

Report to CABINET

Approval of Enforcement Policy

Portfolio Holder:

Councillor Chris Goodwin, Cabinet Member for Don't Trash Oldham

Officer Contact: Nasir Dad, Director of Environment

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15 July 2024

Reason for Decision

To review and approve a revised Corporate Enforcement Policy in order to take account of updated guidance, codes of practice and new regulatory sanctions which have been introduced since the Council's Enforcement Policy was last reviewed in 2022. In addition, the report seeks approval to adopt the national issued Local Authority Building Control Enforcement Policy.

Recommendations

That Cabinet:

1. Notes the report; and
2. Approves the enforcement policies in Appendix 1 and 2.

Approval of Enforcement Policy

1 Background

- 1.1 The Council is required to have an overarching statement of Enforcement Policy which governs the way statutory enforcement functions are implemented.
- 1.2 The Council adopted the Enforcement Concordat in 2002 and established an enforcement policy to set out what businesses and others being regulated can expect from enforcement officers employed by the Authority. Since then, additional guidance, codes of practice and new regulatory sanctions have been introduced, and it is therefore, appropriate to update the Enforcement Policy to reflect these changes and ensure compliance.

2 Current Position

- 2.1 The current Enforcement Policy was approved in 2022 and has been reviewed to ensure that the Council states its generic principles for good enforcement.
- 2.2 It commits the Council to good enforcement policies and procedures, including carrying out our activities in a robust but fair way that supports those who are regulated to comply and grow, avoiding imposing unnecessary regulatory burdens and assessing whether lesser outcomes could be achieved by lesser means. It provides guidance on a range of options that are available to help the public achieve compliance with the legislation that the council enforces and how powers may be used to regulate and raise standards in various sectors.
- 2.3 In relation to Building Control, a request is made to adopt the national Local Authority Building Control (LABC) Enforcement Policy, which aims to ensure consistent implementation of Building Control standards at a local level.
- 2.4 The Enforcement policy is a key document setting the updated guidance, codes of practice and new regulatory sanctions which have been introduced since the Council's Enforcement Policy was last reviewed in 2022. This will provide an opportunity for the users of the policy to see the updates. The risks of not publishing the updated policy is that there may be reputational risks to the Council around transparency.
- 2.5 The policy sets out how the Council will be transparent in considering infringements by publishing options for consideration by Officers. The policy can be accessed by the public and regulated businesses and individuals. It supports the role of the Council in relation to its public protection responsibilities.
- 2.6 The proposed enforcement policy can be found at Appendix 1, and the LABC enforcement policy at Appendix 2.

3 Options/Alternatives

- 3.1 Option 1: Approve the implementation of the enforcement policy.
- 3.2 Option 2: Do not approve the enforcement policy.

4 Preferred Option

- 4.1 To approve the revised Enforcement Policy.

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- 5 **Consultation**
- 5.1 Consultation has taken place with all internal departments who have enforcement responsibilities.
- 6 **Financial Implications**
- 6.1 None
- 7 **Legal Implications**
- 7.1 The Council should have a policy in place which provides guidance on how it carries out its enforcement responsibilities. In relation to prosecutions, the Council is required to follow the provisions of the Code for Crown Prosecutors, which have been incorporated into the Corporate Enforcement Policy. (A. Evans)
- 8 **Oldham Equality Impact Assessment, including implications for Children and Young People**
- 8.1 No
- 9 **Key Decision**
- 9.1 Yes
- 10 **Key Decision Reference**
- 10.1 HL-03-24
- 11 **Background Papers**
- 11.1 None
- 12 **Appendices**
- 12.1 Appendix 1 – Proposed Enforcement Policy
Appendix 2 – LABC Building Control Enforcement Policy