CORPORATE ENFORCEMENT POLICY

South Derbyshire District Council

Date: 1st April 2025

Version Control

Version	Reason for review (Review date/legislation/process changes)	Author (A) / Reviewer (R)	Effective date
V1	Original approved Version		24/11/2016
03/19	Following the adoption of a new scheme of delegation in September 2018 and civil penalties under the Housing and Planning Act 2016		01/03/2019
09/21	Alteration of delegations in section 10 following Leadership Team approval on 1/9/2021		01/09/2021
01/25	Review to enhance clarity and align with best practice to meet new Council Plan aspirations.	K Collier (A) H McDougall (R)	01/04/2025

Approvals

Approved by (Committee/Leadership Team/Head of Service)	Date
Environment & Development Services Committee	06/03/2025

Contents

1. Introduction

1.1 The Corporate Enforcement Policy "the Policy" sets out the Council's regulatory approach and provides guidance to officers, businesses, residents and the public on the range of options that are available to achieving compliance with legislation enforced by the Council. The Council is committed to efficient and effective approaches to intelligence-led and targeted regulation, which do not impose unnecessary burdens. This approach is essential to promote fairness, to reduce risk and to protect individuals and communities from harm.

1.2 This Policy outlines the Council's approach to enforcement and establishes the principles that will guide decision making regarding regulatory actions.

1.3 The Council's approach to regulation will be proportionate and flexible to support its vision to "Work together to shape our environment, drive our economy and support our communities".

2. Purpose and Scope

2.1 This Policy sets out the standards that will be applied across the Council in its role as a regulator and enforcement body for a broad range of statutory duties and legislative functions. It also sets out what residents, businesses and the public can expect from officers of the Council.

2.2 This Policy is to be used by officers when undertaking their duties, roles and functions and sets out the approach to be followed when making decisions in respect of Council enforcement activities. The Council is committed to ensuring that all Authorised Officers act in accordance with this Policy.

2.3 This Policy applies to all Council Services where there are enforcement duties and responsibilities and should be read in conjunction with any published legislative or service specific enforcement guidance or policy which may run in parallel with this Policy.

2.4 The Planning Enforcement function also has a separate Local Enforcement Plan which has been adopted Local Enforcement Plan 2013.

3 Principles of Good Regulation

3.1 Effective regulation and enforcement are critical to supporting our communities and driving our economy. The positive impact of good regulation is significant; however, the Council recognises that poor regulation is a burden on businesses which can hinder the outcomes the Council seeks to achieve.

3.2 The Council's primary aim is to prevent non-compliance rather than be in a position where it has to take enforcement action.

3.3 In developing this Policy the Council has had full regard to the provisions of the Legislative and Regulatory Reform Act 2006 and the associated Regulators Code. The Regulators Code provides a flexible, principles-based framework for regulatory delivery that supports and enables specified regulators to design their service and enforcement policies in a manner that best suits the needs of businesses and other regulated entities.

3.4 The Legislative and Regulatory Reform Act 2006 states that regulatory activities should be carried out in a way that is **transparent**, **accountable**, **proportionate** and **consistent**. It also states that regulatory activities should be **targeted** only at cases in which action is needed.

3.5 This means that the Council will look to target its regulatory activities towards those cases where action is needed in a way which is transparent, accountable, proportionate and consistent. In targeting its regulatory activities, officers will take account of any information/intelligence held, the risk and harm associated with any activity and the vulnerability of any persons affected or the effects on the environment.

3.6 Being Transparent

3.6.1 The Council will ensure that those it regulates are able to understand what is expected of them and what they can expect in return. This Policy will be available on the Council's website for any interested party to consult.

3.6.2 Officers will clearly distinguish between requirements to comply with legal obligations and other recommendations which are best practice.

3.7 Accountable

3.7.1 The Council is accountable for its actions and has clear and accessible policies and a fair and efficient complaints procedures. The Council's Complaints and Feedback Policy sets out how to complain and provide comments or compliments about the services provided.

3.7.2 The Council undertakes enforcement in the interests of the wider community as a whole and not in the interest of any particular individual or group. Where appropriate, the Council will always consider views expressed by those affected by an offence or regulatory infringement as well as the wider consequences of any enforcement decision.

3.7.3 Any applicable rights of appeal against enforcement decisions will be made known to affected persons at the time and in writing.

