

## **Co-ordinated Enforcement – Background**

It is recognised that the Council is responsible for a number of different regulatory regimes. Each comes with its own powers. Some issues transcend different regulatory regimes. There could, for example, be a change of use of business premises without planning consent, having undertaken works without building regulations approval, without the proper licence for the new activities, and without having regard to the health or safety of staff and/or customers. The business might also be causing disturbance to nearby residents.

This process is intended to help officers to resolve such issues as effectively and efficiently as possible.

Any officer will be able to initiate this process. We do not wish to over-engineer this – it is about dealing more efficiently and effectively with issues, rather than adding to workload. Without wishing to be prescriptive, it is suggested that the process be used in circumstances such as the following:

- a. Where there appears to be a serious/persistent issue which has not been resolved.
- b. Where an issue appears to cross a number of service areas of responsibility or is apparently not covered at all by any current service, and is not currently being resolved effectively.

An issue could have originated as a complaint by a resident or business, or raised by a Councillor. It could have arisen in the course of an investigation.

The key guiding principle is to re-affirm that the victim is at the centre of what we do, and to use all available tools to resolve the issue to the satisfaction of the “victim” (if there is a specific victim). We need to use the tools available to gather and evaluate evidence, and to take informal and formal action as necessary in order to assure the resolution. Due regard needs to be had to the evidential and public interest tests, in line with the Code for Crown Prosecutors.

If a matter is not within the Council’s sphere of influence, or is a better fit with the role of another public sector organisation, we will refer the matter to them, and offer such assistance as we reasonably can in resolving it.

If a matter does not appear to be capable of resolution to the victim’s satisfaction, we aim to inform the victim of this fact and why we consider this to be the case, at the earliest opportunity.

### **Joined-up Enforcement – Procedure**

1. Any officer may initiate the Co-ordinated Enforcement Procedure, by calling a meeting of relevant officers.

2. Anyone initiating the Co-ordinated Enforcement Procedure will be the lead officer for that matter (unless the meeting otherwise agrees that another lead is more appropriate).
3. On doing so they shall state the nature of the issue, and specify which other services are required to send a representative to the initial meeting.
4. A legal officer shall always be required to attend the initial meeting.
5. The relevant officers shall discuss the case, and shall seek to agree what powers might be engaged, what further evidence might be required, what (if any) ultimate action is contemplated. Action points arising from the meeting will be agreed.
6. The case will be closed when one or more of the following occur:
  - a. The relevant Heads of Service agree that a Co-ordinated Enforcement Team is not required to deal with the issues identified.
  - b. A warning letter having been sent, following which the “offending” behaviour ceases.
  - c. Successful completion of a prosecution.
  - d. Service of a statutory notice with which the recipient complies, or where the Council undertakes works in default.
  - e. The initial complainant being satisfied with the action taken.
  - f. The initial complainant having been informed that we have either taken all action we consider available and appropriate, or cannot take further action, and having had the reasons for this decision explained to him/her in writing.