



Regulatory Enforcement Policy

2026 to 2029

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1. Introduction

1.1 The Council's vision is of working across departments and with partners to create the best place and environment for everyone, now and for future generations.

We are committed to good regulatory enforcement practice and to avoid the imposition of unnecessary regulatory burden.

The policy sets out the standards, principles, and approach adopted to ensure proportionate, consistent, and effective enforcement across all relevant regulatory services.

The Council's overarching aims are:

- a. Protecting residents, communities, the environment, and lawful businesses.
- b. Supporting economic growth without unnecessary regulatory burdens.
- c. Ensuring that enforcement promotes compliance, public confidence, and fairness.

The policy sets out a framework to achieve this and reflects the relevant legislative powers and duties of the Council.

1.2 The policy aligns with:

- Regulators' Code (2014).
- Legislative and Regulatory Reform Act 2006.
- Human Rights Act 1998.
- Code for Crown Prosecutors.
- Other statutory codes and guidance relevant to enforcement activities.

2. Purpose of this Policy

2.1 The purpose of this policy is to:

- a. Provide a consistent and transparent framework for enforcement decisions.
- b. Clarify expectations for individuals, businesses, and organisations subject to regulation.
- c. Support officers to apply enforcement tools proportionately and consistently.
- d. Embed the Council's enhanced emphasis on:
 - Early engagement and prevention.
 - Clear distinction between legal requirements and good practice recommendations.
 - Risk based approach.
 - Decision making which includes an assessment of seriousness with consideration of culpability, harm, and public interest.

2.2 The Council uses a range of activities and a graduated approach to ensure compliance with legislation enforced by the services in section 3. These activities include:

- a) Site visits, and inspections.
- b) Acting on intelligence received.
- c) Carrying out investigations.
- d) Carrying out test purchasing (in accordance with the RIPA Policy), seizure, sampling, and analysis.
- e) Giving informal advice, raising awareness, and educating.
- f) Giving formal warnings, conditional cautions, and simple cautions.
- g) Serving legal notices/orders to affect a stop, a change, a restriction, or an improvement.
- h) Issuing financial penalties.
- i) Prosecutions.
- j) Injunctive actions, making of byelaws, and the use of temporary powers.
- k) Licensing and Permits.

3. Scope of Policy

3.1 This policy applies to:

- Food, Safety and Licensing.
- Environmental Protection.
- Community Safety & Intervention.
- Planning Enforcement.
- CNC Building Control.

3.2 This policy does not apply to:

- Housing Standards enforcement.
- Financial fraud investigations and enforcement.
- Tenancy enforcement & special investigations.
- Parking, markets & highways enforcement.
- Estates and property leasing or property services.

4. When does this Policy apply?

4.1 The policy applies when officers undertake activities to ensure compliance with legislation, including investigations, site inspections, intelligence-led operations, and enforcement actions.

4.2 Officers will distinguish clearly between:

- **Legal requirements** (mandatory).
- **Good practice recommendations** (advisory but not enforceable).

This distinction strengthens fairness and aligns with the Council's wish to operate a graduated approach with an escalation model for ensuring compliance.

4.3 The term 'enforcement action' includes any action taken by the council and its officers to achieve compliance, for example:

- a) Giving advice, guidance, information, and support to encourage compliance.
- b) Giving informal warnings for instances of minor non-compliance.
- c) Agreeing to voluntary undertakings, where appropriate, to permit immediate or intensive action to be taken to ensure rapid compliance, e.g. voluntary premises closure, surrender of a permit or licence, surrender of items.
- d) Revocation, review or nullification of licences, permits, agreements, etc.
- e) Investigation & seizure of items.
- f) Formal action such as the service of a premises closure order, prohibition order, stop notice, statutory notice, a penalty notice or issuing a simple or conditional caution.
- g) Instigating legal proceedings such as prosecutions, injunctions, or court orders.
- h) Removal or alternation of offending building work in relation to Building Control.

4.4 There may be other options for enforcement action available in respect of service areas. There may also be service specific statutory obligations regarding enforcement. These will be identified in the published policies relating to those services.

4.5 In applying this policy, regard shall also be given to underlying policies or protocols that deal with specific service areas or issues.

5. General principles for dealing with non-compliance.

5.1 There is an escalating scale of actions that can be taken depending on the nature and seriousness or severity of the non-compliance and whether it is a recurrent issue and culpability. Decisions on what the appropriate action to take is made by officers named in the Council's published constitution and scheme of delegations. This policy will be considered when those decisions are under deliberation.

