

Broadland District Council

**Regulatory
Enforcement Policy**

Last revised October 2022

Introduction

1. Broadland District 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 applies to Food, Safety and Licensing; Housing Standards; Environmental Protection (including Environmental Management, Community Protection and Community Safety & Intervention); Planning Enforcement and Building Control Enforcement
10. This policy does not apply to the Council's:
 - a. Financial fraud investigations and enforcement
 - b. Tenancy enforcement & special investigations
 - c. Parking, markets & highways enforcement
 - d. Estates & property leasing
 - e. Property Services

What is this policy for?

11. 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 regarding the legislation that is enforced.
12. The Council uses a range of activities to ensure compliance with the legislation enforced by the services listed in paragraph 9. These include:
 - a. Site visits, inspections, and patrols.
 - b. Acting on intelligence received.
 - c. Carrying out investigations.
 - d. Serving legal notices/orders to affect a stop, a change, a restriction or an improvement.
 - e. Issuing financial penalties.
 - f. Giving formal warnings, conditional cautions, and simple cautions.
 - g. Giving informal advice, including by education & awareness programmes.
 - h. Injunctive actions, making of byelaws, and the use of temporary powers.
 - i. Prosecutions.
 - j. Carrying out test purchases, seizure, sampling, and analysis.
 - k. 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?

13. 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 paragraph 9.
14. The term enforcement action includes any action taken by the Council and its officers to achieve compliance, for example:
 - a. Giving advice, guidance, information, and support to encourage compliance.
 - b. Giving informal warnings for instances of minor non-compliance.
 - c. Agreeing to voluntary undertakings 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.
 - d. Removal, review or nullification of licences, permits, agreements, leases, etc.
 - e. Investigation & seizure of items.
 - f. Formal action such as the service of a premises closure order, statutory notice, a penalty notice or issuing a simple or conditional caution.
 - g. Instituting legal proceedings such as prosecutions, injunctions, or court orders.

15. 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 paragraphs 9 and 10.
16. 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

17. 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.
18. The type of enforcement action taken will depend on the level of risk and concern, amongst other issues .
19. The Council and its officers will be fair, objective and consider the Council's published approach to equality which can be accessed on the Council's website using the search term "equality".
20. 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 to determine whether it is reasonable and appropriate to take formal action against the perpetrator.
21. In addition to statutory obligations all those who are subject to enforcement action will be informed of the reasons in writing.
22. 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.
23. Where there is negligent, persistent, or deliberate non-compliance, particularly by a business, it will be dealt with firmly. This is to ensure compliant businesses and individuals can operate in the Broadland district free of unfair or illegal competition.
24. Enforcement actions will be proportionate to the non-compliance and will seek to ensure that the minimum legal standard of compliance is maintained.
25. 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).
26. Enforcement action against business will consider relevant Primary Authority agreements/arrangements, previously agreed formal sampling plans, inspection plans and documented quality control arrangements.
27. Where there are shared roles with other enforcement agencies, such as the Police, Health & Safety Executive, Environment Agency, Food Standards Agency, 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.

28. 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.
29. Where non-compliance is subject to an overt investigation, the individuals or organisations will normally (except where the senior service manager is consulted and decides that doing so would risk seriously hindering the investigation) be made aware of the investigation and shall be informed of the outcome.
30. Witnesses in legal proceedings shall be kept updated in accordance with service commitments.
31. 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

32. 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.
 - d. Taking action would not be in the public interest or expedient taking into account all relevant factors.

Advice guidance and support

33. Where there is evidence of non-compliance, but it is decided that the matter is minor and of low risk, the Council can consider an advice and guidance approach as a first response.
34. 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.

Warnings

35. In some cases, an opportunity will be given to make improvements to comply with the law within a reasonable time.
36. Informal action in the form of warnings can take the form of a verbal warning, a report, or a written warning. Informal warnings will explain:
 - a. The law that applies.
 - b. The nature of the non-compliance.
 - c. The action to take.
 - d. The time by which compliance should be achieved (if applicable).
 - e. Clearly define what are legislative requirements and what are recommendations.
 - f. The consequences of continuing with non-compliance.
37. 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, as an alternative to taking enforcement action. 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 may require the provision of information, or require that a specified action or behaviour, to achieve compliance, is taken or ceased or is 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, in cases where this is permitted
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 of 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 may 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, in cases where this is permitted.
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 of compliance are met and reflect the permits or similar documents issued by other enforcement agencies.
50. 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 of 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 enforcement policy.

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 an anticipated breach is stopped, or a non-compliance is rectified and/or prevented from recurring. In certain situations, the Council can seek injunctions against minors. Where this is considered necessary, no action will be taken against any minor without full consultation with 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 may result in proceedings and the offender being held in 'contempt of court', this is 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 or not done by people engaged in activities or behaviours, 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:
 - a. 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.

