



North Devon Council

Report Date: Strategy & Resources on 4th July 2022

Topic: Adoption of Corporate Enforcement Policy

Report by: Legal Services – Hannah Pettifer

1. INTRODUCTION

1.1. The Corporate Enforcement Policy has been drafted to identify the key enforcement priorities for the Council.

2. RECOMMENDATIONS

2.1. To approve the adoption of the Corporate Enforcement Policy

3. REASONS FOR RECOMMENDATIONS

3.1. In order to meet the requirements of Policy setting for the Council

3.2. To provide a generic policy to support enforcement provision within the service areas of the Council

3.3. To ensure the legal requirements of the Regulators' Code which came into statutory effect on 6 April 2014 under the Legislative and Regulatory Reform Act 2006 are supported and to provide a clear, flexible and principles-based framework for how regulators should engage with those they regulate.

4. REPORT

4.1. As provided in the Corporate Enforcement Policy itself, its purpose is to provide guidance to ensure:

- Decisions about enforcement action are fair, proportionate and consistent
- Officers apply current Government guidance and relevant codes of practice
- Everyone understands the principles that are applied when enforcement action is considered.

4.2. The Policy as drafted is intended to be generic and allow service areas to create their own service specific policy, strategy and orders should these be required. For instance there are specific processes which the Planning and Environmental Protection teams use but this Policy is designed to be generic to enforcement across the organisation as a whole to provide a framework and central point from which such strategies can develop.

4.3. The Policy should provide guidance to customers (both individuals and businesses operating in North Devon), officers and members alike on what enforcement the Council can carry out and the principles that are followed and an overarching guide to the procedures that are undertaken including when enforcement action may be necessary and the principles and considerations governing what level of enforcement action may be necessary in any given situation.

4.4. The Policy provides information on who decides when enforcement action should be taken and at what level and how the Council works in partnership with other bodies in terms of enforcement.

4.5. It is hoped that the Policy will provide a useful overview of enforcement undertaken at the Council and the procedures followed.

5. RESOURCE IMPLICATIONS

5.1. Departmental consultation and input, agreement in general from all consultees was included in the preparation of this Policy.

5.2. The Policy brings together and records existing practices and therefore it is not anticipated that this decision will have any resource impact.

6. EQUALITIES ASSESSMENT

6.1. Please detail if there are/are not any equalities implications anticipated as a result of this report.

6.1.1. NONE

7. ENVIRONMENTAL ASSESSMENT

7.1. Please undertake an Environmental Assessment and complete the checklist (EAC) form available on Insite.

7.1.1. NONE

8. CORPORATE PRIORITIES

8.1. What impact, positive or negative, does the subject of this report have on:

8.1.1. The commercialisation agenda:

8.1.1.1. This Policy also provides the strategic framework to demonstrate that North Devon District Council is complying with its duties under the Legislative and Regulatory Reform Act 2006.

8.1.2. Improving customer focus and/or

8.1.2.1. A Framework to support expectations for compliance and enforcement from the Council

8.1.3. Regeneration or economic development

8.1.3.1. None

9. CONSTITUTIONAL CONTEXT

9.1. Article of Part 3 Annexe 1 paragraph: 1(f)

9.1.1. Strategy & Resources Committee

9.2. Referred or delegated power?

9.2.1. Delegated

10. STATEMENT OF CONFIDENTIALITY

This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.



11. BACKGROUND PAPERS

The following background papers were used in the preparation of this report:
(The background papers are available for inspection and kept by the author of the report).

N/A

12. STATEMENT OF INTERNAL ADVICE

The author (below) confirms that advice has been taken from all appropriate Councillors and Officer

Hannah Pettifer, Chartered Legal Exec., Legal Services