



Environmental Services Enforcement Policy

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1.0 Introduction

- 1.1 A primary function of the Environmental Services Section of the Communities Department is to safeguard the public, the environment and groups such as residents, consumers and workers.
- 1.2 This is done by ensuring compliance with the legislative framework within which Environmental Services functions operate so that consumers, businesses, employees, individuals and the environment are protected. By carrying out enforcement activities in an equitable and consistent manner, the intention is to promote a sustainable local economy and to maintain a safe and fair business and domestic environment.
- 1.3 Most people want to comply with the law and wherever possible. Officers will provide advice and will seek to find solutions which are arrived at by agreement and co-operation. However, there will be circumstances where enforcement intervention is necessary, using proportionate action.
- 1.4 The purpose of this policy is to inform investigating officers and decision-makers of the framework in which they operate, in addition to providing information to those people and businesses which are regulated and those protected by regulation.
- 1.5 The Policy cannot however, be absolutely prescriptive, because the circumstances of each individual case and the evidence available must be taken into account. Any decision to depart from principles of this Policy or from the Regulators' Code will be properly reasoned, based on material evidence and documented.

2.0 Scope

- 2.1 Subject to the specific exceptions listed below at 2.2, this policy covers all the regulatory areas of the Environmental Services Section. A list of the range of functions covered by this Policy is attached at Appendix 1.
- 2.2 A separate specific enforcement policy exists for food safety enforcement. Separate policies previously existed for Private Sector Housing, Health and Safety and Smokefree law, however, these service areas are now included within this Enforcement Policy.
- 2.3 This Policy will be supplemented by more detailed, internal enforcement procedure documents where appropriate, to provide further guidance for officers relating to the areas of work listed in Appendix 1. These will be regularly reviewed and updated to ensure they take into account legislative changes, codes of practice and national guidance. In addition, annual Service Plans are produced, setting out service delivery targets and achievements.
- 2.4 Enforcement covers a wide range of actions and activities aimed at ensuring legal compliance, from informal verbal advice to prosecution. Enforcement in

this policy means any action taken in relation to contravention of statutory requirements with the aim of:

- securing compliance with statutory provisions; or
- imposing a sanction for contraventions.

3.0 General Principles of Enforcement

- 3.1 Officers will respond proportionately to regulatory breaches and will work with individuals and businesses, listen to their views and help and encourage them to understand and meet regulatory requirements.
- 3.2 Officers will seek to adopt efficient and effective approaches to regulatory inspection and enforcement, which improves regulatory outcomes without imposing unnecessary burdens.
- 3.3 It is recognised that some individuals may have specific difficulties and have different needs in terms of achieving compliance. This will be taken into account so as to ensure that legislation is enforced fairly. Interpreters will be used where the stakeholder has difficulty in understanding English and help will be provided with impaired hearing, vision or any other impairment.
- 3.4 Where formal enforcement action is necessary, each case will be considered on its own merits, having regard to the principles set out within this Policy.
- 3.5 All decisions will take account of statutory legislation and relevant guidance, including:
 - Local Government Act 1972
 - Police and Criminal Evidence Act 1984
 - Criminal Procedure and Investigation Act 1996
 - Human Rights Act 1998
 - Data Protection Act 1998
 - Regulation of Investigatory Powers Act 2000
 - Criminal Justice and Police Act 2001
 - Criminal Justice Act 2003
 - Legislative and Regulatory Reform Act 2006
 - Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (as amended)
 - Regulatory Enforcement and Sanctions Act 2008
 - Equality Act 2010
 - CPS Guide for Crown Prosecutors
 - Sentencing Council Guidelines
 - Codes of Practice / Guidance / Local Authority Circulars

4.0 Compliance with the Principles of Good Enforcement

The Legislative and Regulatory Reform Act 2006 and The Regulatory Enforcement and Sanctions Act 2008, require the Council to avoid imposing unnecessary burdens on those regulated and to have regard to the following principles of good enforcement when exercising a regulatory function:

4.1 Proportionality

- 4.1.1 The Council will endeavour to ensure that the requirements imposed; the approaches adopted and the action taken are proportionate to the seriousness of the matter in hand.
- 4.1.2 The Council will minimise the costs of compliance by ensuring that any action required is proportionate to the risk and seriousness of the breach. Some risks may be so serious that they cannot be permitted irrespective of economic consequences.
- 4.1.3 As far as the law allows, the Council will take account of the circumstances of the case and the attitude of the operator when considering action.

