

Slough Borough Council

Housing and Neighbourhood Services

Enforcement Policy

March, 2002

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Part 1

General

1. Introduction

- 1.1 The Housing and Neighbourhood Services Directorate provides a regulatory enforcement service across a broad range of environmental health, housing and trading standards functions.

This policy statement explains the level of service that you can expect to receive from the Borough Council in respect of its enforcement activities and should be read in conjunction with our Prosecution Policy

- 1.2 The primary function of our regulatory and enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time we aim to carry out enforcement functions in an open, equitable and consistent manner helping to promote economic development.
- 1.3 We recognise that most individuals, businesses and other groups want to comply with the law. Our aim is to deliver regulatory and enforcement functions in an enabling and supportive style, helping businesses and others meet their legal duty without unnecessary expense. However, we will take firm action, including prosecution where appropriate.
- 1.4 The Enforcement Policy has regard to the principles of good enforcement outlined in the central and local government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance, as well as licensing and formal enforcement action. Parts 2 – 9 of this document contain details of enforcement options and the specific criteria to be used by officers when making enforcement decisions.

The policy will contribute to good enforcement practice and lead to greater consistency in the way we undertake our enforcement activities.

- 1.5 Slough Borough Council is a public authority for the purposes of the Human Rights Act 1998 and must apply the principles of the European Convention on Human Rights in accordance with the Act. We will further adhere to the Human Rights policies and procedures adopted for individual service areas.

2. Key Aims of our Enforcement Policy

We believe that prevention is better than cure and that we should actively work with landlords, businesses, consumers and other groups to advise and assist with compliance. We wish to undertake our regulatory and enforcement facilities fairly and without bias. We also wish to minimise bureaucracy and red tape, provide help to those who need it, but take firm action against people who flout the law.

3. **What are the principles of good enforcement**

3.1 Service Standards

We will:

- consult businesses and other interested parties on our enforcement policy
- ensure that those who live and work in Slough have a clear understanding of our enforcement policy
- draw up clear standards setting out the level of service and performance the public and business people can expect to receive
- publish these standards and our annual performance against them

3.2 Openess

We will:-

- provide information and advice in plain language on the rules we apply
- be open about how we set about our work, including any charges that we set
- discuss general issues and specific compliance failings on problems with anyone experiencing difficulties
- provide an opportunity to discuss the circumstances of a case and, if possible, resolve points of difference before enforcement action is taken (unless immediate action is required)
- give an explanation of why immediate action is required (unless issues of sensitivity, legal privilege, or privacy are involved)
- give advice on the rights of appeal against formal action
- officers will be fair, independent and objective in all respects

3.3 Helpfulness

We will:

- actively work with individuals, businesses, especially small and medium sized businesses, and other groups to advise on and assist with compliance
- provide a courteous and efficient service and our staff will identify themselves by name

- provide a contact point and telephone number for further dealings with us and we will encourage individuals, businesses and other groups to seek advice / information from us
- deal with applications for licences, registrations and consents in accordance with service standards
- ensure that wherever practicable our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays
- provide translation and interpretation facilities

3.4 Complaints about Service

We will:

- make effective use of our corporate complaints procedure which is well publicised and easily accessible to businesses, the public, employees and consumer groups
- explain any right of complaint or appeal where disputes cannot be resolved, with details of the process and the likely time-scale involved.

3.5 Proportionality

We will:

- minimise the costs of compliance for businesses and others by ensuring that any action reflects the risks involved, as far as the law allows
- take account of the circumstances of the case, the findings and the attitude/actions of the individual or organisation when considering action
- take particular care to work with individuals, small businesses, voluntary and community organisations so that they can meet wherever possible their legal obligation without unnecessary expense
- confirm in writing, as appropriate, any actions necessary to comply with the law

3.6 Consistency

We will:

- carry out our duties in a fair, equitable and consistent manner
- have arrangements in place to promote and monitor consistency, including effective arrangements for liaison with other authorities and enforcement bodies.

4. Training, Competency and Authorisation

- 4.1 Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Authorised officers will also have sufficient training and understanding of the quality assurance system to ensure a consistent approach to service delivery. A list of current authorisations will be maintained by the Head of Service.

Officers who undertake criminal investigations will be conversant with the provisions of the Police and Criminal Evidence Act, 1984, the Criminal Procedure and Investigations Act, 1996 and the Regulation of Investigatory Powers Act 2000.

5. Consultation

- 5.1 This policy was the subject of wide stakeholder consultation and has been formally adopted by the Borough Council. In addition, the local authority is a signatory to the Enforcement Concordat introduced by the government in association with the Local Government Association.