



# **Regulatory Services Enforcement Policy**

**Cabinet Approval: 12 May 2016**

**Revised: August 2019**

# General Enforcement Policy

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### Appendix 1 - Factors we consider when acting

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## **1. Introduction**

- 1.1 One of Charnwood Borough Council's principal duties is to ensure that individuals, businesses and others are meeting their statutory obligations and complying with the law relating to a range of issues from the dropping of litter to producing safe food. To achieve this, officers from the council are authorised to take enforcement action.
- 1.2 A decision about enforcement action, and the decision to prosecute, has serious implications for all involved. The council applies this policy to ensure that: -
  - Decisions about enforcement action are fair, proportionate and consistent to those affected.
  - Officers apply current Government guidance and codes of practice and that they act in accordance with this policy.
  - Everyone understands the principles that are applied when enforcement action is considered.
- 1.3 The purpose of this Regulatory Services Enforcement Policy is to set out what those being regulated can expect from the council when enforcement activities are undertaken.

Alongside the Regulatory Services Enforcement Policy there are the Regulatory Services Service Standards, which provide further information on the standard of service you can expect from Regulatory Services.

The Regulatory Services Enforcement Policy has been developed in consultation with Leicester, Leicestershire Enterprise Partnership through their Regulatory Partnership and Business Focus Panel and demonstrates our commitment to the principles of good enforcement as set out in the Legislative Regulatory Reform Act 2006, the Enforcement Concordat and the Regulators Code.

## **2. Approval and Application of the Enforcement Policy**

- 2.1 This policy was approved by Cabinet on 12 May 2016. It has been reviewed in August 2019.
- 2.2 This policy applies to enforcement duties covered by Regulatory Services which are:
  - Environmental Protection
  - Food Safety
  - Health and Safety

- Licensing
- Street Management

Community Safety and Landlord Services have a separate enforcement policy. There is also a Corporate Enforcement Policy.

- 2.3 In addition some Regulatory Service areas have supplementary enforcement policies. Service specific policies should be read in conjunction with this policy and provide information in greater detail on how specific legislation applicable to that service is applied. This includes Food Safety, Health and Safety and The Smoke Free Enforcement Policy. There are also service specific procedures for detailed operational guidelines.
- 2.4 'Enforcement' includes any action taken by Officers aimed at ensuring that individuals or businesses comply with the law. This is not limited to formal enforcement actions such as prosecution, informal cautions and the issuing of enforcement notices; it also includes, for example, activities undertaken for the purpose of checking compliance with Acts of Parliament and Regulations, and the provision of advice to facilitate compliance.
- 2.5 This policy helps to promote efficient and effective approaches to inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens. This policy has been produced having had regard to the Regulators' Code (RC).

### **3. How to obtain a copy of the Policy or make comments**

- 3.1 This policy is available in printed format on the Council website: [https://www.charnwood.gov.uk/pages/regulatory\\_service](https://www.charnwood.gov.uk/pages/regulatory_service) and is available in other formats.
- 3.2 If you need any help in understanding this policy, or you would like to comment on the contents, please contact us by:
- telephoning 01509 634628;
  - e-mailing env.health@charnwood.gov.uk; or
  - writing to the Head of Regulatory Services -  
Charnwood Borough Council,  
Southfield Road, Loughborough,  
Leicestershire, LE112TR.

### **4. General Principles**

- 4.1 Each set of circumstances is unique and must be considered on its own merits. However, there are general principles that apply to the way each case will be approached. The principles of good enforcement are contained in the Enforcement Concordat produced by the Cabinet Office.
- 4.2 Authorised officers must be fair, independent and objective and must not let any personal views about issues such as ethnic or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim,

witness or offender influence their decisions. They must not be affected by improper or undue pressure from any source.

4.3 All authorised officers will have regard to the policy and act which is proportionate to the risk and to the seriousness of any breach of legislation where appropriate. In most circumstances' officers have a range of actions available to facilitate compliance ranging from an educational and advisory approach to recommending legal proceedings. However, in certain circumstances legislation is prescriptive and this will limit the discretion of the Authorised Officer. In some circumstances persistent breaches will result in formal action being taken for what would normally be regarded as less serious contraventions.

