
Southend on Sea Borough Council Environment and Regulatory Enforcement Policy

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1 Introduction

Southend-on-Sea Borough Council's shared ambition to transform the borough by 2050 is aligned to five themes, with related desired outcomes:

Pride & Joy - By 2050 Southenders are fiercely proud of, and go out of their way, to champion what our city has to offer

•**Safe & Well** - By 2050 people in Southend-on-Sea feel safe in all aspects of their lives and are well enough to live fulfilling lives

•**Active & Involved** - By 2050 we have a thriving, active and involved community that feel invested in our city.

•**Opportunity & Prosperity** - By 2050 Southend-on-Sea is a successful city and we share our prosperity amongst all of our people

•**Connected & Smart** - By 2050 people can easily get in, out and around our borough and we have world class digital infrastructure

This Policy also supports the more specific desired outcomes for each theme, including:

- Our streets and public spaces are valued and support the mental and physical wellbeing of residents and visitors. People in all parts of the Borough feel safe and secure at all times.
- A range of initiatives help increase the capacity for communities to come together to enhance their neighbourhood and environment.
- We are leading the way in making public and private travel smart, clean and green.

To help achieve these goals, our approach requires effective joined up enforcement and regulation.

This policy explains our approach within a framework of legislation in the areas of:

- Animal welfare
- Anti-Social Behaviour
- Environmental Crime
- Food Safety
- Health and Safety

- Private Sector Housing
- Highways
- Licensing
- Trading Standards
- Private Hire/taxi licensing
- Private Sector Housing
- Public Health

This policy does not cover enforcement action relating to:

- Education (school attendance and child employment)
- Finance
- Planning and Development Control (including Building Control)
- Parking
- Social Services

For information on the above please refer to the Councils website www.southend.gov.uk

This policy is intentionally at a high level as it cannot cover every eventually, especially where there are specific local or national standards which have to be met.

The Council will also follow the principles of

- the Regulators-Code (www.gov.uk/government/publications/regulators-code) and the Enforcement Concordant (Central and Local Government Enforcement Concordat, March 1998)
- Enforcement contained in the Legislative and Regulatory Reform Act 2006 (enforcement is proportionate, targeted, transparent consistent and accountable)

2 Aims and Objectives

The Council's aim is to carry out its enforcement and regulatory approach in a fair and consistent manner across the borough. In doing so the Council will act in accordance with the standards set out in this policy and any other supplementary policy. This policy will be underpinned by more detailed service specific policies which are not contained here but will be available on the Councils website, they will link to the standards below.

The aim of the policy is to improve the local environment for those that live, visit and work in the borough.

In particular we will:

- Provide clear advice and guidance to those we could potentially enforce and regulate to help them meet their responsibilities, including through the Councils website, printed information, face to face visits
- Provide ways to engage with those we could potentially enforce and regulate to hear their views e.g. Stakeholder groups such as Pub Watch
- Ensure that staff are properly trained and adhere to Council policy and standards
- Ensure our approach is fair, consistent, and transparent
- Take immediate action where appropriate to protect people, animals and infrastructure

3 Principles

Our approach will adhere to the following principles:

- any action will be proportionate to the scale of any non-compliance
- the Council will apply a consistent approach to its activities
- enforcement and regulation will normally be a final means of securing compliance, except where there is wilful intention and/or advice has been ignored, or where a specific agreed policy is in place.

- the Council reserves the right to take immediate action, without warning, where the impact on the health or wellbeing of local people, animals, the environment and/or borough infrastructure will be significant
- prosecution will normally occur where it is in the public interest to do so
- action taken will take due regard of the Council's Equal Opportunities and Customer Care Policies
- regard shall be given to protect the rights of individuals e.g. the Human Rights Act 1998

4 Service Standards

The Council will endeavour to meet the highest standards of Enforcement and Regulation. The following service standards will apply:

Accessibility and Communications

- Submitting reports and enquiries will be a clear and accessible process
- Reports and enquiries will be dealt with professionally and timely
- Provision of clear advice and guidance to prevent non-compliance or further non-compliance

Staff Conduct and Behaviour

- Officers will always carry Identification and announce themselves except where it would impede the purpose of the visit
- Officers will provide their contact details when requested
- Officers will always be professional and courteous, adhering to the Council's values and behaviours
- Officers will be suitably qualified and trained, with ongoing access to continuous professional development

- All activity will be conducted in a manner that respects equality and diversity

Investigation and Enforcement Action

- Investigate non-compliance thoroughly and appropriately using an evidence-based approach
- Seek to build strong relationships with residents and local businesses which aid compliance and investigation
- Where non-compliance may result in further action, we will where appropriate, discuss the matter further with the individual or business concerned, unless to do so would impede the investigation or where immediate enforcement action is required
- The Council will consult with other Enforcement agencies or any agency it deems fit to ensure the correct action is being carried out

Appeals and complaints

- Where there are rights of appeal against formal action, relevant information will be clearly set out to maintain transparency
- The Council reserves the right not to investigate anonymous complaints if further evidence to support any non-compliance cannot be obtained
- Any complaint about an officer of the Council will be dealt with via the Councils Complaint Procedures (www.southend.gov.uk/complaints-subject/general-complaints/1)

5 Monitoring

To ensure the effectiveness of our enforcement and regulatory functions, we will:

- Provide the opportunity for individuals and businesses to report issues to the Council, monitoring the trend or reports to ensure we remain effective
- Regularly engage with service users so they can comment on the effectiveness of our services

