
Licensing & Regulatory Committee
Cabinet Member for Policing and Equalities

18 February 2025
27 February 2025

Name of Cabinet Member:

Cabinet Member for Policing and Equalities - Councillor A S Khan

Director approving submission of the report:

Director of Law and Governance

Ward(s) affected:

All

Title:

Regulation, Communities and Environmental Enforcement Policy – Review

Is this a key decision?

No – although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

This report seeks approval to adopt the updated Regulation, Communities and Environmental Enforcement Policy.

Recommendations:

The Licensing & Regulatory Committee is recommended to:

1. Consider the revised Regulation, Communities and Environmental Enforcement Policy and notify the Cabinet Member for Policing and Equalities of its comments.

The Cabinet Member for Policing and Equalities is recommended to:

1. Consider the revised Regulation, Communities and Environmental Enforcement Policy and any comments received from the Licensing & Regulatory Committee.
2. Approve the adoption of the Regulation, Communities and Environmental Enforcement Policy attached as Appendix 1 to this report.
3. Delegate authority to the Strategic Lead Regulation and Communities to conduct a three yearly review of the Policy or a review at such times as guidance or legislation requires

List of Appendices included:

The following appendices are attached to the report:

Appendix 1: Regulation, Communities and Environmental Enforcement Policy.

Appendix 2: Equalities Impact Assessment.

Background papers:

None.

Other Useful documents

Regulators Code

<https://assets.publishing.service.gov.uk/media/5f4e14e2e90e071c745ff2df/14-705-regulators-code.pdf>

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:
Regulation, Communities and Environmental Enforcement Policy - Review**

1. Context (or background)

- 1.1 The Regulators Code ('the Code') was laid before Parliament in accordance with section 23 of the Legislative and Regulatory Reform Act 2006 ('the Act'). Regulators whose functions are specified under the Act, must have regard to the Code when developing policies and operational procedures that guide their regulatory activity.
- 1.2 Functions specified by order under the provisions of the Act, include those functions carried out by Regulation, Communities and Environmental Teams.
- 1.3 The Code provides a set of principles for regulators to consider:
 - a. Regulators should carry out their activities in a way that supports those they regulate to comply and grow.
 - b. Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views.
 - c. Regulators should base their regulatory activity on risk.
 - d. Regulators should share information about compliance and risk.
 - e. Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply.
 - f. Regulators should ensure that their approach to regulatory activities is transparent.
- 1.4 Section 6 of the Code sets out the expectation that Local Authorities will ensure their approach to enforcement is transparent. The Regulation, Communities and Environmental Enforcement Policy helps to fulfil this expectation.
- 1.5 The current Enforcement Policy is published on the Council's web site. however, it needs to be reviewed. This review has now been completed and a copy of the proposed Policy is attached as Appendix 1.
- 1.6 The proposed Policy is an overarching document written to set out the Regulation, Communities and Environmental teams' general approach to good enforcement. Several teams within the wider service area have specific team Enforcement Policies which sit underneath this one and should be referred to in addition to the overarching Policy. Where a team specific Enforcement Policy is not in place, the overarching Policy is sufficient to meet the requirements of the Code.

2. Options considered and recommended proposal

- 2.1 The Licensing and Regulatory Committee is recommended to:
 - 2.1.1 Consider the revised Regulation, Communities and Environmental Enforcement Policy and notify the Cabinet Member for Policing and Equalities of its comments
- 2.2 The Cabinet Member for Policing and Equalities is recommended to:
 - 2.2.1 Consider the revised Regulation, Communities and Environmental Enforcement Policy and any comments received from the Licensing & Regulatory Committee.

- 2.2.2 Approve the adoption of the Regulation, Communities and Environmental Enforcement Policy attached as Appendix 1 to this report.
- 2.2.3 Delegate authority to the Strategic Lead Regulation and Communities to conduct a three yearly review of the Policy or a review at such times as guidance or legislation requires.

4. Results of consultation undertaken

- 4.1 No consultation is required to be undertaken as the Policy is an ‘informing’ Policy that covers statutory outcomes.

5. Timetable for implementing this decision

- 5.1 If approved the Policy will become effective on 10th March 2025.

6. Comments from Director of Finance and Resources and Director of Law and Governance

- 6.1 Financial implications

There are no financial implications involved in the revision of the Policy.

- 6.2 Legal implications

Section 6 of the Regulators Code sets out the expectation that Local Authorities will ensure their approach to enforcement is transparent and the revised Policy meets this requirement. If the Policy is not updated and reviewed, any enforcement action taken by the Regulation, Communities and Environmental teams, may be subject to challenge which may jeopardise the successful outcome of such enforcement.

7. Other implications

- 7.1 How will this contribute to the One Coventry Plan?

<https://www.coventry.gov.uk/strategies-plans-policies/one-coventry-plan>

Regulation, Communities and Environmental teams undertake a key function within the organisation to provide support, influence and challenge to drive forward the One Coventry Plan. The One Coventry Plan is a shared vision and strategy for the city that aims to make Coventry a better place to live, work and visit. Regulation, Communities and Environmental teams help to deliver the plan by ensuring compliance with the law, protecting the public and the environment, promoting fair and safe trade, and enabling economic growth and social inclusion.

- 7.2 How is risk being managed?

Decisions of the Regulation, Communities and Environmental teams are open to challenge by way of a Judicial Review. The revised Enforcement Policy seeks to mitigate the likelihood of a successful Judicial Review being brought against the Council.

7.3 What is the impact on the organisation?

None.

7.4 Equalities / EIA

An Equalities Impact Assessment (EIA) has been undertaken (Appendix 2 of the report). It is considered that the revised Enforcement Policy will have a positive impact for one or more protected groups and will have a positive impact on customers, including those customers whom we enforce against.

The overriding objective of the Regulation, Communities and Environmental teams is to protect and have a positive impact on the health and safety of those who live and work in the city and most especially, to protect those who are more vulnerable and at risk. This includes taking sensible and proportionate action where necessary to ensure those we regulate comply with legislative requirements and their statutory duties.

The Policy makes it clear what enforcement action can be undertaken by officers and makes it clear what support is available to those who are subject to enforcement, to enable them to understand and engage in the process.

7.5 Implications for (or impact on) climate change and the environment

None.

7.6 Implications for partner organisations?

None.

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Names of approvers for submission: (officers and members)				
Finance: Richard Shirley	Lead Accountant	Finance	26/11/2024	27/11/2024
Legal: Amy Wright	Solicitor	Regulatory Team	20/11/2024	20/11/2024
Director: Julie Newman	City Solicitor and Monitoring Officer	Law and Governance	27/11/2024	06/01/2025
Members: Councillor Abdul Khan	Cabinet Member for Policing and Equalities	-	07/01/2025	16/01/2025

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