

NOTICE
OF
MEETING



CRIME & DISORDER OVERVIEW & SCRUTINY PANEL

will meet on

WEDNESDAY, 14TH DECEMBER, 2016

At 7.00 pm

in the

DESBOROUGH 4 - TOWN HALL, MAIDENHEAD

TO: MEMBERS OF THE CRIME & DISORDER OVERVIEW & SCRUTINY PANEL

COUNCILLORS DEREK SHARP (CHAIRMAN), JOHN BOWDEN (VICE-CHAIRMAN),
HASHIM BHATTI, JESSE GREY, HARI SHARMA, JOHN STORY AND SIMON WERNER

SUBSTITUTE MEMBERS

COUNCILLORS MALCOLM ALEXANDER, CLIVE BULLOCK, MOHAMMED ILYAS,
GARY MUIR, SHAMSUL SHELIM, MALCOLM BEER, LYNNE JONES AND
JULIAN SHARPE

Karen Shepherd - Democratic Services Manager - Issued: Tuesday, 6 December 2016

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at www.rbwm.gov.uk or contact the Panel Administrator **Tanya Leftwich** 01628 796345

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AGENDA

PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	-
2.	<u>DECLARATIONS OF INTEREST</u> To receive declarations of interests from Members of the Panel in respect of any item to be considered at the meeting.	7 - 8
3.	<u>MINUTES</u> To note the Part I minutes of the Crime & Disorder Overview & Scrutiny Panels held on the 14 November 2016.	9 - 10
4.	<u>DELIVERING DIFFERENTLY IN OPERATIONS & CUSTOMER SERVICES - CIVIL ENFORCEMENT OFFICER & COMMUNITY WARDEN SERVICES</u> To comment on the report to be considered by Cabinet on the 15 December 2016.	11 - 22
5.	<u>DATE OF FUTURE MEETINGS</u> <ul style="list-style-type: none">• Tuesday 24 January 2017.• Monday 30 January 2017.• Thursday 20 April 2017.	-
	<u>LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC</u> To consider passing the following resolution:- "That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion takes place on item 6 on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of part I of Schedule 12A of the Act"	-

PRIVATE MEETING

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
6.	<p data-bbox="261 443 408 477"><u>MINUTES</u></p> <p data-bbox="261 517 1198 582">To note the Part II minutes of the Crime & Disorder Overview & Scrutiny Panel held on the 14 November 2016.</p> <p data-bbox="261 622 1267 696"><i>(Not for publication by virtue of Paragraph 2 of Part 1 of Schedule 12A of the Local Government Act 1972)</i></p> <p data-bbox="261 770 1246 835"><u>Details of representations received on reports listed above for discussion in the Private Meeting:</u></p> <p data-bbox="261 904 461 936">None received.</p>	23 - 24

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MEMBERS' GUIDANCE NOTE

DECLARING INTERESTS IN MEETINGS

DISCLOSABLE PECUNIARY INTERESTS (DPIs)

DPIs include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any license to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where
 - a) that body has a piece of business or land in the area of the relevant authority, and
 - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

PREJUDICIAL INTERESTS

This is an interest which a reasonable fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs your ability to judge the public interest. That is, your decision making is influenced by your interest that you are not able to impartially consider only relevant issues.

DECLARING INTERESTS

If you have not disclosed your interest in the register, you **must make** the declaration of interest at the beginning of the meeting, or as soon as you are aware that you have a DPI or Prejudicial Interest. If you have already disclosed the interest in your Register of Interests you are still required to disclose this in the meeting if it relates to the matter being discussed. A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in discussion or vote at a meeting.** The term 'discussion' has been taken to mean a discussion by the members of the committee or other body determining the issue. You should notify Democratic Services before the meeting of your intention to speak. In order to avoid any accusations of taking part in the discussion or vote, you must move to the public area, having made your representations.

If you have any queries then you should obtain advice from the Legal or Democratic Services Officer before participating in the meeting.

If the interest declared has not been entered on to your Register of Interests, you must notify the Monitoring Officer in writing within the next 28 days following the meeting.

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Agenda Item 3

CRIME & DISORDER OVERVIEW & SCRUTINY PANEL

MONDAY, 14 NOVEMBER 2016

PRESENT: Councillors Derek Sharp (Chairman), John Bowden (Vice-Chairman), Hashim Bhatti, Jesse Grey, Hari Sharma, John Story and Simon Werner

Also in attendance: Superintendent Rai (Thames Valley Police), Parish Councillor Margaret Lenton (Wraysbury Parish Council) and Parish Councillor Pat McDonald (White Waltham Parish Council).

