



Service Policy

No. FS-PO-003

Enforcement Statement

Document Overview

The following areas are covered by this document:

- Northumberland Fire and Rescue Service’s Enforcement Statement.
- Principles of Enforcement.
- Enforcement Action.
- Enforcement Register.

Document Control

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001	24.11.2013	GM C. Ducat	New Document
002	19.01.2016	GM C. Ducat	Updated following advice from NCC Legal Team

Sign-Off List

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1.0 INTRODUCTION

- 1.1 The principal aim of the Northumberland Fire & Rescue Service (NF&RS) is to make the County of Northumberland a safer place by reducing as far as possible the risks and social and economic costs of fires and other dangers, without imposing unnecessary burden. Securing compliance with legal regulatory requirements is an important part of achieving this aim.
- 1.2 This Enforcement Policy should be read in conjunction with Northumberland County Council's Corporate Enforcement Policy.
- 1.3 Northumberland Fire & Rescue Service enforces general fire safety legislation on behalf of Northumberland County Council (NCC) and all enforcement activities will be carried out in adherence to the NCC Corporate Policy Statement (Appendix A). The legislation NF&RS enforces includes:-
- The Regulatory Reform (Fire Safety) Order 2005;
 - The Petroleum (Consolidation) Act 1928;
 - Health and Safety at Work Etc. Act 1974;
 - The Dangerous Substances and Explosive Atmospheres Regulations 2002 (DSEAR);
 - The Construction (Design and Management) Regulations 2007.
- 1.4 This Enforcement Policy Statement is based on the principles of the Code for Crown Prosecutors (2103) and those of the Better Regulation contained in the Regulators' Code and sets out the approach NF&RS will take in enforcing the legislation. It will be used in conjunction with guidance issued by Parliament; Communities and Local Government; the Department for Business Enterprise and Regulatory Reform, other relevant government departments and agencies; and the Local Better Regulation Office.
- 1.5 Compliance with fire safety legislation will be achieved through education; by providing advice and guidance; and by formal enforcement action. Securing compliance with statutory requirements and proportionate use of enforcement powers, including prosecution, is an important part of this enforcement policy.
- 1.6 NF&RS will ensure that all relevant officers are adequately skilled and are trained in the use of this policy. NF&RS will seek to work with other enforcing authorities to ensure collaborative regulation and sharing of information.

2.0 ADVICE AND GUIDANCE

- 2.1 NF&RS will aim to secure compliance, avoiding bureaucracy or imposing excessive cost and will seek to work with the regulated entity to support and encourage economic progress, by offering information and advice to those we regulate. Individuals, businesses and other undertakings are encouraged to put safety first and to integrate fire prevention and fire protection requirements into normal working methods.
- 2.2 In accordance with its duties under section 6 of the Fire and Rescue Services Act 2004 NF&RS will, to the extent that it considers it reasonable to do so, make arrangements for:-
- (a) The provision of information, publicity and encouragement in respect of the

steps to be taken to prevent fires and death or injury by fire;

- (b) The provision of advice, on request, about:-
- (i) how to prevent fires and restrict their spread in buildings and other property;
 - ii) the means of escape from buildings and other property in case of fire.

2.3 In exercising its duty to provide advice and information, NF&RS will not:-

- Undertake fire risk assessments for regulated persons;
- Appear in court on behalf of regulated persons in any prosecution brought by a third party including another enforcing authority, under health and safety or fire safety legislation, except as an expert or neutral witness to give general mitigating evidence;
- Draft fire safety policy and procedures on behalf of regulated persons. It is incumbent upon regulated persons to comply with fire safety legislation;
- Other than in those circumstances, which appear to NF&RS to be in the public interest and appropriate to the functions of a best value authority, act as a consultant on fire safety related issues other than as required to meet statutory consultation requirements imposed on other bodies and persons.

2.4 NF&RS officers will seek to provide advice that is appropriate to the premises and their use and will do so by reference to nationally recognised guidance and standards that regulated entities have assisted in developing.

