

# Public Protection Service Enforcement Policy

Wrexham County Borough Council  
Economy and Planning Department

This document is also available in Welsh

This Policy can be made available in a variety of formats and media on request

13 May 2024

Version 5



## Versions

### Version 3

Changes: Housing and Public Protection Department – Public Protection Service Enforcement Policy

Reviewed by: P Osborne

Review date: May 2015

### Version 4

Changes: Environment and Planning Department - Public Protection Service Enforcement Policy

Reviewed by: P Osborne

Review date: February 2017

### Version 5

Changes: Economy and Planning – Public Protection Service Enforcement Policy

Reviewed by: P Osborne / B Pomeroy

Review date: September 2023

Next review: September 2025

## Amendment, Update and Review Record

### Amendment 1

Updated by (Name and Title): P Osborne (EHO)

Date: 20 March 2017

Version 4 - Agreed with Service Manager and subsequently sanctioned by Lead Member Delegated decision 20 March 2017.

Amendments are summarised as follows:-

- corrections of grammar
- update of terminology to reflect changes in the Council's departmental structure and associated reporting arrangements
- insertion of a clause and associated appendix referring to other relevant policies and procedures to which regard must be had when considering enforcement in those specific subject areas.

**Amendment 2**

Updated by (Name and Title): P Osborne (EHO)

Date: 16 August 2017

Revision to appendix to update sub-policies list

**Amendment 3**

Updated by (Name and Title): B Pomeroy and P Osborne (EHO)

Date: September 2023

Update includes:

- Regulation of Food Safety and Food Standards
- Targeted interventions
- Fixed Monetary Penalties
- Fixed Penalty Notices and Fixed Penalty Notices for Disorder
- Discretionary Requirements
- Shared Enforcement Role
- Other Enforcement Sanctions

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# 1. Introduction

Intelligence-led and targeted regulation is essential in promoting fairness and protection from harm. The Public Protection Service fully recognises that effective regulation needs to be proportionate and flexible. Good businesses need good regulators and good regulators work constructively with businesses to ensure fair competition and support thriving local economies. This policy also applies to the enforcement work that we undertake with the general public. Where appropriate we will seek to provide advice and information to the public. However, in some circumstances immediate enforcement action may be necessary. Such enforcement action will only be undertaken when the relevant sections of this policy have been taken into account.

The Council is committed to promoting efficient and effective approaches to regulatory inspection and enforcement that promotes key regulatory outcomes without imposing unnecessary burdens.

Key Regulatory Aims:

- fewer health inequalities;
- fewer food poisoning or animal disease outbreaks;
- fewer accidents, injuries and ill health caused by work;
- less pollution and other environmental crime
- safer and stronger communities
- improved standards of business compliance.

We will therefore adopt a positive, proactive and balanced approach to ensure compliance. This will be achieved through a combination of:

- Advice, information, help and support for businesses and the public which reflects needs and expectations; and
- Intelligence-led, targeted and proportionate interventions where regulatory breaches are identified.

This policy outlines how we propose to embed these principles in practice. We describe our general approach and the circumstances in which serious regulatory sanctions like prosecution will be considered and applied so that local residents and citizens fully understand our approach to effective regulation in Wrexham.

We have developed effective policies to deal proportionately with criminal activity which would have a damaging effect on legitimate businesses and in achieving desired regulatory outcomes. However, there is also an expectation that legitimate businesses work with regulators to improve standards of trading thereby supporting the achievement of regulatory outcomes.

This policy is primarily focused on regulation of the business community but a number of regulatory functions involve enforcement against individual's e.g. dog fouling, littering and anti-social behaviour. Where enforcement action is considered against, individuals we will take into account the relevant principles and standards outlined in this policy.

This policy must be read in conjunction with policies covering specific subject areas, a list of which is attached at Appendix A; the list is updated from time to time as new policies are approved and adopted or existing policies are revised.

## **2. Our Approach**

### **2.1 How will we work in practice?**

We have adopted accepted principles of effective enforcement. These include:

#### **Being Open**

We will provide information in clear and simple language and explain how we intend to support legitimate businesses and the general public in order to protect consumers and citizens.

#### **Being Helpful**

We believe prevention is better than cure and will therefore explore ways to encourage businesses and the general public to seek help and advice so we can help businesses 'get things right first time'.

