

<b>Policy &amp; Resources Committee Meeting</b>	
<b>Meeting Date</b>	29 November 2023
<b>Report Title</b>	Overarching Enforcement Policy
<b>EMT Lead</b>	Larissa Reed – Chief Executive
<b>Head of Service</b>	Philip Sutcliffe – Communications & Policy Manager
<b>Lead Officer</b>	Janet Dart – Policy & Engagement Officer
<b>Classification</b>	<b>Open</b>
<b>Recommendations</b>	Adopt the overarching enforcement policy at Appendix I.

## **1 Purpose of Report and Executive Summary**

- 1.1 The Council's existing enforcement policy was approved and published in December 2020 and it is recommended it should be reviewed every three years. The purpose of this report is to seek the Policy & Resources Committee's endorsement of the reviewed policy.

## **2 Background**

- 2.1 The Council discharges a range of functions that involve enforcement activity including:
- Community safety;
  - Environmental health;
  - Environmental response;
  - Housing;
  - Licensing;
  - Parking; and
  - Planning.
- 2.2 It is good practice for the Council to have a single overarching policy in place that helps to promote efficient and effective approaches to regulatory inspection and enforcement as a means of improving regulatory outcomes without imposing unnecessary burdens. Councils are encouraged to comply with the Regulators' Code.
- 2.3 The policy sets out the principles of good regulation (consistent, targeted, transparent, accountable, proportionate and helpful) which will be applied to all of the Council's enforcement activity.

## **3 Proposals**

- 3.1 The policy is intended as an umbrella policy and applies to all service areas of the Council with enforcement responsibilities.

- 3.2 The policy sits above all of the service-specific policies which the Council is responsible for discharging. The policy therefore sets out a short and succinct statement of what those who are on the receiving end of enforcement action should expect from the Council in how it discharges its responsibilities.
- 3.3 A review has been carried out and as there have been no changes to the Regulators' Code since the overarching enforcement policy was adopted in December 2020, the existing policy is still compliant with the Code.

## 4 Alternative Options Considered and Rejected

- 4.1 The alternative option is to not review the existing overarching enforcement policy. This has been discounted as the Council should check that the policy is still compliant with the Regulators' Code and no revisions to the code have taken place which may necessitate revisions to any council policies.

## 5 Consultation Undertaken or Proposed

- 5.1 Heads of Service, Mid Kent Legal Service and the team leaders responsible for discharging enforcement functions were consulted as part of the review of the existing policy.

## 6 Implications

Issue	Implications
Corporate Plan	The policy aligns with several objectives in the adopted corporate plan 2020-2023.
Financial, Resource and Property	None identified at this stage.
Legal, Statutory and Procurement	The policy is intended to ensure that regulatory inspection and enforcement is carried out in a fair, practical and consistent manner. It is good practice to have this in line with the Regulators' Code, which sits under the Legislative and Regulatory Reform Act 2006. Mid Kent Legal Services were consulted during the review of the policy.
Crime and Disorder	The policy makes clear that enforcement activity is targeted on those whose activities give rise to the most serious offences.
Environment and Climate/Ecological Emergency	Environmental response is one of the Council's key means of keeping the borough clean and enforcement activity is a primary means of achieving this.
Health and Wellbeing	None identified at this stage.

Safeguarding of Children, Young People and Vulnerable Adults	None identified at this stage.
Risk Management and Health and Safety	None identified at this stage.
Equality and Diversity	None identified at this stage.
Privacy and Data Protection	None identified at this stage.

## **7 Appendices**

7.1 The following documents are to be published with this report and form part of the report:

Appendix I – Overarching Enforcement Policy

## **8 Background Papers**

The Regulators' Code : <https://www.gov.uk/government/publications/regulators-code>