

NORTH NORTHAMPTONSHIRE SHADOW AUTHORITY**SHADOW EXECUTIVE COMMITTEE****THURSDAY 25TH MARCH 2021**

Report Title	Joint Enforcement Policy
Report Author	Andy Gratrix, Licensing Officer, Corby Borough Council

List of Appendices**Appendix A – Joint Enforcement Policy****1. Purpose of Report**

- 1.1 This report seeks approval of the draft Joint Enforcement Policy attached to this report in Appendix A.
- 1.2 To secure an efficient and effective approach to all council regulatory inspection and enforcement functions, and improve compliance with legislation whilst minimising the burden on businesses, individuals, organisations and the Council. This is in accordance with the Regulator's Code, published by the Better Regulation Delivery Office (BRDO).
- 1.3 To note the areas that require further review and implementation post vesting day.

2. Executive Summary

- 2.1 This report sets out the progress made in relation to drafting the North Northamptonshire Joint Enforcement Policy document and highlights key areas that need to be considered post vesting day to update and support the policy document.
- 2.2 In certain instances, the Council may conclude that a specific provision of the Code is either not applicable, or is outweighed by another consideration. The Council will ensure that any decision to depart from the Code will be properly reasoned, documented, and based on material evidence.
- 2.3 This Policy explains the approach adopted when carrying out the Council's duty to enforce a wide range of legislation and is written in general terms to accommodate this.

3. Recommendations

- 3.1 It is recommended that the Shadow Executive Committee:
- a) Approves the North Northamptonshire Council Enforcement Policy document as provided in Appendix A to this report.
 - b) Notes the areas within the policy that require further action and incorporation post vesting day
- 3.2 *(Reason for Recommendations – To accord with legislation or the policy of the Shadow Authority)*

4. Report Background

- 4.1 This Policy relates to all Council services which operate a regulatory function within or on behalf of the Council.
- 4.2 Examples of service areas which enforce legislation and have a regulatory function include:
- Environmental Health (food safety, health and safety, environmental protection, public health environmental crime and nuisance)
 - Trading Standards (doorstep crime, fraud, animal health, counterfeiting, underage sales, weights and measures, food labelling, rogue trading)
 - Planning, Development and Building Control
 - Private Sector Housing
 - Unauthorised Traveller Encampments
 - Licensing (alcohol, hackney carriage and private hire, gambling, street trading and caravan site licensing)
 - Council Tax, Benefit and Blue Badge fraud
 - Waste management and street scene/environmental quality including, but not limited to fly-tipping, littering and other waste offences
 - Anti-social behaviour and other Community Safety matters
 - Parking Services
 - Highways
 - Animal Welfare

Please note this is not an exhaustive list and refers to the ‘traditional’ name of the service area/function for simplicity.

- 4.3 This policy provides an overarching framework for Council employees, contractors, and hosted services to operate within, but is also designed to provide those people who may be affected by regulatory decisions (members of the public, commercial businesses or voluntary organisations) with an overview of the Council’s approach and general operating principles.

- 4.4 Local task specific enforcement procedures, for example planning, trading standards and parking enforcement exist as part of this policy to provide further detail to the public. These can be accessed on the Council's website or obtained in hard copy format by contacting the relevant service area.

5. Issues and Choices

- 5.1 The Council will endeavour to ensure that any action it requires an individual or business to take, is proportionate to and balanced against the risks. As far as the law allows, the Council will take account of the individual circumstances of each case when considering action. This includes the seriousness of the offence, past history, confidence in management, the consequences of non-compliance and the likely effectiveness of the various enforcement options.
- 5.2 The Council will carry out its duties in a fair, equitable and consistent manner. Whilst officers are expected to exercise judgement in individual cases, the Council has arrangements in place to promote consistency, including effective liaison arrangements with other authorities and enforcement agencies which may have a shared enforcement role.
- 5.3 All investigations are undertaken in accordance with legal requirements and relevant government guidance.

6. Implications (including financial implications)

6.1 Resources and Financial

- 6.1.1 The Council ensures that where supplementary decision-making policies and tools exist, e.g. the Health and Safety Executive's (HSE) Enforcement Policy and Enforcement Management Model (EMM), they are used:
- To provide a framework for making consistent enforcement decisions
 - To monitor the fairness and consistency of inspectors' enforcement decisions in line with policy
 - To assist offenders in their understanding of the principles which inspectors follow when deciding on a particular course of action.

6.2 Legal

- 6.2.1 Legislative compliance will be secured by one or a combination of the following methods:
- **Promotion:** To raise awareness about legal standards and promote good practice
 - **Informal Warnings:** These will be used to reinforce promotional activities where whilst the law may have been broken or standards not met, it was not thought appropriate to take more formal action
 - **Formal Enforcement:** This includes, but is not limited to the use of Statutory (legal) Notices, Written Undertakings and Civil Enforcement Orders, Revocation of a Licence or Registration, Cautions, Fixed Penalty Notices,

Penalty Charge Notices, Administration Penalties, Powers of Seizure, the use of Injunctions, Restorative Justice and Prosecution

6.3 Consultation

6.3.1 None required.

6.4 Consideration by Overview and Scrutiny

6.4.1 This report has not been considered by Overview and Scrutiny Committee.

6.5 Environmental Impact

6.5.1 There are no environmental impacts arising from this report.

6.6 Community Impact

6.6.1 None.

7. Background Papers

7.1 Private Sector Housing Civils Penalties

The Energy Efficiency (Private Rented Property (England and Wales) Regulations 2015