

Report to: **Council**
Date: **10 December 2015**
Title: **Corporate Enforcement Policy**
Portfolio Area: **Customer First**
Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **N/a**

Date next steps can be taken: Immediately following this meeting

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RECOMMENDATION:

That the Council be recommended that the Corporate Enforcement Policy (as attached at Appendix A) be adopted.

1. Executive summary

- The purpose of this report is to recommend that Members adopt the attached Corporate Enforcement Policy in respect of the Council's wide-ranging enforcement powers and duties (Appendix A).
- The proposed Policy covers all of the Council's enforcement responsibilities in one document instead of individual policies for each relevant area (e.g. planning, environmental health etc).
- The single Policy will ensure that the Council takes a consistent, accountable and proportionate approach to its enforcement duties and powers, and explains to individuals and businesses the range of options that the Council may take in relation to non-compliance, potential breaches of the law and Council Policy.

2. Background and Outcomes

- The Council has previously adopted Enforcement Policies relating to its different service areas and in some instances these have been internal working documents.

- Following the T18 restructure, these policies are due for review, and it is considered best practice to include the Council’s approach to its wide-ranging powers and duties in respect of enforcement in one public document. This will ensure that the Council takes a consistent and transparent approach to regulatory and enforcement action in a proportionate way, and one that is easily understood by the public and businesses potentially affected by enforcement action.
- In drafting the Policy, regard has been given to the Regulators’ Code (which is now a Government requirement), together with other relevant legislation such as Code for Crown Prosecutors’ and the Human Rights Act.
- Appendices which relate to a specific area only, and which have not been covered elsewhere in the Policy, are attached at the end of the Policy.

3. Options available and consideration of risk

- It is important to have a consistent Corporate Enforcement Policy with regards to the way that the Council approaches and responds to non-compliance with various legislative requirements.
- One option is not to adopt any Policy, but there are serious risks to the Council, including potential challenges for inconsistent approaches or unreasonable and disproportionate action being taken (or the risk of no action being taken at all resulting in a breach of the Councils statutory duties).
- A further option is to adopt separate enforcement policies for the Council’s various and wide-ranging enforcement and regulatory functions (such as planning, environmental health, the environment, street scene, revenue and benefits etc) but the risk here is an inconsistent approach to enforcement in their application by a range of officers, together with the difficulties that this presents to the public as to the Council’s approach to enforcement. Neither would this support the Council’s business approach under T18.
- All relevant Senior Officers who deal with non-compliance have been consulted and have had the opportunity to input into this Policy.

4. Proposed Way Forward

- It is recommended that the Council adopts a single Corporate Enforcement Policy as attached at Appendix A, which will minimise the risks set out above and provide a consistent and proportionate approach to enforcement and non-compliance and which supports the Councils cohesive way of working under the T18 structure.

5. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council’s overarching statutory obligations are set out in the body of the report and more specifically, in the Enforcement Policy.

Financial	N	There are no direct financial implications to the adoption of the Policy.
Risk	Y	These are set out in paragraph 3 of the report.
Comprehensive Impact Assessment Implications		
Equality and Diversity		The Council is committed to equality of opportunity, promoting diversity and eliminating discrimination. Enforcement decisions will be fair and objective and not influenced by ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source.
Safeguarding		The Council will ensure that it deals appropriately with vulnerable people in making enforcement decisions, having regard to its Safeguarding Policy
Community Safety, Crime and Disorder		These will be considered in relation to specific enforcement cases
Health, Safety and Wellbeing		These will be considered in relation to specific enforcement cases

Supporting Information

Appendices:

Appendix A: Corporate Enforcement Policy

Background Papers:

None