

Report subject	Harmonisation of Regulatory Services and Licensing Enforcement Policy
Meeting date	14 April 2021
Status	Public Report
Executive summary	<p>Regulatory Services and the Licensing Team are responsible for undertaking enforcement activity across a wide range of public services.</p> <p>The aim of these enforcement activities is to protect the safety, wellbeing, and the environment of all those who live, work and visit the area by ensuring the actions of businesses and individuals comply with the relevant legislation and Codes of Practice.</p> <p>The Council is currently working to three legacy enforcement policies for Regulatory Services and Licensing. This new policy seeks to provide one policy for BCP Council.</p> <p>The Enforcement Policy is recognised as an important document for regulators in meeting responsibilities under both statutory principles and guidance. The Enforcement Policy enables the authority to set out transparency in its activities and to ensure that enforcement activities are targeted only at cases where action is needed.</p> <p>The Policy also helps both businesses and individuals to understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.</p> <p>Cabinet is asked to consider and approves the Regulatory Services and Licensing Enforcement Policy</p>
Recommendations	<p>It is RECOMMENDED that:</p> <p>The Cabinet approves the Regulatory Services and Licensing Enforcement Policy as set out in Appendix 1</p>
Reason for recommendations	<p>The new Enforcement policy seeks to provide one policy for BCP Council.</p> <p>The new Enforcement policy seeks to comply with the Legislation set out in Section 21 of The Legislative and Regulatory Reform Act 2006 which requires that the Council in its activity for exercising a</p>

	<p>regulatory function has regard to the principles that regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent and that regulatory activities should be targeted only at cases in which action is needed.</p> <p>The Enforcement Policy also provides guidance to officers, businesses, and the public, on the range of options that are available to achieve compliance. It also explains the details about the methods used for achieving compliance and the criteria considered when deciding the most appropriate response to a breach of legislation.</p>
Portfolio Holder(s):	Councillor May Haines, Cabinet Member for Community Safety Councillor Mark Anderson, Cabinet Member for Environment, Cleansing and Waste;
Corporate Director	Kate Ryan, Corporate Director – Environment and Communities
Report Authors	Louise Jones, Environmental Health Manager
Wards	Council-wide
Classification	For Decision

Background

1. The Council is currently working to three legacy enforcement policies for Regulatory Services and Licensing. This new policy seeks to provide one policy for BCP Council.
2. The Council is required by the [Regulators Code](#) to publish their Enforcement Policy explaining how we respond to non-compliance.
3. The Enforcement Policy is recognised as an important document for regulators in meeting responsibilities under the statutory principles of good regulation set out in Section 21 of the Legislative and Regulatory Reform Act 2006 <https://www.legislation.gov.uk/ukpga/2006/51/section/21>, to be accountable and transparent in their activities and targeted only at cases where action is needed. The Regulator's Code sets out a series of key principles under which enforcement action should be considered.
4. The principles encompass consistency, transparency, proportionality and that actions are risk-based. This methodology ensures a fair, effective and justifiable approach linked to best practice. In addition, the Code seeks to ensure that economic development is not unnecessarily stifled and that businesses are supported in their growth.
5. The Policy is designed to help businesses and individuals understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

6. This new BCP Enforcement Policy directly responds to a clear legislative framework and adheres to the statutory guidance which accompanies it. As such, the Policy is reflective of the legacy policies in the main.

Options Appraisal

7. Approving the Policy removes the need to refer to three separate policies from the legacy authorities and provides clarity with one document.

The recommendation is:

Resolve to approve the Regulatory Services and Licensing Enforcement Policy.

Summary of financial implications

8. There are no financial implications with the adoption of this policy as all costs of meeting its application are met within current budgets

Summary of legal implications

9. The policy has been prepared in accordance with legislation and relevant statutory guidance. The document provides a comprehensive and single Enforcement Policy across Regulatory Services and Licensing.
10. The Regulators Code came into Statutory effect on 6th April 2014 by way of the Legislative and Regulatory Reform Act 2006 and the Council must have regard to this when developing policies and procedures that guide regulatory activities. One aligned policy for BCP Council is needed to ensure the Council complies with this.
11. There are no other legal implications from this report.

Summary of human resources implications

12. There are no implications in relations to this.

Summary of sustainability impact

13. The policy will assist with decisions about enforcement in relation to environmental issues. There is no other sustainability impact from this report.

Summary of public health implications

14. The work of Regulatory Services contributes to better public health outcomes by ensuring compliance with legislation that protects public health and where necessary taking the appropriate enforcement action to protect the public.

Summary of equality implications

15. The Regulatory Services and Licensing Enforcement Policy is designed to benefit the community through consistent regulation of the Businesses in BCP and compliance of individuals with relevant Legislation.
16. There should be no adverse effect on those who have protected characteristics. It is recognised that the Regulatory Services and Licensing Enforcement Policy can be perceived to target some ethnic groups, when taking interventions with water pipe smoking establishments. However, this is mitigated by fair and transparent adherence to the legislative requirements of overriding legislation

17. All enforcement activities are dealt with on a case-by-case basis with the aim of protecting safety and health. We work closely with other agencies during our enforcement activities and recognise that our interventions can help protect people from harm in many ways.
18. Our licensing role ensures the safe sale of alcohol whilst upholding the Licensing Objectives to protect children from harm which includes not only underage sales of alcohol but recognises the role alcohol can play in child sexual exploitation and human trafficking. Joint working with agencies where intelligence leads to enforcement regarding illegal working will protect illegitimate workers and those being exploited.
19. The merging of the legacy councils has meant that there are three different approaches to communicating enforcement actions to business owners that do not speak English. Procedures have been put in place to ensure that business owners are fully informed of any contraventions using interpreters and/or translated materials.

Summary of risk assessment

20. There is a risk to not implementing this policy and having a consistent framework in place across BCP. Any risks associated with the application of the Policy are managed through the Directorate Risk Register and/or on a case by case basis.

Appendices

Appendix 1 – Regulatory Services and Licensing Enforcement Policy

Appendix 2 – Equality Impact Assessment