

RUGBY BOROUGH COUNCIL

CORPORATE ENFORCEMENT POLICY

PURPOSE

Rugby Borough Council formally adopted, in March 2000, the principles of the central and local government "Concordat on Good Enforcement", committing itself to good enforcement policies and procedures. Below, is set out what those being regulated can expect from enforcement officers in particular, and the regulatory services of the Council in general.

The policy sets out the general framework that will be applied across the regulatory services of the Council, in their various roles of protecting the public, the environment, consumers and those at work. These services include: -

- Environmental Health
- Building Control
- Planning Control
- Tree Preservation
- Housing, including enforcement of housing legislation for private sector housing
- Highway and Car Park regulation
- Licensing
- Council Tax, Benefits and Business Rates

Detailed policies will be produced for individual regulatory services within this framework.

AIM

The Council will endeavour to carry out its enforcement functions in an equitable, effective, efficient, practical and consistent manner having regard to its general aims as follows:

PURPOSE, AIMS AND VALUES

Purpose

The Council will take a lead and work with others to improve the prosperity, environment and quality of life of all who live and work in the Borough.

Aims

- To increase the prosperity of the Borough by supporting existing businesses, encouraging new employment, revitalising the town centre and attracting more visitors.
- To protect and enhance the built and natural environment now and in the future.
- To secure a wide range of homes to meet community needs.
- To promote a healthy and enjoyable life for residents with opportunities to take part in a wide range of leisure activities.
- To pursue measures to reduce crime and the fear of crime for all.
- To involve and consult individuals and communities.

Values

- Being open and honest
- Acting with integrity and building trust
- Demonstrating care and fairness
- Treating everyone equally
- Working in partnership
- To achieve best practice and best value

Objective

The Council will achieve its stated aim through a service delivery approach intended to allow businesses and others to meet their legal obligations and enforcement requirements without unnecessary expense. Firm action, including prosecution and other legal or enforcement action will however be taken where appropriate against those who flout the law or statutorily based controls and

against those who act irresponsibly to endanger the health and safety and quality of life of the community.

Principles of Good Enforcement Practice

The regulatory services of the Council will be carried out with regard to the following principles of good enforcement practice. "Enforcement" may include advisory visits, information gathering, site visits, monitoring, licensing, as well as interviews under caution and other formal enforcement action.

Courtesy and Helpfulness

The Council will wherever practical work with business and others being regulated, including small and medium sized businesses, to advise on compliance. In particular the Council will: -

- Try to raise awareness of the Council's enforcement duties to achieve understanding and commitment and secure ownership of compliance arrangements, subject to available resources.
- Offer help, where it is possible to individuals, community groups and to local business, to help them to meet their obligations balanced against the need to achieve adequate protection for those being affected by unauthorised or illegal activities.
- Provide a helpful, courteous and efficient service with employees identifying themselves by name.
- Provide contact points and telephone numbers to encourage communication.
- Respond to complaints about our enforcement activities quickly and fairly, within the terms of the Council's Complaints, Comments and Compliments Scheme.

Openness

The Council's Regulatory Services will provide information and advice in plain language on the legislation that is applied and disseminate this as widely as possible. We will be open about how we work, set charges and how we consult members of the public, business, voluntary organisations, charities, consumers, landlords, community groups and workforce representatives

Clear Standards and Practices

The Council's Regulatory Services will discharge their duties, having regard to the following considerations:-

- Clear standards, setting out the level of service and performance the public and business people can expect to receive. The standards will be determined in consultation with interested parties and will be reviewed from time to time. We will publish these standards, make them available to those being regulated and will publish annual performance outcomes against them.
- Consistent with this corporate framework each Regulatory Service will establish its own agreed policy and practices for its own enforcement roles. These will be published and will include at minimum:
 - the legislative context
 - the steps which can be taken in remedying a breach, dealing with a complaint or taking informal or formal action

Proportionality and Expediency

Within its policy and practices, each regulatory service will endeavour to minimise the costs of compliance by ensuring that wherever possible any action taken is proportionate to the risk presented. As far as the law allows, the full circumstances of the case including the approach of the person being regulated the scale and urgency of the issue and the likely effects of the situation continuing will be taken into account when considering action. Care will be taken to avoid unnecessary costs to those being regulated while recognising that costs may be incurred.

Consistency

Regulatory services will endeavour to carry out their duties in a consistent manner. The Council will promote arrangements to ensure actions are consistent with this policy as far as possible. The Council will also promote arrangements for liaison with other authorities and enforcement bodies with a view to a consistent approach.

Procedures for taking action

The initial action in pursuing the enforcement of some matter will usually (but not exclusively) be by taking informal action. Formal action, including prosecution, will however be taken where considered appropriate. The circumstances of each case will be taken into account including the principles of proportionality and expediency as noted above.

Informal Action

Regulatory services will, where possible, attempt to resolve matters amicably without recourse to formal notices and legal actions. Advice from officers will be put clearly and simply and will be confirmed in writing, as appropriate, explaining why any remedial work is necessary and over what time scale it should be completed. Officers will make sure that requirements are clearly distinguished from advice.

Formal Action

Where there is evidence of intent, negligence, significant public concern and/ or impact on quality of life, health or safety is at risk, or there is a legal duty, then formal action, either through the service of formal notices or a prosecution will be considered by the relevant service. The detailed policies of individual services will set down the criteria taking formal action and these may vary having regard to the objectives of the service. However, before formal action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required. (e.g.: In the interests of health and safety or environmental protection or to prevent evidence being destroyed) Where immediate action is considered necessary an explanation of why such action was required will be given at the time and confirmed in writing. Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (in most cases this advice will be issued with any enforcement notice). The full range of enforcement options available will be considered before action is taken including for example a warning letter, official caution, legal notice, injunction and prosecution.

Prosecution

Prosecutions will, in general, be restricted to those persons who either blatantly disregard the law, refuse to comply with reasonable enforcement requirements, refuse to achieve basic minimum requirements or who place the public or the environment at risk. The decision to prosecute will always take account of the following criteria set down in the Code for Crown Prosecutors:

- There is enough evidence to provide a realistic prospect of conviction against each defendant on each charge.
- The evidence is reliable and can be used.

The Council will also refer to relevant enforcement policy guidance from government and associated agencies (e.g. Food Standards Agency , Environment Agency, Health and Safety Commission) , when considering enforcement action.

Appeals

When formal action is taken advice on the appeal mechanism will be set out in writing at the time the action is taken.

Training and Education

The Council will ensure that at all times employees who are likely to deal with enforcement action are proficient and receive regular training in order to maintain competence in their enforcement field and in the various legal requirements associated with enforcement duties. Additionally as resources allow the Council will work in partnership with other interests in order to promote awareness and understanding of enforcement, policies and practice.

Liaison with other agencies

Where there is a shared enforcement role with other agencies, the Council will liaise and co-operate with them to ensure there is no conflict of interest or unnecessary duplication of action.

Consumer Interest

For potentially serious cases the Council will make arrangements to ensure these are responded to out of office hours e.g. fatal accidents and food poisoning. For regular occurrences out of office hours such as serious noise nuisance a reporting and investigation service will be provided. Arrangements will be made to inspect activities out of hours such as nightclubs where this is appropriate.

Publicity

This enforcement policy will be publicised and brought to the attention of businesses, employees and the public.