

**REPORT OF Environmental Health and Community Safety Manager**

**To: Community and Resources Committee**

**Subject: Adoption of a Corporate Enforcement Policy**

**Date: 15<sup>th</sup> October 2018**

**Reference:CEP1**

**PURPOSE OF REPORT:** To seek approval to commence consultation on a Corporate Enforcement Policy which is intended to provide a framework for the way that the Council undertakes its regulatory functions.

## **1. INTRODUCTION**

1.1 The Regulators Code came into statutory effect on the 6<sup>th</sup> April 2014 under the Legislative and Regulatory Reform Act 2006, replacing the Regulators' Compliance Code. It provides a clear, flexible and principles based framework for how regulators should engage with those they regulate.

1.2 Nearly all non-economic regulators, including local authorities and fire and rescue authorities, must have regard to it when developing policies and procedures that guide their regulatory activities.

1.3 The Code sets out the Government's expectation that local authorities ensure that their approach to their regulatory activities are transparent, consistent and proportionate.

1.4 Enforcement functions are carried out by a number of Departments within the authority. The Corporate Enforcement Policy is an overarching policy for enforcement functions of the Council. Under this there are more detailed policies which cover specific functions in more detail, where required.

1.5 All function specific policies will need to meet the overall aims and objectives of the Corporate Enforcement Policy.

1.6 The policy has been developed using the BRDO's Regulators' Code Local Authority Toolkit. All internal Departments with an enforcement function have been consulted on them, as has our Legal Department. External consultation (as recommended by the Code) will be by publishing this and all service specific enforcement policies on our website and seeking feedback.

1.7 Functions that this policy covers includes environmental health, food safety, health and safety, licensing, planning, building control, antisocial behaviour, waste enforcement (carried out by both regulatory services and the waste team), the harbour and parking enforcement.

1.8 A copy of the proposed policy is given in appendix 1 to this report.



## **2. IMPLICATIONS**

### Legal Implications

The policy will support the enforcement activities of a number of functions within the authority.

### Financial Implications

Not applicable

### Human Resources Implications

None

### Sustainability/Biodiversity Implications

None

### Equality/Diversity

Enforcement activity will always be in line with all requirements of equality legislation and standards.

### Risk Management

Adherence to the Police will reduce risk of challenge of enforcement decisions and ensure fairness and consistency of all enforcement activity carried out by TDC.

### Compliance with Policies and Strategies

Not applicable.

## **3. CONCLUSIONS**

3.1 A Corporate Enforcement Policy will form the basis of a consistent and transparent approach to regulation across a range of regulatory functions TDC carries out and provides a solid common reference point from which other more service specific policies can be developed as necessary.

## **4. RECOMMENDATIONS**

That approval is given to begin public consultation on a Corporate Enforcement Policy for TDC.



## **SUPPORTING INFORMATION**

Members Consulted: Cllr James

Contact Officer: Janet Williams/ Staci Dorey  
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Background Papers: None