2.5 Where use of national guidance is not appropriate in the circumstances of the case, local guidance will be used.

2.6 Comments from regulated entities on style, format and content will be welcomed to assist in the review of guidance used; and to assist in the further development of any guidance that NF&RS may produce from time to time.

2.7 Where a regulated entity seeks advice or guidance from NF&RS or its officers about actions needed to correct fire safety deficiencies or otherwise secure compliance with the law this will not automatically lead to formal enforcement action by NF&RS. Should enforcement action prove to be necessary in the circumstances of the case it will be based on the principles, expectations and methodology of the Enforcement Management Model (EMM) produced by the Health and Safety Executive (HSE), which is considered national best practice.

2.8 NF&RS prefer to advise and guide than serve notices or prosecute, but reserve the right to act in the public interest according to the circumstances of the case.

3.0 THE PURPOSE AND METHOD OF ENFORCEMENT

3.1 The purpose of the NF&RS's enforcement function is to ensure that preventative remedial action is taken to protect relevant persons and to secure compliance with the regulatory system. The need for enforcement may stem from a lack of

knowledge or a deliberate or negligent act. The term enforcement has a wide meaning and applies to all dealings between NF&RS and those on whom the law places a duty.

3.2 The purpose of enforcement is to:-

- Promote and achieve sustained compliance with the law;
- Ensure that the person responsible for premises subject to fire safety regulation takes action to deal immediately with serious risks to the safety of relevant persons.
- Ensure those individuals, businesses and other undertakings that breach fire safety requirements are held to account, which may include bringing alleged offenders before the courts.

3.3 Enforcement is distinct from civil claims for compensation and is not undertaken in all circumstances where civil claims might be pursued, nor is it taken to assist such claims.

3.4 NF&RS has a wide range of interventions at its disposal to secure compliance with the law and to ensure a proportionate response to criminal offences. Officers may offer individuals, businesses and other undertakings information and advice either in person, in writing by letter or email, or over the telephone. This may include a warning that, in the opinion of the officer, they are failing to comply with the law. Where appropriate, officers may agree an action plan; provide a notification of deficiencies report or serve an enforcement notice; prohibit or restrict the use of premises; or they may prosecute.

3.5 Enforcement Notices, Prohibition Notices, Simple Cautions and Prosecutions are important ways to bring individuals, businesses and other undertakings to account for alleged breaches of the law. Where it is appropriate to do so and in accordance with this policy NF&RS may use one or more of these measures to secure compliance with fire safety law.

3.6 Investigating the circumstances encountered during audits or following incidents or complaints is essential before taking any enforcement action. In deciding what resources to devote to these investigations, NF&RS will have regard to the principles of enforcement set out in this statement and the objectives published in the Fire and Rescue Plan.

3.7 NF&RS will use discretion in deciding when to investigate or what enforcement action may be appropriate. NF&RS will set down in writing the decision-making process which officers will follow when deciding on enforcement action and make this publicly available. Officers will utilise this policy when determining enforcement action. Such judgments will be made in accordance with the following Better Regulation Delivery Office principles which are in accordance with the Enforcement Concordat and the Regulators Code.

4.0 THE PRINCIPLES OF ENFORCEMENT

4.1 NF&RS believe in firm but fair enforcement of fire safety law. This should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how

the regulator operates and what those regulated may expect; and accountability for the regulator's actions.

4.2 **Proportionality**

Proportionality means relating enforcement action taken to the risk to public safety. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by NF&RS to achieve compliance or bring individuals, businesses or other undertakings to account for non-compliance should be proportionate to any risks to public safety, or to the seriousness of any breach, which includes any actual or potential harm arising from the breach of the law.

In determining the appropriate action to take, NF&RS will seek to ensure that consideration is given to the costs, effectiveness and perceptions of fairness of regulation and that these considerations are appropriately balanced against public safety so that so far as is reasonably practicable the costs of actions taken are proportionate to the benefits expected from them.

