

EXETER CITY COUNCIL

SCRUTINY COMMITTEE – COMMUNITY 28 MAY 2013

EXECUTIVE
18 JUNE 2013

REVISION OF ENVIRONMENT ENFORCEMENT POLICY

1. PURPOSE OF REPORT

- 1.1 The Office of the Assistant Director Environment has revised the Enforcement Policy to reflect changes created by Government guidance and the revised structure of the directorate. The proposed revised policy ensures that enforcement actions are fair, consistent and transparent.

2. BACKGROUND

- 2.1 Local authorities are required to publish a policy setting out their approach to compliance and enforcement by the Regulators Compliance Code. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation to be accountable and transparent about their activities.
- 2.2 The Council has signed up to the Enforcement Concordat; staff within the Office of the Assistant Director Environment will seek to secure compliance with the law, both informally by information, advice and support and by enforcement where appropriate.
- 2.3 This revised policy is intended to provide guidance on the principles and processes that will apply when enforcement action is taken. The policy is available in the Members' Room, on the Council's website linked to the agenda and also available on request.
- 2.4 The Council believes in firm but fair enforcement of environmental legislation. This policy is based on the following five guiding principles:
- **consistency** - to ensure that similar issues are dealt with in the same way;
 - **proportionality** - to ensure that the action taken relates directly to the actual or potential risk to health and safety;
 - **targeting** - to ensure that resources are targeted where activities give rise to the most serious health risks;
 - **transparency** - to ensure that people easily understand the action expected of them and that clear distinctions are made between legal requirements and guidance; and
 - **accountability** - officers are accountable to citizens, Parliament and the Council for their actions, and the Council has an effective mechanism for dealing with complaints and comments.

3. IMPLEMENTATION

- 3.1 Once adopted the policy will be published on the Council's website.
- 3.2 We will monitor compliance with the Policy by a number of methods:
- **Inter-authority audits** - parts of the service (namely the Commercial Section which regulates over 3500 local businesses) are subject to periodic inter-authority audits. These consist of a consortium of other regulatory authorities reviewing the procedures and practice of the service to promote best practice.

- **Business satisfaction surveys** - we conduct an ongoing business satisfaction survey which assesses business operators' perceptions of the quality and professionalism of the officers they dealt with. We will develop performance standards around the survey outcomes which will be used to measure individual officer performance.
- **Peer reviews** - we will peer review with other local authorities to establish how the numbers of enforcement actions our officers take compare with national averages.

4. BETTER REGULATION

- 4.1 The purpose of this Policy is to secure effective compliance with legislation while minimising the burden to the Council, individuals, organisations and businesses.
- 4.2 Regulatory Services have been the subject of considerable review in recent years, and the conclusions of influential reports are now being interpreted and applied to regulatory services by their respective governing bodies overseen by the Better Regulation Delivery Office (BRDO).
- 4.3 The Enforcement Policy embraces the principles of better regulation and will continue to safeguard the health of the local population and contribute to the economic vitality of Exeter by targeting resources effectively and innovatively to assist food businesses in compliance.

5. REVIEW

- 5.1 We are committed to the principles of good enforcement and continually seek to improve our standards. This policy is subject to regular annual review.

6. RESOURCE IMPLICATIONS

- 6.1 The Policy in itself does not create any financial or resource implications.

7. RECOMMENDED

- 1) That Scrutiny Committee - Community supports the Enforcement Policy
- 2) That Executive approves the Enforcement Policy

ASSISTANT DIRECTOR ENVIRONMENT

S:PA/LP/Cttee/513SCC2
9.5.13

ENVIRONMENT DIRECTORATE

Local Government (Access to Information) Act 1985 (as amended)

Background papers used in compiling this report:-

- 1) Legislative and Regulatory Reform Act 2006
- 2) Food Law Code of Practice
- 3) Standard for Health and Safety Enforcing Authorities
- 4) HSC Enforcement Policy Statement
- 5) The Regulatory Enforcement and Sanctions Act 2008
- 6) Regulator's Compliance Code