



Thursday, 15 January 2026

Report of Councillor Philip Knowles  
Cabinet Member for Corporate  
Governance and Licensing

## Corporate Enforcement Policy

### Report Author

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### Purpose of Report

To approve and adopt a new Corporate Enforcement Policy.

### Recommendations

#### Cabinet is asked to:

1. Approve and adopt the Corporate Enforcement Policy
2. Agree that future minor amendments such as typographical corrections to the Corporate Enforcement Policy are delegated to the Head of Service – Public Protection, in consultation with the Cabinet Member for Corporate Governance and Licensing.

### Decision Information

Is this a Key Decision? No

Does the report contain any exempt or confidential information not for publication? No

What are the relevant corporate priorities? Effective Council

Which wards are impacted? All Wards

## 1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

### ***Finance and Procurement***

- 1.1 There are no direct financial implications arising from this report. All enforcement policies across the Council should be reviewed regularly to ensure consistency with collection and enforcement activities. The fee for each type of fixed penalty notice, where not set by law, will be set by the Council during the annual budget cycle as part of the Fees and Charges setting process aligned with the Charging Policy.

*Completed by: David Scott, Assistant Director of Finance*

### ***Legal and Governance***

- 1.2 Lincolnshire Legal Services have been consulted and are satisfied with the content of the Policy, the draft appended to this report incorporates the advice received. Members should take note of the legislation mentioned in section 3 of the report.

*Completed by: James Welbourn, Democratic Services Manager*

### ***Equalities, Diversity and Inclusion***

- 1.3 An equality impact assessment has been undertaken for the proposed Policy and there are no significant negative impacts. See Appendix 2

*Completed by: Ayeisha Kirkham, Head of Service- Public Protection*

## 2. Background to the Report

- 2.1. The Council's Corporate Enforcement Policy was last revised in February 2017, and a review and update was necessary to ensure consistency across all Council services, and to be up to date with legislation and guidance.
- 2.2. A revised Corporate Enforcement Policy ("the Policy") has been developed and is attached at Appendix One. This a full revision of the 2017 Policy and covers enforcement activities across all the Council's Regulatory Services, setting out what regulated businesses and individuals can expect from the Council in terms of

regulation. The Policy is targeted only at cases where action is needed and is based on the guiding principles of consistency, transparency, proportionality, and accountability.

2.3. This Policy applies to functions carried out within the following Regulatory Services:

- Public Protection (this includes Environmental Health, Environmental Protection,
- Private Sector Housing, Community Safety (Neighbourhoods) and Licensing)
- Development Management
- Building Control
- Finance
- Tenancy Services

Each Manager of a regulatory service covered by this Policy will be responsible for its effective implementation through the enforcement activities of their team. Each Officer within these teams will be responsible for applying it in relation to the enforcement activity covered by this Policy.

2.4. The Policy also incorporates three other South Kesteven District Council Enforcement Policies as specific content within the appendices. This is to aid ease of reference and consistent application of approach. These policies are:

- Enviro Crime Enforcement Policy (adopted April 2018)- now Appendix A to the policy titled Environmental Crime and Antisocial Behaviour- Fixed Penalty Notices.
- Environmental Services Enforcement Policy (dated February 2017)- now Appendix B to the policy titled Environmental Health Approach to Investigation and Enforcement.
- Private Sector Housing Enforcement Policy (dated November 2018) - now Appendix C to the policy titled Private Sector Housing Approach to Investigation and Enforcement.

2.5. The Policy is an overarching document covering all enforcement functions undertaken by South Kesteven District Council. Under this, there are more detailed policies which cover specific service functions in more detail, for example, the Development Management Enforcement Policy (Planning Control).

2.6. The Policy will ensure that the Council achieves and maintains consistency in its approach to enforcement and identifies that all enforcement activities, including investigations and formal actions, will be conducted in accordance with the following:

- The statutory powers of the Officer dealing with the matter.
- All other relevant legislation including the Enforcement Concordat (Regulators Compliance Code)

- Any other relevant policies.

2.7. The Policy requires the investigations that South Kesteven District Council undertakes to be carried out in accordance with the relevant legislation, and in consideration of any relevant Codes of Practice and Guidance.

2.8. The enforcement options listed within the Policy range from no action to prosecution, and identifies that when deciding whether to prosecute, South Kesteven District Council will have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. This Code provides two tests that must be satisfied when deciding to prosecute, these are the following: Evidential Test and the Public Interest Test.

