



<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	8 <sup>th</sup> April 2019
<b>Classification:</b>	General Release
<b>Title:</b>	Corporate Enforcement Policy
<b>Wards Affected:</b>	All
<b>Key Decision:</b>	An entry was included in the Forward Plan of Key Decisions.
<b>Report of:</b>	Kirsty Munro, Principal Policy Officer

## 1.0 Executive Summary

- 1.1 This report asks Cabinet to review and adopt the council's updated Corporate Enforcement Policy.
- 1.2 The current corporate enforcement policy was adopted by Cabinet in 2008 and last updated in 2016. It is an overarching policy outlining the broad legal framework and approach to enforcement across the whole of the council, to ensure the way we apply enforcement is transparent and consistent across all services. It includes our legal framework, what residents, businesses and visitors can expect from enforcement, and the types of enforcement we might take.
- 1.3 A full review of the corporate enforcement policy has been necessary to ensure the council is fully transparent in the way our services carry out enforcement, to bring it in line with recent updates to legislation, and to widen the scope of council services that this policy applies to following the housing department functions from City West Homes being brought in-house. To help achieve this the updated policy now follows a template enforcement policy issued by the Department of Business Innovation and Skills.
- 1.4 It is important to note that the update to the policy does not propose any changes to the council's approach to enforcement which remains to educate and help businesses and individuals understand and meet regulatory requirements through support and advice, whilst taking proportionate enforcement action where there is serious risk or where regulatory breaches are persistent.

- 1.5 Under this policy sit a number of our local service specific enforcement policies that are already in place (e.g. parking, waste, planning enforcement). These policies provide the detail explaining the specific legislation under which officers are acting and the application of enforcement powers relevant to the service, including and detail around the level of penalty fines. These local policies are not affected by the update to the Corporate Enforcement Policy, however will be reviewed to ensure they refer to this most recent update.
- 1.6 As the policy is quite long, a short accessible summary will be published alongside the full policy on the council's website.

## **2.0 Recommendations**

- (i) That the Cabinet approves the updated Corporate Enforcement Policy (appendix 1)
- (ii) That the Corporate Enforcement Policy is uploaded to the website and included in publication lists for the authority.
- (iii) That the Corporate Enforcement Policy continues to be reviewed on a regular basis or as the need arises from factors such as changes to legislation.
- (iv) That delegated authority is given to the Chief Executive to approve minor modifications and updates to the policy.

## **3.0 Reasons for Decision**

- 3.1 The council's current corporate enforcement policy was endorsed and adopted by Cabinet on 17<sup>th</sup> March 2008 and last updated in 2016. It can be accessed via the council's webpages at: <https://www.westminster.gov.uk/enforcement-policy>
- 3.2 An update to the policy is required to:
- Fully align the policy with the legal requirements set out in the Regulators Code 2014
  - Include recent legislative updates (e.g. general data protection regulations (GDPR))
  - Ensure our approach to enforcement is transparent and consistently applied

## **4.0 Background, including Policy Context**

- 4.1 The Council carry out regulatory and enforcement functions across a number of services including (but not exhaustively):

- Environmental protection
- Health and safety inc. Fire Safety
- Education (non-attendance at school)
- Licensing
- Trading standards
- Animal Welfare
- Council Housing Tenancy/Lease conditions
- Food safety
- Private sector housing standards
- Waste
- Highways and Kerbside management
- Planning
- Anti-social behaviour

4.2 The Corporate Enforcement Policy is an overarching policy that ensures transparency and consistency of enforcement approach across all council services. The policy helps the council deliver on its City for All commitment to provide excellent local services by providing a proportionate approach to enforcement, and ensuring our resources are prioritised to tackle the worst offenders. The policy also supports the council to deliver on its commitment to being a caring and fair City by taking stepped approach to enforcement for individuals and businesses to reach compliance, as well as ensuring that the strongest enforcements powers are used to protect those most vulnerable from deliberate or serious non-compliance.

