

Committee: **Council**

Date of Meeting: **24th November, 2022**

Report Subject: **Public Protection & Environmental Enforcement Services – Revised Enforcement Policy**

Portfolio Holder: **Councillor Helen Cunningham – Deputy Leader/
Cabinet Member Place & Environment**

Report Submitted by: **David Thompson – Service Manager, Public Protection**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Governance & Audit Committee	Democratic Services Committee	Scrutiny Committee	Cabinet	Council	Other (please state)
11.10.22	13.10.22				8.11.22		24.11.22	

1. Purpose of the Report

- 1.1 To seek Council approval in relation to the revised Public Protection & Environmental Enforcement Policy.

2. Scope and Background

- 2.1 The Regulators Compliance Code requires local authorities to publish a policy setting out their approach to compliance and enforcement. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation to be accountable and transparent about their activities. Further to recent changes in departmental services, it is now necessary to update the current policy.
- 2.2 As previously, the revised draft Enforcement Policy (Appendix 1) adopts the principles of the Regulators Code and affirms the Authority's commitment to protecting the health, safety, environment and amenities of the people who live and work in the area, as well as those that visit, whilst ensuring that the enforcement action is fair, accountable, consistent, proportionate and transparent.
- 2.4 Public Protection and other enforcement officers enforce a wide range of public health and consumer protection laws with varying possible outcomes dependent on the sanctions available under the relevant pieces of legislation. The revised policy summarises the wide range of enforcement action options that are available to ensure compliance with the law, ranging from informal advice to prosecution (see Sections 5.2 to 5.13 of Appendix 1). It lays out the general principles of enforcement to which Officers will adhere and it will act as an umbrella document for other more detailed enforcement policies where they are required.

- 2.5 Appendix 2 to this report provides Members with summary information relating to the number and type of enforcement actions taken across the relevant services during the last few years.
- 2.6 The policy also outlines how the relevant services will deal with non-compliance in relevant local authority owned and run premises, where Public Protection has enforcement responsibility but does not have the same formal enforcement powers as it has with private sector premises. (e.g. corporate catering premises).
- 2.7 Environmental Enforcement. Since September 2021, the Front-Line Enforcement Service (part of the Neighbourhood Services Division) has been set up to deal with fly-tipping enforcement, household waste and recycling compliance, litter and dog control order enforcement, abandoned vehicles, dog warden and other services. After due consideration, it was considered best to continue to include these enforcement actions as part of this combined policy.
- 2.8 Consultation. Consultation took place between 25th July and 19th August 2022. This was advertised on the BGCBC website along with social media announcements on 28th July & 19th August (Facebook/Twitter). Contact was made with elected members, Businesses (Via Regeneration Service networks, relevant internal departments, and neighbouring local authority.
- 2.9 Place Scrutiny. The draft policy was considered by members of the Place Scrutiny Committee at a meeting on 8th November 2022. The revised policy was fully supported.
- 2.10 Consultation Response Analysis. The responses received were generally positive with several minor changes considered and included where appropriate.
- 2.10 The draft policy (post consultation) is outlined at Appendix 1.

3. **Options for Recommendation**

- 3.1 Option 1 (Preferred Option) - That Council approve the adoption the of the Public Protection & Environmental Enforcement Policy as outlined in Appendix 1.

The Policy will then be formally reviewed every five years for approval by Council, or earlier if deemed necessary.

- 3.2 Option 2 – That Council does not support the policy and recommends an alternative course of action.

4. **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**
- 4.1 The policy is in line a wide range of statutory responsibilities and with the corporate priorities relating to Regeneration & Economic Development and Strong & Environmentally Smart Communities. It also recognises the preventative work undertaken by the relevant services in relation public health and consumer protection by promoting social, physical and mental well-being and a fair-trading environment.
5. **Implications Against Each Option**
- 5.1 ***Impact on Budget (short and long term impact)***

There are no significant financial implications associated with the adoption of this policy. Costs incurred relate to staff time, training and consultation. There is a risk that significant costs could be awarded against the Authority if inappropriate enforcement action is taken against the backdrop of policies and procedures that are not compliant with the Regulators' code.
- 5.2 ***Risk including Mitigating Actions***

Reputational Risk. Without an up-to-date policy, the Authority risks reputational damage due to public and media criticism, or criticism by the courts, for taking inappropriate action against the backdrop of a policies and procedures that are not robust.
- 5.3 ***Legal***

As above.
- 5.4 ***Human Resources***

The policy will guide how Public Protection, Front Line and other relevant Enforcement Officers will investigate and decide upon relevant enforcement action and this will inform staff training and development requirements as necessary.
6. **Supporting Evidence**
- 6.1 ***Performance Information and Data***

Performance information & Data is reported routinely as part of the Authority's Business Planning and Monitoring processes, and by way of press releases in relation to successful prosecutions etc. Appendix 2 to this report provides Members with summary information relating to the number and type of enforcement actions during the last few years.
- 6.2 ***Expected outcome for the public***

The proposal promotes the preventative work undertaken by the relevant services in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment.
- 6.3 ***Involvement (consultation, engagement, participation)***

Relevant consultation has taken place as outlined in paragraphs 2.8 and 2.9 above.

6.4 ***Thinking for the Long term (forward planning)***

The recommendation ensures that enforcement action is undertaken in a manner that meets the short-term needs of the Authority whilst enabling enforcement action that promotes medium and longer-term public health gain and consumer protection

6.5 ***Preventative focus***

The proposal recognises the preventative work undertaken by Public Protection in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment.

6.6 ***Collaboration / partnership working***

This policy is consistent with those of partner agencies also involved in enforcement activities within the County (E.g. Powys CC).

6.7 ***Integration (across service areas)***

The proposal recognises the preventative work undertaken by the relevant services in relation public health and consumer protection by promoting social, physical and mental well-being and a fair trading environment. This positively impact on other public bodies such as the NHS, Police and other local authorities.

6.8 ***Decarbonisation and Reducing Carbon Emissions***

There are assessed to be no adverse effects in relation to the renewal of this policy.

6.9 ***Integrated Impact Assessment (the screening template should be completed for any decisions to identify if a full integrated impact assessment (IIA) is needed. A full IIA will need to be completed if the decision is part of the socio-economic duty to consider how the decision might help to reduce the inequalities of outcome associated with socio-economic disadvantage).***

There are assessed to be no adverse effects in relation to the renewal of this policy.

7. **Monitoring Arrangements**

7.1 Performance information & Data is reported routinely as part of the Authority's Business Planning and Monitoring processes, and by way of press releases in relation to successful prosecutions etc.

List of Appendices

- 1 - Draft Public Protection & Environmental Enforcement Policy - Sep 2022
- 2 – Summary of Enforcement Actions Taken by Services