



London Borough of Hammersmith & Fulham

ENVIRONMENT AND RESIDENTS
SERVICES SELECT COMMITTEE

DATE	TITLE	Wards
16 January 2012	Civil Enforcement Officer Safety	All

SYNOPSIS

This report provides analysis of trends in the assaults experienced by the Council's Civil Enforcement officers and a summary of the actions being taken to minimise the risk.

CONTRIBUTORS

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Loveday Cole – Parking Services
Michael Galt – Public Protection

RECOMMENDATION that:

the Committee considers and comments upon the measures being taken to minimise, as far as is reasonably practical, the risk of assault upon the Councils' Civil Enforcement Officers and supports the strongest possible action against those responsible for assaults.

CONTACT

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NEXT STEPS

The Committee's comments and recommendations will be submitted to the Cabinet Member for Residents Services and Executive Director of Environment, Leisure and Residents Services for consideration.

Officers will pursue the proposed further actions and report progress to the Cabinet Member for Environment and Asset Management on a quarterly basis.

1. INTRODUCTION

- 1.1 This report has been submitted at the request of the Committee in recognition of the unacceptable level of instances of assault against the Council's Civil Enforcement Officers (CEOs). It provides details of the level of assaults and actions being taken to reduce them. The Committee is asked to endorse these measures and urge the Police to ensure that our CEOs consistently receive their full support both in carrying out their duties and in taking the strongest possible action against those that perpetrate assaults.

2. BACKGROUND

- 2.1 The Council has had an in-house parking enforcement service since decriminalisation in October 1993. The Service has always enjoyed a good reputation in terms of its ethics with no stories ever emerging in the media of malpractice in the issuance of Penalty Charge Notices (PCNs). Originally, the enforcing officers had the designation Parking Attendants. Following the Traffic Management Act 2004, they were redesignated Civil Enforcement Officers.
- 2.2 When moving back to the Environment Services Department in 2006 the Service was in major need of modernisation and in 2009 a new three base service was launched with new terms and conditions that were suited to the changed environment.
- 2.3 The current structure has a Parking Enforcement Manager, Deputy Manager, 3 Base Managers, two Radio Administrative Assistants, 12 Supervisors and 58 CEOs. The Supervisors spend 90% of their time on street. The Service will issue approximately 130,000 PCNs in 2011-12
- 2.4 The current three bases are at King Street, Lillie Road and Fulham Town Hall.
- 2.5 The Council has had a vehicle removal service since the advent of decriminalisation. The current pound in Barclay Road and tow trucks are provided by On-Time Automotive Ltd in a contract that is shared with the Housing and Regeneration Department. Tow truck hours were significantly reduced in November 2011 so as to provide a resource that was more commensurate with the reduced number of situations where the additional sanction of removal is appropriate. LBHF has always only removed vehicles meeting laid down criteria that focus on what are perceived to be the worst categories of illegal parking e.g. vehicles illegally parked in disabled persons bays, on the footway, pedestrian crossings etc. The tow trucks also relocate vehicles occupying suspended parking bays. The Service currently now relocates and removes approximately 50 and 55 vehicles respectively each week.

- 2.6 The former Traffic Warden Service under the Metropolitan Police was very inefficient but still often attracted public hostility to its officers. When Councils assumed parking enforcement powers, efficiency was significantly increased with many more parking tickets being issued. Regrettably, not all Councils followed LBHF's ethical approach and regular stories of serious malpractices appeared in the media throughout the 1990s and into the new century. CEOs became somewhat demonised in the media and this helped create a culture where "having a go" at a CEO was seen by many as a reasonable action. In a confrontational situation there is a fine line between verbal and physical assault
- 2.7 CEOs normally patrol alone. They are in touch with base via two way radio. The radio system was upgraded in 2008 to the system used by the Parks Police and Street Wardens. LBHF has always stressed to our CEOs that, if they feel threatened in a situation, they should seek to withdraw and not worry if this means that a ticket is lost.

