



**Prosperous Communities
Committee**

Tuesday 1st November 2022

Subject: Corporate Enforcement Policy

Report by:

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Purpose / Summary:

To provide an updated Corporate Enforcement Policy alongside information obtained from the Councillor Workshops held in August 2022.

RECOMMENDATION(S):

Committee are asked to:

- a) Approve the Corporate Enforcement Policy as set out in Appendix 1
- b) Approve that minor amendments to the Corporate Enforcement Policy can be made in the future by the Director – ICT, Change Management and Regulatory Services in conjunction with the Chair of this Committee where they are administrative or to update the policy in regards to statutory or regulatory guidance.
- c) Approve the actions as set out in section 5.3, which are as follows:
 - Further Councillor workshops should take place to look specifically at the Local Enforcement Plan (Planning Enforcement) and to seek views from Councillors on this. *Note – this item is on the forward plan for December and will need to be rescheduled accordingly.*
 - A broader strategy is developed and brought back to Prosperous Communities Committee to consider the Council's approach to

environmental enforcement issues in both the urban and rural areas, which will include the consideration of various options for delivery. This will include considering the potential for an external provider to work with the Council to deliver enforcement activities for lower level, fixed penalty offences such as littering, dog fouling and fly-tipping.

- A programme of work for raising awareness and communicating positive outcomes from the regulatory work areas should be developed to seek to improve public perception and confidence.

IMPLICATIONS

Legal:

The legal framework for this policy is shown within the main body of the report and the relevant appendices.

It is a requirement for the Council to outline its corporate approach to enforcement in order to ensure that its enforcement activities are consistent, transparent and fair.

Financial : FIN/84/23/MT/SSc

There are no financial implications arising from this report.

Staffing :

There are no staffing implications in relation to this policy.

Equality and Diversity including Human Rights :

This policy sits alongside the Council's Corporate Policies in relation to equality and diversity and consideration is given to these matters in determining the approach take to enforcement.

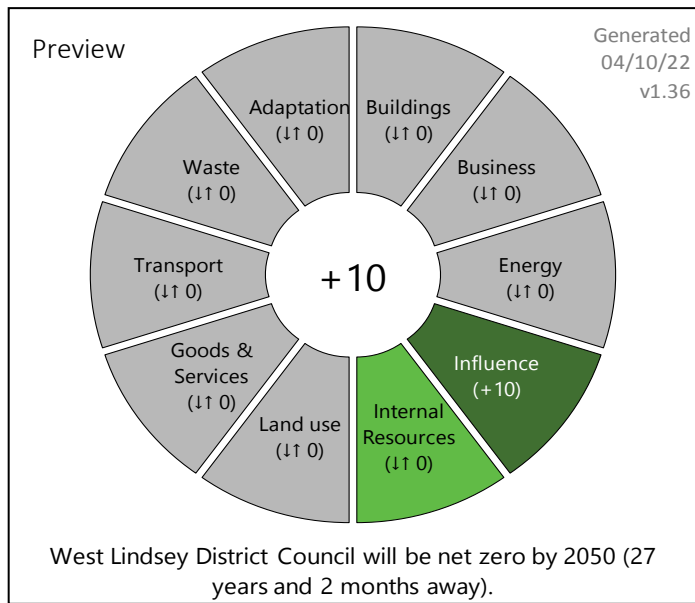
Data Protection Implications :

There are no data protection implications within the report

Climate Related Risks and Opportunities :

There are multiple areas covered within the policy and by the relevant legislation that are aimed at ensuring climate related risks are managed and regulated accordingly. The Council has a key statutory role in ensuring that these regulations are monitored and complied with.

A Climate Environment and Sustainability Impact Assessment has been completed for this policy and the main points from this are shown below:



The infographic shows the relative costs and benefits of the decision on 10 different categories with respect to the climate: Buildings, no net effect. Business, no net effect. Energy, no net effect. Influence, plus 10. Internal Resources, no net effect. Land use, no net effect. Goods & Services, no net effect. Transport, no net effect. Waste, no net effect. Adaptation, no net effect.

