

CABINET

HEALTH AND STRATEGIC HOUSING ENFORCEMENT POLICY INDIVIDUAL CABINET MEMBER DECISION

Report of Head of Health & Strategic Housing

PURPOSE OF REPORT			
This report seeks approval of an updated enforcement policy to take account of the Regulators Compliance Code			
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>
		Referral from Cabinet Member	<input type="checkbox"/>
Date Included in Forward Plan	N/A		
This report is public.			

RECOMMENDATIONS OF HEAD OF HEALTH AND STRATEGIC HOUSING

- (1) That Health and Strategic Housing Service's updated enforcement policy be approved.

1.0 Introduction

- 1.1 An enforcement policy for Health and Strategic Housing was approved by Cabinet on 3 September 2002 (minute 97 refers).
- 1.2 The bulk of the Policy approved in 2002 remains valid but needs updating now to include the Regulators Compliance Code which is a statutory requirement and was introduced on 6 April 2008.

2.0 Proposal Details

- 2.1 The Enforcement Policy explains the approach adopted by the Service when carrying out its enforcement duties and is designed to ensure efficient compliance with the legislation whilst, at the same time, minimising the burden on businesses, individuals, organisations and the Council itself.
- 2.2 A change has been made to section 4 of the Policy to incorporate the requirements of the Regulators Compliance Code. The impact of this is that the Service now has a statutory duty to take account of the provisions in the code in their enforcement work.

These provisions relate to risk assessment, proportionality, targeted enforcement and not imposing unreasonable burdens on businesses.

2.3 The Service Head is confident that the Service complies with the code already and adopting it poses no new requirements for us.

3.0 Options and Options Analysis (including risk assessment)

3.1 To approve the updated Enforcement Policy which would ensure the service is operating in accordance with statutory requirements and best practice.

3.2 Not to approve the updated Enforcement Policy which may lead to challenges in court, judicial review and potential loss of reputation.

4.0 Officer Preferred Option (and comments)

4.1 Option 3.1 is the officer preferred option.

5.0 Conclusion

5.1 Approval of the recommendation enables the Service to operate its enforcement activity in accordance with statutory requirements and best practice.

RELATIONSHIP TO POLICY FRAMEWORK

Nil

CONCLUSION OF IMPACT ASSESSMENT (including Diversity, Human Rights, Community Safety, Sustainability and Rural Proofing)

Adoption of the updated policy provides a framework for fair, consistent, open and helpful services for everyone.

FINANCIAL IMPLICATIONS

There are no financial implications directly arising from this report.

SECTION 151 OFFICER'S COMMENTS

The Section 151 Officer has been consulted and has no further comments to add.

LEGAL IMPLICATIONS

The legal implications are contained within the report

MONITORING OFFICER'S COMMENTS

The Monitoring Officer has been consulted and has no further comments.

BACKGROUND PAPERS

None.

Contact Officer: Suzanne Lodge

Telephone: 01524 582701

E-mail: slodge@lancaster.gov.uk

Ref: C78