



Enforcement Policy

The Council's Enforcement Policy sets out how we deal with enforcing the laws that we have a duty to enforce as a Local Authority.

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Conduct of Investigations

Investigations are subject to controls on how evidence is gathered and used and give a range of protection to members of the public and potential defendants. Our investigations carried out in accordance with the following legislation. They will also be carried out in accordance with any associated guidance or codes of practice, including:

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

We will comply with the requirements of the particular legislation under which we are acting and any associated guidance or codes of practice.

Where any business has a 'Primary Authority' relationship established with a local authority regulatory service, our officers will communicate with that service at the earliest opportunity.

Powers of Officers

Under certain pieces of legislation that we enforce, officers are given particular powers to carry out certain activities. This includes, for example, sampling; inspection of premises, land, buildings, goods, equipment, or documents. In certain circumstances, where offences are suspected or evidence required, legislation gives our officers powers to seize items and documents. Powers vary depending on the legislation being used.

Obstruction of Officers

The legislation we enforce can include offences of obstructing officers involved in enforcement activities, and this can include failure to give appropriate assistance in some circumstances. We will view obstruction as a serious matter.

Occasionally, our officers work with the Police and in some circumstances the Police may use their powers of arrest. Our officers do not directly have the power of arrest or detention of persons. Failure to give Council officers appropriate assistance or information may result in prosecution proceedings in its own right.

Interviews of Potential Defendants and Evidence Processing

Where a person, company or other legal entity is suspected of breaching legal requirements and formal action remains under consideration, wherever possible (and relevant) they will:

- Be formally interviewed in accordance with the Police and Criminal Evidence Act 1984 (Usually, but not exclusively, audio recorded);
- Be given the opportunity to demonstrate if a statutory defence is available to them;
- Have the opportunity to give an explanation or make any additional comments about the alleged breach.

Time Limits for Action

Individual pieces of legislation usually stipulate time limits within which prosecutions can be brought. This is dependent upon the particular piece of legislation. We will seek to conclude our investigation in a timely manner and advise the potential defendant of the outcome without undue delay.

Review of Evidence

Before a decision to prosecute is taken, the alleged offence(s) will be fully investigated, evidence gathered, and a confidential report compiled by the investigating officer that will include the evidence obtained. This will be reviewed by the appropriate specialist. Cases in which a prosecution is to be pursued will be reviewed by our Legal Services team. The prosecution will then be managed through the court system by a member of the Legal Services team, with other legal representation being appointed or advice sought if required.

Keeping in Touch

Alleged offenders (or their legal representatives) are encouraged to contact the investigating officer or a member of the Legal Services team if they wish to know the progress on their investigation. Any person interviewed under caution will be informed in writing of decisions on enforcement action. The matter should not be considered as concluded until confirmed in writing, or a court hearing has taken place.

Witnesses will be kept informed of the progress in accordance with our service standards.