

Cheltenham Borough Council

Cabinet - 18 November 2025

Corporate Enforcement Policy

Accountable member:

Leader of the Council, Councillor Rowena Hay

Accountable officer:

Gareth Edmundson, Chief Executive

Ward(s) affected:

All indirectly

Key Decision: No

Executive summary:

To present Cabinet with a revised Corporate Enforcement Policy for approval and adoption.

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.

The Policy sets out the legislative framework and principles the Council will abide by when undertaking investigations to mitigate the risk of legal challenge in Court.

The Policy demonstrates the Council's consideration of necessity, proportionality and public interest when deciding on enforcement action and demonstrates openness and transparency for residents, Councillors and employees.

Recommendations: That Cabinet:

- 1. approves and adopts the Corporate Enforcement Policy attached to this report.**
 - 2. delegates to the Chief Executive to approve future minor amendments to the Policy in consultation with the Leader of the Council, Head of Service Counter Fraud and Enforcement Unit, Lead Enforcement Officers and One Legal.**
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1. Implications

1.1. Financial, Property and Asset implications

There are no direct financial implications arising from this report.

The adoption and approval of this Policy will support the Council's objectives in reducing crime and financial loss to the Council.

The Policy provides Officers with a framework that can be followed when dealing with enforcement. This allows for financial penalties to be charged however, the intention of the Policy is not primarily for revenue raising purposes but to ensure the correct application of sanctions and penalties.

Signed off by: Paul Jones, Deputy Chief Executive (S151 Officer),
paul.jones@cheltenham.gov.uk

1.2. Legal implications

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.

In general terms, the existence and application of an effective enforcement regime assists the Council in effective deterrent and detection activities which is less susceptible to legal challenge.

The legislation utilised by the Council is identified within the Policy and the Council must comply with all legislative requirements.

Signed off by: One Legal, legalservices@onelegal.org

1.3. Environmental and climate change implications

None.

1.4. Corporate Plan Priorities

This report contributes to the following Corporate Plan Priorities:

- Looking after your money.

1.5. Equality, Diversity and Inclusion Implications

Prosecutions will only be considered where the evidential and public interest tests are met with due consideration to the welfare of individuals. Where any safeguarding concerns are identified during the course of any investigation, appropriate referrals will be made.

The Council will only take enforcement action where appropriate to do so with due consideration to older offenders, offenders with disabilities and where the offender lacks mental capacity.

The Council seeks to ensure that public authorities' actions are consistent with the Human Rights Act 1998 (HRA). It balances safeguarding the rights of the individual against the needs of society as a whole to be protected from crime and other public safety risks.

2. Background

- 2.1.** The Counter Fraud and Enforcement Unit is tasked with reviewing the Council's Corporate Enforcement Policy.
- 2.2.** Regulatory authorities produce Enforcement Policies to inform the public and businesses about the principles which underpin their approach to enforcement.
- 2.3.** 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.
- 2.4.** A consistent and fair standard will help to ensure the Council is less likely to be challenged during legal proceedings and aids Officers when taking enforcement decisions.
- 2.5.** Some service areas may produce separate Enforcement Plans and Policies setting out more detailed relevant service-specific procedures.

3. Reasons for recommendations

- 3.1. The Corporate Enforcement Policy attached at Appendix ii 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.
- 3.2. The Policy is an overarching one which details the various areas of enforcement the Council is responsible for. It has been reviewed by lead officers who have enforcement responsibilities to ensure it correctly reflects key legislation.
- 3.3. For ease of reference, new text is shown in red and text to be removed is shown as struck through.
- 3.4. The majority of the amendments in sections 1 to 15 reflect minor amendments with more significant additions and updates being made to section 16 of the Policy 'The scope of each service'. This section now reflects the insourcing of the Councils housing and tenancy management and a new section being drafted to better cover the Licensing Service and the Council's activities in relation to anti-social behaviour.
- 3.5. Cabinet last considered the Policy in September 2019.
- 3.6. Awareness will be raised with all staff following the approval of the Policy.

4. Alternative options considered

- 4.1. None.

5. Consultation and feedback

- 5.1. The draft Policy was subject to consultation with Enforcement Officers, Leadership Team and One Legal.
- 5.2. Cabinet is asked to consider the Corporate Enforcement Policy and to approve and adopt the same.

6. Key risks

- 6.1. 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.
- 6.2. The Policy sets out the legislative framework and principles the Council will

ssabide by in investigations undertaken and to mitigate the risk of legal challenge in Court.

Report author:

Emma Cathcart, Head of Service Counter Fraud and Enforcement Unit,
Emma.Cathcart@cotswold.gov.uk

Appendices:

- i. Risk Assessment
- ii. Equality Impact Assessment
- iii. Corporate Enforcement Policy

Background information:

N/A.

Appendix 1: Risk Assessment

Risk ref	Risk description	Risk owner	Impact score (1-5)	Likelihood score (1-5)	Initial raw risk score (1 - 25)	Risk response	Controls / Mitigating actions	Control / Action owner	Deadline for controls/ actions
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.	Chief Executive	3	2	6	Reduce	Approve and promote policy and approach	Enforcement Staff	Ongoing

Appendix 2: Equality Impact Assessment (Screening)

1. Identify the policy, project, function or service change

a. Person responsible for this Equality Impact Assessment

Officer responsible: Emma Cathcart

Service Area: Counter Fraud and Enforcement Unit

Title: Head of Service

Date of assessment: 1 October 2025

Signature:



b. Is this a policy, function, strategy, service change or project?

