



Report to: Leader of the Council-

Portfolio Holder(s): Councillor Paul Peacock Portfolio Holder, Strategy, Performance and Finance

Director Lead(s): Sue Bearman, Assistant Director – Legal and Democratic Services

Lead Officer(s): Jenny Walker, Business Manager – Public Protection

Report Summary	
Type of Report	Open report
Report Title	Newark and Sherwood District Council Enforcement Policy
Purpose of Report	To present an updated Enforcement Policy for all areas within the Council who undertake enforcement activities.
Recommendations	a) To approve the updated Enforcement Policy b) To delegate future service specific amends through the appropriate Director
Alternative Options Considered	Keep existing policy – the policy is a number of years old with areas that require updating in line with national legislation and guidance
Reason for Recommendations	To ensure the authority has in place a clear and up to date enforcement policy that sets out how the council enforcements role with be undertaken

1.0 Background

- 1.1 The Council has in place an existing Corporate Enforcement Policy developed a number of years ago within legal services. This Policy provides an overview on matters that are considered as part of any enforcement action taken by the council following national legislation and statutory guidance.
- 1.2 There are a number of business units within the council that undertake enforcement action, including Environmental Health, Community Safety and Licensing, Planning Enforcement and Housing.
- 1.3 In some areas a published policy regarding how we may undertake a particular enforcement action is required and it is appropriate to contain these within one consistent policy.

2.0 Proposal/Details of Options Considered

- 2.1 It is proposed that the Councils Enforcement Policy, provided in appendix A, be adopted in place of the existing policy. The current Policy is provided in Appendix B. It should be noted that the layout of the Policy has changed to enable the required enforcement principles to be covered in the main part of the Policy, which is relevant to all business units that undertake enforcement. Schedules are then set out from all relevant business units on specific types of enforcement action that may be undertaken in line with the enforcement requirements.
- 2.2 This approach ensures that every area can detail what types of action can be taken, in line with the national enforcement legislation, guidance and principles, without having a number of separate enforcement policies in place across multiple areas.
- 2.3 Any changes required in the future regarding enforcement options for a specific service can see amendments made to the relevant schedule rather than the policy as a whole. It is proposed that these are approved by the relevant Director. The Directors are duly delegated under the Councils Constitution to authorise officers within their directorate to undertake the required enforcement action, and this method ensures that all changes and updates are appropriately linked to any delegation requirements.
- 2.4 Any necessary amendments or changes pending can be discussed and developed through the Corporate Enforcement Group to ensure that any national legislation and statutory guidance changes are captured across all relevant Business Units and that the Policy is amended to reflect those changes. There is a current project regarding Debt Recovery in the Council, and it has been agreed that once that is completed a schedule will be added to detail the enforcement actions
- 2.5 When new policies are developed that have a link to the enforcement policy, the policy will be referenced and linked on the website to state that they should be read in conjunction.

3.0 Implications

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection; Digital & Cyber Security; Equality & Diversity; Financial; Human Resources; Human Rights; Legal; Safeguarding & Sustainability and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

3.1 Financial Implications FIN25-26/4622

There are no direct financial implications arising from this report.

3.2 LEG2526/2949

The policy review sets out legislative requirements and national standards which should be adhered to by Local Authorities, and explains the enforcement tools and powers which are available.

All legal implications have been addressed within the report and best practice and legal parameters are clearly set out in the policy proposed.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.