2.9. The Policy has been considered by the Environment Overview and Scrutiny Committee in September 2025, Housing Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee in October 2025. Feedback given has been considered and where it was requested to be, has been included. **Table 1** details the changes that have been made to the policy since it's journeys through the Scrutiny Committees

**Table 1**

	Source of Changes	Changes Made
1	Final Review by A Kirkham	<p>Page 6: Section 7</p> <p>7. Conduct of Investigations The investigations that South Kesteven District Council undertakes will be carried out in accordance with the relevant legislation,</p> <p>Changed to:</p> <p>7. Conduct of Investigations The investigations undertaken by South Kesteven District Council will be carried out in accordance with relevant legislation and will take into account any applicable Codes of Practice and Guidance.</p>
2	Final Review by A Kirkham	<p>Page 11</p> <p>11.15 Closure Orders Under the Antisocial Behaviour Crime and Policing Act 2014, the Local Authority may issue a closure notice on a premise(s).</p> <p>Changed to:</p>

		Under the Antisocial Behaviour Crime and Policing Act 2014, the Local Authority may issue a closure or partial closure notice on a premise(s).
3	Final Review by A Kirkham	<p>Page 15</p> <p>Payment of a fixed penalty by instalments will not be accepted.</p> <p>Changed to:</p> <p>Payment of a fixed penalty by instalments will not ordinarily be accepted, however the Head of Service for Public Protection will have discretion in exceptional cases and on a case-by-case basis.</p>
4	Rural OSC Feedback	<p>Page 15</p> <p><b>Age</b> The issue of a FPN will only be considered for those persons who commit an offence and are aged 16 years or above.</p> <p>Where a person under the age of 16 has committed an offence, officers will seek to work with parents and/or schools to prevent further offences and educate the young person where possible. Appropriate adults will be sought in all cases.</p> <p>Change to</p> <p><b>Age</b> The issue of a FPN will only be considered for those persons who commit an offence and are aged 16 years or above.</p> <p>Where a person under the age of 16 has committed an offence, officers will use the incremental process as per the Lincolnshire Young Persons Protocol to work with the young person and their parents/ guardians to prevent further offences and to educate the young person where possible. Appropriate adults will be sought in all cases.</p>

### **3. Key Considerations**

- 3.1. Within Appendix A of the Policy a Flytipping and Littering fixed penalty matrix is proposed. This approach has been discussed at the Lincolnshire Environmental Crime Partnership with Legal Services Lincolnshire supporting this as a proportionate approach to fixed penalty application. If the matrix is adopted, South Kesteven District Council would be trialling this approach for Lincolnshire, and this would be fed back to the Lincolnshire Environmental Crime Partnership and wider partners such as the National Flytipping Prevention Group. If the matrix is not adopted a standard fixed penalty would continue, which currently is £1000 for Flytipping and £500 for Littering offences (with early repayment reductions applicable).
- 3.2. Within Appendix C of the Policy, a new section is included regarding The Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020, providing a penalty matrix scheme to those not meeting the standards required.
- 3.3. The Renters Rights Act 2025 has introduced enhanced powers in relation to Private Sector Housing; this was introduced on the 27 December 2025. It is expected that renter's rights specific enforcement related policies, local authorities can adopt, will be published in 2026, and this will then be included within this policy if agreed/approved.

### **4. Other Options Considered**

- 4.1 To take no action. In this situation the 2017 Corporate Enforcement Policy would remain without review.
- 4.2 To update the Corporate Enforcement Policy separately to the following policies and not include them within the corporate enforcement policy within the appendices:
  - Enviro Crime Enforcement Policy (adopted April 2018)
  - Environmental Services Enforcement Policy (dated February 2017)
  - Private Sector Housing Enforcement Policy (dated November 2018)

### **5. Reasons for the Recommendations**

- 5.1. The Council's Corporate Enforcement Policy was last revised in February 2017, and a review and update is necessary. This new over-arching policy is a full revision of the 2017 policy and covers the enforcement activities across all the Council's Regulatory Services. This policy also incorporates and updates three other enforcement policies to support ease of reference and consistent application. The new policy also provides an option for other enforcement policies to be added to the over-arching policy as an appendix.

## **6. Consultation**

- 6.1. Lincolnshire Legal Services have been consulted and are satisfied with the content of the Policy, the draft appended to this report incorporates the advice received.
- 6.2. Senior Managers and the Corporate Management Team have also been consulted, and feedback has been incorporated into the Policy.
- 6.3. The Policy has been considered by the Environment Overview and Scrutiny Committee in September 2025, Housing Overview and Scrutiny Committee and Rural and Communities Overview and Scrutiny Committee in October 2025. Feedback given has been considered and where it was requested to be, has been included

## **7. Background Papers**

- 7.1. [SKDC Corporate Enforcement Policy Feb 2017](#)
- 7.2. [SKDC Enviro Crime Enforcement Policy April 2018](#)
- 7.3. [Environmental Services Enforcement Policy FEB 2017](#)
- 7.4. [Private Sector Housing Enforcement Policy](#)

## **8. Appendices**

- 8.1. Appendix 1: Corporate Enforcement Policy 2025.
- 8.2. Appendix 2: Equality Impact Assessment.