3.8 Taking a Proportionate Response

3.8.1 The Council's activities will aim to reflect the level of risk to the public, business, the environment and the seriousness of any behaviour. Enforcement will be directed towards matters with the greatest risk and/or harm in line with all relevant Service Plans, Council Strategies and Council Priorities.

3.8.2 Where there is a shared enforcement role with another body, liaison will take place at an early stage.

3.9 Targeted Interventions

3.9.1 The Council's regulatory and enforcement activity will be focused primarily on those businesses or individuals whose activities give rise to the most serious risks, where the hazards are least well controlled and/or where potential victims are considered vulnerable. Action will be focused on those directly responsible for the risk and establishing who is best placed to control it.

3.9.2 The Council will prioritise regulatory effort. Factors that will be considered include complaint levels from service users, matters of statutory nuisance, the existence of statutory powers including statutory duties placed on the Council, the nature of potential breaches, the assessment of risk and the vulnerability of any individual or group affected.

3.9.3 The National Local Authority Enforcement Code sets out the risk based approach to targeting health and safety interventions to be followed by Local Authority Regulators including the Council.

3.10 Consistency

3.10.1 Consistency means taking a similar approach in similar circumstances. The Council will ensure its policies and practices are fully understood and applied by its officers.

3.10.2 Advice provided to those the Council regulates will be robust and reliable. Officers will consider statutory Codes of Practice and other relevant 'good practice' guidelines or standards as well as current legislation. The Council's information and guidance materials will be maintained in an appropriate format to enable self-help. Where appropriate and practical to do so, officers will highlight forthcoming legal developments and proactively publicise new or emerging issues.

3.10.3 For Health and Safety related enforcement matters the HSE - The Enforcement Management Model will be used as a framework, where appropriate, and the Health and Safety Executive's Enforcement Policy Statement is also taken into account.

3.11 Whilst the general principles above will always be applied, each individual case will be considered on its own circumstances before an enforcement decision is taken.

3.12 Where offending or enforcement incurs a cost to the Council, it will seek to recover the costs from those responsible.

4. Effective Regulation

4.1 Prevention

4.1.1 A key focus of the Council's approach to prevention will involve developing positive and constructive working relationships with local businesses and residents through existing networks and contacts and through community groups with identified points of contact for regulatory enquiries.

4.1.2 The Council recognises that small businesses, in particular, can be overwhelmed by the scale and complexity of legislation covering their business operations. The Council will provide easy access to simple, clear and concise information and advice; and to provide follow-up advice where it is needed. Where national guidance exists, the Council will promote this to ensure consistency of application.

4.2 Business Intervention

4.2.1 Many business premises are risk rated to inform an intervention programme or are visited as a result of an intelligence led approach to target premises where a need has been identified.

4.2.2 The Council will focus its interventions on regulated entities where risk assessment shows that:

- any compliance breach(es) would pose a serious risk to a regulatory outcome;
- there is high likelihood of non-compliance; and
- there are little or no effective audit activities carried out by an appropriate and recognised trade organisation.

4.2.3 The Council recognises that planned pre-arranged visits to businesses including the provision of advice, results in the right person being available and helps bolster voluntary compliance. The Council will, therefore, make appointments to meet with the right people wherever possible.

4.2.4 However, interventions are also made to businesses for other reasons, including for a sample or test purchase, to observe food hygiene practices, because of an allegation or complaint, or repeated non-compliance, and these interventions are likely to be unannounced.

4.2.5 Intelligence and/or complaint monitoring exercises may result in increased levels of interventions with the aim of achieving compliance without necessarily resorting to enforcement action.

4.2.6 Wherever practicable, inspection programmes will be co-ordinated so that businesses are not subject to multiple inspections from within the Council. Where possible, the Council will also work collaboratively with other regulatory agencies to reduce unnecessary burdens.

4.2.7 Council officers may make combined visits with other agencies where there is a shared and complementary enforcement role and this will be explained at the time.

4.3 Sampling/Test Purchasing Exercises

4.3.1 The purpose of sampling/test purchasing is to protect public health, for market surveillance purposes, to identify infringements and to prevent contraventions. Sampling/test purchasing is undertaken in response to enquiries/complaints from service users, as part of planned exercises or because of a proactive initiative. Planned exercises are determined based on a risk assessment of local, regional and national statistics and any co-ordinated programmes, concentrating efforts into areas of trade or products to ensure the most effective use of resources.