4.2 Transparency

- 4.2.1 Information and advice from an officer will be put clearly and simply and will be confirmed in writing on request, explaining why any remedial action is necessary, making sure that legal requirements are clearly distinguished from best practice advice.
- 4.2.2 Before taking formal enforcement action officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve the points of difference, unless immediate action is required.
- 4.2.3 In circumstances where immediate action is necessary, an explanation will be given at the time or, if this is not practical, within 5 working days. In some cases of immediate action, such as the service of a Fixed Penalty Notice, a written explanation is not considered appropriate.

4.3 Accountability

- 4.3.1 The Council has policies, service plans, procedures and service standards against which it can be judged, and an effective accessible mechanism for dealing with comments and complaints (see 17.0).
- 4.3.2 Officers will always identify themselves by name and provide clear details of who is dealing with a case and how and when they may be contacted.

4.4 Consistency

4.4.1 The Council will endeavour to promote consistency in both the level of service users receive and the response, by taking a similar approach in similar circumstances to achieve similar ends.

4.4.2 Officers will try to ensure that action is as consistent as possible by:

- Following current internal procedures and guidance notes;
Taking account of appropriate guidance from other authoritative or professional bodies such as the Health and Safety Executive, DEFRA and the Chartered Institute of Environmental Health;
- Taking due account of case law relating to enforcement;
- Taking account of any new legislation or guidance that impacts on their duties;
- Liaising with other enforcement agencies as necessary;
- Participation in the Cumbria Technical Working Groups, including the Health and Safety Group and the Environmental Protection Group. This includes participating in peer review exercises and joint local authority schemes to achieve greater consistency;
- Having regard to the Health and Safety Executive's ("HSE's") Enforcement Management Model when enforcing under Health and safety legislation;
- Sharing information between officers;
- Ensuring all authorised officers are suitably qualified, trained and kept up-to-date with legislation and technical developments relevant to their authorisation.

4.5 Targeting

4.5.1 The Council will ensure that resources are targeted primarily towards those activities which give rise to the most serious risks or where the risks are least well controlled or against deliberate crime.

4.5.2 Inspections will only be carried out where there is a reason for doing so, for example when investigating a complaint, in response to intelligence about a particular premises or a particular issue, as part of our risk assessment process, or other enforcement initiatives carried out in response to national or local concerns and intelligence.

5.0 The Regulators' Code

5.1 When developing a regulatory enforcement policy the Council must have regard to the Regulators' Code, a statutory Code of Practice introduced under the Legislative and Regulatory Reform Act 2006

5.2 When carrying out enforcement and investigation work, officers will adopt an evidence based approach and when making decisions will take into account the key principles laid down in the Regulators' Code. These key principles are:

- Regulators must consider the impact of their interventions on economic progress and seek to support those who are regulated to comply and grow;
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views;
- Regulatory efforts and resources should be targeted via risk assessment to where they will be most effective;
- Regulators should share information about compliance and risk;
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply;
- Regulators should ensure that their approach to their regulatory activities is transparent.

6.0 The Code for Crown Prosecutors

6.1 When deciding whether to prosecute, the Council must have regard to the provisions of The Code for Crown Prosecutors as issued by the Director of Public Prosecutions. This sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied, commonly referred to as the 'Evidential Test' and the 'Public Interest Test' as detailed in that document.

7.0 Primary Authority

7.1 The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. Where enforcement action is being considered in relation to a business which has a Primary Authority partnership, officers will discuss the action with that authority before deciding the final enforcement action, with the exception of circumstances where the need to act swiftly is critical.

8.0 Enforcement Management Model

8.1 The Enforcement Management Model produced by the Health and Safety Executive, provides a national framework for health and safety enforcement officers when making enforcement decisions. It captures the issues officers consider when exercising their professional judgement and reflects the process by which enforcement decisions are reached. The Enforcement Management Model will be taken into account when deciding the appropriate course of action in response to health and safety contraventions.

9.0 Deciding on the appropriate enforcement action

9.1 During inspections or following incidents or complaints where a contravention or potential contravention of statutory requirements has been identified, officers will consider the various enforcement options available.

9.2 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The nature and seriousness of compliance failure;
- The risk posed to the public, employees, welfare of animals or the environment;
- The individual, business or duty holder's past history;
- An assessment of the willingness to undertake the work identified by the officer;
- Whether there has been deliberate intent to flout the law / secure financial gain;
- Legislation, official or professional guidance;
- Acting in the interests of Public Health;
- National policy and direction, for example sector specific strategies set by the Health and Safety Executive;
- Local priorities of the Council;
- Advice given by the Primary Authority;
- The likely effectiveness of the various enforcement options.

