

CORPORATE COMMITTEE

30 JANUARY 2018

DIRECTOR FOR LEGAL AND DEMOCRATIC SERVICES

CORPORATE ENFORCEMENT POLICY

1.0 PURPOSE OF REPORT

- 1.1 To agree to the Corporate Enforcement Policy which will set overarching principles for enforcement activities undertaken by Melton Borough Council

2.0 RECOMMENDATIONS

- 2.1 **That the Corporate Committee approves and adopts the Corporate Enforcement Policy**

3.0 KEY ISSUES

- 3.1 Melton Borough Council is responsible for ensuring that a wide range of legislation is being properly complied with, by businesses and individuals to protect the rights and safety of the Borough's residents, workers, visitors and local environment.
- 3.2 Individual service areas are required to follow a range of legislation and regulations when considering enforcement activity and as such, many of these areas have specific enforcement procedures in place.
- 3.3 Whilst there are service specific enforcement procedures, it is considered that an overarching Corporate Enforcement Policy which sets out the broad principles to be adopted by all departments and officers when exercising any enforcement functions on behalf of the Council is good practice. It will ensure that the Council ensures fairness, openness, and consistency in the enforcement action it takes.
- 3.4 The Legislative and Regulatory Reform Act (2006) requires Local Authorities to have regard to the principles of good regulation when exercising a specified regulatory function. The principles provide that regulatory activities should be carried out in a way that is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed.
- 3.5 A Regulators Code came into force in April 2014. As a regulatory body, the Council is under a duty to have regard to the Code when developing policies and the operational procedures that guide their regulatory activities.
- 3.6 The proposed policy, attached at Appendix A to this report, creates a single, Corporate Enforcement Policy and brings it in-line with current requirements. The intention of the Policy is to ensure that any enforcement action is compliant with the relevant legislation, codes of practice and government guidance.
- 3.7 The proposed Policy is designed to make sure that everyone knows the main principles that the Council applies when carrying out enforcement work. It starts from the premise that most businesses and individuals want to comply with the law. Help and support will be provided to enable them to meet their legal obligations

without unnecessary expenses, while firm action will be taken against those who flout the law or act irresponsibly.

3.8 This policy sets out the approach to be followed by authorised officers when making decisions in respect of compliance and enforcement activities. It sets out the levels of enforcement action available to the Council, how we will determine which action is appropriate in the event of non-compliance and how we will conduct our investigations.

3.9 The diversity of regulatory powers makes it difficult to provide detailed processes in this policy. Often there are detailed and differing processes that need to be followed depending on the service. For this reason, whilst the policy sets out principles that will be followed, and more detail is contained in service specific procedures. This list of procedures will be reviewed and updated annually and any review of specific procedures, or creation of new procedures will have regard to the Corporate Enforcement Policy.

4.0 POLICY AND CORPORATE IMPLICATIONS

4.1 The Corporate Delivery Plan includes a number of priorities which will be better facilitated through the establishment of a Corporate Enforcement Policy, include:

4.2 Achieving a clean and attractive local environment.

4.3 Developing a thriving town centre and rural offer; recognised as a great place to invest, live and visit.

5.0 FINANCIAL AND OTHER RESOURCE IMPLICATIONS

5.1 There are no financial implications arising from the report.

6.0 LEGAL IMPLICATIONS/POWERS

6.1 The preparation and publishing of the policy is not in itself a legal requirement. However, the Regulators' Compliance Code, issued in accordance with section 22 of the Legislative and Regulatory Reform Act 2006, requires regulators to have regard to this Code. The code came into statutory effect on 6 April 2014. The adoption of a policy is considered to be best working practice and will assist the Council to demonstrate that it has regard to the Code.

6.2 The Council is under a duty to have regard to the Regulators' Code when exercising its regulatory powers, setting standards or giving general advice.

7.0 COMMUNITY SAFETY

7.1 The proposed Policy will provide an up to date and compliant framework for Officers to work to which will help to support community safety.

8.0 EQUALITIES

8.1 An Equality Impact Assessment has been completed which concluded that there were no adverse impacts arising from this policy.

9.0 RISKS

9.1 Risk of approving the Corporate Enforcement Policy

| | | | | | | |
|--|---|-------------------|-----------------|---------------|---------------|-------------------|
| L I K E L I H O O D | A | Very High | | | | |
| | B | High | | | | |
| | C | Significant | | | | |
| | D | Low | | | | |
| | E | Very Low | 1 | 2 | | |
| | F | Almost Impossible | | | | |
| | | | Negligible 1 | Marginal 2 | Critical 3 | Catastrophic 4 |

IMPACT

| Risk No | Risk Description |
|---------|--|
| 1 | Non adoption of the Policy could lead to the Council not being able to enforce against non compliance of legislation |
| 2 | Not having a consistent approach to enforcement could leave the Council vulnerable to challenge on taking enforcement action |
| 3 | |

10.0 CLIMATE CHANGE

10.1 There are no implications.

11.0 CONSULTATION

11.1 The draft Corporate Enforcement Policy has been developed in consultation with all relevant service areas of the Council.

11.2 The Policy has been considered by the Regulatory Forum who provided feedback into the final draft.

12.0 WARDS AFFECTED

12.1 All Wards are affected as it is a Borough wide Policy

Contact Officer

Adele Wylie, Director for Legal and Democratic Services

Date: 22/01/19

Appendices : Appendix A – Corporate Enforcement Policy

Reference : X : Committees\X:\Cttee, Council & Sub Cttees\Corporate Committee\Reports\2019 01 30