4.4 Primary Authority

4.4.1 The Primary Authority Scheme ensures that businesses trading in different local authority areas have access to reliable advice and consistency in local regulation through a partnership with a local authority.

4.4.2 Where a formal Primary Authority Agreement is in place, the Council will act in accordance with the requirements of the Primary Authority guidelines and will actively seek to promote it with appropriate local businesses.

4.4.3 Officers will refer to the Primary Authority Register to find out whether a local business has a Primary Authority Partnership and will have regard to assured advice and inspection plans and will refer to the Primary Authority to discuss any proposed deviations to those plans and potential legal contraventions.

4.5 Statutory Notifications

4.5.1 Where appropriate the Council will report incidents and enforcement actions to relevant Government bodies such as reporting major food incidents to the Food Standards Agency and will respond appropriately to notifications, such as alerts from the Food Standards Agency and other bodies. Information will be shared with other regulators where it is appropriate to do so.

4.6 Interventions/Enforcement in Local Authority Establishments

4.6.1 Officers will carry out interventions/enforcement within Council run premises in a manner consistent with any other business.

4.6.2 Any serious breaches of law that may be detected in such establishments will be brought to the attention of the Head of Paid Service and Monitoring Officer as soon as is reasonably practical to agree on the approach to be taken.

4.6.3 Contract caterers operating within Council establishments may from time to time be assessed in accordance with the Food Law Code of Practice and be inspected accordingly.

4.7 Authorisation

4.7.1 The Council will ensure that its officers who carry out enforcement duties are appropriately trained, qualified and authorised. Officers will carry identification and authorisation in the form of a card and will always show their authorisation on request.

5. Dealing with non-compliance

5.1 The Council recognises that the majority of businesses and residents are law abiding and want to engage constructively with regulators. However, it is also recognised that things do go wrong and, in certain circumstances, whilst the Council aims to achieve compliance through advice, information and/or guidance there will, at times, be a need for a more prompt or robust form of intervention or enforcement action to achieve the level of compliance required.

5.2 Any form of intervention or enforcement by the Council will seek to:

- change the behaviour of the offender to prevent re-offending;
- be proportionate to the nature of the offence and the harm caused;
- eliminate any financial gain or benefit from non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that is associated with a criminal conviction;
- reverse the harm caused by regulatory non-compliance, where appropriate; and/or
- deter future non-compliance and
- inspire public confidence.

5.3 <u>No further action necessary</u>

5.3.1 There are circumstances where contraventions of the law may not warrant any action being taken. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action outweighs the detrimental impact or severity of the contravention.

5.3.2 A decision of no action may also be taken where enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or on medical grounds. In such cases the Council will advise the offender and any complainant of the reasons for taking no action.

5.3.3 The decision to take no action rests exclusively with the Council and for example, the cost benefit equation described above will not rule out formal action if it is judged to be in the Public Interest.

5.4 <u>Escalating action</u>

5.4.1 Subject to paragraph 6 below, the Council will consider the most appropriate course of action for a legal contravention having considered the individual facts of the case.

5.4.2 Whilst the Council will seek to secure compliance by using the most appropriate level of action, officers will be able to escalate this in cases where compliance has not been achieved. A decision to escalate will normally only be taken after reasonable efforts to secure compliance have been made.

5.4.3 The Council's aim is to achieve the behavioural change necessary in the person who is responsible for the legislative non-compliance and considering its severity, to only escalate to the next level where reasonable efforts have failed to achieve that behaviour change. The following process of escalation will be used to achieve compliance in appropriate cases:

- **Advice, information and assistance –** the Council will seek to increase the understanding of legislation and the adoption of good practice to secure improved levels of compliance. For minor breaches of the law, verbal or written advice may be given. Officers will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done.
  The time allowed will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance. It may also be appropriate to consider making a referral to another Local Authority in line with the Primary Authority Principles, or external agencies (for example Police, Environment Agency). Failure to comply could however result in the escalation of enforcement action.
  Sometimes the Council will give advice about 'good practice', but it will clearly distinguish between what must be done to comply with the law and what is advice only.

