

# Chichester District Council

## GENERAL LICENSING COMMITTEE

21 October 2015

### Housing and Environment Services Enforcement Policy

#### 1. Contacts

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#### 2. Recommendation

- 2.1. **That the draft Housing and Environment Services enforcement policy be adopted.**

#### 3. Background

- 3.1. It is a requirement from The Better Regulation Delivery Office (BRDO) that enforcement activities within Councils follow an Enforcement Policy agreed by Members. The last policy that Housing and Environment Services follow was adopted in 2009 and is due for updating to take account of new legislation and guidance. The proposed policy incorporates these changes and is clearer and more easily understood.
- 3.2. The purpose of the policy is to set out what businesses and others being regulated can expect from Chichester District Council's Housing and Environment Service, and in particular its enforcement officers. It commits the Service and the enforcement officers to good enforcement practice with effective procedures to achieve a consistent approach to dealing with non-compliance across all of our activities.
- 3.3. The regulatory functions undertaken by the Service are extensive. They include housing, licensing, food safety, health and safety, infectious disease control, environmental protection, nuisance control, consent street trading, pest control, animal welfare, and private water supplies.
- 3.4. The draft revised policy, which is shown as Appendix 1, sets out the general principles of good enforcement practice and the more specific factors which will be taken into account when choosing the most appropriate action following a breach of legislative requirements. By adopting this policy, the Council undertakes to ensure that it and in particular authorised enforcement officers will act in accordance with the policy.

#### **4. Outcomes to be achieved**

- 4.1. That the Housing and Environment Services has an enforcement policy which complies with legislative requirements, guidance and Codes of Practice.

#### **5. Proposal**

- 5.1. That the draft policy be agreed and adopted. Following this, that it be made available to the public via the Councils website and that those subject to enforcement action are referred to the policy as appropriate.

#### **6. Resource and legal implications**

- 6.1. There are no resource implications
- 6.2. The Council is obliged to have regard to guidance and direction from the Better Regulation Delivery Office. They direct that those in the Council that carry out enforcement functions have an Enforcement Policy such as this.
- 6.3. In addition, the Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the principles of good regulation in the way that regulatory activities are undertaken, principally that they are proportionate, accountable, consistent, transparent, and targeted. This policy fulfils that requirement

#### **7. Consultation**

- 7.1. This draft policy has been placed on the Councils website for a period of 6 weeks with an invitation to comment. No responses were received.

#### **8. Community impact and corporate risks**

- 8.1. This policy will have a positive impact within the community. It commits the Housing and Environment Service to carrying out enforcement activities in a fair, proportionate, accountable, consistent, transparent and risk based way. It allows those that are the subject of enforcement activity to be confident that these standards will be adhered to and gives them recourse if they are not.
- 8.2. There is potential for corporate risk if there is any deviation from the terms of this policy. It is common for legal representatives of defendants to scrutinise the published enforcement policy to try to find instances of where it hasn't been followed to use as a defence for their clients. Officers are aware of this and make sure that the terms of the policy are rigorously followed when investigating potential offences and when coming to a decision on the correct course of action to take if offences are found.

#### **9.0 Appendix**

Appendix 1 – Housing and Environment Services Enforcement Policy

#### **10.0 Background Papers**

None



