

EXECUTIVE – 7 DECEMBER 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION) **RE: REVIEW OF ENVIRONMENTAL HEALTH GENERAL ENFORCEMENT** **POLICY**

1. PURPOSE OF REPORT

To review and update the Environmental Health General Enforcement Policy.

2. RECOMMENDATION

The Executive approves the Environmental Health General Enforcement Policy 2011

3. BACKGROUND TO THE REPORT

Much of the work within Environmental Health is the enforcement of legislation. Certain areas such as Food Hygiene, Health and Safety and Licensing are required to have their own enforcement policies as part of the requirements from Central Government.

This leaves the remainder of the legislation enforced requiring an enforcement policy to guide officers and the public on how the Council will enforce the legislation it is responsible for. The courts and Local Government Ombudsman uses it to assess how the Council has come to decisions on enforcement. The policy is reviewed every three years or when changes occur in legislation, guidance or changes in council structures or designations.

Government policy has been seeking to reduce the regulatory burden on businesses by looking to review the enforcement regimes and approaches to enforcement by the many enforcement agencies. Central to the drive is to target where regulation is required and to lessen unnecessary demands on businesses to lighten the load. The five principles of better regulation have been identified as Consistency, Transparency, Accountability, Proportionality, and Targeting. The Policy has been reviewed to ensure it is fit for purpose for the future.

4. FINANCIAL IMPLICATIONS [CD]

Costs of implementing the policy will be met from existing budgets

5. LEGAL IMPLICATIONS [AB]

The Council must have an enforcement policy in place, when they intend to pursue enforcement action. When action is taken regard must be had to the policy and any procedures therein are complied with. The Council must also use the Prosecutors Code when action is taken to prosecute breaches of the legislation, considering the evidential grounds and public interest.

6. **CORPORATE PLAN IMPLICATIONS**

Enforcement of legislation relating to pollution, food safety, health and safety, licensing and animal welfare contributes to achieving. The drive for lifting the burden on business will assist in reducing costs to businesses.

1. Cleaner and Greener Neighbourhoods
2. Thriving economy
3. Safer and healthier borough
4. Strong and distinctive communities.

7. **CONSULTATION**

8. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Formal action taken without regard to the compliance code could be subject to legal challenge.	Ensure all legal action is taken in accordance with the enforcement policy	R Parkinson

9. **RURAL IMPLICATIONS**

Enforcement of legislation falls across all areas of the borough and so there are no specific issues for rural areas.

10. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications –effective enforcement assists in reducing antisocial behaviour and the fear of crime within communities.
- Environmental implications- Effective enforcement of legislation relating to pollution assists in minimises the impact on the environment.
- ICT implications
- Asset Management implications
- Human Resources implications
- Voluntary Sector