- **Informal warnings -** will be used when there is evidence of non-compliance but the nature of which is not deemed to warrant a more formal approach. The nature of the non-compliance together with the corrective action necessary to put the matter right will be explained in writing together with a deadline for completing the corrective action. Where it is considered appropriate a written warning may be issued which will be recorded and can be taken into account should any further legislative breaches be identified.

- **Enforcement action –** will be considered where compliance is not being achieved and where attempts to secure compliance by other means have failed. The Council may choose in such situations to use more robust measures and actions to achieve compliance with any statutory requirements. This can include many different approaches which are outlined in Paragraph 7 and which will be utilised in line with any statutory legal procedures, relevant codes of practice and any national professional guidance in particular the Code of Practice for Crown Prosecutors**.**

6. Circumstances where immediate enforcement action is necessary

6.1 There are circumstances where immediate enforcement action is necessary. The Council recognises, as do the majority of the business community and local residents, there is no place for those who deliberately act illegally. This would include but is not limited to individuals/traders operating unfairly by targeting the vulnerable, environmental crimes, for example littering and dog fouling, or any other illegal activity where individuals are acting with dishonesty or a lack of care or due regard. Therefore, our approach to achieving compliance will require a more direct, immediate and robust approach for residents, individuals or businesses who:

- undertake activities that pose a serious risk to public health, safety and wellbeing, community safety, the environment or animal health or welfare;

- behave in a manner which is considered antisocial having significant impact on the local community
- knowingly operate or act in a fraudulent or unfair way whether or not for gain or competitive advantage;
- commit offences deliberately or negligently or which involve deception, or where there is significant economic detriment and/or
- target unfair trading activity towards the vulnerable members of our society;

7. Types of enforcement activity

7.1 There are a large range of potential enforcement options available to the Council to secure compliance with the law which include the following:

- Fixed Penalty Notices (FPN)
- Penalty Charge Notices
- Civil Penalties
- Formal Notices
- Works in Default
- Refusal, Revocation or Suspension of a Licence or Permit
- Licence Review
- Forfeiture Proceedings.
- Seizure
- Injunctive actions, interim orders, enforcement orders, etc.
- Simple Caution
- Prosecution
- Proceeds of Crime Act Orders

7.2 **Fixed Penalty Notices (FPN)**

7.2.1 Certain offences may be dealt with by Fixed Penalty Notices (FPNs), where prescribed by legislation. FPNs are recognised as an effective and visible way of responding to low-level offending. A FPN provides an opportunity to discharge liability for an offence by payment of a penalty and can therefore be used as an alternative to prosecution.

7.2.2 Payment of the FPN avoids the creation of a criminal record for the offender. Where legislation permits an offence to be dealt with by way of a FPN the Council may choose to administer one on a first occasion, without issuing a warning. FPNs will only be issued when sufficient evidence is available to prove the offence and the nature of the offence is suitable for being dealt with in this manner. Non-payment of a FPN is not an offence in its own right, but if the FPN is not paid, the Council would consider prosecuting the offender for the original offence. FPNs are considered in matters including littering and dog fouling.

7.3 Penalty Charge Notices

7.3.1 Penalty Charge Notices (PCNs) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the regulator in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and the Council will normally issue a PCN without first issuing a warning.

7.4 Civil Penalties

7.4.1 A Civil Penalty is a fine that can be used by the Council as an alternative to prosecution for certain circumstances as specified by legislation. For example, the Housing and Planning Act 2016 introduces civil penalties of up to £30,000 as an alternative to prosecution for certain specified offences.

7.4.2 Where a civil penalty is issued then the Council may not undertake a criminal prosecution for the same offence. Unlike FPNs, where a Civil Penalty is not paid the Council will need to undertake to recover the civil penalty as a debt as opposed to commencing a prosecution for the original offence.

7.4.3 The maximum amount for a Civil Penalty will be determined by the applicable legislation but it is the responsibility of the Council to decide on a case-by-case basis how any penalty will be determined. Service areas will be responsible for developing their own internal procedures and policies where they decide to use civil penalties in lieu of criminal prosecutions and how any fee will be determined.

7.4.4 Whether issuing a Civil Penalty or prosecuting for the offence the same burden of proof will need to be met and accordingly Civil Penalties must not be issued in lieu of a prosecution where the usual burden of proof has not been met.

