
ENFORCEMENT POLICY FOR THE SERVICES FOR PLACE GROUP

**Responsible Cabinet Member – Councillor Chris McEwan, Economy and
Regeneration Portfolio**

Responsible Director – Richard Alty, Director of Place

SUMMARY REPORT

Purpose of the Report

1. To recommend adoption of an Enforcement Policy, attached as **Appendix A**, to be used by properly authorised officers working in the Services for Place Group to enforce legislation on behalf of the Council

Summary

2. Enforcement Officers working in the Services for Place Group have a range of enforcement options available to them when contraventions are identified. The Regulators Compliance Code requires that enforcement actions are transparent, accountable, proportionate and consistent; and targeted. The Enforcement Policy attached as Appendix A describes the decision making process that should be followed by those officers and the factors that must be taken into account.

Recommendation

3. It is recommended that Cabinet approve the Enforcement Policy.

Reasons

4. The recommendations are supported by the following reasons :-
 - (a) It will promote consistent enforcement practices by providing a framework to guide the enforcement actions of the Councils authorised enforcement officers.
 - (b) It will allow the policy to be shared with the community it serves.

**Richard Alty
Director of Place**

Background Papers

- (i) The Enforcement Concordat.
- (ii) Regulators Compliance Code.
- (iii) The Legislative and Regulatory Reform Act 2006.
- (iv) Police and Criminal Evidence Act (PACE),
- (v) Criminal Procedures and Investigation Act (CPIA),
- (vi) Regulation of Investigatory Powers Act (RIPA),
- (vii) Home Office Circular 30/2005,
- (viii) The Code for Crown Prosecutors,
- (ix) The Human Rights Act

Barry Pearson : Extension 2560
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S17 Crime and Disorder	The Policy identifies the approach adopted to deliver enforcement activity.
Health and Well Being	Enforcement actions contribute to general health and well being
Carbon Impact	There is no direct impact arising from this report.
Diversity	No impact.
Wards Affected	The Plan affects all wards.
Groups Affected	All groups will be affected equally.
Budget and Policy Framework	No impact upon budget.
Key Decision	No.
Urgent Decision	No.
One Darlington: Perfectly Placed	Enforcement actions can contribute positively to delivering Safer, Greener, Healthy and Prosperous Darlington
Efficiency	Facilitate efficient operation of the regulatory functions

MAIN REPORT

Information and Analysis

5. Enforcement Officers have to take account of the requirements of the Government's "Enforcement Concordat" and the "Regulators Compliance Code" introduced by The Legislative and Regulatory Reform Act 2006. These require enforcement actions to be transparent, accountable, proportionate and consistent; and targeted.
6. Within Services for Place the enforcement activities that the policy will relate to are:
 - (a) Animal Health and Welfare
 - (b) Building Control
 - (c) Car Parks and Residential Parking
 - (d) Development Management (including listed buildings, tree preservation and advertisements)
 - (e) Dog control
 - (f) Environmental Crime
 - (g) Environmental Protection and Nuisance control
 - (h) Food Safety
 - (i) Council and Private Sector Housing, including Council House Tenancy

- (j) Health and Safety at Work
 - (k) Highways (including skips, scaffolding and obstructions)
 - (l) Licensing (including issue of permits, registrations and consents)
 - (m) Pest Control
 - (n) Trading Standards
 - (o) Rights of Way
7. Enforcement Officers have a range of enforcement options available to them when contraventions are identified. The possible actions, depending upon the legislation, are:
- (a) No action
 - (b) Informal action - Verbal/Written warning and advice
 - (c) Statutory notice and fixed penalty notice (where legislation allows)
 - (d) Seizure, forfeiture proceedings, Orders (e.g. ASBO, Enterprise Act and Stop Now Orders) where legislation allows this action.
 - (e) Simple caution
 - (f) Conditional Grant, refusal to grant, revocation or suspension of a licence, registration or permit
 - (g) Requirement to undertake a specific course of action e.g. Driver Improvement Scheme/Legislation Test
 - (h) Prosecution
 - (i) Injunction
8. The Enforcement Policy describes the decision making process that will be followed by officers before taking action. The process does not prevent officers from using their professional judgement and coming to a decision, based upon the information available, that appears to contradict the policy. The decision and the reason(s) is required to be recorded.
9. Reference is made to the Local Government Code of Conduct and also how possible conflicts of interest should be addressed.
10. A leaflet “Making Regulation Work” attached as **Appendix B** has been prepared for publication to summarise and explain the enforcement policy to businesses and the general public. This will be accessible on the Council website and also as a hard copy on request