

NORTHUMBERLAND

Northumberland County Council

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 an 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.