

<b>Body:</b>	<b>Cabinet</b>
<b>Date:</b>	<b>8<sup>th</sup> July 2015</b>
<b>Subject:</b>	<b>Regulatory Services Enforcement Policy and Service Standards</b>
<b>Report of:</b>	<b>Ian Fitzpatrick, Senior Head of Community and EHL MD</b>
<b>Ward(s)</b>	All
<b>Purpose</b>	To consider a Regulatory Services Enforcement Policy and associated Service Standards.
<b>Decision type:</b>	Key decision
<b>Recommendation:</b>	That Cabinet: <ul style="list-style-type: none"><li>• delegates authority to the Portfolio Holder to agree the final Regulatory Services Enforcement Policy and Service Standards;</li><li>• recommends that full Council adopts the Regulatory Services Enforcement Policy;</li><li>• recommends that full Council adopt the Service Standards.</li></ul>
<b>Contact:</b>	Sue Oliver, Strategy & Commissioning Lead for Environment & Waste Telephone 01323 415360 or internally on extension 5360. E-mail address <a href="mailto:sue.oliver@eastbourne.gov.uk">sue.oliver@eastbourne.gov.uk</a>

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## **1.0 Background**

1.1 Local authorities are required by the Regulator's Code to publish a clear set of service standards, including their enforcement policy, explaining how they respond to non-compliance. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation, and to be accountable and transparent about their activities.

The Regulators' Code can be found on the GOV.UK website at; <https://www.gov.uk/government/publications/regulators-code>

1.2 The term "Regulatory Services" covers the Environmental Health and Licensing functions, and specifically the following areas of work:

- Pollution
- Food
- Health and Safety
- Private Housing

- Licensing – premises, taxi and private hire, gambling and ancillary functions.

The primary aim of the Environmental Health and Licensing function is to protect public health. This is done by ensuring compliance with the legislative framework so that consumers, businesses, employees, individuals and the environment are protected. Fair, proportionate, targeted and effective enforcement is essential to protecting the health, safety and economic interests of all concerned. Generally advice and support is provided to those seeking to comply and, at the same time, those who choose not to comply are dealt with, taking a proportionate approach. The detail on how and when action may be taken is outlined in the content of the draft Regulatory Services Enforcement Policy.

1.3 The draft Regulatory Services Enforcement Policy is attached at Appendix A.

The draft Service Standards are attached at Appendix B.

1.4 Previously, each of the five Environmental Health/Licensing functions listed in paragraph 1.2 had its own enforcement policy. These are currently being reviewed, and a decision will be taken as to whether a service-specific enforcement policy is still required, or whether the specific legislative requirements of these functions can be incorporated into the over-arching policy.

## **2.0 Consultation**

2.1 Consultation will take place with representative groups prior to the Policy and Service Standards being adopted by Council. The groups identified so far are the Eastbourne Hospitality Association, the Chamber of Commerce, the Eastbourne, Lewes & Wealden branch of the Federation of Small Businesses, and the National Landlords' Association.

## **3.0 Resource Implications**

3.1 **Financial** – there are no financial implications.

3.2 **Staffing** – interventions and enforcement will be carried out within existing staff resources.

## **4.0 Other Implications, Environmental, Community Safety, Youth, Anti-poverty, Equality and Fairness analysis**

4.1 **Equality and Fairness analysis:** Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender or gender identity, religion or belief, political views, disability, age or the sexual orientation of the suspect, victim, witness or offender.

The town has businesses managed and run by black and minority ethnic groups, and English may not be their first language. We will endeavour to provide material in their first language, and arrange interpretation services where necessary, to assist the individual to access advice, guidance,

information and legislation.

An equality and fairness analysis will be conducted of this policy.

## **5.0 Summary**

- 5.1 The Regulators' Code requires local authorities to publish service standards, including an enforcement policy, to explain how they will deal with non-compliance. It also prescribes the information for businesses and individuals that these documents must contain. Adoption of the Regulatory Services Enforcement Policy and Service Standards will enable the Council to comply with the Regulators' Code.

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The Background Papers used in compiling this report were as follows:

The Regulators' Code;

<https://www.gov.uk/government/publications/regulators-code>

To inspect or obtain copies of background papers please refer to the contact officer listed above.