

## **CABINET ITEM COVERING SHEET PROFORMA**

**AGENDA ITEM**

**REPORT TO CABINET**

**5 JULY 2007**

**REPORT OF CORPORATE  
MANAGEMENT TEAM**

### **CABINET DECISION**

**Housing and Community Safety – Lead Cabinet Member - Cllr Nelson**

#### **FIRST ANNUAL REVIEW OF NEIGHBOURHOOD ENFORCEMENT SERVICE**

1. Summary

The purpose of this report is to provide feedback on the work of the Neighbourhood Enforcement Service in the 2006/07 year. The report details the activities undertaken by the Service during the year.

2. Recommendations

1. That Cabinet agrees to refer the funding position in respect of the Neighbourhood Enforcement Service to Stockton Renaissance.
2. That the funding position in respect of the Neighbourhood Enforcement Service be reviewed as an item within forthcoming reviews of the Council's Medium Term Financial Plan.
3. That the intention to issue open-ended contracts to officers within the Neighbourhood Enforcement Service, in place of current fixed-term contracts to March 2008, be noted.

3. Reasons for the Recommendations/Decision(s)

- a) To secure, so far as possible, a viable funding package for the Service beyond March 2008.
- b) To ensure that the scope for 'mainstreaming' is also explored.
- c) To ensure that Cabinet is aware of complementary action to be taken under the scheme of delegation.

4. Members Interests

Members (including co-opted members with voting rights) should consider whether they have a personal interest in the item as defined in the Council's code of conduct (paragraph 8) and, if so, declare the existence and nature of that interest in accordance with paragraph 9 of the code.

Where a Member regards him/herself as having a personal interest in the item, he/she must then consider whether that interest is one which a member of the public, with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest (paragraph 10 of the code of conduct).

A Member with a prejudicial interest in any matter must withdraw from the room where the meeting is being held, whilst the matter is being considered; not exercise executive

functions in relation to the matter and not seek improperly to influence the decision about the matter (paragraph 12 of the Code).

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**DETAIL**

1. Background

The Council's Neighbourhood Enforcement Service (NES) was established in April 2006, replacing the former Community Warden Service across eight of the nine 'patches' covered by Community Wardens up until March 2006 (the exception being Ingleby Barwick, where the Community Warden Service was delivered by the Borough Council but funded by the Parish Council: the Parish Council subsequently decided to change to a Neighbourhood Enforcement Service, from April 2007).

2. Changes

The main changes in the service delivered were:-

- (a) a much wider range of enforcement powers, with all officers accredited by the Chief Constable with a range of police powers, new Local Authority powers under the Clean Neighbourhoods & Environment Act 2005, and an agency agreement with the Driver & Vehicle Licensing Agency (DVLA), among others;
- (b) a change from an approach based on 'report it' (i.e. where many issues were reported by Community Wardens for further action by other Council colleagues or partner agencies) to an approach based on 'sort it' (i.e. direct enforcement action taken by Neighbourhood Enforcement staff wherever possible);

- (c) discontinuation of the 'patch based' approach in which Community Wardens patrolled a particular Ward or pair of Wards, and which covered about half of the Wards, to a more flexible Boroughwide coverage, while maintaining a focus on the more challenging parts of the Borough; and
- (d) a reduction to a smaller number of staff (from 32 to 22 – 16 Neighbourhood Enforcement Officers, four Seniors, and two Enforcement Support Officers) with higher skill levels.

3. PCSOs

Part of the context for this decision was the anticipated increase in numbers of police community support officers (PCSOs), who would fill the gap in terms of high visibility reassurance patrols. In the event, this increase has taken longer to come through than expected but now that it is imminent, there will be a significant increase in uniformed presence across the Borough, as the number of PCSOs increases from 24 to 55 in 2007/08.

