



Coventry City Council

# **PLACE DIRECTORATE ENFORCEMENT POLICY**

October 2015

## 1 **INTRODUCTION: Commitment to the principles of good regulation and enforcement**

- 1.1 This policy sets out what business and others can expect from Coventry City Council Officers in relation to regulatory, licensing, and enforcement matters. The city council is committed to best practice irrespective of whether the matter relates to civil or criminal enforcement.
- 1.2 The primary function of local government regulatory, enforcement and licensing activity is to protect the public, the environment, and groups such as consumers, residents, tenants, workers, and businesses. However, it is important that these functions are carried out in a proportionate and consistent manner, and that those subject to regulation and those on whose behalf enforcement is carried out are aware of the Council's policy in these areas.
- 1.3 This Enforcement Policy helps to promote efficient and effective approaches to regulatory interventions and enforcement. We aim to improve regulatory outcomes without imposing unnecessary burdens on business and others subject to regulation, whilst seeking to assist economic development in the City. This Policy has been developed with due regard to the Principles of Good Enforcement set out in the following guiding documents:
- 1.4 Relevant codes:
  - The Regulators' Code <https://www.gov.uk/government/publications/regulators-code>
  - The Code for Crown Prosecutors [https://www.cps.gov.uk/publications/code\\_for\\_crown\\_prosecutors/](https://www.cps.gov.uk/publications/code_for_crown_prosecutors/)
- 1.5 Where appropriate, the Council will develop individual enforcement strategies to deal with particular issues, but in such cases the principles in this policy will be followed.
- 1.6 It is also the policy of the Council to promote awareness and understanding of our regulatory and licensing issues through education and working in partnership with other organisations.

## 2 **DECISION MAKING**

- 2.1 When considering enforcement action, officers will take into account the principles of the Regulators' Code, the Public Interest test within the Code for Crown Prosecutors, and any potential future risk. Assessment of risk will take into account current legislation and specific guidance.
- 2.2 Officers are required to make informed judgements and will be suitably trained for this responsibility. They will recommend appropriate action after considering the criteria within this Policy and any relevant written procedures.
- 2.3 Where the investigating officer believes that legal action may be required, evidence will be collected and the case will be reviewed by senior officers before it proceeds.
- 2.4 Where a decision is made to seek authority to enforce/prosecute, a report will be prepared for the appropriate Committee, except where Officers have specific delegated authority under the Council's Constitution.

- 2.5 Any person subject to potential criminal prosecution action will be invited to send written representations to the Council for consideration prior to any final decision being made.
- 2.6 In respect of enforcement action, the Council will comply with any relevant pre-action protocols, regulations, and statutory guidance before commencing such action. It is the Council's policy to always apply to the court for a convicted person to pay the Council's investigation and prosecution costs.

### **3 ACCOUNTABILITY**

- 3.1 If any person is aggrieved by the conduct of Council officers, they may register a complaint or comment in accordance with the City Council's "Compliments, Comments and Complaints procedure". This can be completed either:
- (i) On-line: [http://www.coventry.gov.uk/form\\_speakup](http://www.coventry.gov.uk/form_speakup), or
  - (ii) By telephone – 0800 269851
- 3.2 Taking this action does not affect any right to complain to a local Councillor or to the Local Government Ombudsman.
- 3.3 Where a legal notice has been served, or a formal legal process, any appeal should be made to the appropriate authority or body (in accordance with appeal details which will be enclosed with each statutory notice). The Council complaints procedure, mentioned in paragraph 3.1, would not be applicable in this case.

### **4 OTHER RELEVANT LEGISLATION**

- 4.1 Consideration will be given to the provisions of the Human Rights Act 1998 and the Equality Act 2010, or any subsequent similar legislation, when considering action in respect of regulatory enforcement work. Particular attention will be given to:
- Article 6: Right to a fair trial
  - Article 8: Right to respect for private and family life, home and correspondence
  - Article 14: Prohibition of discrimination on any grounds
- 4.2 Surveillance techniques employed by this authority will be in accordance with current surveillance legislation and codes of practice applicable to local authorities.

### **5 PUBLICITY AND SHARING OF EVIDENCE**

- 5.1 Coventry City Council will share intelligence and evidence, secured in the ordinary course of our business, with other statutory enforcement bodies and relevant partners in accordance the Data Protection Act 1998 and our duties under Crime and Disorder Act 1998 section 17.
- 5.2 Information will be made available in public registers where the legislation requires it. These will be freely available for public viewing within normal office hours.

### **6 REVIEW**

- 6.1 The City Council will periodically review this policy to reflect changes in legislation, guidance and best practice.

### **7 COMMENTS ON THIS POLICY**

- 7.1 Organisations or individuals who may wish to comment on this Policy are invited to send their comments, in writing to: [environmentandhousing@coventry.gov.uk](mailto:environmentandhousing@coventry.gov.uk)
- 7.2 This policy is also available on our web page: [www.coventry.gov.uk](http://www.coventry.gov.uk)