

JOINT COMMITTEE

Date: 29th September 2011

ENFORCEMENT POLICY

Recommendation

That Members recommend the adoption of this policy by the individual partner authorities.

Contribution to Priorities/ Recommendations

This policy will apply to all WRS functions involving enforcement action so will impact across all service priorities.

Introduction/Summary Background

Local authorities have, for some time, been required to produce and publish an Enforcement Policy to demonstrate how national regulation will be enforced in their areas. The attached policy document seeks to provide Worcestershire Regulatory Services with a single policy that can be used across the county in relation to all enforcement activities. The policy will need to be adopted by partners as it relates to legal process, a reserved matter.

Report

Local authorities have been encouraged to produce Enforcement Policies for many years, but particularly with the introduction of the Enforcement Concordat, created by LACORS (Local Authority Co-ordinators of Regulatory Services, formerly LACOTS.) The idea of the concordat was to provide businesses with a clear framework within which regulation would take place and to provide this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

These provisions have, in the main, been superseded by the Regulator's Compliance Code, issued by the Better Regulation Executive, under the Legislative and Regulatory Reform Act 2006, and now maintained by the Local Better Regulation Office. The Regulators Compliance Code is fairly prescriptive in terms of what needs to be included in an Enforcement Policy, seeking to ensure that local authorities take a measured approach to enforcement. The Code encourages local authorities to try to use informal means to resolve issues of non-compliance before taking formal action, unless there are immediate risks or there is evidence of consent or connivance involved in the commission of the offences.

Before putting a case before the Courts, local authorities also need to have regard to the Code for Crown Prosecutors, which lays down the very basic provisions for evidential sufficiency and public interest before a case can be considered a sound candidate to be taken to Court.

The attached policy meets the criteria of both of these documents and provides businesses with a clear picture of how the service will go about its enforcement activities. This should allow it to easily integrate with existing policies within the partner authorities and will allow the service to operate in a consistent way across the county in relation to all enforcement matters.

Improved consistency is something that businesses crave, so there is a level playing field for all of those in competition. They continue to claim that there are significant differences in the way local authorities enforce legislation across the country and that this is detrimental to business performance. A recent report from the Local Better Regulation Office called "From the Business end of the telescope" continues to highlight business concerns about inconsistency. Local Government, through LACORS, has frequently challenged business on their evidence for these claims, but adopting this common approach to enforcement would go some way to reducing such perceptions within Worcestershire.

Financial Implications

None

Sustainability

Not applicable

Contact Points

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Background Papers

Enforcement Policy attached.
"From the Business End of the Telescope" is available from the Local Better Regulation Office and can be found on their website at:
<http://www.lbro.org.uk/docs/from-the-business-end-of-the-telescope.pdf>