- Collect and monitor the different type of enforcement and regulatory actions, including those listed in Table 1

6 Formal Actions

Formal enforcement and regulatory actions will normally be instigated where one or more (but not limited to) of the following apply:

- Informal approaches have failed
- Immediate action is required due to such seriousness that informal action is inappropriate
- To protect or remedy conditions relating to health, safety and the environment
- There is a need to ensure a decision or the policy of the Council is enforced

7 Types of actions to resolve non-compliance

The Council in line with the principles and standards set out above will make use of the following as appropriate

Table 1

Action	Explanation
General, education advice and guidance	Any material provided by the Council to support an individual or business in complying with their responsibilities
Verbal Warning	Warnings are appropriate for advising offenders about contraventions that are easily remedied. Officers will issue suitable advice and guidance and set an appropriate timescale for remedial action. A verbal warning will be recorded by Authorised Officers
Written Warning	Council officers have the option to serve the offender with a written warning regarding the offence stating the necessary future conduct. The warning will note that no formal action will be taken and can be used as a factor in any future assessment where a similar offence occurs

Caution	A Simple Caution (previous known as a Formal Caution) is a non-statutory disposal for adult offenders. It may be used for cases involving first time, low-level offences where a Simple Caution can meet the public interest. An admission to committing the offence is needed from an offender, which should be recorded by the Council officer. A Simple Caution forms part of an offender's criminal record and may influence how they are dealt with, should they come to the notice of the Council again. The fact of the Simple Caution may also be cited in court in any subsequent court proceedings. Simple Cautions are not covered under the Rehabilitation of Offenders Act 1974 and therefore, never become spent.
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Formal Notice	The Council has a wide range of powers to require compliance for a person or business. We have the power to close premises and execute work in default. Failure to comply with a notice can result in prosecution
Surveillance	The Council operates a number of closed-circuit television cameras (CCTV) for the detection and prevention of crime, video recordings maybe used in evidence. At all times the Council will have the appropriate authorisation when using this type of surveillance
Fixed Penalty Notice (FPN)	Authorised Officers of the Council can issue FPNs for various offences e.g. littering, dog fouling, riding on the pavement etc
Suspension, seizure, forfeiture or voluntary surrender of goods	The Council has a wide range of powers to carry out these actions, goods can include: unsafe products, counterfeit products, unfit food, sound equipment etc. Items may also be seized where they are required for evidence
Refusal, Suspension, amendment, or Revocation of a licence	Authorised Officers can carry these actions based on legislative requirements
Criminal Behaviour Order (CBO)	Issued by a court normally where an offence has occurred, the order intending to prevent re-occurrence
Community Protection Notice (CPN)	Authorised Officers can issue a notice with specific actions to prevent re-occurrence, a CBO may also result if this is breached
Community Protection Warning (CPW)	Authorised Officers can issue a warning, intended as first stage of compliance, which can lead to a CPN
Public Space Protection Order (PSPO)	Issued under the Anti-Social Behaviour, Crime and Policing Act 2014, Authorised Officers can issue a FPN if certain conditions are breached e.g. drinking in a no drinking zone, erecting a tent in a public place
Works in default	In relation to housing on occasions when works are not completed following a formal notice or when delay is unacceptable, the council may carry out those works and recover the cost from the responsible parties
Management Order	In cases of licensable dwellings which have no reasonable prospect of becoming licensed or where the council has concern for the health, safety or welfare of occupiers, the council will issue an Order to take charge of the management of the dwelling during which time it will use rental income to ensure pre-existing and continuing deficiencies are removed. Where the income is insufficient, additional charges may be applied to the dwelling.
Rent Repayment Order	In certain actions under the Housing Act 2004, the council may either seek, or assist occupiers in seeking, an Order to require repayment of some or all of rents paid while an offence continued

Banning Order	In addition to any penalty applied by the courts, the council may seek a Banning Order to be imposed on landlords who are convicted of Housing Act 2004 offences
Civil Penalty Notice	As an alternative to Formal Notice or prosecution under the Housing Act 2004, authorised Officers of the Council may issue a Civil Penalty Notice in line with the Council's CPN policy
Prosecution	Prosecution in Magistrates or Crown Courts. We will endeavour to ensure this only happens when other approaches have failed, or it is in relation to serious cases. We do not always warn or issue a statutory notice before taking prosecutions. We will seek to recover the costs that we have incurred in bringing the prosecution

7 Partnership Working

The application of this policy and in some cases the actions carried out by the Council are supported by (but not limited to) the following partners;

- Police
- Other relevant Government enforcement and regulatory agencies
- Other Local Authorities
- Local action and neighbourhood groups
- Housing Associations and housing representatives e.g. landlords
- Volunteers
- Businesses

8 Data Protection

Where relevant and appropriate, the Council may share data with partners to apply this policy. Any sharing that involves personal data will be carried out in line with Data Protection legislation (the General Data Protection Regulation and/or the Data Protection Act 2018).

9 Equalities

Enforcement decisions will be fair, impartial and objective and will not be influenced by issues such as the ethnicity or national origin, gender, religious beliefs, political views or sexual orientation of the suspect, victim, witness or offender.

Officers carrying out enforcement will have had equality and diversity training.

10 Review

This policy will be reviewed at least every 3 years and amended as required to comply with all relevant legislation and national standards.

For enquiries about this policy please contact council@southend.gov.uk