- b. The appropriate officer (usually the Director or above) will delegate powers to appropriate officers, with the consummate experience, knowledge and, where appropriate, qualifications, to manage and to discharge these duties.
 - c. 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.
 - d. Where required, officers will be provided with appropriate training.
 - e. Where required, risk assessments will be amended and/or introduced to cover the use of the temporary powers and any attendant staff safety consequences of said powers.
 - f. Systems will be adopted or adjusted to ensure the use of the temporary powers can be recorded, monitored, and managed.
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:
- a. Named individuals of appropriate position in other agencies are contacted and communication lines established.
 - b. Temporary protocol/s is/are agreed and instigated, that clearly define the roles of the agencies, particularly where there is a joint enforcement role, and how activity will be coordinated, recorded, and monitored.
 - c. A steering group arrangement will be established or co-opted to oversee any activity. Decisions and actions arising from these meetings will be recorded.
 - d. 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 enforced by the Council. There are a number of acts of parliament that allow this process (enabling Acts). The process for adopting byelaws is set out in [The Byelaws \(Alternative Procedure\) \(England\) Regulations 2016](#). The process is overseen by the Ministry of Housing, Communities and Local Government (MHCLG) and final approval is given by the Secretary of State.
80. Where a byelaw is adopted by the Council, the enforcement of the byelaw will be addressed, to the extent that is identified as necessary, in the relevant service-specific Enforcement Policy. An example of an adopted byelaw in the Broadland district 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 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 and any relevant Enforcement Policy of a Service.

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.

Decisions on enforcement action

84. 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.

85. Decisions will:
- a. Consider whether similar social, environmental, or economic outcomes could be achieved without taking enforcement action.
 - b. Consider risk, negligence or culpability and protect people from any (further) harm.
 - c. Include the details and results of any requirement to consult with other organisations before taking action.

Appealing enforcement decisions & complaints against the service

86. Where there are rights of representation or appeal mechanisms against enforcement decisions these will be communicated in accordance with the relevant statutory obligations.
87. Service policy commitments may be published on the Council's website. Where these are not available online, they can be advised in writing on request by the relevant enforcement service area or team.
88. 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 the relevant legislation provides recourse to do this. If a recipient of Council services is dissatisfied with the conduct of Council officers / service or believes there has been a failure to follow this policy or any related codes, they may be entitled to make a 'complaint about service' in accordance with the Council's Complaints policy detailed on the Council's website.

Publicising enforcement actions

89. The publicising of enforcement actions is beneficial both to raising general awareness of the law, and to reassuring local communities of enforcement action taken. The Council will normally publicise the particulars of prosecution outcomes, including details of defendants' identities, subject to exceptions in individual cases on legal grounds. The Council will normally to publicise the nature and broad location of fixed penalty notice enforcements (usually after the compliance period has expired) but not the identifying details of individuals subject to them (there may occasionally be exceptions). Officers will consider the advice of communications representatives regarding press releases and other publicity to ensure the protection of any legal matters, communication sensitivities or data protection matters and to ensure any media releases align with corporate objectives. Where such a decision would be an exception to the general rule, the decision will normally be taken between the relevant Assistant Director and another Director or Assistant Director.
90. Enforcement actions and outcomes will only be published with the intention of:
- a. Reassuring community stakeholders that legislative non-compliance is taken seriously and dealt with,
 - b. Providing public information on the standards of acceptable conduct and thus to deter others from undertaking similar non-compliant activities,
 - c. Promoting and increasing intelligence about similar issues, and
 - d. Acting as a deterrent to offending or repeat offending.

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

Public Registers

92. 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

93. 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.
94. At the time of publication these include:
- a. Police and Criminal Evidence Act 1984
 - b. Criminal Procedure and Investigations Act 1996
 - c. Building Act 1984
 - d. Housing Act 1996
 - e. Housing Act 2004
 - f. Criminal Justice and Police Act 2001
 - g. Criminal Procedure and Investigations Act 1996
 - h. Human Rights Act 1998
 - i. Regulation of Investigatory Powers Act 2000
 - j. Investigatory Powers Act 2016
 - k. Criminal Justice and Police Act 2001
 - l. Legislative and Regulatory Reform Act 2006
 - m. Regulatory Enforcement and Sanctions Act 2008
 - n. Protection of Freedoms Act 2012
 - o. Regulators' Code 2014
 - p. Data Protection Act 2018
 - q. Proceeds of Crime Act 2002
95. 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

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

98. Due regard will be given to the qualification requirement framework applicable to each professional area of enforcement expertise.
99. During investigations and enforcement, when in contact with persons of interest, officers will normally identify themselves and state which service area they represent, except during covert investigations. When doing so in person, they will show their official identification or authorisation whenever exercising statutory powers and on request.
100. 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.
101. 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.
102. 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

103. 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

104. 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.

Management of Enforcement Action for Vulnerable People

105. 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 Norfolk County Council Adults Social Services. This is to ensure that such a decision is fully informed by any other relevant considerations and any wider proceedings that may be ongoing.

Management of Enforcement Action for Minors

106. As a guiding principle across all services, where enforcement action is considered against any minor where possible appropriate consultation will take place with Norfolk County Council's Children's Services. This is to ensure that such a decision is fully informed by any other relevant considerations and any wider proceedings that may be ongoing.

Policy status, feedback, and review

107. This enforcement policy has been approved in line with the Council's constitution, following consultation within the Council and other enforcement agency stakeholders.
108. This enforcement policy will be 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.
109. 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>

You can contact us as follows.

By letter: To the address published on the council's website

By telephone: Broadland District Council: 01603 431133

By email: Broadland District Council at
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 other factors. We will ensure that any decision to depart from the Code will be properly reasoned and evidenced based.

3 Human Rights Act 1998

Broadland 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.