

<b>SHADOW EXECUTIVE JANUARY 2009</b>
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<b>SUBJECT</b>	<b>ENFORCEMENT POLICY AND REGULATORS COMPLIANCE CODE</b>  (This report sets out the policy and code which officers must have regard to when undertaking enforcement action on behalf of Central Bedfordshire)
<b>REPORT OF</b>	<b>Director of Sustainable Communities</b>
<i>Contact Officer: Susan Childerhouse Tel: 01462 611394</i>	

### IMPLICATIONS

<b>SUSTAINABILITY</b>	None arising from this report
<b>FINANCIAL</b>	None
<b>LEGAL</b>	The Authority is required to adopt an enforcement policy and the Regulators Compliance Code
<b>PERSONNEL/EQUAL OPPORTUNITIES</b>	None arising from this report
<b>COMMUNITY DEV/SAFETY</b>	Have been considered and addressed in the policy
<b>TRADES UNION</b>	None
<b>HUMAN RIGHTS</b>	Have been considered and addressed in the policy
<b>KEY ISSUE</b>	Yes
<b>BUDGET/POLICY FRAMEWORK</b>	No

### OTHER DOCUMENTS RELEVANT TO REPORT

Compliance Code for Regulators  
Code for Crown Prosecutors

### RECOMMENDATION(S):

1. that the Shadow Executive adopts the Enforcement Policy for Central Bedfordshire set out at Appendix 1
2. that the Shadow Executive adopts the Regulators Compliance Code as set out at Appendix 2
3. that the Shadow Executive delegates to the Director of Sustainable Communities, in consultation with the Portfolio Holder (Safer, Stronger Communities) the power to make minor amendments to the enforcement policies.

*Reason for Recommendation: There are at present three enforcement policies one covering Mid Beds District Council, one covering South Beds District Council and the third relating to Bedfordshire County Council. In order to ensure a consistent approach in Central Bedfordshire by all officers undertaking enforcement action a new enforcement policy needs to be in place by 1<sup>st</sup> April 2009. This will also ensure that individuals and businesses are aware of what our policy is as a Council in relation to enforcement action from the 1<sup>st</sup> April 2009.*

*From the 6<sup>th</sup> April 2008 all local authorities are required to adopt the Compliance Code for Regulators.*

## **Background**

### **Title**

1. It has long been the requirement of government to achieve consistency in approach to enforcement by all local and national regulators:
  - 1.1 In 1998 the Cabinet Office issued the Enforcement Concordat to help promote consistency in the UK regulatory enforcement regime. Although only voluntary 96% of local authorities signed up to the Concordat.
  - 1.2 In 2005 the Better Regulation Task Force (BRTF) was established. Since 2007 the work of BRTF has been coordinated by the Better Regulation Executive (BERR).
  - 1.3 In 2005 Philip Hampton published his review of regulatory services 'Reducing Administrative Burdens: effective inspection and enforcement' and set out seven guiding principles.
  - 1.4 In 2006 Richard Macrory undertook a review of the sanctions available to regulators. Macrory set out seven recommendations.
  - 1.5 In April 2008 the Regulators Compliance Code came into law and all local authorities are required to sign up to it.
  - 1.6 The Regulatory Enforcement and Sanctions Act 2008 came into force on the 6<sup>th</sup> October 2008. The Act is underpinned by the Macrory Principles one of which is that regulators should publish an enforcement policy.

2. At present there are three overarching Enforcement Policies relating to the three authorities, which will constitute Central Bedfordshire. In order to ensure consistency across all enforcing officers an Enforcement Policy for Central Bedfordshire is required. This will not only provide clarity and guidance for staff but also for the community of Central Bedfordshire.
  - 2.1 Central Bedfordshire is committed to being an excellent regulatory authority, whose approach to regulation will be open, honest, transparent and consistent,
  - 2.2 Council's have an essential role in ensuring their regulatory services protect their local communities from rogue traders, those with criminal intentions who deliberately deceive people, particularly the most vulnerable in our society.
  - 2.3 It is essential we focus on the serious, serial offenders on the one hand, and on the other support our good businesses to ensure we minimise unnecessary burdens and help them reduce real risks.
  - 2.4 This will enable them to concentrate on driving their business forward, contributing to economic prosperity in the locality and helping secure the well-being of our communities.
  - 2.5 Regulatory services make an effective contribution to securing safer, healthier and economically viable localities.
3. This is an overarching policy applicable to all areas of enforcement. Each specialist area will have it's own enforcement policy.
4. All the specific policies will follow the guiding principles set out in this policy.
5. All enforcement policies will be published on the Council's website.
6. The policy will be reviewed at least annually to take account of any changes to legislation or sanctions available to the local authority.
7. All local authorities are required to adopt the Regulators Compliance Code; from the 6<sup>th</sup> April 2008 regulators whose functions are specified in the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 must have regard to the Code when exercising any of these functions. Within Central Bedfordshire the Code will apply to the Public Protection team within Sustainable Communities. A copy of the Code is attached at Appendix 3

The code came into force by virtue of the Regulatory Reform Code of Practice (Appointed Day) Order 2007.

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**Background Papers:** Reducing Administrative Burdens: effective inspection and enforcement: Philip Hampton  
The Regulatory Enforcement and Sanctions Act 2008  
The Rogers Review  
The McCrory Review  
Legislative and Regulatory Reform (Regulatory Functions) Order 2007  
Regulatory Reform Code of Practice (Appointed Day) Order 2007.  
Enforcement Concordat

**Location of Papers:** Work Environment Team, Ground Central, Priory House

**File Reference:**