

Record of Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Tony Harbour Councillor Jane Murphy
Key decision?	No
Date of decision (same as date form signed)	20 October 2015
Name and job title of officer requesting the decision	Ben Coleman, Environmental Protection Team Leader
Officer contact details	Tel: 01235 547639 Email: ben.coleman@southandvale.gov.uk
Decision	To: Approve the adoption of the Environmental Health and Licensing Enforcement Policy for Environmental Health and Licensing as set out in appendix one. The new policy will replace any previous policies for relevant work areas.
Reasons for decision	<p>The Environmental Health service currently have three enforcement policies. The enforcement policy for Environmental Protection dates back to March 2003. The policy for Housing Enforcement (now within the same team) dates from September 2006 and the Food and Safety enforcement policy was adopted in 2014.</p> <p>The Licensing Team undertake similar enforcement duties and they also have an enforcement policy.</p> <p>The policies need to be simplified and for reasons of consistency within environmental health they need to be harmonised.</p> <p>Having an up to date enforcement policy is encouraged by the Regulators Code, produced by the Department for Business, Innovation and Skills. We have adopted the principles of good enforcement and processes in compliance with the Regulators Code and we will follow the Code for Crown Prosecutors which sets out the general principles officers should follow when they make decisions on enforcement cases.</p> <p>In the interests of openness and transparency it is best</p>

	<p>practice to have an enforcement policy that sets out the decision making processes and considerations for enforcement related decisions. The new policy follows this best practice.</p> <p>A copy of the regulators code is attached in appendix two.</p>			
Alternative options rejected	We could continue to use the existing policies, however it is unhelpful to have different enforcement policies that apply to enforcement work within the same service.			
Legal implications	Harmonising, simplifying and updating our enforcement policy will reduce the risk of legal challenge.			
Financial implications	There are no direct financial implications to this policy.			
Other implications	None			
Background papers considered	Appendix one - proposed new enforcement policy for Environmental Health and Licensing. Appendix two - The Regulators Code Appendix three – Equality impact check			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors	N/A	N/A	N/A
	Legal	Ian Price	No comments	09/09/2015
	Finance	Kathy Merritt	No comments	09/09/2015
	Human resources	Mark Gibbons	No comments	08/09/2015
	Sustainability	Heather Saunders	No comments	08/08/2015
	Diversity and equality	Cheryl Reeves	An equality impact check has been completed on this policy. No negative impact identified.	11/9/2015
	Communications	Andy Roberts	No additional communications necessary	14/9/2015
	Strategic Management Board	David Buckle	Content	6/10/2015
Confidential decision? If so, under which exempt category?	No			

Call-in waived by Scrutiny Committee chairman?	No
Cabinet member's signature To confirm the decision as set out in this notice.	Signature: Councillors Tony Harbour and Jane Murphy Date: 20 October 2015

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 20 October 2015	Time: 08:00
Date published to Scrutiny Committee	Date: 20 October 2015	
Call-in deadline	Date: 27 October 2015	Time: 17:00

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off. The lead officer must then seek the Cabinet member's agreement and signature.
2. Once satisfied with the decision, the Cabinet member must sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence. Democratic Services staff are located on the ground floor north wing (C block) of the Crowmarsh Gifford offices.
Tel. 01235 540307 or extension 7307.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to Scrutiny Committee members to commence the call-in period (five clear working days). The decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing the decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If the decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet member (the decision maker) will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet member for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet member's decision, in which case it can be implemented immediately.