4.3 **Targeting**

Targeting means ensuring that regulatory effort is directed primarily towards those whose activities give rise to higher levels of risk to public/employee (relevant persons) safety where the hazards and risks are less well controlled, or against deliberate offences.

NF&RS aims to make sure, through targeting, that the direction of regulatory effort takes into account the level of risk. Action will be primarily focused on those directly responsible for the risk and who are best placed to control it. NF&RS has systems for prioritising regulatory effort. These include a risk-based re-inspection programme and localised plans to identify high risk premises. Risk assessment, utilising methodology and data provided by Communities and Local Government, together with local data, intelligence and knowledge, underpins the NF&RS's approach to regulatory activity.

NF&RS will seek to identify relevant and good quality data to continually improve its risk based audit and inspection programme.

4.4 **Consistency**

Consistency of approach does not mean uniformity. It means taking a similar approach in similar circumstances to achieve similar ends.

Persons with responsibilities under fire safety law managing similar risks can expect a consistent approach from NF&RS in the advice tendered; the use of enforcement powers; decisions on whether to prosecute; and in the response to incidents and complaints.

NF&RS has arrangements in place to promote consistency in the exercise of discretion, including arrangements for liaison with other enforcing authorities and will seek to continually improve through internal review, audit and consideration of comments received.

4.5 **Transparency**

Transparency means helping individuals, businesses and other undertakings to

understand what is expected of them and what they should expect from NF&RS. It also means making clear to businesses, other undertakings and individuals not only what they have to do, where this is relevant, but also what is not expected of them. This involves distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

This statement sets out the general policy framework within which NF&RS should operate. Businesses, other undertakings and individuals also need to know what to expect when an officer calls and what rights of complaint are open to them.

The following can be expected when an officer is dealing with you:-

- When officers offer Individuals, businesses or other undertakings information or advice, either face to face or in writing, including any warning, they will explain what needs to be done to comply with the law and explain why;
- Officers will, if asked, write to confirm any advice and to distinguish legal requirements from best practice advice;
- Unless urgent action is necessary, an opportunity to discuss what is required to comply with the law will be offered before formal enforcement action is taken;
- A written explanation will be given of any rights of appeal against formal enforcement action at the time the action is taken;
- Where examples of good practice are identified, officers will aim to provide positive feedback to encourage and reinforce these good practices and may share them with others as examples of good practice.

4.6 **Promotion**

We will endeavour to raise awareness about fire safety legal requirements, appropriate fire protection standards within premises and promote general good practice to raise the level of compliance with the law. This will be achieved by a variety of methods including, business education events, signposting of information from our website and answering general enquiries in the office or on site.

4.7 **Accountability**

Regulators are accountable to the public for their actions. This means that enforcing authorities must have policies and standards against which they can be judged (such as those outlined in this Policy Statement and the County Council's Equalities policy), and an effective and easily accessible mechanism for dealing with comments and handling complaints.

The County Council's "Corporate Complaints Policy and Procedures" is explained fully on the County Council web site or in writing on request. Having a published and publicised procedure helps demonstrate to the public that the NF&RS takes their comments seriously. These comments can help highlight potential problems and help the NF&RS to build on the things that it does well.

