



AGENDA ITEM: 11

CABINET: 15 September 2009

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
1 October 2009**

COUNCIL: 21 October 2009

Report of: Executive Manager Community Services

Relevant Portfolio Holder: Councillor A Fowler

**Contact for further information: Mr A Hill (Extn. 5243)
(E-mail: a.hill@westlancs.gov.uk)**

**SUBJECT: CORPORATE AND COMMUNITY SERVICES DIVISIONAL
ENFORCEMENT POLICIES**

CAB38/CAL

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To obtain approval for a new Corporate Enforcement Policy and revised Community Services Enforcement Policy.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the Corporate Enforcement Policy be agreed, subject to any comments from the Executive Overview and Scrutiny Committee.

2.2 That the Community Services Enforcement Policy be agreed, subject to any comments from the Executive Overview and Scrutiny Committee

2.3 That delegated authority be given to the Executive Manager for Community Services, in consultation with the relevant Portfolio Holder, to update the Corporate and Community Services Policies in accordance with any new or revised government legislation or guidance.

2.4 That call in is not appropriate as this report will be considered by Executive Overview and Scrutiny Committee.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 3.1 That consideration be given to the Corporate Enforcement Policy and the Community Services Enforcement Policy and that agreed comments be forwarded to Council.

4.0 RECOMMENDATIONS TO COUNCIL

- 4.1 That any comments made by the Executive Overview and Scrutiny Committee be noted.
- 4.2 That the Corporate Enforcement Policy be noted.
- 4.3 That the Community Services Enforcement policy be noted.
- 4.4 That delegated authority be given to the Executive Manager for Community Services, in consultation with the relevant Portfolio Holder, to update the Corporate and Community Services Policies in accordance with any new or revised government legislation or guidance.
-
-

5.0 BACKGROUND

- 5.1 In March 1998 the Cabinet Office, in partnership with the Local Government Association, business and consumer groups, published the Central and Local Government Concordat on Good Enforcement (the Enforcement Concordat). Following this West Lancashire District Council “signed up” to the document and in 2002, an enforcement policy for Community (then Environmental) Services was produced.
- 5.2 At the time this document was discussed with business groups and has been used to guide enforcement activities ever since.

6.0 CURRENT POSITION

- 6.1 Since the Community Services policy was introduced, new areas of enforcement (Street Scene) have commenced. In addition, there has been new guidance on the approaches that should be taken to enforcement.
- 6.2 In particular, the Department for Business Enterprise and Regulatory Reform has produced a Statutory Code of Practice for Regulators. The code aims to “promote efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on businesses”. In other words, enforcement against businesses should be proportionate, consistent and appropriate.
- 6.3 Whilst reviewing the Community Services plan, the idea of a Corporate plan was explored. In order to promote consistency across the Council, Chief Officers agreed that the idea was sound and should be pursued. Community Services, as

regular user of enforcement action, took the lead on this matter, having operated their own detailed policy for several years.

- 6.4 As a result, relevant officers from Divisions that undertake enforcement action met and were consulted with respect to draft documents. For clarification, this group included officers from Environmental Health, Planning Enforcement, Private Sector Housing, Housing Services, Building Control, Financial Services and Legal Services.
- 6.5 The proposed documents are included as Appendices 1 & 2.
- 6.6 It must be noted that the Corporate Policy provides the principles of the Council's approaches to enforcement. Any individual Divisional or Sectional policies that are positioned beneath this Policy, will contain more specific interpretation in relation to legislation approaches etc.
- 6.7 Delegated Authority is requested so that minor changes to legislation and guidance can be dealt with efficiently. Any wholesale changes in guidance or legislation resulting in major changes to the policy will be brought back for approval.

7.0 IMPACTS OF THE CORPORATE POLICY

- 7.1 As guided by Government, Council officers will need to give consideration to the greater use of 'simple' cautions for first time offenders. This is a more streamlined process than a full prosecution, but still can be brought to the attention of Magistrates if a further case is brought before them.
- 7.2 Following the adoption of the Corporate Policy it is likely that other Divisional/Sectional Policies will appear before Members for Approval. It must be noted that other Divisions have their own specific enforcement guidance, although not necessarily in a single document ready for approval.

8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 There are no sustainability implications/community strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 It is not expected that the adoption of these policies will result in additional expenditure for enforcement. Indeed if more cautions are issued it may result in less legal time dealing with issues.

10.0 RISK ASSESSMENT

- 10.1 The use of Enforcement Policies reduces the risk of inconsistency which may prompt cases to be lost in court.
-
-

Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

Appendices

- Appendix 1 - WLBC Corporate Enforcement Policy
- Appendix 2 - Community Services Enforcement Policy