Officers: Tanya Leftwich, Craig Miller, Nick Davies and Simon Fletcher.

APOLOGIES FOR ABSENCE

None were received.

DECLARATIONS OF INTEREST

None.

The Chairman announced that the meeting was being recorded and that the audio would be available shortly on the RBWM website.

MINUTES

The Part I minutes of the meetings held on the 15 September & 6 October 2016 were agreed as correct records.

PRESENTATION - MODERN SLAVERY

The Chairman welcomed Superintendent Rai (Thames Valley Police) to the meeting and invited her to address the Panel.

Superintendent Rai gave Members a presentation on Human Trafficking and Exploitation. The presentation covered the following:

- What is Human Trafficking?
- Types of Modern Slavery.
- The Law.
- Types of Trafficking.
- Types of Control.
- Signs that might indicate a victim.
- Vulnerability Factors.
- What are we doing as a Force?
- The National Referral Mechanism.
- NRM Referrals by TVP.

In the ensuing discussion the following points were noted:

- ❖ That there had been at least three occasions in the last thirteen months when Superintendent Rai had referred suspected victims into the referral process but that none had come to fruition.
- ❖ That there was no 'hotline' for victims to call and that it was the normal Police phone number that should be used.

- ❖ Councillor Hari Dev Sharma commented that he felt this to be a very good tool and stated that it was vital to ensure victims received the proper support.
- ❖ That vulnerability factors would be flagged to the Police (e.g. if they did not have access to their passports / mobile phones) if it was felt workers, for example illegal workers in the restaurant trade, were not there voluntarily. It was noted that the Police would put people found to be working against their will in to the National Referrals Scheme which was a victim support programme to help the victim gain confidence whilst the Police started an investigation. Members were informed that if it was believed to be high numbers of victims a victim reception area / centre would be set up.
- ❖ That the Police had experience of illegal immigrants claiming to be victims of modern slavery. It was noted that it was not the Police's role to deport illegal immigrants.
- ❖ Parish Councillor Margaret Lenton stated that she felt victims of forced marriages needed to be given support in the local community (community lead support) to help give victims the strength to report incidents at Police Stations.
- ❖ That the Police's first aim was to safeguard the victims as some perpetrators were not seen as criminals in local communities, particularly in the case of forced marriage.
- ❖ That the Police had access to a forced marriage survivor who was able to talk to victims about experiences to help raise awareness. It was noted that Community Wardens also helped raise awareness.
- ❖ That there was not a list of what signs should be looked out for.
- ❖ That the 2016 Global Slavery Index showed there were more victims of modern slavery today then there were 300 years ago which was felt to be a shocking fact.
- ❖ Councillor Hari Dev Sharma stated that he believed it would be very helpful to raise awareness of these issues at the One Borough community forum meetings which were held on a monthly basis. Superintendent Rai explained that whilst she agreed to some extent she felt that more general forums were sometimes more appropriate.
- ❖ That both frontline and cross offence (specialist) officers were all trained to deal with modern slavery incidents. It was noted that the only people in the Police that were not trained in this area were administration staff and Head Quarters staff.

The clerk was requested to email a copy of the presentation to the Panel.

The Chairman thanked Superintendent Rai for her presentation.

Superintendent Rai left the meeting.

DATE OF FUTURE MEETINGS

The Chairman informed Members that the dates of the next meetings were as follows:

- Monday 30 January 2017
- Thursday 20 April 2017

The Clerk informed the Panel that there looked to be a need to add two additional dates into the diary – one in December and one in January for two Cabinet reports that had changed timescales. Additional meeting dates would be announced in due course.

LOCAL GOVERNMENT ACT 1972 - EXCLUSION OF THE PUBLIC

RESOLVED UNANIMOUSLY: That under Section 100(A)(4) of the Local Government Act 1972, the public be excluded from the remainder of the meeting whilst discussion took place on following item 5 on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 1-7 of part I of Schedule 12A of the Act.

The meeting, which began at 7.00 pm, finished at 8.15 pm

CHAIRMAN.....
DATE.....