7.4.5 A specific process has been established to determine if it is appropriate in cases involving housing law whether to utilise civil penalties and, if so, to calculate the Civil Penalty to be applied. The Council's Housing and Community Services Committee approved the Council's Civil Penalty Calculation at its meeting of 8th March 2018.

7.5 Formal Notices

7.5.1 Certain legislation allows notices to be served requiring the recipient to take specific actions or cease certain activities. Notices may require activities to cease immediately. In other circumstances they may specify a time limit for compliance. In these circumstances, the time allowed will be reasonable and will take into account the seriousness of the contravention and the implications of the non-compliance. All Notices issued will include details of any applicable Appeals Procedures.

7.6 Works In Default

7.6.1 Certain types of notice allow works to be carried out in default. Where a notice has been served by the Council requiring works to be carried out to remedy a non-compliance and that Notice is not complied with (a breach of the Notice), the Council may exercise its power to undertake the works itself or to arrange for the works to be carried out. The Council is not under a duty to carry out works in default and will make its decision to carry out works in default on a case by case basis.

7.6.2 Where the law allows, the Council will then recover the costs incurred in carrying out the works and other reasonable expenses from the person/business on whom the Notice was served. Where there is no prospect of the costs of the work in default being reclaimed, the debt will be placed on the relevant property as a land charge, including annual interest.

7.7 **Emergency Works**

7.7.1 Emergency enforcement or stop powers will only be used where there is an imminent risk of serious harm or where there is explicit provision for the use of the powers within primary legislation.

7.7.2 In such circumstances the Council will take whatever remedial action it considers necessary to remove the imminent risk. As a matter of principle, the action taken will be the minimum necessary to achieve the satisfactory mitigation of the risk, based on the best information available at the time of making the decision.

7.8 **Refusal, Revocation or Suspension of a Licence or Permit**

7.8.1 Where there is a requirement for an activity to be carried out only under a licence issued by the Council, it may grant a licence subject to standard and/or special conditions. The Council may refuse to grant a licence if the applicant or application does not meet the required standard. Where a licence has been granted, the Council may revoke or suspend the licence where the licensee fails to comply with the conditions under which the licence is held.

7.9 **Licence Review**

7.9.1 The ability to seek a review of an existing licence is an important part of the Licensing Act 2003. Any licensed premises operating in a manner that does not promote the four licensing objectives can be brought to the attention of the licensing authority by means of a licence review.

7.9.2 The parties able to call for a Licence Review are 'Responsible Authorities' and persons who live or are involved in a business in the Council's area and who are affected by the operation of the premises ("other persons").

7.9.3 Any application to have a Premises Licence reviewed must clearly show how the operation of the individual premises has not promoted, or has worked against, one or more of the licensing objectives namely:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and
- the protection of children from harm.

7.10 Forfeiture Proceedings

7.10.1 This procedure, dealt with through an application in an appropriate court, may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods to prevent them re-entering the marketplace or being used to cause a further problem.

7.11 Seizure

7.11.1 Certain legislation enables officers to seize goods, equipment or documents, for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When the Council seizes goods, it will give a receipt to the person from whom the goods are taken and will deal with any seized goods in accordance with any relevant legislative requirements.

7.12 Injunctive actions, interim orders, enforcement orders, etc.

7.12.1 In certain circumstances, the Council may seek a court order or an injunction) which may be used to deal with repeat offenders, dangerous circumstances or significant consumer detriment. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Failure to comply with a court order constitutes Contempt of Court; this is a serious offence that may lead to imprisonment.

7.12.2 Injunctive action includes agreements and formal undertakings to improve compliance, which, if breached, may lead to the obtaining of an injunction in the civil law courts.

7.13 Simple Caution

7.13.1 A Simple Caution is a formally documented admission of guilt, but is not a form of sentence, nor is it a criminal conviction. They are an alternative to prosecutions in appropriate cases.

7.13.2 For a Simple Caution to be issued a number of criteria must be satisfied:

- Sufficient evidence must be available to prove the case;
- The offender must make a clear and reliable admission of the offence;
- It must be in the public interest to use a Simple Caution;
- The offender must be 18 years or over and should not have received a
- simple caution for a similar offence within the last 2 years.

7.13.3 A record of the Caution will be sent to the relevant government body if appropriate, and will be kept on file for five years. If the offender commits a further offence, the Caution may influence the Council's decision to take a prosecution. Further, where a person is subsequently convicted of a similar or relevant offence the Caution may be cited in court for sentencing purposes and this may influence the severity of any sentence imposed.

