

Committee Name and Date of Committee Meeting

Cabinet – 17 November 2025

Report Title

General Enforcement Policy

Is this a Key Decision and has it been included on the Forward Plan?

Yes

Strategic Director Approving Submission of the Report

Andrew Bramidge, Strategic Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

Report Summary

The Council has had an adopted General Enforcement Policy in place in a range of formats for a number of years. The Policy is required to be reviewed at regular intervals with the last one being in May 2023.

The Council is required by statutory guidance to have in place mechanisms to engage those they regulate, residents, businesses, and others to offer views and contribute to the development of their policies. A review of the Council's General Enforcement Policy is an opportunity to ensure that stakeholders are engaged and consulted in relation to policy development and to identify if there should be any amendments to the Policy.

Recommendations

That Cabinet:

1. Approve a period of consultation with stakeholders to be undertaken in respect of the General Enforcement Policy to inform a review.

2. Note that a refreshed Policy will then be presented to Cabinet in May 2026 following the consultation.

List of Appendices Included

Appendix 1 General Enforcement Policy May 2023
Appendix 2 Consultation Plan
Appendix 3 Equalities Screening Assessment
Appendix 4 Carbon and Climate Change Assessment

Background Papers

- General Enforcement Policy, May 2023
- Legislative and Regulatory Reform Act 2006
- Legislative and Regulatory Reform (Regulatory Functions) Order 2007
- Department for Business Innovation and Skills: Better Regulation Delivery Office, Regulators' Code (April 2014)
- August 2023 Cabinet minutes, Item 40 – General Enforcement Policy

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

General Enforcement Policy

1. Background

- 1.1 The Council is required by the Legislative and Regulatory Reform Act 2006 to have regard to the Regulators' Code when developing policies and operational procedures that guide its regulatory activities. This applies to the Council's General Enforcement Policy and any revisions it wishes to make to that Policy.
- 1.2 The Department for Business, Innovation and Skills: Better Regulation Delivery Office's, Regulators' Code of April 2014 is a statutory guidance document that councils must have regard to when developing policies and operational procedures that guide some of its regulatory activities. This applies to the Council's current General Enforcement Policy in relation to its regulatory and enforcement functions.
- 1.3 The General Enforcement Policy is underpinned by the statutory principles of good regulation but also ensures the priority of protecting the public.
- 1.4 The General Enforcement Policy sets out Rotherham Metropolitan Borough Council's approach to regulatory compliance and enforcement, aiming to protect the public, support businesses, and safeguard the environment. The policy emphasises transparency, consistency, proportionality, and accountability in all enforcement actions, ensuring that resources are targeted at the highest risks and that advice and support are prioritised to encourage compliance. It outlines the conduct of investigations, decision-making processes for enforcement actions, and the importance of fairness, confidentiality, and feedback. The Policy also details the range of enforcement actions available, from advice and voluntary undertakings to prosecution and licence revocation, and highlights the Council's commitment to working with partners, adhering to relevant legislation and codes of practice, and regularly reviewing its approach to ensure effectiveness and public trust. The Policy sets out the principles of transparency, consistency and proportionality to which the Council will adhere to in its discharge of enforcement and regulatory functions.
- 1.5 The current General Enforcement Policy was reviewed during 2023 in accordance with the Regulators' Code. The updated General Enforcement Policy was approved and adopted at the Cabinet meeting of 7th August 2023 (item 40).
- 1.6 The Council's General Enforcement Policy, attached as Appendix 1, details the way in which the Council will exercise its regulatory obligations in a way that is:
 - Proportionate
 - Accountable
 - Consistent
 - Transparent
 - Targeted

Consultees will be asked to identify if there need to be any amendments in relation to legislative changes or any proposed changes in approach to regulation and enforcement.

2. Key Issues

2.1 The key issues are set out in Section 1 of the report.

3. Options considered and recommended proposal

3.1 The Council is obliged by statute to have a General Enforcement Policy in place and is required to regularly review such Policies and therefore no alternative options have been considered.

3.2 The recommendation is to approve the intention to consult with stakeholders, and to provide a refreshed Policy to Cabinet, taking account of any actionable views, in May 2026.

4. Consultation on proposal

4.1 A consultation plan is provided in Appendix 2.

4.2 The findings from the consultation on the existing Policy, together with a refreshed Policy, will be brought back to Cabinet for consideration.