#### **Responding positively to complaints about our service or approach**

Ideally, if we get the approach right we should not get many complaints but we have a clear pathway to report and hopefully resolve complaints satisfactorily.

#### **Taking proportionate and sensible action where legislative breaches are identified**

We will establish the facts and circumstances which led up to the breach, we will consider the action taken to reduce the effect of the breach and we will assess the approach proposed to take to avoid future breaches as part of our deliberations around possible sanctions.

#### **Being fair and consistent**

We will ensure our own policies and practices are fully understood and applied by our officers on the ground. We will invest in their learning and development, and whilst we expect our people to exercise discretion and work to high levels of professional practice, we have developed safeguards to ensure our policies and practice is applied fairly and consistently. The approach includes effective liaison with other regulatory and enforcement agencies and adhering to the latest national guidelines and best practice.

## 3. Effective Regulation

### 3.1 Supporting Economic Prosperity

Effective regulation and enforcement are critical to supporting economic prosperity. Good regulators are aware of the issues affecting economic prosperity and the impact that they have on both individual businesses and the local economy if they get the balance of regulation and enforcement wrong. Therefore, this enforcement policy and the way it is implemented fully takes into account the need to support legitimate businesses through a programme of effective advice and information in the first instance to 'help businesses get things right first time'. This approach delivers benefits for regulators and businesses. Our approach is one of 'prevention is better than cure':

Our approach will involve:

- a) Working proactively to develop constructive and trusting relationships with local businesses, particularly new businesses, so that they are confident about seeking help if things go wrong rather than trying to hide things and make matters worse
- b) Understanding and taking into account the size, complexity and scope of business operations to provide an appropriate and proportionate level of advice and support, particularly having regard to the impact of regulation on small to medium sized businesses
- c) Consulting with local businesses, identifying their needs and expectations and providing an appropriate level of advice and support to meet or preferably exceed those expectations
- d) Providing responsive and effective business advice so that businesses can get access to high quality people to help them comply with the law through the provision of sensible and pragmatic advice
- e) Using intelligence-led and targeted interventions based on an objective assessment of risks so that resources are appropriately directed to areas of the highest risk
- f) Developing an effective system for the resolution of disputes so that the right regulatory outcomes can be achieved without creating unnecessary burdens for businesses
- g) Systematically and regularly reviewing our policies, strategies and practice in order to ensure they remain relevant and effective in achieving regulatory outcomes without imposing unnecessary burdens on businesses.

### 3.2 Using Effective Risk Assessment Methods

Effective risk assessment will guide all of our regulatory and enforcement activity. It will inform how we use our resources to focus on areas of high risk so that they are used to maximum effect in supporting business and protecting consumers thus leading to improved regulatory outcomes.

We will use risk assessment to:

- a) Identify the likelihood of significant risks to health, safety, or wellbeing of local people and communities, the environment and fair trading and economic prosperity; and
- b) Ensure that our actions and interventions are based on a detailed analysis of the best evidence available so that resources are effectively targeted at and successful in reducing the highest risks to local people, communities and legitimate businesses.



Our risk assessment framework includes an assessment of the combined effect of:

- a) the potential impact of non-compliance on regulatory outcomes; and
- b) the likelihood of that non-compliance occurring.

Our intelligence-led, evidence-based approach will inform the development of a programme of planned inspections.

In evaluating the likelihood of non-compliance, we will consider the following factors:

- a) previous levels of business compliance and the identification of potential future risks;
- b) the existence of effective risk management systems;
- c) evidence of regular and effective third party assessments; and
- d) management competence and willingness to comply.

For regulation of Food Safety / Food Standards. The enforcement standards for Food Authorities are set out in the relevant Guidance and Codes of Practice issued by the Food Standards Agency, with Council procedures based thereon.

For Health and Safety at Work related enforcement matters, 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. The Council has a specific Health and Safety Enforcement Policy.

### **3.3 Focusing on Prevention**

A key focus of our approach to prevention will involve developing positive and constructive working relationships with businesses through existing networks and contacts. We recognise that small businesses, in particular, can be overwhelmed by the scale and complexity of legislation covering their business operations.

