

10 October 2011		ITEM 9
<b>Cleaner, Greener and Safer Overview and Scrutiny Committee</b>		
<b>Public Protection Enforcement Policy</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Key	
<b>Accountable Head of Service:</b> Lucy Magill, Head of Public Protection		
<b>Accountable Director:</b> Bill Newman, Director of Sustainable Communities		
<b>This report is</b> Public		
<b>Purpose of Report:</b> For overview and scrutiny to recommend Cabinet approve the revised Public Protection Enforcement Policy.		

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)

Comment [sj]: Please leave this for completion by Democratic Services

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the name of the Committee you are reporting to (in font 16, not capitals)

Comment [sj]: PLEASE CLICK THIS BOX ONCE and enter the title of your report (in font 16)

Comment [sj]: Please enter details of any Wards and Communities affected by the

Comment [sj]: Yes/No/Not Applicable – a 'Key Decision' is generally one affecting more

Comment [sj]: Please state the Head of Service's name and job title

Comment [sj]: Please state Director's name and job title

Comment [sj]: State whether your report is Public or Exempt. If Exempt (i.e. not to be given to

Comment [sj]: Briefly set out the purpose of your report

Comment [sj]: Please provide a summary of the key points in your report

Comment [sj]: The recommendations should be set out in bold in the form of the

Comment [sj]: You should briefly explain why the report is on the agenda - See para. 5.3 and 5.4

Comment [sj]: **If used, this could briefly explain the factual and policy**

**EXECUTIVE SUMMARY**

Public Protection are required to have an enforcement policy. Two years ago Cabinet agreed Public Protection's Enforcement Policy with the understanding that it would be reviewed annually. An annual review took place and was agreed by Cabinet last September. This years annual review has now taken place and some minor amendments, including embedding health and safety enforcement within the document, have been made which require Cabinet approval.

1. **RECOMMENDATIONS:**
  - 1.1 That members recommend Cabinet approve the Public Protection Enforcement Policy.
2. **INTRODUCTION AND BACKGROUND:**
  - 2.1 Public Protection are required to have an enforcement policy to ensure compliance with the regulator's compliance code and the enforcement concordat.
  - 2.2 The enforcement policy ensures there is consistency in the approach of officers to making decisions which concern enforcement action.
3. **BACKGROUND:**

- 3.1 In April 2009 the Public Protection Enforcement Policy was agreed by Cabinet.
- 3.2 The Policy states that it will be reviewed on an annual basis. That review has now taken place and the Policy has been slightly amended. The amended policy can be found in Appendix 1 with the amended items underlined or crossed through.
- 3.3 The amendments carried out are minor and include the removal of penalty charge notices as this service is no longer carried out by Public Protection; the inclusion of health and safety enforcement actions and clarity around the licensing process.
- 3.4 The enforcement policy will apply to breaches of legislation which the teams within Public Protection enforce. This will range from counterfeiting, breaches of noise abatement notices, and not complying with alcohol licences to littering and not picking up after your dog has fouled.
- 3.5 The enforcement policy will apply to residents, small, medium and large businesses.
- 3.6 The Regulators' Compliance Code is part of the Government's better regulation agenda. Its aim is to embed a risk-based, proportionate and targeted approach to regulatory inspection and enforcement among regulators.
- 3.6 The Council has to have regard to the Code, under Section 22 of the Legislative and Regulatory Reform Act 2006, when determining general policies or principles.
- 3.7 The obligations of the code in relation to compliance and enforcement action relate to the Macrory Review.
- 3.8 One of the points raised within the Macrory review was that regulators should publish an enforcement policy.
- 3.9 The enforcement concordat sets out the Principles of Good Enforcement which are:
- o Standards: setting clear standards
  - o Openness: clear and open provision of information
  - o Helpfulness: helping business by advising on and assisting with compliance
  - o Complaints: having a clear complaints procedure
  - o Proportionality: ensuring that enforcement action is proportionate to the risks involved
  - o Consistency: ensuring consistent enforcement practice.

4. **ISSUES AND/OR OPTIONS:**

Comment [s]: **Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and must include:**

- 1. a brief summary of options considered;**
- 2. consultation outcomes**
- 3. a risk assessment.**
- 4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)**

**- See para.5.5 of the report writing guidelines.**

4.1 Without an Enforcement Policy there will not be consistency in enforcement action and may lead to the Council being non-compliant with the Regulators Compliance Code.

Comment [a]: Please refer to Section 5.7 of the Report Writing Guidelines

**5. IMPACT ON CORPORATE POLICIES, PRIORITIES, PERFORMANCE AND COMMUNITY IMPACT**

Comment [sj]: This section should always be completed – if they are dealt with fully in another part of the report, they also need a brief cross reference here. The names and job titles of the officers providing the implications should be provided in full – see Guideline 6.1 and please note Democratic Services Deadlines and ensure that officers providing implications are given 5 clear working days to work on the report. Authors can write implications but they must be signed off by the appropriate officers

5.1 The enforcement policy will ensure there is consistency in approach to enforcement across Public Protection.

5.2 An equality impact assessment has been carried out for the policy.

5.3 Enforcement actions carried out by public protection are measured by teams on a monthly basis.

**6. IMPLICATIONS**

**6.1 Financial**

Implications verified by: **Michael Jones**  
Telephone and email: **01375 65772**  
**mxjones@thurrock.gov.uk**

Comment [sj]: See Guideline 6.2

There are no direct financial implications associated with this report. However, any financial impact arising as a result of the policy will be managed as part of the budget monitoring process.

Comment [sj]: See Guideline 6.3

**6.2 Legal**

Comment [s]: **To be completed by the LEGAL DEPARTMENT. To include Human Rights issues**

Implications verified by: **Jamie Hollis**  
Telephone and email: **01375 652925**  
**jhollis@thurrock.gov.uk**

This annual review of the Public Protection Enforcement Policy makes minor updating amendments to the existing policy. There are no direct legal implications arising other than those already identified in the body of the report.

Comment [sj]: See Guideline 6.4

**6.3 Diversity and Equality**

Implications verified by: **Samson DeAlyn**  
Telephone and email: **01375 652472**  
**sdealyn@thurrock.gov.uk**

The Council has a statutory duty under the Equality Act 2010 to promote equality of opportunity in the provision of services and employment. Members should note that an Equality Impact Assessment (EIA) has been carried out

on the Public Protection Enforcement Policy. A key action arising from the EIA related to officers handling cases do not display discriminatory attitudes through training, this action has now been fulfilled.

6.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

This fully supports Section 17 of the Crime and Disorder Act

7. **CONCLUSION**

7.1 The Public Protection Enforcement Policy will ensure that all enforcement action taken across Public Protection is carried out in a consistent and proportionate manner.

**BACKGROUND PAPERS USED IN PREPARING THIS REPORT:**

Enforcement Concordat  
Regulators Compliance Code

**APPENDICES TO THIS REPORT:**

- Public Protection Enforcement Policy

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Comment [sj]: This should inform the recommendations in the report

Comment [sj]: See Guideline 8. If any Papers are to be placed in the Members room that relate to this report, you should also list them here

Comment [sj]: List the Appendices referred to in the Report

Comment [sj]: Insert the full contact details of the author of the report