9.3 There will be situations where there is a shared or complimentary enforcement role with other agencies. Some enforcement activities require an inter-agency or multi-agency approach where the Council's powers alone are insufficient or where a combined approach is required as a matter of good practice or safety, for example where a police presence is advised.

- 9.4 Officers will liaise with other organisations to ensure effective co-ordination, to avoid inconsistencies and to ensure that enforcement action is appropriate to the circumstances of the incident.

10.0 The Enforcement Types

- 10.1 The types of enforcement action available, if specifically permitted by legislation, are shown below:

- No action
- Informal Action and Advice (for example verbal advice or a written warning)
- Information Notices
- Fixed Penalty Notice
- Statutory Notice
- Emergency Measures
- Works in Default
- Seizure of goods / equipment
- Injunctive Actions
- Simple Caution
- Prosecution

Except where circumstances indicate a significant risk, officers will operate a graduated approach, starting with informal action and only moving to more formal action where the informal approach does not achieve the desired effect.

11.0 Informal Action

11.1 No Action

11.1.1 Where circumstances upon investigation reveal the activities of an individual, business or other duty holder are largely compliant with their obligations and no action is proposed, then those affected will be advised that no action will be taken.

11.1.2 A decision of no action may also be taken where enforcement is inappropriate in the circumstances, such as may (but not always) be the case where a trader has ceased to trade.

11.2 Informal Advice, Letters and Reports

11.2.1 Informal action involves the offering of advice, verbal warnings, advisory or warning letters and the issue of technical reports, including those generated following an inspection. It also includes obtaining a written undertaking to formally cease an operation and / or dispose of or surrender goods to the Council.

11.2.2 Officers use compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified.

11.2.3 Officers will consider informal action where:

- The act or omission is not serious;
- The consequences of non-compliance will not pose significant risk to those affected by the activities;
- From the past history of the individual, business or other duty holder, it can reasonably be expected that informal action will result in compliance.

11.2.4 Informal action will:

- Contain all the information to understand what action is required and why it is necessary and will where appropriate indicate the timescale;
- Indicate the legislation contravened and where appropriate suggest methods of compliance;
- Differentiate legal requirements from recommendations and good practice;
- Provide a point of contact for further clarification or query.

12.0 Formal Action

12.1 Fixed Penalty Notice

12.1.1 Authorised officers have powers to issue fixed penalty notices in respect of some breaches of legislation. A fixed penalty notice is not a criminal fine and does not appear on the individual's criminal record. If a fixed penalty is not paid within the required time period, the Council may commence criminal proceedings or take other enforcement action in respect of the breach.

12.1.2 If a fixed penalty is paid within the required time period, no further action will be taken in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches.

12.1.3 Some areas of legislation, for example in relation to litter, dog fouling and smoke free premises, allow for Fixed Penalty Notices to be issued against persons committing offences. The Notice offers the individual the opportunity to release themselves from being prosecuted for that offence by payment of a Fixed Penalty set out in the relevant legislation.

12.1.4 Certain offences are subject to fixed penalty notices where prescribed by legislation. These notices are recognised as a low-level enforcement tool and avoid the defendant obtaining a criminal record. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice, for example, littering, dog fouling or smoking in a smoke free place, we may choose to administer a Fixed Penalty Notice on a first occasion, without issuing a warning.

12.1.5 Fixed penalty notices will not be issued to persons under the age of 16 years.

12.2 Statutory Notices

12.2.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances demand, for example serious risks to public health and safety, an immediate risk of environmental damage or serious nuisance. In other circumstances a reasonable time will be allowed, taking into account the seriousness of the contravention and the implications of the non-compliance.

12.2.2 Statutory notices will only be served when one or more of the following apply:

- There is a significant contravention of a relevant statutory provision;
- There is a lack of confidence in the individual or business to respond to an informal approach;
- The duty holder appears deliberately unwilling to recognise his / her responsibilities and those who may be affected by their actions;
- The consequences of non-compliance could be potentially serious to public health, safety, animal health or the environment;
- Effective action needs to be taken as quickly as possible to remedy conditions that present a serious risk or are deteriorating;
- There is a need to obtain information that the Council is statutorily entitled to request.

