

Corporate Enforcement Policy

1 Introduction

- 1.1 The Council is committed to Building a World Class City for Everyone and recognises that its regulatory services play an important role in ensuring a level playing field for business, fairness for all and in particular, protection of the vulnerable.
- 1.2 The Council's enforcement approach will take corporate and local priorities into account.

2 Principles of enforcement

- 2.1 The Council will have regard to the Regulators Code and statutory principles of good regulation. The Council's position is that the responsibility for compliance with the law clearly rests with duty holders, i.e. individuals and businesses.
- 2.2 Subject to any other legal requirements, we will ensure that we exercise our regulatory activities in a way which is:
 - i. **Proportionate** – our core duty is to protect the public and safeguard children and vulnerable adults from harm. Our enforcement activities will reflect the level of risk to the public and enforcement action taken will correspond to the seriousness of the offence. We will seek to resolve cases at the lowest level of intervention appropriate to the case.
 - ii. **Accountable** – the way we carry out enforcement activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures. We will use enforcement activity to assist businesses and others in meeting their legal obligations without unnecessary expense and to support economic growth.
 - iii. **Consistent** – we will enforce the law in a fair, equitable and consistent manner with a view to maintaining public support for the Council's regulatory role. We will have regard to any action being taken by other bodies.
 - iv. **Transparent** – we will ensure that our advice to those we regulate is clear and reliable to help them understand their legal obligations and we will seek to raise awareness about what is expected of them and the need to comply. We will consider what action is appropriate for each regulatory matter and offender.
 - v. **Targeted** – We will seek to change the behaviour of the offender and eliminate any financial gain or benefit from non-compliance where practicable. Our resources will be focussed on higher risk enterprises and activities, reflecting local need and national and corporate priorities. We will seek to restore the harm caused by regulatory non-compliance where appropriate and expedient, and deter future non-compliance.

3 Delegation of authority

- 3.1 The Council's Constitution and Scheme of Delegations specifies the extent to which enforcement powers are delegated to officers.

4 Decisions on enforcement action

- 4.1 We will take a graduated approach to enforcement, unless there are circumstances where more formal enforcement action is necessary. Informal action can be in the form of advice with formal enforcement ranging from formal notices to prosecution in the more serious cases.
- 4.2 We will have regard to statutory guidance and national codes of practice when considering enforcement action.
- 4.3 When deciding whether to prosecute The Council will have regard to the provisions of The Code for Crown Prosecutors, in particular the need for a realistic prospect of conviction and whether prosecution is in the public interest.
- 4.4 Individual Council services may supplement this policy by developing more specific and detailed service protocols/procedures based on statutory provisions.

5 Officers' Powers of Entry and Obstruction

- 5.1 Enforcement Officers have a wide variety of duties, many of which need them to act as investigators similar to Tax Inspectors, Revenue and Customs officers and police officers. To enable them to act effectively, the law has given strong powers of entry, seizure and inspection. If individuals or companies obstruct officers or do not provide the requested information, the law also imposes punishments. Officers are trained so they rarely have to use these powers, but for them to be effective the Council will continue to uphold and support them.
- 5.2 Officers will use their powers of entry when necessary to effect an inspection of the premises or in the process of an investigation. The Council will always actively support officers acting in good faith and will consider prosecuting those individuals who obstruct or assault officers during investigations or inspections.
- 5.3 When the legislation allows, an officer may examine premises and articles, take photographs, remove articles, take samples or require information and may in some instances be accompanied by other persons. In appropriate cases an officer may seek a warrant from a Magistrates' court to gain entry into premises.
- 5.4 An officer will be expected to explain the powers available to them and seek to obtain voluntary compliance. However where this cannot be obtained, or where it is not applicable to use informal powers, formal use of powers will be sought. Officers will explain both the justification and the legal basis for the above actions upon demand.
- 5.5 All enforcement officers are required to carry identification in the form of an "Authority to Enter" card bearing their photograph. If an officer does not show their card, they may be asked to show it by anyone who is requested to allow entry. If no card is produced, entry may be legitimately refused and no punitive enforcement action will result. If a member of the public has any doubt about the officer's identity, they may telephone the Council on 01865 249811

6 Training and appointment of officers

- 6.1 All officers undertaking enforcement duties will be suitably trained and qualified to ensure officers are fully competent to undertake their enforcement activities.

7 Victims and witnesses

- 7.1 We will consider the needs of victims and witnesses and comply with relevant codes of practice for the treatment, support and communication with both victims and witnesses.

8 Expectations of Business

- 8.1 In their own interests, and in order to avoid the need for enforcement action, businesses including landlords and managers of residential property are expected:
- to proactively seek advice.
 - to be open in disclosing information to the Council when required.
 - to be cooperative and willing to discuss issues/problems.

9 Shared regulatory roles

- 9.1 Officers will attempt to co-ordinate visits and actions with other agencies to achieve the most efficient and effective outcomes and to minimise inconvenience for those who are being visited, inspected, or subject to other enforcement action.

10 Review of Enforcement Policy

- 10.1 This policy document will be reviewed every 3 years or whenever there is a legislative change that requires its review.

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