

To: City Executive Board
Date: 13 March 2019
Report of: Head of Regulatory Services and Community Safety
Title of Report: Corporate Enforcement Policy 2019

Summary and recommendations	
Purpose of report:	To review the current Corporate Enforcement Policy and recommend the renewal of the Policy.
Key decision:	Yes
Executive Board Member:	Councillor Alex Hollingsworth
Corporate Priority:	Vibrant and Sustainable Economy, Meeting Housing Needs, Strong and Active Communities, Clean and Green Oxford, Efficient and Effective Council
Policy Framework:	Corporate Enforcement Policy
Recommendation: That the City Executive Board resolves to:	
Approve the existing Corporate Enforcement Policy for a further three years.	

Appendices	
Appendix 1	Current Corporate Enforcement Policy
Appendix 2	Risk Register
Appendix 3	Equalities Impact Assessment

Introduction and background

1. The current Corporate Enforcement Policy (Appendix 1) was approved in 2015 and is now due for review. The Policy covers the enforcement activities carried out across the Council by a number of service areas.

Review of current Policy

2. The current policy sets out the broad principles and aims behind the Council's strategic approach to enforcement to ensure a level playing field for business, fairness for all and in particular, protection of the vulnerable. There is explicit reference in the policy that the Council's enforcement approach will take corporate and local priorities into account.

3. The policy states that the Council will take a graduated approach to enforcement, i.e. education and promotion to change behaviour or set standards followed by enforcement where non-compliance occurs. The policy also recognises that there will be circumstances where it may be necessary to take more immediate enforcement action. This approach remains valid today and does not require amending.
4. The policy makes it clear that the Council will have regard to the Government's Regulators Code, which remains in force and unchanged since it was introduced in 2014. The Code requires enforcement to be proportionate, accountable consistent, transparent and targeted and these requirements are all included in the policy. No other over-arching statutory guidance has been introduced that requires referencing in the Policy.
5. There have been no complaints or challenges to the Council's approach of adopting a Corporate Enforcement Policy that contains broad principles rather than detailing how specific legislation will be applied. The policy states that service areas will develop their own procedures based on statutory guidance where necessary and this is how enforcement practices have developed. This approach provides flexibility for services to implement, amend and improve processes that specifically address legislative requirements, whilst enabling duty holders to engage with and challenge enforcement procedures and decisions at a service level.
6. An Enforcement Group has been developed at the Council which meets quarterly and is attended by officers from all the services engaged in enforcement activities. The purpose of the group is to improve consistency across the Council, spread good practice and identify training opportunities for staff. The view of the Enforcement Group is that the current policy remains fit for purpose and does not require amending.
7. The level of enforcement activity undertaken by the Council is high compared to many other local authorities and this has been recognised at a national level with the Fraud Investigation Team regularly winning awards and Regulatory Services frequently being consulted by the Ministry of Housing, Communities and Local Government regarding best practice in dealing with rogue landlords. Whilst this is due to a number of factors, such as responding to priorities set by members, it is also indicative of effective processes, which includes a corporate policy that sets the direction for services.
8. Given the absence of external factors requiring change, the proven track record and continuing relevance of the policy there is no current requirement or advantage to be gained from amending the current policy, which can be renewed, unchanged, for a further three years.

Other implications

9. Where legislation requires a specific enforcement policy to be adopted by the Council, for example, civil penalties issued under the Housing and Planning Act 2016, then a separate policy will be developed in line with the principles of the Council's Corporate Enforcement Policy.

Financial implications

10. There are no financial implications. Renewing the Policy will not result in any change in income or expenditure.

Legal issues

11. Officers should have regard to the policy before commencing an enforcement investigation. In any subsequent proceedings a Defendant would be entitled to cite the policy in his/her defence and to challenge the Council if it cannot demonstrate its adherence to its own policy.

Level of risk

12. The Risk Register is attached as appendix 2.

Equalities impact

13. The Equalities Impact Assessment is attached as appendix 3. The Council's enforcement activity is largely focussed on protecting vulnerable people so it has a positive impact. There is regular monitoring of enforcement by services where possible to identify any race disparity issues and ensure the Council's approach does not have disproportionate adverse impacts on any community. The Council's Enforcement Group will use this methodology further in 2019/20 and use national best practice with the aim of developing a reporting mechanism. In addition the ability of an individual to pay fines and costs is taken into account in enforcement processes and covered by the Council's Corporate Debt Policy.

Conclusion

14. The current Corporate Enforcement Policy has been a success and facilitated the robust approach to enforcement taken by the Council. The reference to corporate and local priorities has provided flexibility and allowed regulators to focus enforcement action to deal effectively with local issues. The approach of using broad principles to underpin the policy and developing service based procedures has resulted in efficient enforcement activity that remains open to challenge and scrutiny by dutyholders.

Report author	Ian Wright
Job title	Head of Regulatory Services and Community Safety
Service area or department	Regulatory Services and Community Safety
Telephone	01865 252553
e-mail	iwright@oxford.gov.uk

Background Papers: None

This page is intentionally left blank