



To: Councillor Herbert Leader and Executive Councillor for Strategy and Transformation
Report by: Yvonne ODonnell Environmental Health Manager
Relevant scrutiny committee: Strategy & Resources Scrutiny Committee
Wards affected: All

Review of Corporate Enforcement Policy

Not A Key Decision

1. Executive summary

- 1.1 In 2014 the new enforcement policy was adopted. The Policy included a provision for it to be reviewed after three years.
- 1.2 The review has allowed for amendments to be completed taking into account operational and legislative changes. It has also taken into account feedback the Council has received.
- 1.3 The review of the policy has resulted in its remaining broadly unchanged but with minor amendments to wording and clarity around:
 - Section 2 Enforcement activity
 - Section 5 Principles of enforcement
 - Section 5.2.7 Other Considerations
- 1.4 Additional information has been included in
 - 6.6 Fixed Penalty Notices and Penalty Charges
- 1.5 The amendments have not effected the application or principals of the policy.
- 1.6 The Service Standards for each of the different functions that are appendices to the main enforcement policy may from time to time be subject to change, these, unless significantly changed will not need committee approval and can be agreed by the relevant head of service.

2. Recommendations

2.1 The Leader of the Council is recommended to consider the proposed changes and adopt the revised Corporate Enforcement Policy 2017 attached as Appendix 1

3. Background

3.1 The Corporate Enforcement Policy forms the basis under which specific service enforcement policies are derived. The Council expects all officers taking enforcement decisions to take this policy as a guide when making their decision.

3.2 The policy is essential to provide clarity to residents and businesses in the way we act, as well as, minimising risks associated with failed enforcement action.

3.3 It is important the policy is kept up to date to ensure that it both follows operational changes within the Council and legislative changes that may have come into force. The policy must remain robust and able to stand up to scrutiny in the case that a member of the public or business makes a complaint relating to the way we have handled their case or the decision we have made to take enforcement action.

3.4 Each service which deals with enforcement has its own standard setting out the level of service and performance that the public and businesses can expect from them. These standards work in conjunction to the policy and are appendices to the policy. These standards are published within individual service areas. They allow for greater clarification around specific enforcement roles.

3.5 *Section 6.6 Fixed Penalty Notices and Penalty Charges* The most significant part of the review found that change was appropriate and necessary in this section. Recent changes in legislation have made it possible to serve a civil penalty notice for certain Housing Act 2014 offences meaning there may be an increase in this type of action. Changes have also been made in response to a previous feedback relating to service of a fixed penalty notice for littering. Specific details relating to service of this type of notice will continue to be specified in the relevant service standards. The changes have taken into account current government guidance.

3.6 *Section 2 "Enforcement Activity"*. This section has been amended by the deletion of confusing and unnecessary wording included within the tables and subheadings. This does not affect enforcement activities but helps make the document more user friendly and improves clarity.

3.7 *Section 5 "Principles of enforcement"* Insertion of the following paragraph to improve clarity on legal obligations

- *"Although primary responsibility for compliance with the law rests with individuals and businesses, the Council will provide information and advice to help them understand their legal obligations and will seek to raise awareness about the need to comply"*

3.8 Section 5.2.7 “Other Considerations” The following paragraphs have been included for transparency within the enforcement policy.

- *“The Council will apply the principles of the Regulation of Investigatory Powers Act 2000 (RIPA) to all activities where covert surveillance, covert human intelligence sources, or communications data are used. In doing so, the Council will also take into account its duties under other legislation, in particular the Protection of Freedoms Act 2012; Human Rights Act 1998; and Data Protection Act 1998, and its common law obligations.”*
- *“The use of Body Cams must be in line with Cambridge City Councils Code of Practice www.cambridge.gov.uk/body-worn-cctv-cameras”*

The inclusion of these points does not affect how the policy will be applied as the Council already applies these principals and actions.

3.9 The policy is published on the Council’s website. Directors, Heads of Service and managers will need to cascade the amended policy to operational staff and ensure it is taken into account in all enforcement actions.

4. Implications

(a) Financial Implications

The policy has no direct costs as services are staffed to undertake the relevant enforcement roles. Working to an up to date policy will reduce enforcement risks and support the potential award of costs for carrying out enforcement work.

(b) Staffing Implications

There are no staff implications other than communicating the change and ensuring action is taken in accordance with the policy.

(c) Equality and Poverty Implications

An EQIA has been previously completed at the introduction of the enforcement policy. The changes of the policy will not result in changes to this.

(d) Environmental Implications

Nil Rating

(e) Procurement

There will be no procurement implications

(f) Consultation and Communication

- The Amended policy has been consulted on via the website. No responses were received.
- An internal consultation has been carried out with key service areas.
- The update policy will be placed on the website

(g) Community Safety

The Policy is used to guide the way we enforce appropriate legislation that regulates the environment

5. Background papers

The Enforcement Policy 2014

<https://www.cambridge.gov.uk/sites/default/files/documents/Enforcement-Policy.pdf>

Issuing fixed Penalty Notices Guidance

<https://www.gov.uk/guidance/enforcement-officers-issuing-fixed-penalty-notices>

6. Appendices

Appendix 1 Updated Corporate Enforcement Policy 2017

7. Inspection of papers

To inspect the background papers or if you have a query on the report please contact:

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