

CHESHIRE EAST COUNCIL

Communities Overview and Scrutiny Committee

Date of Meeting: 22nd January 2015
Report of: Head of Communities
Subject/Title: Draft Enforcement Policy

1.0 Report Summary

- 1.1 Previous discussion with Communities Overview and Scrutiny Committee has highlighted that as a Council we have clearly articulated our ambition to be an Enforcing Council. Being an Enforcing Council means that that we want to be tough on those residents and businesses that are selfish and cause harm to others. However, we need to provide some clarity and consistency to what this means in practice and also where it is appropriate to take informal action develop a change in behaviour and to seek compliance.
- 1.2 The purpose of the draft Corporate Enforcement Policy is to provide a refreshed umbrella document for enforcement services. It sets out what we as a Council can and can't do and how we will carry out our enforcement approach. Service specific policies will link up with this document and each other underneath this for the detail.

2.0 Recommendation

- 2.1 The Committee agrees that the draft enforcement policy reflects the ambition to be an Enforcing Council
- 2.2 That feedback on the document as set out in a series of asks at para 10.3 are given from a Residents and Business First Council perspective
- 2.3 That next steps for the document are noted

3.0 Reasons for Recommendations

- 3.1 Good progress is being made against the priorities for action and budgeted financial savings.

4.0 Wards Affected

- 4.1 All wards

5.0 Local Ward Members

5.1 Not applicable

6.0 Implications for Rural Communities and Policy Implications

6.1 It is a statutory requirement to have an Enforcement Policy. This also directly contributes towards Council Outcomes 1, 3 and 5

6.2 This has a huge impact on rural communities as there are many issues that these face, such as fly-tipping, unauthorised encampments, concerns about animal welfare, aggressive dogs worrying livestock as examples.

7.0 Financial Implications

7.1 There are no immediate financial implications to developing the policy and the actions proposed are clearly identified as proportionate and appropriate. However, there has been an options appraisal of certain key enforcement activity which needs to be reviewed and may have financial implications

8.0 Legal Implications

8.1 The legal implications have been taken into consideration when refreshing the Corporate Enforcement Policy.

9.0 Risk Management

9.1 Possible reputational risk is that there will be further demands placed on services and these will need to be prioritised. The Council will be mindful of not raising aspirations of residents too far with no financial resource to tackle them. The enforcement policy clearly states that actions will be proportionate and appropriate.

10.0 Background and Options

10.1 The Council first published its Enforcement Policy in 2009, and many changes have happened since. Predominantly a shift to a strategic commissioning Council, the strong desire to be an Enforcing Council with residents and businesses at the heart of what we do. Therefore, the challenge for Communities Overview and Scrutiny Committee was to be at the forefront of the refresh of a policy that would feel and look very different from the one produced in 2009.

10.2 The draft has been worked up based on views from the initial discussion by Communities Overview and Scrutiny Committee by a group of officers who deliver enforcement services. There has been great engagement by them in the process and they have expressed a feeling of involvement and engagement in the process. They are really keen to hear the views of Members and would value some constructive challenge and feedback on the style and content.

10.3 The key asks of Community Overview and Scrutiny Committee are:

- a. Does the policy show to residents and businesses what they can expect from the Council if they are “breaking Council rules on enforcement” or if they are a victim of someone else doing this?
- b. Does the policy reflect our ambition to be an Enforcing Council, and demonstrate that we will take the most appropriate action whether this be informal to full on prosecution
- c. Does the point that this is a high level umbrella policy for all of enforcement functions come across and this is not about service specific detail?
- d. Does the style and format feel resident and business friendly or do we need a summary document and/or some illustrative case studies and photos added in?
- e. Are there any glaring gaps that you think we have missed?

10.4 After the views of this committee are given, a further draft will be presented to Cabinet Member for consideration and it will then be subject to consultation with businesses and residents. A formal decision would then be made by Cabinet Member- Localism and Enforcement for its formal adoption.

11.0 Access to Information

The background papers relating to this report can be inspected by contacting the report writer:

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