3. POLICE SUPPORT

- 3.1 For many years Police support for parking enforcement was inconsistent both in terms of response times and the handling of incidents. Threatened CEOs would sometimes be advised to accept this as part of the job. In confrontational situations where a motorist whose car was about to be towed away had jumped onto the back of the truck and locked him/herself in the car, some Police officers threatened to arrest the tow truck driver rather than deal with the motorist.
- 3.2 In relation to assaults, very often cases boil down to the word of the CEO against of the motorist. It is not unusual for the motorist who has carried out the assault to make a fictional counter claim against the CEO. In these circumstances the Police would often advise the CEO that if he/she wished to pursue the allegation of assault both the CEO and motorist would be arrested, thereby effectively pressuring the CEO to agree that there would be no further action. In 2006 when the service was transferred back to Environmental Services the relationship with the Police was not a good one with a degree of distrust.
- 3.3 At about this time a new role as the main liaison point between the Police and the Council was established. This led to a vast improvement in the level of support received from the Police. It was agreed that CEOs would receive the high priority response accorded to "vulnerable victims" when calls were made requesting assistance. The liaison officer came to morning briefings to listen to all of the issues raised by CEOs and tried to provide reassurance.
- 3.4 Protocols were agreed to cover the situation where a CEO was

assaulted and where a motorist jumps on the back of a tow truck and refuses to come down. The former protocol recognised that spitting was considered to be assault.

- 3.5 In 2007 a Side by Side agreement was signed by the Leader and Police Commander for the borough. This formally set out the commitment from both parties to work closely together and provide mutual support.
- 3.6 The Police liaison officer continued to be pivotal in ensuring that our CEOs generally received a high level of support. Where individual Police Officers failed to provide appropriate support, the liaison officer was able to immediately to either tackle the problem or escalate it to the highest levels in the local Police. He also provided a means of obtaining regular updates on assault cases that were being investigated by the Police
- 3.7 In early 2011 the liaison officer retired and has only just been replaced. In this period it became harder to establish how cases were progressing and inconsistent response began to gradually reappear.

RBKC also have a Side by Side agreement with their Police. As part of this, on a weekly basis a joint patrol takes place. This is normally where two CEOs are accompanied by the Community Support Officers. Where resources permit and in the case of a need to tackle a particular problem, Police Officers will accompany CEOs. In LBHF, however, the Police have not felt able to offer any form of regular joint patrolling.

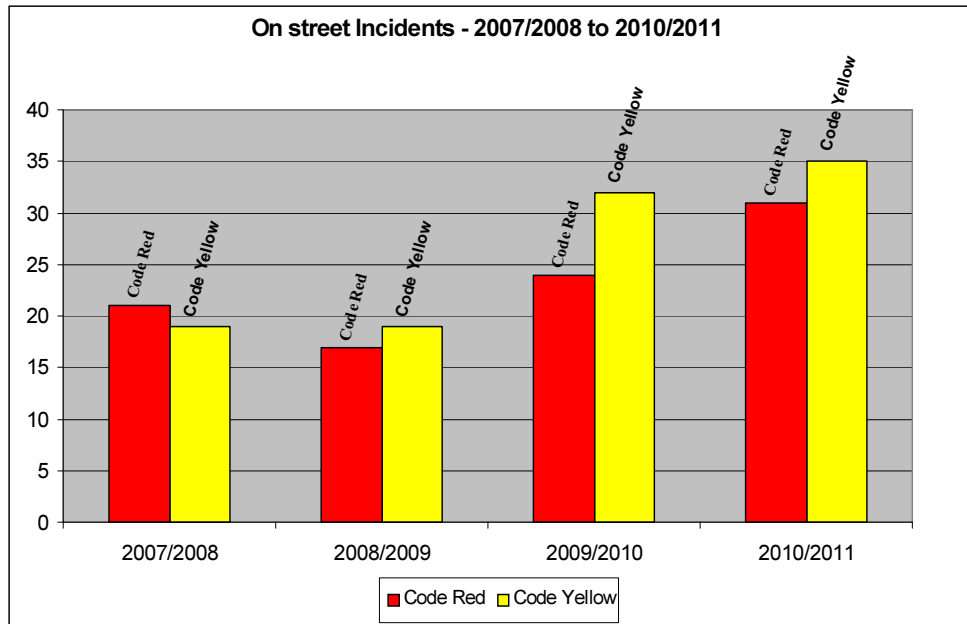
4. STATISTICS

- 4.1 A system has evolved within the parking enforcement industry whereby incidents are classified as code "yellow" or code "red" according to seriousness.
- 4.2 A code yellow is when a CEO is being subjected to an intense verbal assault that could become physical. As explained above, CEOs are encouraged to move away from the scene of the incident.