12.2.3 Prohibition powers will be used where there are statutory grounds and where the situation cannot be allowed to continue because of the risks involved. The Council may prohibit the use of a particular piece of equipment, a specific activity, or may close part or all of a premises where the risk is more widespread.

12.2.4 Compliance with the requirements of all notices served will be checked as soon as practicable after expiry. Failure to comply with a statutory notice will, in general, result in the institution of legal proceedings and / or the carrying out of works in default against the person responsible for compliance.

12.2.5 Authorised officers will be in possession of sufficient evidence to enforce any statutory notice before it is served and will be prepared to pursue non-compliance through prosecution or works in default.

12.2.6 Where there is a right of appeal against a notice, information on the appeal mechanism will be provided with the notice.

12.3 Emergency Measures

12.3.1 The Council may use emergency enforcement powers under housing legislation where there is an imminent risk of serious harm. In such circumstances the Council will take whatever remedial action it considers necessary to remove an imminent risk of serious harm. This could include taking remedial action in respect of a hazard and the subsequent recovery of reasonable expenses or prohibiting the use of all or part of a property.

12.3.2 Such emergency measures will only be taken where the use of emergency powers is the most appropriate course of action. Where emergency measures are taken, the owner of the property or other relevant person will be advised of the method of appeal against the action taken.

12.4 Works in Default

12.4.1 Certain types of notice allow works to be carried out in default. Work in default means that the Council will carry out any work and charge the full cost, plus administrative charges and daily interest to the appropriate person(s). If this is not paid, it will be registered as a debt against the property and the Council will consider taking action through the Courts to secure recovery, where entitled to do so.

12.4.2 Works in default may be carried out if:

- There is no prospect of the person responsible carrying out the work, for example the person is absent;
- There is an imminent risk to public or environmental health;
- A prosecution is not appropriate;
- A prosecution has been brought and works have still not been carried out; and
- It is appropriate to get a nuisance abated quickly.

12.4.3 Notification of the intention to carry out work in default will be given to all interested parties in accordance with the law wherever practicable. In certain circumstances, such as where the Council is seeking to abate a nuisance, it may be necessary to carry out the works and notify the person(s) responsible retrospectively

12.4.4 Immediate action without any prior notice will be considered in situations where there is a risk of danger or a danger to public health.

12.5 Seizure of Goods / Equipment

12.5.1 Some areas of legislation enable authorised officers to seize goods, equipment or documents, for example sound equipment that is the cause of a statutory noise nuisance or goods that may be required as evidence for possible future court proceedings. When goods are seized, a receipt is given to the person from whom the goods are taken.

12.5.2 Officers conducting a seizure will do so in accordance with Environmental Services Section procedures and the requirements of the relevant legislation.

12.6 Injunctive Actions

12.6.1 An injunction may be sought from the courts where the circumstances of any case cause a significant problem or threat to an individual's or group of individual's health, and the normal process of law (statutory notices, prosecution or work in default) is likely to be ineffective because the proprietor has shown a careless disregard for earlier similar requirements, or where the process of law would take an unacceptable period of time having regard to the particular circumstances. The decision to take an injunction will be made in conjunction with the Legal Services Section.

12.7 Simple Caution

12.7.1 A simple caution is a formal warning that may be given to persons aged 18 or over who admit committing an offence. The simple caution scheme is designed to provide a means of dealing with offending without a prosecution where there is evidence of an offence, but the public interest does not require a prosecution.

12.7.2 Authorised officers should consider the use of simple cautions as an alternative to prosecutions to:

- Deal quickly and simply with less serious offences where the offender has admitted the offence;
- Divert less serious offences away from the courts; and
- Reduce the chances of repeat offences.

12.7.3 When a simple caution is under consideration, the following conditions must be fulfilled before it is offered:

- There is sufficient evidence to provide a realistic prospect of conviction if the offender were to be prosecuted;
- The offender is over 18 years of age;
- The offender admits that they have committed the crime and has not raised a defence;
- The offender agrees to be given the caution.

12.7.4 Where an offender declines to accept a simple caution, it will be necessary to consider taking alternative enforcement action. This could include prosecution.

12.7.5 In offering a simple caution, account will be taken of the Ministry of Justice Guidelines on Simple Cautions for Adult Offenders and the Code for Crown Prosecutors.

12.7.6 A caution will remain on record for a period of two years and may be cited in Court should a further offence be committed and prosecuted during that time.

12.7.7 A simple caution can only be administered by a Cautioning Officer. The Cautioning Officer must not have taken an active part in investigating the offence. The Cautioning Officer is the Assistant Director Environmental Services. Any decision to offer a simple caution will be made in consultation with Legal Services.