In all our dealings with businesses we will aim to:

- a) where necessary and appropriate, provide sector-based information, advice and guidance;
- b) provide general information, advice and guidance to make it easier for businesses to understand and implement what needs to be done;
- c) ensure the information, advice and guidance we provide is simple, clear and concise and is available in a range of formats and media; and
- d) regularly and systematically assess the quality and accessibility of our information, advice and guidance to ensure it remains accurate, reliable and fit for purpose by assessing satisfaction levels with businesses.

We will always try to ensure that, in all our dealings with businesses, we differentiate between specific legal requirements and guidance/best practice aimed at delivering improvements above minimum standards. However, we will actively encourage businesses to strive to achieve higher standards and help to support those that wish to take this approach.

Advice services will generally be provided free of charge. Where charges are applicable we will make this clear in advance of the provision of any of these services. For example, our Primary Authority relationships is an advisory charged service.

### 3.4 Targeting Inspection Visits and other Interventions

#### No inspection without a valid reason

We will try not to undertake any inspection visits to business premises unless there is a specific and justifiable reason for so doing. Any programmed inspection visits will be informed by the use of a robust and transparent risk assessment framework. The risk assessment framework will be used to deploy resources and direct inspections where appropriate. Examples of inspections that may be undertaken include licensed animal breeders and boarders, permitted industrial process, private water supplies, HMO's and premises registered for food.

#### Timely and effective feedback

At the conclusion of any inspection visit, our officers will give a verbal update of his/her findings in order to seek agreement on the proposed corrective actions. This will include an outline of good practice as well as areas of improvement. Where appropriate, advice, guidance or specific instructions will be confirmed in writing.

#### Joint Inspection Visits

We will try to coordinate our inspection programmes so that businesses are not subject to multiple inspections where this is sensible and practical. We will develop our inspection programmes to ensure that we achieve the right balance between providing the right information and advice at the right time against the need to avoid contact with different specialist inspectors. We will also work collaboratively with other regulatory agencies to ensure that, wherever practicable, our respective inspection programmes do not cause unnecessary burdens for businesses. This will include the development of information sharing and inspection protocols where the shared regulatory outcomes can be achieved through a co-ordinated approach to inspection visits. An example of this is carrying out a food hygiene / standards inspections with the housing team and fire service where there may be living accommodation above.

#### Targeted interventions

The Public Protection Service will direct regulation and enforcement activity primarily towards those businesses or individuals whose activities give rise to the most serious risk, where risks are less well controlled or where potential victims are considered vulnerable. Action will be primarily focused on those directly responsible for the risk and establishing who is best placed to control it.

We will endeavour to prioritise regulatory effort and resource via a range of interventions.

#### Sampling/test purchasing exercises

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 proactive officer initiative. Planned exercises are determined based on a risk assessment of local, regional and national intelligence, statistics and any co-ordinated programmes, concentrating efforts into areas of trade or products to ensure the most effective use of resources.

## 3.5 Reviewing Processes for Requesting Information

### Keeping requests for information to a minimum

We will try to ensure that we do not ask businesses for information unless it is absolutely necessary to verify compliance with key legislation and we will develop information systems to try to avoid any situations where we ask for the same information more than once.

### Offering choice in the way businesses are able to provide information

Where information has to be provided we will try to ensure that the systems and processes for providing such information are clear, simple and accessible. In particular, we will develop appropriate web-based applications to allow for electronic submission and to offer a choice of access routes based on an analysis of business expectations.

### Data Protection

We will also try to ensure that any information or data we hold is accurate, regularly cleansed and safely stored.

### Using Intelligence-led and Targeted Enforcement

We recognise that the majority of businesses we come into contact with are legitimate and want to engage constructively with regulators. We have described our approach to prevention through advice, information and guidance to this group of businesses. However, we also recognise, as do the vast majority of the business community, that there is no place for those who wish to operate outside the regulatory framework. Therefore, our approach will be different for individuals and businesses who:

- a) operate fraudulently or unfairly; and/or
- b) persistently use unfair trading practices and fail to follow advice; and/or
- c) put at risk the health, safety and well being of workers, customers consumers and visitors; and/or
- d) persistently fail to follow advice about legal requirements despite significant attempts from the regulator to ensure compliance; and/or
- e) attempt to gain a competitive advantage over legitimate businesses through fraudulent, unfair or unsafe trading practices.

