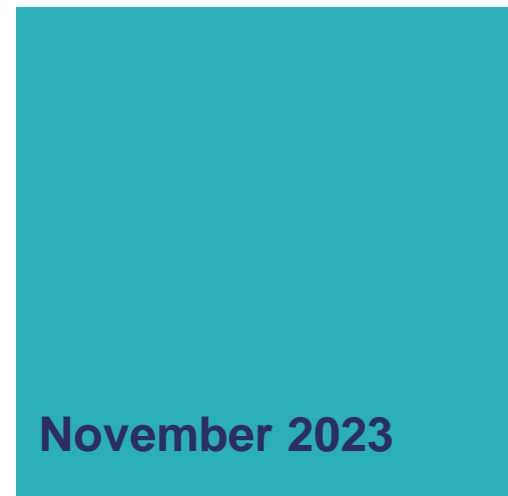




Environment and Regulatory Enforcement Policy



Environment and Place

Environment and Regulatory Enforcement Policy

Version	Date	Author	Rationale
1.0	November 2020	Neighbourhoods and Environment	New policy, replacing any previous policy in relation to Environment and Regulatory Enforcement
2.0	November 2023	Environment and Place	Policy Review and to update to city status

Authorised by			
Name	Date	Item	Ref
Cabinet	14/01/2021	740	Agenda for Cabinet on Thursday, 14th January, 2021, 2.00 pm (southend.gov.uk)

Next review	Date
1	2026
2	2029

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1. Introduction

The city of Southend-on-Sea is a connected, ambitious, creative and diverse place to live, work and visit. It provides a warm welcome to all. Our corporate plan for 2023 to 2027 sets out the council's focus, what we aim to deliver for our residents, businesses and millions of visitors, and how we will look to transform as an organisation.

Our plan sets out four main priorities that we want to achieve for the city. These are:

- **A growing city with a strong and prosperous community**
Our objective is to boost our local economy in a way that benefits everyone, enhance the city's role as a place for prosperity and opportunity, safeguard businesses and help those most affected by cost-of-living pressures.
- **A safe city with a good quality of life for all**
Our objective is to build strong resilient communities and create a city that is safe for all. We will ensure the right care and advice is available for those who need social care support.
- **A clean city with a resilient environment**
Our objective is to protect and enhance the street scene, tackle environmental sustainability, adaptation and resilience.
- **A transforming council delivering efficient, cost-effective services**
Our objective is to work hard to achieve better value for money for our residents, transform as an organisation and deliver against service standards.

Recently becoming a city gave us the opportunity to create something special. We can build on our strengths. We can create a more equal and inclusive Southend-on-Sea. We can create a place where everyone who lives here has an equal chance to succeed. Further information can be found on our website under [Corporate Plan](#).

This policy supports the more specific desired outcomes from the three overarching city-focused priorities, 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 city 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 effective public and private travel choices, which are 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:-

- Air Quality
- Animal Feed
- Animal Health
- Animal Welfare
- Anti-Social Behaviour
- Environmental Crime
- Environmental Protection
- Food Safety and Standards
- Health and Safety
- Highways
- Selective Licensing
- Stray Dog Service
- Trading Standards
- Private Hire/taxi licensing
- Private Sector Housing
- Public Health

This policy does not cover our approach relating to:-

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

For information on the above please refer to the Council's website www.southend.gov.uk

This policy is an overarching policy that applies to the services listed above. It should be noted that some of these services have specific legislative guidance and regulations which set out the enforcement requirements.