The type of enforcement action taken will depend on the level of risk and harm / concern, amongst other factors, including culpability. The Council and its officers will be fair, objective and consider the Council's published approach to equality which can be accessed on the Council's website.

5.2 Enforcement activities, including determining whether to investigate, will be based on whether there is an appropriate offence, any relevant risk assessments, the quality of intelligence and any available evidence, local service priorities, public nuisance considerations, the evidential and public interest tests, etc. Matters of local concern can also be considered.

5.3 Where evidence is identified as a clear breach or offence, we will robustly investigate to determine whether it is reasonable and appropriate to take formal action.

5.4 In addition to statutory obligations, all those who are subject to enforcement action will be informed of the reasons, in writing.

5.5 Where further action is needed to achieve compliance; this will be expressly stated with a clear timeframe (where applicable). This process should involve communication, and research, where necessary and appropriate, to ensure timeframes applied are reasonable and achievable.

5.6 Where there is negligent, persistent, or deliberate non-compliance, particularly by a business, it will be dealt with firmly. This is to ensure compliant businesses and individuals can operate in the district free of unfair or illegal competition.

5.7 Enforcement actions will be proportionate to the non-compliance and will seek to ensure that minimum legal standard of compliance is maintained.

Enforcement action may not necessarily be triggered if those subject to regulation become aware themselves of a non-compliance and show a demonstrable willingness to address the matter by seeking advice from the Council (or other agencies, or their own legal representation). This enforcement policy would be followed with consideration of seriousness, harm, and culpability.

Enforcement action against businesses, will consider relevant primary authority agreements/arrangements, previous agreed formal sampling plans, inspection plans, and documented quality control arrangements.

5.8 Where there are shared roles with other enforcement agencies, such as Norfolk Constabulary, Fire Safety & Rescue, Health & Safety Executive, Environment Agency, Food Standards Agency, Trading Standards, Norfolk Fire & Rescue Services etc., enforcement activities will be consulted on and co-ordinated as far as possible, to avoid duplication, ensure clarity and improve regulatory effectiveness. Where appropriate, multi-agency partnership meetings will be arranged to discuss and agree the most appropriate course of action. Partnership working will be undertaken in line with agreed Memorandums of Understanding and any other agreements or guidance documents applicable. If these are not in place, then there shall be structured formal liaison.

5.9 The Council cannot take legal action against itself. Where potential formal enforcement action concerns a Council establishment or activity, the enforcing service must notify the Service Managers and Assistant Directors responsible for the establishment or service causing concern. The Assistant Directors must notify the relevant Directors and Corporate Leadership Team. The Directors shall ensure that decisions concerning non-compliance internal to the Council, are made free from potential and/or actual conflicts of interest. The Directors will have the ability to involve another Council or independent organisation to review decisions where any concern remains.

5.10 Where non-compliance is subject to an overt investigation, the individuals or organisations will normally (except where the senior service manager is consulted and decides that doing so would risk seriously hindering the investigation), be made aware of the investigation and shall be informed of the outcome.

5.11 Witnesses in legal proceedings shall be kept updated in accordance with service commitments.

5.12 Where legislative non-compliance is identified, but it is not the duty or responsibility of the Council to address this, information may be passed to the relevant enforcement agencies or organisations. This shall be done in line with data protection legislation, GDPR and any relevant information exchange protocols / agreements or Memorandums of Understanding that are in place.

6 Enforcement Activities include:

a) No action.

In certain circumstances, it might be appropriate that no action is taken. For example:

- a) When the health & safety risk is sufficiently low enough.
- b) Where there are extenuating circumstances regarding the person against whom action would be taken.
- c) Taking formal action would be disproportionate or inappropriate in the circumstances of the case.
- d) Culpability is low and the offending person / business has fully acknowledged the contravention/s, taken immediate remedial action, and action to ensure the offence does not recur.
- e) Acting would not be in the public interest or expedient taking into account all relevant factors.

b) Advice, guidance, and support.

Where there is evidence of non-compliance, but it is decided by the officer that the matter is minor and of low risk, the officer can consider advice and guidance approach as a first response.

Such advice would include a clear explanation of what action is required to achieve compliance, a clear time-frame for implementation and a compliance check. This might be appropriate when new legislation is introduced, and businesses may be unaware of new responsibilities and/or where the nature of the breach is minor, and the risk to the public is low from any negative consequence or impact.

c) Informal advice and warnings.