A code red is when a CEO has been subjected to a physical assault or feels that it is imminent. If a Code Red is broadcast the nearest Supervisor and other CEOs and mobile units that are nearby will respond to provide support. The radio control room will also call the Police.

- 4.3 Figures regarding assaults and incidents involved CEOs are not centrally collated. Below is a comparison of the reported code reds and code yellows in LBHF and RBKC over the last 3 years. Code red statistics are more reliable as such incidents would normally always be reported whereas CEO reporting of code yellow situations is much more inconsistent.

LBHF Code Red and Code Yellows 2007-11



LBHF and RBKC 2008-11

CODE REDS

	2008/9	2009/10	2010/11
RBKC	69	61	37
LBHF	17	24	31

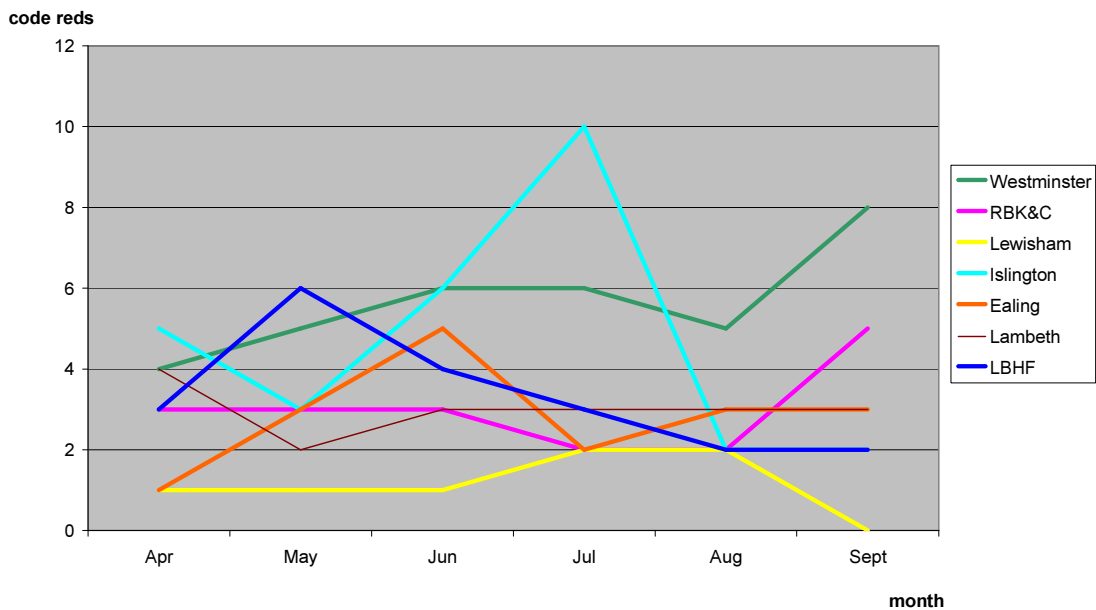
CODE YELLOWS

	2008/9	2009/10	2010/11
RBKC	32	21	11
LBHF	15	22	38

The graph below shows the monthly code reds in several boroughs between April and September 2011 as reported to LB Ealing.

