

ENVIRONMENT CABINET MEMBER MEETING

Agenda Item 132

Brighton & Hove City Council

Subject: Environmental Health Enforcement Policy
Date of Meeting: 26 March 2009
Report of: Director of Environment
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Key Decision: Yes Forward Plan No. ENV7175
Wards Affected: All

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To seek approval for the Policy to be published and endorse its implementation by environmental health with an enforcement role in the Council.
- 1.2 In line with the Council's priority of fair enforcement of the law this policy would commit the Council to best enforcement practice and procedures by setting out what can be expected from its enforcement teams and their officers.
- 1.3 Officers' role is to check compliance with the law and so advice and education are key tools for public protection. This policy would ensure a proportionate and consistent approach with formal enforcement action only used in the most serious cases and when advice has not achieved compliance.

2. RECOMMENDATIONS:

- 2.1 (1) That the Cabinet Member for Environment approves the Environmental Health Enforcement Policy.

3. RELEVANT BACKGROUND INFORMATION/IMPLICATIONS

- 3.1 On 16 October 2008, Cabinet approved a corporate enforcement policy for implementation by all sections within the Council.
- 3.2 Fair enforcement of the law is a corporate priority. Protecting and improving public health is a departmental vision for the Environment Directorate. On 6 April 2008 the statutory Regulators' Compliance Code for specified functions, including Trading Standards and Environmental Health, came into force.

3.3 The Code was drafted in response to the Hampton Review of the UK's regulatory system, which proposed the principles of better regulation based on a risk-based approach and proportionality to regulatory enforcement.

4. CONSULTATION

4.1 The following stakeholders have been consulted:

- Local business associations and individual businesses
- The public (via the website)

4.2 No responses have been received.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications

5.1 There are no direct financial implications from approving the Environmental Health Enforcement Policy.

Finance Officer consulted: Karen Brookshaw Date: 20/02/09

Legal Implications

5.2 If implemented, the Enforcement Policy will assist the Council in meeting its duty under section 6 of the Human Rights Act 1988 not to act in a way which is incompatible with a Convention Right.

Lawyer consulted: Liz Woodley Date: 19/02/09

Equalities Implications:

5.3 A Rapid Impact Assessment has been carried out and identified that proper implementation of the principles of this policy would have a positive impact. There may be a perception of certain communities that enforcement activity is disproportionately targeted at them. This perception can be mitigated through consistent application, monitoring and regular review of enforcement activities.

Sustainability Implications:

5.4 There are no sustainability implications.

Crime & Disorder Implications:

5.5 The policy directs regulators to consider targeted and proportionate action against those that persistently breach the legislation so should assist in the prevention of crime and disorder.

Risk and Opportunity Management Implications:

- 5.6 The Policy can be used as a tool to assist in risk assessments.

Corporate / Citywide Implications:

- 5.7 Regulators that actively promote economic progress and prosperity through a light touch approach will enhance the reputation of the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Consideration was given to adopting the Corporate Policy in its entirety. However the document is an over arching framework document that reflects the breadth of the regulatory activity that is the responsibility of the council and the sanctions available to it.
- 6.2 The production of a service policy that specifically links back to the framework document is considered essential to reflect the different sanctions available and the types of activity performed.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The proper implementation of the Policy will help the Council achieve its objective to have fair law enforcement across all regulatory services.

SUPPORTING DOCUMENTATION

Appendices

1. Proposed Environmental Health Enforcement Policy

Documents In Members' Room

None

Background Documents

1. The Regulators Compliance Code
2. Cabinet Office Enforcement Concordat
3. Hampton Review
4. Macrory Report (Penalties & Sanctions)