4.4 Consideration will be given to the interests of customers including business owners, employees and the public. For example, where the hours of operation of a business do not coincide with normal office hours, we will endeavour to agree a mutually acceptable time or visit during the business's normal trading hours. Similarly, where English is not spoken as a first language, and there is difficulty in communication, the services of a suitable translator/interpreter and the provision of information in a relevant accessible form will be considered. There may be occasions in informal situations when a relative or friend of the individual may act as an interpreter.

Where formal action is proposed, the assistance of an interpreter may be obtained to ensure fairness. Officers will seek to confirm that their statements and questions are clearly understood.

4.5 Advice and information will be available and given, and businesses, employees and the public will be encouraged to contact the council regarding relevant matters. The council retains the right to charge for advice. Any fees and charges will be clearly published.

4.6 All officers undertaking enforcement activities will be duly authorised under the council's scheme of delegation and will be appropriately trained.

4.7 All authorised officers will be made fully aware of the requirements of this Policy. Any departure from this Policy will have to be justified to, and endorsed by, the relevant Head of Service.

4.8 This Council is committed to the Equality of Opportunity in employment and the provision of services. Accordingly, this policy will consider all equality and diversity issues. An Equality Impact Assessment has been produced for this policy and can be seen in Appendix 3.

## **5. Our General approach to Enforcement**

5.1 Our enforcement policies have regard to the principles of good regulation as required by the Legislative and Regulatory Reform Act 2006, Part 2.

We will exercise our regulatory activities in a way which is:

- (i) Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities. This is important for supporting good business growth and maintaining a level playing field whilst protecting citizens and the environment.

5.2 In our enforcement policies, we have set out our approach to dealing with non-compliance. In making a commitment to good enforcement practices we will avoid imposing unnecessary regulatory burdens and we will assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. We have been clear about which service areas our enforcement policies apply to, so you understand where they apply to your business or to you as an individual.

5.3 We have also highlighted our commitment that businesses or individuals will be able to request advice without triggering enforcement action unless there is an imminent risk to health, or an assurance is required that the business or individual is operating in a safe and compliant manner.

5.4 When dealing with non-compliance we will

- Choose risk-based approaches based on relevant factors
- Deal firmly with those that deliberately or persistently fail to comply
- Explain our approach to complaints of non-compliance
- Explain our approach to investigating non-compliances
- Outline the range of actions that may be taken if a non-compliance is found
- Explain how decisions are made on any enforcement action
- Outline our commitment to keep you informed of the progress of investigations

5.5 In our policies, we have provided a clear route for complaints and appeals against a regulatory decision.

## **6. Regulators' Code**

6.1 Charnwood Borough Council has had regard to the [Regulators' Code](#) in the preparation of this policy. In certain instances, we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

6.2 The council will:

- Carry out activities in a way that supports those they regulate to comply and grow.
- Provide simple and straightforward ways to engage with those they regulate and hear their views
- Base regulatory activities on risk
- Share information about compliance and risk
- Ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Ensure their approach to the regulatory activities is transparent.

## **7. Human Rights Act 1998**

7.1 Charnwood Borough Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. Due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

## **8. Data Protection Act 1998**

8.1 Where there is a need for Charnwood Borough Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 2018.

## **9. The Code for Crown Prosecutors**

9.1 When deciding whether to prosecute; Charnwood Borough Council has regard to the provisions of issued by the Director of Public Prosecutions.

9.2 The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The [Code for Crown Prosecutors](#) sets out two tests that must be satisfied commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute Charnwood Borough Council will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

- b. Public Interest Test - is it in the public interest for the case to be brought to court?

9.3 Charnwood Borough Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that we will consider are detailed under the enforcement options available to us in section 13.6.

## **10. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')**

10.1 [The Regulatory Enforcement and Sanctions Act 2008](#), as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

## **11. Our Approach to dealing with non-compliance**

11.1 Charnwood Borough Council believes in firm but fair enforcement of the law. This should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how we operate and what those regulated may expect; and accountability for our actions.