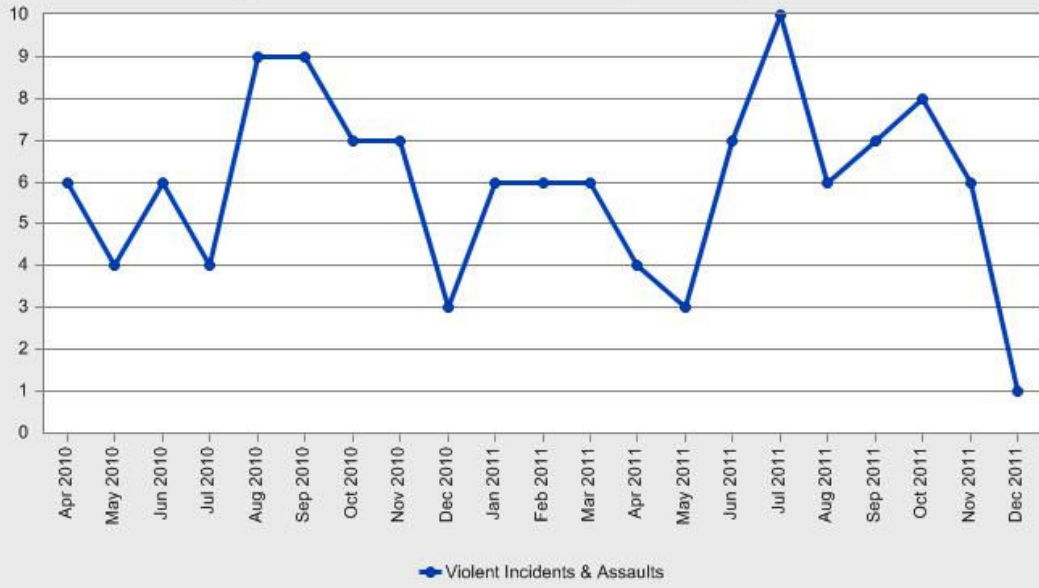
Comparative Code Reds April-September 2011