Report for: ACTION



Contains Confidential or Exempt Information	No – Part I
Title	Delivering Differently in Operations & Customer Services – Civil Enforcement Officer & Community Warden Services
Responsible Officer(s)	Simon Fletcher, Strategic Director of Operations, 01628 796484
Contact officer, job title and phone number	Craig Miller, Head of Community Protection & Enforcement, 01628 683598
Member reporting	Cllr Cox, Lead Member for Environmental Services & Parking
For Consideration By	Cabinet
Date to be Considered	15 December 2016
Implementation Date if Not Called In	Immediately
Affected Wards	All
Key Words	CEO's, CW's, Community Warden, Parking Officer

REPORT SUMMARY

1. A review and soft market testing exercise for Civil Enforcement & Community Warden services has been undertaken in order to test the viability of combining the services and using a private sector provider to deliver them for the Council. This work has highlighted that the combination of these services will not offer the opportunities to enhance service provision for residents as previously expected. The paper sets out an amendment to the original proposal approved by Cabinet in order to allow third party service provision to be considered for Civil Enforcement services.
2. A competitive procurement process will be undertaken to test the market and a further report will be submitted to Cabinet in April 2017 seeking where appropriate authority to award a contract to the preferred bidder.

If recommendations are adopted, how will residents benefit?

Benefits to residents and reasons why they will benefit.	Dates by which they can expect to notice a difference.
Effective Civil Enforcement services are provided across the Royal Borough that	September 2017

effectively reflect and meet the parking enforcement needs of the area.	
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1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Cabinet:

- i. **Agrees the amendment of the ‘in principle’ approval given by Cabinet on June 30, 2016, removing Community Warden services from the scope of the proposal and that third party service providers now be considered for Civil Enforcement services only**
- ii. **Delegates authority to the Strategic Director of Operations & Customer Services in conjunction with the Lead Member for Environmental Services to conclude a competitive procurement process for the provision of Civil Enforcement services within the Royal Borough.**
- iii. **Requests a further report be submitted to Cabinet in April 2017 detailing the outcome of the competitive procurement process and if appropriate seeking authority to award a contract to the preferred bidder**

2. REASON FOR RECOMMENDATION AND OPTIONS CONSIDERED

- 2.1. On 30 June 2016, Cabinet approved in principle a proposal to consider the use of a private sector provider for the delivery of Civil Enforcement and Community Warden Services on behalf of the Council.
- 2.2. The original proposal had been built on intelligence gathered from the market place that suggested there was a positive appetite for a portfolio of this nature and opportunities to enhance service provision and shape more effective and efficient functions. Information was also gathered from other local authorities that had utilised third party providers in this way. Westminster City Council was the primary reference site and in particular the Westminster Marshal Service that discharges the civil enforcement function. The Marshals were described as officers who undertake parking enforcement tasks as well as community roles.
- 2.3. This intelligence indicated that a similar approach and model could align well with the objectives of both the Civil Enforcement and Community Warden functions at Windsor & Maidenhead.
- 2.4. Cabinet was advised that feedback received through the overview and scrutiny process and broader consultation with Lead and Principal members had highlighted some concerns about the proposal. In particular, the potential erosion of the community relationship and value that each individual Community Warden provides to their parish/ward area should they be aligned with parking functions that are purely enforcement focussed. Equally, concern was raised in respect of the impact on the Royal Borough Community Warden brand and potential loss of local knowledge should a third party provider be employed. Reassurance was given that these matters would be considered

within a detailed options appraisal and all risks and impacts positive or negative would be reported to members.

- 2.5. Cabinet requested that further research be undertaken on this work stream and a detailed proposal be brought back setting out the options considered and a recommendation for the future configuration of this service area.
- 2.6. Since June, Officers and the Lead Member for Environmental Services have undertaken further soft market testing and intelligence gathering. This has incorporated visits to Westminster City Council and the commencement of a pilot utilising third party resource to deliver Civil Enforcement services within a defined area of the Borough. Further details are set out below:

Westminster City Council

- 2.7. Two visits were undertaken to Westminster to meet with Lead Member and Senior Officer counterparts in order to better understand their Westminster Marshal function. Unfortunately, this identified that the marshal function was not as originally described and did not fully align with the Royal Borough's expectation of what an enhanced and expanded Community Warden Service would be.
- 2.8. The visits did however highlight a different service that was considered to be more closely aligned to a model that would fit with the Council's thinking to enhance the Community Warden role and expand its scope to have greater involvement in some enforcement functions e.g. environmental crime.
- 2.9. Westminster deploy City Inspectors to undertake a combination of community functions and some low level environmental enforcement functions e.g. littering, graffiti and dog fouling. The inspectors also work in conjunction with the council's regulatory services teams to assist with their investigations e.g. environmental protection initial information or evidence gathering.

