

RECORD OF OFFICER / MATERIAL DECISION

Local Government (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Type of decision: Material decision

Decision Date – 26 July 2023

Decision Maker: Executive Director of Development and City Services

Decision status: Is Key decision?: No

Is subject to call in?: No

Decision details: To agree and publish a new Corporate Enforcement Policy, available [here](#).

1. The council can exercise discretion in many enforcement matters, such as when deciding whether to prosecute an offender or choosing between formal and informal approaches.
2. In accordance with legal advice the Council has been advised to prepare a Corporate Enforcement Policy (CEP) to assist with demonstrating Regulators' Compliance Code; a statutory Code of practice encouraging local authorities to adopt a risk-based, proportionate, targeted, and flexible approach to enforcement that does not impose unnecessary burdens on those they regulate. Essentially the policy documents the current procedures and practice of the Council and whilst it is described as a policy document does not change current practice but is helpful reminder to staff and the public about procedures.
3. A council-wide Corporate Enforcement Policy has been drafted describing how enforcement decisions should be taken and how an appropriate level of enforcement action may be decided upon. Service area enforcement procedures will link from the main document to ensure consistency. This has been developed in conjunction with all other service areas who have enforcement powers, for example, housing, planning, finance etc.
4. The proposed Corporate Enforcement Policy (CEP) provides an overarching framework covering all aspects of the council's regulatory functions and aims to:
 - provide the duty holder with a clearer understanding of how the council arrives at its enforcement decisions (in those cases where it has discretion in how to enforce)
 - demonstrate how our enforcement approach is consistent across all the council's service areas,
 - show how the council's statutory enforcement functions are delivered in the context of the broad range of its regulatory activities,
 - provide a framework to which those service areas must adhere when writing their procedures and making their own enforcement decisions.
5. The proposed CEP meets the Enforcement Concordat, to which the council is a signatory, and emphasises how the council delivers its enforcement functions regarding the principles of good law enforcement: central to the Regulators' Compliance Code.
6. The Senior Leadership Team has agreed to formally adopt the strategy with immediate effect.

Reason for Decision

7. See above and attached report.

Alternative Options: Not to publish the policy, rejected as not delivering benefits described.

Declarations of Interest: None

Reports considered by the decision maker: Report to SLT, attached.

Publication date: 9 August 2023

**NORWICH CITY COUNCIL
SENIOR LEADERSHIP TEAM
COVERING TEMPLATE FOR OPERATIONAL REPORTS**

Title of report	Corporate Enforcement Policy
Name of report author	Vicki Hopps
Name of SLT sponsor	Graham Nelson / Sarah Ashurst
Proposed date for SLT consideration	5 July 2023
Estimated time for SLT discussion and decision	10mins

This report is for DECISION because it has: (please tick ✓ at least one box)

▪ Political implications (or going into the member arena)	
▪ Corporate policy implications	✓
▪ Equality and diversity implications	
▪ Significant financial or staffing implications (please confirm the lead business partner from HR and Finance that have been liaised with)	
▪ Legal implications (please confirm the legal lead that has been liaised with)	
▪ Reputational implications	✓
▪ Major implications for other council services (or partners)	
▪ Other implications (please explain)	

Purpose of report

1. To consider the Corporate Enforcement Policy and adopt it.

Background

1. The council can exercise discretion in many enforcement matters, such as when deciding whether to prosecute an offender or choosing between formal and informal approaches.
2. A report was brought to SLT in January 2023 detailing the responsibility of the council in relation to enforcement action taken in various service areas. It was acknowledged that the council did not have an overarching policy covering enforcement activities which may lead to inconsistent decisions between departments with similar enforcement responsibilities. CLT agreed the contents of the draft Enforcement Policy and that it should be published for consultation.
3. Without a Corporate Enforcement Policy (CEP), the council may not be able to fully demonstrate adherence to the Regulators' Compliance Code; a statutory Code of practice encouraging local authorities to adopt a risk-based, proportionate, targeted, and flexible approach to enforcement that does not impose unnecessary burdens on those they regulate.
4. The council may be open to challenge were it not to adopt an overarching policy that ensures consistent enforcement decisions across service areas with similar enforcement responsibilities. It is considered good practice to have in place an overarching policy across the organisation.
5. A council-wide Corporate Enforcement Policy has been drafted describing how enforcement decisions should be taken and how an appropriate level of enforcement action may be decided upon. Service area enforcement procedures will link from the

main document to ensure consistency. This has been developed in conjunction with all other service areas who have enforcement powers, for example, housing, planning, finance etc.

6. The proposed Corporate Enforcement Policy (CEP) provides an overarching framework covering all aspects of the council's regulatory functions and aims to:
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7. The proposed CEP meets the Enforcement Concordat, to which the council is a signatory, and emphasises how the council delivers its enforcement functions regarding the principles of good law enforcement: central to the Regulators' Compliance Code.

Consultation Responses and Changes

8. The draft CEP was published for consultation on the council's website between 13th March and 5th June 2023. No responses were received during this time and therefore the draft CEP remains unchanged.

Adoption

9. Advice has been sought on routes to adoption. The CEP only needs to go to Cabinet if there is a desire amongst officers and members to take it there, there's no other requirement to do so.

10. The relevant portfolio holder has been briefed on the CEP and has agreed this can be adopted by SLT.

Financial and resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2022-26 and budget.

There are no proposals in this report that would reduce or increase resources.

Legal

The council, as a signatory, has a duty to comply with the Regulators' Compliance Code and as such should publish how it delivers its enforcement functions. The CEP provides an overarching framework which covers all aspects of enforcement functions.

Not adopting a Corporate Enforcement Policy may prejudice any enforcement action taken if it is not consistent with the Regulators' Compliance Code.

Statutory considerations

Consideration	Details of any implications and proposed measures to address:
Equality and diversity	The CEP has been developed to ensure consistency and fairness across all sectors – there are no equality and diversity issues have been identified.
Health, social and economic impact	No issues have been identified
Crime and disorder	The CEP addresses how the Council will enforce against crime in relation to the areas that it is responsible for, no implications have been identified.
Children and adults safeguarding	No issues identified.
Environmental impact	No implications identified, no measures proposed.

Risk management

Risk	Consequence	Controls required
Compliance	Licensing responsibilities not correctly discharged	Up to date policy framework with public consultation. Legal advice on policy and at meeting
Reputational risks to the council	Risk of challenge if non-compliant	Legal advice on policy and at meeting

Other options considered

There are no reasonably viable options other than to adopt the Corporate Enforcement Policy.

Reasons for the decision/recommendation

This is a statutory requirement.

Background papers: None

Recommendations

That SLT agree to adopt the proposed Corporate Enforcement Policy covering the enforcement activities of the whole council (with links to service area enforcement procedures).