



Belfast City Council

Report to:	Strategic Policy and Resources Committee
Subject:	Council Wide Regulation and Enforcement Policy
Date:	18 th November 2011
Reporting Officer:	Suzanne Wylie, Director of Health and Environmental Services, Ext. 3260
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1.0	Relevant Background Information
1.1	<p>The Council is responsible for regulating and enforcing a wide range of legislation (including local bye-laws) across its departments and services. These regulatory functions cover:</p> <ul style="list-style-type: none">▪ Antisocial behaviour▪ Building control▪ Cleansing and waste management▪ Environmental health▪ Licensing (including entertainment and street trading)▪ Use of parks, playing fields and open spaces
1.2	<p>In 2003, the Council committed to the principles of good enforcement through its adoption of the Government's "Enforcement Concordat". The concordat established the importance of transparency as a key principle recognising that businesses and individuals should know what to expect in their dealings with the Council as a regulatory body. Agreeing, publishing and complying with an enforcement policy is considered to be an effective way to ensure such transparency.</p>
1.3	<p>Over the years a number of Council services have developed individual enforcement policies incorporating the principles of good enforcement and setting out their approach to regulation. Appendix 2 lists those policies that have been adopted by the Council to date. These policies vary in content and style and do not cover all the regulatory areas for which the Council has responsibility.</p>

1.4	It is now considered that replacing all the existing enforcement policies with a single Council wide regulation and enforcement policy, would help ensure a consistent approach and would be more easily communicated and understood externally.
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2.0	Key Issues
2.1	A corporate Regulatory and Enforcement Policy will help ensure officers take a consistent approach to enforcement and will make it easier for businesses and individuals to understand what they can expect in their dealings with the Council.
2.2	The attached draft policy (Appendix 1) sets out an approach to planning and delivering regulatory services and enforcing the legislation for which the Council has responsibility. It reinforces the Council's adoption of the principles of the Enforcement Concordat and its support of the Government's Better Regulation agenda. The policy makes it clear the Council recognises that its regulatory activities should be proportionate, accountable, consistent, transparent and targeted to situations that need action.
2.3	<p>The policy aims to ensure the Council will adopt a positive and proactive approach towards ensuring compliance by:</p> <ul style="list-style-type: none"> • helping and encouraging those it regulates to fully understand and fulfil their legal responsibilities more easily; and • responding proportionately to non-compliance to avoid imposing unnecessary costs, while taking firm action against those who flout the law.
2.4	<p>Members are specifically referred to two particular aspects of the draft Policy:</p> <ul style="list-style-type: none"> • The first issue is in relation to situations when an individual fails to carry out works required by a statutory notice served by the Council and the Council carries out the works in default. To date there have only been limited attempts at recouping the costs incurred by the Council in carrying out works in default. The policy now contains a commitment to seek to recover such costs in most cases. Depending on the legislation involved, the costs can be pursued in a number of ways, for example by issuing debt proceedings or registering a charge against a property. This commitment is likely to require additional input from Legal Services. • Secondly, the Policy as drafted states that the Council will not normally prosecute minors. Whilst that has always been the Council's practice, it has never been formally adopted.
2.5	Section 4 of the policy recognises that additional supporting enforcement guidelines will continue to be required for some functions to assist officers in making decisions and to ensure compliance with statutory codes of practice and official guidelines. Such guidelines may in some cases require Council approval and be subject to external scrutiny.

3.0	Resource Implications
3.1	N/A

4.0	Equality and Good Relations Implications
4.1	No equality or good relations implications identified

5.0	Recommendations
5.1	<p>Members are asked to</p> <ul style="list-style-type: none"> ○ To adopt the draft Regulation and Enforcement Policy at Appendix 1 (including the clause relating to minors). ○ To rescind all pre-existing enforcement policies (listed in Appendix 2).

6.0	Key to Abbreviations
None	

7.0	Documents Attached
<p>Appendix 1 Draft Regulation and Enforcement Policy Appendix 2 List of Current Enforcement Policies approved by Council</p>	