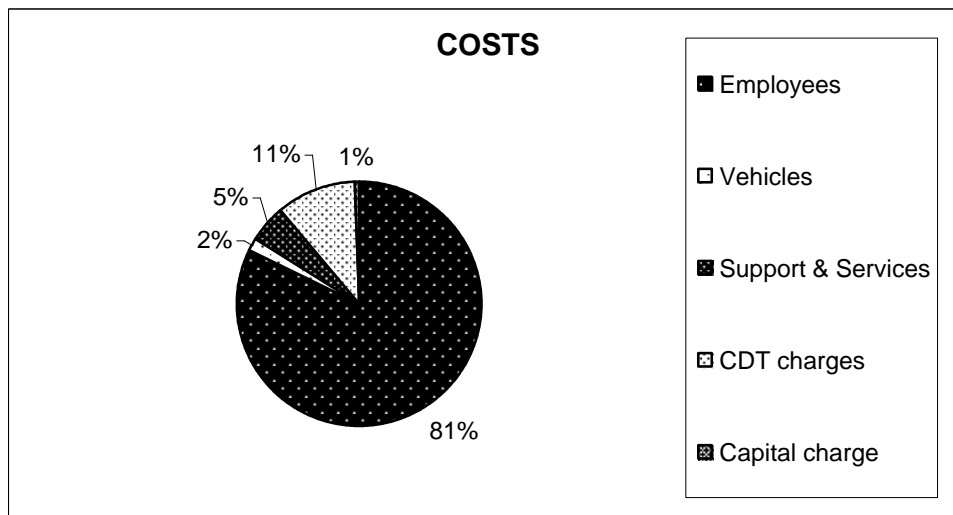
4. Aims

The twin aims of the new service are:-

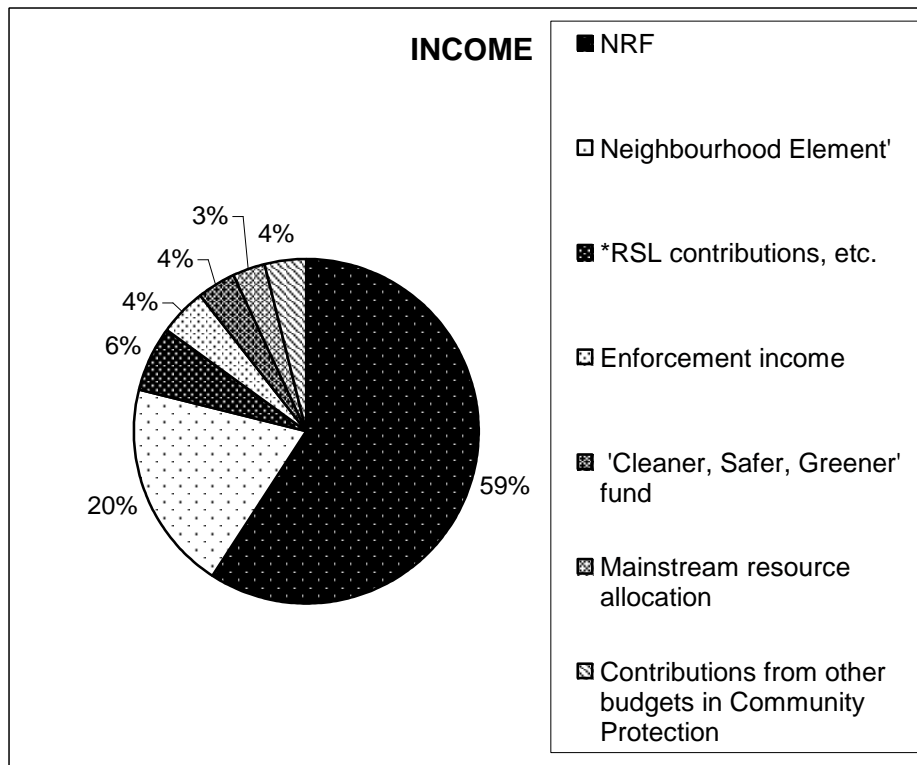
- (a) to tackle and reduce 'environmental crime' (including littering, fly tipping, fly posting, graffiti, dog fouling, etc.); and
- (b) to reduce crime and disorder/improve community safety, with a particular focus on Anti-Social Behaviour (ASB) and deliberate fires

5. Funding

A summary of the funding of the service in 2007/08 is set out below:-



	<u>£K</u>	<u>%</u>
Employees	578	81
Vehicles	13	2
Supplies & Services	34.5	5
CDT charges	74	11
Capital charge	4	1
	<u>703.5</u>	<u>100</u>



