

ITEM 9 Licensing Enforcement Policy and Service Standards

Report of the Head of Legal and Democratic (Portfolio: Corporate)

Recommended:

- 1. That the Enforcement Policy and Service Standards set out as Annexes to this report are adopted in respect of all the licensing functions, except Scrap Metal Dealer licensing, and any associated enforcement work undertaken by the Licensing Section of the Legal and Democratic Service.**

Recommended to Cabinet:

- 2. The Enforcement Policy and Service Standards set out as Annexes to this report are adopted in respect of Scrap Metal Dealer licensing and any associated enforcement work undertaken by the Licensing Section of the Legal and Democratic Service.**

SUMMARY:

- The Legal and Democratic Service is responsible for a number of areas of work where enforcement action may be necessary. As such it is appropriate to have an Enforcement Policy giving customers an indication of what they can expect when dealing with the Council.
- A revised Policy is recommended for adoption together with Service Standards which describe the level of service that customers should expect.

1 Introduction

- 1.1** The Licensing Section of the Legal and Democratic Service is the enforcing authority, either in its own right or jointly with others such as the Police, for a number of areas of work covering such matters as taxis, alcohol and gambling. As such it is appropriate that the Service has adopted a Policy which indicates to our customers how enforcement action will be taken.
- 1.2** The existing Policy was adopted in 2006 and has been reviewed taking account of relevant guidance from the central government Department for Business, Energy and Industrial Strategy who issue advice via their Regulatory Delivery office. The revised Policy is attached as Annex 2 to this report. A separate Service Standards document, attached as Annex 1 to this report, has been produced which explains in more general terms how the licensing functions are delivered and the general approach of the Council in dealing with customers of the Licensing Section.

2 Background

- 2.1 In 1999 the government launched the Enforcement Concordat as an initiative to promote fair enforcement practice; the Borough Council signed up to this in October 2000 and subsequently an Enforcement Policy was adopted in 2006 which took account of the Concordat. In recent years government has increased its attention on the need for local authority regulators to be fair and proportionate in their dealings with business and various items of guidance and best practice have been produced by the Better Regulation Delivery Office now known as Regulatory Delivery.

3 Corporate Objectives and Priorities

- 3.1 The functions delivered by the Licensing Section of the Legal and Democratic Service are all statutory functions which do not directly relate to the Council's corporate aims. However, a great many of the functions have an important role to play in terms of public safety, welfare and amenity, and there is often a careful balance to be struck between the protection of those interests on the one hand whilst at the same time not unduly frustrating the growth of business on the other.

4 Consultations/Communications

- 4.1 No external consultation has been undertaken in respect of the Policy or Service Standards. However, as both are based on established national guidance it is not considered there would be any objections to adoption of the documents.

5 Options and Option Appraisal

- 5.1 The only option would be to not adopt the revised Policy and Service Standards. This would leave the Council with the current outdated Policy and no Service Standards. Whilst this is not critical it would mean that at some future date the Council may face criticism from an aggrieved party against whom enforcement action has been taken.

6 Resource Implications

- 6.1 There are no direct resource implications as a result of the recommendation.

7 Legal Implications

- 7.1 The Enforcement Policy as mentioned above complies with government guidance and so reflects current requirements and best practice. As licensing of Scrap Metal Dealers is an executive function and cannot be delegated to the Licensing Committee it is necessary to have a separate recommendation to Cabinet to approve the Policy and Standards in respect of that function only.

8 Equality Issues

- 8.1 An Equalities Impact Assessment (EQIA) has not been undertaken as the proposed recommendation does not represent a significant policy change. Adopting a revised Enforcement Policy and Service Standards will ensure quality and equality of service provision.

9 Other Issues

- 9.1 Community Safety – none specifically although see paragraph 3.1 above.
- 9.2 Environmental Health Issues – none specifically but some licensing functions may impact upon the environment.
- 9.3 Sustainability and Addressing a Changing Climate – none.
- 9.4 Property Issues – none.
- 9.5 Wards/Communities Affected – none directly but potentially the whole Borough.

10 Conclusion

- 10.1 With responsibilities for a range of public facing services it is appropriate for the Licensing Section of the Legal and Democratic Service to adopt an Enforcement Policy that reflects current requirements and best practice. The adoption of Service Standards will clearly set out to our customers what they can expect when dealing with the Council in respect of these services.

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| <u>Background Papers (Local Government Act 1972 Section 100D)</u> | | | |
| Report to Licensing Committee 14 September 2006 | | | |
| <u>Confidentiality</u> | | | |
| It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public. | | | |
| No of Annexes: | 2 | | |
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