

51. **Health and Environment Enforcement Policy 2019-2024**

Simon Colburn, Assistant Director Health and Environment Services

- a. presented the Health and Environment Policy 2019-2024 for consideration prior to submission to Executive.
- b. advised that the policy sought to clarify the principles which the Health and Environment service area would undertake in terms of regulatory activity including:
 - *We will ensure that we enforce the law in a fair, equitable and consistent manner;*
 - *We will work to assist businesses and others in meeting their legal obligations.*
 - *Our focus will be on prevention rather than cure, where appropriate.*
 - *We will take action against those who breach the law or act irresponsibly.*
- c. explained that the policy also clarified that Officers would follow relevant good practise guidance in all regulatory activities, this included:
 - The Principles of Good regulation
 - The Regulator's Code
 - The Code of Crown Prosecutors
 - Any other relevant legislation or guidance
- d. highlighted the Principles of Good Regulation (under the Legislative and Regulatory Reform Act 2006) as detailed at paragraph 4.3 of the report.
- e. further highlighted the Regulator's Code (Department of Business, Innovation and Skills) as detailed at paragraph 4.4 of the report.
- f. advised that the Policy also clarified that the Council would always have regard to the Code for Crown Prosecutors and the two tests detailed at paragraph 4.5 of the report.
- g. advised that the policy specifically introduced:
 - Civil Penalties
 - Penalty Charge Notices in relation to Smoke and Carbon Monoxide alarms
 - Charging for Enforcement Activity under the Housing Act 2004
- h. advised that the policy applied to the functions carried out by the following services:

- a. Environmental Health – Food Safety, Health & Safety, Pollution Control and Private Sector Housing
 - b. Licensing
 - c. Anti-Social Behaviour and Public Protection
- i. explained that the overarching policy provided the context and framework for more detailed policies and procedures such as the existing Licensing Policy Statement and detailed procedures may be developed in particular service areas to assist officers in specific enforcement activities.
- j. advised that the policy would be reviewed no later than 2024.
- k. invited members comments and questions

During the discussion Councillor Laura McWilliams requested it be noted in the interest of transparency that she worked for a letting agent. The discussion did not relate directly to her employer and the only element being discussed was the legislation.

Question: Referred to paragraph 4.9 of the report and asked if the Council inspected rented properties for smoke and carbon monoxide alarms?

Response: Clarified that the Council would inspect Houses in Multiple Occupation as part of their licence to check that smoke and carbon monoxide alarms were fitted. Private rented properties would only be inspected by the Council if a complaint had been received. Landlords were required to include information in their lettings pack on how to make a complaint to the Council.

Question: What were the procedures for issuing a civil penalty?

Response: The procedures were set out in the separate guidance, all enforcement procedures would be followed before a fine was issued. There would be an opportunity to appeal against a fine.

Question: Could a fine be issued and then a person be prosecuted for the same offence?

Response: No, a fine would be issued instead of a prosecution.

Question: Had consultation on the policy taken place with landlords etc?

Response: They had not seen the Policy but there had been discussions and they were informed of the Councils intentions regarding Penalty Charge Notices.

RESOLVED that

1. the introduction and use of civil penalties, penalty charge notices and charging for enforcement activity be supported.
2. the contents of the report be noted and referred to Executive for approval.