

Overview & Scrutiny

Meeting date: 20 February 2024

Issue Title: Local Enforcement Plan

Report of: Executive Director – Place

Cabinet Portfolio: Community Safety & Development Management and Regulatory

Key Decision: No

Confidentiality: Non-Exempt

Purpose of Report

1. To seek the views of the Overview & Scrutiny Committee on the working draft Local Enforcement Plan prior to its consideration by Cabinet.

Recommendation

2. That the Overview & Scrutiny Committee provides comments to Cabinet on the working draft of the Local Enforcement Plan attached at Appendices 1, 2 and 3.

Background

3. The Planning Local Enforcement Plan was adopted in January 2016. The Environmental Health & Licensing Local Enforcement Plan was adopted in July 2021.
4. In line with good practice, the Local Enforcement Plans should be reviewed and updated to ensure it accords with current legislation and guidance and reflects best practice.
5. The opportunity has been taken to bring both Enforcement Plans into one overarching document, with service specific strategies and procedures which sit underneath it.

Main Issues

6. The plan outlines the key principles that the Council will follow when regulating, enforcing, and litigating. The plan sets out the standards that everyone can expect from the Council's regulatory services and its officers.
7. The document outlines how Council officers consider enforcement actions, how work is prioritised, and how complaints are investigated. The Council ensures that all officers comply with the plan.
8. If there are specific strategies or procedures needed for each service area, they will be added to the general plan. If there are no specific policies or procedures for a particular service area, all regulatory functions will follow the principles outlined in the general plan.
9. The primary objective of regulations and enforcement is to guarantee the safety and well-being of the public, the environment, and different groups, including consumers, residents, workers, businesses, and the community. The Council is committed to implementing stringent regulations to ensure fair and consistent enforcement, support the local economy, and benefit the environment.

10. The Council's enforcement activities, such as investigations and formal actions, are carried out in accordance with its legal obligations. To ensure that this is the case, enforcement and investigating officers work within the limits of their delegated authority, which has been granted by the appropriate committee or Council. Any changes to these limits are reflected in the Council's constitution, which is regularly reviewed and updated.
11. Council officers play a vital role in ensuring that the enforcement decisions are fair and just. To achieve this, it's important for them to consider the principles outlined in the plan, as well as any relevant national guidance. This helps maintain consistency in actions and provide the best possible service to the communities the Council serve.
12. The document outlines how officers consider enforcement actions, how we prioritise work, and investigate complaints. The Council ensures that all officers comply with the plan.
13. All Members of the Planning Committee were sent an early version of the Planning Local Enforcement Plan.

Alternative Options Considered and Rejected

14. The alternative is not to update the two Local Enforcement Plans. This would leave the Planning Local Enforcement Plan dated January 2016, which in parts would benefit from being updated to reflect latest guidance and best practice.

Corporate Governance Considerations

Relevance to the Corporate Plan

15. The Hart Corporate Plan 2023-2027 provides a high-level strategic framework for the decisions we take. It describes our most important aims and the priority activities that we will focus on delivering. The Planning Local Enforcement Plan helps to clarify how we will use the limited resources in the Planning Enforcement team wisely and focus on the priorities.

Service Plan

- Is the proposal identified in the Service Plan? Yes
- Is the proposal being funded from current budgets? Yes
- Have staffing resources already been identified and set aside for this proposal? Yes

Legal and Constitutional Issues

16. There are no legal or constitutional issues raised by the recommendations in this report.

Financial and Resource Implications

17. There are no financial or resource implications associated with the recommendations in this report.

Risk Management

18. There are no risk management matters associated with recommendations in this report.

Equalities

19. There are no equalities matters associated with the recommendations in this report.
20. The Local Enforcement Plan will be meet the WCAG guidelines for accessibility.

CLIMATE CHANGE IMPLICATIONS

21. There are no climate change implications matters associated with the recommendations in this report.

ACTION

22. Following consideration of the working draft Local Enforcement Plan by Overview & Scrutiny Committee, the Plan will be considered by Cabinet.

Appendices

Appendix 1: Working draft Local Enforcement Plan

Appendix 2: Environmental Health & Licensing enforcement

Appendix 3: Planning enforcement