

Portfolio Holder decision record sheet

Name of decision maker: Cllr Julie Banks

Portfolio: Community and Regulatory Services

Date of Portfolio Holder decision: 12/05/22

Title of decision:

Environmental and Community Protection Enforcement Policy

Part II:

Part II reason:

Background to report:

An enforcement policy allows the Council to inform those it interacts with (both businesses and individuals) how they can expect to be treated when interacting with regulatory officers.

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 hygienic manner so as 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 system 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.

Local Authorities are agents of the state responsible for ensuring compliance with Acts of Parliament and Statutory Instruments.

Agencies of Central Government such as the FSA, HSE, and 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).

The enforcement action taken by ECP has many built it safe guards such as appeals against notices served, a right to a fair trial, investigation undertaken in line with the Police and Criminal Evidence Act 1984 and when being formally questioned under caution to right to be represented.

The policy was noted by Spatial Planning and Environment Overview and Scrutiny Committee.

Decision made and reasons:

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Reports considered: (here reference can be made to specific documents) SPAEC OSC Report November 2021.
Officers/Councillors/Ward Councillors/Stakeholders consulted: Richard LeBrun Emma Walker Paul O'Day SPAEC OSC Committee
Deputy Monitoring Officer comments: The enforcement policy has been prepared in accordance with legislation and relevant statutory guidance. The document provides a comprehensive policy across Environmental & Community Protection. The Regulators Code came into Statutory effect on 6 th April 2014 by way of the Legislative and Regulatory Reform Act 2006 and the Council must have regard to this when developing policies and procedures that guide regulatory activities. Deputy s151 comments: There are no direct financial implications resulting from this report.
Implications: Risk: Value for money:
Options considered and reasons for rejection:

Portfolio Holder's signature:
Date:
Details of any interests declared and any dispensations given by the Standards Committee:

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Date decision record sheet received from portfolio holder: 12/05/22	
Date decision published: 12/05/22	Decision no: PH-011-22
Date of expiry of call-in period: 19/05/22	
Date any call-in received or decision implemented:	