The Corporate Enforcement Policy will provide a key framework for further local policies to be developed as the agenda on climate change gathers pace and additional requirements are placed on businesses and residents.

Section 17 Crime and Disorder Considerations :

There are multiple areas covered within the policy and by the relevant legislation that are aimed at ensuring climate related risks are managed and regulated accordingly. The Council has a key statutory role in ensuring that these regulations are monitored and complied with.

Health Implications:

This policy includes reference to legislation that has a direct impact on the health and wellbeing of the districts residents, visitors and businesses. Alongside other sub-policies, the approach set out will contribute towards addressing issues that can affect all aspects of health and well-being that can be dealt with in line with the remit of the Council.

Title and Location of any Background Papers used in the preparation of this report:

Risk Assessment :

The Legislative and Regulatory Reform Act (2006) specified the requirements of regulators in relation to their duties. If the Council fails to meet the requirements of this Act and the subsequent guidance developed from it there is a significant risk that it cannot fulfil its regulatory duties.

Failure to meet these duties places not only the Council at risk, but also its residents, businesses and visitors. If a robust policy is not in place the Council cannot operate effectively.

This risk could be financial, legal and also directly related to the health and wellbeing of all persons that could be impacted by the regulatory action that we take.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

1. Introduction

1.1. The corporate enforcement policy was last updated in 2018. As is customary, policies such as this should be reviewed from time to time and updated to ensure that they reflect any legislative or policy changes. There is no requirement for this policy to be reviewed within a certain time period, however it is felt that it is good practice to bring it back in front of Councillors every 5 years or so or as required

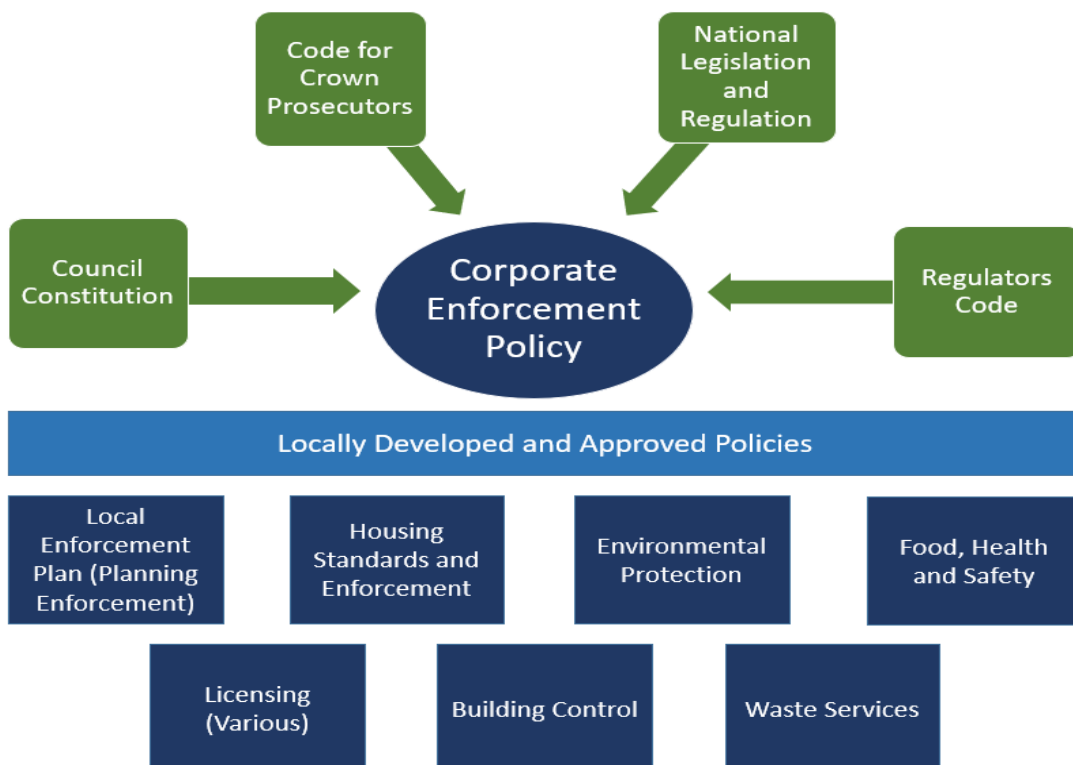
1.2. The reviewed Corporate Enforcement Policy is shown in appendix 1.

