

What is an Enforcement Policy and why do we need one?

An Enforcement Policy is a document which sets out in clear terms how we carry out the enforcement of the wide range of legislation we are responsible for on a day to day basis.

Our first priority is always to protect the public and others whilst acting in a fair and consistent manner. Good, fair enforcement promotes a thriving economy and enables local businesses to carry on their activities knowing that all in the district will be dealt with in the same, even handed manner.

It is very important that businesses and individuals who are subject to the legislation we enforce know what to expect when we take decide to take action. Similarly, those who we seek to protect have an expectation that companies and individuals who do not meet the standards required by legislation are required to put right any shortcomings.

How do we ensure fairness?

We have adopted the Government's Enforcement Concordat and fully support its principles of setting standards, being open, helpful, consistent, proportional and dealing with complaints effectively. What does this mean in practice?

Standards - We will set clear standards of service and performance so that everyone knows what to expect of us.

Openness - We will publish accessible information and advice in plain English (and other languages when required).

Helpfulness - Our aim is to help people to comply with the law, rather than catch them out whilst breaking it.

Proportionality - We will always make sure that any action taken relates to the risk.

Consistency - We will carry out our enforcement duties in a fair, even and consistent manner while exercising discretion in individual cases.

How do we decide what action to take?

In coming to any decision we will consider, amongst other things, the seriousness of the offence, the past history, our confidence that remedial action will be taken, the consequences of non-compliance, the views of the victim and the likely effectiveness of the various enforcement options.

What enforcement options do we have?

Some of the the options available to us are:

- to take no action;
- to take informal action;
- to issue statutory notices, fixed penalty notices or orders;
- to revoke, suspend or change licences, licence conditions, registrations and prior approvals;
- to use formal cautions;
- to prosecute;
- to obtain Court injunctions;
- to carry out works in default and recover the costs;
- to seize and/or detain articles and materials;
- to agree Acceptable Behaviour Contracts; and/or
- to apply for Anti-Social Behaviour Orders.

When will we prosecute?

We will consider prosecution when one or more of the following criteria are met:

- where the alleged offence involves a breach of the law such that public health is or has been put at risk;
- where the alleged offence involves a failure to correct an identified serious potential risk having been given a reasonable opportunity to comply with the law;
- where the offence involves a failure to comply in full or in part with the requirements of a statutory notice;
- where there is a history of similar offences.

What if I'm not satisfied with your enforcement decision?

We have a well publicised and effective compliments and complaints procedure, which is easily accessible to all. In those cases, where we cannot agree, any right of complaint or appeal you may have will be explained with details of the process and the likely time scales involved. A copy of the complaints procedure is available from us at our offices or on our website.

Where someone has a right of appeal to a Court or Council body in respect of enforcement action, we will ensure that they get advice on the appeal mechanism and this will be clearly set out in writing at the time the action is taken.

Our Aim

We will enforce the law so as to provide a safer and healthier environment for everyone who lives, works in or visits our district.

We will do this in accordance with this Policy which commits us to open and fair enforcement practices and procedures.

For a copy of the full policy and to see our service delivery standards please visit our website or write to the Director of Environment and Street Scene at the address below.



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A Guide to the Environment and Street Scene Directorate Enforcement Policy

