

EAST HERTS COUNCIL

EXECUTIVE – 8 MARCH 2011

REPORT BY EXECUTIVE MEMBER FOR
COMMUNITY SAFETY AND PROTECTION

ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

WARD(S) AFFECTED: All

Purpose/Summary of Report

- To amend the existing Environmental Health Enforcement Policy to ensure that it is in accordance with current legislative requirements and guidance.

RECOMMENDATION TO COUNCIL: that	
(A)	the Environmental Health Enforcement Policy (Essential Reference Paper B) be recommended to Council for approval.

1.0 Background

1.1 In 1998 the Cabinet Office published the “Enforcement Concordat” to help promote consistency in the UK regulatory enforcement regime. The Enforcement Concordat laid down the principles of good enforcement policy and, although a voluntary Code of Practice, it was adopted by 96% of all central and local government bodies with enforcement functions. East Herts Council signed up to the Enforcement Concordat in October 2000. The Environmental Health Service produced its first Enforcement Policy in 2002 in accordance with these principles; to secure compliance with the law whilst minimising the burden on individuals, businesses and the Council.

1.2 Full Council approved an Enforcement Policy for East Hertfordshire District Council on 25 February 2004. This revised Environmental Health Enforcement Policy is supplementary to that core policy

1.3 Following the recommendations of the Hampton Report (2005) into regulatory functions and the burdens created by regulation, the Legislative and Regulatory Reform Act 2006 came into force. As a result The 'Regulators Compliance Code', a Statutory Code of Practice for Regulators was brought in under the provisions of the Act to promote the Government's better regulation agenda. The "Regulators Compliance Code", supplements the provisions set out in the Enforcement Concordat, however in addition gives the Hampton Principles a statutory basis, and places a legal duty on regulators to have regard to five Principles of Good Regulation¹. The Regulators Compliance Code came into force on 6th April 2008.

2.0 Report

2.1 The Environmental Health department is seeking to vary the existing Environmental Health Enforcement Policy to ensure that it is in accordance with current guidance. The existing Policy has also been changed as required due to the introduction of Primary Authority Scheme. The policy has changed format so it is not possible to show track changes.

3.0 Implications/Consultations

3.1 Information on any corporate issues and consultation associated with this report can be found within **Essential Reference Paper 'A'**.

Background Papers

- Environmental Health Enforcement Policy 2006, http://www.eastherts.gov.uk/media/pdf/q/8/EHEnforcementPolicy2006_1.pdf
- Reducing administrative burdens: effective inspection and enforcement – Philip Hampton 2005 <http://www.berr.gov.uk/files/file22988.pdf>
- The Regulators Compliance Code 2007 <http://www.berr.gov.uk/files/file45019.pdf>
- Legislative and Regulatory Reform Act 2006 <http://www.legislation.gov.uk/ukpga/2006/51/contents>

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ESSENTIAL REFERENCE PAPER 'A'

<p>Contribution to the Council's Corporate Priorities/ Objectives <i>(delete as appropriate):</i></p>	<p>Fit for purpose, services fit for you <i>Deliver customer focused services by maintaining and developing a well managed and publicly accountable organisation.</i></p> <p>Pride in East Herts <i>Improve standards of the neighbourhood and environmental management in our towns and villages.</i></p> <p>Leading the way, working together <i>Deliver responsible community leadership that engages with our partners and the public.</i></p>
<p>Consultation:</p>	<p>The policy has been consulted with members of our Customer Consultation Panel and Private Sector Landlord Forum</p>
<p>Legal:</p>	<p>None</p>
<p>Financial:</p>	<ul style="list-style-type: none"> • The changes to the enforcement policy should not result in any significant financial implications. • The cost of implementing the approach as identified in 'Essential Reference Paper B' will be contained within existing budgets.
<p>Human Resource:</p>	<p>There are no additional staffing issues that need to be considered as part of this report</p>
<p>Risk Management:</p>	<p>This enforcement policy is based on the principles identified in the Regulators Compliance code. This is a statutory code for enforcement action and therefore not adopting this approach would be a greater risk.</p>