CODE REDS APR-SEP 2011

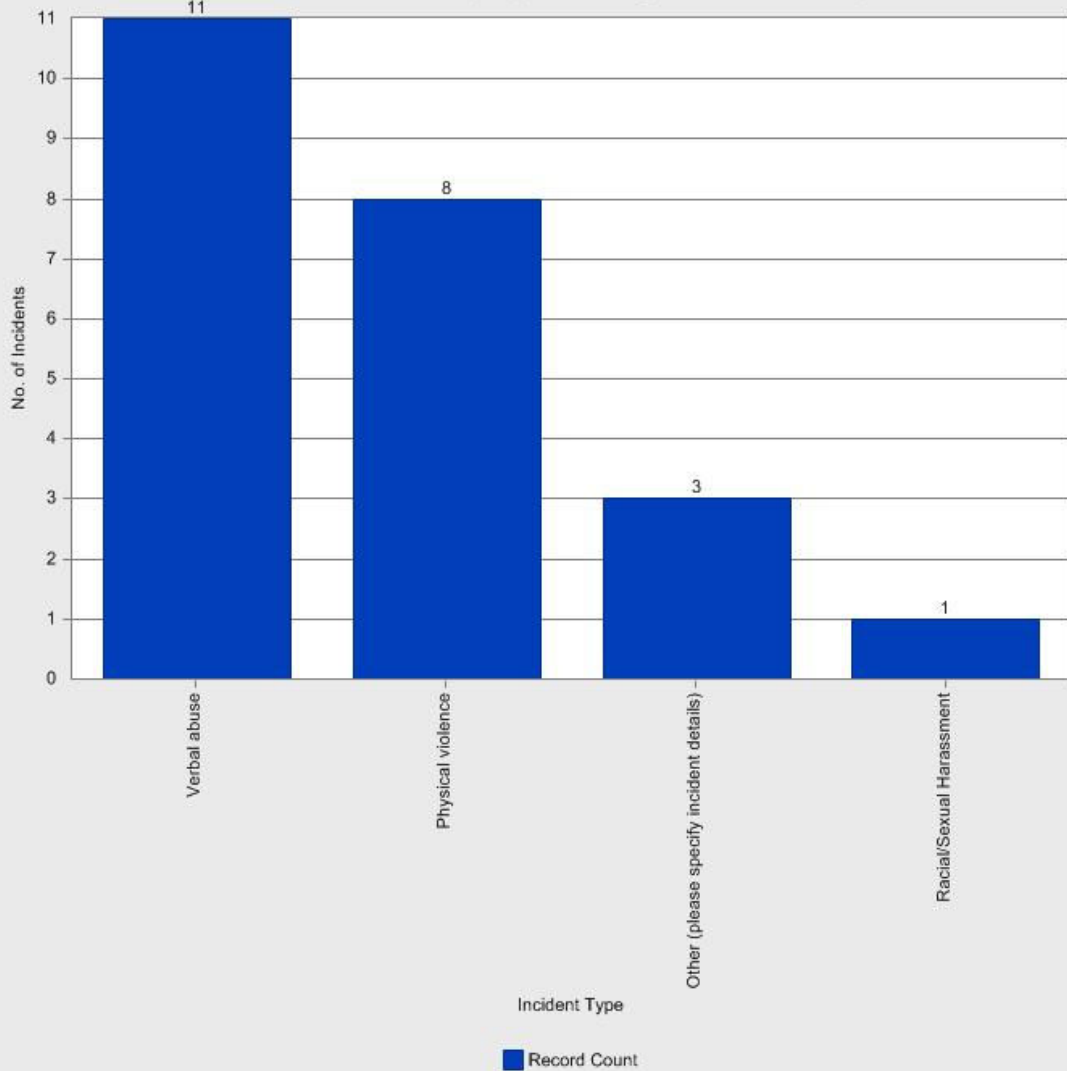


- 4.4 The above statistics indicate that the number of code reds has nearly doubled between 2008-9 and 2010-11. In the first half of 2011-12 there were 20 code reds indicating that there is likely to be a further increase in the full year figures. On a single day in July 2011, the Service experienced two very serious incidents. In the first, a CEO working on the tow truck who has worked for the Service since its commencement in 1993 described the incident as the worst he has experienced. The motorist attempted to drive his vehicle off the back of the truck and threatened to kill the CEO.
- 4.5 In the second, two CEOs who had issued a PCN were followed to a nearby street and attacked by a gang who had emerged from three cars. One of the CEOs was punched and kicked. He suffered a broken nose which required surgery and was off work for several weeks.
- 4.6 The Council's Corporate Safety Team record all serious incidents but use a different categorisation system. The two graphs below show:
- The monthly number of incidents classified as "violent" from April 2010 to date, and
 - A breakdown of the "violent" incidents in the second quarter of 2011-12

Parking Services Violent Incident Monthly Trends Apr 10 to Dec 11



Violent Incidents by Type - Parking Services - 2011 Q2



5. REDUCING THE NUMBER OF ASSAULTS

5.1 Working with the Police and Corporate Safety Team a number of measures have been taken or are being planned.

5.2 Measures taken:

- New radio system
- Specialist conflict management training provided for all CEOs
- All managers trained in risk assessment
- Revised risk assessment 2011
- More detailed debriefing following assaults
- Counselling facility made available
- Regular meetings with Police and Corporate Safety – these have lapsed due to the lack of a Police liaison officer for much of 2011 but are being recommenced in 2012.
- Police use of DNA testing in relation to spitting incidents
- Trial in use of stab proof vests – not well received by CEOs
- CEOs paired at times and at locations where there is a perceived greater risk
- Commitment to provide legal support to CEOs who are the victims of assault

5.3 Planned Actions

5.3.1 Introduction of jacket cams which will enable CEOs to record situations where they feel threatened. It is hoped that this will provide both a significant deterrent and be a means of overcoming the prosecution difficulty of assault cases being one person's account against another's.

5.3.2 Upgrade of radio system to provide GPS facility enabling control room to locate CEOs faster when in threatening situation.

5.3.3 Refresher conflict management training

6. COMMENTS OF THE ASSISTANT DIRECTOR (LEGAL AND DEMOCRATIC SERVICES)

6.1 Whilst the Council can initiate private prosecutions in relation to assaults upon CEOs, there are major constraints:

6.1.1 Unlike the Police, Council Officers have no right of arrest which is likely to be necessary in these cases.

6.1.2 The culprits may be dangerous individuals making the Police much more suitable investigators.

6.1.3 Where identity is an issue, the Council is not able to hold identification parades.

6.1.4 The Police have immediate access to DVLA databases enabling them to quickly identify the keeper. The Council does not have this immediate access.

6.1.5 The Council's Legal Officers can arrange for the CEO to receive independent legal advice about the taking of a civil claim against the perpetrator of an assault.

7. RECOMMENDATIONS

7.1 That the Committee confirms the Council's support for the measures being taken to minimise, as far as is reasonably practical, the risk of assault upon the Councils' Civil Enforcement Officers and the strongest possible action against those responsible for assaults.

LOCAL GOVERNMENT ACT 2000 **LIST OF BACKGROUND PAPERS**

No.	Description of Background Papers	Name/Ext of holder of file/copy	Department/ Location
1.	Risk Assessment	Loveday Cole ext 3186	Environment Services