

HAMBLETON DISTRICT COUNCIL

Report To: Cabinet
14 January 2020

**Subject: ENVIRONMENT AND LEISURE AND COMMUNITIES DIRECTORATES
ENFORCEMENT POLICY
All Wards**

Portfolio Holder for Environmental Health, Waste and Recycling: Councillor S Watson

1.0 PURPOSE AND BACKGROUND:

- 1.1 The purpose of this report is to present the updated Environment and Leisure & Communities Directorates Enforcement Policy. The Directorates must have an enforcement policy to ensure that they act fairly and consistently when taking enforcement action and that this approach is to be agreed by Council.
- 1.2 Cabinet approved the previous Leisure and Environment Enforcement Policy at its meeting on 6 November 2018. This policy has been reviewed and updated. It retains the basis of its original format; an overarching policy with annexes for specific function areas. The updates/changes are as follows:
 - Consolidation of the general enforcement actions into the overarching policy to avoid repetition in the annexes.
 - Addition of annexes for Communities, smoke free enforcement and skin piercing activities.
 - Updates to the private sector housing annex to reflect new responsibilities.
- 1.3 The Policy states the priorities of the Directorates when considering enforcement action and establishes a framework for enforcement decisions. This will ensure that authorised and appointed officers exercise their delegated powers in an appropriate manner and in accordance with the policy. Any failure to follow the standards will be acted upon and notified to Members where appropriate.
- 1.4 The Directorates are committed to the principles of the Regulators' Code to ensure a graduated and fair approach to enforcement that supports businesses and protects the environment and public health and safety.

2.0 LINK TO COUNCIL PRIORITIES:

- 2.1 Ensuring that the Directorates have an appropriate and consistently implemented Enforcement Policy contributes to the delivery of three of the Council's key priorities: Enhancing Health and Well Being, Driving Economic Vitality and Providing a Special Place to Live by protecting public health and safety, protecting the environment and ensuring a fair trading environment.

3.0 RISK ASSESSMENT:

- 3.1 Failure to gain approval from Cabinet will lead to the absence of an Enforcement Policy for the Directorates and therefore the absence of a framework upon which to base enforcement decisions.

3.2 The key risk is in not approving the recommendation as shown below:-

Risk	Implication	Prob*	Imp*	Total	Preventative action	Net Prob	Net Imp	Net Total
Absence of an Enforcement Policy.	The Directorates do not have an approach and framework on which to base their enforcement actions and decisions, which could lead to inconsistencies and may prejudice enforcement actions.	3	4	12	That the Enforcement Policy is approved by Cabinet.	1	2	2

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

3.3 Overall the risk of agreeing with the recommendation outweighs the risk of not agreeing the recommendation and is considered acceptable as the Authority has statutory duties to enforce a wide range of legislation and requires a framework and approach in which to do so.

4.0 FINANCIAL IMPLICATIONS:

4.1 There are no financial implications in approving the recommendation.

5.0 LEGAL IMPLICATIONS:

5.1 Failure to abide by the principles of good enforcement set out in the Regulators' Code (April 2014) which is issued under the Legislative and Regulatory Reform Act 2006, the Code for Crown Prosecutors and the Regulatory Enforcement Sanctions Act 2008, may prejudice any enforcement action considered or taken by the Environment Directorate.

6.0 EQUALITY/DIVERSITY ISSUES

6.1 Equality and Diversity issues have been considered however there are no implications associated with this report; however equality and diversity matters are considered as part of the policy including the approach to support vulnerable individuals.

7.0 RECOMMENDATION(S):

7.1 That Cabinet approves and recommends to Council that the Environment and Leisure & Communities Directorates Enforcement Policy is adopted.

PAUL STAINES
DIRECTOR OF ENVIRONMENT

Background papers: Environment and Leisure & Communities Directorates Enforcement Policy 2020
Regulators' Code
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf
Legislative and Regulatory Reform Act 2006
<http://www.legislation.gov.uk/ukpga/2006/51/contents>

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