4.3 The policy sets out:

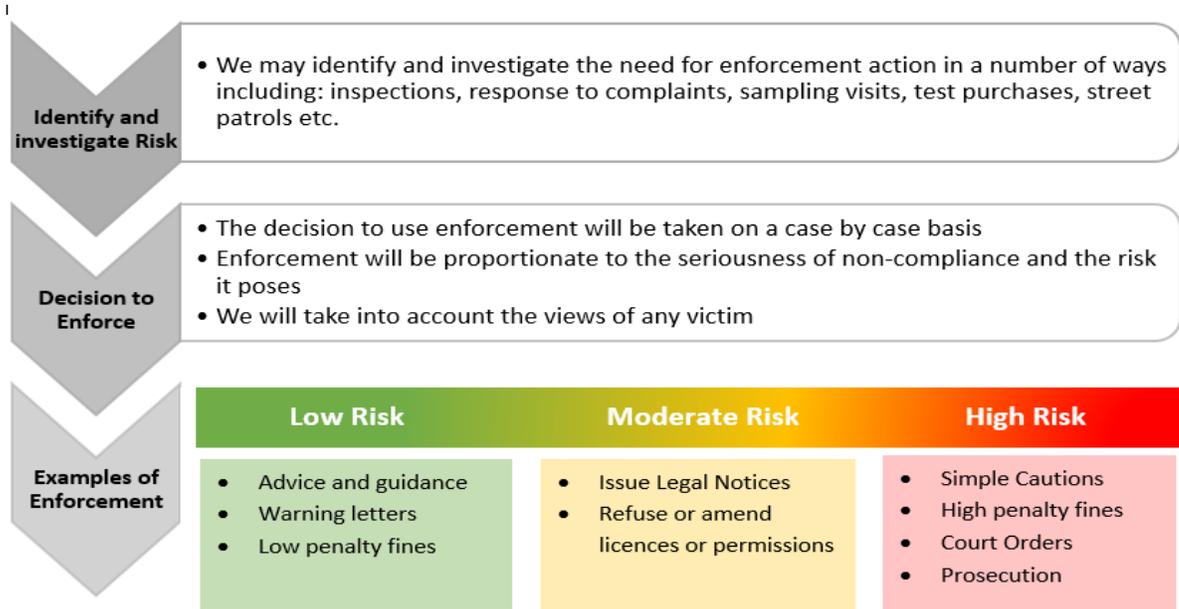
- The legislative framework, regulations and principles that all regulatory services should adhere to
- What residents, businesses and visitors can expect from officers carrying out enforcement
- The council's approach to enforcement and types of enforcement we may impose

4.4 A full review and update to the current corporate enforcement policy (last updated in 2016) is required to bring it in line with updates to legislation (such as GDPR), updates to the councils services (i.e. housing functions being brought back in house), as well as providing more detail and transparency for our community to understand the way we carry out enforcement. The updated policy has followed a suggested outline template issued by the Department of Business Innovation and Skills to ensure legal compliance.

4.5 It is important to note that the update does not introduce any new approach to enforcement across the council. Our approach remains the same which is to support businesses and individuals understand their legal responsibilities and will offer advice/issue warnings if the breach is not so serious, not persistent or we are confident there will be future compliance. However, we will also not hesitate to take necessary formal enforcement action against those who commit serious

offences, fail to follow advice, where the scale of activity is considered unacceptable, or where there is serious risk of harm.

4.6 The diagram below provides a summary of our enforcement framework:



4.7 The broad nature of this policy is necessary as underneath sit a number of our local service specific enforcement policies that are already in place (e.g. parking, waste, planning enforcement). These policies provide the detail explaining the specific legislation under which officers are acting and the application of enforcement powers relevant to the service, including where appropriate the level of penalty fines. These local policies are unaffected by the update to the Corporate Enforcement Policy, however will be reviewed to ensure they refer to this most recent update.

## 5.0 Financial Implications

5.1 There are no financial or resourcing implications

## 6.0 Consultation

6.1 Between 30<sup>th</sup> July 2018 – 21<sup>st</sup> October 2018, the council invited the public and businesses, to have their say on the draft policy. The response rate was however low having received only three responses back from business groups, and therefore cannot be assumed as representative of the wider population. As the policy mirrors the current enforcement approach and does not introduce anything new, the council did not anticipate many responses, and this low response rate may reflect that people did not find anything to object to.

6.2 Within the responses received they were in summary supportive of the policy framework, however were critical of the resources available to the council to undertake enforcement. A question was therefore asked for the council to consider delegating enforcement functions to business representative groups to improve our enforcement response. This suggestion has been considered and incorporated into the policy where this is deemed as appropriate and within our powers to do so.

## **7.0 Equalities Implications**

7.1 Equalities implications have been considered. There are no equalities implications in relation to the report and the recommendations proposed.

## **8.0 Communicating the Policy**

8.1 This Policy by its nature is long, therefore an easy to understand short webpage that summarises the main contents of the policy will also be published.

**If you have any queries about this Report or wish to inspect any of the background papers please contact: [kmunro1@westminster.gov.uk](mailto:kmunro1@westminster.gov.uk)**

**BACKGROUND PAPERS - None**