Civil Enforcement Pilot

- 2.10. The Lead Member for Environmental Services communicated with Members on August 10, to advise that he had approved the implementation of a pilot to use a third party provider to discharge civil enforcement services within a discrete area of the Borough. The purpose of the pilot was to test the concept of using an alternative service provider and to gain robust intelligence that would be more realistic and representative than data from case studies or third party service delivery by Local Authorities in other areas of the country.
- 2.11. The pilot has been in operation since August 15, 2016 and encompasses four officers operating in a defined area of the Borough incorporating part of Maidenhead Town Centre, Ray Mead Road (A4094), Lower Cookham Road (A4094), Cookham Village and part of Cookham Rise. Maps of the pilot area are at Appendix 1.
- 2.12. The pilot is being operated in accordance with the Council's existing policies and procedures and the officers are uniformed in the same style as the in-house resource. The council resource that usually patrols the pilot areas has been deployed to other parts of the Borough for this period meaning there is no reduction in service provision.

- 2.13. Monitoring of the pilot to date indicates that services are being deployed effectively thus far and feedback suggests that there has been a positive impact. A small number of complaints have also been received.
- 2.14. The council has received complimentary feedback citing resolution of some issues that have been a problem for some time and examples of excellent customer interaction. Positive impacts have also been reported on parking behaviours around Claires Court School during peak drop off and pickup times due to a visible presence of the pilot resource.
- 2.15. Five complaints have been received in respect of the pilot since August. Investigation of each case has determined that four of these would not be upheld with some seemingly relating to circumstances where the council's in house resource may not have previously enforced parking restrictions or schemes as intended in certain town centre locations.
- 2.16. Officers and the Lead Member for Environmental Services have reflected on the further intelligence gathered to date and have listened to the feedback received from members and interested parties in respect of the value that is placed on the Community Warden service. Both are now of the view that third party provision of Community Warden and Civil Enforcement services together is no longer appropriate for the Royal Borough.
- 2.17. The current internal resource arrangements do not adequately cover the full parking enforcement need of the Borough, particularly in non town centre locations and during major events. However, utilising a third party provider to deliver Civil Enforcement services alone is considered likely to provide potential opportunities to enhance service provision, achieve better, more visible coverage across the Borough enabling improved responsiveness to our customers needs.
- 2.18. The Council will want to ensure a balanced approach to future parking enforcement that maintains a sensible level of control over off and on street parking provision. Any future parking enforcement services will be delivered in accordance with the Council's recently approved Parking Enforcement strategy. This specifies that enforcement service will be delivered in a firm but fair manner and will improve consistency of application across the Borough. This document and the principles of it will be embodied in contract specification documents should the Council choose to employ the services of a third party provider in the future.
- 2.19. In view of the above, approval is sought to amend the original Cabinet decision to authorise officers to conclude a competitive procurement exercise for Civil Enforcement services alone. If appropriate, a contract will be awarded following suitable due diligence to the preferred third party bidder.
- 2.20. Since June, the Council has received expressions of interest from two neighbouring local authorities to access civil enforcement services through any arrangement that the Council may decide to enter into with a third party provider. The Council could develop an arrangement in such a way so as to enable a framework approach facilitating named authorities to access services from the provider. This could offer opportunities to generate an income

through for example a management fee etc. Officers will ensure that this option is incorporated in any contractual arrangement should this be pursued.

- 2.21. It is proposed that Community Warden services are now considered alongside the council's regulatory and enforcement functions in the second phase of the Delivering Differently in Operations & Customer Services project during 2017/18. These service areas will be reviewed as part of an Innovation Partnership looking at different delivery models for the broad range of functions and where appropriate drawing on service design expertise from the private sector. Specific focus will be placed on delivering the administrations manifesto commitment to increase the number of Community Wardens from 18 to 36.