The Council has developed this guidance in accordance with the principles of:-

- The Regulators Code www.gov.uk/government/publications/regulators-code;
- 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 city. 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 Council's 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 city. In particular:-

We may:

- Provide clear advice and guidance to those we could potentially enforce and regulate to help them meet their responsibilities, including through the Council's 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

We will:

- Ensure that staff are properly trained and adhere to the Council's policy and values and behaviours
- Ensure our approach is in line with the principles of good regulation
- Take immediate action where appropriate to protect people, animals and infrastructure

3. Principles

Our approach will adhere to the following principles:-

- Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence;
- Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures;
- Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by other regulators. We will seek to ensure consistency of enforcement; however, we realise that consistency is not a simple matter of uniformity. Officers will exercise their professional judgement and discretion according to the circumstances of each individual case and the relevant responsibilities and intervention systems that we maintain;
- Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return; and
- Targeted – we will focus our resources on higher risk enterprises and activities reflecting local need and national priorities and where we believe our efforts are able to have an impact;
- Regard has been given to the Regulators' Code, however there may be instances where adherence to the Code is not considered relevant, or statutory guidance and legislation specifies the action that should be taken;
- Where immediate enforcement is required the opportunity for discussion may not be given where there is a serious breach or public health or safety is at risk.

- As a public authority for the purposes of the Human Rights Act 1988 this policy and associated enforcement decisions taken account of the provisions contained in this Act. In particular, due regard is had to the right to a fair trial and the right to respect for private and family life, home and correspondence.
- Action will be taken with due regard to the Council's Equal Opportunities Policy
- We will have regard to the provisions of The Code for Crown Prosecutors [The Code for Crown Prosecutors | The Crown Prosecution Service \(cps.gov.uk\)](https://www.cps.gov.uk). The Code sets out the two tests that must be satisfied referred to as the Evidential Test and Public Interest Test.

Evidential test – that there is enough evidence to provide a realistic prospect of conviction against each alleged offender.

Public interest test – which will be decided on the merits of each individual case and making an overall assessment.

4. Service Standards

We 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
- Advice given to prevent non-compliance, and the actions required, along with the reasons for these actions, will be clearly explained.
- Where appropriate, alternative methods of communication will be provided.

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
- We 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
- We reserve the right not to investigate anonymous complaints if further evidence to support any non-compliance cannot be obtained
- Any complaint about an officer will be dealt with via the Councils Complaint Procedures which can be found on our website here: [General complaints](#).

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 us, 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 this policy is enforced.

7. Types of actions to resolve non-compliance

In line with the principles and standards set out above will make use of the following as appropriate.

Table 1.

Action	Explanation
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
Caution	A Simple Caution is a non-statutory disposal for adult offenders. It may be used for low-level offences, mainly first-time offences without a prosecution. An admission to committing the offence is required from an offender and can only be used where there is sufficient evidence to provide a realistic prospect of conviction if it were to go before the Courts. The Council will adhere to its guidance issued by the government on Simple Cautions. Simple Cautions are spent immediately they are administered but may need to be disclosed where the occupation of the individual is exempt from the Rehabilitation of Offenders Act. This means that for some licences applications the individual must declare a Simple Caution.
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 policy
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
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
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
General, education advice and guidance	Any material provided by the Council to support an individual or business in complying with their responsibilities
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.
Prosecution	Prosecution in Magistrates or Crown Courts. The evidential and public interest test will be applied before a prosecution is taken. We do not always warn or issue a statutory notice before taking prosecutions, where it is considered appropriate not to do so. We will seek to recover the costs that we have incurred in bringing the prosecution.
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

Action	Explanation
Refusal, suspension, amendment, review or revocation of a licence	Authorised Officers can carry these actions based on legislative requirements. Where appropriate this may include a listing the matter for hearing by a licensing committee
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
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
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
Works in default	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
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

8. 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

9. Data Protection

Where relevant and appropriate, we 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).

10. 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.

11. Policy Review

This policy is a living document and will be reviewed and updated if/when statute or national standards or best practice requires it. This policy will be reviewed every 3 years.

Review Summary

Version	When Reviewed	Summary of Changes Made
V1.0	November 2023	Overall: Update to City status and new corporate look Updated the 2050 ambitions to the new corporate plan Updated the legislation area list Updates made to Table 1 Other general text updates throughout.

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

