

# Corporate Enforcement Policy

Councillor Workshops

August 2022

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# Purpose of the session

- To seek your views on the Corporate Enforcement Policy and its application.
- To help put you in the shoes of an enforcement officer in terms of decision making.
- To gain feedback from you on where you believe the Council's priorities should be focussed in the future.

# Corporate Enforcement Policy

- Last updated in 2018. Updated from time to time or where required.
- Does not provide a matrix or calculation for making decisions.
- It sets out principles and guidance that should be considered.
- There is minimal flexibility to amend the policy, as it is based on legislation and covers areas of work where there is generally a specific legal approach.
- An overarching policy that applies across all enforcement activity. Sits above service or specific regulatory policies, which can be more flexible locally.

# Types of activity

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## **PRIVATE SECTOR HOUSING AND HOUSING STANDARDS**

Empty Homes  
Selective Licensing  
HMO Management Regulation Compliance  
HMO Licensing  
HMO Standards and Compliance  
Illegal Eviction and Harassment

## **LICENSING**

Caravan Site Licensing  
Public Health Funerals  
Cemeteries  
Licensed Premises  
Taxi Licensing

## **ENVIRONMENTAL PROTECTION**

Statutory Nuisance (Noise, Air)  
Waste Complaints on Domestic Premises  
Filthy and Verminous  
Private Water Supplies  
Contaminated Land  
Permitting Regulations  
Air Quality  
Planning and Licensing Consultations  
Drainage

## **FOOD, HEALTH AND SAFETY**

Statutory Food Hygiene Inspections  
Food related complaints  
External Health and Safety  
Infectious Diseases  
Food Poisoning Investigations

## **COMMUNITY SAFETY**

Anti-Social Behaviour  
Public Space Protection Orders  
Fixed Penalty Notices  
Fly Tipping  
Abandoned Vehicles  
Early Presentation of Waste  
High Hedges  
Illegal Encampments

## **PLANNING ENFORCEMENT**

Unauthorised works  
Listed Buildings  
Untidy Land  
Breaches of Planning Conditions  
Protected Trees

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The Council also has powers for areas such as debt recovery, building control, S106 and waste collection

# Information from 21/22

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## PRIVATE SECTOR HOUSING AND HOUSING STANDARDS

- 276 reports for investigation
- 138 properties improved
- 46 notices served
- 77% of cases closed within 6 months
- 35 category 1 hazards removed
- 69 MEES compliance notices served

## LICENSING

- 837 applications received
- 7 public health funerals
- 100% of licenses processed in time
- Over 3000 service requests

## ENVIRONMENTAL PROTECTION

- 658 service requests
- 164 planning consultation responses
- 99% of cases closed within 6 months
- 24 notices served
- 17 permitted sites monitored
- 5 private water supplies tested

## FOOD, HEALTH AND SAFETY

- 172 routine food inspections
- 395 requests for service
- 210 total premises visits
- 2 accident investigations
- 98% of premises 3\* or above

## COMMUNITY SAFETY

- 508 service requests
- 267 early presentation of waste cases
- 80 fly tipping investigations (part year)

## PLANNING ENFORCEMENT

- 296 reports for investigation
  - 19 notices served
  - No breach in 173 cases
  - 70% of cases compliant due to WLDC intervention
  - 73% of cases closed within 6 months
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# **Covid-19 and Cost of Living Impact**

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- **General increase of reporting and contact with the Council across all services.**
  - **Enhanced expectations from the public regarding the role the Council plays.**
  - **Increased awareness of rights and recourse for the public.**
  - **Impact on lower level offences** (i.e. more higher risk, means less focus on lower risk)
  - **Knock on impact from pressures on other agencies** (i.e. Environment Agency, Police)
  - **Greater need to consider the impact on the public purse and the public interest test.**
  - **Additional costs for the public relating to cost of living.**
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# What can we do?

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- Take no action
- Take informal action
- Take formal action (including serving of statutory or fixed penalty notices)
- Suspend, revoke or refuse to renew a licence
- Take samples and seize goods or documents
- Impose an administrative penalty
- Issue simple cautions
- Prosecute
- Take action or do works in default and recover the costs from a householder or landowner

**In some instances we are legally obliged to do something (i.e. investigate a statutory nuisance). In most, we make a decision in line with our local policy for that specific matter.**

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# What do we consider?

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- The seriousness of the offence
- Whether the offence has caused harm or is likely to cause harm
- The history of the activity
- The confidence in achieving compliance
- The consequences of non-compliance
- The likely effectiveness of the various enforcement options
- The ability of any witnesses and willingness to co-operate
- The public benefit of any proposed action (Public Interest)
- The compliance history and any previous formal action taken against the individual or owner

These criteria are not exhaustive and it does not mean that all factors must be in favour of enforcement action rather than on consideration that the balance is in favour.

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# Evidential and Public Interest Tests

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## Evidence (should not proceed if it doesn't meet the evidential test)

- Is there sufficient reliable evidence?
- Is there a realistic prospect of conviction?
- Would a judge, magistrate or jury convict?

## Public Interest

- How serious is the offence?
- What is the level of culpability? (e.g. premeditated, was there coercion, ill health etc)
- What were the circumstances and harm caused?
- Suspects age and maturity?
- What was the impact on the community?
- Is prosecution proportionate?

**Advice from legal services is sought for all cases that are considered for further formal action**

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# Debate and discussion

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- What is your overall perception of how we deliver the corporate enforcement policy?
  - What do you see as your priorities for enforcement?
  - What would like to see us do more of and how could we improve what we do?
  - What's most important to you? i.e. dog fouling vs food safety standards
  - Would you support an external provider delivering enforcement activities for Fixed Penalty offences? (i.e. littering and dog fouling).
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**Any Questions?**

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