5. Timetable and Accountability for Implementing this Decision

5.1 Should consultation be approved by Cabinet in November 2025, then consultation will take place between 1 December 2025 and 27 February 2026.

5.2 Consultation will include Council colleagues, Elected Members, partners, stakeholders and the public.

5.3 A draft reviewed Policy, following the completion of the consultation, together with analysis of the consultation, will be presented to Cabinet in May 2026 to consider adoption.

6. Financial and Procurement Advice and Implications

6.1 All costs associated with this consultation process and the subsequent implementation of and monitoring associated with the General Enforcement Policy will be contained within the approved revenue budgets for the Regulation and Enforcement Service.

6.2 There are no direct procurement implications associated with the recommendations detailed in this report.

7. Legal Advice and Implications

- 7.1 The Council is required by the Legislative and Regulatory Reform Act 2006 to have regard to the principles set out within section 21(2) of the Act and also the Regulators' Code when developing policies and operational procedures that guide its regulatory activities. This applies to the Council's General Enforcement Policy and any revisions its wishes to make to that Policy.
- 7.2 The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 details the regulatory and enforcement functions of the Council that are subject to the Regulators' Code and consequently the General Enforcement Policy. This covers a significant number of functions including for example Environmental Health, Trading Standards, Highways, Housing, Licensing, Parking and Transport; however, it should be noted that the provisions do not extend to Planning and Social Services.
- 7.3 Both the Act and the Regulators' Code details standards of function delivery that must be adhered to, establishing the following as legal obligations for the delivery of the Council's regulatory and enforcement functions subject to the Regulators' Code:
- Proportionate
 - Accountable
 - Consistent
 - Transparent
 - Targeted
- 7.4 The Government will monitor those subject to the Regulators' Code and their published policies and standards, and will challenge regulators where there is evidence that policies and standards are not in line with the Code or are not followed.
- 7.5 Adopting the recommended option will ensure that the Council is compliant with statutory requirements and allow for policy development where required. This will also minimise the risk of any legal challenge in respect of the policy itself, and any enforcement decisions made in accordance with the policy. A decision not to formally review the policy could leave the Council open to potential legal challenge in respect of enforcement decisions, judicial review and challenge from the Better Regulation Delivery Office (part of the Department for Business, Innovation and Skills).
- 7.6 There are well known consultation criteria, based upon case law, for a consultation to be deemed lawful:
- (i) the consultation must be at a time when proposals are still at a formative stage;
 - (ii) adequate and clear information must be given to allow for proper consideration and response;
 - (iii) adequate time must be given for consideration of the proposals and for consultees to prepare a response; and

- (iv) the results of the consultation must be conscientiously considered before making a final decision.

7.7 There is no statutory consultation period however any consultation should be carried out over a sufficient period of time. The proposal of an initial consultation internally with relevant Services and then 6 weeks for public consultation would be sufficient and is in line with Government guidance.

8. Human Resources Advice and Implications

8.1 There are no direct human resources implications arising from this report.

8.2 Council teams/staff who are subject to the General Enforcement Policy will be encouraged to engage with this consultation.

9. Implications for Children and Young People and Vulnerable Adults

9.1 There are no implications for Children and Young People and Vulnerable Adults.

10. Equalities and Human Rights Advice and Implications

10.1 The existing Policy was subject to a full analysis following previous reviews and amendments. Any changes to the Policy following the consultation will also be subject to a full equality analysis if required.

10.2 A screening assessment has been carried out in Appendix 3.

11. Implications for CO2 Emissions and Climate Change

11.1 An assessment has been carried out in Appendix 4. There are implications in relation to vehicle use emissions to conduct regulatory and enforcement visits however the impact is assessed as minimal.

12. Implications for Partners

12.1. Internal partners will be consulted in phase one of the process. No external partners are impacted, as agencies such as the Police will have their own Policies to comply with.

13. Risks and Mitigation

13.1 Failure to have due regard to the provisions of the Regulators' Code, presents a risk of decisions or actions being successfully challenged, and evidence gathered during a criminal investigation being ruled inadmissible by the Court.

13.2 Failures to comply with the Regulators' Code can result in reputational damage to the Council through not complying with its legal obligations.

14. Accountable Officers

Sam Barstow, Assistant Director

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	28/10/25
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	23/10/25
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	21/10/25

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