

Cherwell District Council

Executive

1 September 2014

Joint Draft Cherwell District Council and South Northamptonshire Council Enforcement Policy
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Report of Head of Community Services

This report is public

Purpose of report

To seek approval of the joint draft Cherwell and South Northamptonshire Council Noise Enforcement Policy prior to public and stakeholder consultation.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the joint draft Cherwell and South Northamptonshire Council Enforcement Policy.
- 1.2 To delegate authority to the Head of Community Services to consider responses and, if necessary amend the policy in consultation with the Lead Member for Clean and Green.

2.0 Introduction

- 2.1 The Regulators Code¹ came into effect in April 2014. Local authorities and other regulators must have regard to the Code in developing principles and policies.
- 2.2 The Regulators' Code aims to improve the way regulation is delivered at the front line. It sets out a clear framework for transparent and accountable regulatory delivery and establishes clear principles for how local authorities should interact with those they are regulating.
- 2.3 The Code is underpinned by the statutory principles of good regulation, which provide that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and should be targeted only at cases in which action is needed. Notably there is an explicit requirement to consider the impact of regulatory activities on economic growth.

3.0 Report Details

- 3.1 One of the key requirements of the Code is to publish a set of clear service standards including clear information on our enforcement policy and response to non – compliance. Appendix 1 sets out a draft enforcement policy which will fulfil the requirements of the Code.
- 3.2 Some of our regulatory services are required to have specific policies because this is required by central agencies e.g. food safety and health and safety. These have been listed in Appendix B. All of the policies will have to comply with the Regulators Code. Services will have to review specific policies to ensure compliance. Where necessary the overarching policy allows specification of individual specific policies by cross reference.
- 3.3 The Regulatory Code recommends that local authorities consult with those that they regulate. If the committee agrees to approve the recommendations a period of consultation will commence as described at 5 below.

4.0 Conclusion and Reasons for Recommendations

4. Local authorities must comply with the requirements of the Regulators Code. One of the requirements is a requirement to publish information about our enforcement policy and our response to non-compliance.
- 4.3 If the policy is approved and implemented the local authority will meet that requirement of the Code and will demonstrate a transparent approach to our regulatory activities.

5.0 Consultation

The Code requires local authorities to have mechanisms in place to engage those they regulate, citizens and others to offer views and contribute to the development of their policies and service standards. Before changing policies, practices or service standards, regulators should consider the impact on business and engage with business representatives.

This policy will need to be subject to a period of consultation to comply with the code. Consultation will take place for a period of 12 weeks if the draft policy is approved by members.

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: The committee can approve the recommendations above

Option 2: The committee can reject the recommendations but the absence of an up to date policy could place the local authority at risk of legal challenge and lead to inconsistency in our approach to regulation.

Implications

Financial and Resource Implications

7.1 There are no financial implications arising directly from this report.

Comments checked by: Nicola Jackson, Corporate Finance Manager, 01295 221731, nicola.jackson@cherwellandsouthnorthants.gov.uk

Legal Implications

7.2 The policy has been drafted in consultation with our legal service. The absence of a policy may subject us to risk of legal challenge

Comments checked by: Chris Mace, Solicitor, 01327 322125, christopher.mace@cherwellandsouthnorthants.gov.uk

Equality and Diversity

7.3 The policy has been drafted in consultation with the local authority Equality and Diversity lead. An equality impact assessment has been carried out against this joint policy whereby no negative impacts have been identified.

Comments checked by: Caroline French, Corporate Policy Officer, 01295 221586, caroline.french@cherwellandsouthnorthants.gov.uk

8.0 Decision Information

Key Decision

Financial Threshold Met: no

Community Impact Threshold Met: yes

Wards Affected

All

Links to Corporate Plan and Policy Framework

The enforcement policy is relevant to a wide range of regulatory activities and therefore links to all of our strategic priorities:

- Safe, green, clean
- Sound budget and customer focused council
- Thriving Communities
- A District of Opportunity

Lead Councillor

Councillor Tony Ilott, Lead Member for Clean and Green

Document Information

Appendix No	Title
Appendix 1	Joint Draft Cherwell District Council and South Northamptonshire Council Enforcement Policy
Background Papers	
None	
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