In some cases, an opportunity will be given to make improvements to comply with legislation within a reasonable time.

Informal action in the form of warnings can take the form of a verbal warning, a report, or a written warning. Informal warnings will explain:

- a) The legislation that applies.
- b) The nature of the non-compliance.
- c) The remedial action to take.
- d) The timescale within which compliance must be achieved (if applicable).
- e) Clearly define what are legislative requirements and what are recommendations.
- f) The consequences of continuing with non-compliance.

Warnings may be used as evidence of previous conduct in legal proceedings should non-compliance continue to an extent to justify formal action.

The Council will keep an audit trail that identifies the enforcement steps taken and the opportunities given to achieve compliance.

d) Voluntary undertakings

The Council may, in appropriate circumstances, accept voluntary undertakings that a non-compliance will be rectified and/or a recurrence prevented, as an alternative to taking enforcement action. Failure to honour voluntary undertakings is taken seriously and formal enforcement action to ensure compliance may follow.

e) Statutory notices.

Some legislation confers powers to issue statutory notices. Notices may require the provision of information; or specific action or behaviour to achieve compliance is taken, ceased, or is carried out, within a specified period.

Notices may also prohibit use of specified land, premises, areas, equipment, processes, or activities until the non-compliance has been rectified and/or until safeguards to prevent future non-compliance or remove a serious imminent risk of harm, have been put in place.

The service of some notices may also be accompanied by a fee to recover the costs of investigation, preparation, and service on notices in cases where this is permitted.

Failure to comply with a statutory notice may constitute a criminal offence and may lead to prosecution, imprisonment or the imposition of a financial penalty and/or the carrying out of necessary works in default by the Council and subsequent recovery of the costs for those works, administration and organisation of them.

Some notices issued may be advertised in the public domain, affixed to the premises, and/or registered with the Land Registry and/or as local land charges.

f) Statutory orders.

Some legislation confers powers to issue statutory orders. Order may require the prohibition or restriction of activities, occupation, and/or use, by anyone or specified groups.

The service of some orders may also be accompanied by a fee to recover costs of investigation, preparation, and service of the order, in cases where this is permitted.

Failure to comply with a statutory order may constitute a criminal offence and may lead to prosecution or the imposition of a civil penalty and/or the carrying out of necessary works in default by the Council and subsequent recovery of the costs for those works, administration and organisation of them.

Some orders issued may be advertised in the public domain, affixed to the premises, and/or registered with the Land Registry and/or as local land charges.

g) Action against licences, permits, agreements etc.

The Council issues and enforces several formal licences, permits, permissions, agreements etc. Occasionally the Council has a role to play in ensuring that appropriate standards of compliance are met and reflect the permits or similar documents issued by other enforcement agencies.

Non-compliance with the terms, conditions or restrictions of a licence, permit, permission, agreement etc., may lead to it being reviewed, revoked, suspended, terminated, or amended. In such circumstances, this final decision will be reached following compliance with the appropriate process, the presentation of relevant evidence and with all relevant considerations taken into account.

Non-compliance with the terms, conditions or restrictions of licences, permits, permissions, agreements etc., can also result in the instigation of formal action and legal proceedings.

When considering premises or person licence applications, the Council may, where appropriate, take the previous history of the premises, the person, and the applicant into account when processing and deciding such applications.

Where stated in the principal legislation, most licences and permits are subject to automatic suspension or effectively lapse if they are time limited or if there is a failure to pay due fees.

h) Provision of Services Regulations 2009

Certain licensing activities are considered services and are therefore subject to the requirements of the Provision of Services Regulations 2009. This covers the application process, how fees are set and charged and whether tacit consent is applicable. Where this applies, the relevant service shall set out how the licensing process complies with these regulations.

i) Financial penalties

The Council has powers to issue financial penalties of various kinds, be they fixed or variable in respect of some offences / non-compliances, as set out in a variety of statutes. Some examples are fixed penalty notices (FPNs), penalty charge notices (PCNs), or Civil Penalties.

If these notices/fines are not paid, or there is repeated offending, the Council may also be able to commence formal enforcement action and/or legal proceedings depending on the statute being applied. This could be recovery of the imposed penalty or prosecution for the offence that led to the imposition of the penalty.

