



Belfast City Council

Report to:	Health and Environmental Services Committee
Subject:	Building Control Service Enforcement Policy
Date:	4th February, 2009
Reporting Officer:	Mr. Trevor Martin, Head of Building Control Ext 2450
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Relevant Background Information

This policy has been drafted to define the principles which govern the enforcement work of the Building Control Service (the Service). As such this strategic policy outlines the scope of the Service's enforcement work. It is an objective of this policy to promote a co-ordinated and consistent approach to enforcement within the Service which reflects the Council's commitment to the principles of good enforcement.

The Service has a duty to protect members of the public and enforce regulations in the following areas; building regulations, dangerous structures, entertainments licensing, cinema licensing, street trading, amusement permits, petroleum licensing, shops trading on Sundays and street naming and buildings numbering.

Key Issues

One of the Council's core objectives is to improve the quality of life, now and for future generations by creating a cleaner, more attractive, safer and healthier city, with a strong economy. The Service will assist in achieving this aim by providing advice and regulating the activities of others to ensure a safer city for the public.

Members are asked to note that underpinning this policy are the principles of good enforcement set out in the Enforcement Concordat which has been adopted by the Council since 2003. Good enforcement in accordance with the Concordat means that the Service in implementing this policy shall be transparent, helpful, proportionate, targeted, accountable and consistent

This policy offers a guide for members, officers, businesses and the general public as to how the Service intend to enforce and regulate. The policy has been drafted so as to be applicable across a wide range of potential enforcement scenarios. These include circumstances where advisory, informal and formal actions are taken by officers.

In respect of the application of this policy the Service will take into account and act in accordance with our statutory responsibilities when carrying out enforcement.

In accordance with the policy we will target formal enforcement action against persistent offenders. It is the aim of this policy to illustrate to those regulated by the Service what they can expect if they are the subject of any type of enforcement action.

In respect of enforcement, our staff will exercise their professional discretion in line with this policy. Staff will consider and weigh up interests such as the social, economic, and environmental implications of potential enforcement actions and balance them against the circumstances in a proportionate manner.

Three courses of enforcement actions are outlined in the policy. Firstly we will provide advice to those regulated so as to ensure compliance. The next level from this is informal enforcement actions; these actions are stronger than advice but not yet serious enough to warrant a formal approach. Finally formal enforcement will be applied when all other avenues have been exhausted or the immediacy of the situation means this is the only option to ensure compliance with legislation.

The most formal and serious type of enforcement action is prosecution and the Service will only prosecute after full consideration of all the facts. In all cases this decision will be taken in consultation with our Legal Services Department.

This policy clearly sets out the instances in which the Service will prosecute and also demonstrates that when required the Council will work with other public bodies such as the Police Service of Northern Ireland, Northern Ireland Housing Executive and other statutory agencies in prosecuting wrongdoers to safeguard the public interest.

This policy will be available to any member of the public upon request and will be available from the Council's website. It is intended that this policy will be reviewed as necessary to take into account any changes to our legal responsibilities, and otherwise at a minimum of every two years.

Resource Implications

Financial Implications

None

Human Resources

None

Assets and other Implications

None

Recommendation

The Committee is recommended to approve the attached draft policy on Enforcement or to recommend changes required.

Attached Document

- Copy of draft Building Control Service Enforcement Policy