



CABINET

21ST MARCH 2019

AGENDA ITEM (12)

CORPORATE ENFORCEMENT POLICY

Accountable Member	Councillor Tony Berry Leader of the Council
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Purpose of Report	To present Cabinet with a revised Corporate Enforcement Policy for approval and adoption.
Recommendation(s)	(a) That the revised Corporate Enforcement Policy be approved and adopted; (b) that the Head of Paid Service be authorised to approve future minor amendments to the Policy in consultation with appropriate Officers, Members and the Legal Section.
Reason(s) for Recommendation(s)	To update and replace the existing Corporate Enforcement Policy, in order to reflect key legislation and service responsibilities.

Ward(s) Affected	N/A
Key Decision	No
Recommendation to Council	No

Financial Implications	There are no direct financial implications arising from this report. The adoption and approval of this Policy will support the Council's objectives in reducing crime, reducing financial loss to the Council and generating revenue from the imposition of financial penalties and sanctions for further prevention work.
Legal and Human Rights Implications	The Council has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so, and this is identified within the Policy. Human rights implications are a consideration of enforcement activity, and this is included within the Policy.

Environmental and Sustainability Implications	None directly arising from the report.
Human Resource Implications	None directly arising from the report.
Key Risks	<p>The Council is required to have an effective Enforcement Policy to enable officers to investigate and take action to ensure individuals and businesses comply with the law.</p> <p>The Policy ensures officers are acting within the correct legislative framework and sets out the principles the Council will abide by, to mitigate the risk of legal challenge in Court.</p> <p>The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.</p>
Equalities Impact Assessment	Completed

Related Decisions	Cabinet - December 2012 - Enforcement Policy
Background Documents	Cotswold District Council Enforcement Policy (Revised March 2015)
Appendices	Appendix A - Revised Corporate Enforcement Policy

Performance Management Follow Up	<p>(i) Implement Cabinet decision(s).</p> <p>(ii) Subject to adoption of the Policy, publish Policy and arrange staff and Member awareness.</p>
Options for Joint Working	<p>This Policy will be presented for adoption across multiple Councils within Gloucestershire and at West Oxfordshire DC to provide a co-ordinated approach to enforcement.</p> <p>This will ensure consistency in the decision-making process for the Legal Departments; however, the Policy also reflects service provision and objectives for each individual Council.</p>

Background Information	
1.	Regulatory authorities produce Enforcement Policies to inform the public and businesses about the principles which underpin their approach to enforcement.
2.	The Council is responsible for investigating and enforcing a wide range of breaches and offences. This Policy is required to ensure consistency in the approach the Council takes when considering the enforcement options available, as it provides an overarching framework.
3.	The Enforcement Policy sets out the enforcement principles that the Council will apply to its enforcement activities and the guiding principles by which the Council will seek to protect public health, safety, amenity and environment within its locality.
4.	Some service areas may produce separate Enforcement Plans and Policies setting out more detailed relevant service-specific procedures.

5. The Policy was revised on behalf of a number of authorities. Service Leads, Corporate Leadership/Management Teams and the Legal Section have been consulted.

6. Cabinet is asked to consider the revised Corporate Enforcement Policy and, subject to any amendments that it considers necessary, to approve and adopt the same.

(END)