7.13.4 If the Caution is not administered because the offender refuses to accept it, the facts of the case will be reviewed again, without the option of a Simple Caution, and a decision to prosecute will be the likely result.

7.13.5 Details on the Simple Caution process are contained in the Ministry of Justice - Simple Caution for Adult Offender guidance (MoJ Guidance).

7.14 **Prosecution**

7.14.1 The Council will take into account this Policy, the Public Interest Test and criteria set down in the Code for Crown Prosecutor when deciding whether to initiate legal proceedings against any individual or business.

7.14.2 A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:

- Deliberately, negligently or persistently breached legal obligations, which were likely to cause material loss or harm to others;
- Deliberately or persistently ignored written warnings or formal notices;
- Endangered, to a serious degree, the health, safety or well-being of people, animals or the environment;
- Assaulted or obstructed an Officer in the course of their duties.
- Involves an element of deception, dishonesty, theft or fraud;
- Made significant gain or caused significant loss;

7.14.3 Where circumstances warrant it and evidence to support a case is available the Council will prosecute without prior warning or recourse to alternative sanctions.

7.14.4 The Council will, where appropriate, publish the names of those prosecuted and convicted to help publicise the need for businesses and individuals to comply with the law, or to deter those tempted to disregard their legal responsibilities.

7.14.5 The Council will seek to recover its investigation and legal costs to ensure that the council tax payers do not suffer through the acts of a minority.

7.15 **Proceeds of Crime Act Orders**

7.15.1 Applications may be made under the Proceeds of Crime Act 2002 for confiscation of assets in serious cases. Proceedings are conducted according to the civil standard of proof with applications made after a conviction has been secured. The purpose is to recover the financial benefit that the offender has obtained from his criminal conduct.

8. Consideration of Legal Proceedings

8.1 The Council will attempt to administer the requirements of legislation by advice and assistance wherever possible. Occasionally, however, it will be necessary to consider instituting legal proceedings. Each case is unique and will be considered on its own facts and merits. However, the same general principles will be applied to every case.

8.2 When deciding whether to prosecute the Council will have regard to the evidential test in The Code for Crown Prosecutors**.** A decision to prosecute will not be made unless there is sufficient admissible and reliable evidence that an offence has been committed by an identifiable person or legal personality/entity, and unless there is a realistic prospect of a conviction.

8.3 The Council will also consider any lines of defence which are plainly open to or indicated by the accused and to the public interest. The Public Interest test set out in The Code for Crown Prosecutors must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Factors for and against prosecution will be balanced carefully and fairly. Deciding on the Public Interest is not simply a matter of adding up the factors on each side but a consideration of how important each factor is in the circumstances of each case and an overall assessment made.

9. Work-related Deaths

9.1 The Council will investigate all incidences of work-related deaths and deaths potentially resulting from a breach of legislation it enforces. To ensure decisions on investigation and prosecution are closely co-ordinated following a work-related death, the Council will abide by the Work-related Deaths: A protocol for liaison. More detailed guidance on which can be found in the associated publication Work-related Deaths Protocol: Practical Guide.

9.2 The Police are responsible for deciding whether or not to pursue a Manslaughter or Corporate Manslaughter investigation and whether or not to refer a case to the Crown Prosecution Service to consider possible Manslaughter charges.

9.3 The Council will investigate possible offences under the legislation it enforces. If, during the course of its investigation, the Council finds evidence suggesting Manslaughter or Corporate Manslaughter, this will be referred to the Police. The Council will consider whether to bring a prosecution for other offences in accordance with this Policy.

10. Decisions on Enforcement Actions

10.1 Decisions on what appropriate action to take is made by officers as set out in the Council's published scheme of delegation.

10.2 Decisions will not be influenced by issues such as race, ethnicity or national origin, disability, gender, religion, age, political views or the sexual orientation of the suspect, victim, witness or offender.

10.3 Enforcement decisions will not be affected by improper or undue pressure from any source.

11. Legal Status of the Enforcement Policy

11.1 This Policy was approved by the Environment and Development Services Committee of South Derbyshire District Council on 6th March 2025. Minor iterations of the Policy which have been subsequently approved will be summarised in the Document Control table at the start of the document.