	<u>£K</u>	<u>%</u>
NRF	417	59
'Neighbourhood Element'	138.5	20
*RSL Contributions, etc.	42	6
Enforcement Income	31	4
'Cleaner, Safer, Greener' Fund	27	4
Mainstream Resource Allocation	21	3
Contributions from other budgets in Community Protection	<u>27</u>	<u>4</u>
	703.5	100%

\*Contributing RSLs include:-

Nomad Homes  
Habinteg  
Endeavour  
Places for People (formerly North British)  
Accent (formerly Bradford & Northern)  
Tees Valley

## 6. Gaps in Funding

There is no budget provision in 2007/08 for replacement of operational vehicles, some of which were bought in March 2006, nor is there any provision for legal costs of prosecuting cases (e.g. for non-payment of Fixed Penalty Notices), which must be funded from income and/or drawing on the Managed Surplus.

## 7. Exclusions

For purposes of clarity, both the cost and income relating to the new Enforcement Service in Ingleby Barwick, funded by the Parish Council, are excluded from the summary above, as are the cost and income for two additional posts of Neighbourhood Enforcement Support Officer funded by Tristar Homes, RSLs and developers to work specifically in areas of major housing regeneration activity, i.e. Hardwick and Mandale.

## 8. Links

It should be noted that the viability of the Neighbourhood Enforcement Service is also dependent on the Resource Allocation for Security Services, particularly in relation to management and administration support, and to the availability of 24/7 communications support from the Security Centre Control Room. Conversely, the Enforcement Coordinator now has the additional role of managing the security activities carried out in and from the Control Room, in addition to the Neighbourhood Enforcement Service, and the Car Parking Enforcement Team, which transferred to Security Services from November 2006.

## 9. Deployment

Most of the Enforcement staff (except for the Enforcement Support Officers) work a '4 on, 4 off' pattern, based on 2 shifts, i.e.:-

early shift: 0730 hours – 1845 hours ( 7.30 am – 6.45 pm) and  
back shift: 1245 hours – 0000 hours (12.45 pm – midnight)

This provides the following coverage on a full turn out:-

0730 – 1245	1 Senior plus 4 Enforcement Officers
1245 – 1845	2 Seniors plus 8 Enforcement Officers
1845 – midnight	1 Senior plus 4 Enforcement Officers

The Service operates 362 days per year (all except Christmas Day, Boxing Day and New Year's Day based on operational experience over the years of very low levels of enforceable activities on these days). Annual leave on Friday and Saturday 'back shifts' is 'rationed' to three occasions per year, in order to maximise coverage of the peak demand times.

From time to time, targeted operations (e.g. against back street dumping or fly tipping) are undertaken, with officers working through the night instead of the usual daily pattern.

## 10. Productivity

An overview of productivity shows that 16,793 taskings have been completed during the first 12 months. Of these 91.6% were actioned within the relevant target times. This compares with 1,700 taskings completed during 2005/06, the final year of the Community Warden Service, and reflects the shift from a high visibility, patch based reassurance service, with an emphasis on foot patrol, to a more focussed and intelligence led service. It is probable that the number of taskings undertaken is understated, due to failure to record some of the information at busy times.

Some of the key numbers are: -

- (a) 480 incidents of alcohol seizures, of which 431 were from juveniles and 49 from adults (Alcohol Designation Zones only). Since September 2006, details of the goods seized have been kept, as follows (309 incidents):

Lager / Beer in bottles	62
Lager / Beer in cans	279
Wine	96
Spirits	25
Cider in bottles	186
Cider in cans	3
Alcopops	11

These seizures have the benefits of reducing Anti Social Behaviour under the influence of alcohol and reducing littering, and may have a beneficial impact on the level of teenage pregnancy.

