

2 October 2012		ITEM 7
Cleaner, Greener and Safer Overview and Scrutiny Committee		
PUBLIC PROTECTION ENFORCEMENT POLICY		
Report of: Lucy Magill – Head of Public Protection		
Wards and communities affected: All	Key Decision: Key	
Accountable Head of Service: Lucy Magill – Head of Public Protection		
Accountable Director: Jo Olsson – Director of Peoples Services		
This report is Public		
Purpose of Report: For Overview and Scrutiny to recommend to Cabinet the approval of 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 and in capitals) – Cabinet

Comment [a j]: Please enter the name and job title of the person who will be presenting the report

Comment [sj]: Please enter details of any Wards and Communities affected by the report. If this section is not

Comment [sj]: Yes/No/Not Applicable – a ‘Key Decision’ is generally one affecting more than 2 wards or above 650,000

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 the public or discussed in

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 decision that the decision

EXECUTIVE SUMMARY

Public Protection are required to have an Enforcement Policy. Cabinet when approving the original Enforcement Policy did so on the understanding that it would be reviewed annually and amended to take account of legislative or policy changes. This years annual review has now been undertaken and some minor amendments including updating of fixed penalty fine amounts have been made which require Cabinet approval.

1. RECOMMENDATIONS:

- 1.1 That members recommend that Cabinet approve the revised Public Protection Enforcement Policy.
- 1.2 That members recommend that Cabinet approve the No Cold Calling Areas Enforcement Policy.

2. INTRODUCTION AND BACKGROUND:

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

- 2.1 Public Protection are required to have an Enforcement Policy to ensure compliance with the Regulators Compliance Code and the Enforcement Concordat.
- 2.2 The Enforcement Policy ensures there is consistency in the approach of officers taking decisions that lead to enforcement action.
- 2.3 In April 2009 the Enforcement Policy was originally agreed by the Cabinet.
- 2.4 The policy states that it will be reviewed annually. That review has now taken place and the policy has been slightly amended. The amended policy is attached as appendix 1 with the amendments highlighted.
- 2.5 The enforcement policy will apply to any breaches of legislation that the teams within Public Protection enforce. This will include matters such as breach of noise abatement notices, counterfeiting of branded goods, breaches of health and safety legislation, not complying with conditions of alcohol licences, littering or dog fouling.
- 2.6 The Enforcement Policy will apply to all residents as well as small, medium and large business that operate in the borough.
- 2.7 The Regulators' Compliance Code is part of the Government's better regulation agenda. Its aim is to ensure a risk based, proportionate and targeted approach is taken to regulatory inspection and enforcement among regulators.
- 2.8 The Council has to have regard to the Code under section 22 of the Legislative and Regulatory Reform Act 2006 when determining general policies and principles.
- 2.9 The obligations in the code in relation to compliance and enforcement action relate to the Macrory Review. One of the key points raised within the Macrory review was that regulators should publish an enforcement policy.

The Enforcement Concordat sets out the principles of good enforcement as:

- 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.

- 2.9.1 An additional Enforcement Policy has been developed to cover the position where traders operate against the wishes of residents in No Cold Calling Areas. (These are areas established to protect residents from Door Step Traders). This policy takes into account the nature of offences in No Cold

Calling Areas where Traders committing offences do so having been warned of the provisions applicable in the area. NCCA Enforcement Policy (appendix 2).

3. ISSUES AND/OR OPTIONS:

3.1 Without an enforcement policy there will be no standard against which officers can judge their enforcement decisions. This could lead to the Council being non compliant with the Regulators Compliance Code.

4. CONSULTATION (including Overview and Scrutiny, if applicable)

4.1 This report is going direct to Overview and Scrutiny.

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

5.1 The Enforcement Policy will ensure there is a consistent approach across Public Protection.

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

5.3 Enforcement actions taken 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

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

6.2 Legal

Implications verified by: **David Lawson**
Telephone and email: **01375 652087**
dlawson@thurrock.gov.uk

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

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.

Comment [jj]: This should include any consultation with Ward Members and Shadow Portfolio Holders, as well as any public or statutory consultation

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

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

Comment [sj]: See Guideline 6.2

Comment [sj]: See Guideline 6.3

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 will note that an Equality Impact Assessment (EIA) has been carried out on the Public Protection Enforcement Policy. A key decision arising from the EIA related to officers handling cases not displaying 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:

N/A

APPENDICES TO THIS REPORT:

- Public Protection Enforcement Policy
- No Cold Calling Areas Enforcement Policy.

Report Author Contact Details:

Name: Gavin Dennett
Telephone: 01375 652349
E-mail: gdennett@thurrock.gov.uk

Comment [sj]: See Guideline 6.4

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