

POLICY & RESOURCES SCRUTINY COMMITTEE

21ST MARCH, 2018

CORPORATE ENFORCEMENT POLICY

To consider and comment on the following issues:

- To consider the comments made during the consultation process.
- To recommend to Executive Board that the amended Corporate Enforcement Policy be adopted from the 1st April 2018.

REASONS:

The Regulators' Code came into statutory effect on 6 April 2014 under the [Legislative and Regulatory Reform Act 2006](#) and provides a clear, flexible and principles-based framework for how regulators should engage with those they regulate.

The regulators and regulatory functions to which the Regulators' Code applies are specified in the [Legislative and Regulatory Reform \(Regulatory Functions\) Order 2007](#), as amended in [2009](#), [2010](#) and [2014](#). Local authorities must have regard to it when developing policies and procedures that guide their regulatory activities.

To formulate views for submission to the Executive Board/Council for consideration.

To be referred to the Executive Board/Council for decision:

Executive Board Decision Required	YES – 26 th March, 2018
Council Decision Required	NO

Executive Board Member Portfolio Holder:

Cllr. P. Hughes (Environment & Public Protection Portfolio Holder)

Directorate Communities Name of Head of Service: Jonathan Morgan Report Author: Sue Watts	Designations: Acting Head of Homes and Safer Communities Environmental Protection Manager	Tel Nos. E Mail Addresses: 01267 228960 RStaines@carmarthenshire.gov.uk 01267 228929 sewatts@carmarthenshire.gov.uk
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EXECUTIVE SUMMARY
POLICY & RESOURCES SCRUTINY COMMITTEE
DATE: 21ST MARCH, 2018

CORPORATE ENFORCEMENT POLICY

Background

Carmarthenshire County Council (the Council) is committed to protecting the community from harm and enforcement is one of the tools used by this Authority to fulfil this commitment. The Council believes that 'prevention is better than cure' and that through actively working with businesses, individuals and the community, by providing advice and assistance with regards compliance, we can reduce the need for enforcement action. There are, however, occasions where enforcement is the only option. Where enforcement action is needed, the council will take a consistent, fair and proportionate approach so as not to place too onerous a burden on local businesses, organisations, customers and the public.

Regulatory services within the Local Authority must have consideration to Section 6 of the Regulators' Code. This sets out Government's expectation that local authorities will ensure 'good regulation' and that their approach to their regulatory activities is transparent. The provisions also include an expectation that local authorities will publish a clear set of service standards, setting out what those they regulate should expect from them. This includes their enforcement policy, explaining how they respond to non-compliance.

This policy applies to the following specified regulatory areas:

- Environmental Health
- Trading Standards
- Licensing
- Animal Welfare
- Private Sector Housing
- Public Sector Housing
- Planning
- Building Regulation
- Waste Regulation
- Highways
- School attendance
- Benefit Regulation

and any other area that may become applicable by statute.

The Executive Board approved the consultation exercise in the meeting of 26th June 2017. As a result of the consultation exercise (including website) there are minor alterations to the Policy.

These include:

Point 2.7 – this has been added to include the Welsh Language Act 1993.

Point 4.3.1 – to include the following: ‘Planning Contravention Notices’, ‘Planning Enforcement Notices’, ‘Breach of Condition Notices’, ‘Temporary Stop Notices’

Point 4.5 – to include permits/consents/permissions, operations and Planning as appropriate.

Point 4.8.2 - the wording has been altered to reflect the process for a simple caution.

A revised Corporate Enforcement policy document, incorporating amendments to reflect the relevant consultation responses is attached. These amendments have been approved through the Corporate Multi-Disciplinary Enforcement Group.

Once approved by Executive Board, the revised Corporate Enforcement Policy will come into effect on the 1st April 2018.

DETAILED REPORT ATTACHED?

YES

IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Jonathan Morgan Acting Head of Homes and Safer Communities

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
YES	YES	NONE	NONE	YES	NONE	NONE

1. Policy, Crime & Disorder and Equalities

Section 6 of the Regulators’ Code which sets out Government’s expectation that local authorities will ensure ‘good regulation’ and that their approach to their regulatory, criminal activities is transparent. This includes the provision of an Enforcement Policy to outline that the council will take a consistent, fair and proportionate approach so as not to place too onerous a burden on local businesses, organisations, customers and the public.

2. Legal

Section 6 of the Regulators’ Code which sets out Government’s expectation that local authorities will ensure ‘good regulation’ and that their approach to their regulatory criminal activities is transparent. This includes the provision of an Enforcement Policy to outline that the council will take a consistent, fair and proportionate approach so as not to place too onerous a burden on local businesses, organisations, customers and the public.

4. Risk Management Issues

Failure to adopting and implementing the Enforcement Policy could result in successful challenges during enforcement.

CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Jonathan Morgan Acting Head of Homes and Safer Communities

The draft enforcement policy was placed on the Council's website for comment as part of the consultation exercise for a six week period. Additionally, the draft Enforcement policy was further discussed at the Corporate Multi-Disciplinary Enforcement Group.

1. Local Member(s) – N/A
2. Community / Town Council – N/A
3. Relevant Partners – N/A
4. Staff Side Representatives and other Organisations – N/A

Section 100D Local Government Act, 1972 – Access to Information
List of Background Papers used in the preparation of this report:

THESE ARE LISTED BELOW.

Title of Document	File Ref No.	Locations that the papers are available for public inspection
Legislative & Regulatory Reform Act 2014		http://www.legislation.gov.uk/ukpga/2006/51/contents
The Legislative & Regulatory Reform (Regulatory Functions) Order 2007 as amended in 2009, 2010 & 2014		http://www.legislation.gov.uk/uksi/2007/3544/contents/made http://www.legislation.gov.uk/uksi/2009/2981/contents/made http://www.legislation.gov.uk/uksi/2010/3028/contents/made http://www.legislation.gov.uk/uksi/2014/860/contents/made
Report to Executive Board – 26 th June, 2017 (Item 6) – Corporate Enforcement Policy		http://democracy.carmarthenshire.gov.wales/ieListDocuments.aspx?CId=131&MId=742&Ver=4