- (b) 31 incidents of tobacco seizures, all from under 16s, with some beneficial impact on health.
- (c) 507 'ASB' forms issued, which refer individuals involved in anti social behaviour to the ASB Casework Team. Since October these have been analysed between Adults (13 %) and juveniles (87 %). It is noteworthy that most juvenile cases are resolved by Warning Letters, and the analysis of 21 Anti Social Behaviour Orders (ASBOs) and Criminal Anti Social Behaviour Orders (CRASBOs) granted by the Courts in 2006 / 07 shows that 19 were for adults and only 2 for juveniles.
- (d) 261 Fixed Penalty Notices issued, including 75 for Littering, 52 for Littering from a Vehicle, 49 for Fly Tipping and Dumping, 27 for Fly posting, 5 for Dog Fouling (in addition to those issued by Environmental Health Staff) and 4 for Graffiti.
- (e) 411 incidents of removal of Combustible Waste.
- (f) 2,146 'Section 46 notices' issued to householders as a warning about proper refuse disposal, and 31 'Section 47 notices' (the equivalent for commercial premises).
- (g) 22 Immediate Removal notices, 343 '24 hour notices' and 159 '7 day notices' placed on vehicles, plus 363 untaxed vehicles removed (on behalf of the DVLA), 51 Abandoned vehicles removed, and 109 dangerous and obstructing vehicles removed.
- (h) 618 incidents of direct advice and assistance to members of the public.
- (i) 3 truants located and returned.
- (j) 44 incidents of removal of discarded sharps (drug litter)
- (k) 11 illegal occupations of land by travellers dealt with (involving 103 site visits, and compares to 48 occupations in 2005 / 06).
- (l) 25 unlicensed / dangerous skips seized.
- (m) 180 shopping trolleys seized.

A breakdown of taskings and Fixed Penalty Notices issued by ward is attached as Appendix A, showing that all 26 wards have benefited from the service, including issue of FPNs in all but two wards (Northern Parishes and Western Parishes), although the bulk of the effort has continued to take place in the most deprived wards, where problems are concentrated.

## 11. Attendance

Between them the 4 Seniors and 16 Neighbourhood Enforcement Officers missed a total of 73 shifts due to sickness during the year, out of a total of 3,200 shifts which would have been worked if perfect attendance had been achieved. This is a sickness absence rate of 2.3% and is the equivalent, in terms of the Best Value Performance Indicator, of an absence rate of 5.1 days per person, which compares favourably with the averages across the Council, especially bearing in mind that these are physically active jobs rather than desk jobs.

## 12. Highlights

Highlights of the first year of the Service include: -

- (a) Commendations as part of the Customer First Award Scheme, for three members of staff who went beyond the call of duty to feed a man who was sleeping rough and persuade him into proper accommodation.
- (b) Winning the LGC IT and E-Government Award for 2006/07 for the use of handheld computers with global positioning technology, to save time and money in logging of incidents and improve reporting of 'hot spots', using a system developed by the DNS Business Services Team.
- (c) Significant reductions in the percentage of respondents to the 2006/07 Best Value Performance Indicator General Survey, compared to the previous results in 2003/04, who were concerned about abandoned or burnt out cars (down from 12% to 7%) and vandalism, graffiti and other deliberate damage to property or vehicles (down from 49% to 38%). These indicators are now built into the Local Area Agreement for Stockton-on-Tees via the mandatory outcome in relation to the 'Respect' agenda.

## 13. Service Developments

13.1 The role of the Service has developed and expanded during the course of the first year. Some of the notable features include:-

- (a) Where the Gating Order power conferred by the Clean Neighbourhoods and Environment Act 2005 has been used to restrict access at particular times, eg Bluebell Grove, Fairfield, Ida Street, Norton, the Service has been involved in opening and (more usually) closing the gates. (Some of this workload has also been undertaken by other staff of the Security Services Section and in some cases by residents).
- (b) Opening and closing gates at Ropner Park and Oxbridge Lane Community Garden.
- (c) Providing support to school crossing patrols, to deter drivers who refuse to stop and abuse by schoolchildren.
- (d) Taking on a range of new powers in respect of trade waste, carrying out stop checks of waste carriers, issuing 'Section 47 agreements' to commercial premises which have not got trade waste arrangements in place. Enforcing the new Skip Licensing policy from April 2006, and the new control regime for shopping trolleys from January 2007.
- (e) Providing support for Car Parking Attendants and carrying out joint patrols, particularly in respect of parking problems around schools.
- (f) Adoption of direct radio contact with Cleveland Fire Brigade.

