

REPORT TO CABINET

REPORT OF: **Head of Environmental Health and Licensing**

REPORT NO. **ENV 339**

DATE: **6 FEBRUARY 2006**

TITLE:	SKDC Enforcement Policy
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	December 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Key Decision

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cabinet
CORPORATE PRIORITY:	Links to all priorities
CRIME AND DISORDER IMPLICATIONS:	Yes
FREEDOM OF INFORMATION ACT IMPLICATIONS:	Medium
BACKGROUND PAPERS:	Enforcement Concordat

1. INTRODUCTION OR SUMMARY

The Council undertakes a range of legal enforcement activities. In order that these can be coordinated and carried out in a fair and consistent way, an overarching policy on enforcement is necessary. The policy requires adoption by the Cabinet.

2. RECOMMENDATIONS

- (a) The Cabinet approves the adoption of the policy.
- (b) If there are any minor amendments necessary to Section 1 following consultation, that the Leader be authorised to approve these.
- (c) The relevant portfolio holder is responsible for authorising and for approving changes to the individual section arrangements.

3. DETAILS OF REPORT

The Council has responsibility for enforcing a range of legislation. Enforcement is carried out by all regulatory services and by many other areas of the Council, including Crime and Disorder, Cleansing and Housing. Enforcement action to secure monies owed to the Council is also undertaken. Historically, each service involved with taking legal action has had its own arrangements and protocols to achieve this and has carried out enforcement in a variety of ways, the main consistency being the use, in nearly all cases, of the Council's legal service.

Members of the public and business owners are entitled to understand what type of legal action could be taken against them and when this may be taken. The principals of this are contained within the Enforcement Concordat, which this Council has signed. The Enforcement Concordat includes measures to promote fairness but it does not contain detail regarding how and when enforcement will be undertaken, nor does it include arrangements to ensure consistency across the Council.

An Enforcement Policy has been produced following liaison with section heads (please see appendix). This includes an introduction, which encompasses the requirements of the Enforcement Concordat, general principals of enforcement that refer to all enforcement, followed by service sections specific arrangements for each of their areas of responsibility. In many cases the service specific arrangements includes guidance from a relevant national body (for example the HSE or the FSA) or from a Government department. The individual sections will need to be updated from time to time as this guidance is revised or updated.

It is felt that by adopting a Council wide Enforcement Policy, that clarity, consistency and transparency in enforcement will be improved.

Arrangements are in place to consult stakeholders and the Policy will need to be in compliance with Plain English standards.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

None.

5. COMMENTS OF DIRECTOR OF FINANCE AND STRATEGIC RESOURCES

None.

6. COMMENTS OF CORPORATE MANAGER, DEMOCRATIC AND LEGAL SERVICES (MONITORING OFFICER)

No comment.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

The following service managers have been consulted in the formulation of this draft:

- (a) (Former) Head of Housing
- (b) Housing Solutions Manager
- (c) Head of Planning
- (d) Building Control Services Manager
- (e) Contracts Manager
- (f) Revenues Manager
- (g) Community Safety Manager

8. CONCLUSIONS

In order to improve consistency in enforcement, a Council wide Policy on Enforcement has been produced.

9. CONTACT OFFICER

R Hadfield, Head of Environmental Health and Licensing
Tel: 01476 406306 e-mail: b.hadfield@southkesteven.gov.uk