

Decision made in the presence of:  
Neil Allen, Head of Legal Services  
Ed Shaylor, Head of Enforcement and Safety  
Callum Wernham, Democratic & Electoral Services Specialist

**INDIVIDUAL EXECUTIVE MEMBER  
DECISION RECORD SHEET  
IMD 2023/03**

<b>Title of the report</b>	<b>Environment And Safety Department Enforcement Policy</b>
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**DECISION MADE BY** Executive Member for Environment, Sport and Leisure - Ian Shenton  
**ACTION BY** Director, Place and Growth - Simon Dale  
**DECISION MADE ON** 23 February 2023

**Recommendation contained in the report**

That the Executive Member for Environment, Sport and Leisure authorise the Director of Place & Growth, and officers delegated in turn by them, to implement the Environment and Safety Department Enforcement Policy (“the Policy”), contained as enclosure 1 to this report, including service specific enforcement policies appended to it as amended by the Executive Member at the meeting as set out below, and to publish the Policy on the Council’s website.

**Decision**

That the Executive Member for Environment, Sport and Leisure authorised the Director of Place & Growth, and officers delegated in turn by them, to implement the Environment and Safety Department Enforcement Policy (“the Policy”), contained as enclosure 1 to this report, including service specific enforcement policies appended to it as amended by the Executive Member at the meeting as set out below, and to publish the Policy on the Council’s website.

**Amendments to Enforcement Policy**

In Appendix 7, Advertising Boards, Agenda Page 36, this Policy is designed to deal solely with the use of the Council’s powers as a Highway Authority under the Highways Act 1980, associated legislation and case law. It does not cover the regulation of Advertisements generally and specifically under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and associated legislation, which are dealt with separately and referred to here as “the Advertising legislation.” Any permission or enforcement action under this Policy is without prejudice to the Council’s powers under the Advertising legislation and Consent given under this Policy should not be inferred to be deemed consent under the Advertising legislation.

In Appendix 8, Public Rights of Way, Agenda Page 41, it should be made clear that an informative to the local land charges record for the property as a disputed piece of land will only be made after the householder has been informed of the council’s intention to do so, and has had an opportunity to make representations.

On Page 7 of the agenda pack, Financial Implications, it should be made clear that income from financial penalties may contribute to service budgets, subject to the legislative power, but the use of financial penalties is not designed to create income. The budgeted figures

merely reflect anticipated likely income, which may be more or less. Financial penalties are designed to encourage compliant behaviour and deter non-compliance.

### **Reasons for Decision if different to recommendation**

The following amendments and clarifications to the enforcement policy were agreed by the Executive Member.

Appendix 7, Advertising Boards, Agenda Page 36, this Policy is designed to deal solely with the use of the Council's powers as a Highway Authority under the Highways Act 1980, associated legislation and case law. It does not cover the regulation of Advertisements generally and specifically under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and associated legislation, which are dealt with separately and referred to here as "the Advertising legislation." Any permission or enforcement action under this Policy is without prejudice to the Council's powers under the Advertising legislation and Consent given under this Policy should not be inferred to be deemed consent under the Advertising legislation.

**Reason:** to make it clear that this Policy is limited to the use of the Council's powers as a Highway Authority and any consent given or enforcement action taken under this Policy is without prejudice to the Council's powers under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and associated legislation and its Planning Enforcement Policy.

Appendix 8, Public Rights of Way, Agenda Page 41, it should be made clear that an informative to the local land charges record for the property as a disputed piece of land will only be made after the householder has been informed of the council's intention to do so, and has had an opportunity to make representations.

**Reason:** to give householders an opportunity to object to inclusion of an informative in local land charges and make representations before a decision to make such an inclusion is made.

On Page 7 of the Agenda, Financial Implications, it should be made clear that income from financial penalties may contribute to service budgets, subject to the legislative power, but the use of financial penalties is not designed to create income. The budgeted figures merely reflect anticipated likely income, which may be more or less. Financial penalties are designed to encourage compliant behaviour and deter non-compliance.

**Reason:** to clarify that whilst sound budget management requires an estimate of anticipated income from financial penalties, the penalties introduced by this Policy are designed to encourage compliant behaviour and deter non-compliance, rather than to generate income for the Council.

### **Alternative options considered and rejected at time of the decision**

N/A

### **Summary of consultations undertaken**

<b>SUMMARY OF CONSULTATION RESPONSES</b>	
<b>Director – Resources and Assets</b>	None received
<b>Monitoring Officer</b>	None received
<b>Leader of the Council</b>	None received

**Reasons why the report was deemed to have contained confidential or Exempt information (if applicable)**

N/A

**Any Conflict of interest declared by any Executive Member who is consulted by a Member which relates to the decision**

None

**Any dispensation granted by the Head of Paid Service in respect of any declared conflict of interest**

None

**PUBLISHED ON:** 23 February2023

**EFFECTIVE ON:** 3 March 2023

**CALL-IN PERIOD EXPIRES:** 2 March 2023