

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	30 August 2017
Subject:	Environmental Health Enforcement Policy
Report of:	Peter Tonge, Head of Community Services
Corporate Lead:	Robert Weaver, Deputy Chief Executive.
Lead Member:	Lead Member for Clean and Green Environment.
Number of Appendices:	Two

Executive Summary:

The Government is committed to reducing regulatory burdens and supporting compliant business growth through the development of an open and constructive relationship between regulators and those they regulate. The Regulators' Code provides a flexible, principles based framework for regulatory delivery that supports and enables regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities. Whilst at the same time allows regulators to target resources at those purposely flouting the law.

The current environmental health and prosecution policy is an interim policy and does not reflect the modern day focus of supporting business and working in partnership with compliant businesses.

This report introduces a new Environmental Health Enforcement Policy which is fit for purpose and in line with the Regulators Code.

Recommendation:

That the Committee resolves to adopt the policy thus providing a framework for Officers to operate within and to provide information for business and the general public.

Reasons for Recommendation:

The Council's current Interim Enforcement Policy is dated and no longer fit for purpose.

A framework is needed for Officers of the Council to undertake enforcement activity in a manner which is open, proportionate, helpful and transparent.

There is a requirement for Regulatory Services to adopt and publish an enforcement policy which is in line with the requirements of the Regulators Code.

Resource Implications:

None.

Legal Implications:

The Council must have an enforcement policy in place to demonstrate compliance with the

<p>Regulators' Code.</p> <p>The Council would be in breach of its duties if it did not adopt an appropriate enforcement policy.</p>
<p>Risk Management Implications:</p> <p>Having a policy in place should reduce the risk to the Council of litigation.</p>
<p>Performance Management Follow-up:</p> <p>None.</p>
<p>Environmental Implications:</p> <p>None.</p>

1.0 INTRODUCTION/BACKGROUND

- 1.1** The Council has a Corporate Enforcement Policy which has been in place since 2010 and is currently under review. There is also an interim environmental health enforcement policy which was agreed by the Executive Committee in July 2015.
- 1.2** The Environmental Health Team undertakes a variety of activities that could lead to enforcement action.
- 1.3** Enforcement includes Council Officers giving advice, carrying out compliance visits and inspections, responding to complaints and service requests, assisting consumers and businesses to comply with statutory duties and licensing requirements and taking formal enforcement action where warranted against those who breach the law.

2.0 ENVIRONMENTAL HEALTH ENFORCMENT POLICY

- 2.1** There are requirements in the Regulators' Code that Regulators must adhere to. These include the requirements to:
- carry out their activities in a way that supports those they regulate to comply and grow;
 - provide simple and straightforward ways to engage with those they regulate and hear their views;
 - base their regulatory activities on risk;
 - share information about compliance and risk
 - ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply; and
 - ensure that their approach to their regulatory activities is transparent.
- 2.2** The first step to demonstrating compliance with the Regulators' Code is to ensure that our Enforcement Policy reflects these requirements.
- 2.3** The Enforcement Policy, attached at Appendix 1, has been drafted with this in mind and is one that can be easily understood by business and individuals alike.

3.0 PURPOSE

- 3.1** The Environmental Health Team carry out a wide variety of enforcement activity and it is appropriate that there is a framework which these enforcement activities are carried out within. This policy provides that framework.
- 4.0 OTHER OPTIONS CONSIDERED**
- 4.1** None.
- 5.0 CONSULTATION**
- 5.1** No specific consultation has been carried out but the policy will be advertised online once it has been adopted.
- 6.0 RELEVANT COUNCIL POLICIES/STRATEGIES**
- 6.1** This policy has been developed in line with the Corporate Enforcement Policy 2010 (revised 2011).
- 7.0 RELEVANT GOVERNMENT POLICIES**
- 7.1** The Regulators Code, Legislative and Regulatory Reform Act 2006 S.23 & 24(2).
- 8.0 RESOURCE IMPLICATIONS (Human/Property)**
- 8.1** None.
- 9.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 9.1** None.
- 10.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 10.1** None.

Background Papers: Interim Environmental Health Enforcement Policy.

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Appendices: 1. Policy document – Environmental Health Enforcement Policy.
2. Regulators Code.