13.0 Prosecution

13.1 Prosecution may be considered as an alternative, in addition to, or as a consequence of failure to comply with the above enforcement options.

13.2 A decision to prosecute is a serious matter which the Council will only take after full consideration of the implications and consequences and where this course of action is proportionate to the risk presented by the contravention.

13.3 The circumstances that may warrant prosecution are:

- Where the offence involves a significant breach of the law such that public health, safety, animal welfare or the environment is or has been put at risk;
- Where the offence involves a failure by the offender to correct an identified serious potential risk having been given a reasonable opportunity to comply;
- Failure to comply with a statutory notice;

- A Simple Caution has been offered and declined;
 - Failure to comply with fixed penalty payment requirements;
 - Knowingly carrying out operations without a relevant licence;
 - Where there is a history of similar offence;
 - Reckless disregard for management or quality standards;
 - Failure to supply information without reasonable excuse or knowingly or recklessly supplying false or misleading information;
 - Obstruction of officers in the course of their work.
- 13.4 When deciding whether to prosecute, the officer must apply the evidential test and public interest test as described in the Crown Prosecution Service Code for Crown Prosecutors.
- 13.5 Prosecutions will not be commenced or continued unless the Council is satisfied there is sufficient, admissible and reliable evidence that the offence has been committed and that there is a realistic prospect of conviction against each defendant on each charge. Where a case does not pass the evidential test, it will not go ahead, no matter how important or serious it may be. Where there is sufficient evidence, a prosecution will not be commenced or continued unless it is in the public interest to do so.
- 13.6 A number of factors will determine whether or not a prosecution is in the public interest and a balance in favour or against will be made between these factors, any of which might be present.
- 13.7 Factors that will tend towards prosecution include but are not restricted to the following:
- The offender was in a position of authority / control;
 - A conviction is likely to result in a significant sentence;
 - The offender acted dishonestly, wilfully, premeditatedly or negligently;
 - A number of people were or could have been seriously affected (seriousness and nature of the alleged offence);
 - Evidence that the persons affected were intimidated or harassed;
 - Evidence of previous or continuing offences of a similar type;
 - Likelihood of continued or repeated offence(s);
 - Abuse of position or influence;

- Lack of cooperation on the part of the defendant;
- The offender had received advice or a previous warning concerning the circumstances of the offence or similar matters;
- The offender had failed to comply with the requirements of a statutory notice;
- The outcome of a prosecution might serve an important, informative purpose or establish a legal precedent;
- There is an element of public risk, danger to health, harm or detriment to the environment or animals.

13.8 Factors which might argue against the need for a prosecution:

- The offence was a result of a genuine mistake or misunderstanding, (these matters must be balanced against the seriousness of the offence);
- Where the defendant is likely to be able to establish a due diligence defence;
- The Court is likely to discharge the defendant or impose a small penalty on conviction;
- The defendant is elderly or was at the time suffering from significant mental or physical ill health, which contributed to the offence, and the offence was neither serious nor likely to be repeated;
- The loss or harm could be described as minor and was the result of a single incident, particularly if it was caused by a failure of judgement;
- The harm caused by the offence has so far as possible been put right;
- A key witness has refused to testify or provide a witness statement;
- Willingness to cooperate and ensure that no future offences of a similar nature are committed;
- Where other action such as a simple caution or statutory notice would be more appropriate or effective;
- Significant delay between offence and trial, unless one or more of the following factors apply:
 - a) The offence is serious;
 - b) The delay has been caused, at least in part, by the person investigated;

- c) The offence has only recently come to light;
- d) The complexity of the investigation results in unavoidable delays.

13.9 In all cases, legal advice will be sought before recommending any prosecution and any decision to prosecute will be ratified by the Deputy Chief Executive.

13.10 Criminal proceedings will be taken against those persons responsible for the offence. Where the offence has resulted from a Company's activities the Council will usually prosecute the Company and will also consider any part played by the officers of the Company and may take action against those officers as well as the Company. This will usually be where it can be shown that the offence was committed with their consent, due to their neglect or that they "turned a blind eye" to the offence or the circumstance leading to it.

