

Report of the Portfolio Holder for Community Safety**REVIEW OF CORPORATE ENFORCEMENT POLICY**1. Purpose of report

To advise Members of, and seek approval for, a revised Food Service Plan.

2. Recommendation

Cabinet is asked to RESOLVE that the updated corporate enforcement policy be approved.

3. Detail

The main purpose of local government enforcement activity is to protect the public, the environment, consumers and legitimate businesses by ensuring that legal requirements are met and that everyone acts/operates within the law. It does not just mean taking formal action, such as prosecution, but includes a wide range of actions and measures, including giving help or advice to make sure that things are as they should be. Broxtowe Borough Council generally endeavours to support both businesses and individuals to meet their legal obligations before considering any kind of enforcement action.

The intention of the Policy is to ensure that any enforcement action is compliant with the relevant legislation, codes of practice and government guidance. Also that any such action is transparent and accountable, proportionate, targeted, consistent in approach, and appropriate.

The policy starts from the premise that most businesses and individuals want to comply with the law. Help and support will be provided to enable them to meet their legal obligations without unnecessary expense, while more formal action will be considered against those who flout the law or act irresponsibly. It seeks to assist officers in the decision making process, and to ensure a consistent approach when using the range of enforcement tools available to them. It will ensure that there is a transparently fair process adopted with regard to decision making and to the selection and application of enforcement options, as well as to the consideration of circumstances relevant to those options.

The main changes in the revised policy are the references to the use of civil penalties for breaches of private sector housing legislation. A copy of the revised policy and the table of changes are shown in the appendices.

4. Financial implications

The comments from the Head of Finance Services were as follows:

There are no additional financial implications to consider with activity being contained within existing budgets. Any significant budget implications going forward, over and above virement limits, would require approval by Cabinet.

5. Legal implications

The comments from the Monitoring Officer / Head of Legal Services were as follows:

The policy is compliant with the general principles and objectives of national regulatory guidance and legislation, with Officers giving due consideration to detailed regulatory provisions relevant to that case when determining appropriate action on resolving a breach. The Council is also required to follow the provisions of the Code for Crown Prosecutors, which have been incorporated into the Enforcement Policy.

6. Human Resources implications

The comments from the Human Resources Manager were as follows:

Not Applicable

7. Union comments

The Union comments were as follows:

Not Applicable

8. General Data Protection Regulation compliance implications

This report does not contain any (SENSITIVE) information and there are no Data Protection issues in relation to this report.

9. Equality Impact Assessment

As this is a refresh with only a minor change to an existing policy an equality impact assessment is not required.

10. Background Papers

Nil