

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 24 March 2009

Report of: Head of Safer & Stronger Communities

Title: Harmonised Enforcement Policy for Cheshire East Council

1.0 Purpose of Report

- 1.1 To present the Cheshire East Enforcement Policy for approval for all Council services with the exception of Planning.

2.0 Decision Required

- 2.1 To adopt the Enforcement Policy (Appendix 1) from 1 April 2009 for all council services which have a responsibility for enforcement with the exception of Planning.

3.0 Financial Implications for Transition Costs

- 3.1 Prior to vesting day an allocation of £2,000 will be required to meet publication requirements.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Policy requires the highest standards of professional competence for its enforcement staff. This will require maintenance of staff competencies and appropriate staff development, supported by appropriate legal advice. This will need to be built into the staffing and structural arrangements for all services that provide an enforcement role.

5.0 Legal Implications

- 5.1 It is essential that the authority has a robust Enforcement Policy in place to ensure that its enforcement activity is appropriate and consistent and that the authority is in a strong position to defend itself against any legal challenge.

6.0 Risk Assessment

- 6.1 The principal risk to the authority would be if it were to carry out its enforcement functions without an appropriate enforcement policy in place. Adoption and use of the Enforcement Policy, once approved, should ensure that enforcement action, if taken, can be justified and is consistently applied.

- 6.2 A further risk would arise if Cheshire East Council were to carry out its enforcement functions according to different enforcement policies. This risk can be minimised by adopting this Policy as an overarching statement of principles, with individual service areas identifying, as an addendum, issues or details that are service-specific.

7.0 Background and Options

- 7.1 The Policy is based on the Regulators Compliance Code, a statutory code of practice issued December 2007 by The Department of Business Enterprise and Regulatory Reform (BERR) requiring all regulators of certain specified functions to have regard to the code when developing policy or principles of service delivery.
- 7.2 Extensive consultation on the draft Policy has taken place with the existing authorities in Cheshire and individual services with amendments made, as necessary.

8.0 Overview of Day One, Year One and Term One Issues

- 8.1 The adoption of the Policy will mean that this authority has an appropriate framework in place to ensure that its enforcement activity is appropriate and consistent. The authority will need to ensure that training and development is provided on an ongoing basis in order that officers follow the Policy and meet the high professional standards required

9.0 Reasons for Recommendation

- 9.1 To ensure that the Council has an appropriate Enforcement Policy in place on Day One.

For further information:

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Background Documents: Westfields, Middlewich Road, Sandbach CW11 1HZ

Regulators Compliance Code: Statutory Code of Practice for Regulators (BERR 2007)

<http://www.berr.gov.uk/files/file45019.pdf>

Regulatory Enforcement and Sanctions Act 2008

http://www.opsi.gov.uk/acts/acts2008/ukpga_20080013_en_1

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007

http://www.opsi.gov.uk/si/si2007/uksi_20073544_en_3