11.2 In deciding what action to take in regards non-compliance, we will try and achieve one or more of the following outcomes:

- To change the behaviour of the business or individual
- To eliminate any financial gain or benefit from non-compliance
- To restore the harm caused by regulatory non-compliance, where appropriate
- To deter future non-compliance
- To deal firmly with those who deliberately or consistently fail to comply
- Refer in suitable cases breaches to another enforcement body.

11.3 Where we require you to act to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, considering your circumstances
- Clearly explain any advice, actions required or decisions that we have taken Agree timescales that are acceptable to both you and us, in relation to any actions required.
- Provide in writing details of how to appeal against any advice provided, actions required, or decisions taken, including any statutory rights to appeal
- Explain what will happen next



- Keep in touch with you, where required, until the matter is resolved

11.4 Charnwood Borough Council introduced a penalty Points scheme for Hackney carriage/private hire drivers and private hire operators. Penalty points are issued by Licensing Enforcement Officers for a range of offences. The aim of the penalty point's scheme is to work in conjunction with other enforcement options and provide a formalised 'incremental' enforcement plan. They provide for drivers to incur up to 12 points within a 12-month period without risk of losing their license. The primary objective of the penalty point's scheme is to improve levels of compliance to the licence conditions and help improve standards, safety and protection of the public.

## **12. Conduct of Investigations**

12.1 All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Charnwood Borough Council:

- The Police and Criminal Evidence Act 1984
- The Criminal Procedure and Investigations Act 1996
- The Regulation of Investigatory Powers Act 2000
- The Criminal Justice and Police Act 2001
- The Human Rights Act 1998
- The Powers of Entry – Home Office Code of Practice

12.2 These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants. Our authorised officers will comply with the requirements of the legislation under which they are acting, and with any associated guidance or codes of practice.

## **13. Compliance Advice, Guidance and Support**

13.1 Charnwood Borough Council uses compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction, but it may be presented in evidence.

13.2 Charnwood Borough Council recognises that where a business has entered into a partnership with a primary authority, the primary authority will provide compliance advice and support, and Charnwood Borough Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the primary authority.

13.3 Where more formal enforcement action, such as an informal caution or prosecution, is taken, Charnwood Borough Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

#### **14. Voluntary Undertakings**

14.1 Charnwood Borough Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. Charnwood Borough Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

#### **15. Statutory (Legal) Notices**

15.1 In respect of many breaches Charnwood Borough Council has powers to issue statutory notices. These include: 'Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

15.2 A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

15.3 Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

#### **16. Financial penalties**

16.1 Charnwood Borough Council has powers to issue fixed penalty notices in respect of some breaches. A fixed penalty notice is not a criminal fine and does not appear on an individual's criminal record. If a fixed penalty is not paid, Charnwood Borough Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach Charnwood Borough Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

16.2 Charnwood Borough Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at Charnwood Borough Council's discretion. In some circumstances, where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

#### **17. Injunctive Actions, Enforcement Orders etc.**

- 17.1 In some circumstances Charnwood Borough Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.
- 17.2 Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.
- 17.3 Charnwood Borough Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Charnwood Borough Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

## **18. Informal Caution**

- 18.1 Charnwood Borough Council has the power to issue informal cautions as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the informal caution. Where an informal caution is offered and declined, Charnwood Borough Council is likely to consider prosecution.
- 18.2 An informal caution will be kept on the Council's Register of Cautions. It is likely to influence how Charnwood Borough Council deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence.

## **19. Prosecution**

- 19.1 Charnwood Borough Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute Charnwood Borough Council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.
- 19.2 Prosecution will only be considered where Charnwood Borough Council is satisfied that it has enough evidence to provide a realistic prospect of conviction against the defendant(s).
- 19.3 Before deciding that prosecution is appropriate, Charnwood Borough Council will consider all relevant circumstances carefully and will have regard to the following public interest questions:
- a) How serious is the offence committed?
  - b) What is the level of culpability of the suspect?
  - c) What are the circumstances of, or harm caused to any victim?
  - d) Was the suspect under 18 at the time of the offence?

