

 Executive		Agenda Item No. 6
Title	Adoption of revised Enforcement Policy	
For further information about this report please contact	Marianne Rolfe, Head of Health and Community Protection.	
Wards of the District directly affected	All	
Is the report private and confidential and not for publication by virtue of a paragraph of schedule 12A of the Local Government Act 1972, following the Local Government (Access to Information) (Variation) Order 2006?	No If yes state why	
Date and meeting when issue was last considered and relevant minute number	September 2014 –adoption of last policy	
Background Papers	<ul style="list-style-type: none"> • Existing Enforcement Policy • Existing appended document A: Health and Community Protection (Regulatory Section) Enforcement Policy • Existing Development Services Planning Enforcement Policy Executive Meeting 11/12/13 agenda item 13(c) 	

Contrary to the policy framework:	Yes/No
Contrary to the budgetary framework:	Yes/No
Key Decision?	Yes/No
Included within the Forward Plan? (If yes include reference number)	Yes/No-952
Equality Impact Assessment Undertaken	Yes/No (If No state why below)

Officer/Councillor Approval		
Officer Approval	Date	Name
Chief Executive/Deputy Chief Executive	04/10/18	Chris Elliot, Bill Hunt, Andrew Jones
Head of Service	27/09/18	Marianne Rolfe, Lisa Barker, Robert Hoof, Dave Barber
CMT	09/10/18	Chris Elliot, Bill Hunt, Andrew Jones
Section 151 Officer	4/10/18	Mike Snow
Monitoring Officer	4/10/18	Andrew Jones
Finance		
Portfolio Holder(s)	11/10/18	Andrew Thompson, Peter Philips, Moria Ann Grainger, Alan Rhead
Consultation & Community Engagement		
Consultation undertaken with Business Support Organisations and Groups		
Final Decision?		Yes/No
Suggested next steps (if not final decision please set out below)		

1. **Summary**

- 1.1 To seek the Council's adoption of the revised enforcement policy covering a range of the Council's regulatory services.

2. **Recommendation**

- 2.1 That Executive recommends to Council the adoption of the Enforcement Policy and its associated appendices as set out in appendix 1.

3. **Reasons for the Recommendation**

- 3.1 The Enforcement Policy has been reviewed and updated to reflect the inclusion of additional Council regulators and relevant enforcement powers. It was last reviewed in 2014 following the introduction of the Regulators code.
- 3.2 The main changes are:
- Inclusion of additional enforcement areas within the scope of the policy. Namely: Anti Social Behaviour, Dog Control and Planning. (Appendix 1: Enforcement Policy, 3.1)
 - Inclusion of the approved Development Services enforcement policy as appendix to overarching corporate Enforcement Policy. (Appendix 1: Enforcement Policy attached Appendix B)
 - Updates to legislation and governing guidance for relevant enforcement activities. e.g. Simple Cautions. (Appendix 1: Enforcement Policy, 6.1 Simple cautions and Appendix 1: Enforcement Policy attached Appendix A, 7)
 - Updated wording to provide additional clarity and understanding throughout the document.

4. **Policy Framework**

4.1 **Fit for the Future (FFF)**

The Council's FFF Strategy is designed to deliver the Vision for the District of making it a Great Place to Live, Work and Visit.

The FFF Strategy has 3 strands – People, Services and Money and each has an external and internal element to it. The table below illustrates the impact of this proposal if any in relation to the Council's FFF Strategy.

FFF Strands		
People	Services	Money
External		
Health, Homes, Communities	Green, Clean, Safe	Infrastructure, Enterprise, Employment
<u>Intended outcomes:</u> Improved health for all Housing needs for all met Impressive cultural and sports activities Cohesive and active	<u>Intended outcomes:</u> Area has well looked after public spaces All communities have access to decent open space Improved air quality	<u>Intended outcomes:</u> Dynamic and diverse local economy Vibrant town centres Improved performance/ productivity of local economy

communities	Low levels of crime and ASB	Increased employment and income levels
Impacts of Proposal		
The Enforcement Policy clearly communicates the Council's approach to enforcement activities undertaken by its regulators.	The Enforcement Policy clearly communicates the Council's approach to enforcement activities undertaken by its regulators.	The Enforcement Policy clearly communicates the Council's approach to enforcement activities undertaken by its regulators. Providing advice on how determinations are made.
Internal		
Effective Staff	Maintain or Improve Services	Firm Financial Footing over the Longer Term
<u>Intended outcomes:</u> All staff are properly trained All staff have the appropriate tools All staff are engaged, empowered and supported The right people are in the right job with the right skills and right behaviours	<u>Intended outcomes:</u> Focusing on our customers' needs Continuously improve our processes Increase the digital provision of services	<u>Intended outcomes:</u> Better return/use of our assets Full Cost accounting Continued cost management Maximise income earning opportunities Seek best value for money
Impacts of Proposal		
Supports staff in determining enforcement action need. Promotes Consistency.	Promotes consistency: Allows the authority to demonstrate its commitment and compliance with the Regulators Code and Better Business For All.	None

4.2 Supporting Strategies

Each strand of the FFF Strategy has several supporting strategies and the relevant ones for this proposal are explained in the Enforcement Policy and associated appendix. This report seeks to introduce an updated version of the Enforcement Policy in order to replace the version introduced in 2014.

4.3 Changes to Existing Policies

The report seeks to supersede the Enforcement Policy and its associated appendix introduced in 2014 as amended.

4.3 Impact Assessments – There are no negative impacts associated with this report.

5. Budgetary Framework

5.1 There are no budgetary implications associated with this report.

6. Risks

- 6.1 Local Authorities have a statutory duty to have regard to the Regulators' Code in developing the principles and policies which guide their regulatory activities. The Local Government Ombudsman will be using the Code as a point of reference when examining complaints about local regulatory services. Adopting this enforcement policy will therefore, mitigate against the risk of successful challenge.

7. Alternative Option(s) considered

- 7.1 As this is a statutory duty, the Council needs to adopt an effective enforcement policy.
- 7.2 Alternative content could be considered. However, the proposed version reflects the Government's recommended approach. Also there is no requirement to produce a single Council-wide policy and Members could prefer service-specific policies rather than the associated appendix which outline variations of specific powers which are not detailed within the corporate Enforcement Policy.

8. Background

- 8.1 The Department for Business, Innovation & Skills introduced the Regulators' Code which came into force on 6 April 2014. Its aim is to provide a regulatory framework that supports compliance and growth while enabling resources to be focussed where they are most needed. It sets out a framework for proportionate and accountable regulatory delivery and establishes principles of how local authorities should engage with businesses to avoid imposing unnecessary regulatory burdens.
- 8.2 Business Support Organisations have been consulted regarding the policy. These included:
- Landlords Groups
 - Chamber of Commerce
 - Federation of Small Businesses
- 8.3 Comments received from the organisations are outlined in Appendix 2.
- 8.4 All comments received have been given due consideration and incorporated into the Enforcement Policy where suitable. Those comments which are better suited for inclusion in other relevant documents or upon the website have been forwarded for consideration in those publication reviews.
- 8.5 The existing Enforcement Policy and existing appended document, The Health and Community Protection Regulatory Section appendix and the Development Services Planning Enforcement policy are included as hyperlinks or reference in background papers to aid comparison.