

<b>REPORT TO:</b>	<b>Environmental and Development Service Committee</b>	<b>AGENDA ITEM:</b> 8
<b>DATE OF MEETING:</b>	<b>7<sup>th</sup> March 2013</b>	<b>CATEGORY:</b> <b>DELEGATED</b>
<b>REPORT FROM:</b>	<b>Mark Alflat – Director of Community Services</b>	<b>OPEN</b>
<b>MEMBERS' CONTACT POINT:</b>	<b>Matt Holford – Environmental Health Manager</b>	<b>DOC:</b>
<b>SUBJECT:</b>	<b>Environmental Health Enforcement Policy</b>	<b>REF:</b>
<b>WARD(S) AFFECTED:</b>	<b>All</b>	<b>TERMS OF REFERENCE:</b> EDS14

## 1 Recommendations

- 1.1 It is recommended that Members approve the adoption of the revised Enforcement Policy.

## 2 Purpose of Report

- 2.1 To advise Members of the statutory and policy framework necessitating the adoption of an Enforcement Policy.
- 2.2 To present Members with a proposed Enforcement Policy to ensure the fair and proportionate enforcement of law relating to Environmental Health in South Derbyshire.

## 3 Detail

- 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 are defined as those covered by environmental health, licensing, trading standards and fire safety.

- 3.5 The Act requires a Code of Practice to be published which all persons exercising a regulatory function must have regard to when developing any general policy or principles. The resultant code – The Regulators Compliance Code was published in 2007.
- 3.6 In order to comply with the requirements of the Act, South Derbyshire District Council adopted a local Enforcement Policy in November 2009. Following the adoption of the Policy there have been further statutory developments and therefore the Policy is due for a review.
- 3.7 The revised Policy has been subject to internal review. The final draft is contained in Appendix 1 to this report.
- 3.8 The content of the Policy is critical to the operation of the service areas to which it relates. All staff members are expected to perform their duties in accordance with the Policy and any decisions taken as to whether to take, or not take, formal enforcement action have to be assessed against the Policy.

#### **4 Implementation**

- 4.1 Once adopted the Policy will be made publically available on the Council's website. We will also contact all of the businesses routinely inspected by the Council's Environmental Health team to advise them of the Policy.
- 4.2 We will monitor compliance with the Policy by a number of methods;
  - Parts of the service (namely the food safety service which regulates over 700 local businesses) are subject to periodic inter-authority audits. These consist of a consortium of other regulatory authorities reviewing the procedures and practice of the service to promote best practice.
  - We will be instigating an ongoing business satisfaction survey which will assess business operators' perceptions of the quality and professionalism of the officers they dealt with. We will develop performance standards around the survey outcomes which will be used to measure individual officer performance.
  - We will peer review with other local authorities to establish how the numbers of enforcement actions our officers take compare with national averages.

#### **5 Financial Implications**

- 5.1 There will be no direct financial implications. The costs of monitoring compliance with the Policy will be covered by existing budgets.

#### **6 Corporate Implications**

- 6.1 The proposals align with all four of the Council's key Corporate Plan themes. For instance under the "sustainable growth and opportunity" theme, the objective of the policy is that continued assurance of proportionate enforcement will strengthen the economic position of business in the District.

#### **7 Community Implications**

- 7.1 The proposals will not significantly change existing services in the short term and will benefit service in the long term.

## **8 Conclusion**

- 8.1 The Enforcement Policy represents the Council's commitment to efficient and proportionate enforcement in the field of environmental health and establishes our compliance with the requirements of the Legislative and Regulatory Reform Act 2006.