scrutiny Management Board of 6th September 2017, (item 37), the Council's Public Space Protection Order was discussed. Assurances were sought that guidance would be issued to all enforcement agencies to ensure that breaches to the orders and issuing of any fines were dealt with consistently and transparently. Although the staff engaged in the pilot are not authorised to issue fines within the provisions of the Public Space Protection Order, it is only proper to establish the Council's expectations of officer behaviour with a Code of Conduct, and Cabinet Member for Waste, Roads and Community

Safety has requested that a Code of Practice be provided as part of this review paper.

- 4.10 Where individuals do not pay fines to discharge the offences, the Council will seek to prosecute those offences. There is some delay between an offence being committed and the case being put forward to Court. Individuals who have been issued a fine can be allowed up to nine weeks to pay the fine. Currently, 194 cases have been identified to progress to Court having failed to pay their fines: by the end of the initiative it is anticipated that in the region of 20% of the fines issued will result in a Court hearing.

5. Way Forward

- 5.1 Members will note the purpose of having a pilot was to help inform and support proposals for a shared service with Doncaster. The outcome of this pilot provides the foundation from which powers can be exercised should the Council enter a shared service agreement. In order to further progress the initiative, the Council will need to delegate powers to Doncaster.

5.2 Learning Points

The Council's telephony system, utilised by the service provider, is licensed to have a limited number of lines that provide a call recording facility. Currently the full number of licences are utilised and adding further licences would entail significant costs. Solutions are currently being examined with a view to provision for both Regulation and Enforcement and the Corporate Complaints team.

- It is proposed that when offenders are advised of their chance to make representation against a fine, that it is made clear that the fine will not be put on hold.
 - It is proposed that a media strategy is developed in relation to particularly problematic dog fouling hotspots to drive responsibility of dog owners to pick up after their pets.
 - It is proposed that branding is dealt with through the proposed service level agreement with Doncaster.
 - It is proposed that standards relating to e-mail content will be re-enforced with the team.
 - It is proposed that a public facing Code of Conduct, based on the Council's existing General Enforcement Policy and Corporate Code of Conduct is published. The proposed text is attached at Appendix B
- 5.3 The preferred option to deliver enhanced enforcement of environmental crime is agreed in that direction is given to undertake a shared service approach with Doncaster Council. It is proposed that the delegation of powers is supported and that further progress of the shared service can be advanced. The increased capacity and delivery of enforcement described at

2.2 and 2.3 demonstrates that the pilot has shown that these key objectives can be achieved through the proposed shared service arrangements.

6. Consultation

Doncaster Metropolitan Borough Council.

7. Timetable and Accountability for Implementing this Proposal

7.1 It is anticipated that Doncaster Council would be in position to engage in shared service arrangements from late May to June 2018 following the acceptance of delegated powers from Rotherham and procurement of a contract with an appropriate service provider.

6.2 The Assistant Director for Community Safety and Street Scene will be responsible for the delivery and implementation of the proposal.

8. Financial Implications

8.1 Within the approved budget savings for 2017/18 for the Regeneration and Environment Directorate, included is a saving of £100,000 for enhanced enforcement of environmental crime.

8.2 It is estimated that the shared service arrangements will generate revenue for Rotherham MBC of £37,240 per annum. This is, however, subject to the progression and outcome of the procurement process and service level agreement. This will leave an annual shortfall against the approved saving of £62,760 per annum. Any budget shortfall will need to be met from savings in respect of statutory enforcement and regulatory functions.

8.3 It is known that the statutory maximum fines that can be levied in relation to littering will increase from £80 to £150 in April 2018. This is likely, subject to procurement and service level agreement negotiations, to reduce the margin between the savings target and the revenue generated.

9. Legal Implications (including procurement)

9.1 It is critical that Doncaster Council accept the delegation of relevant and appropriate powers contained within the Environmental Protection Act 1990, Traffic Management Act 2004, Anti-Social Behaviour, Crime and Policing Act 2014, Clean Neighbourhoods and Environment Act 2005, and Health Act 2006, in order to enable the delivery of shared service arrangements approved at a future date.