If a financial penalty is paid, the Council will not (or in some cases, cannot), take further enforcement action in respect of the non-compliance that led to its imposition. Payment of a financial penalty does not prevent prosecution or the issue of a further penalty in respect of future or recurrent non-compliance.

In some circumstances, where a non-compliance is serious in its impact, or is recurrent, prosecution may be a more appropriate (where available) action that the Council takes where there is a choice between a penalty and a prosecution.

j) Simple Cautions

Simple Cautions are an alternative to prosecution and may be offered for some less serious offences where there is sufficient evidence to justify prosecution, and where the person admits the offence and agrees to accept a Caution voluntarily.

Where a Simple Caution is offered and declined, the Council is likely to consider taking forward a prosecution.

Simple Cautions shall be issued in accordance with Ministry of Justice guidelines.

k) Conditional Cautions

Conditional Cautions are another alternative to prosecution and may be offered for some less serious offences, where there is sufficient evidence to justify prosecution and the person admits the offence, agrees to accept a Conditional Caution voluntarily, including the conditions attached to it.

If the conditions are complied with or completed within the timescales determined, the case is finalised and there will be no prosecution. If, however, the conditions are not complied with, a prosecution is likely to follow.

Conditional Cautions shall be issued in accordance with Ministry of Justice guidelines.

l) Injunctive actions, orders etc.

In some circumstances, the Council may seek a direction from the Court (in the form of an order or injunction), to ensure that an anticipated breach is stopped, or a non-compliance is rectified, and/or prevented from recurring. In certain situations, the Council can seek injunctions against minors. Where this is considered necessary, no action will be taken against any minor without full consultation with Children's Services and/or Youth Offending Team.

The Court may direct that specified activities be suspended until the non-compliance has been rectified and/or that safeguards have been put in place to prevent future non-compliance.

Failure to comply with a Court order may result in proceedings and the offender being held in 'contempt of court.' This is a serious offence which may lead to imprisonment.

After the issue of some specific enforcement notices, the Council is required to seek an enforcement order from the Court, thus providing the Court with an opportunity to confirm the restrictions previously imposed. Otherwise, the Council will usually only seek a Court order if the circumstances warrant this action.

m) Criminal Behaviour Orders (CBOs).

Where the non-compliance under investigation amounts to anti-social behaviour, and where there is to be a criminal prosecution for the behaviour, a CBO may be sought to stop the activity. Officers will always liaise with the Operational Partnership Team (or other Police team as relevant), before seeking an order. This type of action may be used in incidents such as persistent targeting of an individual in a particular area.

n) Public Spaces Protection Orders (PSPOs).

These are used to prohibit specified activities relating to anti-social behaviour, and/or require certain things to be done or not done by people engaged in activities or behaviours, within a defined public area.

o) Forfeiture Proceedings.

This court of action may be used together with seizure and/or prosecution where there is a need to dispose of goods to prevent them re-entering the marketplace or being used to cause a further problem. Any application for forfeiture will be made to the Magistrates' Court.

p) Proceeds of Crime Applications (POCA).

These may be made under the Proceeds of Crime Act 2002 for confiscation of assets in serious cases. The purpose is to recover the financial benefit that the offender has obtained from their criminal conduct. Applications are made after a conviction has been secured.

q) Compulsory Purchase and Enforced Sale

Enforced Sale is a power that allows the Council to recover debts registered against the title of a property, by forcing its sale. This is a process set out under the Law of Property Act 1925. If the Council utilises this power, it will be done in line with statutes and all relevant guidance to ensure the process is fair and proportionate.

Compulsory Purchase is a power that allows the Council to purchase a property/land without the consent of the owner. There are various legislative powers that allow compulsory purchase in given circumstances, for example, the Town and Country Planning Act 1990. If the Council utilises this power, it will be done in line with statutes and all relevant guidance to ensure the process is fair and proportionate.

7 Time-limited, event specific powers

7.1 Where circumstances dictate, central government may introduce 'time-limited' powers to help control certain events or issues. An example of this would be the emergency powers introduced to limit the spread of coronavirus during the COVID-19 pandemic.