- e) What is the impact on the community?
  - f) Is prosecution a proportionate response?
  - g) Do sources of information require protecting?
- 19.4 The questions above are not exhaustive and not all the questions may be relevant in every case. The weight to be attached to each of the questions, and the factors identified, will also vary according to the facts and merits of each case.
- 19.5 A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods/items of property and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

## **20. Refusal/Suspension/Revocation of License's**

- 20.1 Charnwood Borough Council issues a number of licences and permits. Charnwood Borough Council also has a role to play in ensuring that appropriate standards are met in relation to licenses issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.
- 20.2 When considering future licence applications, Charnwood Borough Council may take previous breaches and enforcement action into account.

## **21. Communicating our decisions**

- 21.1 Once an enforcement decision has been reached, we will inform the business and/or individual in a timely manner with an explanation in writing of any rights to representation or rights of appeal, along with practical information of the processes involved.

## **22. Who decides what enforcement action is taken**

- 22.1 For less serious infringements of the law, decisions about the most appropriate course of action is usually determined by the Investigating Officer(s). Decisions are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the council and/or Central Government.
- 22.2 For more serious offences, where the nature of the offence points towards Prosecution; The Head of Strategic Support has the following delegated power under the Constitution:

(Part 3: Scheme of Delegation to Officers; Council function page 3.34

paragraph 13 ('Other') and has sub-delegated this to the Legal Services Manager/Principal Solicitor by letter dated 3rd May 2011.

- 22.3 To institute defend or settle legal proceedings, including bankruptcy action, on behalf of the Council.
- 22.4 Details of 'Who decides what enforcement action is taken' is shown in Appendix 2.

### **23. Reconsidering a Prosecution Decision**

- 23.1 Normally if the defendant is told that there will not be a prosecution, or that the prosecution has stopped, the case will not start again. However, they may be an occasion when the decision not to prosecute, offer an informal caution or stop a prosecution, may be overturned.

The reasons for this include: -

- Rare cases where a new look at the original decision shows that it was wrong.
- Cases which were stopped so that further evidence could be collected.
- Cases which were stopped due to lack of evidence, but more significant evidence is discovered later.
- Cases involving a death in which a review following an inquest concludes that a prosecution should be brought.

### **24. Notifying Alleged Offenders**

- 24.1 If we receive information that may lead to enforcement action against an individual or business, we will notify that individual or business as soon as is practicable of any intended enforcement action, except in the circumstances described in 24.3 below.
- 24.2 During the progression of enforcement investigations/actions, individuals, business proprietors and witnesses will be kept informed of the progress of the matter under investigation. Confidentiality will be maintained and personal information about individuals will only be released during legal proceedings when required and/or in accordance with the Data Protection Act 1998.
- 24.3 In certain circumstances, we may choose not to keep individuals, business proprietors or witnesses informed of progress if this could impede enforcement action.

### **25. Covert Surveillance**

- 25.1 During an investigation into suspected non-compliance with legislation the

council may need to undertake directed covert surveillance from time to time. This may include remote sound or video monitoring equipment as well as personal observation. When this is necessary the requirements of the Regulation of Investigatory Powers Act 2000 will be complied with.

- 25.2 Any covert investigations using social media will be undertaken using RIPA guidelines.

## **26. Liaison with other regulatory bodies and enforcement agencies**

- 26.1 Where appropriate, enforcement activities carried out by the council will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

- 26.2 In some cases, for example where there has been a work-related death we will inform and liaise directly with Leicestershire Police. Joint investigations may also be undertaken with the Police and or the Health and Safety Executive. These provisions along with other matters relating to workplace health, safety and welfare are detailed within our Health & Safety Enforcement Policy.

- 26.3 Where an enforcement matter affects a wide geographical area beyond the district boundaries or involves enforcement by one or more other local authorities or organisations; all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated.

- 26.4 The council shares intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, including:

Government Agencies, such as:

- Food Standards Agency
- Health and Safety Executive,
- Environment Agency
- Civil Aviation Authority
- Public Health England.
- The Gambling Commission
- Police Forces, such as Leicestershire Police
- Fire Authorities, such as Leicestershire Fire and Rescue Service
- Public Health Laboratory Service
- Statutory undertakers, such as Severn Trent Water
- Other Local Authorities

- 26.5 Where wider regulatory matters can be more effectively addressed through joint working we will, where appropriate, enter into formal 'Enforcement Liaison Protocols'.

