

# CABINET

## Corporate Enforcement Policy 15<sup>th</sup> April 2025

### Report of William Griffith – Chief Officer, Environment and Place

PURPOSE OF REPORT				
To review and approve a revised Corporate Enforcement Policy in order to take account of updated guidance, codes of practice and new regulatory sanctions which have been introduced since the Council's Enforcement Policy was last reviewed in 2013.				
Key Decision	<input type="checkbox"/>	Non-Key Decision	<input checked="" type="checkbox"/>	Referral from Cabinet Member
Date of notice of forthcoming key decision		"[Click here and type date published]"		
This report is public				

#### RECOMMENDATIONS OF Cabinet Member for Enforcement

- (1) Note the report.
- (2) Approve and adopt the updated Enforcement Policy.

#### 1.0 Introduction

- 1.1 The Council carries out a wide range of regulatory roles in meeting its many statutory duties of protecting the public, individuals and the environment. This policy aims to ensure the Council is transparent in our approach to regulatory activities.
- 1.2 The Council previously adopted the Enforcement Concordat and established an enforcement policy to set out what businesses and others being regulated can expect from enforcement officers employed by the Authority. Since then, additional guidance, codes of practice and new regulatory sanctions have been introduced and it is therefore appropriate to update the Enforcement Policy to reflect these changes and avoid challenge.

#### 2.0 Background

- 2.1 The Enforcement Policy is reviewed from time to time to ensure that the Council lays out its generic principles for good enforcement.
- 2.2 It commits the Council to good enforcement policies and procedures including

carrying out our activities in a robust but fair way that supports those who we regulate to comply and grow, avoiding imposing unnecessary regulatory burdens and assessing whether lesser outcomes could be achieved by lesser means. It provides guidance on a range of options that are available to help the public achieve compliance with the legislation we enforce and how powers may be used to regulate and raise standards in various sectors.

- 2.3 The draft Corporate Regulation & Enforcement Policy can be found at Appendix 1.

### **3.0 Details of Consultation**

- 3.1 The draft policy has been reviewed by colleagues in Legal with support from Public Protection.
- 3.2 Departments that have enforcement responsibility have been consulted on the draft policy including Public Protection, Housing and Planning
- 3.3 The draft policy was presented to Overview and Scrutiny Committee on 5<sup>th</sup> February 2025.
- 3.4 The draft policy was presented at cabinet briefing on 1<sup>st</sup> April 2025

### **4.0 Options and Options Analysis (including risk assessment)**

	<b>Option 1:</b> Approve the proposed Policy	<b>Option 2:</b> Do not approve the proposed policy
Advantages	The Council will have an up to date policy.	None identified.
Disadvantages	None identified	The Council's existing policy will remain out of date.
Risks	None identified	The Council would be open to challenge when undertaking enforcement.

### **5.0 Officer Preferred Option (and comments)**

- 5.1 Option 1 – Approve the proposed policy

### **6.0 Conclusion**

- 6.1 Once this policy has been adopted, Council services will be able to start developing and/or amending their own specific policies for enforcement in their areas which reflect the principles set out in this overarching policy.

## **RELATIONSHIP TO POLICY FRAMEWORK**

The enforcement policy helps the Council achieve its broader strategic goals relating to areas such as sustainable development, community safety and environmental protection. By setting out how we address breaches of regulations we will create a fair and equitable environment for residents and businesses.

## **CONCLUSION OF IMPACT ASSESSMENT**

**(including Health & Safety, Equality & Diversity, Human Rights, Community Safety, HR, Sustainability and Rural Proofing)**

Having a robust Enforcement policy in place will help ensure that people are treated fairly and equally.

The policy has regard to the Human Rights Act.

## **LEGAL IMPLICATIONS**

The Council should have a policy in place which provides guidance on how it carries out its enforcement responsibilities. In relation to prosecutions, the Council is required to follow the provisions of the Code for Crown Prosecutors, which have been incorporated into the Corporate Enforcement Policy.

## **FINANCIAL IMPLICATIONS**

There are no direct financial implications as a result of this report.

## **OTHER RESOURCE IMPLICATIONS**

### **Human Resources:**

n/a

### **Information Services:**

n/a

### **Property:**

n/a

### **Open Spaces:**

n/a

## **SECTION 151 OFFICER'S COMMENTS**

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

**MONITORING OFFICER'S COMMENTS**

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

**BACKGROUND PAPERS**

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