7.2 Where the Council is empowered to enforce temporary or time-limited powers, the following will occur:

- a) The appropriate officer (usually the Assistant Director) will inform the appropriate Director/s as to their purpose and how they will be implemented, managed, and monitored.
- b) The appropriate officer (usually the Director or above) will delegate powers to appropriate officers, with the consummate experience, knowledge and where appropriate, qualifications, to manage and discharge these duties.
- c) A temporary authorisation for the use of the temporary powers, will be issued for relevant officers, which the Council will be able to produce on request.
- d) Where required, officers will be provided with appropriate training.
- e) Where required, risk assessments will be amended and/or introduced to cover the use of the temporary powers and any attendant staff safety consequences of said powers.
- f) Systems will be adopted or adjusted to ensure the use of the temporary powers can be recorded, monitored, and managed.

7.3 It may be that there is other distinct enforcement agencies empowered to enforce the same or different, but related, powers. Where this is the case, the appropriate officers (usually the service Manager or above), will ensure that:

- a) Named individuals of appropriate position in other agencies are contacted and communication lines established.
- b) Temporary protocol/s is/are agreed and instigated, that clearly define the roles of the agencies, particularly where there is a joint enforcement role, and how activity will be coordinated, recorded, and monitored.
- c) A steering group arrangement will be established or co-opted to oversee any activity. Decisions and actions from these meetings will be recorded.
- d) Where required activities will be effectively coordinated, for example, joint operations, this may establish the need to develop operational groups. The jointly agreed arrangements and outcomes from operations, will be recorded.

8. Byelaws

8.1 A byelaw is a locally adopted law that can be enforced by the Council. There are several acts of parliament that allow this process (enabling Acts). The process for adopting byelaws is set out in [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016](#). The process is overseen by the Ministry of Housing, Communities and Local Government (MHCLG) and final approval is given by the Secretary of State.

8.2 Where the Council adopts a byelaw, the enforcement of the byelaw will be addressed, to the extent that is identified as necessary, the relevant service specific Enforcement Policy. An example of an adopted byelaw in the district, is in respect of the Private Hire and Hackney Carriage Policy and Conditions.

8.3 Where the Council adopts byelaws, they will be set out in the Scheme of Delegations and will be part of the relevant officers' authorisations.

9 Formal Actions – legal proceedings

9.1 The Council may prosecute in respect of non-compliance with appropriate legislation in line with the principles set out in this policy.

9.2 The appropriate Assistant Director must be consulted regarding any decision to instigate legal proceedings. Authorisation of enforcement action will be undertaken in accordance with the Council's constitution and scheme of delegations and regard shall be had to the Crown Prosecution Service's Code for Crown Prosecutors, as well as this policy and any relevant enforcement policy of a service.

9.3 The Crown Prosecution Service's Code involve a two-test decision making process, namely, an evidential test and a public interest test. If there is insufficient evidence to provide a realistic prospect of conviction, then no prosecution should be undertaken. Where there is sufficient evidence, then a prosecution must also be determined to be in the public interest.

10 Determining enforcement action.

When determining the appropriate action, the following will be considered:

- a) Severity of the breach and associated harm.
- b) Past conduct or compliance history.
- c) Intent, negligence, or recklessness.
- d) Deliberately seeking economic advantage.
- e) Impact on victims and affected communities.
- f) Prevalence or scale of the issue.
- g) Any obstruction during investigation.
- h) Statutory guidance and legal advice.
- i) Vulnerabilities or age (including minors).
- j) Whether Primary Authority arrangements apply.

11 Decisions on enforcement action

Deciding when and how to take enforcement action will be taken based on the following guiding principles:

- a) **Accountability** – to recognise that it is the responsibility of every business and individual to comply with the law.
- b) **Proportionality** – to ensure that action taken relates directly to the actual or potential risk to health, safety, the environment, or economic disadvantage to residents, consumers, or businesses.
- c) **Consistency** – to ensure a broadly similar approach is taken in similar circumstances to achieve consistent results with due regard to the specifics of each case.
- d) **Transparency & Openness** – to ensure that the enforcement action taken by the Council is easily understood, and that clear distinctions are made between legal requirements and recommendations that are not compulsory.
- e) **Objectivity** – to ensure that decisions are not influenced by reason of ethnicity, gender, gender reassignment, marital and civil partnership status, pregnancy and maternity, disability, sexual orientation, age, socio-economic status, employment status, or religious beliefs of the offender, victim, or witnesses.
- f) **Equality & Accessibility** – to ensure that specific consideration is given to meet any special needs of business proprietors / managers and the public, where appropriate. Sensitive

consideration will be given where the situation involves children, elderly, infirm or those who are vulnerable because of mental ill-health.

