BYELAW FOR GOOD RULE AND GOVERNMENT 2010

ENFORCEMENT GUIDANCE

Objective
The objective of enforcing the byelaw for Good Rule and Government is to deter the general public from engaging in low level anti social behaviour to the danger and annoyance of other people and to the degradation of the environment. This will help make Northampton a more pleasant place for residents, encourage visitors and help achieve NBC’s corporate objective for ‘safer, greener and cleaner communities’.

Powers
The byelaws would be made by the Borough Council under Section 235 of the Local Government Act 1972.

Targeting of Offences
Offences will often be targeted in certain geographical hot spot areas as and when intelligence is obtained. For example, the town centre will be a target area regarding the byelaw for urination Friday and Saturday nights. However, that does not mean it will not be enforced in other parts of the borough as and when necessary.

Delivery
The Byelaw will be enforced in a consistent and fair manner across the Borough and will comply with NBC’s Enforcement Policy. A balanced but firm and resolute approach will be taken against persistent offenders.

Currently the sanctions under the byelaws are to issue a warning, simple caution or legal proceedings. This policy takes into account the Government intention to introduce Fixed Penalty Notices for byelaw offences.

The key to successful control of actions covered by the byelaws is to ensure that individuals are aware of the legal position and that appropriate enforcement action will be taken where offences occur. When the byelaw is adopted awareness raising will be needed to educate and advise the general public.

The possible enforcement actions are:-

- Warning letter
- Issue fixed penalty notice (when introduced)
- Simple Caution
- Prosecution
- Injunctions (normally used where prosecution has failed to prevent repeat offences)
Offences will be judged on their merits. Verbal and/or written warnings will be given for most first offences and prosecution (or fixed penalty notice when introduced) for second offences. However, because of the serious nature of offences under the following byelaws the normal course of action will be prosecution (or fixed penalty notice when introduced):

Interference with road warning equipment

Interference with life saving equipment

However, consideration will be given to giving a simple caution in cases where there are mitigating circumstances.

Prosecution is a serious matter and sufficient evidence must be available to have a reasonable prospect of conviction.

When not to prosecute
- Insufficient evidence
- When the person in question is ‘vulnerable’ such as the mentally impaired.
- When the person challenged is either non-cooperative, aggressive or violent.
- When the offender is under the age of 16.
- Where no satisfactory address exists for enforcement purposes. This may be where the officer has reason to believe that the suspect is homeless or sleeping rough.

Accountability & Transparency
Everyone will be treated with equal fairness irrespective of race, gender, religious or sexual beliefs. Enforcement requirements will be easy to understand and a clear distinction will be made between legal requirements and advice, guidance or good practice.

Training
Byelaw can be enforced by Police Officers, PCSOs and Environmental Wardens as part of their normal duties. Further training will be needed only to ensure they understand the legislation so that the byelaw can be applied in a consistent manner across the borough ensuring fairness to all.

Management systems
It is very important to ensure that inconsistencies are kept to the minimum to keep public confidence and to ensure the quality of the local environment is improved for all.

Complaints Procedure
Complaints and appeals can be made in writing in line with NBC’s Enforcement Policy.

Reporting
Enforcement of the byelaw will initially be reviewed after 6 months and then annually. The purpose of the review is to ensure that the byelaw is having the desired effect, is being enforced appropriately and consistently, to identify any problems and to ensure that costs do not exceed revenue raised.
Annual reports will be produced outlining the following:-
• How many people prosecuted
• How many reports of these types of asb compared to pre-byelaw
• When FPNs are introduced, how much revenue is raised and where that money is spent. It is proposed that any revenue raised will be used to fund the enforcement process, if and when there is any significant under spend it will be used for community projects or environmental improvements.

In order to carry out an effect evaluation Police and other accredited enforcement officers will be required to supply the following:-
• Number of people given verbal warnings under the byelaw
• Number of warning letters sent
• Number of prosecutions
• Number of FPN's issued (once able to issue FPN)