- 26.6 Where enforcement action is being considered against a business, reference will be made to the Primary Authority Scheme.

26.7 Where action is being considered in cases of persistent or serious anti-social behaviour a collective decision may be made by the Joint Action Group.

## **27. Considering the views of those affected by offences**

27.1 The Council undertakes enforcement on behalf of the public at large and not just in the interests of any individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views they may have expressed, will, where appropriate, be considered.

27.2 Those people affected by the offence will be told about any decision that makes a significant difference to the case. This decision is subject to Data Protection guidelines.

## **28. Actions by the Courts**

28.1 In cases of sufficient gravity, for example where serious injury or ill health has resulted, consideration will be given to requesting that the Magistrates Court refers the case to the Crown Court where the legislation allows.

28.2 The existing law gives the courts considerable scope to punish offenders and to deter others. Unlimited fines and, in some cases, imprisonment may be imposed by the higher courts. The Council will continue to raise the awareness of the courts to the gravity of offences and will encourage them to make full use of their powers.

28.3 The Council will always seek to recover the costs of investigations which result in court proceedings.

## **29. Publicity**

29.1 Where appropriate, publicity will be actively sought for any enforcement action taken which could draw attention to the need to comply with the law or deter anyone else from non-compliance.

29.2 Information about enforcement actions will be made available on request subject to the restrictions placed on the authority by the Data Protection Act 2018 and the Freedom of information Act 2000.

## **30. Complaints, Appeals and Accountability**

30.1 The Council operates a complaints procedure details of which are available on the website [Charnwood Borough Council](#)

30.2 The mechanism for appeals against enforcement action taken will be referenced in all cases.

30.3 The actual service standards provided by the Council are contained in other service specific information.

**31. Review of the Enforcement Policy**

31.1 The implementation of this Policy will be monitored on an ongoing basis.

31.2 Every 3 years the Policy will be fully reviewed to ensure it is relevant.



## Appendix 1 - Factors we consider when acting

Officer(s) carry out **investigations/inspections**. This can be done in response to a complaint or request for assistance, as part of routine planned inspections of business premises or investigation of individuals.

Investigating Officer discovers evidence and is satisfied that a **criminal offence** may have been committed or is about to be committed. This is called *Prima facie* evidence.

### Investigating Officer considers a range of factors including:

Previous History - whether any similar situation has been found before.

Seriousness of the alleged offence(s), including:

- Risks to the public or the environment
- Any intent or recklessness of the person(s) committing the offence
- Any obstruction of the Investigating Officer
- Whether the alleged offence(s) are considered a special area of priority by Central Government and/or Charnwood Borough Council

Is there enough evidence to provide a realistic prospect of conviction

Would any further action be in the public interest

For **LESS SERIOUS** infringements of the law and/or where there is no previous history of offences/non-compliance with legislation the following options are considered:

**Informal Action** – verbal or written advice/warning

**Statutory Notice** – service of a legal notice that will require certain specified action to be taken by the recipient

In all cases we will advise the alleged offender what he/she needs to do in order to comply with the law.

In all cases the alleged offender will be informed of the matters under investigation and invited to attend a formal interview in accordance with the Police and Criminal Evidence Act

1984.

For **MORE SERIOUS** offences the following options will also be considered:

**Seizure of goods or equipment** – In certain cases, goods or equipment may be seized to protect the public and/or employees, for example unsafe food or sound equipment being used to cause a nuisance.

**Informal Caution** – an Informal Caution is an alternative to prosecution and can only be issued if strict criteria are met. The Home Office of Central Government sets these criteria. A Caution stays on public record for three years.

- If an Informal Caution is offered to an offender, but he/she refuses to accept it then we may prosecute instead.

**Prosecution** – legal proceedings are taken against the offender that results in the offender being summonsed to appear in Court. Any decision to prosecute is based upon guidelines set by the Crown Prosecution Service

**See – Who Decides What Action is taken [Appendix 2]**

**Appendix 2 – Who decides what enforcement action is taken**

