

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter:	Corporate Enforcement Policy
Meeting/Date:	Cabinet – 8th February 2018 Council – 21 st 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

Executive Summary:

This report presents for approval a revised and updated Corporate Enforcement Policy designed to operate across the Council regulatory services broadly within the remit of the Community 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.

Recommendations:

Cabinet is asked to recommend that:-

1. That Cabinet endorse and recommended to Council the approval of the Corporate Enforcement Policy Statement (Appendix A), and the Corporate Enforcement Policy (Appendix B).
2. That the Head of Community and Head of Development Services be authorised to make minor editorial changes to the Corporate Enforcement Policy Statement (Appendix A) and the Corporate Enforcement Policy (Appendix B) which by definition make no change to the scope or meaning of the Policy.
3. The Cabinet endorse the approach taken by the Operational Guidance (Appendix C),
4. That Cabinet delegate to the Head of Community and Head of Development, in consultation with the relevant Executive Councillors and Chairs and Vice Chair of relevant regulatory Committees, the maintenance of the Operational Guidance in light of changes resulting from revocations, amendments, or enactments of relevant statutory provisions; changes in statutory guidance, or best practice.

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. 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 Council's enforcement activities are set out at Appendices B & C.
- 2.3 The views of Overview & Scrutiny Panel, Development Management Committee, and Licensing and Protection Committee have been sought. Comments received are outlined in the following Section 6, Consultation.

3. ANALYSIS

Policy Development

- 3.1 The Policy Statement, and Policy(Appendix A & 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.

Operational Guidance

- 3.3 The Operational Guidance (Appendix C) 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 Council's activities around regulatory compliance and reduce the risk of process failures or customer confusion on outcomes and timescales.

5. WHAT ACTIONS WILL BE TAKEN FOR IMPLEMENTATION

5.1 The Corporate Enforcement Policy, as a key corporate policy, requires Council approval. Once, approved, the policy will become effective immediately. Its delivery will be monitored by the appropriate service Committees, primarily Licensing and Protection Committee and Development Management Committee. Key delivery indicators will also be routinely reported through the Council's standard performance management systems.

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

6.1 This policy will contribute to the Council's 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 Executive Councillor and Chair and Vice Chair of the relevant service Committees.

7.2 Comments from both Overview and Scrutiny and Development Management Committee have been positive, welcoming the development of a consistent and transparent approach to enforcement. These are attached at Appendices D and E.

7.3 Members wished to ensure that the enforcement afforded appropriate priority to low level environmental issues, including fly-tipping and fly-posting. Members stressed the importance of working with partner organisations to ensure wider enforcement consistence, where possible. Members requested that, wherever practical, the officers should provide information on timescales for enforcement action. The draft guidance document has been amended to reflect these points.

7.4 Comments from Licensing and Protection Committee will be reported to Cabinet verbally, as the Committee meeting was held after the report dispatch for Cabinet.

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.

LIST OF APPENDICES INCLUDED

Appendix A – Policy Statement
Appendix B – Enforcement Policy
Appendix C – Operational Guidance

BACKGROUND PAPERS

None

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