

LONDON BOROUGH OF HILLINGDON ENFORCEMENT POLICY

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| Cabinet Member(s) | Cllr John Riley |
| Cabinet Portfolio(s) | Public Safety & Transport |
| Officer Contact(s) | Stephanie Waterford, Planning, Environment, Education & Community Services. |
| Papers with report | Appendix 1 – Draft Enforcement Policy |

HEADLINES

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| Summary | This report seeks the approval and adoption of the new London Borough of Hillingdon Enforcement Policy which will consolidate practices and ensure a consistent approach to enforcement across the Council's regulatory and enforcement services. The Policy sets out the legal principles, responsibilities and considerations which officers will follow when enforcing regulatory legislation. |
| Putting our Residents First | This report supports the following Council objectives of: <i>Our People;</i> <i>Our Natural Environment;</i> <i>Our Built Environment;</i> <i>Strong financial management.</i> |
| Financial Cost | There is no immediate direct financial cost to the Council relating to the approval of the new policy. |
| Relevant Select Committee | Public Safety & Transport |
| Relevant Ward(s) | All |

RECOMMENDATIONS

That the Cabinet

- 1) Approves the adoption of the London Borough of Hillingdon Enforcement Policy
- 2) Instructs officers to review the Policy in 2024

Reasons for recommendation

The recent alignment of the Council's enforcement functions into one Corporate Directorate has enabled reviews of working practices and the refinement and improvement of current procedures. This policy has been drafted with input from the Council's regulatory and enforcement teams and will serve as a framework to guide officers and decision makers on enforcement principles and standards.

The adoption of the policy will help to ensure a consistent approach to enforcement across the Council's regulatory and enforcement teams. The policy will set out the guiding principles which the Council will follow when considering enforcement actions to ensure fairness, consistency, necessity and proportionality.

Policies should be reviewed from time to time to ensure that they reflect the current legal framework and promote best industry practice.

Alternative options considered / risk management

To not have an Enforcement Policy. This could leave the Council vulnerable to inconsistencies in approach to enforcement actions and could be the subject of legal challenge which could weaken prospects for successful enforcement.

Select Committee comments

None at this stage.

SUPPORTING INFORMATION

- 1) Regulatory and enforcement services frequently need to demonstrate that their actions are consistent with legal requirements and standards, public interest and government guidance. Enforcement policies provide a consistent decision-making framework and commonly form part of the policy framework of a local authority.
- 2) This enforcement policy has been formed by the Council's regulatory and enforcement teams which have come together under the Corporate Directorate changes. The placement of all these services into one directorate ensures that the Council's regulatory enforcement actions are approached with the same levels of consistency giving residents and businesses confidence in how the Council will deal with non-compliance issues.
- 3) The aims of the policy are to:
 - a. Provide a clear and concise enforcement framework to regulatory officers
 - b. Ensure consistent enforcement that is proportionate to the risks involved
 - c. Acknowledge the shared enforcement role between different Council teams and external regulators
 - d. Recognise the alternatives to enforcement by education and proactive engagement

- e. Commitment to the five core principles of enforcement: proportionality, accountability, consistency, transparency, targeted.
- 4) The policy recognises the range of enforcement options available to the Council and promotes the principles which must be applied when considering matters of non-compliance.

Financial Implications

There is no immediate financial cost associated with the recommendations outlined in this report. Should Cabinet approve and adopt the new London Borough of Hillingdon Enforcement Policy, consideration of potential future resourcing requirements relating to its implementation will be undertaken (together with the associated funding options available). This links in with the current ongoing strategic review of the Council's enforcement functions/structures.

RESIDENT BENEFIT & CONSULTATION

The introduction of this policy will give a clear and consistent approach to enforcement which will inform residents of how the Council will investigate matters and deal with issues on their behalf. The policy framework will also inform residents of the service they can expect from Council enforcement teams.

CORPORATE CONSIDERATIONS

Corporate Finance

Corporate Finance has reviewed the report and concurs with the finance implications set out above, that there are no direct cost implications to the recommendations.

Legal

The policy has been fully reviewed by the prosecutor at the Council in line with all relevant legislative frameworks, guidance and protocols.

Comments from other relevant service areas

All comments from relevant enforcement teams have been included in the enforcement policy which has been formulated as part of the Enforcement Transformation working group.

BACKGROUND PAPERS

NIL