

## **Corporate Enforcement Policy**

### **Summary**

This report seeks approval for the draft Surrey Heath Borough Council Corporate Enforcement Policy to be released for consultation.

### **Portfolios and Dates Signed Off by the Portfolio Holder:**

**Economic Development - 26 October 2018**

**Environment & Health – 17 October 2018**

**Planning & People – 26 October 2018**

**Wards Affected: All**

### **Recommendation**

The Executive is advised to RESOLVE that

- (i) the draft Surrey Heath Borough Council Corporate Enforcement Policy, as set out in Annex A, be agreed for consultation with stakeholders; and
- (ii) the Executive Head of Transformation be authorised to make any necessary amendments arising from the consultation and thereafter adopt the Policy.

## **1. Key Issues**

- 1.1 The Council carries out a number of regulatory functions which may require enforcement action. This generic enforcement policy outlines the Council's overall approach to enforcement. The policy is supplemented by service specific policies where appropriate.
- 1.2 The policy has been produced in accordance with the Principles of Good Regulation as set out in the Legislative and Regulatory Reform Act 2006 and has regard to the Regulators' Code which was introduced in April 2014.
- 1.3 We are committed to providing services which are courteous and helpful and seek to work with individuals and businesses, wherever possible, to help them comply with the law. This policy sets out how we aim to achieve this.

## **2. Resource Implications**

- 2.1 There are no additional revenue or capital resource implications arising from this report, all additional costs will be met from within existing budgets.

### **3. Options**

- 3.1 The Executive may approve for consultation, with or without amendments, the Surrey Heath Borough Council Corporate Enforcement Policy.

### **4. Proposals**

- 4.1 The Executive is recommended to approve the draft policy for consultation.

### **5. Supporting Information**

- 5.1 This is set out in the policy itself.

### **6. Corporate Objectives And Key Priorities**

- 6.1 The policy supports the Council's objectives as set out in the Annual Plan, it aims to play a part in maintaining and improving the Borough to make it an even better place to live, work and enjoy.

### **7. Policy Framework**

- 7.1

### **8. Legal Issues**

- 8.1 The Head of Legal Services is authorised to institute legal proceedings in respect of enforcement activity. Before deciding to prosecute we will have regard to the Attorney General's Code for Crown Prosecutors.
- 8.2 This includes a consideration of whether the standard of evidence is sufficient for there to be a realistic prospect of conviction and whether the prosecution is in the public interest.

### **9. Governance**

- 9.1 The policy refers officers to Part 3 of the Council's Constitution which sets out arrangements for delegation of functions including responsibility for enforcement activity.
- 9.2 Officers must have regard to both this policy and the Council's Scheme of Delegation as set out in part three of the Constitution, to ensure a fair, consistent and transparent approach to enforcement is applied across all services of the Council.

### **10. Risk Management**

- 10.1 This policy mitigates against the risk of not having an enforcement policy when taking enforcement action. Legal proceedings can be challenged or fail for want of a current enforcement policy.

## **11. Equalities Impact**

11.1 An equality Impact assessment will be completed in due course.

## **12. Human Rights**

12.1 This is a key consideration when considering whether enforcement is appropriate. It should not however prevent action where there is clear breach of legislation with evidence to support action being taken.

## **13. Consultation**

13.1 The Council will need to consult with its stakeholders before this policy is approved or any substantial alteration is made in subsequent years.

<b>Annexes</b>	Annex A-Draft Surrey Heath Borough Council Corporate Enforcement Policy
<b>Background Papers</b>	
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