13.2 Possible future developments include:-

- (a) Authorisation of NES Officers to issue Parking Control Notices (parking tickets) in relation to parking outside schools.
- (b) A supporting role in relation to enforcement of the 'Smokefree' legislation, relating to smoking tobacco in enclosed public places, with effect from July 2007.



- (c) A supporting role in relation to enforcement of the Taxi Licensing regime, and
- (d) A key role in relation to any Out of Hours Noise Control service that may be introduced by the Council.

13.3 The availability of this Service also provides the Council with extra resilience in relation to its responsibilities for responding to Major Incidents and to other potential emergencies such as pandemic flu and fuel shortages ('Downstream Oil Emergency Response Planning')

#### 14. Issues for Extra Attention in 2007/08

Three aspects of the service have been identified for improvement, if possible, in 2007/08: -

- (a) At the time of writing (May 2007) discussions are taking place about the possibility of undertaking some preliminary research via the Viewpoint panels to establish whether or not local residents can tell the difference between the Council's Neighbourhood Enforcement Service and the activities of Police Community Support Officers and Police Officers. Anecdotal evidence suggests that many members of the public are not clear about these differences (and feel no need to become clear), so it would be wise to check this before embarking on detailed survey work.
- (b) The collection rate for Fixed Penalty Notices has risen considerably from the 2005/06 level to about 64 %, with court action proposed in a further 4% of cases. However, we believe that this figure is still not high enough and a range of new controls and monitoring mechanisms is being implemented with a view to further improvements in 2007/08.
- (c) At peak times, especially Friday and Saturday nights, there can sometimes be a significant waiting time for members of the public who contact the service direct to receive a response, despite the rationing of leave at these times (see paragraph 9 above). This is an issue faced by all providers of responsive services to the public, including police colleagues, and also relates to the question of tasking mechanisms (see paragraph 16 below).

#### 15. Views of Key Partners

A number of key partners have been asked to provide feedback on the Service, and the relevant comments are set out at Appendix B.

#### 16. Co-working with Police Colleagues

The Service works closely with Police Colleagues in a number of ways including:-

- (a) The fact that some of the powers used by NES officers are Police powers, rather than Local Authority powers, delegated via the Accredited Community Safety Organisation Scheme (under which the officers concerned have to undergo a rigorous process of vetting).
- (b) Exchange of information on issues, hotspots and targets via daily tasking meetings, the Joint Action Groups (formerly Area Liaison Meetings) and periodic joint operations.
- (c) The acceptance of appropriate taskings via the Police Communication Centre, eg responding to anti social behaviour issues when all available Police units are fully occupied (at the time of writing May 2007 this issue is the subject of further discussion to refine our mutual understanding of appropriate cases).
- (d) Supply of intelligence gathered by NES staff into the Police system.

#### 17. Interest from Other Organisations

There has been considerable interest in our service from other local authorities and organisations, especially following a presentation by the Coordinator to an Association of Public Service Excellence (APSE) Conference in July 2006, including visits from Newport Council, Bath and North East Somerset Council, Bradford City Council, a request for visit from the Leader of Liverpool City Council, and enquiries from Blackburn Borough Council, Rochdale Metropolitan Borough Council and Mid Sussex District Council.

#### 18. Geographic Analysis

Analysis of NES activity can be produced by Ward, Renaissance Area Partnership Board, or other bespoke areas, eg Parkfield / Mill Lane Neighbourhood Management Pathfinder, St Ann's Development Board etc.

#### 19. Conclusion

The first year of the new Service has been one of significant achievement and continuing service development. The Service provides the Council with its own capacity to respond to incidents and issues which might not be prioritised for Police response, including environmental crime and problems reported direct by members of the public or via their Ward Councillors.

### **FINANCIAL IMPLICATIONS**

The future of the Service beyond the current 'funding horizon' of March 2008 is heavily dependent on the availability of NRF or similar regeneration funding or the ability of the Council to make other funding available. Latest indications from Government Office North East are that the Council may not get confirmation of allocations for NRF and associated grants until January 2008.