9.2 Careful and timely consideration of the replacement of Dog Control Orders with Public Spaces Protection Orders within the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, will be essential to ensure that enforcement against dog fouling remains effective in the future.

10. Human Resources Implications

10.1 There are no direct human resource implications arising from this report. The initiative is to enhance enforcement provision not to replace existing officers.

11. Implications for Children and Young People and Vulnerable Adults

11.1 There are no direct implications for Children and Young People and Vulnerable Adults arising from this report.

12 Equalities and Human Rights Implications

12.1 There are no equalities and/or human rights implications anticipated arising from this report.

13. Implications for Partners and Other Directorates

13.1 There are no direct implications for partners or other Directorates arising from this report. Consultation has taken place with Doncaster Metropolitan Borough Council regarding proposed arrangements.

14. Risks and Mitigation

14.1 Failure to strengthen enforcement and ensure a strategic focus will expose the Council to frontline weaknesses in tackling environmental crime, with the consequent negative effects on the quality of life and environment for residents and reputational risk to the Council.

14.2 There is a risk that the proposed shared service arrangement with Doncaster may not deliver the £100,000 saving built in year on year to the Regulation and Enforcement budget. However, until the service has been procured, it is difficult to determine with certainty the precise risk. If the contract does not deliver the savings, then any budget shortfall will need to be met from within the Directorate.

15. Accountable Officer(s)

Ajman Ali, Interim Assistant Director, Community Safety and Street Scene
Damien Wilson Strategic Director, Regeneration and Environment

Approvals Obtained from:-

This report is published on the Council's website or can be found at:-
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>

Appendix A

Location, number and percentages of fines issued in relation to environmental crime offences during the pilot project

Area	Area Count	Percentage
Anston	<u>33</u>	<u>0.70%</u>
Aston	<u>7</u>	<u>0.15%</u>
Bramley	<u>67</u>	<u>1.42%</u>
Brampton Bierlow	<u>125</u>	<u>2.65%</u>
Brinsworth	<u>1</u>	<u>0.02%</u>
Broom	<u>10</u>	<u>0.21%</u>
Canklow	<u>31</u>	<u>0.66%</u>
Catcliffe	<u>3</u>	<u>0.06%</u>
Dalton	<u>38</u>	<u>0.81%</u>
Dinnington	<u>76</u>	<u>1.61%</u>
East Dene	<u>46</u>	<u>0.98%</u>
Eastwood	<u>275</u>	<u>5.83%</u>
Greasbrough	<u>12</u>	<u>0.25%</u>
Hellaby	<u>12</u>	<u>0.25%</u>
Herringthorpe	<u>43</u>	<u>0.91%</u>
Kilnhurst	<u>1</u>	<u>0.02%</u>
Kimberworth	<u>33</u>	<u>0.70%</u>
Kiveton Park	<u>8</u>	<u>0.17%</u>
Maltby	<u>120</u>	<u>2.54%</u>
Masbrough	<u>88</u>	<u>1.87%</u>
Parkgate	<u>372</u>	<u>7.89%</u>
Ravenfield	<u>2</u>	<u>0.04%</u>
Rawmarsh	<u>81</u>	<u>1.72%</u>
Rotherham	<u>1</u>	<u>0.02%</u>
Rotherham Town Centre	<u>2558</u>	<u>54.24%</u>
Sunnyside	<u>1</u>	<u>0.02%</u>
Swallownest	<u>1</u>	<u>0.02%</u>
Swinton	<u>14</u>	<u>0.30%</u>
Thrybergh	<u>6</u>	<u>0.13%</u>
Thurcroft	<u>5</u>	<u>0.11%</u>
Wath Upon Dearne	<u>182</u>	<u>3.86%</u>
Whiston	<u>7</u>	<u>0.15%</u>
Wickersley	<u>26</u>	<u>0.55%</u>
Wickersley/Bramley	<u>29</u>	<u>0.61%</u>
Woodall	<u>402</u>	<u>8.52%</u>
Total:	4716	

Regulation and Enforcement:

Code of Conduct: Public Expectations

Officers undertaking regulatory and enforcement functions for, or on behalf of the Council, are subject to the provisions of the statutory General Enforcement Policy which describes expectations of officers when delivering regulatory and enforcement actions. There are a few roles that are exempted from the General Enforcement Policy, however all officers are subject to the Council's Corporate Code of Conduct.

