

# Forest Heath District Council

(This report is a key decision. This report has been subject to appropriate notice of publication under the Council's Access to Information Rules)

## Report of the Cabinet Members for Environment and Waste and for Planning, Housing and Transport

**CABINET**

**2 OCTOBER 2012**

**CAB12/032**

### **CORPORATE ENFORCEMENT POLICY** (Key Decision Reference: OCT12/02)

#### **Summary and reasons for recommendation(s)**

The Council's Enforcement Policy was approved in October 2009, and is now due for review. St Edmundsbury Council also has an Enforcement Policy, and the aim is to develop a joint policy over the next 12 months to be used by Officers to regulate in the new shared services.

It is therefore proposed that the current Forest Heath Policy, which is still relevant and appropriate (subject to some minor updating as detailed), continues to be used until the new joint policy is approved.

#### **Recommendation(s)**

The Cabinet are requested to:

- 1. Approve the extension of the existing Corporate Enforcement Policy for a further 12 months; and**
- 2. Endorse development of a joint Enforcement Policy with St Edmundsbury under the new Head of Regulatory Services.**

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## How will the recommendations help us meet our strategic priorities?

1. The policy will enable the Council to meet some of its strategic priority actions by ensuring it makes reasonable, proportionate and transparent decisions that are in the public interest. This will have benefits for the community (through the enforcement of private rented sector housing standards); for economic growth, (through the provision of advice and guidance to businesses); and for Council Tax payers, by making the Council more efficient and effective in its regulatory activities.

## Wards affected

2. All wards are covered by the policy.

## Key issues

3. It is important that the Council takes a fair, sensible and reasonable approach to enforcement, which means any actions taken by the Council leading to compliance with legislation where it is understood that there has been a breach. The policy requires this approach, laying down the principles, criteria and guidance that are required from the Regulators Compliance Code and the Better Regulation Office.
4. The policy follows the spirit of the Government guidance on regulation, where inspections and requirements must have a purpose and where the level of enforcement action is determined by the severity of the offence and the potential for harm.
5. The policy protects the public, business and the Council by ensuring fairness and consistency, through a sound basis for decision making on enforcement. This is important to justify enforcement decisions, and when deciding on sanctions for more serious offences where higher level enforcement such as prosecution is an option.
6. The policy recognises the need to work effectively with our enforcement partners, and there are numerous examples where this has taken place in terms of joint investigations and actions. By sharing our enforcement resource we will achieve more successful outcomes and better protect the community.
7. A number of different services across the Council have regulatory powers and legal duties, and the policy cuts across these and is used as the primary document under which enforcement is carried out. There are specific service standards, guidance and protocols that cover the respective regulation.
8. In line with the sharing of services, and the creation of a single Head of Service responsible for regulatory policy, **it is proposed that a new joint Enforcement Policy, with St Edmundsbury, will be developed over the next 12 months.** The current policy for Forest Heath will allow the Council to continue to effectively enforce in the interim period and **it is recommended that this policy be extended for 12 months to allow for this.**

### **Other options considered**

9. Revision of the existing policy was considered, however it makes more sense to work towards a joint policy, which should be approved during 2013 and be available for use by the new shared services.

### **Community impact**

10. There is a positive impact on the community.

### **What consultation has been undertaken and what were the outcomes?**

11. It is envisaged that the forthcoming joint policy will be fully consulted on. This will be helpful in promoting the policy and our overall approach to enforcement, which is open, fair and reasonable.

### **Financial and resource implications**

12. Existing budgets should be sufficient to ensure that the policy is implemented, however it is important to note that an adequate number of competent officers will be required to enforce effectively. Developing and consulting on a new joint policy will involve some resources, but these should be found from existing budgets.

### **Risk management implications**

13. The significant reputational, legal and financial risks to the Council are greatly reduced if the policy is effectively implemented on a corporate basis, and appropriate regulatory actions are taken. Continuing to enforce under the current policy is not considered to pose any significant risk to the Council as the policy is still relevant and we are working towards a joint policy. There is a small risk that during the interim period, officers working on a shared basis will find it confusing to work under two policies, but the differences are considered to be sufficiently small to minimise this risk.

### **Legal/Policy implications**

14. The policy covers all of the legislation the Council is responsible for enforcing. It is a legal duty of the Council, required of it by the Regulatory Sanctions Act 2008, to follow the Regulators Compliance Code which is enshrined in the policy.

### **Documents attached**

Appendix 1 – Corporate Enforcement Policy (including suggested amendments)

### **Background papers**

None