5.0 AUDIT AND INSPECTION OF PREMISES

- 5.1 NF&RS operate a risk-based system of audit and inspection of premises. This system utilises data and guidance from Communities and Local Government together with local intelligence and knowledge and incorporates local risk priorities identified from trends in location, types of fire and assessment of vulnerability of groups in local areas within Northumberland. From time to time, and particularly if any significant changes are proposed, NF&RS will consult regulated entities on its methodology through consultation on its Fire and Rescue Plan or by other means.
- 5.2 Audits and inspection will be undertaken by officers on the basis of NF&RS's risk based system under which priority will be given to individual premises and generic premises types or uses that have been assessed as being of relatively higher risk. The greatest audit and inspection effort will be allocated to premises where a compliance breach would pose a serious risk to the safety of relevant persons and NF&RS has reason to believe that there is a high likelihood of noncompliance with the law.
- 5.3 NF&RS's overall enforcement programme will take account of the need to sample small numbers of premises in relatively lower risk categories in order to continually test the methodology used. NF&RS will respond to allegations of fire risk in any premises for which they are the enforcing authority regardless of the relative risk level of the premises.
- 5.4 NF&RS has entered into a number of agreements with other enforcing authorities to provide clarification about which authority takes the lead for particular premises types where the enforcement regimes overlap. To minimise audit and inspection burdens for regulated entities NF&RS will continue to seek to develop, engage in, and foster partnerships working with other enforcers and other stakeholder groups particularly through Local Strategic Partnerships which will encourage joint working relationships.
- 5.5 NF&RS will continue to work with other enforcing authorities, regulated entities and others in order to avoid duplication of collection of information from regulated entities and to seek and implement ways of:-
- Varying data requests according to risk;
 - Limiting collection to specific regulated entities sectors/sub-sectors;
 - Reducing the frequency of data collection;
 - Obtaining data from other sources;
 - Allowing electronic submission;
 - Requesting only data which is justified by risk assessment; and
 - Sharing data with other authorities.
- 5.6 When determining data that may be required from regulated entities NF&RS will consider the costs and benefits of such requests to regulated entities in order to avoid, so far as is reasonably practicable, requesting data that is not required to demonstrate compliance with the law or the person who is responsible under the law.

6.0 THE USE OF FORMAL ACTION

- 6.1 Before formal enforcement action is taken officers will provide an opportunity to those responsible for complying to make representations and, where possible, to resolve points of difference, save where the situation is so serious that immediate action is necessary. Where immediate action is taken to prohibit or restrict the use of a

premises this will be explained in writing to the relevant party/parties normally within 24 hours. Where rights of appeal exist against formal action NF&RS will clearly state this, with advice on the appeal process.

7.0 DECISIONS ON ENFORCEMENT ACTION

7.1 NF&RS seek to ensure that legislation is enforced in an impartial way through policy and management procedures and safeguards.

7.2 Some decisions about enforcement action are taken by the officers who inspect the premises and in consultation with more senior colleagues if appropriate. Particularly serious action, such as prohibition or restriction of the use of premises or part of the premises, can only be authorised by identified senior officers. The decision to prosecute is taken by the Assistant Chief Officer following consultation with the Fire Safety Managers.

7.3 Officers will be fair, independent and objective when considering enforcement action and will not let their personal views cloud their judgment.

7.4 NF&RS will ensure that the correct individual and/or company is prosecuted for the correct offence/s.

7.5 The County Council is a Public Authority for the purposes of the Human Rights Act 1998; it will apply the principles of the European Convention on Human Rights in accordance with the Act, as it does in all of its enforcement activity.

8.0 ENFORCEMENT OPTIONS

8.1 NF&RS's policy on determining the level of enforcement action to take utilises nationally recognised risk assessment based methodology. In deciding what action to take to ensure compliance with the law, NF&RS considers the following:-

- The nature and seriousness of any alleged offence/s;
- The risk of death or serious injury;
- Previous experience and record of compliance of the responsible person;
- Action taken to prevent any recurrence;
- The likely effectiveness of the various enforcement options;
- Any explanation offered and the circumstances and attitude of the responsible person;
- Any statutory defense available.

8.2 NF&RS will always seek to use enforcement action that is proportionate.

8.3 Choices of enforcement approach available to NF&RS are:-

- Educate and inform;
- Agreed Action Plan;
- Statutory notice identifying the nature of the corrective action needed;
- Prohibition /restriction of use;
- Referral to other agencies;
- Prosecution through the Criminal Justice System.
- Simple Cautions

8.4 NF&RS will keep its regulatory activities under review through management of its fire

safety enforcement function. This will ensure, so far as reasonably practicable, that all actions are proportionate and impose the minimum burden necessary to secure reasonable compliance with the law.

