

Thursday, 11 November 2021

## Report of the Portfolio Holder for Regulatory & Community Safety

### Corporate Enforcement Policy

#### Exempt Information

None

#### Purpose

To approve a revised and updated Corporate Enforcement Policy

#### Recommendations

It is recommended that:

1. The revised Corporate Enforcement Policy attached as Appendix 1 is approved
2. The Assistant Director Partnerships, in conjunction with appropriate Heads of Service, be authorised to make minor editorial changes to the Policy as required that do not materially change the scope or meaning of it
3. A full review of the Policy be undertaken every three years with update to the Audit and Governance Committee

#### Executive Summary

The Legislative and Regulatory Reform Act 2006 requires local authorities to have regard to the principles set out in section 21 of the above Act when exercising a specified regulatory function. The Council fully supports the principles set out in the 2006 Act.

The appropriate use of the full range of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health, safety and welfare or breach of regulations enforced by the Council.

This policy sets out standards that will be applied across the Council when acting in its role as regulator and enforcement agency, sets out the approach to be followed by authorised Officers when making decisions in respect of the Council's compliance and enforcement activities and what residents, businesses, consumers and workers can expect from Tamworth Borough Council.

This policy has been set in accordance with the Regulator's Compliance Code and the Statutory Code of Practice for Regulators. This means that the Council will be open, helpful, fair and careful to ensure that any action required by the Council is proportionate to the risks.

This approach is intended to provide better information to businesses and the community and, by doing so, lend support to the Council's efforts to deliver quality services.

**The updated Corporate Enforcement Policy outlines the corporate approach across all council services when considering enforcement action and is an overarching strategy that applies to all the Council's services with enforcement duties.**

**It is the guidance upon which individual services with more specific legislative guidance and regulation manage and develop their own more detailed service enforcement procedures and practices.**

The policy has undergone extensive consultation with services which undertake enforcement activity and will be circulated via the Astute platform to ensure all departments can make reference to it when determining local policy and procedures.

The policy has also been reviewed to ensure that it is in compliance with the Councils delegated decision making process.

In summary, the suggested Council approach is as follows:

- Prevention through improved communication.
- Focused enforcement - our enforcement resources will be targeted primarily on activities giving rise to the most serious risks to the environment, health and safety of the public.
- Any enforcement will be fair, accountable, consistent, proportionate, transparent and firm.
- The burden on businesses will be reduced through improved partnership working and more consistent working as a Council.
- The public and businesses will be party to and updated on our enforcement approach and policies.

It is recommended that authority is delegated to the Assistant Director Partnerships in conjunction with appropriate Heads of Service to ensure that the policy is kept up to date with full review by the Audit and Governance Committee every three years.

**Options Considered**

Do Nothing	Review of current policy had not been completed and there is a risk of insufficient evidence of compliance with regulators code
Revise and update policy	Preferred option

**Resource Implications**

The policy will be circulated to all services who undertake regulatory and other enforcement actions to ensure businesses and individuals are compliant with regulation and who enforce for non-compliance of regulation and legislative processes which the Council undertake.

The policy covers the following areas and any future areas where enforcement may be considered:

- Revenues and Benefits
- Environmental Health regulation
- Environmental crime
- Neighbourhoods (to include the Council’s duty as Social Landlord)
- Partnerships
- Car park enforcement
- Planning
- Private Sector Housing
- Community Safety Partnership and all other external partners that the Council may be required to consider enforcement actions as part of a problem solving approach

### **Legal/Risk Implications Background**

Risk/Benefit	Mitigation
Failure to implement policy	It is important that the Council has a clear policy that incorporates government guidance in order to avoid complaints and legal challenges to its enforcement actions
Failure to review and update	It is also important that Officers can make minor changes in order to keep the policy up to date
Failure to ensure legal advice has been undertaken	The policy has been reviewed by the Council's Legal Service
Failure to consider financial implication	There are no direct financial implications as a result of this report, although actions arising from it may result in legal costs, thereby each case will be considered as per the policy
Positive partnership working	The Policy outlines consideration of and work with community safety and other statutory agencies to ensure enforcement actions as carefully considered

### **Equalities Implications**

Equalities impact assessment attached

### **Sustainability Implications**

Policy will be subject to minor reviews as necessary with 3 year review by Audit and Governance

### **Background Information**

All information contained within the report

### **Report Author**

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### **List of Background Papers**

None

### **Appendices**

- 1 – Corporate Enforcement Policy
- 2 – Equality Impact Assessment

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