
REPORT FOR: CABINET

Date of Meeting:	15 June 2017
Subject:	Integrated Enforcement Policy
Key Decision:	Yes
Responsible Officer:	Tom McCourt, Corporate Director of Community
Portfolio Holder:	Councillor Graham Henson, Portfolio Holder for Environment
Exempt:	No
Decision subject to Call-in:	Yes
Wards affected:	All
Enclosures:	Appendix A – Draft Integrated Enforcement Policy Appendix B - EqIA

Section 1 – Summary and Recommendations

This policy has been developed to provide a framework for enforcement in Harrow. The policy spans 3 years thereby giving the council the flexibility to review the policy in light of changes that occur in the enforcement sector. It has been developed with reference to national guidance as well as taking into account regional work in this area.

The council has a wide range of enforcement functions. For the purposes of this policy, the services that fall within its scope are:

- Community Protection and Housing (Tackling anti-social behaviour)
- Environmental Health
- Environmental Enforcement
- Licensing (Highways and Premises)
- Noise and Pollution Management
- Planning Enforcement
- Private Sector Housing
- Street Trading (including shop front trading and markets)

Each area uses different legislation to ensure compliance of the law within the borough and each has its own extensive body of regulations, codes of practice and guidance. This policy does not replace these but provides an overarching policy within which these can be used.

The term "enforcement", as set out in this policy means:

"Actions taken by council officers to achieve compliance with legislation/national guidance"

Recommendations:

Cabinet is requested to:

1. Approve the draft integrated enforcement policy for consultation.
2. Delegate authority to the Corporate Director – Community, following consultation with the Portfolio Holder for Environment and Portfolio Holder for Community, Culture and Resident Engagement, to:
 - a) take all necessary steps to consult externally on the proposed policy; and
 - (b) consider the consultation responses and make any necessary amendments to the policy
3. Agree to receive a further report back with details of consultation responses and a draft policy for approval.

Reason: (For recommendation)

The above recommendations are made:

To provide a framework for enforcement in Harrow.

Section 2 – Report

1. Introduction

- 1.1. This policy has been developed to provide a framework for enforcement in Harrow.
- 1.2. The policy is intended to span 3 years thereby giving the council the flexibility to review the policy in light of changes that occur in the enforcement sector. It has been developed with reference to national guidance as well as taking into account regional work in this area.
- 1.3. There are a number of key considerations influencing this policy. The overriding one is the need to manage enforcement more effectively and efficiently. The aim is to use all aspects of enforcement and regulation to maximise impact ensuring that the community and businesses alike take responsibility for their actions so that Harrow is a place that people enjoy living and working in and are proud of.

2. Background

- 2.1 The Community Directorate was commissioned to undertake a review of enforcement activity. The services in scope were agreed as:
 - Community Protection and Housing (Tackling anti-social behaviour)
 - Environmental Health
 - Environmental Enforcement
 - Licensing (Highways and Premises)
 - Noise and Pollution Management
 - Planning Enforcement
 - Private Sector Housing
 - Street Trading (including shop front trading and markets)
- 2.2 One of the objectives of this review was to develop an integrated enforcement policy. This policy is now presented for approval in draft format to allow consultation to take place.

3. Definition of Enforcement

- 3.1 The term "enforcement", as set out in this policy means:

"Actions taken by council officers to achieve compliance with legislation/national guidance"

- 3.2 The council's primary enforcement duty is to protect the safety of the public, their health and safety and the environment. At the same time the council is committed to promoting a thriving local economy by carrying out its enforcement functions in an equitable, practical, transparent and consistent way.
- 3.3 To achieve this Harrow Council will adopt a light touch approach to those who comply with regulatory requirements and those who work with the council to achieve compliance. However, it will take appropriate necessary enforcement action against those who don't.
- 3.4 The draft policy sets out the principles of enforcement, decisions on enforcement action and the types of action that can be taken. Consultation on the policy will take place via the council's website. In addition, officers will consider the best ways to consult key stakeholders.

4. Options considered

Approve the draft integrated enforcement policy

This will enable the council to consult on this policy. This option is preferred by officers.

Do Nothing

If the integrated enforcement policy is not approved, enforcement would not be managed in a coherent way across the relevant Council service areas. This could result in a fragmented approach being taken that does not result in improved outcomes for local people. This option is not supported by officers.

5. Resources

- 5.1 Current staffing will be used and there is no requirement for additional staffing as a result of this policy.

6. Performance Issues

- 6.1 This policy will be reviewed in light of developing practice, guidance and changing legislation as necessary and in any event every three years. The Public Protection team will be responsible for monitoring this policy.

7. Environmental Implications

- 7.1 The approach to enforcement noted in this report is expected to lead to a positive environmental impact. It should promote effective management of enforcement across the borough to better meet the needs of residents and businesses.

8. Risk Management Implications

- 8.1 This policy is not included on the Directorate or any other corporate risk register.

9. Legal Implications

The Legislative and Regulatory Reform Act 2006 requires a local authority exercising specific regulatory functions to have regard to the following principles when exercising these functions:

- (a) regulatory activities should be carried out in a way which is transparent, accountable, proportionate and consistent;
- (b) Regulatory activities should be targeted only at cases in which action is needed.

Local authorities should also have regard to the statutory code of practice, known as the Regulators Code. This requires that local authorities consider the following matters when devising policies and operational guidance:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

10. Financial Implications

- 10.1 The proposed activity outlined in this report will be carried out within the existing budget allocation.

11. Equalities implications / Public Sector Equality Duty

The Equality Act 2010 outlines the provisions of the Public Sector Equality Duty which requires public authorities to have due regard to the need to:

- eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it

The relevant protected characteristics are age, race, disability, gender reassignment, pregnancy and maternity, religion or belief, sex and sexual orientation. The duty also covers marriage and civil partnership, but to a limited extent.

The broad purpose of this duty is to integrate considerations of equality into day to day business and keep them under review in decision making, the design of policies and the delivery of services so that the potential impact on any protected groups is identified and steps taken to mitigate or remove them.

An Equalities Impact Assessment (EqIA) has been carried out in relation to the integrated enforcement policy and is attached to this report (Appendix B). The EqIA did not identify any (potential) adverse or disproportionate impact on any of the protected groups.

Council Priorities

The Corporate Plan 2016-2019, entitled “Harrow Ambition Plan 2020” sets out the council’s vision of “Working together to make a difference for the vulnerable, communities, families and businesses”. The council’s strategy (priorities) to deliver its vision, between now and 2020 is to:

- Build a Better Harrow
- Be more Business-Like and Business Friendly
- Protect the Most Vulnerable and Support Families.

The council’s vision and the corporate priorities have been taken into account when developing this policy. In particular, “Build a Better Harrow” that includes a safe and clean environment. The integrated enforcement policy is crucial to achieving this priority.

Section 3 - Statutory Officer Clearance

Name: Jessie Mann

on behalf of the
Chief Financial Officer

Date: 13 April 2017

Name: Sarah Wilson

on behalf of the
Monitoring Officer

Date: 21 April 2017

Ward Councillors notified:

**NO, as it impacts on all
Wards**

EqIA carried out:

YES

EqIA cleared by:

Dave Corby, DETG
Chair – Community
Directorate

Section 4 - Contact Details and Background Papers

Contact: Simon Baxter, Divisional Director – Environment and
Culture. simon.baxter@harrow.gov.uk
020 8416 8675

Background Papers: None.

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]