2. Background

2.1. The Council carries out a wide range of regulatory roles in meeting its many statutory duties of protecting the public, individuals and the environment. This policy is an overarching policy that applies to all of the services within the Council that have regulatory type duties. In some service areas these enforcement duties have specific guidance and regulations, which set out the requirements for enforcement within that specific area.

2.2. The Council recognises that fair and effective enforcement is essential and is committed to being consistent, fair and proportionate its approach to these matters. A clear policy ensures that all those who live in, work in and visit the district are able to have a clear understanding of what they can expect in regards to an enforcement matter.

2.3. The relationship between the Corporate Enforcement Policy and specific work area policies is shown in the graphic below:



2.4. Individual work areas may have separate specific policies that provide more details in regards to approach they take on specific subjects. These policies are not included within this document, but are informed by it and refer to it. In essence it is these policies that are more of interest and can be more flexible for Councillors as they deal with more local specific issues. There are currently local policies for Licensing, Public Protection, Housing Standards, Planning Enforcement and Food and Health and Safety. Further strategies and policies relating to environmental crime and ASB are also being scheduled for development.

3. Approach to Enforcement

3.1. The Council recognises that most of its residents, business owners and visitors want to comply with the law and operate in a legitimate and responsible manner. Our approach will reflect this and we will always seek to help and advise where appropriate, but will take firm and decisive action against those who ignore legal requirements or act irresponsibly.

3.2. The policy is clear that in undertaking our duties, in line with the regulators code we will;

- Carry out our activities in a way that supports those that we regulate to comply and grow;
- Provide simple and straightforward ways to engage with those that we regulate
- Base our regulatory activities on risk
- Share information about compliance and risk
- Ensure that clear information, guidance and advice is available to help those that we regulate to meet their responsibilities to comply
- Ensure that our approach to regulatory activities is compliant

4. Major Amendments

4.1. There are no major amendments to the policy. The main addition within this policy relates to the ongoing challenge that Covid-19 has placed on the regulatory work areas. Whilst the Council has continued to deliver these services during a period where demand has been unprecedented, there is a clear direction from the Government that high risk, statutory services should be prioritised. This is highlighted in section 4.3 of the revised policy.

4.2. Further directions that are received from the Government on matters such as Covid-19 may then be used to help to determine how the Council focuses these resources locally. An example of this type of direction is shown in appendix 2. This supports the risk-based approach with a focus on statutory obligations, whilst taking into consideration local issues and priorities. The Council are waiting for a revised version of this framework, however post pandemic this hierarchy of risk is still very relevant and should inform local service delivery.

5. Councillor Workshops

5.1. Three workshops took place with Councillors in August 2022 and the purpose of these were as follows:

- To seek views on the Corporate Enforcement Policy and its application.
- To put Councillors in the shoes of an enforcement officer in terms of decision making.
- To gain feedback from Councillors on where they believe the Council's priorities should be focussed in the future.

5.2. 16 Councillors attended across the sessions and the feedback from the workshops is shown in appendix 3, followed by the information slides from the workshop in appendix 4.

5.3. The main points from the workshops are captured within the notes and based on these the following actions for officers, subject to committee agreement are being proposed:

5.3.1. Further Councillor workshops should take place to look specifically at the Local Enforcement Plan (Planning Enforcement) and to seek views from Councillors on this. *Note – this item is on the forward plan for December and will need to be rescheduled accordingly.*

5.3.2. A report is scheduled for Prosperous Communities Committee which considers the options for and explores the potential for an external provider to work with the Council to deliver enforcement activities for lower level, fixed penalty offences such as littering, dog fouling and fly-tipping.

5.3.3. A programme of work for raising awareness and communicating positive outcomes from the regulatory work areas should be developed to seek to improve public perception and confidence.

END