

Central Bedfordshire Council

EXECUTIVE - 9 December 2014

Central Bedfordshire Council's Enforcement Policy

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This report relates to a Key Decision

Purpose of this report

1. To approve a revision of the Council's Enforcement policy.

RECOMMENDATIONS

The Executive is asked to:

- 1. approve the revised Enforcement Policy.**

Overview and Scrutiny

2. This item has not been considered by Overview & Scrutiny.

Issues

3. As both a regulator and enforcement body, the Council's Enforcement Policy guides the manner in which the Authority exercises its powers both as a regulator and as an enforcement body.
4. This policy is subjected to a review on an annual basis to ensure that it reflects any legislative changes.
5. Since the last review, the Department Of Business, Innovation and Skills through the Better Regulation Delivery Office have published the Regulator's Code which as an Enforcement Authority, Central Bedfordshire Council is obliged to have regard.
6. Accordingly the Enforcement Policy has been revised so as to comply with the requirements of the Regulators Code.

Options for consideration

7. None.

Reasons for decision

8. To ensure that the CBC Enforcement Policy complies with the BRDO "Regulator's Code".

Council Priorities

9. The policy, in setting out the framework for enforcement actions, provides how CBC as both a regulator and enforcement body will exercise its powers in respect of unscrupulous traders or businesses that target the vulnerable members of the community. It also deals with how we will respond to the underage sale of alcohol and tobacco products and other age-restricted products.
10. The policy also makes it clear that one of the options open to it is the use of the Proceeds of Crime Act 2002 to recover from offenders the profits of their criminality.

Corporate Implications

Legal Implications

11. There is no specific legal duty placed on the Council in respect of consultation of this policy. The Public Sector Equality Duties that the Council are bound by are to ensure consistency and fairness of enforcement throughout all communities and the commercial sector. The Regulatory and Enforcement Sanctions Act 2008 established the Local Better Regulation Office (LBRO) and this policy has regard to the guidance given by the LBRO.

Financial Implications

12. All enforcement actions will normally be undertaken within existing budget allocations. However it must be recognised that as both a regulator and an enforcement body, it may fall to CBC to take enforcement action(s) that due the serious nature of the offending, may require additional budgetary support. This would be on a case by case basis and as such cannot be quantified.
13. Revenue from Forced Penalty Notice's (FPN), unless otherwise specified by the legislation under which the FPN was issued, will accrue to CBC. It is not possible to quantify these sums on a yearly basis as this is dependant upon enforcement activity.
14. In addition to FPN's, CBC, through its Financial Investigations Unit (FIU) also benefits from the Home Office Asset Recovery

Incentivisation Scheme. Under this scheme, a proportion of confiscation orders granted under the Proceeds of Crime Act 2002 are returned to CBC as incentivisation. Currently 18.75% of a confiscation order is returned to both the Prosecutor and the FIU concerned. This means that for CBC prosecutions 37.5% of any confiscation order reverts to CBC. It is not possible to quantify these sums on a yearly basis as this is dependent upon enforcement activity.

Equalities Implications

15. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The enforcement policy helps promote equality of opportunity by ensuring that local businesses have access to appropriate information, advice and guidance and that unscrupulous traders, who particularly target vulnerable groups such as elderly and disabled people, are prosecuted.

Conclusion and next Steps

16. It is recommended that the Executive approve the revised Enforcement Policy.

Appendices

17. The following Appendix A is attached: Revised CBC Enforcement Policy.

Background Papers

18. None.