



North Devon Council

Report Date: Strategy & Resources on 4th October 2022

Topic: Adoption of Works In Default Policy

Report by: Legal Services – Hannah Pettifer

1. INTRODUCTION

1.1. The Works in Default Policy (Appendix A), has been drafted to identify the key works in default priorities for the Council and establish a clear set of procedures for officers to follow, and customers to understand, when it is necessary to carry out works in default.

2. RECOMMENDATIONS

2.1. To approve the adoption of the Works in Default 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 work in default 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 Works in Default 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 works in default action is considered.

4.2. The Policy as drafted is designed to be generic to provide guidance across the organisation as a whole to provide a framework and central point of reference.

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

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

4.5. It is hoped that the Policy will provide a useful overview of works in default 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. If so, please complete the Equality Impact Assessment (EIA) Summary form available on Insite and email to the Corporate and Community Services Team at equality@northdevon.gov.uk.

6.1.1. NONE

7. ENVIRONMENTAL ASSESSMENT

7.1. Please undertake an Environmental Assessment and complete the checklist (EAC) form available on Insite. If there are no environmental implications arising from your proposals please state that there are none. If after completion of the assessment there are environmental implications please provide a brief summary. If you require any further information please contact the Sustainability and Climate Change Officer. Email completed EACs to donna.sibley@torridge.gov.uk

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. Part 3 Annex 1 paragraph: 1(f)

9.2. Referred or delegated power?

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