13.11 Where there has been a breach of the law leading to a work related death, consideration will be given to whether the circumstances of the case might justify a charge of manslaughter. To this end, authorised officers will liaise with the Police, in accordance with the Work Related Death Protocol: A Protocol for Liaison. Only the Police can investigate homicide (corporate or gross negligence manslaughter), and only the CPS can decide whether such a case will proceed. Whenever there is a suspicion that negligent homicide may have caused a work related death, the police will assume primacy for the investigation and work jointly with environmental health officers where the Council is the relevant health and safety enforcement authority. The Police will also have an interest in establishing the circumstances surrounding a work-related death in order to assist the coroner's inquest.

14.0 Charge for Enforcement Action

14.1 Where legislation allows, the Council reserves the right to charge and recover any costs incurred for taking enforcement action. The fees which the Council will levy will be published in the Fees and Charges Policy which is reviewed annually.

14.2 Where legislation allows, the Council reserves the right to levy an amount of interest on monies which it might be owed. For example, the Council, might be owed money after undertaking works in default. In these cases the amount of interest that the Council will levy will be the same amount at which it will be able to borrow the money.

15.0 Implementation of the Enforcement Policy

The Environmental Services Team Leaders will be responsible for ensuring that all enforcement officers are familiar with the requirements of and carry out their duties in accordance with this Enforcement Policy.

16.0 Monitoring and Reporting Arrangements.

This will be achieved in the following ways:

- The Assistant Director Environmental Services and authorised Environmental Health Officers have delegated authority to sign formal notices further to the Council's constitution, agreed schemes of delegation and authorisation procedures.
- Notice procedures within the Environmental Services Section require all authorised officers issuing notices to have regard to the relevant enforcement policy prior to issuing the notice. Subsequently, monitoring checks by another officer, at the time of issue, include confirmation that the action taken is in accordance with the enforcement policy.
- All Reports prepared for the Council's Committees must include reference to the Council's Policy Framework and cite any relevant enforcement policy.
- Standard procedures for processing prosecution evidence include reference to and confirmation of adherence with the relevant enforcement policy.
- Regular team meetings and attendance at the Cumbria Technical Working Groups provide a general forum for discussion of approaches to different problems and the need for consistency.

17.0 Authorisation of Officers

17.1 All officers undertaking enforcement action will be appropriately authorised and have the necessary training and competency to enable them to exercise the powers available to them. Authorisation documents will be in writing and signed by the Assistant Director Environmental Services, Officers are issued with ID cards.

17.2 Authorised officers of the Council will abide by this policy when making enforcement decisions and all operational procedures will be written to accord with it.

18.0 Complaints about the Service

18.1 Anyone wishing to raise a query or concern about enforcement action may do so initially by contacting the officer concerned, the officer's Team Leader or the Assistant Director Environmental Services, by telephone on 01768 212491 / 212376, or by email at env.health@eden.gov.uk or by writing to Eden District Council, Environmental Services Section, Mansion House, Penrith Cumbria CA11 7YG

- 18.2 If the complainant is dissatisfied with the initial response or wishes to have their complaint reviewed at a higher level, the Council has a Corporate Complaints procedure, available on the Council's website:

<http://www.eden.gov.uk/your-council/have-your-say/complaints-procedure/>

- 18.3 If the complaint concerns enforcement action relating to a health and safety matter, you can complain to the Independent Regulatory Challenge Panel, further information is available on the HSE website:

<http://www.hse.gov.uk/contact/challenge-panel.htm>

A copy of this policy can be obtained by contacting the Environmental Services Section on 01768 212491 / 212376 and it is available on the Council's website www.eden.gov.uk

Appendix 1 - Services covered by this Policy

This Appendix outlines the majority of areas which are subject to enforcement by the Section and which are covered by this enforcement policy.

Animal Boarding and Breeding

Mobile Home, Caravan and Camping Sites

Contaminated Land Determination

Control of Pollution

Dangerous Wild Animals

Dogs Fouling and Straying

Dogs Microchipping

Private Drainage

Private Sector Housing

Prescribed processes that require an environmental permit to operate

Environmental Education

Health and Safety at Work

Housing Acts

Infectious Disease

Licensing (Note: limited to Environmental Services licensing only, including animal welfare licensing, caravan and camping sites and scrap metal dealers)

Nuisances

Pet Shops

Prevention of Damage by Pests

Private Water Supplies

Public Health

Riding Establishments

Smoke-free legislation

Swimming Pools and Bathing Waters

Zoos

Skin Piercing, Acupuncturists, Tattooing and Semi-Permanent Make-Up

Filthy and Verminous Premises

Burial of the Destitute

Note:

The following service areas have a separate, specific enforcement policy:

Food Safety (approved by Council on 18 February 2016)