

# Regulation and Planning Policy Committee

## Agenda

### Members of the Regulation and Planning Policy Committee:

Cllr F Ellis (Chairman)  
Cllr J Halls  
Cllr W Kemp  
Cllr J Savage  
Cllr V Thomson

Cllr B Duffin (Vice Chairman)  
Cllr P Hardy  
Cllr S Nuri-Nixon  
Cllr T Spruce

### Date & Time:

Tuesday 21 June 2022  
10.00am

### Place:

Council Chamber, South Norfolk House, Cygnet Court, Long Stratton, Norwich, NR15 2XE

### Contact:

Jessica Hammond tel (01508) 505298  
Email: [committee.snc@southnorfolkandbroadland.gov.uk](mailto:committee.snc@southnorfolkandbroadland.gov.uk)  
Website: [www.southnorfolkandbroadland.gov.uk](http://www.southnorfolkandbroadland.gov.uk)

### PUBLIC ATTENDANCE:

If a member of the public would like to speak on an agenda item, please email your request to [committee.snc@southnorfolkandbroadland.gov.uk](mailto:committee.snc@southnorfolkandbroadland.gov.uk), no later than 5.00pm on Thursday 16 June 2022.

### Large print version can be made available

If you have any special requirements in order to attend this meeting, please let us know in advance.

# AGENDA

1. To report apologies for absence and to identify substitute members;
2. Any items of business which the Chairman decides should be considered as a matter of urgency pursuant to section 100B(4)(b) of the Local Government Act, 1972. Urgent business may only be taken if, “by reason of special circumstances” (which will be recorded in the minutes), the Chairman of the meeting is of the opinion that the item should be considered as a matter of urgency;
3. To receive Declarations of Interest from Members;  
(Please see guidance form and flow chart attached – page 3)
4. Minutes of the meeting of the Regulation and Planning Policy Committee held on Wednesday 30 March 2022;  
(attached – page 5)
5. Regulatory Enforcement Policy;  
(report attached – page 8)

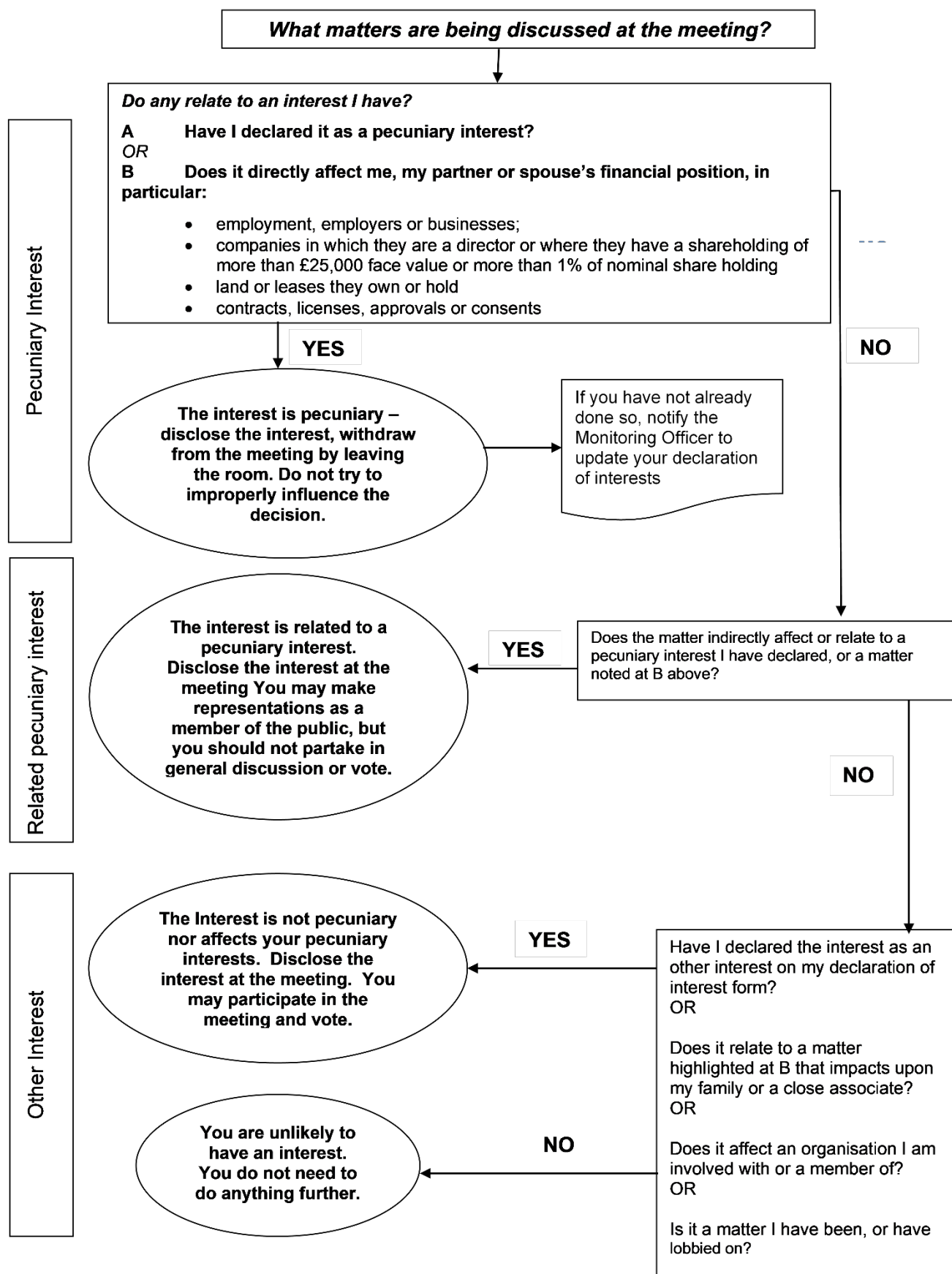
## DECLARATIONS OF INTEREST AT MEETINGS

When declaring an interest at a meeting Members are asked to indicate whether their interest in the matter is pecuniary, or if the matter relates to, or affects a pecuniary interest they have, or if it is another type of interest. Members are required to identify the nature of the interest and the agenda item to which it relates. In the case of other interests, the member may speak and vote. If it is a pecuniary interest, the member must withdraw from the meeting when it is discussed. If it affects or relates to a pecuniary interest the member has, they have the right to make representations to the meeting as a member of the public but must then withdraw from the meeting. Members are also requested when appropriate to make any declarations under the Code of Practice on Planning and Judicial matters.

<p>Have you declared the interest in the register of interests as a pecuniary interest? If Yes, you will need to withdraw from the room when it is discussed.</p>
<p>Does the interest directly:</p> <ol style="list-style-type: none"> <li>1. affect yours, or your spouse / partner's financial position?</li> <li>2. relate to the determining of any approval, consent, licence, permission or registration in relation to you or your spouse / partner?</li> <li>3. Relate to a contract you, or your spouse / partner have with the Council</li> <li>4. Affect land you or your spouse / partner own</li> <li>5. Affect a company that you or your partner own, or have a shareholding in</li> </ol> <p>If the answer is "yes" to any of the above, it is likely to be pecuniary.</p> <p>Please refer to the guidance given on declaring pecuniary interests in the register of interest forms. If you have a pecuniary interest, you will need to inform the meeting and then withdraw from the room when it is discussed. If it has not been previously declared, you will also need to notify the Monitoring Officer within 28 days.</p>
<p>Does the interest indirectly affect or relate any pecuniary interest you have already declared, or an interest you have identified at 1-5 above?</p> <p>If yes, you need to inform the meeting. When it is discussed, you will have the right to make representations to the meeting as a member of the public, but you should not partake in general discussion or vote.</p>
<p>Is the interest not related to any of the above? If so, it is likely to be an other interest. You will need to declare the interest, but may participate in discussion and voting on the item.</p>
<p>Have you made any statements or undertaken any actions that would indicate that you have a closed mind on a matter under discussion? If so, you may be predetermined on the issue; you will need to inform the meeting, and when it is discussed, you will have the right to make representations to the meeting as a member of the public, but must then withdraw from the meeting.</p>

**FOR GUIDANCE REFER TO THE FLOWCHART OVERLEAF.  
PLEASE REFER ANY QUERIES TO THE MONITORING OFFICER IN THE FIRST  
INSTANCE**

## DECLARING INTERESTS FLOWCHART – QUESTIONS TO ASK YOURSELF



**Agenda Item: 4**

## **REGULATION AND PLANNING POLICY COMMITTEE**

**Minutes of a meeting of the Regulation and Planning Policy Committee of South Norfolk District Council held on Wednesday 30 March 2022 at 11am.**

**Committee Members Present:** Councillors: F Ellis (Chairman), B Duffin, J Halls, W Kemp, T Spruce and V Thomson

**Apologies for Absence:** Councillors: P Hardy and S Nuri Nixon

**Cabinet Members in Attendance:** Councillor: L Neal

**Officers in Attendance:** The Director of Place (P Courtier), the Assistant Director for Planning (H Mellors) and the Development Manager (T Lincoln)

### **98 MINUTES**

The minutes of the meeting of the Regulation and Planning Policy Committee held on Tuesday 25 January 2022 were confirmed as a correct record.