Option	Comments
<p>a) Conclude a competitive procurement process for Civil Enforcement services</p> <p>This option is recommended</p>	<p>This will provide potential opportunities to deliver service enhancements, better more visible services with the flexibility to better meet residents parking enforcement needs. Cabinet will be able to make an informed decision based on actual responses from the market. This service configuration responds to and respects feedback provided by elected members and key parties in respect of combined Civil Enforcement & Community Warden services.</p>
<p>b) Do nothing.</p> <p>This option is not recommended</p>	<p>The council will not realise opportunities to enhance services and better meet the Borough's parking enforcement need.</p>
<p>c) Conclude a competitive procurement exercise for Civil Enforcement and Community Warden services</p> <p>This option is not recommended</p>	<p>Market intelligence has indicated that existing models for this service configuration do not align with the Council's expectations and aspirations for the Community Warden service.</p>

3. KEY IMPLICATIONS

Defined Outcomes	Unmet	Met	Exceeded	Significantly Exceeded	Date they should be delivered by
Competitive procurement process concluded	31/03/17	10/03/17	03/03/17	27/02/17	10/03/17
Future CEO	31/09/17	01/09/17	14/08/17	01/08/17	01/09/17

service arrangements implemented					
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4. FINANCIAL DETAILS

The use of a third party provider could enable future efficiency savings through alternative staffing and/or operational models. The financial implications of any third party provision will of course be considered as part of the competitive procurement process and reported back to Cabinet in April 2017.

Financial impact on the budget

4.1. Revenue Funding

	2015/16	2016/17	2017/18
	Revenue £'000	Revenue £'000	Revenue £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

4.2. Capital Funding

	2015/16	2016/17	2017/18
	Capital £'000	Capital £'000	Capital £'000
Addition	£0	£0	£0
Reduction	£0	£0	£0

5. LEGAL IMPLICATIONS

- 5.1. Local authorities by way of section 72 Traffic Management Act 2004 (**TMA 2004**) can be tasked with parking enforcement. Section 73 TMA 2004 establishes those parking/road traffic conventions which are subject to civil enforcement, including parking contraventions and the removal of vehicles under section 102 of the Road Traffic Regulation Act 1984. Section 76 TMA 2004 establishes the creation of Civil Enforcement Officers who can be tasked with the enforcement of road traffic contraventions. This individual can be an employee of the Council or, under section 76(2)(b) may be any person employed to act as a Civil Enforcement Officer by way of the Council making arrangements with a person for the provision of such a service. In short the TMA 2004 envisages the outsourcing of the role of Civil Enforcement Officers, posing little vires risk.

6. VALUE FOR MONEY

- 6.1 The recommended option will provide potential opportunities to enhance service provision, achieve better, more visible coverage across the Borough enabling improved responsiveness to our customers needs.

7. SUSTAINABILITY IMPACT APPRAISAL

- 7.1 Effective and robust parking enforcement arrangements will support highway networks and parking provision operating as designed and used as expected.

8. RISK MANAGEMENT

Risk	Uncontrolled Risk	Controls	Controlled Risk
Potential reputational issues associated with the use of a commercial company to provide enforcement services.	Medium	Service specifications do not contain performance targets or income requirements. Services will be delivered in accordance with the Council's Parking Enforcement Strategy.	Low

9. LINKS TO STRATEGIC OBJECTIVES

9.1 One of the key strands of the “Residents First” strategic objective in the corporate strategy is to improve the environment, economy and transport. Effective parking enforcement functions are an important part of ensuring the road networks, thoroughfares and parking provision is used and operates effectively.

10. EQUALITIES, HUMAN RIGHTS AND COMMUNITY COHESION

10.1 The Council's parking enforcement service will be delivered in a consistent and proportionate manner in accordance with the recently approved Parking Strategy

11. STAFFING/WORKFORCE AND ACCOMMODATION IMPLICATIONS

11.1. TUPE transfer processes will be applicable to affected employees should Cabinet be minded to award a contract to a third party provider in the future.

12. PROPERTY AND ASSETS

12.1 None

13. ANY OTHER IMPLICATIONS

13.1. None

14. CONSULTATION

14.1. The report will be considered at the Crime & Disorder and Highways & Transport Overview & Scrutiny Panels with comments reported to Cabinet for consideration.