The timetable for making relevant decisions may present some difficulties: almost all the members of the workforce have fixed term contracts until March 2008, and there is a risk that some will leave in pursuit of more stable employment. The ideal outcome would be an early policy decision to prioritise this service for future regeneration funding.

The cost of providing the Service in future years at the same level would be of the order of £700,000 to £750,000.

In order to reduce the risk of service deterioration arising from accelerated staff turnover due to uncertainty about further funding, it is also proposed to issue open-ended contracts to the employees concerned, in place of the current fixed term contracts. There is no cost implication: on either contractual basis, any employee made redundant would be entitled to payments in line with the Council's current redundancy policy. The significance of this proposal would be to convey to the workforce that the Council has a serious intention of putting in place a continuation funding package if at all possible.

### **POLICY CONTENT**

Set out below under Environmental Implications and Community Safety Implications. Also Service contributes to the Health and Children's agenda, through controls on alcohol and tobacco, as set out at paragraph 10(a) and (b) of the 'Detail' section.

## **CONSULTATION**

Earlier versions of this report have been presented to the Safer Stockton Partnership Scanning and Challenge Group, the full Safer Stockton Partnership, the St Ann's Development Board, [the Urban Environment Task Group] and the Housing and Community Safety Select Committee, which has the Neighbourhood Enforcement Service as its major scrutiny item for 2007/08.

## **RISK ANALYSIS**

The risk to the Council's performance and reputation is assessed as being medium to high, in view of the funding uncertainty. Failure to continue this service, on a significant reduction in Service capacity, could lead to a slump in performance against relevant Best Value Performance Indicators, including the measures of public perception of the prevalence of anti social behaviour which are now included in the Local Area Agreement for Stockton-on-Tees as 'mandatory outcomes', and to reduction in public satisfaction with the Council's response to the concerns of residents. Absence of effective enforcement action could also lead to increased costs of dealing with environmental crime such as fly tipping, littering and the problems associated with abandoned cars, including arson.

### **Corporate Director of Development and Neighbourhood Services**

**Contact Officer Mike Batty**

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### Environmental Implications

One of the key aims of the Service is to improve the environment of the Borough by detecting and deterring littering, fly posting, graffiti, dog fouling, dumping of shopping trolleys, and abandonment of cars.

### Community Safety Implications

The other key aim of the Service is to reduce anti-social behaviour and crime by responses to incidents, issuing AS13 forms for follow up action by the ASB Team, alcohol seizures, removal of untaxed cars, removal of abandoned cars and other combustible waste, and exchange of intelligence with the Police and other partners.

### Background Papers

None

### Education Related Item?

No

### Ward(s) and Ward Councillors:

All Wards

### Property Implications

None

## APPENDIX A

### A BREAKDOWN OF TASKINGS AND FIXED PENALTY NOTICES ISSUED BY WARD

<i><b>Ward summary</b></i>		
Ward	Total	FPNS
Billingham Central	623	6
Billingham East	988	3
Billingham North	287	4
Billingham South	703	5
Billingham West	276	3
Bishopsgarth and Elm Tree	240	3
Eaglescliffe	303	3
Fairfield	321	4
Grangefield	368	4
Hardwick	534	4
Hartburn	140	4
Ingleby Barwick East	292	7
Ingleby Barwick West	276	11
Mandale and Victoria	1201	26
Newtown	1067	18
Northern Parishes	118	0
Norton North	713	6
Norton South	1116	10
Norton West	147	1
Parkfield and Oxbridge	1503	27
Roseworth	491	3
Stainsby Hill	500	7
Stockton Town Centre	3062	76
Village	266	5
Western Parishes	89	0
Yarm	308	8
(blank)	861	13
<b>Grand Total</b>	<b>16793</b>	<b>261</b>

## **APPENDIX B**

### **VIEWS OF KEY PARTNERS:**

#### **DVLA:**

“Stockton took on devolved powers on 15 April 2003 and to date 1307 vehicles have been wheel clamped [NB - DVLA have got this slightly wrong – the 1307 refers to the number of vehicles ‘lifted’ under DVLA powers – we do not use wheel clamps] of which 844 have been authorised for disposal.