- g) **Targeting** – to ensure that regulatory action is directed primarily at those activities that present the greatest risk.
- h) **Deterrence** – to ensure the perpetrator and others are deterred from repeating the non-compliance.
- i) **Prevention** – supporting businesses and individuals to comply.
- j) **Improve** – to ensure behaviour standards are improved for the benefit of the wider community.

12 Appealing enforcement decisions & complaints against the service

12.1 Where there are rights of representation or appeal mechanisms against enforcement decisions, these will be communicated in accordance with the relevant statutory obligations.

12.2 Service Policies may be published on the Council's website. Where these are not available online, they can be advised in writing on request by the relevant enforcement service area or team.

12.3 An appeal against enforcement action is distinct and separate from a complaint against the conduct of an officer or service. If the recipient of enforcement action or someone affected by enforcement action is aggrieved by its imposition, they should seek remedy by way of appeal to the relevant authority/court/tribunal, where the relevant legislation provides recourse to do this.

12.4 If a recipient of Council services is dissatisfied with the conduct of Council officers/services, or believes there has been a failure to follow this policy or any related codes, they may be entitled to make a complaint about the service, in accordance with the Council's Complaints Policy which can be found on the Council's website. [Compliments, suggestions, and complaints | Broadland and South Norfolk](#)

13. Publicising enforcement actions.

13.1 The publicising of enforcement actions is beneficial both to raising general awareness of the law, reassuring local communities of enforcement action taken and acting as a deterrent to others. The Council will normally publicise the particulars of prosecution outcomes, including details of defendants' identities, subject to exceptions in individual cases on legal grounds. The Council will normally publicise the nature and broad location of fixed penalty notice enforcements (usually after the compliance period has expired), but not the identifying details of individuals subject to them; (there may be exceptions).

13.2 Officers will consider the advice of the Communications Team about press releases and other publicity, to ensure the protection of any legal matters, communication sensitivities or data protection matters; and to ensure any media releases align with corporate objectives.

13.3 Where such a decision would be an exception to the general rule, the decision will be made by the service manager in consultation with the relevant Assistant Director, with Corporate Leadership Team informed at the earliest opportunity.

13.4 Enforcement actions and outcomes will only be published with the intention of:

- b) Reassuring community stakeholders that legislative compliance is taken seriously and is being dealt with.
- c) Providing public information on the standards of acceptable conduct and thus, to deter others from undertaking similar or non-compliant activities.
- d) Promoting and increasing intelligence about similar issues.
- e) Acting as a deterrent to offending or repeat offending.

In all cases, the human rights of victims, witnesses, and those against whom action has been taken, shall be considered.

14 Public Registers.

Certain legislation/statute requires or allows the Council to add details of certain enforcement activity or licensing onto a public register. These will be maintained by the Council in accordance with statute and guidance.

15. Conduct of investigations.

15.1 Investigations relating to enforcement activities will be conducted in accordance with relevant legislation and statutory obligations and with regards to any associated guidance or codes of practice, as far as they relate to the Council and its officers.

At the time of publication, these include the Acts listed below, but this may be subject to change during the lifespan of this Policy should legislation be enacted, amended, or retracted:

- a) Police & Criminal Evidence Act 1984 (PACE).
- b) Criminal Procedure and Investigations Act 1996 (CPIA).
- c) Building Act 1984
- d) Building Safety Act 2022.
- e) Criminal Justice and Police Act 2001.
- f) Human Rights Act 1998.
- g) Regulation of Investigatory Powers Act 2000 (RIPA).
- h) Investigatory Powers Act 2016.
- i) Legislative and Regulatory Reform Act 2006.
- j) Regulatory Enforcement and Sanctions Act 2008.
- k) Protections of Freedoms Act 2012.
- l) Regulators Code 2014.
- m) Data Protection Act 2018.
- n) General Data Protection Regulations 2018
- o) Proceeds of Crime Act 2002.

15.2 These Acts, Regulations and their associated guidance, control investigations and how evidence is collected and used. They give a range of protections to investigating officers, potential defendants, and the public.

16. Authorisation of officers.

16.1 Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient understanding of this enforcement policy to ensure a consistent approach to their duties.

16.2 Due regard will be given to the qualification framework applicable to each professional area of enforcement expertise.

16.3 During investigations and enforcement, when in contact with persons of interest, officers will normally identify themselves and state which service they represent, except during covert investigations. When doing so in person, they will show their official identification or authorisation whenever exercising statutory powers and on request.