15. TIMETABLE FOR IMPLEMENTATION

December 2016	Cabinet consider report
Dec 16/Jan 17	Procurement exercise conducted and options report developed

April 2017	Future service provision arrangements determined and if appropriate, contract awarded
September 2017	New service arrangements implemented

16. APPENDICES

Appendix 1 – Civil Enforcement Pilot Maps

17. BACKGROUND INFORMATION

None

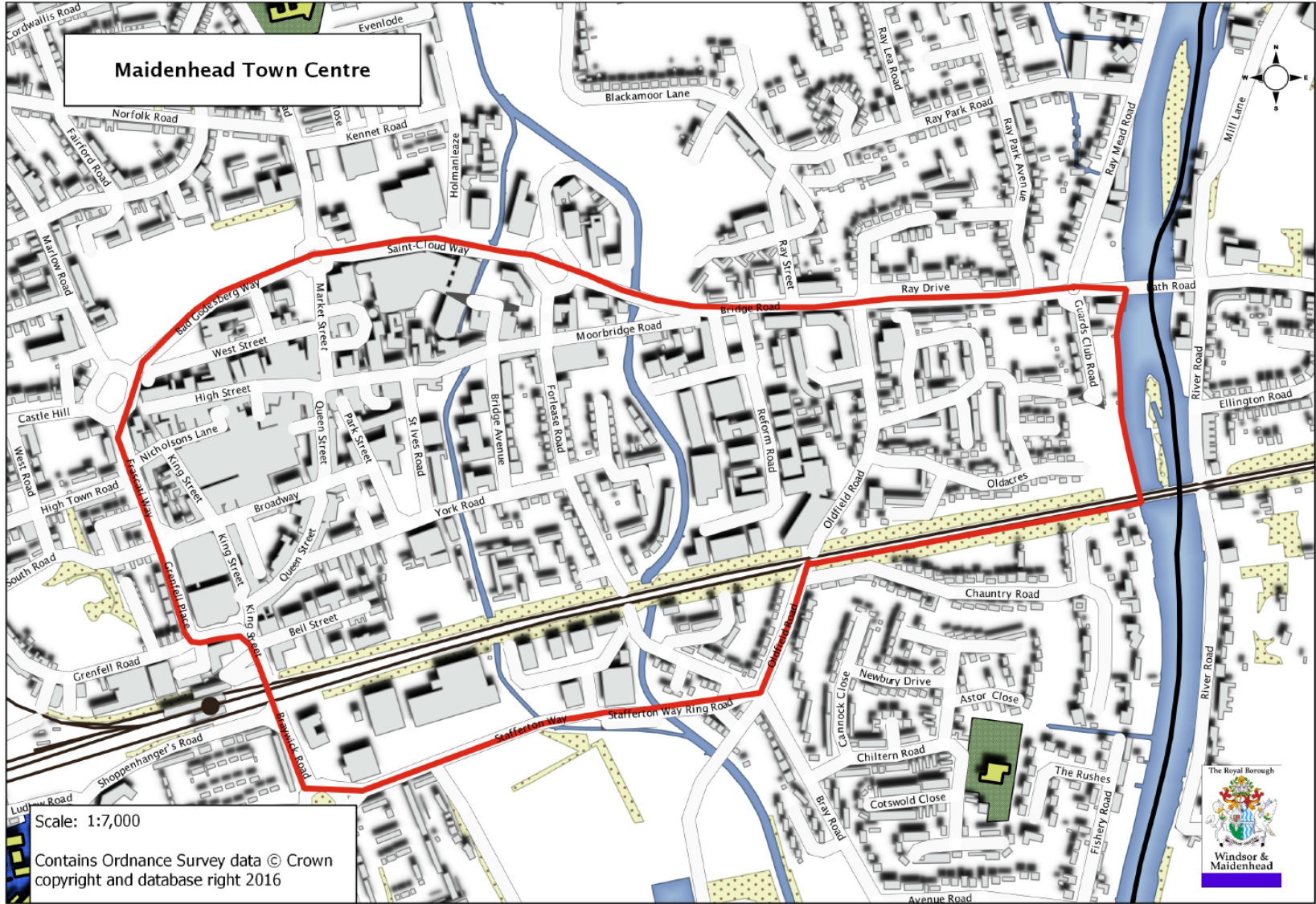
18. CONSULTATION (MANDATORY)