8.5 **Educate and Inform**

When a breach of the law is found, a verbal or written warning may be given. Officers may also give advice on how to comply with the law. Where advice is not mandatory this will be made clear.

8.6 **Agreed Action Plans**

Where a fire risk assessment or fire safety audit identifies a need for improvements to a premises the responsible person will often benefit from advice prior to implementing the necessary works. Inspectors may provide advice to assist the responsible person in planning and prioritising remedial action thereby ensuring best value and maximum benefit is achieved. This may be achieved by formulating an action plan.

The aim of an action plan is to focus attention on where a risk is identified, what preventive and protective measures are necessary to either reduce the risk to an acceptable level or eliminate the risk altogether, and the time scale over which remedial action should be taken.

Where an action plan has been compiled and agreed, the responsible person should be made aware that failure to meet the objectives of the plan in full may result in formal enforcement action being taken over any matters outstanding at the end of the agreed period of time for completion.

8.7 **Enforcement, Improvement and Similar Notices**

Regulatory notices calling for corrective action would generally be used where there is a clear breach of the law; where the degree of risk or harm from the situation is significant; and where a remedy needs to be identified and secured within a set period of time. Notices specify the problem and will either require a remedy as determined by officers or (if the legislation allows) may allow for other action with an equivalent remedial effect. In most cases there is a right of appeal against a notice. Where there is a right of appeal, advice on the appeal mechanism will be set out in writing to the person on whom the notice is served.

Where a notice requires changes to premises in which another enforcing body has a statutory interest, NF&RS will, so far as is reasonably practicable, consult with such bodies as can reasonably be identified before serving the notice. Any such consultation will not release the person on whom the notice is served from their statutory obligation to consult relevant bodies in respect of works they will undertake as a result of a notice. Any failure by NF&RS to consult with any particular body or person will not invalidate any notice served under the Regulatory Reform (Fire Safety) Order 2005.

8.8 **Prohibition/Restriction Notices**

NF&RS has powers under Article 31 of the Regulatory Reform (Fire Safety) Order 2005 and Sections 21 and 22 of the Health and Safety at Work etc. Act 1974 to prohibit the use of the whole or part of premises or to restrict the use of premises. Such action will be considered where conditions are found that constitute a serious

risk to life or injury to persons in the event of fire. Where immediate action is necessary an explanation of why such action is required will be given at the time and confirmed in writing. Where there are rights of appeal these will be clearly set out in writing at the time the action is taken.

8.9 **Referral to other agencies**

Where other Health and Safety enforcing authorities have a regulatory interest in a particular premises details will be forwarded to the appropriate agency, for example if dangerous conditions or practices (not related to fire) are noted in a workplace.

8.10 **Prosecution**

NF&RS will use discretion in deciding whether to bring a prosecution, all decisions to prosecute will be reached through proper consultation with Northumberland County Council Legal Team and in accordance with the Code for Crown Prosecutors (see FS-PR-008)

8.11 **Simple Cautions**

Simple cautions are important ways to bring those responsible for alleged breaches of the law to account, as an alternative to prosecution. Where appropriate, we may use this measure in addition to issuing an Enforcement or Prohibition Notice (see FS-IN-032).

9. **HUMAN RIGHTS AND OTHER STATUTORY COMPLIANCE**

9.1 All enforcement policy development and enforcement action will be carried out in a manner which complies with the Human Rights Act 1998 and the requirements of other legislation. Officers will also comply with all relevant codes of practice, unless a code is not mandatory and there are good reasons which justify non-compliance.

9.2 **Data Protection**

The Service will comply with the principles of the Data Protection Act 1998 governing the use of personal data received or obtained and will respect the rights and freedoms of those individuals when processing their details.

9.3 **Freedom of Information**

Under the Freedom of Information Act 2000, individuals are given a “general right of access to information held by public authorities in the course of carrying out their functions subject to certain conditions and exemptions”. Under Section 19 of the Act, public authorities are required to produce a publication scheme setting out details of the information routinely published or made available, how the information is made available (in hard copy and on-line), and whether it is available free of charge or on payment.