## 4. Regulatory Enforcement Sanctions

### 4.1 Decision to undertake formal enforcement

When the advisory approach fails to secure an adequate level of compliance, formal enforcement action will be the next step. Where formal enforcement action is being considered (Step 3 below) we will always try to explain reasons for the proposed action. A decision to take formal enforcement action will only be taken after all reasonable efforts to secure compliance have been exhausted, except where the non-compliance is of a very serious nature and immediate action is necessary and appropriate. Any such decision made will be communicated in a timely and effective manner.

When considering what form of enforcement action to take in order to seek compliance, regard must be had, where applicable, to the Home, Lead, Originating or Primary Authority Schemes. In particular, if a business has a Primary Authority partnership with a Local Authority, (subject to specified exceptions) no formal action should be taken without that Local Authority being notified and following the procedure to establish whether that Local Authority would intend to block the proposed enforcement action if it is viewed as conflicting with Primary Authority Advice given to the business.

### 4.2 Levels of Enforcement Action

Where evidence of legislative non-compliance has been established the following hierarchy of approach will be considered:

#### Step 1: Promotion

as part of our ongoing programme of advice, information and assistance we will seek to persuade by negotiation the adoption of good practice and to increase the businesses understanding of the legislation in order to secure improved levels of compliance. This will involve the broad range of activities described in this document and through direct contact with businesses and trade associations.

#### Step 2: Informal Warnings

will be used when there is evidence of non-compliance but the nature of that non-compliance does not warrant formal action. For example, this might be technical issues resulting from a lack of understanding or misinterpretation of the advice, information or guidance which has been provided. The nature of the non-compliance together with the corrective action necessary to put the matter right will be explained verbally and confirmed in writing together with a deadline for completing the corrective action. The business will be afforded the opportunity to have these decisions reviewed by a senior manager if they believe the warning was unjustified or inappropriate.

#### Step 3: Formal Enforcement Action

this includes the issuing of statutory notices, written undertakings and enforcement orders; refusal to grant or revocation of a licence or registration; the issue of cautions, fixed penalty notices, penalty notices for disorder and/or prosecution. This course of action will be taken in accordance with statutory legal procedures, relevant codes of practice and any national professional guidance.

Additionally, where members of the public need protection from behaviour that is likely to cause, harassment, alarm or distress, the Council may seek an Anti-Social Behaviour Order either as an independent action or following conviction.

Where cases are considered for prosecutions or simple caution we will apply two 'tests: the Evidential Test and the Public Interest Test. For the Evidential Test we will satisfy ourselves that there is sufficient evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. This is an objective test that means a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. The Public Interest Test will be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors usually depend on the seriousness of the offence or the circumstances of the suspect.

### **4.3 Statutory (Legal) Notices, Orders and Works in Default**

Many pieces of legislation enforced by the Council provide for the service of statutory notices. These notices require a person, business or organisation to comply with specific legal requirements. Where a formal notice is served, the method of appealing against the notice (i.e. if the recipient feels that the notice is unjustified or excessive in its requirements) will be provided in writing at the same time. The notice will explain what is wrong, what is required to put things right and outline the consequences for failure to comply with the notice.

In general, failure to comply with a properly written and served statutory notice will render the recipient liable to prosecution. In some cases the Council is able to, and may carry out works to comply with the notice and recover the cost of doing so from the recipient of the notice. In some circumstances both prosecution and service of a notice may be appropriate. Costs may be recovered where possible through local land charges.

Certain legislation provides for an Order to be applied for and made at court requiring offenders to take specific actions or cease certain activities. These types of enforcement action may require activities to cease immediately where the circumstances are relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, taking into account the seriousness of the contravention, the implications of the non-compliance and any appeal period.

### **4.4 Written Voluntary Undertakings and Enforcement Orders**

Where an individual or organisation persistently fails to comply with the law, the Council may seek a written undertaking from that person that they will cease the action complained of and/or that breaches will be rectified and/or recurrences prevented. In such circumstances, the Council may determine that no further formal action will be taken.

In cases where an individual or organisation has breached or has refused to provide a written undertaking to cease the action complained of, an application to a court may be made for an enforcement order, or other formal action may be taken in accordance with the relevant legal provisions.