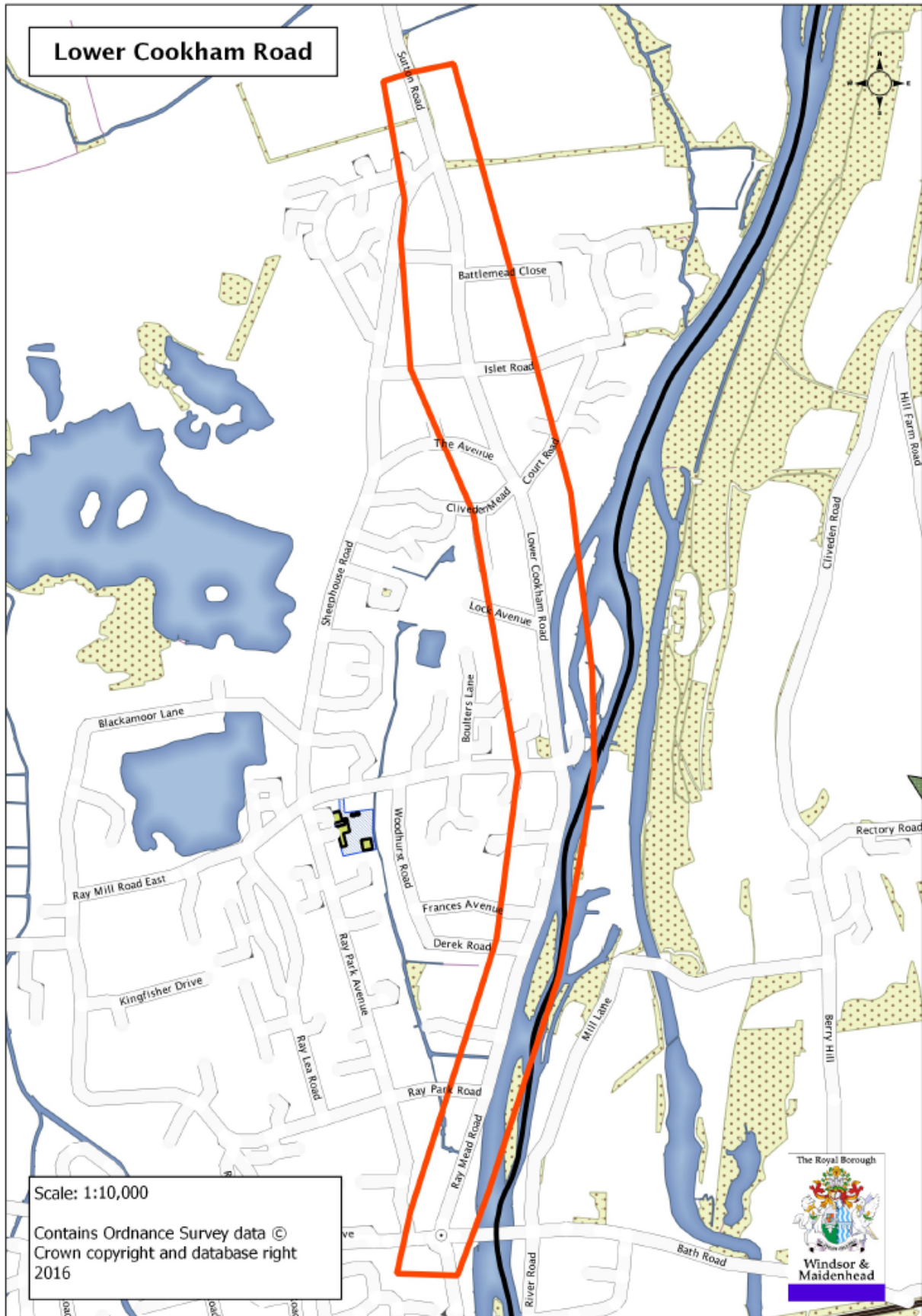
Name of consultee	Post held and Department	Date sent	Date received	See comments in paragraph:
Internal				
Cllr Cox	Cabinet Member for Environmental Services (including Parking)	16/11/16	17/11/16 & 31/11/16	.
Simon Fletcher	Strategic Director of Operations	16/11/16	17/11/16 & 31/11/16	Recommendations and through body of report.
Alison Alexander	Managing Director	17/11/16	17/11/16 & 01/12/16	Recommendations & through body of report.
Russell O'Keefe	Strategic Director Corporate and Community Services	17/11/16		
Elaine Browne	Shared Legal Services	16/11/16	17/11/16	
Mark Lampard	Finance Partner	16/11/16	17/11/16	
Lyn Hitchinson	Procurement Manager	16/11/16	16/11/16	
Neil Walter	Parking Principal	16/11/16		
Terry Baldwin	Head of Human Resources	17/11/16		
Michelle Dear	HR Business Partner	16/11/16	17/11/16	
Steve Johnson	Enforcement Principal	16/11/16	17/11/16	
Steph James	Town Centre Manager Maidenhead	16/11/16	17/11/16	
Paul Roach	Town Centre Manager Windsor	16/11/16	17/11/16	