10. **PUBLICITY**

10.1 The Authority will consider publicising any conviction, which could serve to draw attention to the need to comply with fire safety requirements, or deter anyone tempted to disregard their duties under fire safety law.

10.2 Public Register

- 10.2.1 The Environment and Safety Information Act 1988 requires the Fire Service and other local authorities to maintain a register of Notices served concerning health, safety and environmental protection and for related purposes.
- 10.2.2 NF&RS (for and duly authorised by the Fire and Rescue Authority) has set up a register containing details of Notices issued under the Regulatory Reform (Fire Safety Order) 2005 after the Act came into force. Notices issued under the act from April 2009 can be viewed electronically on the website of the Chief Fire Officers Association. Notices served prior to April 2009 are maintained in hard copy and can be viewed by contacting the Fire Safety Section as well as being available for inspection at reasonable hours without charge at the Services Headquarters - West Hartford Community Fire Station.
- 10.2.3 NF&RS will ensure that the register is adequately indexed so as to enable entries relating to any particular premises (or, where the Notice does not relate to any particular premises, to any particular person) to be located. Also, on request, and upon payment of any such reasonable fee as the authority may require, supply copies of entries in the register to any persons inspecting the register.
- 10.2.4 A person has a right of appeal against a Notice being placed on the public register within 14 days following the service of the Notice if they feel that any such entry would disclose a trade secret or confidential trade or manufacturing information. (Please refer to section 4 of the [Environment and safety Act 1998](#)).
- 10.2.5 Notices will stay on record for at least **3** years and the Fire Safety Section will ensure that information held is current.
- 10.2.6 The progress of Notices will be indicated “on-going” if the Notice has not been complied with. Where a notice is withdrawn or amended, any entries in the register which relate to that notice will be updated to reflect the current state of the enforcement action.

11.0 ACTIONS BY THE COURTS

- 12.1 In cases of sufficient gravity, for example (but not exclusively) where serious injury or ill health has resulted, consideration will be given to requesting the Magistrates to refer the case to the Crown Court. The same factors as listed in paragraph 8.1 are used, but consideration is also given to the sentencing powers of the Magistrates' Court.

11.2 Penalties

- 11.2.1 The existing law gives the courts considerable scope to punish offenders and to deter others. Unlimited fines and, in some cases, imprisonment may be imposed by the higher courts. NF&RS will continue to raise the awareness of the courts to the gravity of offences and will encourage them to make full use of their powers.
- 11.2.2 NF&RS will always seek to recover the costs of investigation and court proceedings.

12.0 Audit, Monitoring & Quality Assurance

- 12.1 The Fire Safety Department will perform an internal organisational audit of this policy and related procedures/guidance every three years or if a change in circumstances occurs.
- 12.2 Any recommendations resulting from policy audits will be incorporated into the existing policy and related procedures/guidance.

13.0 FURTHER INFORMATION

Further information about NF&RS enforcement of fire safety regulation can be obtained from the following sources:-

- FRP;
- Regulators Code;
- Enforcement Concordat;
- Code for Crown Prosecutors;
- NCC 'Corporate Complaints Policy and Procedures'.