16.4 Details of which officers are authorised to make decisions about enforcement action are contained in the Council's Constitution, various schemes of management and in the Council's Scheme of Delegation. These documents, along with service specific procedures, can be made available on request.

16.5 Community Safety Accreditation Scheme (CSAS) is a voluntary process whereby the Chief Constable can choose to accredit Council Officers with certain police powers to help tackle

certain issues. For example – the issuing of fixed penalty notices for cycling on a footpath. Where Council officers have been accredited with these powers, they will be set out in the Scheme of Delegations and will be part of the officers' authorisation.

17. Partners and Protocols

17.1 The Council works with a wide range of partners, stakeholders, professional bodies, other councils, and partner enforcement agencies, both internal and external. The Council values the partners we work with and will engage with them in relation to enforcement activity and procedures, where there are dual enforcement roles or specific targeted activity. An example of this would be working with the police to tackle anti-social behaviour.

17.2 Protocols are developed to help clarify how services will work with other partners, enforcement agencies, or internal services in relation to enforcement activity; especially where there are dual enforcement roles. Each service is responsible for developing their own protocols.

18. Victims, witnesses, and impacts

Enforcement decisions will consider harm to victims, communities, and the environment. The views of victims and affected parties will be considered, where appropriate.

19. Notifying alleged offenders

Where appropriate, individuals or businesses will be notified at the earliest practicable stage that enforcement action is being considered.

Notification may not occur where it would:

- a) Compromise an investigation.
- b) Risk the safety of officers or the public.
- c) Defeat the purpose of the intended enforcement action.

Parties involved will be updated during investigations, unless restricted by legislation.

20. Policy Review and Feedback

20.1 This policy will be reviewed in 2029, but this may be brought forward if new legislation is enacted, or current legislation is repealed that impacts significantly on the operation or status of this policy.

20.2 Consultation will be sought should a review indicate significant change to the policy is needed. This will be brought before Members for approval via the usual process.

21. Contact details and obtaining copies of this policy.

This policy is published on the Council's website.

Hard copy is available on request. You can contact us as follows:

By letter: to the address published on the Council's website.

By telephone: 01603 431133.

By email: council@southnorfolkandbroadland.gov.uk

The Council's accessibility statement is published on the website at:

[Accessibility | Broadland and South Norfolk](#)

Appendix 1:

Fixed Penalty Notice Charge Matrix

Step 1 - Consideration of culpability factors

Level	Examples
Maximum	Where the individual has intentionally and seriously breached, or seriously and flagrantly disregarded the law and knew their actions were unlawful.
Medium	Breach committed through an act or omission which a person exercising reasonable care would not commit.
Minimum	Person has taken reasonable care but is not fully compliant with Regulation standards

Step 2 - Consideration of harm outcomes

Level	Examples
High	High likelihood of harm • Serious adverse effects on environment and/or having widespread impact due to the nature and/or scale of the waste. • For example, waste deposited in the road causing a road safety hazard.
Medium	Medium likelihood of harm • Adverse effect on environment • Medium risk of an adverse effect on individuals for example hindering a farmer's access to fields, or impacts on users of a Byway etc.
Low	Low likelihood of harm • Low risk of an adverse effect on environment. • Unsightly and likely to be viewed negatively by the public, but low level of harm

Step 3 - Use of culpability and harm to provide a point scale for the fixed penalty range.

	CLASS OF HARM		
Culpability	HIGH	Medium	Low
Maximum	5	4	3
Medium	4	3	2
Minimum	3	2	1

Step 4 - The scale point is then used to provide the penalty banding as below:

1. < £100 but refer to Step 6 below
2. £101 - £200
3. £201 - £400
4. £401 - £600
5. £600 - £5000

Step 5 – Charges shall be set to the maximum point within each band (or at the maximum allowed by the regulations, if the banding maximum calculated results in a level higher than that permitted). If there are relevant mitigating circumstances a downward adjustment within the banding will be considered.

Step 6 - If the banding calculation falls within Level 1 then alternative action, rather than a FPN is likely to be applicable, for example a warning (either verbal or written), education, providing the individual with the option for immediate removal and making good etc.

Step 7 - Fixed Penalty Notices will not be a suitable sanction in all circumstances, either due to the nature of the incident, insufficient evidence being available etc. There will also be occasions where prosecution is considered the correct option.