

To: Cabinet
Date: 14 June 2023
Report of: Head of Regulatory Services and Community Safety
Title of Report: Review of the Corporate Enforcement Policy

Summary and recommendations	
Purpose of report:	To review the Corporate Enforcement Policy and recommend renewal of the Policy
Key decision:	Yes
Cabinet Members:	Councillor Linda Smith, Cabinet Member for Housing and Councillor Shaista Aziz, Cabinet Member for Safer Communities
Corporate Priority:	Deliver more affordable housing; Support thriving communities; Pursue a zero carbon Oxford; Enable an inclusive economy
Policy Framework:	Council Strategy 2020-24

Recommendation: That Cabinet resolves to:
1. Approve the amended Corporate Enforcement Policy (at Appendix 2) for a further three years.

Appendices	
Appendix 1	Corporate Enforcement Policy 2019
Appendix 2	Corporate Enforcement Policy 2023
Appendix 3	Risk Register
Appendix 4	Equalities Impact Assessment

Introduction and background

1. The current Corporate Enforcement Policy, see Appendix 1, was approved in 2015, and renewed in 2019. In line with best practice, the policy is now due a further review.

Review of the 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 Council will have regard to the statutory guidance laid out in the Government's Regulators Code. This remains in force and unchanged since its publication in 2014. There has been no further overarching statutory guidance published since that time.
4. 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.
5. The Council have not received any complaints or challenges to the Council's approach whereby the Corporate Enforcement Policy 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 continues to provide flexibility for services to implement, and to be able to amend and improve, processes that specifically address legislative requirements. It also enables duty holders to engage with and challenge enforcement procedures and decisions at a service level.
6. There are no external factors requiring changes to the policy and given the proven track record and continuing relevance of it, there is no current requirement or advantage to be gained from significantly amending the current policy. There have been some minor amendments to include officers' powers of entry and the expectations of businesses. The purpose of these amendments are to clarify and explain the powers local authority officers have to be able to carry out their role effectively and to underline that the responsibility for compliance lies with dutyholders. As this is the case, consultation on the renewed policy is not considered necessary.

Other implications

7. Where legislation requires a specific enforcement policy to be adopted by the Council, a separate policy will be developed in line with the principles of the Council's Corporate Enforcement Policy.

Financial implications

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

Legal issues

9. Before commencing an enforcement investigation officers will have regard to the policy. Defendants would be entitled to cite the policy when making their case or putting forward any defence and may be able to challenge the Council where it cannot demonstrate it has followed its own policy.

Level of risk

10. The Risk Register is attached at Appendix 3.

Equalities impact

11. The Initial Equalities Impact Assessment is attached as Appendix 4. The Council's enforcement activity is largely focussed on protecting vulnerable people so it has a positive impact. Enforcement Actions are regularly monitored 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 including those with protected equality characteristics. There is robust oversight of enforcement decisions and Senior Managers, review and authorise certain enforcement action including prosecutions, and will consider equality issues as part of the review.

Carbon and Environmental Considerations

12. There are no carbon and Environmental considerations. Renewing the Policy will not result in any change in such considerations.

Conclusion

13. The existing Corporate Enforcement Policy has continued to be a success and has 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.

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Background Papers: None

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