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Appendix A



Corporate Enforcement Policy

1. INTRODUCTION

- 1.1 This policy summarises Northumberland County Council's approach to bringing about compliance with the legislation it enforces. It is an 'umbrella' policy which applies to all enforcement activities of the Council. It should be noted that various additional service-specific policies, procedures, codes and guidance may also exist which detail the processes that all officers operating within that service area will follow when deciding what enforcement action is appropriate.
- 1.2 Where additional service specific policies, procedures, codes and guidance exist that detail the enforcement options and requirements for a function, those documents will also comply with this policy where appropriate.
- 1.3 The Authority recognises that most individuals and businesses want to comply with the law and the Council's officers will, therefore, actively work with them to advise on, and assist with, compliance.
- 1.4 However, the Authority will not hesitate to take all reasonable and appropriate enforcement action, both civil and criminal, against those who commit breaches, refuse to work with officers to achieve compliance, or otherwise flout the law.
- 1.5 In the context of this policy, 'enforcement' includes all actions taken by officers aimed at ensuring that individuals and businesses comply with the law, ranging from simple advice to prosecution.
- 1.6 The Head of Service under whose authority enforcement action is undertaken on behalf of the Council has responsibility for ensuring that all enforcement staff carry out their duties in accordance with this policy, and with Northumberland County Council's Constitution and Internal Scheme of Management, and that they have received suitable training commensurate with their role.
- 1.7 The Council is committed to ensuring that officers carry out their regulatory activities in a way which is transparent, accountable, proportionate and consistent, and will, at all times, have regard to all relevant legislation, codes and guidance relating to the conduct of investigations, the treatment and interviewing of suspects, the processing of evidence and the matters to be considered when making decisions regarding the appropriate enforcement action, if any, to be taken.
- 1.8 All decisions made will be properly reasoned and recorded, and based upon material evidence.
- 1.9 The Authority is committed to recovering the costs of any enforcement action by any steps necessary, where permitted to do so, and will ensure that such recovery of costs is appropriate and proportionate.

2. SHARED ENFORCEMENT

- 2.1 Where appropriate or practicable, the Authority's different enforcement Teams will co-ordinate their activity to reduce the impact on the subject of any investigation and to avoid unnecessary duplication.
- 2.2 Where appropriate or practicable, the Authority will co-operate with other enforcement bodies to increase overall effectiveness.
- 2.3 The Council will co-ordinate its enforcement activities with those of other local authorities, or appropriate local or national agencies such as the Police, the Department for Environment, Food, and Rural Affairs (DEFRA), the Environment Agency, the Food Standards Agency, the Health and Safety Executive the Department for Work and Pensions (DWP) and the Single Fraud Investigation Service (SFIS) etc.

3. ENFORCEMENT ACTIONS

- 3.1 There are a large number of potential enforcement options available to the Council which can include:

- Advice / warnings
- Fixed penalty notices
- Administrative Penalties (Adpens)
- Statutory notices
- Works in default
- Recovery of the costs of action
- Seizure of goods / equipment
- Inspection, seizure and cancellation of Blue Badges
- Forfeiture proceedings
- Injunctive actions
- Refusal / revocation / suspension of a licence, permit or similar authorisation
- Simple cautions (Previously Formal cautions)
- Prosecution

- 3.2 In assessing what enforcement action is necessary and proportionate the Authority will give consideration to:

- the risks that the non-compliance poses to the health, safety, social or economic wellbeing of the public, and to the environment;
- evidence that suggests that there was pre-meditation in the commission of the breach;
- the failure to comply in full or in part with the requirements of a statutory notice or order;
- any history of previous warnings or the commission of similar offences;

- aggravated circumstances such as the obstruction of an officer or aggressive behaviour generally;
- whether the alleged offence is widespread in the area where it is committed;
- the gravity of an alleged offence, taken together with the seriousness of any actual or potential harm;
- the general record and approach of the offender;
- whether there has been reckless disregard of health or safety requirements;
- whether there has been a repetition of a breach that was subject to a simple caution;
- whether false information has been supplied wilfully, or there has been intent to deceive;
- the public interest.

3.3 It should be noted that where the individual circumstances of a particular case so require, the Authority may decide to take enforcement action which departs from these principles. We will ensure that any such decision will be properly reasoned and documented and based on material evidence.

4. COMPLAINTS

4.1 Northumberland County Council has an established Corporate Complaints Procedure the details of which can be found on the website – <http://www.northumberland.gov.uk>

5. STATUS

5.1 This policy was approved by the County Council on 3rd November 2015 by virtue of the decision of the Cabinet.

5.2 It will be reviewed as appropriate.