### **99 DEVELOPMENT MANAGEMENT – IN YEAR OPPORTUNITIES**

The Assistant Director for Planning presented the report, which outlined the proposed projects and initiatives with regard to the use of the in-year additional income, savings and efficiencies that would enable the Council to accelerate its progress towards the initiatives set out in the delivery plan.

Members' attention was drawn to the opportunity set out in the report which proposed a temporary increase in the current Development Management capacity. The Committee noted that this would help manage the increased level of work and provide a high-quality service to the Council's customers. The additional temporary resource would backfill vacant posts and create additional resource to the major strategic growth allocations.

The extra resource would enable the team to:

- Efficiently and effectively manage an overall increase in application numbers, including forthcoming major strategic planning applications.
- Manage applications following adoption of the GNLP (site allocations)
- Progress work on a new settlement(s)

- Develop Consent Orders
- Prepare for biodiversity net gain and ecology impacts (including new Nutrients Neutrality impacts) and changes arising from the Environment Act

If approved by Cabinet, the Committee noted that a project plan would be developed detailing how the money would be utilised within the department.

The Development Manager provided members with a brief update on the impact the latest advice on Nutrients Neutrality, received from Natural England, would have on the Planning service. Members noted that officers were reviewing the advice to assess its effect on planning applications going forward. Officers explained that there was a hold on granting to allow for a mitigation strategy to be created. Officers stressed the need for future procedures to be well informed and robust to understand the new advice received.

In response to a question raised, officers explained that every Norfolk local authority had been affected by the recent advice from Natural England.

One member raised a query regarding applications with drainage plans in place, and the Assistant Director for Planning explained that further investigation would be needed when making final determinations. This would include any onsite treatment plans in the applications.

A concern was raised regarding the potential delays in determining planning applications. Officers confirmed that applications were still being processed in respect of all other matters but with a caveat on the latest advice received.

In response to concerns expressed by the Chairman over timescales and costs, the Assistant Director for Planning explained that officers were looking into what was required and would draft an action plan. Turning to the concern raised on whether there would be enough funds to cover the work, officers explained that the £100,000 would help with the initial stages of the work. It was expected that the overall budget would need reviewing over time to accommodate the increase in workloads. The Committee further noted that Cabinet would have the final decision on the further allocation of funds.

One member asked if the Council had sought advice from other authorities on the advice received. Officers confirmed that they had started to engage with similar organisations, which had already undergone the process. Officers were confident that the engagement would help identify options and ways forward for the Council.

Regarding the potential increase in costs and impact on developers, officers explained that the Council needed to create a strategy before any decisions were made.

After concerns were raised over the resilience of the Council's statutory consultees, officers confirmed that the Council had a good working relationship with all of them, and that this would be vital in the upcoming months. Members noted that the Council had already lobbied Natural England to make sure they had enough resources to answer queries on the new advice.

In response to further concerns raised over the increase in extra work for the team, the Assistant Director for Planning explained that officers would report back to the Committee with an update on how the £100,000 allocation would be spent.

The Chairman thanked officers for the update, and it was then;

## **RESOLVED**

### **To Recommend to Cabinet**

Approval of the £100,000 allocation from the Growth and Prosperity earmarked reserved to temporary increase the current Development Management capacity, with priority given to the resource impacts of assessing the advice received from Natural England on Nutrients Neutrality with a project plan being drawn up in the next 2 months.

(The meeting concluded at 11:54am)

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Chairman

## **Regulatory Enforcement Policy**

**Report Author(s):** Andrew Grimley  
Environmental Protection Manager  
01508 533694  
[andrew.grimley@southnorfolkandbroadland.gov.uk](mailto:andrew.grimley@southnorfolkandbroadland.gov.uk)

**Portfolio:** Environmental Excellence

**Ward(s) Affected:** All Wards

### **Purpose of the Report:**

This report presents a proposed overarching Enforcement Policy for adoption to replace the council's existing enforcement policy.

### **Recommendations:**

1. Council to agree the adoption of the proposed over-arching Enforcement Policy at Appendix 2 to replace the existing enforcement policy.



## **1. Summary**

- 1.1 This report and the proposed new overarching enforcement policy at Appendix 2 set out arrangements applicable to a range of the council's regulatory and enforcement services listed below in paragraph 2.1. The proposed overarching enforcement policy will not apply to fraud investigators or parking enforcement.
- 1.2 The council's robust approach to regulation and enforcement in the service areas covered by this report involves:
- a) Maximising the offer of appropriate advice and support to legal duty holders,
  - b) Making rapid responses and early interventions to nip in the bud community concerns and incidents of non-compliance, and
  - c) An abbreviated prosecution approach that expedites enforcement and minimises costs to council tax payers.
- 1.3 The council as a regulator exercising enforcement powers is subject to specific expectations and its overarching enforcement policy now requires updating. The council's existing overarching enforcement policy in at Appendix 1. The revised and updated overarching enforcement policy presented in Appendix 2 is proposed for adoption.
- 1.4 If adopted, the proposed new overarching enforcement policy will:
- a) Effectively update the broad enforcement policy framework.
  - b) Set out the council's broad policy statements for investigation and robust enforcement.
  - c) Support rapid and efficient enforcement.
- The proposed enforcement policy will apply both to breaches of established legal duties and to offences identified through incidents arising, reports received, officer inspections and investigations. The key test of enforcement questions will be that there is sufficient evidence and public interest, and that it is necessary and proportionate, to carry out enforcement.
- 1.5 Adopting the proposed enforcement policy will provide the necessary foundations, and will help to ensure that there is no need for repetition in detailed thematic enforcement policies to follow for consideration and adoption. Those thematic enforcement policies will contain detailed considerations in individual areas regulation, including decision-making thresholds and criteria for specific powers and areas of legislation being too numerous to include in one policy document.
- 1.6 The proposed enforcement policy approach, designed to correspond with that of South Norfolk Council as a collaborating partner, would see a common set of enforcement policy provisions being adopted by both councils. This would give the clarity and certainty to common officer teams in how they approach and administer regulation and enforcement. This is recommended by officers because, from a regulatory and enforcement services perspective, both districts share similar characteristics, profiles of regulatory non-compliance and offending, and enforcement requirements. No significant enforcement policy distinctions or

special requirements have been identified that would affect the adoption of the proposed overarching enforcement policy.

## **2. Background**

- 2.1 The council is responsible for administering a wide range of legislation, advising and regulating to ensure compliance, and where necessary taking enforcement action. The enforcement services subject to the proposed enforcement policy at Appendix 2 are regulatory services for environmental protection (including environmental quality, community protection and community safety & intervention), food and safety, and licensing, together with Housing Standards services including enforcement for gypsy and traveller unauthorised encampments, building control enforcement and planning enforcement. Planning Enforcement is the subject of a subject-specific enforcement policy to which the overarching policy will provide support.
- 2.2 An enforcement policy serves two purposes:
  - a) To establish a documented policy framework informing enforcement approaches, decision-making and practices of investigating officers and other decision-makers.
  - b) To provide information about the council's policy approach to those people and businesses which are regulated and those protected by regulation, so that they can know what to expect and can assure themselves when facing potential enforcement.
- 2.3 Following the Enforcement Concordat in 1998 and the Hampton Report in 2005, the Regulators' Code was published in July 2013, and this replaced the Regulators' Compliance Code. The Regulators' Code is a statutory code of practice introduced under section 23 of the Legislative and Regulatory Reform Act 2006 which came into force on 6 April 2014. Each regulator covered by the Regulators' Code is expected to adopt an enforcement policy that incorporates its requirements.
- 2.4 While there is no explicit legal requirement to document enforcement policies, without doing so it would be more difficult for the council to demonstrate compliance with the Regulators' Code and preceding external expectations. Many regulatory bodies, including this council and other local authorities, have adopted and published an enforcement policy based upon the principles of good regulation and the predecessors of the Regulators' Code.
- 2.5 The council last updated its overarching enforcement policy in 2016 and a copy of the main document is attached at Appendix 1. The overarching enforcement policy now requires review. The revised policy at Appendix 2 proposes updates and revisions to the policy, including specific new considerations dealing with issues linked to equality, to vulnerable people and to minors.

