



Communities Scrutiny Group

Thursday, 19 January 2023

Corporate Enforcement Policy Review

Report of the Monitoring Officer

1. Purpose of report

- 1.1. Rushcliffe's current Corporate Enforcement Policy was adopted in March 2010 and last reviewed in October 2019. It is therefore timely that the Policy is reviewed again to ensure it remains fit for purpose and meets the needs of our communities.
- 1.2. It was agreed that this would form part of this year's work programme for Communities Scrutiny Group.

2. Recommendation

It is RECOMMENDED that the Communities Scrutiny Group:

- a) Considers and comments on proposed amendments from officers in respect of the review of the Corporate Enforcement Policy and puts forward any further suggestions.
- b) Agrees that the refreshed Corporate Enforcement Policy be presented to Cabinet.

3. Reasons for Recommendation

- 3.1. It is important that the Council has an up-to-date Corporate Enforcement Plan which accurately reflects the approach taken to enforcement corporately and links with the area specific enforcement plans produced by the various departments who have enforcement responsibilities and powers within the Council.
- 3.2. It is important for Councillors to have the opportunity to understand more about enforcement powers the Council can use as well as the framework within which the Council's Enforcement Officers operate.

4. Supporting Information

- 4.1. The Corporate Enforcement policy is an umbrella policy which applies to legislation enforced or administered by Council officers in the following areas:

- Enviro-crime – fly tipping, graffiti, litter, abandoned vehicles
- Environmental health – food safety, health and safety, private sector housing including empty homes, environmental protection, statutory nuisance and dogs
- Licensing
- Building control
- Planning enforcement.

4.2. The term ‘enforcement’ includes any action taken by officers aimed at ensuring that individuals or businesses comply with the legislation the Council enforces. This includes setting standards (whether by imposing conditions on a consent or licence or permission, by order or otherwise), advisory visits, carrying out inspections and investigations, serving notices as well as taking other more formal enforcement action to deal with contraventions and criminal behaviour such as prosecutions.

4.3. The Corporate Enforcement Policy is supplemented where required by individual service area policies which, whilst following the corporate approach, will provide information in greater detail as to how the specific legislation applicable to that service is applied.

4.4. Officers have reviewed the Corporate Enforcement Policy and proposed some amendments as per the tracked change version of the document at Appendix 1. Some of these amendments are required as a result of changing legislation and alterations to reporting procedures/monitoring within the Council. Additional information has also been included to provide more context around the various options available to the Council in terms of enforcement action and when these options might be appropriate.

4.5. Officers also recommend that additional text is added to make it clear that the first stages in the enforcement process undertaken by the Council will be prevention; followed by control by licence, approval or consent where appropriate. In addition, officers recommend that the policy makes it clear that individual enforcement teams have their own powers and procedures, but enforcement at Rushcliffe is very much a collaborative process and teams will work together to use the correct enforcement tools to secure the desired outcomes.

5. Risks and Uncertainties

5.1. It is important that the Council has an up-to-date Corporate Enforcement Policy which accurately reflects the approach taken to enforcement corporately and links with the area specific enforcement Plans produced by the various service areas who have enforcement responsibilities and powers within the Council. It is important that the Council reviews the policy regularly to ensure it is still fit for purpose and aligns with the corporate aims of the authority.

6. Implications

6.1. Financial Implications

- There are no financial implications.

6.2. Legal Implications

- Section 21 of the Regulatory Reform Act 2006 requires the Council to have regard to the way it carries out regulatory functions and to do so in a way which is transparent, accountable, proportionate, consistent and targeted at cases where action is needed.
- Section 22 of the Regulatory Reform Act 2006 requires the Council to have regard to the Regulators' Code in determining any general policies or principles by reference to which we exercise regulatory functions.

6.3. Equalities Implications

- An Equality Impact Assessment has been completed as part of the review of the policy – see Appendix 2.

6.4. Section 17 of the Crime and Disorder Act 1998 Implications

- Enforcement action taken under this policy can impact positively on public safety, this is therefore one of the key issues which is borne in mind when reviewing this policy.

7. Link to Corporate Priorities

Quality of Life	Fair and effective enforcement is essential for the protection of the individual and the community as a whole.
Efficient Services	This policy sets out the powers available to the Borough Council and the criteria which are applied when decisions are made around the utilisation of these powers; keeping residents informed and involved in our decision making.
Sustainable Growth	Fair and effective enforcement allows sustainable growth to occur; whilst at the same time ensuring that growth can be regulated appropriately where necessary.
The Environment	Fair and effective enforcement can be used as a tool to protect and enhance both the natural and built environment.

8. Recommendations

It is RECOMMENDED that Communities Scrutiny Group:

- a) Considers and comments on proposed amendments from officers in respect of the review of the Corporate Enforcement Policy and puts forward any further suggestions.
- b) Agrees that the refreshed Corporate Enforcement Policy be presented to Cabinet.

For more information contact:	Gemma Dennis Monitoring Officer gdennis@rushcliffe.gov.uk
Background papers available for Inspection:	
List of appendices:	Appendix 1 – Corporate Enforcement Policy – tracked change version Appendix 2 – Equality Impact Assessment