

**Public**

**HUNTINGDONSHIRE DISTRICT COUNCIL**

**Title/Subject Matter:** Corporate Enforcement Policy

**Meeting/Date:** Licensing and Protection Committee – 7th February 2018

**Executive Portfolio:** Executive Councillor for Community Resilience, Well-being and Regulatory Services – Councillor Mrs A Dickinson

**Report by:** Head of Community

**Wards affected:** All

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**Executive Summary:**

This report deals with the development of a Corporate Enforcement policy designed to operate across the 'Delivery' Directorate of the Council and encompassing regulatory services broadly within the remit of the Community Services and Development Services.

The principles of the policy are focused on securing 'certainty and consistency' in the Council's approach to breaches of regulatory control and how the Council will operate in terms of process and penalty in seeking to advise, guide and resolve such issues in the public interest and whilst aligning to the Council's strategic objectives for growth.

**Recommendation**

The Committee is invited to contribute to the development of the Corporate Enforcement Policy by considering and providing comments on the draft Discussion Documents attached at Appendices A-C.

## **1. PURPOSE OF THE REPORT**

- 1.1 The Council has statutory responsibility for the regulation of a wide range of activities which impact upon our residents, visitors, communities and businesses. Within the 'Delivery' Directorate, these include environmental health, licencing and planning. In addition, the Council is also responsible for developing and implementing local regulations covering issues such as littering and dog control.
- 1.2 Allied to these responsibilities is the need for the Council to have an effective and efficient enforcement process that operates with due efficacy. The objective is to maximise clarity, certainty and consistency for everyone in the process as to how the Council will operate in resolving known breaches of regulatory control. Officers will be able to focus activity on timely and meaningful action. Members will be able to play a supporting ambassadorial role within their communities in explaining how such matter are resolved and the various actions and timescales involved to achieving solutions.

## **2. WHY IS THIS REPORT NECESSARY/BACKGROUND**

- 2.1 The aims in developing a single policy to cover regulatory enforcement have been to ensure, as far as possible, appropriate prioritisation of enforcement work, consistency of approach and clarity of expectation. Ultimately, this will be captured in a range of policy and operational documents, with an overarching Policy Statement 'on a page' as at Appendix A.
- 2.2 Council Officers will use the policy and matrix toolkit to ensure suspected breaches are investigated and resolved in a prioritised and proportionate manner, leading to the earliest feasible resolution and the focus of resources on a 'lean' approach to caseloads. The why and how of the Councils enforcement activities are set out, in draft, at Appendices B & C.
- 2.3 Ultimately, the wording of Appendices B & C may merge in to a singular supporting document, with the Matrix Model currently within Appendix C being the primary document of importance. The views of Overview & Scrutiny are sought on the content and format on those draft documents and comment on what would be easiest for Officer, Member and public use.

## **3. OPTIONS CONSIDERED/ANALYSIS**

### **Discussion Document 1 – Policy Development**

- 3.1 Discussion Document 1, attached at Appendix B, covers the general aims of enforcement, the national guidance and government expectations, and sets out guiding principles for enforcement activities.
- 3.2 In summary, the suggested Council approach is:
- ensuring compliance with the relevant legislation and associated regulations whilst enabling business growth;
  - supporting individuals or businesses to achieve compliance;
  - proportionate and transparent, with frequent and clear communication
  - solutions sought at the lowest level likely to secure compliance;

- penalty action in cases of serious breaches or where individuals or businesses are not co-operating in an open or timely way.

## **Discussion Document 2 – Guidance Development**

- 3.3 Discussion Document 2, attached at Appendix B, provides more detail on how enforcement will be carried out in practice. It sets out an enforcement model which details how different forms of breach will be prioritised, investigated and escalated toward achieving a compliance solution.
- 3.4 The matrix model is set out for easy reference as follows:-
- Types of breaches listed in the left hand column, with individual lines showing the available enforcement options and escalation routes;
  - White section showing the initial priority to be given to reports of potential breaches;
  - Coloured sections showing increasing levels of action and formality of enforcement interventions, from green through amber to red, with escalation of potential penalty;
  - Checked boxes showing options which would normally be discounted as inappropriate due to the nature of the breach.
- 3.5 The model maximises the certainty of actions to be taken but cannot be absolutely prescriptive, as the Council must retain an element of flexibility and discretion in determining the best way to resolve a breach. National guidance suggests formal enforcement should be a matter of last resort and there may be circumstance where breaches could simply be tolerated due to little demonstrable harm to the public or environment.

## **4. KEY IMPACTS / RISKS**

- 4.1 The introduction of a singular Corporate Enforcement Strategy for the 'Delivery' Directorate will enhance the certainty and consistency of the Councils activities around regulatory compliance and reduce the risk of process failures or customer confusion on outcomes and timescales.

## **5. WHAT ACTIONS WILL BE TAKEN/TIMETABLE FOR IMPLEMENTATION**

- 5.1 The Corporate Enforcement Policy, as a key corporate policy, will ultimately require Council approval. Prior to that, the principles will be discussed at the related operational service committees i.e. Development Control Committee and Licencing and Protection Committee. All views and finalised documents will then be considered by Cabinet, for recommendation to Council for endorsement.

## **6. LINK TO THE CORPORATE PLAN, STRATEGIC PRIORITIES AND / OR CORPORATE OBJECTIVES**

- 6.1 This policy will contribute to the Councils objectives of being an Efficient and Effective Council that is customer focussed and works strongly to enable growth, economic success and protect the environment.

## **7. CONSULTATION**

7.1 This policy has been evolved through Member reference groups and direct consultation with the Portfolio Holder and Chairmen of the relevant service Committees.

7.2 The comments of the Overview and Scrutiny Panel (Communities and Environment) and the Development Management Committee are attached at Appendices D and E for information.

## **8. LEGAL IMPLICATIONS**

8.1 The policy itself will be compliant with the general principles and objectives of national regulatory guidance, with Officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach.

## **9. RESOURCE IMPLICATIONS**

9.1 The introduction of this policy will enable existing Officer resource to be focused on clear prioritised and timely actions, with the expectation of responsiveness from those in breach. This should lead to more efficient and effective working on 'lean' principles within existing resource capacity.

9.2 Effective implementation of the policy will also hinge on Members taking a proactive and ambassadorial role within their communities as to how the Council responds to enforcement activity and managing expectation.

## **10. REASONS FOR THE RECOMMENDED DECISIONS**

10.1 Adoption of a Corporate Enforcement Strategy responds directly to the need for the Council to have an effective and efficient enforcement process that operates with due efficacy. The objective is to maximise clarity, certainty and consistency for everyone in the process as to how the Council will operate in resolving known breaches of regulatory control.

## **11. LIST OF APPENDICES INCLUDED**

Appendix A – Policy Statement

Appendix B – Discussion Document 1 (Policy)

Appendix C – Discussion Document 2 (Guidance)

Appendix D – Comments of Overview and Scrutiny Panel (Communities and Environment) – 9/1/18

Appendix E – Comments of Development Management Committee – 18/1/18

## **BACKGROUND PAPERS**

None

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