

Committee Name and Date of Committee Meeting

Cabinet – 11 May 2026

Report Title

General Enforcement Policy

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

Yes

Executive Director Approving Submission of the Report

Andrew Bramidge, Executive Director of Regeneration and Environment

Report Author(s)

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Ward(s) Affected

Borough-Wide

All Wards

Report Summary

This report seeks Cabinet approval to adopt a refreshed General Enforcement Policy. The Legislative and Regulatory Reform Act 2006 requires the Council to have regard to the Regulators' Code when setting policies and procedures that guide regulatory activity. A 30-day public consultation was conducted from 1 January 2026, followed by internal consultation in February 2026. The refreshed General Enforcement Policy is more strategic in content, with operational detail signposted to service-specific procedures. Material changes include clearer references to the Council's role as a landlord, updated legislative references, strengthened statements on delegation and emergency arrangements, an expanded partnership-working section, and refined enforcement options. The proposed General Enforcement Policy is attached at Appendix 1, with consultation analysis at Appendix 2.

Recommendations

That Cabinet Approves the refreshed General Enforcement Policy (Appendix 1) for publication and implementation, having had due regard to the Regulators' Code and the Legislative and Regulatory Reform Act 2006.

List of Appendices Included

Appendix 1 General Enforcement Policy– revised March 2026

Appendix 2 Analysis of Consultation Responses

Appendix 3 Equalities Screening Assessment

Appendix 4 Carbon and Climate Change Assessment

Background Papers

- General Enforcement Policy– Rotherham Metropolitan Borough Council
- 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)
- Renters’ Rights Act 2025 (primary legislation) and statutory guidance on: Civil penalties under the Renters’ Rights Act 2025 and other housing legislation; Rent repayment orders: guidance for local authorities.
- [Cabinet Report, 17th November 2025 – Report title – General Enforcement Policy Consultation](#)

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Cabinet – 17 November 2025

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 (The Policy) and any revisions it wishes to make to that Policy. The Regulators' Code is statutory guidance published by the Department for Business, Energy and Industrial Strategy (BEIS).
- 1.2 The Policy is underpinned by the statutory principles of good regulation, with its primary purpose being to protect the public.
- 1.3 The Policy sets out the principles of transparency, consistency, and proportionality to which the Council will adhere in its discharge of enforcement and regulatory functions.
- 1.4 The proposed Policy will apply to all council services exercising regulatory functions that are subject to the Regulators' Code under the Legislative and Regulatory Reform Act 2006 and the Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (as amended). This includes regulatory and enforcement activity affecting businesses and other regulated persons undertaken by services such as:
 - Environmental Protection
 - Public Health
 - Food Safety and Hygiene
 - Health and Safety
 - Animal Health
 - Waste Management
 - Trading Standards
 - Licensing
 - Parking Enforcement
 - Dog Control
 - Environmental Crime
 - Safety at Sports Grounds
 - Private Sector Housing
 - Highways
 - Green Spaces
 - Street Cleansing

This Policy also applies to the Council in its capacity as a landlord, where enforcement relates to tenancy conditions. The Policy will not apply to non-regulatory functions or services that do not involve the enforcement of regulatory requirements on businesses or regulated entities, including social care, education, benefits administration, council tax, housing needs or allocation functions, or other purely service delivery or support roles.

1.5 The current Policy has been reviewed, engaging both internal and external stakeholders. This was done by a peer-to-peer service review with affected Service Managers and Legal Services, and via a public consultation open for 30 days from 1 January 2026 on the Council's website.

2. Key Issues

2.1 The Council's Policy details how the Council will exercise its regulatory obligations in a way that is:

- Proportionate
- Accountable
- Consistent
- Transparent
- Targeted

2.2 It is important for the Council to ensure that its Policy is regularly reviewed ensuring that regulatory activities are transparent and accurate. The previous review took place in 2023.

2.3 The principles underpinning the Policy remain unchanged. The revised Policy is shorter and more high-level, keeping only strategic policy content and moving away from detailed operational guidance, which should be found within service-specific documentation including procedures.

2.4 It is also important to consider how the Council's services, impacted by the Policy, can perform against the Policy's main values. This formed part of the consultation process, with external stakeholders invited to comment on their experience of engagement with services impacted by the Policy. Relevant responses have been analysed and form part of the document in Appendix 2. This information has been shared with relevant service managers.

3. Options considered and recommended proposal

3.1 Option A – Retain the existing General Enforcement Policy (**not recommended**): This would not reflect updated legislation, guidance and local practice, and would be inconsistent with the requirement to keep the Policy under review.

