



REGENERATION AND ENVIRONMENT SCRUTINY COMMITTEE – 17TH FEBRUARY 2015

SUBJECT: PUBLIC PROTECTION ENFORCEMENT POLICY

REPORT BY: CORPORATE DIRECTOR SOCIAL SERVICES

1. PURPOSE OF REPORT

- 1.1 To seek Members views on a revised Public Protection Enforcement Policy before submission to Cabinet for approval.

2. SUMMARY

- 2.1 The Public Protection division has a major regulatory role in protecting the environment and ensuring a safe, healthy and prosperous community for citizens, business and visitors.
- 2.2 This regulatory role includes the enforcement of numerous statutes, many of which include criminal and other sanctions on those who infringe the law.
- 2.3 In order to ensure a fair and consistent approach to their enforcement responsibilities the division developed an Enforcement Policy, which was last approved in 2011.
- 2.4 The existing Policy now requires updating due to changes in legislation and the range of sanctions available to the division.

3. LINKS TO STRATEGY

- 3.1 Enforcing public protection legislation is a statutory duty and this activity also contributes to the Healthier Caerphilly, Greener Caerphilly, Prosperous Caerphilly, and Safer Caerphilly priorities within the Caerphilly Local Service Board single integrated plan, Caerphilly Delivers, and Objective 1 of the Council's Strategic Equality Plan 2012.

4. THE REPORT

- 4.1 The existing Public Protection Enforcement Policy required amending due to the implementation of the Regulators' Code in 2014 and a number of other changes to legislation, sanctions and powers.
- 4.2 The Regulators' Code places a statutory responsibility on certain regulators to have regard to it when developing policies and operational procedures that guide their regulatory activities. The Code applies to specific regulatory functions, which mainly include non-devolved functions exercised by officers within the Trading Standards, Environmental Health and Licensing service areas. It is expected that supplemental legislation will be implemented in Wales to widen the Code's application to also include devolved functions. With that in mind

the new Policy will apply to devolved and non-devolved functions in the relevant service areas. The current and revised enforcement policies cover all enforcement activities carried out by the Public Protection Division, not just those functions controlled by the Regulators' Code.

- 4.3 Section 6 of the Code sets out Government's expectation that local authorities will ensure that their approach to regulatory activities is transparent. The provision includes an expectation that local authorities will publish a clear set of service standards, setting out what those they regulate should expect from them. This includes an enforcement policy, explaining how we respond to non-compliance.
- 4.4 BRDO (The Better Regulation Delivery Office) produced a Local Authority Tool Kit on section 6 of the code to aid local authorities, which includes templates for Service Standards and Enforcement Policies. This policy has been produced in line with the toolkit and is attached as Appendix 1.
- 4.5 The Enforcement Options section of the existing Policy has also been expanded and updated in the following areas: -
- Taking Animals into Possession
 - Tobacco Restriction Orders
 - Charging of Suspects
 - Equalities
 - Criminal Behaviour Orders
- 4.6 The Policy will be reviewed annually and a report submitted to the relevant Scrutiny Committee on compliance and enforcement action taken by Public Protection.
- 4.7 Once approved the Policy will be bilingual, published on the website and available in hard copy and other formats.
- 4.8 Service Standards have also been established in line with the Regulators' Code and BRDO toolkit and will be published on the Public Protection Web pages. The Standards are included as Appendix 2 for information.

5. EQUALITIES IMPLICATIONS

- 5.1 The authority and its officers in the Public Protection Division take all reasonable and practical steps to prevent and eliminate unlawful discrimination and encourage good relations between all parties, treating all those involved with equal respect, both when corresponding with those individuals and organisations and during the enforcement proceedings.

6. FINANCIAL IMPLICATIONS

- 6.1 None. The policy will be published on the Council's website and supplied in hard copy on request.

7. PERSONNEL IMPLICATIONS

- 7.1 All Officers within the Public Protection areas will be informed of the new Policy and the requirements for implementation and compliance.

8. CONSULTATIONS

- 8.1 This report has been sent to the Consultees listed below and all comments received are reflected in this report.

- 8.2 A number of external agencies have also been consulted on the revised policy and include Gwent Police, Home Authority Companies, Food Standards Agency, BRDO, Animal Health and the Health and Safety Executive. Any responses received have, where appropriate, been reflected in the policy.

9. RECOMMENDATIONS

- 9.1 That the views of Scrutiny Committee are sought before submission to the Cabinet for approval.

10. REASONS FOR THE RECOMMENDATIONS

- 10.1 To establish a proportionate and transparent approach to enforcement throughout the Public Protection Division and to satisfy the requirements of the Enforcement Concordat and Regulators' Code.

11. STATUTORY POWER

- 11.1 Local Government Act 1972, Prosecution of Offences Act 1985, The Legislative and Regulatory Reform Act 2006, Part 2. Legislative and Regulatory Reform (Regulatory Functions) Order 2007.

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Consultees: Cllr. Dave Poole, Cabinet Member for Community and Leisure Services
Cllr. D.T. Davies, Chair Regeneration & Environment Scrutiny
Cllr. E.M. Aldworth, Vice-Chair Regeneration & Environment Scrutiny
Dave Street, Corporate Director Social Services
Sandra Aspinall, Acting Deputy Chief Executive
Rob Hartshorn, Head of Public Protection
Kath Peters, Community Safety Manager
Ceri Edwards, Environmental Health Manager
Gail Williams, Interim Head Of Legal Services And Monitoring Officer
Sue Ead, Solicitor, Legal Services
David A. Thomas, Senior Policy Officer (Equalities and Welsh Language)
Mike Eedy, Finance Manager
Sian Phillips, HR Manager

Background Papers:
Current Public Protection Compliance and Enforcement Policy
Regulators' Code – April 2014

Appendices:
Appendix 1 Public Protection Enforcement Policy
Appendix 2 Service Standards