

**Cheltenham Borough Council
Cabinet – 10 September 2019
Corporate Enforcement Policy**

Accountable member	Cabinet Member Development and Safety, Councillor Andrew McKinlay
Accountable officers	Mike Redman, Director of Environment Darren Knight, Executive Director People and Change
Ward(s) affected	All
Key/Significant Decision	No
Executive summary	<p>To present Cabinet with a revised Corporate Enforcement Policy for approval and adoption.</p> <p>The Council is required to have an effective Enforcement Policy to enable officers to investigate and take action to ensure individuals and businesses comply with the law.</p> <p>The Policy sets out the legislative framework and principles the Council will abide by in investigations undertaken and to mitigate the risk of legal challenge in Court.</p> <p>The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.</p>
Recommendations	<p>That Cabinet:</p> <ol style="list-style-type: none"> 1. Adopt the Policy attached to this report. 2. Authorises the Director of Environment and the Executive Director People and Change to approve future minor amendments to the Policy in consultation with the Cabinet Member for Development and Safety and the Borough Solicitor.
Financial implications	<p>There are no direct financial implications arising from this report.</p> <p>The adoption and approval of this Policy will support the Council's objectives in reducing crime and financial loss to the Council. Some additional revenue will be realised from the imposition of financial penalties and sanctions for further prevention work.</p> <p>Contact officer: Paul Jones, Executive Director Finance and Assets Paul.Jones@cheltenham.gov.uk</p>

Legal implications	<p>The Council has a statutory obligation for enforcing a wide range of legislation, where it is necessary and proportionate to do so, and this is identified within the Policy.</p> <p>Human rights implications are a consideration of enforcement activity and this is included within the Policy.</p> <p>Contact officer: Rachael Baldwin, One Legal</p> <p>Rachael.Baldwin@teWKesbury.gov.uk</p>
HR implications (including learning and organisational development)	<p>There are no direct HR implications.</p> <p>Contact officer: Julie McCarthy, Strategic HR Manager</p> <p>Julie.McCarthy@cheltenham.gov.uk 01242 264355</p>
Key risks	<p>The Council is required to have an effective Enforcement Policy to enable officers to investigate and take action to ensure individuals and businesses comply with the law.</p> <p>The Policy sets out the legislative framework and principles the Council will abide by in investigations undertaken and to mitigate the risk of legal challenge in Court.</p> <p>The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for its customers.</p>
Corporate and community plan Implications	<p>Enforcement plays an important role in enabling the Council to achieve its priorities and community outcomes.</p>
Environmental and climate change implications	<p>The Policy contributes to the Council's corporate objectives.</p>
Property/Asset Implications	<p>None directly arising from the report.</p>

1. Background

- 1.1. Regulatory authorities produce Enforcement Policies to inform the public and businesses about the principles which underpin their approach to enforcement.
- 1.2. The Council is responsible for investigating and enforcing a wide range of breaches and offences. This Policy is required to ensure consistency in the approach the Council takes when considering the enforcement options available, as it provides an overarching framework.
- 1.3. A consistent and fair standard will help to ensure the Council is less likely to be challenged during legal proceedings and provides assistance to Officers when taking enforcement decisions.
- 1.4. The Enforcement Policy sets out the enforcement principles that the Council will apply to its enforcement activities and the guiding principles by which the Council will seek to protect public health, safety, amenity and environment within its locality.

1.5. Some service areas may produce separate Enforcement Plans and Policies setting out more detailed relevant service-specific procedures.

2. Reasons for recommendations

2.1. To update and refresh the existing Corporate Enforcement Policy to reflect key legislation and service responsibilities.

3. Consultation

3.1. The draft Policy was subject to consultation with Enforcement Officers, Governance Group, One Legal and the Executive Leadership Team.

3.2. Cabinet is asked to consider the Corporate Enforcement Policy and to approve and adopt the same.

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Appendices	1. Risk assessment 2. Corporate Enforcement Policy

Risk Assessment

Appendix 1

The risk				Original risk score (impact x likelihood)			Managing risk				
Risk ref.	Risk description	Risk Owner	Date raised	Impact 1-5	Likelihood 1-6	Score	Control	Action	Deadline	Responsible officer	Transferred to risk register
1	The Council must fulfil its duties and responsibilities when considering and taking any enforcement action. The Policy helps to ensure a fair, proportionate and consistent approach to areas which are subject to legislation and regulation. Failure to have an appropriate Policy may result in inequitable enforcement and put the Council at risk of loss and damaged reputation.	Council		3	2	6	Reduce	Approve and promote Policy		Executive Director People and Change	
<p>Explanatory notes</p> <p>Impact – an assessment of the impact if the risk occurs on a scale of 1-5 (1 being least impact and 5 being major or critical)</p> <p>Likelihood – how likely is it that the risk will occur on a scale of 1-6 (1 being almost impossible, 2 is very low, 3 is low, 4 significant, 5 high and 6 a very high probability)</p> <p>Control - Either: Reduce / Accept / Transfer to 3rd party / Close</p>											