

# Communities, Housing & Environment Committee

15 September 2015

Is the final decision on the recommendations in this report to be made at this meeting?

Yes

## Environmental Health Enforcement Policy

<b>Final Decision-Maker</b>	Communities, Housing & Environmental Committee
<b>Lead Director or Head of Service</b>	John Littlemore, Head of Housing and Communities Services
<b>Lead Officer and Report Author</b>	Tracey Beattie, Mid Kent Environmental Health Manager
<b>Classification</b>	Non-exempt
<b>Wards affected</b>	All

### This report makes the following recommendations to the final decision-maker:

1. To approve adoption of the attached draft revised Environmental Health Enforcement Policy ,(appendix 1) in respect of Maidstone Borough Council.

### This report relates to the following corporate priorities:

- Great Place

### Timetable

<b>Meeting</b>	<b>Date</b>
Corporate Leadership Team	
Policy and Resources Committee	
Council	
Other Committee	15 September 2015

# Environmental Health Enforcement Policy

## 1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1 As a regulatory service environmental health needs to ensure that the steps that lead to formal enforcement action are in line with national guidance. This includes the Enforcement Concordat, the Regulators' Code issued in 2014 and relevant regulatory guidance specific to the offence. This report seeks to ensure that the enforcement policy is in line with these documents and reflects good practice.
  - 1.2 The policy also reflects the Regulators' Code issued in April 2014 which sets out the principle that regulation should support the economic growth of compliant businesses. The code is clear that such principles do not prevent regulators' responding to a serious breach or where providing a stepped approach would be likely to defeat the purpose of the proposed enforcement action.
  - 1.3 Environmental Health Enforcement Policy will provide guidance to ensure that enforcement action is proportionate, consistent, transparent, targeted and accountable. Such actions will be documented, justified and where appropriate include authority from the Head of Service or other senior officer with delegated authority under the Maidstone Constitution.
- 

## 2. INTRODUCTION AND BACKGROUND

- 2.1 The revised draft Environmental Health Enforcement Policy,(appendix1) updates the previous enforcement policy agreed in 2010. The new policy should be read in the context of the legislation the Environmental Health Service operates within and the national and statutory guidance for these statutes.
- 2.2 In 2014 the Regulators' Code was produced by the Better Regulation Delivery Office, it directs regulators' that when reviewing policies they should consider how they support the economic growth of compliant businesses. To this end the aim of the Environmental Health enforcement policy will help create a level playing field for compliant businesses.
- 2.3 The policy will provide managers and officers with guidance and businesses with the confidence that enforcement action is consistent and proportionate to any non compliance. The Team Leaders will make sure there are monthly regular reviews and monitoring of authorised officers' decisions to embed consistent standards in the service. The officers will record information on their actions and decisions to deliver transparency and the service will follow national guidance and codes of practice on targeting higher risk activities and businesses.

- 2.4 Officers will follow a stepped approach to enforcement, in general, but where there are serious breaches of legislation, or there is imminent risk to the health or welfare of people, immediate enforcement action may be considered.
- 2.5 The enforcement options available to officers in the Environmental Health service include; advice and guidance, written warning, statutory notices, fixed penalty notice, seizure, refusal or revocation of approval for food businesses, simple caution, and prosecution. Most work undertaken by the service involves advice, guidance and written warnings.
- 

### **3. AVAILABLE OPTIONS**

- 3.1 The committee can approve the draft policy (appendix 1) as drafted or with amendments and provide officers with the guidance and structure contained in the policy.
- 3.2 The committee could choose not to approve the new policy.
- 

### **4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS**

- 4.1 The preferred option is the adoption of the draft revised policy for the areas of enforcement delegated to Environmental Health as set out at appendix 1. The current policy requires updating and it is good practice for the service to have a policy which meets current requirements and provides clear guidance to officers.
- 

### **5. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK**

- 5.1 No consultation has been sought as this is an update in accordance with legislation and the Regulators' Code.
- 5.2 No previous committee feedback has been identified as this is the first report on this draft document.
- 

### **6. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION**

- 6.1 To take the Environmental Health Enforcement policy to the Policy and Performance Committee. Subject to call in to be effective from 20 September 2015.
- 

### **7. CROSS-CUTTING ISSUES AND IMPLICATIONS**

<b>Issue</b>	<b>Implications</b>	<b>Sign-off</b>
<b>Impact on Corporate Priorities</b>	Supports economic growth of compliant businesses by providing clear enforcement options with balance and checks by senior managers.	John Littlemore
<b>Risk Management</b>	Providing a member approved enforcement policy ensures that the Environmental Health Service are given clear guidance when considering enforcement action.	John Littlemore
<b>Financial</b>		Paul Riley
<b>Staffing</b>	None	John Littlemore
<b>Legal</b>		Jayne Bolas
<b>Equality Impact Needs Assessment</b>	Completed	Clare Wood
<b>Environmental/Sustainable Development</b>	None	John Littlemore
<b>Community Safety</b>	None	[Head of Service or Manager]
<b>Human Rights Act</b>	The policy is compliant with the Human Rights Act	[Head of Service or Manager]
<b>Procurement</b>	None	[Head of Service & Section 151 Officer]
<b>Asset Management</b>	None	[Head of Service & Manager]

## **8. REPORT APPENDICES**

The following documents are to be published with this report and form part of the report:

- Appendix I: Draft proposed Environmental Health Enforcement Policy
- 

## **9. BACKGROUND PAPERS**

Enforcement Concordate  
Regulators' Code  
2010 Enforcement Policy