

# REPORT TO COMMUNITIES P.D.G.

**REPORT OF:** Business Manager – Legal & Democratic Services

**REPORT NO:** LDS198

**DATE:** 26 January 2017

<b>TITLE:</b>	Corporate Enforcement Policy	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Non-Key decision	
<b>EXECUTIVE MEMBER: NAME AND DESIGNATION:</b>	Councillor Frances Cartwright – Executive Member for Governance	
<b>CONTACT OFFICER:</b>	John Armstrong <a href="mailto:j.armstrong@southkesteven.gov.uk">j.armstrong@southkesteven.gov.uk</a> ; 01476406103	
<b>INITIAL IMPACT ANALYSIS:</b>  <b>Equality and Diversity</b>	Carried out and Referred to in paragraph (7) below To be considered	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>	<ul style="list-style-type: none"><li>• Current track changed Corporate Enforcement Policy and those policies subject to change.</li><li>• The new Environmental Services Enforcement Policy</li></ul>	

## 1. RECOMMENDATION

- 1.1 That the PDG consider the draft revised Corporate Enforcement Policy ("CEP") and associated service Enforcement Policies attached as an appendix to this report and make recommendation to the Executive Member for Governance to approve the adoption of the draft policies.

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

2.1 The purpose of this report is to make Members aware of the content of the revised draft Corporate Enforcement Policy and to make recommendations to the Executive Member for Governance.

## **3. DETAILS OF REPORT**

**3.1** The purpose of the CEP is to have and maintain a single over-arching policy that encompasses the key factors and principles common to all aspects of enforcement undertaken by the Council.

3.2 The intention was and remains to commit the Council to good enforcement practice and maintain a framework by which we will ensure a fair and consistent approach to the way that enforcement activities are undertaken. Fair and effective enforcement is essential to protect economic interests, public health and safety and the environment. The CEP is supported by a suite of service specific policy documents that set out in greater detail the enforcement practice in relation to particular service areas.

3.3 Individual service areas have updated their service specific policies. These have been further reviewed to ensure consistency across all services and with the CEP. All the individual service enforcement policies make reference to the CEP. This cross reference is 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.

3.4 The service specific policies cover the areas of:

- Development Management
- Building Control
- Environmental Services
- Debt and recovery
- Waste and Recycling

3.5 Following the review of these policies and reflecting the organisational structure changes in relation to the Neighbourhood team, and changes of remit within the wider Environmental Services Team it was considered appropriate to have one service specific enforcement policy that covers Environmental Services and Waste and Recycling. This change is reflected in the attached Environmental Services Enforcement Policy.

3.6 The change control document at the head of the CEP sets out all other changes, where there are any, within both the CEP and the service specific enforcement policies.

3.7 Tracked changed versions of the policies that have been subject to change are attached along with the new Environmental Services Enforcement Policy.

## **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**

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

## **6. RISK AND MITIGATION**

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 are considered at this stage of the policy fromation	

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

The Corporate Enforcement Policy should include a clear Equality Statement to ensure all enforcement activity is undertaken fairly and without discrimination on any grounds.

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

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

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

There 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**

The Legislative and Regulatory Reform Act 2006, requires that the Council has regard to the Principles of Good Regulation when exercising certain specified regulatory functions set out in the documents appended to this report.

The current review and updates its 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:** The draft Corporate Enforcement Policy and service enforcement policies.