## **3. Current position/findings**

- 3.1 Enforcement policies can range from single high-level generic cross-service documents to highly detailed sets of policies. Detailed policies can extend to

setting the preferential order of enforcement options in a single thematic area and the criteria for decision-making (minimum culpable age, etc.). The council's existing enforcement policy document at Appendix 1 provides an overarching policy together with thematic policies set out in appendices. The appendices to the existing enforcement policy have not been included in Appendix 1 because they will be the subject of updated versions coming forward as separate proposed new policies.

- 3.2 There are advantages in separating the overarching enforcement policy and thematic enforcement policies into separate documents:
- a) It is simpler to administer and update each policy without adverse impact on the others.
  - b) It encourages a helpful focus on the key considerations applicable to a particular area when enforcement policy question arises.
  - c) During challenges and legal proceedings, technicalities can focus on policy wording and it is helpful to keep policy documents tightly focussed.
- 3.3 Local government delivers a range of regulatory functions across diverse services, utilising a range of legislation and legal powers. Some regulatory functions/services may rely mainly on a single act of parliament or set of regulations. Others may make use of a range of legal powers from different legislation to achieve the desired outcomes. Changes in legislation and government policy are increasingly frequent, and national policy approaches have become more diverse between the various themes of regulation and enforcement falling to local authorities. Forseeably, the need for making revisions to the council's enforcement policies will become more frequent.
- 3.4 All our regulatory services' enforcement approaches and decision-making should comply with the Regulators' Code of practice. If this council and South Norfolk Council were to maintain differing enforcement policies, with differing requirements, there would be a significant risk that our common services officer teams operating to different sets of policies and corresponding procedures could make mistakes, with risks to enforcement case outcomes. The council's overarching enforcement policy needs to be brought up to date in key areas noted in paragraph 4.2.
- 3.5 The approach proposed will enable services to respond quickly and accountably to emerging threats, whilst reducing duplication and any risk of requiring policy revisions each time new legislation is enacted.

#### **4. Proposed action**

- 4.1 The proposed new overarching Regulatory Enforcement Policy at Appendix 2 has been updated and revised to satisfy the Regulators' Code and reflect good enforcement practice.
- 4.2 Whilst this proposed new enforcement policy adopts a fresh format, many of the considerations are consistent with the previous enforcement policy. The key changes concern:

- a) Changes in legislation and regulators' compliance expectations (throughout the document).
- b) The council's vision.
- c) Explicit consideration of equality issues (draft Policy paragraphs 18 and 85),
- d) Provisions governing action against vulnerable people (draft Policy paragraphs 106 and 107).
- e) Provisions governing action against minors (draft Policy paragraphs 66, 108 and 109).
- f) Measures to deter reoffending and improve offenders' standards of behaviour (several places in the draft policy).

## 5. Other options

- 5.1 **Option 1 – Do Nothing.** The council is the legally obliged to update its existing enforcement policy, however doing nothing would fail to reflect opportunities identified in this report and changes in national expectations on regulators.
- 5.2 **Option 2 – Pursue a different policy.** The council decide to update its policy but to take a different line on enforcement principles, approaches and detailed considerations than those proposed in Appendix 2.

## 6. Issues and risks

- 6.1 **Resource Implications** – No new budget implications have been identified. The existing policy position of robust enforcement involves greater numbers of enforcement cases, vigorously pursued, with attendant implications for officer time and legal costs. In other respects, the proposed overarching enforcement policy contains no changes raising significant new resource implications.
- 6.2 **Legal Implications** – The updating of the council's overarching enforcement policy is supportive of robust and enforcement. Legal advice has been taken on the draft policy and no new implications have been identified arising from the proposed enforcement policy.
- 6.3 **Equality Implications** – The proposed enforcement policy includes equality assessments and specific considerations concerning enforcement and young or vulnerable people. There are no identified impacts on any specific individuals or groups having protected characteristics.
- 6.4 **Environmental Impact** – Positive enforcement is protective of the environment. No adverse implications have been identified.
- 6.5 **Crime and Disorder**- Positive enforcement is protective of our communities from crime and disorder. No adverse implications have been identified.
- 6.6 **Risks** – Adopting the overarching enforcement policy as proposed raises no identified risks beyond the matters covered in this report.

## **7. Conclusion**

- 7.1 The overarching Enforcement Policy as proposed meets the expectations of the Regulators' Code and recognised good practice. Adopting the policy will establish update the council's provisions, supporting good regulation and positive enforcement.

## **8. Recommendations**

- 8.1 Council to agree the adoption of the proposed overarching Enforcement Policy at Appendix 2 to replace the existing enforcement policy.

## **Background papers**

- 1. South Norfolk Council's enforcement policy (2016).
- 2. UK Government, former Better Regulation Delivery Office (now BEIS) – [Regulators' Code](#).

# South Norfolk Council Compliance and Enforcement Policy

2015

## General statement of our approach

### The Council's vision

The Council plays a key role as a provider of services, enabler and by providing leadership within and beyond the South Norfolk community. Our vision in this role is:

‘To retain and improve the quality of life in South Norfolk, for now and future generations, to make it one of the best places to live and work in the country’

As part of this vision our corporate priorities are:

- enhancing the quality of life and the environment we live in
- supporting communities to realise their potential
- promoting a thriving local economy
- driving services through being businesslike, efficient and customer aware

### Our responsibilities

We are tasked with applying the law in a variety of ways and circumstances. Our aim is, as far as possible, to work positively with businesses, individuals and organisations to seek compliance with the law. However to be effective as a leader, shaper and protector of the local community, there will be occasions when it is necessary for us to take appropriate action to deal with matters of non-compliance. This expectation has been placed on us by Government along with that to publish a policy about how we approach compliance and enforcement.

### Policy purpose

Given what we have said above, we have drawn up this policy to help our customers understand how we will approach situations involving the use of the law, in what circumstances and how we will go about it with the appropriate checks and balances. Our approach is always to try and work with our customers rather than against them but on occasions we will have no alternative but to apply the law to secure outcomes expected by society.

**The purpose of this Compliance and Enforcement Policy is to describe principles, priorities and the options available to the Council to secure compliance, whilst minimising the burden on individuals and businesses.**

We believe in firm but fair action to secure compliance with the law. In terms of the law that we have to apply, we are committed to the principles of ‘better regulation’ as prescribed by

Government and aim to achieve this by actions that are: proportionate, accountable, consistent, transparent and targeted.

In terms of statutory powers and duties we will seek to protect residents, visitors, workers, consumers, businesses, the Council's financial position and the environment of the area.

We will co-ordinate compliance and enforcement actions internally and will endeavour, where appropriate, to co-ordinate with other enforcement agencies and partner organisations. We have in place procedures for complaints and appeals to fulfil the Council's equalities objectives, human rights legislation and to meet other statutory requirements as necessary.

### **Working with you, working for you**

We recognise that it is important that our customers understand how we will work with them and apply the law given our powers, duties and this policy.

We endeavour to carry out all our activities in a way that supports our customers to comply and benefit by:

- Ensuring that information, guidance and advice is available to help you meet legal expectations
- Carrying out our activities to check compliance in a targeted and fair way
- Dealing proportionately with breaches of the law as set out in this policy including taking action when necessary – in accordance with, as appropriate, the Regulators code.

Our staff will:

- Be courteous and polite
- Always identify themselves by name and provide you with contact details
- Seek to gain an understanding of your needs
- Agree timescales, expectations and preferred methods of communication with you
- Ensure you are kept informed of progress on any outstanding issues
- Do our best to coordinate with others both within and outside the Council by providing information, guidance and advice

### **Helping you to get it right**

We want to work with you to help you to meet your needs and it is important to us that you feel able to come to us for advice when you need it. We won't take action just because you tell us that you have a problem.

