

WELWYN HATFIELD BOROUGH COUNCIL
ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE – 26 MARCH 2018
REPORT OF THE EXECUTIVE DIRECTOR (PUBLIC PROTECTION, PLANNING AND
GOVERNANCE)

CORPORATE ENFORCEMENT POLICY

1 Executive Summary

- 1.1 This report updates members on the work which has been undertaken to produce a corporate enforcement policy covering the enforcement work of a number of council service areas. The report explains the results of a consultation process and presents a final draft of the policy at appendix A.

2.0 Recommendations

- 2.1 For members to consider and agree that the final draft of the policy in appendix A, is sent Cabinet for agreement and ultimately, approval of Full Council to bring it into effect.

3. Explanation

- 3.1 Welwyn Hatfield Council is responsible for regulating and enforcing a number of legal provisions. Examples include activities undertaken by environmental health, licensing, private sector housing, environmental services and hackney carriage teams.
- 3.2 The “Regulators code” sets out the requirements and expectations for good enforcement. This includes adherence to the principles of proportionality, transparency and accountability. Specifically where a regulatory function of the council is specified in accordance with the Legislative and Regulatory Reform Act 2006 then the council must have regard to the Regulators Code
- 3.3 The policy sets out enforcement matters which apply to all these service areas. It is also worth noting that individual service areas may produce their own protocols setting out how particular enforcement tools will be used at an operational level.
- 3.4 Following the agreement of a draft policy at the EOSC meeting in November 2017, Members agreed that the draft policy should be released for appropriate and suitable consultation. Members also agreed the stakeholders who should be consulted. In addition the draft policy was also placed on the council website.
- 3.5 A summary of comments received are shown in appendix B. In total 9 responses were received.
- 3.6 Members are now asked to consider and agree that the final draft of the policy in appendix A, is sent Cabinet for agreement and ultimately, approval of Full Council to bring it into effect.

Implications

4.0 Legal Implication(s)

- 4.1 In general, the Regulatory Enforcement and Sanctions Act (and other legislation) governs the way the council enforces various statutes. Best practice is that an enforcement policy is produced having regard to the Statutory Regulators Code produced by central government.
- 4.2 An enforcement policy which has been agreed with members and produced following consultation with key individuals/organisations and contractual partners can be relied upon to assist in determining enforcement actions
- 4.3 Case law shows that where an enforcement policy has been adopted but is not followed, this can create legal challenges.

5.0 Financial Implication(s)

- 5.2 None directly arising from this report. Policy development is a normal part of day to day activities and should be met from existing departmental budgets. Similarly enforcement work is an expected activity of the council as a regulator and this work is provided for in existing departmental budgets.

6.0 Risk Management Implications

- 6.1 The council is at risk if it undertakes enforcement action outside of an agreed policy framework. This could be a risk of legal challenge or of damage to reputation.
- 6.2 A further risk arises from inconsistency if various services within the council are enforcing against the same organisation/individual and are applying different standards. Implementing an agreed common enforcement policy will help mitigate these risks.

7.0 Security & Terrorism Implication(s)

- 7.1 None arising from this report

8.0 Procurement Implication(s)

- 8.1 None arising from this report.

9.0 Climate Change Implication(s)

- 9.1 None arising from this report.

10.0 Link to Corporate Priorities

- 10.1 I confirm that the subject of this report is linked to the Council's Corporate Priority Maintain a safe and healthy community, protect and enhance our environment

and engage with our community. It is also linked to a statutory provisions/guidance under licensing, safety and emergency planning legislation.

11.0 Equality and Diversity

11.1 No negative impacts were identified on any of the protected groups under Equalities legislation.

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Date	January 2018