

TEWKESBURY BOROUGH COUNCIL

Report to:	Executive Committee
Date of Meeting:	18 November 2020
Subject:	Corporate Enforcement Policy
Report of:	Head of Corporate Services
Corporate Lead:	Chief Executive
Lead Member:	Lead Member for Corporate Governance
Number of Appendices:	One

Executive Summary:

To present Executive Committee with a Corporate Enforcement Policy.

The Council is required to have an effective Enforcement Policy to enable Officers to investigate and take action to ensure individuals and businesses comply with the law.

The Policy sets out the legislative framework and principles the Council will abide by in investigations undertaken and to mitigate the risk of legal challenge in Court.

The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.

The Policy was endorsed by Overview and Scrutiny Committee on 13 October 2020.

Recommendation:

- 1. That the Corporate Enforcement Policy be APPROVED.**
- 2. That the Head of Corporate Services be authorised to approve future minor amendments in consultation with the Counter Fraud Unit Manager, One Legal and the Lead Member for Corporate Governance.**

Reasons for Recommendation:

To introduce a Policy to reflect key legislation and service responsibilities.

Effective enforcement plays an important role in enabling the Council to achieve its priorities and community outcomes.

Resource Implications:

The adoption and approval of these Policies will support the Council's objectives in reducing crime and financial loss. Some additional revenue will be realised from the imposition of financial penalties and sanctions for further prevention work.

Legal Implications:

The Council has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so, and this is identified within the Policy.

Human rights implications are a consideration of enforcement activity and this is included within the Policy.

Risk Management Implications:

The Council is required to have an effective Enforcement Policy to enable Officers to investigate and take action to ensure individuals and businesses comply with the law.

The Policy sets out the legislative framework and principles the Council will abide by in investigations undertaken and to mitigate the risk of legal challenge in Court.

The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.

Performance Management Follow-up:

None directly arising from the report.

Environmental Implications:

The Policy contributes to the Council's corporate objectives.

1.0 INTRODUCTION/BACKGROUND

- 1.1 Regulatory authorities produce enforcement policies to inform the public and businesses about the principles which underpin their approach to enforcement.
- 1.2 The Council is responsible for investigating and enforcing a wide range of breaches and offences. This Policy is required to ensure consistency in the approach the Council takes when considering the enforcement options available, as it provides an overarching framework.
- 1.3 The Policy sets out the enforcement principles that the Council will apply to its enforcement activities and the guiding principles by which the Council will seek to protect public health, safety, amenity and environment within its locality.
- 1.4 Some service areas will have separate enforcement plans and policies setting out more detailed relevant service-specific procedures.
- 1.5 This Policy will be presented for adoption across multiple Councils within Gloucestershire and at West Oxfordshire to provide a co-ordinated approach to enforcement. This will ensure consistency in the decision-making process for the Legal Departments. Importantly, however, the Policy also reflects service provision and objectives for each individual Council.
- 1.6 The Policy was considered and endorsed by the Council's Overview and Scrutiny Committee on 13 October 2020.

2.0 UPDATED POLICY

2.1 This is a new overarching Council Policy.

3.0 OTHER OPTIONS CONSIDERED

3.1 None.

4.0 CONSULTATION

4.1 The draft Policy was subject to consultation with Operational Managers, the Corporate Governance Group, Management Team and One Legal.

5.0 RELEVANT COUNCIL POLICIES/STRATEGIES

5.1 None.

6.0 RELEVANT GOVERNMENT POLICIES

6.1 As detailed at Paragraph 2.2 within the Policy.

7.0 RESOURCE IMPLICATIONS (Human/Property)

7.1 Council staff with responsibility for enforcement will be made aware of the Policy.

8.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)

8.1 None.

9.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)

9.1 The Policy seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

10.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS

10.1 None.

Background Papers: None.

Contact Officer: Counter Fraud Unit Manager Tel: 01285 623356
Email: emma.cathcart@cotswold.gov.uk

Appendices: 1 – Corporate Enforcement Policy.