

WRS Joint Board: 6th October 2016

Title: Enforcement Policy 2016

Recommendation

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

Background

In 2011, the then Joint Committee agreed to support the adoption of a single WRS Enforcement Policy that the service would use in relation to all of its activities. This policy would be an adjunct to other enforcement policies that each partner authority had for its remaining enforcement activities. Being based on the requirements of the then Regulator's Compliance Code, the policy would not have contradicted any approach being taken by partners in other areas of enforcement. With the amendments made recently to the partnership, the changes to the supporting Code and the time elapsed since the original policy was approved by members, the Head of Regulatory Services felt it was timely to have this policy revised and re-ratified by the new Joint Board. It is appended to the report as a separate document.

Report

Local authorities have been encouraged to produce Enforcement Policies for many years so that those they regulate know and understand what to expect. This was originally driven by the introduction of the Enforcement Concordat, created by LACORS, the Local Government Association's Regulatory Policy support framework for member authorities, and built upon by the Regulator's Compliance Code, issued by the Better Regulation Executive, under the Legislative and Regulatory Reform Act 2006, and maintained by the Local Better Regulation Office. The concordat and the code provided businesses with a clear framework within which regulation would take place and provided this community with an outline of the kind of responses they might face should they be identified as being non-compliant.

This Regulators Compliance Code has itself now been replaced with the Regulator's Code, which remains under the control of the the Department for Business, Energy and Industrial Policy. The core of the new Code has changed little from the original Regulators Compliance Code, but some aspects were clarified and tidied up, requiring some minor amendments to the WRS policy document, which have very limited impact. The Head of Service feels that the changes to the partnership probably warrant a further request for ratification of the policy by members to ensure its standing.

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, which should allow it to easily integrate with existing policies within the partner authorities and it 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. Businesses have complained for a number of years about the alleged inconsistencies in enforcement between local authorities, although the LGA has always challenged this and the responses containing real evidence have been limited. By adopting a common approach to enforcing the functions discharged by WRS, partners will directly address these concerns of the business community and show that WRS remains a tool that local authorities can use to support their economies in a positive way.

Contact

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Background Papers

Enforcement Policy document attached as Appendix 1