

Agenda Item 9

**Recommended Item
Scrutiny Committee 29th April 2008**

973. CORPORATE ENFORCEMENT POLICY

The Legal and Standards Officer presented the report which had been developed through the Patch Management Group and approved by PPMG2. The policy covered enforcement activities across all of the Council's services.

Moved by Councillor K.F. Walker, seconded by Councillor J.A. Clifton.

RESOLVED that the review and corporate enforcement policy be accepted.

RECOMMENDED that the Corporate Enforcement Policy be forwarded to Executive for approval.

(Democratic Services/Executive)

Committee:	Scrutiny	Agenda Item No.:	10.
Date:	29 th April 2008	Category	
Subject:	Corporate Enforcement Policy	Status	Open
Report by:	Principal Solicitor		
Other Officers involved:			
Director	Solicitor to the Council and Monitoring Officer		
Relevant Portfolio Holder	Community Safety		

RELEVANT CORPORATE AIMS

COMMUNITY SAFETY – Ensuring that communities are safe and secure

The policy will formalise the Council's role in enforcement.

TARGETS

There is no specific target in the Corporate Plan however the policy aims to support the targets to tackle Anti Social Behaviour and its causes.

VALUE FOR MONEY

There is no additional financial impact on the Council as a result of the introduction of the policy.

THE REPORT

The policy is attached has been developed via the Patch Management process. The policy has been reviewed by PPMG2 and accepted by the group.

ISSUES FOR CONSIDERATION

The approval of the Policy.

IMPLICATIONS

Financial : None
Legal : None
Human Resources : None

RECOMMENDATIONS that

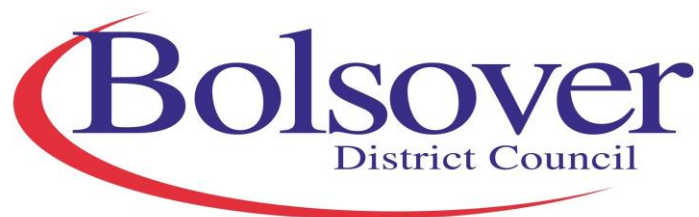
- 1. Scrutiny Committee review and accept the Corporate Enforcement Policy**
- 2. the Corporate Enforcement Policy is forwarded to Executive for approval**

ATTACHMENT: Y
FILE REFERENCE: EnfPolFinal 09.04.08
SOURCE DOCUMENT:

BOLSOVER DISTRICT COUNCIL

Corporate Enforcement Policy

February 2008



This Policy addresses the following Corporate Aims:



COMMUNITY
SAFETY



CUSTOMER
FOCUSED SERVICES



ENVIRONMENT



STRATEGIC ORGANISATIONAL
DEVELOPMENT

The District of Bolsover Equalities Statement

The District of Bolsover is committed to equalities as an employer and in all the services provided to all sections of the community.

□ The Council believes that no person should be treated unfairly and is committed to eliminate all forms of discrimination in compliance with the Equality Strategy.

□ The Council also has due regard to eliminate racial discrimination and to proactively promote equality of opportunity and good relations between persons of different racial groups when performing it's functions.

This document is available in large print and other formats from any of the Council Offices or by contacting the Chief Executives Directorate on 01246 242323. Please bear in mind we will need a few days to arrange this facility.

If you need help to read this document please do not hesitate to contact us.

Our Equality and Diversity Officer can be contacted via [Email](#) or by telephoning 01246 242407.

Minicom: 01246 242450

Fax: 01246 242423

CONTROL SHEET

Details of Document	Comments / Confirmation
Title	Corporate Enforcement Policy
Document type – i.e. draft or final version	Final
Location of Policy	Internet Intranet
Author of Policy	Principal Solicitor
Member route for Approval & Cabinet Member concerned	Council Portfolio Holders for Community Safety and Environment.
Reviewed by Director of Strategy	06/08/07
Date Risk Assessment completed	02/04/08
Date Equality Impact Assessment approved	03/04/08
Partnership Involvement (if applicable)	
Policy Approved by	Council
Date Approved	
Policy Review Date	May 2009
Date forwarded to CSPD (to include on Intranet and Internet if applicable to the public)	09/04/08

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1. The Introduction
2. The Scope of the Policy.
3. The Principles of the Policy
4. Procedures for taking Enforcement Action
5. Responsibility for implementing the policy
6. Maintaining the quality of our Enforcement Service

Introduction

Bolsover District Council recognises the value for all parties of having a published document detailing how its enforcement activity will be carried out. In producing this policy the Council acknowledges that the majority of its citizens and businesses act in a law-abiding manner. However, there are those who do not. The purpose of local government enforcement is to protect the public, the environment and the wider community from those who do not act in a law abiding manner by securing compliance with the law.