Policy

If other, please specify:

c. Name of the policy, function, strategy, service change or project

Is this new or existing?

**Already exists
and is being
reviewed**

Please specify reason for change or development of policy, function, strategy, service change or project

d. What are the aims, objectives and intended outcomes and who is likely to benefit from it?

Aims:

The policy sets out the Council's enforcement tools, and the considerations adopted when determining whether enforcement action should be taken and if so, what that action should be taken.

Objectives:

Training to be delivered and awareness to be raised after adoption of the policy to ensure the appropriate application of enforcement activities.

Outcomes:	The Policy is applicable to enforcement staff across the Council and impacts members of the public.
Benefits:	Prosecutions will only be considered where the evidential and public interest tests are met with due consideration to the welfare of individuals. Appropriate enforcement activity acts as a deterrent and benefits the public as a whole.

e. What are the expected impacts?	
Are there any aspects, including how it is delivered or accessed, that could have an impact on the lives of people, including employees and customers.	Yes
Do you expect the impacts to be positive or negative?	Negative
Please provide an explanation for your answer:	
Impact is both positive (deterrent and for public as a whole) and negative (subject of enforcement)	

If your answer to question e identified potential positive or negative impacts, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

f. Identify next steps as appropriate	
Stage Two required	Yes
Owner of Stage Two assessment	CFEU
Completion date for Stage Two assessment	1.10.2025

STAGE 2 – Full Equality Impact Assessment

2. Engagement and consultation

The best approach to find out if a policy etc, is likely to impact positively or negatively on equality groups is to look at existing research, previous consultation recommendations, studies or consult with representatives of those equality groups.

a. Research and evidence

List below any data, consultations (previous, relevant, or future planned), or any relevant research, studies or analysis that you have considered to assess the policy, function, strategy, service change or project for its relevance to equality.

Legislation - various and wide ranging as the Policy covers a number of service areas within the Council.

Guidance and Circulars – Simple Cautions

The Code for Crown Prosecutors

Enforcement Concordat

b. Consultation

Has any consultation be conducted?

Yes

Describe the consultation or engagement you have conducted or are intending to conduct.

Describe who was consulted, what the outcome of the activity was and how these results have influenced the development of the strategy, policy, project, service change or budget option.

If no consultation or engagement is planned, please explain why.

Consultation with Legal Department

Consultation with Service Managers / Enforcement Officers

Consultation with Corporate Management

3. Assessment

a. Assessment of impacts

For each characteristic, please indicate the type of impact (positive – contributes to promoting equality or improving relations within an equality group, neutral – no impact, negative – could disadvantage them).

Please use the description of impact box to explain how you justify the impact and include any data and evidence that you have collected from surveys, performance data or complaints to support your proposed changes

Protected Characteristic	Specific Characteristic	Impact	Description of impact	Mitigating Action
AGE	Older people (60+)	Positive	Enforcement action may not be appropriate in relation to older offenders	Applied on a case by case basis
	Younger People (16-25)	Positive	Enforcement action may not be appropriate in relation to younger offenders	Applied on a case by case basis
	Children (0-16)	Neutral		
DISABILITY A definition of disability under the Equality Act 2010 is	Physical disability	Positive	Enforcement action may not be appropriate in cases where the offender has a disability particularly where an offender lacks mental capacity.	Applied on a case by case basis
	Sensory Impairment (sight,	Positive		

<p>available here.</p> <p><i>See also carer responsibilities under other considerations.</i></p>	hearing)		<p>Where necessary, individuals may request documentation or explanation that would assist them to understand/read information related to the enforcement activity being undertaken.</p>	
	Mental health	Positive		
	Learning Disability	Positive		
GENDER REASSIGNMENT		Neutral		
MARRIAGE & CIVIL PARTNERSHIP	Women	Neutral		
	Men	Neutral		
	Lesbians	Neutral		
	Gay Men	Neutral		
PREGNANCY & MATERNITY	Women	Neutral		

RACE* Further information on the breakdown below each of these headings, is available here . For example Asian, includes Chinese, Pakistani and Indian etc	White	Neutral	Interpreters and translation of documents are provided where necessary	
	Mixed or multiple ethnic groups	Neutral		
	Asian	Neutral		
	African	Neutral		
	Caribbean or Black	Neutral		
		Neutral		
RELIGION & BELIEF** A list of religions used in the census is available here	See note	Neutral		
SEX (GENDER)	Men	Neutral		

	Women	Neutral		
	Trans Men	Neutral		
	Trans Women	Neutral		
SEXUAL ORIENTATION	Heterosexual	Neutral		
	Lesbian	Neutral		
	Gay	Neutral		
	Bisexual/Pansexual	Neutral		
Other considerations				
Socio-economic factors (income, education, employment, community safety & social support)		Negative	Individuals experiencing disadvantage in this area are impacted more by enforcement activities	
Rurality i.e. access to services; transport; education;		Neutral		

employment; broadband				
Other (e.g. caring responsibilities)		Neutral		

* To keep the form concise, race has not been included as an exhaustive list, please augment the list above where appropriate to reflect the complexity of other racial identities.

** There are too many faith groups to provide a list, therefore, please input the faith group e.g. Muslims, Buddhists, Jews, Christians, Hindus, etc. Consider the different faith groups individually when considering positive or negative impacts. A list of religions in the census is available [here](#)