

**ENFORCEMENT POLICY REVIEW**

*To:* **Highways and Community Infrastructure Committee**

*Meeting Date:* **28th April 2015**

*From:* **Executive Director: Economy, Transport & Environment**

*Electoral division(s):* **All**

*Forward Plan ref:* **N/A** *Key decision:* **No**

*Purpose:* **To consider the proposed amendments to the County Council's Enforcement Policy.**

*Recommendation:* **The Committee is asked to approve the amendments to the existing Enforcement Policy**

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## 1. BACKGROUND

- 1.1 The County Council has responsibility for undertaking a range of regulatory functions and enforcing legislation. The Authority currently has a published Enforcement Policy that has been in existence for a number of years. The Policy has had no major changes since December 2006.
- 1.2 The Better Regulation Delivery Office (BRDO) published the new Regulator's Code (the Code) in July 2013, which came into force in April 2014. The Code covers how Regulators develop and implement service standards, policies and legal procedures.
- 1.3 The Enforcement Policy has been amended to comply with the new Regulators' Code which establishes a clear and accessible framework that encourages greater transparency about the way regulation is delivered. The policy provides greater clarity on how our officers should interact with those they are regulating and has been drafted to be concise and easier to follow.

## 2. MAIN ISSUES

- 2.1 The Enforcement Policy supports our statutory duties of protection to deal proportionately with behaviour that breaks the rules whilst adopting a proactive approach towards engaging and communicating with businesses and other bodies to ensure compliance in the least burdensome manner.
- 2.2 The revised Enforcement Policy, which is set out in **Appendix A**, seeks to enhance the relationship between the Authority as a regulator and those the Authority regulate, encouraging trust, open dialogue and accountability, which in-turn will allow resources to be focused on the non-compliant.
- 2.3 Requirements emerging from the new Regulators' Code (the Code) are that Regulators should provide a clear, flexible and principles-based framework to work in. In accordance with the Code, amendments to the Policy have been made to clearly set out:
  - the principles of inspection and enforcement
  - the enforcement actions available to Regulators, and when they will be used
  - details on how to complain, including a direct link to do so
- 2.4 The amendments to the Enforcement Policy also seek to ensure not only compliance with the main principles of the Code but to bring transparency and best practice to the role of a Regulator. The revised policy ensures that the County Council adheres to the principles of:
  - Transparency
  - Adopting a graduated, but appropriate approach, to enforcement

- Ensuring appropriate protection of the public, particularly vulnerable members of our communities.

### **3. ALIGNMENT WITH CORPORATE PRIORITIES**

Officers believe the approach outlined in the policy is supportive of the objectives outlined in the Business Plan and Corporate Priorities.

#### **3.1 Developing the local economy for the benefit of all.**

By enabling businesses to meet regulatory requirements and enforcing against non-compliance, regulatory services like Trading Standards provide both public protection and increased confidence in the market place.

#### **3.2 Helping people live healthy and independent lives**

There are no significant implications for this priority

#### **3.3 Supporting and protecting vulnerable people**

The amended Enforcement Policy will make clear the principles behind Cambridgeshire's approach to Enforcement, particularly in dealing with non-compliance and the range of options available to the Service.

### **4. SIGNIFICANT IMPLICATIONS**

#### **4.1 Resource Implications**

The Enforcement Policy has been amended to provide greater clarity on the principles of inspection and enforcement and the enforcement actions available to Regulators, and the circumstances in which they will be used. Officers do not consider that there will be any adverse resource implications in the implementation of the revised Policy.

#### **4.2 Statutory, Risk and Legal Implication**

Some areas of Trading Standards and Highways are statutory and, therefore issues of non-compliance need to be addressed. The revised Policy will provide greater clarity for all on the options available.

Officers have consulted colleagues in Legal Services in relation to the policy and the revised version takes into account any points made by them.

#### **4.3 Equality and Diversity Implications**

There are no significant implications for this priority

#### **4.4 Engagement and Consultation Implications**

A consultation on the Policy was undertaken during March 2015. Relevant organisations were consulted, eliciting two responses, resulting in a few minor amendments that have been incorporated in the policy.

These responses were both supportive of the Policy and no negative were submitted regarding the proposed changes.

#### **4.5 Localism and Local Member Involvement**

There are no significant implications for this priority

#### **4.6 Public Health Implications**

There are no significant implications for this priority

<b>Source Documents</b>	<b>Location</b>
Existing Enforcement Policy December 2006	<a href="http://www.cambridgeshire.gov.uk/info/20074/trading_standards/261/inspections_and_enforcement">http://www.cambridgeshire.gov.uk/info/20074/trading_standards/261/inspections_and_enforcement</a>