How the Council seeks to achieve its aims is defined by the following principles: -

- Listening to and responding to the needs of people
- Accepting responsibility for and explaining our decisions
- Taking decisions in the public interest
- Ensuring that everyone is treated equally and with dignity
- Being fair in dealing with people and making decisions
- Behaving with integrity
- Telling people about what the Council does
- Minimising the adverse affect of our actions

Scope

The Council is committed to the central and local government Concordat on Good Enforcement Practice and the Regulators Compliance Code. This means that the enforcement services will carry out their duties in an equitable, practical and consistent manner, whilst working to secure a safe and healthy environment for all. This policy explains the approach that officers will take when carrying out the Council's duties. The Council services covered by this policy are listed below:

Community Services e.g. CAN Rangers

Environmental Health Services e.g. Pollution Control, monitoring of food premises

Legal Services e.g. prosecution through the Court system

Planning Services e.g. Development Control, Breach of planning condition

Housing e.g. Rents, Tenancy Agreement

Additional areas may fall within the scope of this policy. There are a few exceptions from the scope of this policy including Council tax and benefits.

Principles of the Policy

In order to achieve its aims the Council will, on occasion, have to take enforcement action against businesses, individuals or other organisations. It is important that the basis on which we take enforcement action is known to anyone who may be concerned in order for our actions to be fair and open.

The Council will aim to resolve matters and ensure compliance with legal requirements through the provision of advice wherever appropriate. We will provide advice over the telephone, by making visits or by producing and distributing advisory literature. We aim to provide information and advice on the law to anyone seeking it in plain English.

We believe that prevention is better than cure. If individuals are having difficulties in meeting their legal responsibilities then we will always be willing to discuss those difficulties with them and assist where we can.

Where we are unable to assist then we will explain this clearly.

Our employees will :

- Provide information on regulations and enforcement practice in plain language or alternate formats to ensure that enforcement action to be taken by the Council can be clearly understood.
- Discuss compliance failures, or problems, with anyone experiencing difficulties, making clear distinctions between best practice advice and legal requirements.
- Provide a courteous and efficient service. Staff will identify themselves by name and will provide a contact telephone number to encourage further discussions or to seek advice/information.
- Ensure that decisions to take enforcement action are not influenced by race, age, gender, disability, sexual identity, national origin, sexual orientation, religion or belief, geographical or any other status.
- Encourage regularisation, taking enforcement action only where it is justified and clearly stating the reasons for doing so. The level of action will usually be the minimum required to achieve a satisfactory resolution subject to public interest considerations.
- Ensure that our duties are carried out in a fair and even-handed way.

Regard will be had to the rights contained within the Human Rights Act 1998 when enforcement action is considered to ensure that action taken is both necessary and proportionate.

Procedures for taking enforcement action

Where a breach of legislation is identified the initial approach will usually (but not exclusively) be to take informal action. This may include giving a verbal or written warning and will generally be followed up by further checks to ensure that the necessary action has been taken. In many cases this will be sufficient to resolve the breach.

Where informal advice or warnings are ignored or where there is evidence of intent, negligence, significant public concern and/or impact on quality of life, health or safety, then formal action will be pursued. Formal action includes the service of statutory notices, prosecution or injunction or the issue of fixed penalty notices. However, before formal action is taken, officers will usually provide an opportunity to discuss the case and, if possible, resolve points of difference unless immediate action is required (e.g. in the interest of health and safety, environmental protection or to prevent evidence being destroyed).

Some legislation provides for the service of statutory notices which require the recipient to take specific steps to remedy identified breaches. Generally these notices will explain what is wrong; what is required to put things right; the timescale in which to put things right and what will happen if the notice is not complied with. Where there are rights of appeal against a formal notice an explanation of the method of appeal will be clearly set out in writing at the time the notice is issued.

Where a formal or statutory notice is not complied with the Council may prosecute those responsible for non compliance. In addition, failure to carry out specified work may result in the Council carrying out the works in default and recovering all of its costs from those failing to comply.

The Council aims for a consistent and uniform approach to prosecution, having due regard to the deterrent effect of a prosecution and the need to deal with offences in a proportionate way.

The Council undertakes enforcement action on behalf of all the residents of the District and not just in the interests of any particular individual or group. The decision whether or not and how to take enforcement action will include consideration of the consequences for those affected by the offence and any views they have expressed.

Responsibility for implementing the Policy

Each service area will have its own procedures and protocols that support this Policy and these should be read in conjunction with this document. The principles in this corporate policy apply to all enforcement service areas but do not override the specific provisions within individual service policies, which have been developed with the statutory purpose of that service in mind.

Maintaining the quality of our enforcement service

The Council is committed to ensuring that the highest practicable standards are achieved and that good customer care practice is integrated into all aspects of the service. It will do this by ensuring that all employees who are likely to deal with enforcement action are appropriately trained in order to maintain high standards of competence and professionalism in their field.

If you have any comments or complaints in respect of the Council's Enforcement Policy or its implementation you can register them through the Corporate Complaints Procedure by writing to us at: -

Bolsover District Council
Sherwood Lodge
Bolsover
Derbyshire
S44 6NF

Or telephoning us on: 01246 242424

Or e-mailing us at enquiries@bolsover.gov.uk