Where you need advice that is tailored to your needs and particular circumstances we will:

- Discuss with you what is required to help you meet your legal obligations
- Provide clear easily understood advice that supports compliance and that can be relied on
- Distinguish what is required by the law and what is suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance
- Publish on our website any fees and charges and explain them. For more information go to [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

## **Our visits and checks**

We monitor and support compliance in a number of different ways including through inspections, sampling visits, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason. We will give you notice that we intend to visit unless we have specific reason to believe that an unannounced visit is more appropriate.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit if so requested or where it is deemed appropriate to do so.

## **Responding to problems and non-compliance**

As far as possible we will seek and work with you to achieve positive compliance with the law. Where we identify failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy (see Appendices 1, 2 and 3). We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary.

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Provide in writing a timely explanation of how to appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you as and when necessary, until the matter has been resolved with the least practicable delay

## **Requests for our services**

We clearly explain the services that we offer, including details of any fees and charges that apply. For more information go to [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

In responding to written requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request within 10 working days.
- If a full response cannot be provided within this time scale, an acknowledgement will be sent to inform you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate



You can contact us by emailing [reception@s-norfolk.gov.uk](mailto:reception@s-norfolk.gov.uk)

### **Developing our services with you**

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats, and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with the Council's Data Protection Policy. For more information go to [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

### **Our Team**

We have a dedicated team of officers who have the appropriate qualifications, skills and experience to deliver the services provided. We have arrangements in place to ensure the ongoing professional competency of all officers.

### **Working with others**

We work closely across the Council and our aim is to provide a streamlined service to you.

We are part of a much wider regulatory system and this enables us to deliver a more joined up and consistent service. This includes sharing information and data on compliance and risk where the law allows, to help target regulatory resources.

Our officers are familiar with the work of our partners and can signpost you to the advice and guidance you need.

### **Having your say - Complaints and appeals**

Where we take legal action or enforcement action, there is often a statutory right to appeal and/or have your say. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way, or asked you to act in a particular way. Should complaints arise about our service, or about the conduct of our officers, we have an established Corporate Complaints Policy.

Details of the procedure can be found at [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk) Alternatively telephone 01508 533633 or Email [feedback@s-norfolk.gov.uk](mailto:feedback@s-norfolk.gov.uk) We are always keen to discuss any concerns at any point irrespective of the fact we have a policy.

### **Having your say - Feedback**

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or suggestions for improvement. This helps us to ensure we keep doing the right things and make changes where we need to.

You can provide feedback in the following ways:

Telephone: 01508 533633

Email: [feedback@s-norfolk.gov.uk](mailto:feedback@s-norfolk.gov.uk)

Web: [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

By post: South Norfolk Council, South Norfolk House, Swan Lane, Long Stratton, Norfolk NR15 2XE

Or in person: at South Norfolk House Monday to Friday between 08:15 and 17:00 hours

Any feedback that we receive will be acknowledged

In terms of our approach to compliance and enforcement much is prescribed in legislation, guidance and codes of practice. This is set out in the following appendices

**Appendix 1** – our overarching approach to compliance and enforcement – this section deals with the principles of how we encourage compliance with the law, the sanctions and options available to us when we have no choice but to take action.

**Appendix 2** – this section details our approach to dealing with compliance and enforcement in relation to regulatory activities which include food and health and safety, licensing, waste enforcement, environmental protection and private sector housing

**Appendix 3** – this section deals with the specific approach to compliance in relation to development management

This policy supersedes all earlier enforcement policies from 14 September 2015.

# Appendix 1 – Our overarching approach to compliance and enforcement

## 1. Our commitment

- 1.1 South Norfolk Council is committed to avoiding, where possible, unnecessary legal and regulatory burdens, and to assessing whether similar social, environmental and economic outcomes could be achieved by less burdensome means. The Council therefore fully supports the approach to good enforcement practice advocated in the Department for Business Innovation and Skills Regulators' Code April 2014 and the Local Government Association publication "Open for business" November 2013.

## 2. Our commitment to the Principles of Good compliance and regulatory practice

- 2.1. The Council is committed to avoiding imposing unnecessary regulatory burdens, and to be assessing whether similar social, environmental and economic outcomes could be achieved by less burdensome means. Underlying the policy are the principles of good regulation set out in the Legislative and Regulatory Reform Act 2006, etc.
- 2.2. We will exercise our activities in a way that, as far as possible, we work with you and ensure we are:
- **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
  - **Accountable** – our activities will be open to scrutiny, with clear and accessible policies and complaints procedure. To achieve this:
    - Policies are published on the Council's web site
    - Complaints about our service or action can be made in person, writing, electronically at any time by accessing the Councils web site: - [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk) or by telephone on 01508 533633.
  - **Consistent** - enforcement will be done in a consistent and fair way. Our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar we will endeavour to act in similar ways to other local authorities.
  - **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can expect from us in return.
  - **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

## 3. Our approach

- 3.1. The type of action taken by the Council to deal with non-compliance will depend on the nature of the case and the legislation that is appropriate to it. However, the guiding principles of this Policy apply to all Directorates and authorised officers.
- 3.2. Our Policy commits us to:
- Protecting residents, visitors, workers, consumers, businesses, the Council's financial position and the environment of the area
  - Equitable and consistent enforcement actions
  - Fostering an environment which encourages economic growth

- Helping businesses and others to understand and meet their legal obligations by reassuring them that they can approach the Council for the guidance they need
  - Reducing unnecessary burdens on businesses and individuals
  - Responding proportionately to the seriousness of regulatory breaches
  - Taking firm action, including legal action where appropriate, against those who fail to pay local taxes and charges, persistently flout the law or act negligently or irresponsibly
- 3.3. The Council recognises that most people and businesses want to comply with the law and it is our commitment that we shall help and encourage them to do this, but when it is necessary to consider taking action to secure compliance, appropriate regard will be given to:
- The seriousness of the matter;
  - The vulnerability of the individuals concerned;
  - Compliance history which may include records, relevant data, earned recognition and evidence of relevant external verification;
  - Confidence in achieving compliance;
  - Consequences of non-compliance;
  - Likely effectiveness of the various enforcement options;
  - The urgency with which corrective action is necessary;
  - Whether there is a deliberate or flagrant breach of the law;
  - Non-payment of local taxes and charges.
  - All relevant national guidance.
- 3.4. The criteria are not exclusive and those which apply will depend on the particular circumstances of each case. This does not mean that all factors must support enforcement action before it can proceed.
- 3.5. By delivering these commitments, we believe we shall help to maintain a fair and safe living and trading environment to promote the local economy and social cohesion.

#### **4. Legal proceedings**

- 4.1. The Practice Director, nplaw, is authorised to institute, defend or participate in any legal proceedings where instructed by the Council in any case where such action is necessary to give effect to decisions of the Council or in any case where the Practice Director considers that such action is necessary to protect the Council's interests.
- 4.2. There are certain specific exceptions to this principle. For instance, officers authorised under the Health and Safety at Work etc. Act 1974 have the authority to take a decision to commence legal proceedings for offences committed under that Act or under any subordinate legislation. However they must:
- Apply the principles of the Health and Safety Executive (HSE) Enforcement Management Model to guide their decision on prosecution.
  - Seek the approval of the Director regarding any expenditure involved.

#### **5. Considering the views of those affected by “offences”**

- 5.1. Officers undertake enforcement on behalf of the public at large and not just in the interests of a particular individual or group. The consequences for those affected by the offence are taken into consideration as part of the public interest test when

deciding whether or not the Council should take enforcement action. Those people directly affected by the offence will be informed about any enforcement decision that concerns them.

## **6. Complaints and Appeals**

- 6.1. Enforcement action can sometimes raise complaints, objections and appeals. If any person is unhappy with the action taken, or information or advice given they will be given the opportunity of discussing the matter with the relevant officer. This is without prejudice to any formal appeals mechanism or to the Council's complaints procedure. Complaints can be made by telephone, in person, writing or electronically at any time by accessing the Councils web site: - [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)
- 6.2. Most formal statutory enforcement actions including planning and licensing, have legal rights of appeal to an inspector, a court or tribunal etc. An explanation of the rights of appeal will be given in writing when any formal action is taken.

## **7. Delegation of Authority**

- 7.1. The Council's scheme of delegation specifies the levels of authority given to officers.
- 7.2. Enforcement officers will be formally authorised by the Council or by the Service Director to exercise specified powers under relevant statutes. The level of authorisation for each officer will be determined by their qualifications, experience and competence having regard to any relevant national guidelines. Authorisation will be in writing and in a form which can be shown on request.

