

Nottingham City Council Delegated Decision



Nottingham
City Council

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| Reference Number: | 5025 |
| Author: | Paul Dales |
| Department: | Communities, Environment and Resident Services |
| Contact: | Paul Dales (Job Title: Food and Health & Safety Manager, Email: paul.dales@nottinghamcity.gov.uk, Phone: 0115 8761479) |
| Subject: | Adoption of Council Enforcement Policy 2023 (Replacement of 2016 version). |
| Total Value: | 0 (Type: Nil) |
| Decision Being Taken: | To adopt the Enforcement Policy and Service Standards to comply with the Regulators' Code 2014 as required by the Department for Business, Energy and Industrial Strategy. The Policy sets out how Nottingham City Council will carry out its role as a Regulator for many statutory and non-statutory functions. This is the first revision of the policy and this version will supersede the one adopted in 2016. |
| Reasons for the Decision(s) | The Regulators' Code 2014 requires that Nottingham City Council as a Regulator adopts an Enforcement Policy that clearly sets out how it will enforce the various Acts, Regulations and Orders it is empowered to enforce. The Policy reflects the Code's principles of acting proportionately, transparently, promoting compliance and to understand and minimise the negative impact of regulatory activity on businesses while tackling 'rogue traders' in order to achieve a fair trading environment in the City. The revised version was presented to CLT on 13 June 2023. |
| Briefing notes documents: | 2023 NCC Enforcment Policy.docx, 2023 NCC Communities Service Stds final.docx, CLT Enf Policy report.docx |
| Other Options Considered: | It is a requirement of the Statutory Code to adopt its principles so there is no alternative approach. |
| Background Papers: | None |

Published Works: **Regulators' Code 2014 - Department for Business Innovation & Skills**

Affected Wards: **Citywide**

Colleague / Councillor Interests: **None**

Consultations:
Date: 13/06/2023
Other City Council Bodies:CLT
CLT approval to move forward to DDM

Those not consulted are not directly affected by the decision.

Crime and Disorder Implications:
The Policy directly impacts crime and disorder in a positive manner; details are set out to clearly show how the Council's enforcement and compliance work is applied proportionately and on a risk basis. The aim is to reduce breaches of various laws through advice and education where practical, but also deal with serious offences in a robust manner by working with Police and other partners to protect citizens.

Equality:
EIA not required. Reasons: EIA not required. Reasons: This Policy does not include proposals or changes that impact negatively on any protected groups. The Policy reflects and endorses the statutory rights of citizens with protected characteristics in how it carries out its enforcement work and recognises the Council as a public authority for the purposes of the Human Rights Act 1988. Legal Services have reviewed the documents and their views and comments adopted in to the final version.

Decision Type: **Portfolio Holder**

Subject to Call In: **Yes**

Call In Expiry date: **09/10/2023**

Advice Sought: **Legal, Finance**

Legal Advice:
The Policy is subject to periodic review to accommodate any changes in legislation and or government policy and this is the first review of the policy. Legal have been consulted on the review and have provided advice on the amendments proposed which are minor amendments that have no legal implications. The amendments clarify text and refer to changes in legislation and the implementation of financial penalties for various offences as an alternative to prosecution. Advice provided by Sarah Jane Mills (Solicitor) on 03/08/2023.

Finance Advice:

There are no expected financial implications to this enforcement policy review. Any additional costs subsequently identified would need to be met within the existing MTFP for Communities. Advice provided by Susan Turner (Senior Commercial Business Partner) on 31/07/2023.

Signatures

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| Sajid Mohammed (PH - Neighbourhoods, Safety & Inclusion) |
| SIGNED and Dated: 02/10/2023 |
| Colin Wilderspin (Interim Director of Communities) |
| SIGNED and Dated: 26/09/2023 |