

NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**EXECUTIVE MANAGEMENT TEAM'S REPORT TO
MEMBER DEVELOPMENT COMMITTEE**

Date 2nd October 2014

1. **REPORT TITLE** Enforcement Training
- Submitted by:** Nesta Barker – Head of Environmental Health Services
- Portfolio:** Finance & Resources
- Ward(s) affected:** All Wards

Purpose of the Report

The Enforcement Policy 2014-17 was adopted in June 2014. The enforcement policy sets out the approach which will be taken regarding enforcement activities. Members have requested training on the nature and extent of enforcement powers available to the council.

Recommendations

That member's consider training on enforcement powers and decide if specific enforcement training for all members is to be delivered.

Reasons

The reasons for the preferred solution are to assist and increase member's awareness and knowledge regarding enforcement powers.

1. **Background**

1.1 Newcastle under Lyme Borough Council is responsible for the regulation and enforcement of a wide range of legislation covering a broad spectrum of functions and service areas. The current enforcement policy details these enforcement powers.

2. **Issues**

2.1 The enforcement policy sets out the Council's approach to regulation across all functions and service areas (except Planning) and explains the principles aimed at securing compliance. The emphasis is on advice and guidance with escalation to informal and formal enforcement powers dependent on each individual situation. The policy identifies and explains these powers.

2.2 It is recognised that the nature and extent of enforcement powers is diverse. Members may wish to consider training to receive information on the enforcement powers.

2.3 The following enforcement powers are detailed in the enforcement policy and could be considered within member training:

- a. No Action
- b. Informal Action & Advice
- c. Fixed Penalty Notices

- d. Penalty Charge Notices
- e. Voluntary Closure, prohibition, surrender or undertaking
- f. Formal/Statutory Notice
- g. Works in default
- h. Forfeiture proceedings
- i. Seizure
- j. Powers of Entry
- k. Injunctive Action
- l. Simple caution
- m. Benefits Caution/Sanctions
- n. Administrative Penalty
- o. Refusal, Revocation or Suspension of a Licence
- p. Prosecution
- q. Proceeds of Crime Applications

3. **Proposal**

That member's consider training on enforcement powers and decide if specific enforcement training for all members is to be delivered.

4. **Reasons for Preferred Solution**

- 4.1 The reasons for the preferred solution are to assist and increase member's awareness and knowledge regarding enforcement powers.

5. **Outcomes Linked to Sustainable Community Strategy and Corporate Priorities**

- 5.1 The proposals would contribute to the following:
A clean, safe and sustainable borough
A borough of opportunity
A healthy and active community
A co-operative Council delivering high quality, community driven, services.

6. **Legal and Statutory Implications**

- 6.1 Enforcement powers and processes are embedded within a wide range of legislation, which the council has a 'power' or a 'duty' to enforce or regulate.

7. **Financial and Resource Implications**

- 7.1 There are officer resource commitment in the preparation and delivery of training and member resources in attending training.