This Code of Conduct details what members of the public should expect from officers, whether requesting or being subject to, regulatory and enforcement actions.

1. Officer behaviour, including communications in all forms, influences perceptions of the Council and consequently can generate complaints against the Council which are investigated with full disclosure.
2. Officers will:
 - a. Be professionally
 - b. Be polite
 - c. Be honest
 - d. Identify themselves with an identification card, either detailing their name and role, or their officer number
 - e. Where uniformed they will display the appropriate branding and uniform at all times while on duty and not seek to carry out work in a way that could be deemed to be undercover, unless authorisation is provided by managers for specific operations.
 - f. Where non-uniformed officers should make it clear to individuals and business who they are and what their role is.
3. Officers will exercise all enforcement and regulatory activities in a way which is:
 - a. Proportionate – activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
 - b. Accountable – activities, including internal electronic communications, will be open to public scrutiny whether as part of disclosure or freedom of information. Officers need to understand and be conscious of the relevant policies and the complaints procedures.
 - c. Consistent – advice to those enforced against and regulated will be robust, reliable and where advice is provided by others it will be respected. Where circumstances are similar, a consistent, if possible, approach and actions to other Councils will be followed.
 - d. Transparent – those regulated will be advised appropriately so as to understand what is expected of them and what they can anticipate in return.
 - e. Targeted – resources will be focused on higher risk enterprises and activities, reflecting local and national priorities.
 - f. Openness – enforcement and regulatory activities will be undertaken in an open way unless this would defeat the objective of enforcement.

- g. Professional – enforcement and regulatory activities will always be undertaken in a professional and polite manner. Whilst work is confrontational, officers need to ensure that a professional and polite, albeit when needed firm, manner is maintained.
 - h. Perception – officers should not behave in a manner that might be construed as bringing the Council into disrepute. This would include breaching legal and policy requirements. As an example, there are Corporate policies and procedures dealing with surveillance that have to be adhered to; where individuals or businesses are subject to surveillance without due authorisation, which might include following individuals or observing individuals, this can damage the Council's reputation and result in litigation.
4. Where formal enforcement action is necessary, the most appropriate course of action will be considered from the range of sanctions and penalties available, with the intention of:
- a. Aiming to secure public safety
 - b. Aiming to change the behaviour of the offender
 - c. Aiming to eliminate any financial gain or benefit from non-compliance
 - d. Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction.
 - e. Being proportionate to the nature of the offence and harm caused
 - f. Aiming to restore the harm caused by non-compliance
 - g. Aiming to deter future non-compliance.
5. Before formal enforcement action is taken:
- a. Where appropriate there will be an opportunity to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction of evidence or there is an imminent risk to the environment or health and safety.
 - b. Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time, if possible, and confirmed in writing within 10 working days.
 - c. Where there are rights of appeal, or routes to make representation, against formal enforcement action, notification of the mechanism to do so will be clearly set out in writing at the time the action is taken.
 - d. Clear reasons will be given for any formal enforcement action taken and confirmed in writing.
6. Where members of the public are concerned that officers working for, or on behalf of the Council, have not adhered to this Code of Practice, they have recourse to formally complain to the Council within the provisions of the Council's Corporate Complaints Policy. In writing to:

The Complaints Manager
Rotherham Metropolitan Borough Council
(FREEPOST RTCT-XKLS-ZHAZ)
Riverside House
Main Street

Rotherham
S60 1AE

Email: complaints@rotherham.gov.uk
Telephone: (01709) 382 121