

To: City Executive Board

Date: 4th April 2012

Report of: Head of Environmental Development

Title of Report: ENVIRONMENTAL DEVELOPMENT ENFORCEMENT POLICY

Summary and Recommendations

Purpose of report: To update the existing Environmental Development Enforcement Policy

Key decision? No

Executive lead member: Councillor John Tanner

Policy Framework: Applies to all corporate priorities

Recommendation(s): The Board is recommended to approve and adopt the Environmental Development Enforcement Policy which is attached as Appendix 1.

Appendix 1 – Proposed Environmental Development Enforcement Policy

Appendix 2 – Risk Register

Appendix 3 – Initial Equalities Impact Assessment

Introduction

1. The Environmental Development Service is the Council's lead regulatory service with a strong national reputation for enforcement action.
2. It is prudent to periodically review and update the Enforcement Policy which applies to enforcement action taken by the Environmental Development Service. The current policy was approved by the City Executive Board on the 21st April 2008 and there have been changes to legislation and statutory advice to regulators since that date.
3. The proposed Enforcement Policy is attached as appendix 1.

What is the policy for?

4. The policy is required to cover the wide range of regulatory functions that are provided by the Environmental Development Service.
5. If an individual or business wishes to understand or challenge the Council's enforcement approach their first point of reference is the Enforcement Policy, so it is important that it clearly sets down what can be expected from the Council as a regulator.
6. The policy is therefore an over-arching document that provides broad guidance on the approach to be taken by enforcement officers and the range of enforcement choices available. There are more specific policies and procedures in place that apply in the various areas in the Environmental Development Service where enforcement is carried out e.g. Food Safety.

The key changes

7. The proposed policy enshrines the active enforcement approach that has been adopted by the Environmental Development Service for some time. However, it is more expansive, explaining the range of enforcement powers and when they are likely to apply.
8. For the first time there is a reference in the Enforcement Policy to the Council's corporate priorities which drive our enforcement approach. This is particularly relevant to the Council's approach in regulating the private rented sector to help Meeting Housing Need. The policy will also inform enforcement decisions related to littering and waste offences linked to Cleaner Greener Oxford and noise and anti social behaviour cases relevant to Strong and Active Communities. The policy will also apply to the enforcement work carried out in licensing and regulating the night time economy and inspecting food businesses as part of ensuring a Vibrant and Sustainable Economy. The policy will also ensure that the Environmental Development Service continues to contribute towards Oxford City Council being an Efficient and Effective Council. A recent countywide regulatory review showed that the Environmental Development Service carries out more enforcement actions than the County Council and all of the districts combined and has the lowest cost per enforcement action in the County.
9. Regulators have been clearly directed by government through the Regulators' Compliance Code to consider the impact that any regulatory intervention, inspection or enforcement may have on economic progress of businesses and the business community and only take action where there is an improvement in regulatory outcomes without imposing unnecessary burdens. This approach has been included in the policy.
10. There have also been statutory developments since May 2009, such as the change in legal status of Primary Authority arrangements that exist with companies such as Sainsbury's that we must now take into account when

regulating commercial operators and these have been referred to in the proposed policy.

Level of risk

11. The level of risk in adopting the proposed policy is low. See appendix 2.

Climate change / environmental impact

12. Effective use of Environmental Protection powers has a positive effective both on reducing Oxford's carbon footprint and on improving the city's environment.

Equalities impact

13. The policy is positive in that it sets out expectations and removes personal biases and is written to ensure consistent, proportionate enforcement. There will be improved monitoring of the impacts of enforcement activity carried out by Environmental Development. See appendix 3.

Financial implications

14. There are no financial implications as a result of adopting the proposed policy as it does not change how services have been delivered since 2009.

Legal Implications

15. Adopting the proposed policy will have a beneficial legal effect as it will update the previous policy which, does not take account of the changes to legislation that have occurred since 2009 and it will include a reference to the principles behind the Regulators Compliance Code, which is a statutory document.

Name and contact details of author:-

Name Ian Wright
Job title Health Development Service Manager
Service Area / Department Environmental Development
Tel: 01865 252553 e-mail: iwright@oxford.gov.uk

**List of background papers: Regulators Compliance Code
Code for Crown Prosecutors**

Version number: 1.2

This page is intentionally left blank