

Executive Member Decision



REPORT OF:	Executive Member for Finance and Governance and Executive Member for Environment
LEAD OFFICERS:	Director of Place, Strategic Director of Resources (SIRO)
DATE:	Friday, 22 October 2021

PORTFOLIO(S) AFFECTED:	Environment, Finance and Governance
WARD/S AFFECTED:	(All Wards);

SUBJECT:

EMD Review of Enforcement and Prosecution Policy

1. EXECUTIVE SUMMARY

The Council's Enforcement and Prosecution policy was approved and adopted at the Executive Board meeting on 11 October 2018. There was a requirement to review the policy and this has been completed, the review has identified some minor amendments to the corporate Enforcement and Prosecution policy applicable to all regulatory functions of the Council.

2. RECOMMENDATIONS

That the Executive Member

- Adopts the amended Enforcement and Prosecution policy
- Approves a further review of the policy in 3 years unless a review becomes necessary because of changes in legislation. .

3. BACKGROUND

At the Executive Board on Thursday 11 October 2018 the Council's Enforcement and Prosecution Policy was noted, approved and adopted.

There was a requirement to review the policy and this has now been carried out with a number of minor amendments to reflect current law and practice. For instance, references to government departments have been updated after name changes and all the links to the Codes of Practice and legislation in the policy have also been refreshed. There has also been an opportunity to improve on the wording of some sections for clarity and to make reference to matters such as revenues and benefits enforcement, use of contracted enforcement officers, animal welfare and landlord banning orders which had been omitted previously.

The review period has been extended to 3 years save where a review is necessary because of a change in legislation.

Annex 1 is the new version.

Annex 2 is the previous report at the stage when the policy was first adopted by the Executive Board which sets out the underlying need for the policy.

This is a general overarching policy which does not override any existing specific enforcement-type policies such as the Council Tax Collection Recovery and Enforcement Policy.

4. KEY ISSUES & RISKS

The general need for the policy to ensure compliance with Government Codes of Practice and the law has already been established at adoption stage in 2019. The policy contains a requirement that it is reviewed formally and this ensures that it reflects current law and practice.

5. POLICY IMPLICATIONS

This policy contributes in the main to the following corporate priorities:

- Supporting young people and raising aspirations
- Safeguarding and supporting the most vulnerable people
- Safe and clean environment

6. FINANCIAL IMPLICATIONS

The policy is relevant to all current enforcement activity but does not require any additional resources to operate.

7. LEGAL IMPLICATIONS

This policy continues to demonstrate the Council's commitment to the Regulators Code and the Code of Crown Prosecutors.

8. RESOURCE IMPLICATIONS

Continuing to adhere to the policy will not require any additional resources.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

This policy has been drafted in consultation with the following departments – licensing, community safety, planning, education, audit, housing standards, public protection and Council Tax.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published.

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DATE:	22 October 2021
BACKGROUND PAPERS:	Previous drafts and e-mailed consultations