

Meeting: Cabinet
Date: 4 March 2024
Classification: Part 1
Key Decision: Yes
Title of Report: The Environment and Regulatory Enforcement Policy v2
November 2023

Executive Director: Alan Richards
Report Author: Jeremy Vince
Executive Councillor: Cllr Lamb

1. Executive Summary

- 1.1. Local authorities are required to formulate and regularly review policies, protocols, procedures and technical guides on matters relating to the discharge of its statutory and operational functions.
- 1.2. The Environment and Regulatory Enforcement Policy Version 1.0 November 2020 is an overarching policy and has been reviewed so that it remains fit for purpose and complies with the discharge of our statutory and operational functions.

2. Recommendations

2.1 It is recommended that Cabinet:

- **Adopt the updated The Environment and Regulatory Enforcement Policy v2.0 November 2023 Appendix 1.**

3. Background

- 3.1. The Environment and Regulatory Enforcement Policy ('the policy') was approved by Cabinet on the 14/01/2021 (minute 740: [Agenda Template \(southend.gov.uk\)](https://www.southend.gov.uk))
- 3.2. The policy set a review period of 3 years, in line with which the policy has been reviewed and updated accordingly (Appendix 1).

4. Reasons for Recommendation

- 4.1. We have a duty to make sure our policies remain fit for purpose and comply with the discharge of our statutory and operational functions. The review of the Environment and Regulatory Enforcement policy is a requirement of these duties.

5. Other Options

- 5.1. It is possible to delay the review, however it is good practice to review in line with projected review dates and be in line with Council policy. It is essential that the policy keeps up to date with legislation, thereby reducing the risk of challenge and strengthens the legal position of the Council as enforcement matters progress through formal proceedings.

6. Financial Implications

- 6.1. None.

7. Legal Implications

- 7.1. This policy follows the principles of:
- The Regulators Code www.gov.uk/government/publications/regulators-code;
 - The Enforcement Concordant (Central and Local Government Enforcement Concordat, March 1998);
 - Enforcement contained in the Legislative and Regulatory Reform Act 2006 (“the Act”). {Any person exercising a regulatory function where regulatory activities are carried out, must have regard to the principles that are proportionate, transparent, consistent and accountable and are targeted only at cases in which action is needed (section 21 of the Act)}.

8. Policy Context

- 8.1. The aim of the policy is for the council to carry out its enforcement and regulatory approach in a fair and consistent manner across the city. In doing so the Council will act in accordance with the standards set out in the policy and any other supplementary policies.
- 8.2. The policy will be underpinned by more detailed service specific policies, where appropriate, which are not considered here.

9. Carbon Impact

- 9.1. None.

10. Equalities

- 10.1. An equalities impact assessment has been completed (attached at Appendix 2). There were no negative impacts identified as part of that assessment.
- 10.2. Officers carrying out enforcement will have had equality and diversity training.

11. Consultation

- 11.1. A consultation is current underway and ends on 26 February 2024. All responses received will be reviewed and if any necessary changes are to be made to the Environment and Regulatory Enforcement Policy, these will be brought back to Cabinet for adoption.

12. Appendices

- 12.1 Appendix 1: The Environment and Regulatory Enforcement Policy v2.0 November 2023.

Appendix 2: The Equality Impact Assessment.

12.2 Review Summary:

| Version | When Reviewed | Summary of Changes Made |
|---------|---------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| V1.0 | November 2023 | Overall: Update to City status and new corporate look Updated the 2050 ambitions to the new corporate plan Updated the legislation area list Updates made to Table 1 Other general text updates throughout. |

13. Report Authorisation

| This report has been approved for publication by: | | |
|---------------------------------------------------|--------------------|----------|
| | Name: | Date: |
| S151 Officer | Gary Perry-Ambrose | 22/01/24 |
| Monitoring Officer | Kim Sawyer | 22/01/24 |
| Executive Director(s) | Alan Richards | 21/12/23 |
| Relevant Cabinet Member(s) | Cllr Lamb | 21/12/23 |