

Public Protection Enforcement Policy

INTRODUCTION

This document sets out what businesses, residents, and our community can expect from the Public Protection Service's enforcement approach and procedures.

The primary function of the enforcement work is to protect the public and the environment. At the same time equitable and consistent enforcement maintains a level playing field for local business, as well as our service users.

1. We will carry out our activities in a way that supports those we regulate to comply and grow.

We will avoid imposing unnecessary regulatory burdens through our regulatory activities and will assess whether similar social, environmental and economic outcomes could be achieved by less burdensome means. We will choose proportionate approaches to those we regulate, based on relevant factors including, for example, business size and capacity.

Our service will support or enable economic growth for compliant businesses and other regulated entities by:

- Understanding and minimising negative economic impacts of our regulatory activities;
- Minimising the costs for compliance for those we regulate;
- Improving confidence in compliance for those we regulate; and
- Encouraging and promoting compliance.

We will ensure our officers have the necessary knowledge and skills to support those we regulated including having an understanding of those we regulate that enables us to choose proportionate and effective approaches.

2. We will provide simple and straightforward ways to engage with those we regulate and hear their views

We engage with those we regulate to contribute to the development of our policies and service standards. Before changing policies, practices or service standards, we consider the impact on businesses and engage with business representatives.

When responding to non-compliance we identify, we will explain and offer advice on what actions are required and the reasons for these. We will provide an opportunity for dialogue in relation to our advice, requirements or decisions, with the view to ensuring we are acting in a proportionate and consistent way.

The above paragraph does not apply where we demonstrate that immediate enforcement action is required to prevent or respond to a serious breach or where providing such an opportunity would be likely to defeat the purpose of the proposed enforcement action.

We will provide an impartial and clearly explained route to appeal against a regulatory decision or a failure to act in accordance with this policy. Where possible individual officers of the Council who took the decision or action against which the appeal is being made should not be involved in considering the appeal. The route to appeal is publicised to those who are regulated.

We will provide a timely explanation in writing or any right to representation or right to appeal. This explanation will be in plain language and include practical information on the process involved.

We make available our complaints and compliments procedure allowing customers to provide feedback or complaints about our service.

We have a range of mechanisms to enable and regularly invite, receive and take on board customer feedback, including for example, through customer satisfaction surveys.

3. We will base our regulatory activities on risk

We will take an evidence based approach to determining the priority risks in our service area, and allocate resources where they are most effective in addressing those priority risks.

We will consider risk at every stage of our decision making processes, including choosing the most appropriate type of intervention or way of working with those regulated; targeting checks on compliance; and when taking enforcement action.

When assessing risk we will recognise the compliance record of those we regulate including using earned recognition approaches and considering all available and relevant data on compliance, including evidence of relevant external verification.

We will review the effectiveness of our chosen regulatory activities in delivering the desired outcomes and make any necessary adjustments accordingly. We will have effective arrangements in place to promote consistency of our officers.

4. We will share information about compliance and risk

We will aim to follow the principle of “collect once, use many times” when requesting information from those we regulate.

When the law allows we will agree secure mechanisms to share information with other regulators about businesses and other bodies to help target resources and activities and minimise duplication.

5. We will ensure clear information, guidance and advice is available to help those we regulate meet their responsibilities and comply

We will provide advice and guidance that is focussed on assisting those we regulate to understand and meet their responsibilities. When providing advice and guidance,

legal requirements will be distinguished from suggested good practice and the impact of the advice or guidance will be considered so that it does not impose unnecessary burdens itself.

We will publish guidance, and information in a clear, accessible, concise format, using media appropriate to the target audience and written in plain language.

We will aim to have in place mechanisms to consult those we regulate in relation to the guidance to ensure it meets their needs.

We aim to create an environment in which those we regulate have confidence in the advice they receive and feel able to seek advice without fear of triggering enforcement action.

In responding to requests for advice our primary concern should be to provide the advice necessary to support compliance, and to ensure that the advice can be relied on.

We will work collaboratively with our partners to assist those regulated by more than one regulator. We will consider advice provided by other regulators and, where there is disagreement about the advice provided, this should be discussed with the other regulator to reach agreement.

6. Application of enforcement policy

All Public Protection officers will refer to this policy when making enforcement decisions. This will be read in conjunction with approved guidance on enforcement action.

Enforcement options include:

- Written and verbal advice
- Reference to another enforcement agency
- Written warning
- Statutory notice
- Fixed penalty notice
- Prohibition
- Works in default
- Simple caution
- Suspension or revocation of licence.
- Prosecution

In some circumstances matters may be referred from or to another agency for enforcement action.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the Team Manager before final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made.

In cases of emergency or where exceptional conditions prevail, the Service Manager – Public Protection may suspend all or part of this policy where necessary to achieve

effective running of the service and/or where there is a risk or injury or to health of employees or members of the public.

7. Deciding whether to prosecute

Before deciding what action will be taken against a business or an individual, consideration will be given to a number of factors including this policy, Central Government guidance and the Code for Crown Prosecutors. These factors, which are not listed in order of significance, will include the following:

- The seriousness of the alleged offence;
- Whether it is in the public interest to prosecute;
- The history of the party concerned;
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers;
- Whether any other action (including simple caution) would be more appropriate or effective.

8. We will ensure that our approach to regulatory activities is transparent

This policy sets out our approach to enforcement and what those we regulate should expect from us. We will provide accessible information and advice on legislation that we enforce. We will be open about how we set about our work, consulting local business and other interested parties.

We can be contacted at:

Public Protection Service
Gedling Borough Council,
Civic Centre
Arnot Hill Park
Arnold
Nottingham
NG5 6LU

Tel: 0115 9013972

Email: environmentalhealth@gedling.gov.uk

Website: www.gedling.gov.uk