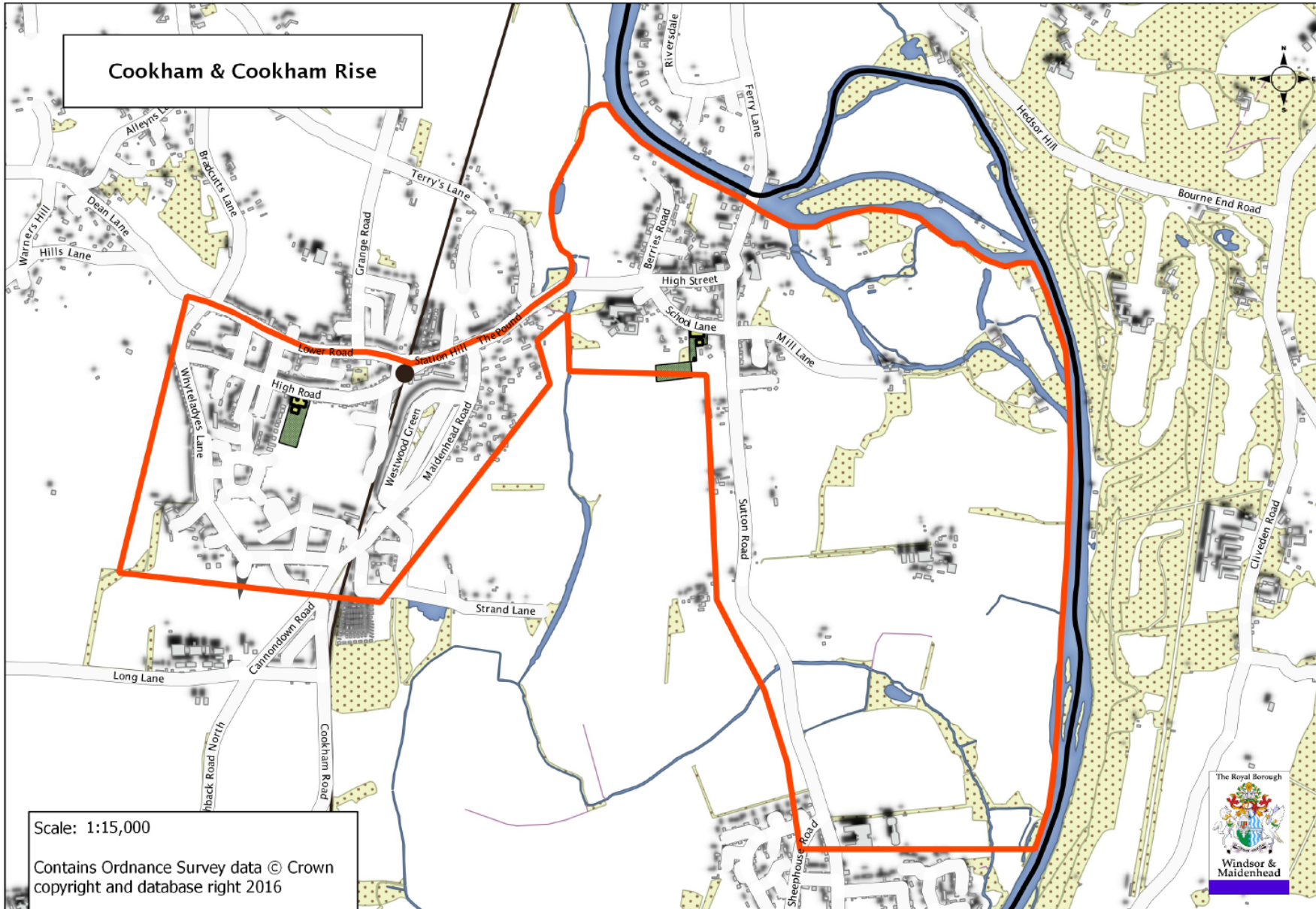
REPORT HISTORY

Decision type:	Urgency item?	
For information	No	
Report author		Full contact no:
Craig Miller	Head of Community Protection & Enforcement	01628 683598

Appendix 1 –Civil Enforcement Pilot Maps







Agenda Item 6

By virtue of paragraph(s) 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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