



PART B:	RECOMMENDATIONS TO COUNCIL
REPORT TO:	POLICY AND RESOURCES
DATE:	6 FEBRUARY 2020
REPORT OF THE:	HEAD OF SERVICE CUSTOMER SERVICE MARGARET WALLACE
TITLE OF REPORT:	CORPORATE ENFORCEMENT POLICY
WARDS AFFECTED:	ALL

EXECUTIVE SUMMARY

1.0 PURPOSE OF REPORT

- 1.1 The purpose of adopting a Corporate Enforcement Policy (Appendix 1) is to create one overarching policy encompassing the key factors and principles common to all aspects of enforcement undertaken by the Council.
- 1.2 The policy is intended to create a framework to ensure that there is a fair and consistent approach to the way enforcement activity is carried out.
- 1.3 A clear enforcement policy is required to ensure that all those who live in, work in and visit Ryedale District are able to have a clear understanding of what they can expect from the Council when we deal with an enforcement matter.

2.0 RECOMMENDATION(S)

- 2.1 It is recommended to Committee
- (i). That the Committee approves the Corporate Enforcement Policy (appendix 1)
 - (ii) That the Corporate Enforcement Policy is uploaded to the website and included in publication lists for the authority.
 - (iii) That the Corporate Enforcement Policy and Department Policies continues to be reviewed on a regular basis or as the need arises from factors such as changes to legislation.
 - (iv) That under the Council's scheme of delegation, delegated authority is given to the Heads of Service to undertake the enforcement duties within the Corporate Enforcement Policy.

(v) That delegated authority is given to the Chief Executive to approve minor modifications and updates to the policy.

3.0 REASON FOR RECOMMENDATION(S)

3.1 The Corporate Enforcement Policy outlines the council's approach to encouraging compliance with its regulations and policies in a way that is in line with current government legislation and guidance.

3.2 The Council carry out regulatory and enforcement functions across a number of services including (but not exhaustively):

- Environmental protection
- Food safety
- Health and safety
- Private sector housing standards
- Waste
- Parking
- Licensing
- Planning
- Animal Welfare
- Anti-social behaviour

3.3 Encouraging compliance with council policies and regulations enables the council to promote positive outcomes.

4.0 SIGNIFICANT RISKS

4.1 If the council does not adopt a Corporate Enforcement Policy and there is no common reference point, there is a risk that the principles are inconsistently applied across different service areas. This might increase the risk of legal challenge and reduce the fairness and effectiveness of the council's approach to enforcement.

5.0 POLICY CONTEXT AND CONSULTATION

5.1 A Corporate Enforcement Policy is required to ensure that enforcement action taken by officers on behalf of the council is consistent and in line with the Cabinet Office Enforcement Concordat and Statutory Code for Regulators (Appendix 2).

REPORT

6.0 REPORT DETAILS

6.1 At the Policy and Resources Committee on the 10 October 2019 officers were asked to undertake a review of Corporate Enforcement to create one overarching policy encompassing the key factors and principles common to all aspects of enforcement undertaken by the Council.

6.2 The policy is intended to create a framework to ensure that there is a fair and consistent approach to the way enforcement activity is carried out.

6.3 A clear enforcement policy is required to ensure that all those who live in, work in and visit Ryedale District are able to have a clear understanding of what they can expect

from the Council when we deal with an enforcement matter.

6.4 The key principles for an Enforcement Policy (set out in the Enforcement Concordat) are that the council/regulators will:

- Draw up clear standards, setting the level of service and performance the public and businesses can expect to receive
- Deal with the public and businesses in an open and honest way
- Provide courteous, efficient and a helpful service
- Respond promptly and positively to complaints about the service
- Ensure enforcement action is proportionate to the risk
- Carry out duties in a fair, equitable and consistent manner.

6.5 The Statutory Code for Regulators sets out the minimum standards for enforcement procedures in that regulators will:

- Carry out their activities in a way that supports those they regulate to comply and grow
- Provide simple and straightforward ways to engage with those they regulate and hear their views
- Base their regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and ensure that their approach to their regulatory activities is transparent

6.5 Non-compliance will be managed through:

- Pro-active education programmes
- Explaining legal requirements (where appropriate)
- Discuss and consider alternative means (where appropriate)
- Service of letters, warnings, statutory notices or prohibitions

6.6 Enforcement actions will include and not be limited to:

- Formal cautions
- Seizure of documents and goods
- Closure of premises
- Cautions
- Prosecution and/or injunctions

6.7 The Council's scheme of delegation will be updated in line with the new Corporate Enforcement Policy ensuring delegated authority to Head of Service to have the powers to undertake enforcement on behalf of the Council.

7.0 IMPLICATIONS

7.1 The following implications have been identified:

- a) Financial – There is no financial implications as a direct result of establishing the Corporate Enforcement Policy.
- b) Legal – The Regulators Code 2014 (“Code”) was approved pursuant to S23 Legislative and Regulatory Reform Act 2006. The Council must have regard to the Code when developing policies and operational procedures that guide the council's regulatory activities including enforcement action.

- c) Health and Safety – all services will be required to undertake risk assessments in line with new policy and procedures.
- d) Climate change/Environmental – The effective management of the built environment in the public interest, through these polices will contribute to the achievement of the Council’s climate change plan. Powers available to some officers support the improvement of local air quality, for example through enforcement of the Clean Air Act 1993, which governs Smoke Control Areas including smoke from chimneys and the Environmental Protection Act 1990 which provides a legal basis and enforcement mechanism for other smoke and atmospheric issues to be controlled.
- e) Equalities implications have been considered. There are no equalities implications in relation to the report and the recommendations proposed.

8.0 NEXT STEPS

8.1 Following approval at the Policy and Resources Committee on 6 February 2020 the Policy will be presented to Full Council on 20 February 2002 for final approval and adoption.

Officers will:

- Ensure all relevant regulatory/enforcement teams are aware of the new Corporate Enforcement Policy.
- Conduct a self-assessment/internal audit of all current department enforcement policies and procedures to ensure they align with new council structures, include any new legislation, and include all administration and financial practices to ensure corporate enforcement compliance.
- All departments will be required to review all their policies and procedures in line with the new Corporate Enforcement Policy.
- Review scheme of delegation and ensure relevant delegation is in place to act on behalf of the council.
- Review and update all communication channels ensuring it is compliant and links to all the council enforcement procedures and policies.
- Develop a performance management framework to capture the enforcement data at an operational and strategic level, reporting back nationally and locally to appropriate Committees.

Name of Head of Service Job Title

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Background Papers:

Regulators Code 2014

Regulators Code: Summary of regulators and regulatory functions covered 2014

Legislative and Regulatory Reform Act 2006
Legislative and Regulatory Reform (Regulatory Functions) Order 2007
Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2009
Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2011
Legislative and Regulatory Reform (Regulatory Functions) (Amendment) Order 2014

Background Papers are available for inspection at:

Animal Welfare Policy - [Animal Welfare](#)

Food Safety Enforcement Policy- [Food Safety](#)

Pollution- [Enforcement Statement](#)

Private Sector Housing Enforcement Policy- [Private Housing Enforcement](#)

Licensing- [Licensing Policy](#)

Gambling- [Statement of Principles](#)

Household Waste Collection Service Policy- [Household Waste Collection Service Policy](#)

Anti-Social Behaviour- [Anti-social Behaviour Policy](#)

Counter Fraud- [Counter fraud policy 2017](#)

Anti-money laundering- [Anti-money laundering policy 2016](#)