## **8. Legislation, guidance and codes that influenced the preparation of this Policy**

### **8.1. Regulators Code**

South Norfolk Council has had regard to the Regulators Code in the preparation of this policy. In certain circumstances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

### **8.2. Human Rights Act 1998**

South Norfolk Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Public Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Act. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.

### **8.3. Data Protection Act 1998**

Where there is a need to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1998.

### **8.4. The Code for Crown Prosecutors**

When deciding whether to prosecute, the Council has regard to the provisions of the Code for Crown Prosecutors as issued by the Director of Public Prosecutions

## **8.5. Regulatory Enforcement and Sanctions Act 2008**

The Regulatory Enforcement and Sanctions Act 2008 as amended established the Primary Authority Scheme. We will comply with the requirements of the Act when considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

## **9. Explanation of compliance and enforcement powers available to the Council**

### **9.1. No action**

In some situations it will be inappropriate to take formal action. For example:

- Where the cost of securing compliance or the cost of enforcement action is disproportionate to the impact of the contravention.
- Where the offender is in some way highly vulnerable and/or suffering from serious ill health.

### **9.2. Compliance advice, Guidance and Support**

Where it is appropriate, the Council uses advice, guidance and support as a first response to dealing with matters of non-compliance. In responding to non-compliance that we have identified, we shall clearly explain what the non-compliant item or activity is, the advice being given, actions required or decisions taken, and the reasons for these.

### **9.3. Written Warning**

Advice is sometimes provide in the form of a warning letter to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible without the need for further enforcement action. A warning letter will set out what should be done to rectify the breach and to prevent re-occurrence. Written warnings are used in the circumstances where there is evidence of a contravention or offence, but in the particular circumstances of the infringement and having regard to the Policy; a written warning is in the officer's opinion a proportionate response.

### **9.4. Voluntary Undertakings**

The Council may accept voluntary undertakings that breaches will be rectified or recurrences prevented but will take any failure to honour a voluntary undertaking very seriously and enforcement action is likely to result.

### **9.5. Statutory (Legal) Notices**

In respect of many breaches the Council has powers to issue statutory notices. Some such notices include: 'Stop Notices', 'Prohibition Notices', 'Emergency Prohibition Notices', and 'Improvement Notices'. Such notices are legally binding. Failure to comply with an extant statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

#### **9.6. Financial penalties**

For some offences, the Council has powers to issue a Fixed Penalty Notice (FPN). A FPN is not a criminal fine and does not appear on an individual's criminal record. If a FPN is paid then no further enforcement action will be taken, but if it is not paid, the Council may commence legal proceedings or take other enforcement action.

In circumstances where consideration is being given to the issue a FPN to a person of age 17 years or less, officers will be guided by DEFRA guidance, as detailed in "Issuing Fixed Penalty Notices to Juveniles" and to any subsequent guidance from a government department.

#### **9.7. Penalty Charge Notices**

Most parking offences in the UK are now enforced as a civil matter by the use of Penalty Charge Notices (PCNs). A PCN is a penalty for a contravention of a parking restriction, but it doesn't result in a criminal record nor does it place points on a driving licence. If unpaid, a PCN will be treated as a civil debt.

#### **9.8. Injunctive Actions, Enforcement Orders etc.**

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

#### **9.9. Simple Caution**

The Council has the power to issue simple cautions as an alternative to prosecution for some less serious offences where a person admits to the offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the criminal record of a person and it is likely to influence how the Council and others deal with any similar breach in the future. It may also be cited in court if the person is subsequently prosecuted for a similar offence. Simple cautions will be used in accordance with Ministry of Justice guidance: Simple Cautions for Adult Offenders April 2015 and other relevant guidance.

#### **9.10. Prosecution**

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute due regard will be given to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. The Code sets out two tests that must be satisfied:

- The evidential test.

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court, if it reliable and enough to be satisfied that there is a realistic prospect of conviction.

- The public interest test

When deciding if it is in the public interest for a case to be brought to court, the Council will balance the factors for and against prosecution carefully and fairly, considering each case on its merits and will have regard to, amongst other matters, the following criteria:

- Was there a deliberate, reckless, negligent or persistent breach of legal obligations which were likely to cause material loss or harm to others?
- Were written warnings or formal notices deliberately or persistently ignored?
- Was the health and safety or wellbeing of people, animals or the environment put at risk or endangered?
- Was an attempt made to make financial gain at the expense of others?

If there are significant financial or policy implications regarding prosecution, the Director will consult the Chief Executive and the relevant portfolio holder.

In each prosecution case the Council will normally apply for an order that the Defendant pays the Council's costs (or a contribution towards them) in respect of the investigation of the case and the costs in bringing the case to court.

#### **9.11. Refusal/Suspension/Revocation of Licences**

The Council issues a number of licences and has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

#### **9.12. Forfeiture Proceedings**

These proceedings may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the marketplace or being used to commit further offences. Application for the forfeiture will be made to a criminal court.

#### **9.13. Seizure of Goods or Equipment**

Where it is permitted by legislation an appropriately authorised officer may exercise powers of detention and/or seizure certain goods of equipment, for example sound equipment which has caused a noise nuisance. Seizure powers must be used strictly in accordance with the prescribed procedures detailed in legislation and statutory guidance.

#### **9.14. Works in Default**



Under certain statutory notices the Council may carry out specified works itself and recover the cost from an offender if an offender fails to comply with a statutory notice within the specified time scale.

#### **9.15. Proceeds of Crime Applications**

In appropriate cases an application under the Proceeds of Crime Act 2002 may be made to the Court to restrain and/or confiscate the assets of an offender.

#### **9.16. Injunctions and other Civil Actions**

Where offenders are repeatedly convicted of similar offences or where prosecution is not an adequate remedy the Council may consider making an application to the courts for an injunction to prevent further offences being committed.

## Appendix 2 – Regulatory Services

**This section details our approach to dealing with compliance and enforcement in relation to regulatory activities which include food and health and safety, licensing, waste enforcement, environmental protection and private sector housing. It should be read as part of the overall compliance and enforcement policy and all parts are complementary.**

### 1. Introduction

This document explains what you can expect of Regulatory Services in South Norfolk. Whether you are run a business, are an employee or a member of the public, we are committed to providing you with an efficient, courteous and helpful service and this section tells you how we aim to do that. We are committed to good enforcement practice.

### 2. How we deliver our services

We make a fundamental contribution to the maintenance and improvement of public health, quality of life and wellbeing. Our aims are to:

- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. In this way we ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

We are committed to being transparent in our activities and to carrying them out in a way that supports those we regulate to comply and grow:

Details of our current business plan is available at - [www.south-norfolk.gov.uk](http://www.south-norfolk.gov.uk)

### 3. What is this policy for?

The Council has wide ranging duties and powers to make plans, take decisions, set standards, regulate activities and collect revenues and charges. Whilst most of these activities are conducted without the need for enforcement action there will be occasions when the Council will have to take action for non-compliance with a legal requirement. This Policy explains the Council's approach to dealing with non-compliance to:

- those affected by the Council's enforcement activities; and
- Authorised officers of the Council

### 4. Areas we regulate

We deliver services in a number of areas:

**This aspect of the policy relates to the following areas of enforcement responsibility**

<b>Environmental Protection and ASB</b>	<b>Public Health</b>	<b>Food Safety</b>
<b>Health and Safety</b>	<b>Licensing</b>	<b>Private Sector Housing and Building Control</b>

## **5. Explanation of our approach to dealing with non-compliance – our commitment**

We will:

- Consider breaches of the law on the merits of each situation and will apply good regulatory practice given this policy overall
- Clearly explain the non-compliance and any advice being given, actions required or decisions taken, with reasons for these.
- Provide an opportunity for dialogue in relation to advice given, actions required or decisions taken in relation to non-compliance.
- Communicate openly, honestly and transparently with your business or as a 'regulated' person or organisation.
- Where appropriate we will work closely with other agencies to secure the best outcome in terms of regulatory fairness
- Manage enforcement in relation to our own establishments and activities, to ensure that decisions are free from any conflict of interest.
- Be fair and objective in any enforcement activities (link to corporate equality and diversity policy)
- Ensure that any publicity or public statements are fair and objective and consider their impact and the public interest

## **6. Explanation of our approach to taking action depending on the particular circumstances and the approach of the business, or regulated person to dealing with the breach.**

We will:

- Deal firmly with those that deliberately or persistently fail to comply.
- Provide advice as requested on non-compliance without directly triggering enforcement action, where there is a willingness to resolve the non-compliance.

