

# REPORT TO CABINET

**REPORT OF:** Head of Legal and Democratic Services

**REPORT NO:** LDS121

**DATE:** 10<sup>th</sup> March 2014

<b>TITLE:</b>	<b><u>Corporate Enforcement Policy and Adoption of Countywide Anti-social Behaviour Policy</u></b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Key decision	
<b>PORTFOLIO HOLDER: NAME AND DESIGNATION:</b>	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
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<b>INITIAL IMPACT ANALYSIS:</b>  Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Current Enforcement Policy Equality Impact Assessment	

## **1. RECOMMENDATION**

- 1.1 That Cabinet approve the draft revised Corporate Enforcement Policy and associated Service Enforcement Policies and adopt the countywide Anti-Social Behaviour Policy attached as an appendix to this report.

## **2. PURPOSE OF THE REPORT**

- 2.1 The purpose of this report is to present the revised Corporate Enforcement Policy (CEP) and aligned, updated individual service enforcement policies for approval by Cabinet including the countywide Anti-social Behaviour Policy for adoption.

## **3. DETAILS OF REPORT**

- 3.1 The Council has a key role to play in establishing an environment that assists in supporting and facilitating the growth of business and supporting local economic prosperity. At the same time there is the equally important role in protecting public health and safety and promoting community health and well being and protecting the environment. Fair and effective enforcement underpins this and ensures that we protect health, safety and quality of life for all those who live, visit and work in the District and, ensures that those businesses and individuals who undertake regulated activities do so lawfully.
- 3.2 The Legislative and Regulatory Reform Act 2006, requires that the Council has regard to the Principles of Good Regulation when exercising regulatory functions. Other guidance exists that recommends that we have a documented enforcement policy in place, for example the National Planning Policy framework, Health and Safety Executive Section 18 Guidance, and Food Standards Agency Framework Agreement. Any policy must also comply with the Regulators Compliance Code.
- 3.3 The purpose of the CEP is to provide a single over-arching policy that encompasses the key factors and principles common to all aspects of enforcement undertaken by the Council. The intention is to commit the Council to good enforcement practice and establish a framework by which we will ensure a fair and consistent approach to the way that enforcement activities are undertaken. The CEP is supported with a suite of service-specific policy documents that set out the enforcement practice in relation to particular service areas. Those service specific policies cover the areas of:
  - Development Management
  - Building Control
  - Environmental Services
  - Anti-social behaviour
  - Debt and recovery
  - Waste and Recycling
- 3.4 Both the CEP and the service specific policies referred to have been reviewed and updated. The main changes to the individual service area policies relate to legislative changes and resulting changes in practice and procedure. The CEP has been revised to be more directive and instructive on how to apply an assessment of when a particular type of enforcement action may be necessary and proportionate.

- 3.5 Individual service areas have updated the service specific policies. These have been further reviewed to ensure consistency with the CEP. On approval by the Cabinet, the CEP will be published on the website with reference and links to all the individual service enforcement policies. All the individual service enforcement policies will make reference to the CEP. It is proposed that this cross reference will be further enforced with web links to all the relevant policies, regulations and procedures in each policy to ensure that each individual service policy will only be implemented in accordance with the principles set out in the CEP.
- 3.6 The Lincolnshire Anti Social Behaviour Policy (ASB) has been developed by statutory partners within the County and is intended to provide a framework to allow partners to work collaboratively to manage and resolve reports of ASB effectively, and ensure clear lines of responsibility and communication across Lincolnshire's strategic partners. It is also intended to provide guidance to all staff across the partnerships, customers and stakeholders on what action will be taken when a complaint is made. The policy reflects changes in legislation, the introduction of a revised recording mechanism, and defines the responsibilities for all partners involved in managing ASB. Partners within Lincolnshire have historically had in place their own policies and procedures to deal with anti social behaviour. Although partners were familiar with individual policies and procedures it could lead to confusion when working alongside partners who operate on a county basis (Police, Fire, Children's Services). In order to streamline processes and ensure continuity of outcome a county-wide ASB policy has been developed.
- 3.7 The CEP has been revised taking into account best practice and guidance from statutory regulators. All the policies have been reviewed by the Engagement Policy Development Group.

#### **4. OTHER OPTIONS CONSIDERED**

- 4.1 A failure to have in place an up-to-date Corporate Enforcement Policy could result in some inconsistency of approach across the Council resulting in a greater likelihood of challenge to enforcement decisions.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 The provision of the policy will be met from existing resource.

#### **6. RISK AND MITIGATION**

- 6.1 Risk has been considered as part of this report and any specific high risks are included in the table below:

<b>Category Risk</b>	<b>Action / Controls</b>
No high risks have been identified as part of the policy review.	

#### **7. ISSUES ARISING FROM IMPACT ANALYSIS**

- 7.1 Equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken. The requirement to carry out enforcement action against any individual is not determined by protected characteristics.

## **8. CRIME AND DISORDER IMPLICATIONS**

8.1 The provision of a robust policy will ensure that enforcement prevents the continuation of potential criminal activity

## **9. COMMENTS OF FINANCIAL SERVICES**

9.1 There are no direct financial implications arising from this report. All enforcement policies across the Council have been reviewed to ensure there is consistency with respect to the collection and enforcement activities.

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 The current review updates the Corporate Enforcement Policy so it can demonstrate compliance with obligations imposed on it by the Regulatory Reform Act 2006, and the statutory guidance including the Regulators Compliance Code.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

## **12. APPENDICES:**

1. The draft Corporate Enforcement Policy
2. Service enforcement policies.
3. Lincolnshire Anti-Social Behaviour Partner Policy