



Committee	Cabinet
Date	06/02/2024
Subject	East Suffolk Council Compliance and Enforcement Policy
Cabinet Member	Councillor Jan Candy Cabinet Member with responsibility for Community Health
Report Author / Head of Service	Fiona Quinn Head of Environmental Services and Port Health Fiona.quinn@eastsoffolk.gov.uk
Director	Nick Khan Strategic Director Nick.khan@eastsoffolk.gov.uk

Key Decision?	Yes
Is the report Open or Exempt?	OPEN

Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information.	Not applicable.
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Purpose/Summary

To review and approve a revised Compliance and Enforcement Policy in order to take account of updated guidance, codes of practice and new regulatory sanctions which have been introduced since the Council's Compliance and Enforcement policy was last reviewed in 2014.

Recommendation(s)

That Cabinet:

1. Notes the report.
2. Approves the Compliance and Enforcement Policy.

Strategic plan

How does this proposal support Our Direction 2028?

Environmental Impact	Not applicable.
Sustainable Housing	Not applicable.
Tackling Inequalities	Not applicable.
Thriving Economy	Not applicable.
Our Foundations / governance of the organisation	It will support fair, open, transparent, proportionate and intelligence led regulatory services.

Justification for recommendations

1. Background

- 1.1. The Council is required by the Regulators Code 2014 to publish a policy setting out their approach to compliance and enforcement to enable businesses and others being regulated to know what to expect from enforcement officers employed by the council.
- 1.2. Since the adoption of the existing Compliance and Enforcement Policy in November 2014 updated guidance, codes of practice and new regulatory sanctions have been introduced and need to be taken account of.

2. Introduction

- 2.1. The current policy was approved in 2014 and needs to be reviewed to ensure the generic principles set out for good enforcement are up to date and compliant with the latest recognised best practice.
- 2.2. It sets out the Council's commitment to fair, open, transparent, proportionate and intelligence led regulatory services and advocates a staged approach to enforcement using a range of enforcement options available to secure compliance.
- 2.3. An officer Task group was set up to review the policy and to update it in line with current guidance and codes of practice. An Enforcement Policy peer review of best practice in eleven other authorities was also undertaken. Internal consultation with all departments which have enforcement responsibilities has also taken place as part of the preparation of this report and the proposed policy.
- 2.4. The proposal reflects Government policy towards the regulation of individuals and businesses and endorses the Government's policy commitments to better regulation including reducing regulatory burdens on businesses where appropriate.

3. Proposal

- 3.1. To update the existing policy to reflect the changes in guidance, remove outdated information and include the new sanctions.
- 3.2. In Section 10 Enforcement Options, the opportunity has been taken to reorder them to reflect the graduate approach to enforcement that the Councils will follow.
- 3.3. Following the peer review exercise the policy has also been simplified and restructured to ensure it is clearer and easier to read.

4. Financial Implications

- 4.1. There are no financial implications.

5. Legal Implications

- 5.1. The Council should have in place a policy which provides guidance on how it carries out its enforcement responsibilities.

6. Risk Implications

- 6.1. Without the revisions to the policy there is a potential risk to public reputation and also of legal challenge should the council not apply the correct enforcement action.

7. Options

- 7.1. The options are to either:
1. Not update the existing policy
 2. To update and adopt the revised policy.

8. Recommendations

- 8.1. That Cabinet note the contents of the report and approve the Compliance and Enforcement Policy.

9. Reasons for Recommendations

- 9.1. To ensure East Suffolk Council has taken account of updated guidance, codes of practice and new regulatory sanctions which have been introduced since the Council's Compliance and Enforcement policy was last reviewed in 2014.

10. Conclusions/Next Steps

- 10.1. The updated policy will be placed on our website accompanied by appropriate communications.
- 10.2. All existing service specific enforcement policies and protocols will be reviewed and updated to ensure they are in alignment with the revised corporate policy.

Areas of consideration comments

Section 151 Officer comments:

No comments.

Monitoring Officer comments:

A clear, up to date and fit for purpose Compliance and Enforcement Policy supports the Council to take lawful, appropriate and consistent enforcement decisions which are capable of being defended in the event of challenge.

Equality, Diversity and Inclusion/EQIA:

An EQIA assessment has been undertaken and no impact has been identified.

Safeguarding:

No safeguarding concerns have been identified.

Crime and Disorder:

This will assist in ensuring appropriate action is undertaken to reduce the impact of crime and disorder.

Corporate Services implications:

(i.e., Legal, Finance, Procurement, Human Resources, Digital, Customer Services, Asset Management)

None identified.

Residents and Businesses consultation/consideration:

Internal consultation only undertaken.

Appendices:

Appendix A	East Suffolk Compliance and Enforcement Policy
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Background reference papers:

None.