## 4.5 Fixed Monetary Penalties

The Authority has powers under certain legislation to impose Fixed Monetary Penalties, which are not intended to be used for more serious cases of non-compliance. Fixed Monetary Penalties are not criminal fines and do not appear on an individual's criminal record. Fixed Monetary Penalties cannot be used in conjunction with any other sanction. The form and content of such notices varies between different legislation but will generally include details of the offence, the amount of penalty, the period during which proceedings will not be taken, how to appeal and where to pay. Usually the legislation allows the authority to amend or withdraw such notices if it is appropriate to do so.

## 4.6 Fixed Penalty Notices

Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice, we may choose to administer a Fixed Penalty Notice for a first and/or minor offence. There is no requirement to issue a warning prior to taking this action, as these remedies were introduced by Government as a warning mechanism that allow prosecution to be avoided.

Fixed Penalty Notices are an offer to discharge liability for an offence instead of facing prosecution, and non-payment will therefore generally lead to prosecution unless there is evidence to show extenuating circumstances.

The Council will comply with any relevant guidance on the use of Fixed Penalty Notices. In particular, the following conditions will be satisfied:

- a) there must be evidence sufficient to give a realistic prospect of conviction;
- b) the offence is not too serious and is of a nature suitable for being dealt with by a penalty notice

## 4.7 Discretionary Requirements

Under certain legislation the authority has the power to impose Variable Monetary Penalties and Non-Monetary Discretionary Requirements.

### Variable Monetary Penalties

may be imposed up to a maximum level set out in the relevant legislation.

### Non-Monetary Discretionary Requirements

are requirements to take steps to ensure that a breach does not continue or recur. Where the authority chooses to impose Non-Monetary Discretionary Requirements it will clearly set out what those steps should be and the time period within which they must be completed. A failure to comply with the requirements is likely to result in a financial penalty.

The Authority may use Variable Monetary Penalties and Non-Monetary Discretionary Requirements in combination.

Should the Government make additional sanctions available to the Public Protection Service, we will comply with the legislative requirements for their use and provide guidance on how we will use the penalties.

## 4.8 Simple Cautions

Under certain circumstances, a caution may be an appropriate alternative to prosecution. This option will be considered before prosecution. A caution is a serious matter, and may be used to influence any decision whether or not to institute proceedings if the person (company or similar legal entity) should offend again. It may be referred to in any subsequent court proceedings.

Cautions serve the following purposes:

- a) to deal quickly and simply with less serious offences;
- b) to avoid unnecessary appearance in criminal courts;
- c) to reduce the chance of offenders re-offending.

We will comply with Ministry of Justice guidance on the cautioning of adult offenders and in particular before issuing a caution, the following conditions must be satisfied:

- a) there must be evidence of guilt sufficient to give a realistic prospect of conviction;
- b) the suspected offender must admit the offence, usually by signing a declaration;
- c) the suspected offender must understand the significance of a caution and
- d) give an informed consent to the caution.

## 4.9 Prosecutions

The Council will use discretion in deciding whether to initiate a prosecution. Where the circumstances justify it, prosecution without prior warning may take place.

The Council will consider prosecution when:

- a) it is appropriate in the circumstances, as a way to draw attention to the need for compliance with the law, especially where there would be a normal expectation of a prosecution, or where,
- b) through the conviction of offenders, others may be deterred from offending; or
- c) there is the potential for considerable harm arising from the breach; or
- d) the gravity of the offence, taken together with the general record and approach of the offender justifies it.

The decision to prosecute will always take account of the criteria set down in the 'Code for Crown Prosecutors'

Before deciding to prosecute there must be sufficient evidence for a realistic prospect of conviction taking account of any defence that may be available, and it must be in the public interest.

The following public interest criteria will normally be taken into account when deciding on the relevance of legal proceedings, although this list is not exhaustive:

- The prevalence of the type of offence
- The need for a suitable deterrent
- The risk of danger or injury to the public
- The failure to comply with a statutory notice or respond to advice about legal requirements
- The disregard of legal requirements for financial reward
- Significant financial loss, potential or actual, to a third party
- A history of similar offences
- Persistent breaches of legislation
- Where fraud, gross negligence or guilty knowledge is a factor
- Minor breaches of a number of statutes

Where possible an offender will be told as soon as sufficient evidence is obtained that a prosecution may follow. All prosecutions will be brought without unnecessary delay.

