

Draft Enforcement Policy

Analysis of stakeholder consultation

Report

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THE ROYAL BOROUGH OF
KENSINGTON
AND CHELSEA

Background

Environmental Health has an enforcement role across a wide range of functions including Food Safety, Health and Safety, Trading Standards, Licensing, Private Sector Housing and Noise and Nuisance. Whilst the enforcement tools available to each team may differ depending on the legislation, there are general overarching principles that govern good enforcement and apply to all services within the Environmental Health department.

The Environmental Health department are currently working to a legacy Enforcement Policy, key changes to the policy include:

- General update
- Simplifying the language used to ensure the content is clear to those reading and using the Policy
- Updates to ensure it remains relevant to the activities being regulated
- Addition of a new Trading Standards Enforcement Policy in relation to lettings legislation
- Addition of a new clause detailing the use of social media and online resources for enforcement purposes

Consultation Methodology

There is a legal background to the way in which we use our enforcement powers; the [Regulators' Code](#) provides a clear framework for enforcement authorities to work to. The code includes how we develop and implement our own enforcement policies and what must be included, and aims to demonstrate to the public and other stakeholders that, in taking such decisions, there is proportionality in our actions, consistency in our approach and transparency in the process.

The draft policy aims to ensure that businesses, residents, and other stakeholders know what to expect from the services within Environmental Health, and as required by the Regulators Code, that we consult with those we regulate in relation to the guidance and policy that we produce.

A consultation launched on 6 May 2022 closing on 19 June 2022. An accessible version of the draft policy was made available, alongside an online survey to capture feedback via Kensington and Chelsea's Consultation and Engagement Hub.

Report

A total of 10 surveys were returned by the deadline. This report contains data tables and comments detailing the responses to the survey questions. **Percentage figures have been removed from the data tables in this document as these figures will be overinflated due to the low number of responses.**

Acknowledgements

The Council would like to thank everyone that took the time to feedback their views.

Summary

- A total of nine out of ten respondents support the draft enforcement policy either in full (six respondents) or in part (three respondents), with one respondent **not answering**.
- A total of nine out of ten respondents felt that the language used in the draft enforcement policy clear and understandable, **supported** the potential sanctions available to Council officers to achieve compliance, with one respondent **not answering**.
- A total of nine out of ten of respondents **supported** the potential sanctions available to Council officers to achieve compliance, with one respondent **not answering**.
- A total of eight out of ten respondents **agree** with the graduated approach taken by Environmental Health when seeking compliance with the policy, whilst one respondent **disagreed** and one respondent didn't answer.

Q1: Overall, do you support the draft enforcement policy?

Option	Total
Yes - In full	6
Yes - In part	3
No	0
Don't know	0
Not Answered	1

Q1a: If you do not support elements of this policy, please explain why in the box below

- *Pars 2.1 sets a bar that is very high and not in keeping with the bar set by the rest of the section. Suggest the drafting be revisited - it cannot be the case that firm action will only be taken in those two situations only*
- *Enforcement should have residents priorities in mind. Persistent noise and nuisance problems are vastly more important than worrying about a 17 year old buying cigarettes.*
- *The document is full of good intent but provides officers to continue to obfuscate. There is no serious expression to clarify, standardize, communicate and implement regulations.*

2: Is the language used in the draft enforcement policy clear and understandable?

Option	Total
Yes	9
No	0
Not Answered	1

3: Do you support the potential sanctions available to Council officers to achieve compliance? The list of sanctions are detailed within Clause 4.3 (pages 10- 16).

Option	Total
Yes	9
No	0
Don't know	0
Not Answered	1

4: Do you agree with the graduated approach taken by the Environmental Health when seeking compliance with the policy?

Option	Total
Yes	8
No	1
Don't know	0
Not Answered	1

5: If you have any further comments on the draft enforcement policy, please explain in the comment box below.

There were 2 responses to this part of the question.

- Publish an abbreviated version at or near sites which are regularly used for fly-tipping e.g. Avondale Park Road and overflowing bins near residential blocks e.g. Threshers Place. There is significant risk of communicable disease, particularly for children and animals.*
- My experience of complaining to the Council on various matters has been pointless and a waste of time. Councillors have been ineffectual, Licensing officers have been dismissive, one employee was a disgrace and yet remained in position for weeks.*

About you

6: What is your postcode?

- *SW5 9FE*
- *Sw72pp*
- *SW5*
- *Sw50pu*
- *SW5 9JZ*
- *SW5 9JT*
- *W8*
- *sw10 9pj*
- *W11 2EU*

7: What is your sex?

Option	Total
Male	2
Female	5
Prefer to self describe (please specify below)	0
Prefer not to state	2
Not Answered	1

8: Is the gender you identify with the same as your sex registered at birth?

Option	Total
Yes	7
No	0
Not Answered	3

8a: If you answered "No", please give the term you use to describe your gender. This is also voluntary, so you can leave it blank if you prefer.

- *Oh dear....how silly*

9: Which of the following best describes your sexual orientation?

Option	Total
Straight/Heterosexual	6
Gay or Lesbian	0
Bisexual	0
Other sexual orientation	1
Not Answered	3

9a: If 'other' please specify

- Er...I thought this was about environmental health enforcement
- Prefer not to state

10: Which age group do you belong to?

Option	Total
Under 18	0
18 to 24	0
25 to 34	0
35 to 44	1
45 to 54	2
55 to 64	2
65 to 74	1
75 plus	0
Prefer not to state	2
Not Answered	2

11: How do you describe your ethnic origin?

Option	Total
White - English/Welsh/Scottish/Northern Irish/British	3
White - Irish	0
White - Gypsy or Irish Traveller	0
White - Other European	4
Any other White background - please specify below	0
Black or Black British - African	0
Black or Black British - Somali	0
Black or Black British - Caribbean	0
Any other Black background - please specify below	0
Asian or Asian British - Indian	0
Asian or Asian British - Pakistani	0
Asian or Asian British - Bangladeshi	0
Asian or Asian British - Chinese	0
Any other Asian background - please specify below	0
Mixed/multiple ethnic groups - White and Black Caribbean	0
Mixed/multiple ethnic groups - White and Black African	0
Mixed/multiple ethnic groups - White and Asian	0
Any other mixed background - please specify below	0
Other ethnic group - Moroccan Arab	0
Other ethnic group - Other Arab	0
Other ethnic group - Filipino	0
Any other ethnic group - please specify below	0
Prefer not to state	1
Not Answered	2

12: What is your religion or belief?

Option	Total
Christian	3
Muslim	1
Jewish	0
Buddhist	0
Hindu	0
Sikh	0
No religion or belief	1
Other religion (specify below)	0
Prefer not to state	3
Not Answered	2

13: Do you have any physical or mental health conditions or illnesses lasting or expected to last 12 months or more?

Option	Total
Yes	0
No	5
Prefer not to state	3
Not Answered	2

14: If yes, what is the nature of your physical or mental health condition or illness? (Select all that apply)

Option	Total
I have a physical impairment	0
I have a mental health condition (including depression, dementia, obsessive compulsive disorder, and other mental health conditions)	0
I have a mobility impairment	0
I have another illness or disability e.g. hidden impairment (diabetes, epilepsy etc.)	0
I am a wheelchair user	0
I use medical equipment requiring an electricity supply	0
I have a hearing impairment	0
Prefer to self-describe (please specify below)	0
I have a visual impairment	0
I have a learning difficulty	0

Prefer not to say	2
Not Answered	8