12. Roles and Responsibilities

- ***Responsible:*** *Service area who performs an activity or does the work.*
- ***Accountable:*** *Service area which is ultimately accountable for the service being provided*
- ***Consulted:*** *Services who need to be engaged and contribute to the policy*
- ***Informed:*** *Services or stakeholders that needs to be informed of the policy*

Responsible	Accountable
• ***All staff with responsibility for enforcement*** ○ *Responsible for complying with the Policy in all aspects of enforcement work* • ***All Heads of Service*** ○ *To ensure all staff with enforcement and regulatory responsibilities are aware of policy* • ***Assistant Director of Environment and Communities / Head of Environmental Services*** ○ *Establish and review Corporate Enforcement Policy* ○ *Ensure equalities impact assessment undertaken as part of this policy*	• ***Leadership Team*** ○ *Leadership commitment to policy aims* • ***Directors*** ○ *To ensure Directorate compliance* • ***All staff with responsibility for regulation and enforcement***
Consulted	**Informed**
• ***Assistant Director Law & People*** • ***Heads of Service*** ○ *Planning* ○ *Culture & Community* • ***Senior Licensing Officer*** • ***Council Tax?*** • ***Environmental* Services Department** • **Assistant Director (Resources and Transformation)**	• ***All staff with responsibility for enforcement*** ○ *To understand and comply to policy*

13 Sustainability Impact Assessment

This assessment is completed using the below table. Your assessment should be detailed in the "findings" section. You must detail the reasoning and the mitigation of any negative impacts. If there is 'no impact' no detail needs to be given.

	Positive impact (Y/N)	Negative impact (Y/N)	No impact (Y/N)	Assessment findings
Carbon net zero by 2030/2050			N	
Other environmental impacts – waste, biodiversity, etc.	Y	N		*Many of the legal interventions available to the Council are intended to have a beneficial environmental outcome. The purpose of the Policy is to ensure that the Council's powers are proportionately balanced with a need to support economic growth and protect against harm to people and the environment. In this respect, the Policy is fundamentally intended to achieve sustainability principles.*
ISO 14001			N	

14 Policy Review

14.1 This Policy will be fully reviewed every four years, minor amendments or changes in law will be amended at the discretion of the relevant Strategic Director and brought to the attention of the Chairman of the relevant Committee that oversees the services that deliver the functions covered by this Policy.

15 Associated Documentation

Cross-reference to associated Council policies and procedures etc

Description of Documentation
Planning Enforcement Local Enforcement Plan 2013
Civil Penalty Calculation
Complaints and Feedback Policy 2025
Anti-Social Behaviour Policy
Surveillance Policy

16 Appendices

Appendix A Policy Briefing Form

Appendix B Equality Impact Assessment Form

Appendix A Policy Briefing Form

Introduction

This form is to provide a brief update to summarise the changes/amendments to an existing policy or to provide a summary for a new policy. This form should be used for the consultation, approval and communication of all adopted policies.

Policy update

Policy Name: Corporate Enforcement Policy

Policy Date: April 2025

Version Number: 2025.1

Summary of Policy*:*

This Policy sets out the standards that will be applied across the Council in its role as a regulator and enforcement body for a broad range of statutory duties and legislative functions. It also sets out what residents, businesses and the public can expect from officers of the Council.

The purpose of this Policy is to provide guidance to ensure:

- Decisions about enforcement action are fair, proportionate and consistent;
- Officers apply current Government guidance and relevant codes of practice;
- Everyone understands the principles that are applied when enforcement action is considered.

This Policy is to be used by officers when undertaking their duties, roles and functions and sets out the approach to be followed when making decisions in respect of Council enforcement activities. The Council is committed to ensuring that all Authorised Officers act in accordance with this Policy.

This Policy applies to all Council Services where there are enforcement duties and responsibilities and should be read in conjunction with any published legislative or service specific enforcement guidance or policy which may run in parallel with this Policy.

Summary of key changes made to an existing policy.

Section	Amendment
All	The Policy has been revised and updated following the adoption of the Council Plan 2024-28, to enhance clarity and align with best practice in order to meet the new Council Plan aspirations.

Appendix B Equality Impact Assessment Form

The outcome of the assessment was included in the supporting Committee Report to Environment and Developmental Committee on 6th March 2025.

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