

**ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE****28<sup>TH</sup> NOVEMBER 2019**

<b>REPORT TITLE</b>	<b>WIRRAL COUNCIL ENFORCEMENT POLICY</b>
<b>REPORT OF</b>	<b>MARK CAMBORNE - ASSISTANT DIRECTOR, SAFER WIRRAL SERVICE</b>

**REPORT SUMMARY**

The purpose of this report is to seek member approval of the updated Wirral Council Enforcement Policy found in **Appendix 1**. Wirral Council's previous Enforcement Policy was last amended in 2016 and therefore in line with good governance and subsequent changes in the Council's approach to enforcement, it must be updated.

The policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by the Council's various regulatory services. It is designed to help officers, businesses and the general public understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

The key changes to the policy document include the removal of references to a robust approach to litter and dog fouling by authorised third parties. Other changes have expanded the scope of the policy to include safety within sports grounds which was previously absent. Minor formatting issues and phrasing have also been reviewed.

This matter affects all wards within the Borough.

This matter is not a key decision.

**RECOMMENDATION/S**

That members of the Committee note and comment as required on the updated Wirral Council Enforcement Policy contained within Appendix 1.

## **SUPPORTING INFORMATION**

### **1.0 REASON/S FOR RECOMMENDATION/S**

- 1.1 To continue to ensure that the Council's regulatory services operate under a Policy which has been regularly reviewed in line with good governance.
- 1.2 To reflect the change in direction from the use of third party contractors to undertake enforcement activities and specifically to move away from the Robust Enforcement / Zero Tolerance Approaches used to tackle littering and dog fouling.
- 1.3 To continue to provide a number of regulatory services across the Council with a clear policy to ensure that enforcement, when absolutely required, is conducted in a consistent, proportionate, transparent and targeted fashion.

### **2.0 OTHER OPTIONS CONSIDERED**

- 2.1 No other options have been considered

### **3.0 BACKGROUND INFORMATION**

- 3.1 The Council is required by the [Regulator's Code](#) to publish their Enforcement Policy explaining how they respond to non-compliance. It is recognised as an important document for regulators in meeting their responsibility under the statutory principles of good regulation, set out in Section 21 of The Legislative and Regulatory Reform Act 2006, to be accountable and transparent about their activities.
- 3.2 The Council's Enforcement Policy was approved by Cabinet on 11 September 2014 and a subsequent update was approved on 7 March 2016 and provides guidance on the range of options that are available to achieve compliance with legislation enforced by the following services:

- Building Control
- Environmental Enforcement
- Environmental Health
- Housing Standards
- Licensing
- Planning

- Trading Standards
- (Safety of Sports Grounds)

3.3 It is designed to help businesses and individuals understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.

#### **4.0 FINANCIAL IMPLICATIONS**

4.1 There are none arising from this report

#### **5.0 LEGAL IMPLICATIONS**

5.1 Local Authorities are required by the Regulators' Code to publish an enforcement policy explaining how they respond to non-compliance.

#### **6.0 RESOURCE IMPLICATIONS: ICT, STAFFING AND ASSETS**

6.1 There are none arising from this report

#### **7.0 RELEVANT RISKS**

7.1 There are none arising from this report

#### **8.0 ENGAGEMENT/CONSULTATION**

8.1 Officers from each of the services were consulted and contributed to the policy and were satisfied that it reflected the provisions for regulation within their service.

8.2 The draft policy was subject to an online Public Consultation during November and December of 2018. Responses, totalling seven, were mainly concerned with the historical use of third party enforcement contractors, with other responses offering little constructive comment, instead using the survey as an opportunity to evaluate the Council in general.

#### **9.0 EQUALITY IMPLICATIONS**

9.1 There are none arising from this report

## 10.0 ENVIRONMENT AND CLIMATE IMPLICATIONS

- 10.1 There are no direct implications, however powers available to some officers support the improvement of local air quality, for example through enforcement of the Clean Air Act 1993, which governs Smoke Control Areas including smoke from chimneys and the Environmental Protection Act 1990 which provides a legal basis and enforcement mechanism for other smoke and atmospheric issues to be controlled.
- 10.2 The regulation of specific commercial installations capable of emitting pollutants to the atmosphere also provide relevant authorised officers with powers to take enforcement action where specific atmospheric pollutant limits are breached.
- 10.3 This policy does not directly contribute to tackling climate change, however there is no known enforcement activity conducted under it which could act to the contrary.

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## APPENDICES

1. Wirral Council Enforcement Policy 2019

## BACKGROUND PAPERS

None

## SUBJECT HISTORY (last 3 years)

<b>Council Meeting</b>	<b>Date</b>
<b>Cabinet</b>	<b>Monday 7<sup>th</sup> March 2016</b>