

Cabinet Member for Culture, Leisure, Sports and Parks

12 November 2015

Name of Cabinet Member:

Cabinet Member for Culture, Leisure, Sports and Parks – Councillor A Khan

Director Approving Submission of the report:

Executive Director of Place

Ward(s) affected:

All

Title:

Place Directorate Enforcement Policy

Is this a key decision?

No - Although this matter will affect all wards of the City, the impact of the proposals is not expected to be significant

Executive Summary:

The purpose of this report is to request authorisation to consult on the new enforcement policy for the Place Directorate. This new policy supports the process of bringing together and consolidating the various regulatory and enforcement disciplines within the Place Directorate.

The policy details enforcement principles, setting clear standards, proportionality of action and our accountability in taking action. It explains to our customers the enforcement options available, when and where these powers will be used and the decision-making process used in deciding which action is taken.

Recommendations:

Cabinet Member is recommended to:

- (1) Authorise a public consultation on this new enforcement policy for the Place Directorate.

List of Appendices included:

Appendix 1: The Place Directorate Enforcement Policy

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title:

Place Directorate Enforcement Policy

1. Context (or background)

- 1.1 The process of consolidating regulatory and enforcement services within the Place Directorate is already under way. This proposed new enforcement policy aims to ensure that regulation and enforcement is being used consistently across the Directorate.
- 1.2 The policy follows the principles laid down in the Regulators' Code and the Code for Crown Prosecutors, details the enforcement principles of transparency of operation, setting clear standards, proportionality of action and our accountability in taking action. It explains to our customers the enforcement options available to officers, when and where these powers will be used and the decision-making process used in deciding which action is taken. It also promotes awareness and understanding of our regulatory and licensing issues through education and working in partnership with other organisations.

2. Options considered and recommended proposal

- 2.1 **Consultation process.** The Council will consult relevant statutory agencies, local businesses and their representatives, partners and members of the public via our website over a 30 day period.
- 2.2 **Recommendation.** Cabinet is recommended to authorise a public consultation on this new enforcement policy for the Place Directorate.

3. Results of consultation undertaken

- 3.1 Public consultation will be necessary as part of the enforcement policy's approval process and results will be considered prior to final approval of the policy.

4. Timetable for implementing this decision

The results of the public consultation will be reported to first available Cabinet Member meeting at the close of the 30 day consultation process, where a final decision will be requested on the proposed enforcement policy.

5. Comments from the Executive Director of Resources

5.1 Financial Implications

The enforcement policy forms the foundation of any legal action that we might take. Whilst the Council accepts that there is a possibility that cases taken before the judiciary are not proven beyond all reasonable doubt, the new policy is designed to reduce the risk of financial claims for the following reasons: that our actions are not consistent across the Place Directorate and the policy doesn't reflect current statute and guidance. The Council will always apply to the court for a convicted person to pay the Council's investigation and prosecution costs.

5.2 Legal Implications

The City Council has a range of enforcement powers including the issue of fixed penalties, prosecution and civil recovery action. The Service has procedures in place to ensure that only cases that meet the evidential test and are in the public interest and meet the "evidential test", are prosecuted..

6. Other implications

6.1 How will this contribute to the Council's priorities?

<http://www.coventry.gov.uk/councilplan>

We will promote the growth of a sustainable Coventry economy that benefits the city by:

- Supporting businesses to grow

We are committed to improving the quality of life for Coventry people by working with local communities to:

- Make communities safer together with the police, to reduce crime and anti-social behaviour,
- Create an attractive, cleaner and greener city

6.2 How is risk being managed?

By not updating the enforcement policy the Council leaves itself open to charges of inconsistencies across Public Safety & Housing service areas or legal challenges and resultant costs in that the policy doesn't reflect current statute and guidance

6.3 What is the impact on the organisation?

None

6.4 Equalities / EIA

In all our inspections and visits, account is taken of the ability of alleged offenders to understand written and spoken English. Where appropriate written and verbal translations are provided and requirements are always phrased in a clear manner

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

Our partners will be consulted on the contents of the new enforcement policy

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