
REPORT TO:	ENVIRONMENTAL AND DEVELOPMENT SERVICES COMMITTEE	AGENDA ITEM: 11
DATE OF MEETING:	17th NOVEMBER 2016	CATEGORY: RECOMMENDED
REPORT FROM:	MIKE HAYNES – DIRECTOR OF HOUSING AND ENVIRONMENTAL SERVICES	EXEMPT PARAGRAPH NO: Not Exempt
MEMBERS' CONTACT POINT:	MATT HOLFORD – ENVIRONMENTAL HEALTH MANAGER GAYNOR RICHARDS – SENIOR PLANNING ENFORCEMENT OFFICER	DOC:
SUBJECT:	CORPORATE ENFORCEMENT POLICY	REF:
WARD(S) AFFECTED:	ALL	TERMS OF REFERENCE: EDS14 & HCS10

1. Recommendations

- 1.1 That Members approve a new Corporate Enforcement Policy.

2. Purpose of Report

- 2.1 To advise Members of the statutory and policy framework supporting the adoption of a Corporate Enforcement Policy.
- 2.2 To present Members with a proposed Corporate Enforcement Policy to ensure the fair and proportionate enforcement of most aspects of criminal law regulated by South Derbyshire District Council.

3. Background

- 3.1 There has been a concerted effort over the past decade to ensure that the potential burden of 'red tape' does not prevent the development of a vibrant economy and this is particularly the case in the current economic climate.
- 3.2 In March 2005 a report titled "Reducing Administrative Burdens; Effective Inspection and Enforcement" was published by Lord Hampton. The report had been commissioned by the Treasury in response to a request in the 2004 budget from the Chancellor of the Exchequer for them to assess the need for reducing administrative burdens by promoting more efficient approaches to regulatory inspection and enforcement, without compromising regulatory standards or outcomes.

- 3.3 The Report, and the principle of removing or reducing burdens resulting from legislation, led to the enactment of the Legislative and Regulatory Reform Act (the Act) in 2006.
- 3.4 The Act set out five principles which any person exercising a designated regulatory function must have regard to. Those five principles are that regulatory activities should be carried out in ways which are transparent, accountable, proportionate, consistent and targeted. The designated regulatory functions in the Act are defined as those covered by environmental health, licensing, trading standards and fire safety.
- 3.5 In 2013 a Regulators Code was published which the designated regulatory functions are required to have regard to when developing policies and operational procedures. The stated aim of the Code is to develop an open and constructive relationship between regulators and those they regulate aimed to provide “a clear understanding of the services that can be expected and (those regulated) will feel able to challenge if these are not being fulfilled”. In October 2013 E&DS approved an Enforcement Policy covering the Licensing and Environmental Health functions in order to meet the requirements of the Regulators Code.
- 3.6 In January 2013 E&DS also approved a Local Enforcement Plan for the use by the Head of Community and Planning Services for the everyday application of planning enforcement policy within the District. The Plan was adopted in order for the Council to show compliance with paragraph 207 of the National Planning Policy Framework.
- 3.7 In 2015 the Deregulation Act was enacted which contained a general duty on those exercising a regulatory function to “have regard to the desirability of promoting economic growth”; and in doing so to ensure that regulatory action is taken only when it is needed, and to ensure that any action taken is proportionate.
- 3.8 The publication of, and adherence to, an Enforcement Policy is a key aspect of demonstrating compliance with the duty imposed by the Deregulation Act.
- 3.9 In 2016 South Derbyshire District Council published its revised Corporate Plan. Under the ‘People’ corporate theme of *keeping residents happy, healthy and safe*, was a specific long term aim to “*Use existing tools and powers to take appropriate enforcement action*”. The corporate project to support the achievement of this aim is to “publish and annually review a single Enforcement Policy covering all SDDC regulatory activity”.

4. Implementation

- 4.1 The proposed Enforcement Policy is set out in the Appendix to this report. The Policy is based on the content of a best practice template published by the Better Regulation Delivery Office (now called the Regulatory Delivery directorate) of the Department of Business Innovation and Skills. The Policy also combines much of the relevant content previously included in the 2013 Licensing and Environmental Health Enforcement Policy and the 2013 Local Enforcement Plan.
- 4.2 The combined policy covers all of the regulatory functions of licensing, environmental health, planning enforcement and building control. Civil enforcement functions such as those used by the housing, business rates and council tax services are not included.
- 4.3 Each year the Council regulates the activity of the estimated population of nearly 100,000 residents and 2,200 businesses. This entails responding to an estimated 3,000 requests for action each year and approximately 1,000 proactive inspections of

business premises and vehicles. The Corporate Enforcement Policy provides a single policy framework for all regulatory decisions, which enables anyone effected by a decision to have assurances about the transparency and consistency of decision making processes and accountability of the regulatory officers.

5. Financial Implications

5.1 Minor significant implications.

6. Corporate Implications

6.1 Positive. The proposed Policy offers Members and all of our clients evidence that the Council is using its enforcement powers to take appropriate enforcement action. Delivery of and adherence to the Policy is a specific commitment within the 2016-17 Corporate Plan Performance Board.

7. Community Implications

7.1 Beneficial.

8. Conclusion

8.1 The report seeks Member agreement for a Corporate Enforcement Policy which provides a consistent framework across the whole Council for officers to make regulatory decisions, and provides transparency and accountability against which those effected by those decisions can understand a decision and challenge it where they consider it appropriate.