

Hambleton District Council

Report To: Cabinet

Dates: 8 June 2021

Subject: **Environment and Leisure and Communities Directorates Enforcement Policy**

Portfolio Holder Environmental Health, Waste and Street Scene
Councillor S Watson

Leisure
Councillor P R Thompson

Wards Affected: All Wards

1.0 Purpose and Background

- 1.1 The purpose of this report is to present the updated Environment and Leisure and Communities Directorates Enforcement Policy (Annex A). The Directorates must have an enforcement policy to ensure that they act fairly and consistently when taking enforcement action and this approach is to be agreed by Council.
- 1.2 Cabinet approved the previous policies at its meetings on 6th November 2018 and 14th January 2020. The Policy has now been further 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:
- Further consolidation of the general enforcement actions into the overarching policy to avoid repetition in the annexes.
 - Addition of annexes for Contaminated Land and Covid 19.
 - 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 and animal welfare.

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, the environment, animal welfare and ensuring a fair trading environment.

3.0 Risk Assessment

3.1 There are no risks in approving the policy.

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

3.4 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 Directorates.

6.0 Equality/Diversity Issues

6.1 Equality and Diversity issues have been considered and 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

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

Paul Staines
Director of Environment

Background papers: 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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