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Dorset Council Policy: General Statement of Enforcement Policy

Policy Details

What is this policy for?	It sets out common principles that the Council will follow when taking enforcement action so that the Council's approach is consistent, transparent, accountable, proportionate and targeted.
Who does this policy affect?	This policy applies to all enforcement action undertaken by or on behalf the Council by Planning; Building Control; Environmental Health; Anti-social Behaviour; Trading Standards; Licensing, and Children and Young People's services.
Keywords	Enforcement
Author	David Fairbairn, Purbeck District Council
Dorset Council policy adopted from	This is a new policy for Dorset Council.
Does this policy relate to any laws?	The Legislative and Regulatory Reform Act 2006 and the Regulator's Code.
Is this policy linked to any other Dorset Council policies?	Enforcement policies employed by different service teams.
Equality Impact Assessment (EqIA)	The Dorset Council policy was subject to EqIA Screening and no negative impacts were identified.
Other Impact Assessments	None identified.

Status and Approvals

Status	Live	Version	1
Last review date	This is a new policy	Next review date	To be arranged
Approved by (Director)	Dorset Council Corporate Director, Legal and Democratic Services	Date approved	
Member/ Partnership Board Approval	Dorset Council Shadow Executive Committee	Date approved	25 March 2019

General Statement of Enforcement Policy

1.0 Introduction

This General Statement of Enforcement Policy is at the core of Dorset Council's commitment to the provision of excellent services and the adoption of best practice. It sets out common principles that the Council will follow when taking enforcement action so that the Council's approach is consistent, transparent, accountable, proportionate and targeted.

In formulating this policy regard has been had to relevant legislation and codes, including the Legislative and Regulatory Reform Act 2006 and the Regulator's Code.

This policy applies to all enforcement action undertaken by or on behalf the Council. Where considered appropriate, this overarching policy may be supplemented by additional enforcement policies and procedures produced by individual service areas.

2.0 What is Enforcement?

The Council has a wide range of powers and responsibilities for ensuring that legal requirements are met. These include Planning; Building Control; Environmental Health; Anti-social Behaviour; Trading Standards; Waste; Community Care; Licensing; and Children and Young People's services.

The Council recognises that most people want to abide by the law. It will assist and advise where this is considered possible and appropriate, but will consider taking enforcement action against those who disregard legal requirements or act irresponsibly. However, enforcement action does not always have to mean taking formal action, such as prosecution, but includes the following outcomes:

- Deciding to take no further action;
- Compliance advice;
- Formal Warning;
- Statutory Notice;
- Simple Caution;
- Prosecution;
- Works in default;
- Injunction;
- Order e.g. Anti-Social Behaviour or Management Orders; and/or
- Other formal action e.g. seizure, recovery action, suspension or revocation of licences or permissions.

3.0 The Council's Approach

3.1 Standards

Where the Council has published service standards for individual service areas, enforcement action will normally be taken in accordance with that relevant service standard unless specific circumstances have been identified that justify a departure from that standard.

3.2 Openness

So far as it is appropriate to do so, the Council will be open about how it will undertake its responsibilities and explain in a timely manner when it is necessary to take enforcement action.

3.3 Helpfulness

The Council believes that prevention is better than cure and will often work to advise and assist on compliance with the law. Council officers will be courteous and efficient and where appropriate will identify themselves by name and show identification.

In a number of cases the law provides a right of appeal against various types of enforcement action. In cases where legislation requires it, the Council will seek to ensure that relevant details of the appeal mechanism are clearly set out in writing.

3.4 A Balanced Approach

In assessing enforcement action, the Council will aim to adopt a proportionate approach to the problem.

3.5 Consistency

The Council will carry out its duties in a fair and consistent way.

3.6 Liaison with other agencies

Where the Council and another enforcement agency each have powers of enforcement (e.g. with the Environment Agency, Fire and Rescue Service), the Council will liaise with the other agency to ensure effective co-ordination to avoid inconsistencies and to ensure that the most appropriate action is taken to resolve any breach.

3.7 Compliance with the law

The Council will ensure that enforcement action takes place in accordance with the Police and Criminal Evidence Act 1984; the Criminal Procedure and Investigations Act 1996; the Human Rights Act 1998; the Regulation of Investigatory Powers Act 2000 and other relevant legislation, statutory guidance or code of practice.

3.8 Trained and competent officers

The Council will ensure that its officers who take enforcement action are appropriately authorised to do so, competent, suitably qualified and trained.

3.9 Own merits

Every case is unique however and will be considered on its own merits. However, when making decisions whether to prosecute or not the Council take into account the advice set out in the Director of Public Prosecution's Code for Crown Prosecutors on the need for the evidential and public interest tests to be met.

4.0 Assistance from the Public or other Organisations

Assistance of others is often crucial to the success of enforcement action by the Council. Where information is given to assist the Council's enforcement, the Council will treat such information with confidence. However, if formal action is taken, information that has been provided may be required to be disclosed and made public by law.

5.0 Equality and Diversity

When making enforcement decisions, the Council will ensure that there is no discrimination against any individual on the grounds of age, race, ethnic or national origin, nationality, religion and belief, sex, gender identity, marital status, employment status, disability, sexual orientation, social class, responsibility for children or dependents, trade union membership, unrelated criminal convictions or any ground that cannot be justified.

6.0 Complaints

All complaints will be dealt with in accordance with the Council's Complaints procedure, but having regard to any on-going legal processes.

7.0 Review

This policy will be reviewed as necessary to ensure that it is fit for purpose.

8.0 Further Information

Further information regarding service specific enforcement policies and procedures can be obtained from individual service areas or from the Council's website.