## **7. The factors that influence our response to breaches of the rules:**

We will:

- Ensure there is a proportionate approach based on relevant factors such as business size and capacity
- Liaise and ensure we meet the requirements of the Primary Authority scheme in responses to breaches.
- Check that matters of non-compliances which were dealt with by providing advice or guidance have been rectified in a proportionate and pragmatic way.
- Consider the appropriate enforcement route with other agencies where circumstances are such that breaches may be referred to them

## **8. Our approach to complaints of non-compliance**

We will determine whether individual complaints require investigation based on the evidence and taking into account the public interest.

## **9. Conduct of investigations**

Investigations will be carried out with regard to relevant legislation some of which are listed below and in accordance with any associated guidance or codes of practice, in so far as they relate to the Council:

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice. Officers will conduct investigations in accordance with good regulatory practice.

We are committed to keeping alleged offenders and those affected by potential breached of the law informed of the progress of investigations.

## **10. Decisions on enforcement action**

Decision to take enforcement action will be guided by the recommended principles set out in the Macrory Review report Regulatory Justice: Making Sanctions Effective 2006. Such action will:

- Aim to change the behaviour of the offender;
- Aim to eliminate any financial gain or benefit from non-compliance;
- Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- Be proportionate to the nature of the offence and the harm caused;
- Aim to restore the harm caused by regulatory non-compliance, where appropriate; and;
- Aim to deter future non-compliance

We will consider risk at the decision making stage when we look at the circumstances of the situation.

In relation to health and safety compliance we will use the HSE's Enforcement Management Model.

We will consult with other organisations, where appropriate before taking action, and in particular given the statutory requirement under Primary Authority to notify proposed enforcement action.

We will monitor and review decisions taken on enforcement action as part of the review of this policy.

## **11. How decisions are communicated to those affected**

We will provide a timely explanation as a matter of course in writing of any rights to representation or rights to appeal, and practical information on the process involved to all parties subject to enforcement action.

## **Appendix 3 – Development Management**

**Development Management Enforcement within South Norfolk Council is undertaken in accordance with this Policy.**

Enforcement action is a discretionary power and will be proportionate to the matter considered. We will have regard to the expediency of taking enforcement action in each case, and exercise discretion accordingly. This means that the Council and its officers may resolve matters formally, informally, or decide not to take action even if a breach of planning control exists.

**We will investigate matters which include but are not limited to the following:**

- Unauthorised building and engineering operations;
- Unauthorised use of land and buildings;
- Breaches of planning control, planning conditions and obligations;
- Unauthorised works to Listed Buildings and protected trees or hedges;
- Unauthorised advertisements;
- Allegations of untidy land;
- Compliance with planning conditions by selective monitoring;
- Inconsistencies between Building Control commencements and planning approvals.

**We do not generally investigate:**

- Anonymous complaints unless deemed appropriate;
- Neighbour disputes not involving unauthorised development;
- Boundary disputes and encroachment;
- Land ownership disputes;
- Enforcement of deeds or covenants;
- Breaches of leases/tenancies;
- Public Highway offences;
- Complaints about High Hedges (refer to Norfolk County Council).

### **Development Management Enforcement Priorities**

- Unauthorised development causing or threatening significant harm to public health and safety.
- Cases where there is ongoing or immediate threat of irreversible harm to amenity or the environment.
- Harm to areas protected by statutory designations such as SSSIs; Conservation Areas; Archaeological sites.
- Harm to listed buildings and their setting.
- Harm to trees and hedges, especially where protected by Preservation Orders or Regulations.
- Unauthorised development likely to harm protected species or habitats.
- Monitoring of major developments.

### **Our approach**

In the first instance we always seek to work with those seeking planning approval by early engagement and the support of compliance.

We attempt to resolve matters informally in the first instance and want to work with developers as early as possible in the planning stage to support them in securing compliance. Formal action will only be taken where there is demonstrable harm being caused to matters of public interest. This can include the service of notices, direct action, prosecution and/or the use of injunctions.

Formal action will not be taken against minor, infrequent, or trivial breaches of planning control where there is no significant harm caused and no aggravating factors. Planning legislation allows development to be regularised by application for retrospective planning permission and this is a course of action that will be encouraged where appropriate.

Work will be organized with those cases identified as Enforcement Priorities in this policy statement looked at first.

We will subsequently advise the complainant if the investigation results in receipt of a planning application, service of a notice or closure of the case.

Complainants or developers who are dissatisfied with the enforcement service provided by the Council will be directed to the Council's complaints procedure unless their concern is more appropriately dealt with under the statutory right of appeal available to those in receipt of formal notices.

# South Norfolk Council

## Enforcement Policy

### 2022

DRAFT

# Introduction

1. South Norfolk Council's vision is of working together to create the best place and environment for everyone, now and for future generations
2. We are committed to growing the economy; supporting individuals and empowering communities; protecting and improving the natural and built environment, whilst maximising quality of life; and moving with the times, working smartly and collaboratively
3. To support the above objectives, we are committed to good regulatory enforcement practice and to avoid the imposition of any unnecessary regulatory burden.
4. This enforcement policy sets out a framework to achieve this and reflects the relevant legislative powers and duties of the council.
5. This enforcement policy has been updated following the implementation of the Regulators Code April 2014, which applies to specified regulatory functions carried out by the council, and, to the implementation of the Anti-social Behaviour, Crime and Policing Act 2014.
6. This enforcement policy has been approved in line with the council's constitution and supersedes the council's previous overarching enforcement policy.
7. Subsidiary to this overarching enforcement policy there are several subject-specific enforcement policies. These specific enforcement policies but apply where legislation, government or good practice has required them, for example, Food Safety, Planning Enforcement, Private Sector Housing Enforcement Service, Integrated Pollution Prevention & Control. They will be revised and updated individually from time to time.
8. In updating this enforcement policy there has been consideration of the legislation, guidance and codes listed in **Appendix 1**.
9. This policy does not apply to the council's:
  - Financial fraud investigations and enforcement
  - Tenancy enforcement & special investigations
  - Parking, markets & highways enforcement
  - Estates & property leasing
  - Property Services



## **What is this policy for?**

10. The purpose of this policy is to provide a consistent, correct, efficient and effective approach to making enforcement decisions within relevant areas of service delivery. It also serves to communicate the council's policy towards addressing non-compliance with regard to the legislation that is enforced.
11. The council uses a range of activities to ensure compliance with the legislation enforced by the services listed in Appendix 2. These include:
  - Site visits, inspections, and patrols
  - Acting on intelligence received
  - Carrying out investigations
  - Serving legal notices/orders to affect a stop, a change, a restriction or an improvement
  - Issuing financial penalties
  - Giving formal warnings, conditional cautions, and simple cautions
  - Giving informal advice, including education & awareness programmes
  - Injunctive actions, byelaws, and temporary powers
  - Prosecutions
  - Carrying out test purchases, seizure, sampling, and analysis
  - Licensing and Permits

The above range of enforcement activities and actions may change as further legislation is enacted or repealed.

## **When does this policy apply?**

12. The policy applies to enforcement actions taken by the council to deal with legislative non-compliance with the acts, regulations and orders that are enforced by the service areas listed in Appendix 2.
13. The term enforcement action includes any action taken by the council and its officers to achieve compliance, for example.
  - Giving advice, guidance, information, and support to encourage compliance
  - Giving informal warnings for instances of minor non-compliance
  - Agreeing to voluntary undertakings to permit immediate or intensive action to be taken to ensure rapid compliance, e.g., voluntary premises closure, surrender of a permit or license, surrender of items, etc.
  - Removal, review or nullification of licences, permits, agreements, leases, etc.
  - Investigation & seizure of items
  - Formal action such as the service of a premises closure order, statutory notice, a penalty notice or issuing a simple or conditional caution
  - Instituting legal proceedings such as prosecution, injunction, or court order

14. 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 as referred to at points 8 & 10.
15. In applying this policy regard shall also be had to underlying policies or protocols that deal with specific service areas or issues.