3.2 Option B – Approve the refreshed General Enforcement Policy (**recommended**): This aligns the Policy with current statutory guidance, strengthens clarity on roles and enforcement options, and improves signposting to service-specific procedures.

4. Consultation on proposal

4.1 Internal engagement included affected services and Legal Services.

4.2 External consultation ran for 30 days from 1 January 2026 via the Council's website, supported by social media signposting. There were 53 responses

(compared to 24 in the 2023 consultation), and the analysis is set out at Appendix 2.

4.3 The consultation also invited feedback on how effectively services deliver against the General Enforcement Policy's commitments, in line with best practice under the Regulators' Code.

4.4 Material changes made following consultation include:

- Clarifying that the Policy also applies when the Council acts as a landlord, with reference to the Regulator of Social Housing's Consumer Standards.
- Referencing strengthened civil penalty powers under the Renters' Rights Act 2025, including signposting to remedial training as potential mitigation and discharge of the offence(s) made.
- Updating statutory references.
- Refining emergency provisions enabling the Chief Executive to suspend elements of the Policy during emergencies.
- Adding a partnership-working section to clarify key partners and joint objectives.
- Strengthening statements on the Council's scheme of delegation.
- Referencing action under the Proceeds of Crime Act 2002 within Appendix B (Enforcement Options).
- Adding flexibility for the Council to agree payment plans for high value penalties (i.e. Monetary Civil penalties over £2,000), under a new "Terms of Payment" section in Appendix B. This does not include Fixed Penalty Notices as they are of lower financial value.
- Clarifying that "no action" or an incremental formal warning approach may be proportionate in some circumstances.

5. Timetable and Accountability for Implementing this Decision

5.1 The Head of Community Safety and Regulatory Services and the Service Manager, Regulation and Enforcement Services, will oversee implementation of the refreshed General Enforcement Policy and schedule its next review within the Council's policy review cycle.

5.2 Should Cabinet approve this new Policy, it will become active and enabled subject to call-in procedures.

6. Financial and Procurement Advice and Implications

6.1 The General Enforcement Policy will be delivered within the approved revenue budgets for the affected Services.

6.2 There are no direct procurement implications arising from 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 Regulator's 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 or to the new enforcement provisions within the Renters' Rights Act 2025.
- 7.3 Both the Act and the Regulators' Code detail 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 Authorities where there is evidence that policies and standards are not in line with the Code or are not followed.
- 7.5 In approving Option B, the Council will ensure that it remains compliant with the statutory requirements set out within this report and this in turn will minimise the risk of legal challenge in relation to not only the policy itself but also any enforcement decisions made in accordance with the General Enforcement Policy.

8. Human Resources Advice and Implications

- 8.1 There are no implications for Human Resources arising from this report.

9. Implications for Children and Young People and Vulnerable Adults

- 9.1 There are no implications for Children and Young People and Vulnerable Adults.
- 9.2 The Policy provides reassurance for children, young people and vulnerable

adults around regulatory functions being carried out in a transparent, consistent, accountable and proportionate manner.

10. Equalities and Human Rights Advice and Implications

- 10.1 The Policy reinforces the Council's duties under the Equality Act 2010 by setting expectations for fair, transparent and proportionate enforcement. A screening assessment (Appendix 3) confirms no adverse impacts are anticipated.

11. Implications for CO2 Emissions and Climate Change

- 11.1 There are implications in relation to vehicle use emissions to conduct regulatory and enforcement visits however the impact is assessed as minimal in the context of wider environmental benefits from enforcement, especially in three key areas of waste, transport and housing. Appendix 4 covers these considerations.

12. Implications for Partners

- 12.1 Partners have been included in the consultation process however their own policies and procedures are unaffected.

13. Risks and Mitigation

- 13.1 Failure to have due regard to the provisions of the Regulators' Code presents a risk of enforcement decisions or actions being successfully challenged. There is also a risk that evidence gathered during a criminal investigation is ruled inadmissible by the Court and in addition, that prosecution proceedings cannot be instigated at all.
- 13.2 Failures to comply with the Regulators' Code can result in reputational damage to the Council through not complying with its legal obligations.
- 13.3 Approval and adoption of the refreshed Policy mitigates these risks by updating statutory references, improving clarity, and strengthening governance arrangements.

14. Accountable Officers

- 14.1 Emma Ellis, Head of Community Safety and Regulatory Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	John Edwards	22/04/26
Executive Director of Corporate Services (S.151 Officer)	Judith Badger	13/04/26
Service Director of Legal Services (Monitoring Officer)	Phil Horsfield	13/04/26

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This report is published on the Council's [website](#).