

<b>Report for:</b>	<b>Overview and Scrutiny Committee</b>
<b>Date of meeting:</b>	<b>November 2021</b>
<b>Part:</b>	<b>1</b>
If Part II, reason:	

Title of report:	<b>Enforcement policy</b>
Contact:	Cllr Julie Banks - Portfolio Holder for Community & Regulatory Services Emma Walker – Group Manager ECP Paul O’Day – Team Leader Environmental Health Author/Responsible Officer Richard LeBrun- Assistant Director Neighbourhood Delivery
Purpose of report:	1. The purpose of this report is to give members a general summary of the Enforcement Policy that covers the regulatory functions of Environmental & Community Protection.  2. The purpose of this report is to obtain formal agreement of the Enforcement Policy.
Recommendations	Provided to committee, who are invited to consider ratifying the proposed policy. Any comments should be passed to the Portfolio holder for Community & Regulatory Services
Corporate objectives:	A clean, safe and enjoyable environment  Ensuring efficient, effective and modern service delivery
Implications:	
‘Value for money’ implications	Environmental & Community Protection supports the Council in achieving Value for Money for its citizens.
Risk implications	Risks associated with ECP officers who will be tasked with adhering to this policy, are addressed by individual health and safety risk assessments are completed for the ECP activities to minimise any safety risk.  Reputational risks in terms of the Council being perceived as enforcing against non-compliance of regulatory standards passed by Parliament to ensure that residents are protected from harm in their workplaces, places of leisure and hospitality, and from the impacts of others residents that behave illegally and impact the quality of life of others.
Community Impact Assessment	No adverse impact
Health and safety	H&S implications that may arise from the implementation of this enforcement policy are incorporated within individual

Implications	service risk assessments for authorised ECP officers.
Consultees:	None
Background papers:	None
Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i>	The previous enforcement is now dated, there have been many changes to Government departments and updates to guidance. The principle of enforcement remain in that any enforcement should be proportionate, accountable, consistent, transparent and targeted
Glossary of acronyms and any other abbreviations used in this report:	ECP – Environmental & Community Protection BRDO – Better Regulation Delivery Office OPSS – Office for Product Safety and Standards FSA – Food Standards Agency HSE – Health & Safety Executive DEFRA – Department of Food and Rural Affairs

## 1. Purpose of Report

- 1.1. To give members a background of the enforcement activities of Environmental and Community Protection food hygiene, health & safety, nuisance, private water supplies, environmental permitting, fly tipping, high hedges etc.
- 1.2. The duties placed on the Council and thus ECP derive from statute so the must be delivered.
- 1.3. The Policy updates the previous policy to reflect changes in governmental changes Better Regulation Delivery Office to the Office Product [Safety](#) and Standards, clarifies the enforcement options available to the Council.
- 1.4. The policy details the many enforcement options which are using when appropriate in a graduated manner so ensuring fairness and reflecting the seriousness of any offending/non-compliance.

## 2. Background

- 2.1 An enforcement policy allows the Council inform those it interacts with (both businesses and individuals) how they can be expected to be treated when receiving an interaction from the regulatory officers.
- 2.2 Whilst the vast majority of interventions from ECP result in no enforcement, unfortunately there is a small minority of individuals and businesses where enforcement action is needed. This enforcement action is need to:
  - Ensure compliance with legal standards
  - Ensure food is produced in a hygiene manner so not putting the health of residents at risk

- Ensure workplaces comply with health & safety law so that those who work within Dacorum do not suffer injuries or adverse health outcomes which impact their and their families lives and places a burden on the health service
- Ensure that those businesses that we authorise/permit comply with Environmental standards.
- Using a graduated approach deal with minor offending without burdening the criminal justice or place undue burdens on the individual or business.
- Ensure that when an individual or business has committed a serious offence the Council is able to use the enforcement tools afforded by the law to bring justice to the victims of their offending.

### 3 **Legislation and Statutory Duty;**

- 3.1 Local Authorities are agents of the state responsible for ensuring compliance with Acts of Parliament and Statutory Instruments.
- 3.2 Agencies of Central Government such as the FSA, HSE, DEFRA instruct local authorities how to regulate and require annual returns on the work of the authority. Local Authorities can introduced localised legislative measures such by-laws that govern street trading, or PSPOs (Public Spaces Protection Orders).
- 3.3 The enforcement action taken by ECP has many built it safe guards such as appeals against any notice served, a right to a fair trial, investigation undertaken in line with the Police and Criminal Evidence Act 1984, when being formally questioned under caution to right to be represented.

Recommendations for next steps:-

1. Policy is noted by the committee.