## **General principles for dealing with non-compliance**

16. 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. Decisions on what the appropriate action to take is made by officers named in the council's published scheme of delegations. This enforcement policy will be taken into account when those decisions are under consideration.
17. The type of enforcement action taken will depend on the level of risk and concern .
18. The council and its officers will be fair, objective and consider the council's published approach to equality <https://www.southnorfolkandbroadland.gov.uk/downloads/file/2711/equality-and-diversity-policy>.
19. Enforcement activities, including determining whether to investigate or not, 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. Where evidence is identified of a clear breach or offence we will robustly investigate in terms of taking formal action against the perpetrator.
20. In addition to statutory obligations all those who are subject to enforcement action will be informed of the reasons in writing.
21. Where further action is needed to achieve compliance, whether this be to a domestic occupier, a landlord, a business, or a group such as a charity, , this will be expressly stated with a clear timeframe (where applicable). This process should involve dialogue and research to ensure timeframes applied are reasonable and achievable.
22. 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 South Norfolk free of unfair or illegal competition.
23. Enforcement actions will be proportionate to the non-compliance and will ensure the minimum legal standard of compliance is maintained.
24. Enforcement action shall not necessarily be triggered if those who are 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).
25. Enforcement action against business will consider relevant Primary Authority agreements/arrangements, previously agreed formal sampling plans, inspection plans and documented quality control arrangements.
26. Where there are shared roles with other enforcement agencies, such as the Police, HSE, EA, FSA, 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, partnership work 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.

27. The council cannot take legal action against itself. Where potential formal enforcement action concerns a local authority establishment or activity, the enforcing service must notify their Service managers and the Assistant Directors responsible for the establishment or activity causing concern. The Assistant Directors must notify their relevant Directors. The Directors shall ensure that decisions concerning non-compliance internal to the council are made are free from potential and/or actual conflicts of interest. The Directors will have the ability to involve another local authority or independent organisation to review decisions where any concern remains.
28. Where non-compliance is subject to an investigation, the individuals or organisations will be made aware of the investigation shall be informed of the outcome.
29. Witnesses in legal proceedings shall be kept updated in accordance with relevant service standards and targets.
30. 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 other enforcement agencies or organisations. This shall occur with clear regard to data protection law, GDPR and any relevant protocols or Memorandums of Understanding where they are in place.

## **No Action**

31. In certain circumstances, it might be appropriate that no action is taken. For example:
  - a) When the health and 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.

## **Advice guidance and support**

32. Where there is evidence of non-compliance, but it is decided that the matter is minor, of low risk and/or is easily resolved, the council can consider an advice and guidance approach as a first response.
33. Such advice would include a clear explanation of what action is required to achieve compliance, a clear timeframe 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 public are at low risk from any negative consequence or impact.
34. The council is open to dialogue in relation to any advice or guidance given by an authorised officer.

## **Informal warnings**

35. In some cases, an opportunity will be given to make improvements to comply with the law within a reasonable time.
36. Informal warnings can take the form of a verbal warning, a report, or a written warning. Informal warnings will explain:
  - the law that applies,
  - the nature of the non-compliance,
  - the action to take,
  - the time by which compliance should be achieved (if applicable),
  - clearly define what are legislative requirements and what are recommendations, and
  - the consequences of continuing with non-compliance.
37. Informal warnings may be used as evidence of previous conduct in legal proceedings should non-compliance continue to an extent to justify formal action.
38. The council will keep an audit trail that identifies the enforcement steps taken and the opportunities given to achieve compliance.

## **Voluntary undertakings**

39. The council may, in certain circumstances, accept voluntary undertakings that a non-compliance will be rectified and/or a recurrence prevented. Failure to honour voluntary undertakings is taken seriously and formal enforcement action to ensure compliance is likely to follow.

## **Statutory notices & orders**

### **Notices**

40. Some legislation confers powers to issue statutory notices. Notices require that specified action, to achieve compliance, be carried out within a defined timescale.
41. Notices may also prohibit specified activities until the non-compliance has been rectified and/or until safeguards, to prevent future non-compliance, have been put in place.
42. The service of some notices may also be accompanied by a fee to recover costs of investigation, preparation, and service of notices.
43. Failure to comply with a statutory notice may constitute a criminal offence and may lead to prosecution or the imposition of a financial penalty and/or the carrying out of necessary works in default by the council and subsequent recovery or the costs for those works and administration and organisation of them.
44. 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.

### **Orders**

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

46. The service of some orders may also be accompanied by a fee to recover costs of investigation, preparation, and service of the order.
47. 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 or the costs for those works and administration and organisation of them.
48. 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.

## **Action against licences, permits, agreements, etc.**

49. The council issues and enforces a number of formal licences, permits, permissions, agreements, etc. Occasionally the council has a role to play in ensuring that appropriate standards are met and reflect the permits or similar documents issued by other enforcement agencies.
50. Serious or repetitive non-compliance with the terms, conditions or restrictions of a licence, permit, permission, agreement, etc. may lead to its status 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.
51. 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.
52. 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.
53. 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.

## **Provision of Services Regulations 2009**

54. 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.

## **Financial penalties**

55. 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.
56. 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 or the imposed penalty or prosecution for the offence that led to the imposition of the penalty.

57. 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.
58. In some circumstances, where a non-compliance is serious in its impact or is recurrent, prosecution may be a more appropriate (where available) recourse that the council takes where there is a choice between a penalty and prosecution.
59. Where the statute stipulates that the council put in place and publish policy, statements, or similar before a power to use financial penalties can be used this will be done by the individual service and covered by that service's individual enforcement policy (as set out at Appendix 2).

## **Cautions**

### **Simple Cautions**

60. 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 the person admits the offence and agrees to accept a caution voluntarily.
61. Where a simple caution is offered and declined, the council is likely to consider taking forward a prosecution.
62. Simple cautions shall be issued in accordance with Ministry of Justice guidelines.

### **Conditional Cautions**

63. 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.
64. 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.
65. Conditional cautions shall be issued in accordance with Ministry of Justice guidelines.

### **Injunctive actions, orders etc.**

66. In some circumstances the council may seek a direction from the Court (in the form of an order or an injunction) to ensure that 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 Norfolk County Council's Children's Services and or Norfolk Youth Offending Team.
67. 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.
68. Failure to comply with a Court Order constitutes 'contempt of court', a serious offence which may lead to imprisonment.

69. 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.
70. Criminal Behaviour Orders (CBO's). 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. We will always liaise with the Operational Police Team before seeking an Order. This type of action may be used in incidents such as persistent targeting of an individual or a group of individuals in a particular area.
71. Public Spaces Protection Orders (PSPO's) are used to prohibit specified activities relating to anti-social behaviours, and/or require certain things to be done by people engaged activities, within a defined public area.
72. Forfeiture Proceedings - This course 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.
73. Proceeds of Crime Applications 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.

## **Compulsory Purchase and Enforced Sale**

74. Enforced sale – 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.
75. Compulsory purchase – 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.

## **Time Limited, Event Specific Powers**

76. Where circumstance dictates, 'time-limited' powers may be introduced by central Government to help control certain events or issues. An example of this would be the emergency powers introduced to help limit the spread of coronavirus during the COVID-19 pandemic.
77. Where the council is empowered to enforce temporary or time limited powers, the following will occur:
  - The appropriate officer (usually the Assistant Director or above) will inform the appropriate Director as to their purpose and how they will be implemented, managed, and monitored.

- 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 to discharge these duties.
- A temporary authorisation for the use of the temporary powers, will be issued for relevant officers, which the Authority will be able to produce on request.
- Where required, officers will be provided with appropriate training.
- 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.
- Systems will be adopted or adjusted to ensure the use of the temporary powers can be recorded, monitored, and managed.

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

- Named individuals of appropriate position in other agencies are contacted and communication lines established.
- 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.
- A steering group arrangement will be established or co-opted to oversee any activity. Decisions and actions arising from these meetings will be recorded.
- Where required activities will be effectively coordinated, for example joint operations. This may necessitate the need for the establishment of 'operational groups. The jointly agreed arrangements and outcomes arising from operations will be recorded.

## Byelaws

79. A byelaw is a locally adopted law that can be espoused by the council. There are a number of acts of parliament that allow this process (enabling Act's). 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.
80. Where a byelaw is adopted by the council the relevant Service will set out how this is used under their own specific Enforcement Policy. An example of an adopted byelaw in South Norfolk is in respect of our Private Hire and Hackney Carriage Policy and Conditions.

## Formal actions – legal proceedings

81. The council may prosecute in respect of non-compliance with appropriate legislation in line with the principles set out in this enforcement policy.
82. The appropriate Assistant Director with legal advice must consent to any decision to instigate legal proceedings and shall have regard to the Crown Prosecutions Service's Code for Crown Prosecutors as well as this policy.