There is a strong link between untaxed vehicles and criminality. Recent studies show that up to 80% of untaxed cars have a direct link to some form of criminality besides the more obvious traffic offences. Vehicle excise duty evaders are amongst the most anti social in terms of behaviour and their actions clearly have a detrimental effect on the wider community. Pro-active measures such as those taken by Stockton Council can assist in denying criminals the use of the road, lead to reductions in general crime, vehicle crime, anti social behaviour and reduce vehicle arson. There are also enormous benefits in terms of quality of life for your local residents who suffer the effects of nuisance vehicles.”

#### **ACCENT:**

“Our Officers have used the service on numerous occasions, mainly in regard to abandoned/untaxed vehicles on our schemes. Feedback is that the team are extremely responsive and very helpful.

Opinion is that their 'high visibility' and increased powers has made them appear to be more effective than the Community Street Wardens. Also, with our Primrose Hill CCTV Project, they will be the first responders to any environmental/enforcement issues.

I am also advised they provide detailed information of other type of issues they could assist with, which has been very useful.”

#### **HABINTEG:**

"I have called NES on one occasion and their response was very rapid and efficient".

#### **Tees Active Limited:**

“We have had Enforcement Officers working with us every Friday evenings 6-00pm - 10-00pm for an 8 month period. The Partnership has been extremely successful from a facility point of view. Our customers and staff have commented on the benefits of the Enforcement Officers and I'm sure that the image of Billingham Forum and Billingham Town Centre has benefited from this work which has addressed issues of anti-social behaviour. Excellent Service”.

#### **Environment Agency:**

##### **The Positives:**

- 1) Communication between the EA and Stockton Council has greatly improved. This allows secure, intelligence information to be passed between authorities to enhance enforcement of environmental legislation.
- 2) Sometimes the time delay in the EA receiving information/incident and the time of attendance can be an issue, the NES is fast reacting and can provide a superbly fast response.

3) No attempts to "pass the book". There have been no issues of passing the book between the EA and the NES. We work together where possible and reasoning is provided where an incident has to be passed.

4) The EA and the NES have an informal agreement to assist each other where possible, either in terms of information or physical resource.

5) The NES are open to comments/suggestions from the EA for improvements. The NES also ask for help when they need to which allows the EA to offer advice and information to allow them to proceed.

#### **Possible Improvements:**

1) The NES to deal with illegal waste burning incidents. A lot of EA incidents are small amounts of business waste being burnt which could be dealt with by any NES member of staff.

2) My personal opinion is that the NES would be useful as a single-point-of-contact. For instance, when the EA need a Council tax search or electoral roll check, if this could be done by a member of the NES team then that would improve the efficiency of EA staff as they only need to contact one person.

3) Training. A lot of the staff are still relatively new to enforcement/environmental legislation, training on formal PACE interviews, evidence gathering etc would improve the efficiency of the NES.

4) Prosecutions. The EA don't have many details of prosecutions by Stockton Borough Council involving appropriate environmental legislation. If and when they are successful it would be useful to have this information just in case we are investigating the same individual/organisation.

#### **Cleveland Police ('S' District):**

"I am happy with the contribution that the Enforcement Officers make to achieving a safer Stockton. They are a valued, contributing member to the Police Tasking and Coordinating process.

I find that all the Enforcement Officers who attend the Police morning meetings are committed and willing to take ownership of problems identified.

I have heard comment at some Community meetings that some members of the Community are disgruntled that they only see the Enforcement Officers driving around in vehicles. They feel they do not interact with the public as much as they did when Community Wardens".

#### **Tees Valley Housing Group:**

"The Stockton Borough Council Website is a particularly good source of information for anyone interested to learn more about Council activities and future plans. There is a comprehensive section on community safety activity where residents can see what has is going on across the Borough as well as in their own locality. At an operational level Tees Valley Housing Group is pleased to attend Area Liaison Meetings with members of the Community Safety Team and Cleveland Police to improve the day-to-day quality of life for people living and working in Stockton. The Neighbourhood Enforcement Service plays a vital role in making this happen. We look forward to continue working with those providing this valuable service and others interested in making the neighbourhoods of Stockton safe places to both live and visit".