83. The Crown Prosecution Service's Code involves 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.
84. Successful prosecution can also lead to the disqualification of individuals from specific activities or from acting as company directors. For example, the prosecution of a private sector landlord, or managing agent, may render them 'a not fit and proper person' under the terms of the council's private sector housing licensing scheme(s).

## Decisions on enforcement action

85. 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 and that most want to do so.
  - 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 that will be taken by the council is easily understood and that clear distinctions are made between legal requirements and what are recommendations that 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** - 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 persons involved are children, elderly, infirm or 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) **Deter** – to ensure the perpetrator and others are deterred from repeating the non-compliance.
  - i) **Improve** - to ensure behaviours standards are improved for the benefit of the wider community.
86. Decisions will:
- Consider whether similar social, environmental, or economic outcomes could be achieved without taking enforcement action.

- Consider risk, negligence or culpability and protect people from any (further) harm.
- Include the details and results of any requirement to consult with other organisations before taking action.

## **Appealing enforcement decisions & complaints against the service**

87. Where there are rights of representation or appeal mechanisms against enforcement decisions these will be communicated in accordance with the relevant statutory obligations. In the absence of such obligations these will be communicated at the same time as the action is taken, or, if that is not possible, as soon as is reasonably practicable afterwards.
88. Service specific standards are usually 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.
89. An appeal against enforcement action is distinct and separate from a complaint against the conduct of an officer or a service. If the recipient of enforcement action or someone affected by that enforcement action is aggrieved by its imposition, they should seek remedy by way of appeal to the relevant authority/court/tribunal, where they are legislatively allowed to do this. If anyone is dissatisfied with the conduct of council officers/service, or believes there has been a failure to follow this policy, any related codes, or to meet service standards, a 'complaint about service' can be made using the council's Complaint procedure <https://www.southnorfolkandbroadland.gov.uk/downloads/file/3617/south-norfolk-council-complaints-policy>

## **Publicising enforcement actions**

90. Officers should follow the advice of both legal and communications representatives with regard to press releases and other publicity, particularly where details of a particular person, group or business are to be identified. This to ensure the prevention of any data protection non-compliance by the council and to ensure any press releases align with corporate objectives.
91. Enforcement actions and outcomes will only be published with the intention of:
  - Reassuring community stakeholders that legislative non-compliance is taken seriously and dealt with,
  - providing public information on the standards of acceptable conduct and thus to deter others from undertaking similar non-compliant activities,
  - promoting and increasing intelligence about similar issues, and
  - to act as a deterrent to offenders or potential offenders from offending or repeat offending.
92. In all cases the human rights of victims, witnesses, and those against whom action has been taken, shall be taken into account.

## Public Registers

93. Certain legislation/statute requires/allows the council to add details of certain enforcement activity or licensing onto a public register, for example the database of rogue landlords, etc. These will be maintained by the council in accordance with statute and guidance.

## Conduct of Investigations

94. Investigations relating to enforcement activities will be conducted in accordance with relevant legislation and statutory obligations and with regard to any associated guidance or codes of practice, in so far as they relate to the council and its officers.
95. At the time of publication these include:
- Police and Criminal Evidence Act 1984
  - Criminal Procedure and Investigations Act 1996
  - Housing Act 1996
  - Housing Act 2004
  - Criminal Justice and Police Act 2001
  - Criminal Procedure and Investigations Act 1996
  - Data Protection Act 1998
  - Human Rights Act 1998
  - Regulation of Investigatory Powers Act 2000
  - Investigatory Powers Act 2016
  - Criminal Justice and Police Act 2001
  - Legislative and Regulatory Reform Act 2006
  - Regulatory Enforcement and Sanctions Act 2008
  - Protection of Freedoms Act 2012
  - Regulators' Code 2014
  - General Data Protection Regulations 2016
  - Proceeds of Crime Act 2002
96. 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.

## Authorisation of Officers

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

99. Due regard will be given to the qualification requirement framework applicable to each professional area of enforcement expertise.
100. Officers will always identify which service area they represent. They shall show their official identification or authorisation whenever exercising statutory powers and on request.
101. Details of which officers are authorised to make decisions about enforcement action are contained within 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.
102. Community Safety Accreditation Scheme (CSAS) – is a voluntary process whereby the chief constable can choose to accredit Local Authority officers with certain police powers to help tackle certain issues, for example the issuing of fixed penalty notices for cycling on a footpath, etc. 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 officer's authorisations.
103. Byelaws – where byelaws are adopted by the council, they will be set out in the scheme of delegations and will be part of the relevant council Officers authorisations.

## **Partners & Protocols**

### **Partners**

104. The council works with a wide range of partners, stakeholders, professional bodies, neighbouring local authorities, and partner enforcement agencies (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 in terms of antisocial behaviour issues within our areas.

### **Protocols**

105. 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, which will sit as separate documents to the enforcement policies set out at Appendix 2.

## **Management of Enforcement Action for Vulnerable People**

106. As a guiding principle across all services, where enforcement action is considered against any vulnerable person where possible and appropriate consultation will take place with the appropriate Norfolk County Council / voluntary teams including Norfolk Safeguarding Adults Board (NSAB) and Norfolk County Council's Adults Social Services. <https://www.norfolksafeguardingadultsboard.info/>
107. The process helps to ensure that a proportionate approach is taken, properly considering the needs of a vulnerable resident with our responsibility to the wider communities that we serve. It recognises that a person's responsibilities are not mitigated by the presence of a vulnerability, e.g., not to cause a statutory nuisance to others. Safeguarding issues and the support needed to meet responsibilities are key points.

## Management of Enforcement Action for Minors

108. As a guiding principle across all services, where enforcement action is considered against any minor where possible appropriate consultation will take place with the Norfolk County Council / voluntary teams including with Norfolk County Council's Children's Services.
109. South Norfolk Council, local Police, health services, local schools, community, and the voluntary sector all come together to keep children safe at the Norfolk Safeguarding Children Partnership <https://www.norfolkscb.org/> . The Safeguarding Board wants to reach parents, children and young people, and all local organisations with information about stopping child sexual exploitation. There are 9 different "types" of child sexual exploitation. Sexual exploitation often happens alongside other forms of child exploitation, such as forcing children to break the law by carrying drugs or weapons and using that to blackmail a child. It's easy to understand the danger to children when their "best friend" is a criminal.

## Policy status, feedback, and review

110. This enforcement policy has been approved in line with the council's constitution, following consultation within the council and other enforcement agency stakeholders.
111. This enforcement policy will be monitored by the council's Legal advisors and reviewed in 2025. 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 enforcement policy. Consultation will be sought should a review indicate significant change to the policy is needed.
112. Feedback on this enforcement policy may be given at any time via corporate complaints or form.

## Contact details and obtaining copies of this policy

This policy will be published on the council's website and will be available to download.

Hard copies are available on request.

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

<https://www.southnorfolkandbroadland.gov.uk/accessibility>

By letter at

South Norfolk Council, Cygnet Court, Swan Lane, Long Stratton, Norwich NR15 2XE

By telephone at

South Norfolk Council: 01508 533701

By email at

South Norfolk Council at

[customerservices@southnorfolkandbroadland.gov.uk](mailto:customerservices@southnorfolkandbroadland.gov.uk)

## **Appendix 1 - Guidance and legislative codes that influenced the preparation of the policy**

### **1 Principles of Good Regulation**

The Legislative and Regulatory Reform Act 2006, Part 2, requires the council to have regard to the Principles of Good Regulation when exercising a regulatory function specified in the Legislative and Regulatory Reform (Regulatory Functions) Order 2007. These include those carried out by our environmental health and licensing services.

### **2 Regulators' Code**

The Council has had regard to the Regulators' Code in the preparation of this policy. In certain instances, we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence, and documented.

### **3 Human Rights Act 1998**

South Norfolk Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. Due regard is had to the right to a fair trial and the right to respect for private and family life, home, and correspondence.

### **4 The Code for Crown Prosecutors**

When deciding whether to prosecute the council has regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions.

### **5 Specific Enforcement Legislation**

For a full list of specific legislation covered by this regulatory enforcement policy you are referred to both the service authorisations and officer schemes of delegation.

## Appendix 2 – Service areas to which this policy does apply

Directorate	Service area
Place	<ul style="list-style-type: none"><li>• Food, Safety and Licensing</li><li>• Housing Standards</li><li>• Environmental Protection (including Environmental Management, Community Protection and Community Safety &amp; Intervention)</li><li>• Planning Enforcement</li></ul>