The Council will aim to maximise its effectiveness by working with other authorities and other agencies whenever appropriate, sharing intelligence where it is lawful to do so and mounting joint operations where that would bring benefits.

Outside agencies who we work with include:

- Police
- Environment Agency / Natural Resources Wales
- Health and Safety Executive
- Food Standards Agency
- Gambling Commission
- Vehicle and Operator Services Agency -VOSA
- Fire Service
- Care and Social Services Inspectorate Wales
- Healthcare Inspectorate Wales
- HM Revenue and Customs
- Defra / Animal Health and Plant Agency
- Office of Fair Trading
- Assets Recovery Agency
- The Gangmasters and Labour Abuse Authority
- The National Crime Agency
- The enforcement arms of trade protection organisations such as the Federation against Copyright Theft
- Drinking Water Inspectorate



## 4.10 Shared Enforcement Role

There are situations where the Authority shares or has a complementary enforcement role with other agencies, e.g. Police, Health and Safety Executive, Care and Social Services Inspectorate Wales. In such situations we shall have due regard to the Data Protection Act 2018 any Information Sharing Protocols, Codes of Practice or Memoranda of Understanding that exist in seeking to co-operate with those agencies.

On occasion, it will be more appropriate for other agencies or other local authorities to deal with particular breaches of legislation. In carrying out shared duties, we will still comply with our Enforcement Policy, but the other agencies will maintain the right to take any action they consider necessary.

If an offender commits an offence in a number of local authority areas, it may be more appropriate for one to take a prosecution for all the offences, including ones that took place outside of its area. In such circumstances we may enter into legal agreements for one authority to take the lead role, making use of the provisions under Sections 19 of the Local Government Act 2000 and 222 of the Local Government Act 1972 or any other enabling powers.

Where there has been a breach of the law leading to a work-related death, we will liaise with the Police, Coroner and the Crown Prosecution Service and if there is evidence of manslaughter (including corporate manslaughter) pass the case to the Police or, where appropriate, the Crown Prosecution Service.

## 4.11 Enforcement within Local Authority-run Establishments

Enforcement within Local Authority-run Establishments (or in premises in which they may have an interest). Where the Authority carries out enforcement for its own premises, steps are taken to ensure that enforcement decisions are free from any conflict of interest. Serious breaches of law are brought to the attention of the relevant Head of Service/Chief Officer and Chief Executive without undue delay.

## 4.12 Proceeds of Crime and Other Enforcement Sanctions

In appropriate cases, an application may be made under the Proceeds of Crime Act for confiscation of assets to recover the financial benefit that the offender has obtained from criminal conduct. Proceedings are carried out in accordance with the civil standard of proof and applications are made after a conviction has been secured but before the offender has been sentenced.

## 4.13 Other Enforcement Sanctions

### Detention, Seizure and Forfeiture

Certain legislation enables authorised Enforcement Officers to detain goods pending further investigations and/or 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 we seize goods, we 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.

Forfeiture (or voluntary surrender) may be used as an option in their own right, or in conjunction with seizure and/or prosecution, where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem.

### **Injunctive Actions and other Civil Sanctions**

In certain circumstances injunctive actions may be used, for example to deal with repeat offenders; dangerous circumstances; or consumer / environmental / public health detriment.

Under the Enterprise Act 2002, action will be considered where there have been persistent breaches or there is significant collective consumer detriment, and these can include Informal undertakings through to Court Orders and Contempt Proceedings.

### **Revocation, Modification, Review and Suspension**

The Authority issues a number of licences, registration documents, permits and approvals. A range of actions are available in respect of these, depending on the legislation concerned.

The Authority also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions, which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of licence conditions may also lead to a review of the licence, which may result in its revocation or amendment. The Council has a specific Licensing Policy in respect of the Licensing Act.

The Authority is responsible for issuing Environmental Permits to operators who carry out certain types of industrial processes. The permits contain conditions intended to prevent or minimise pollution. Enforcement powers include revocation and suspension of permits, and in serious cases prosecution for non-compliance with an enforcement notice.

The Authority is responsible for issuing approvals to certain food establishments. The approval authorises the handling of certain types of product within an establishment. Enforcement powers include revocation and suspension of approvals.

### **Safety certification**

The Council has a specific Safety of Sports Grounds Policy

### **Byelaws**

Public Protection will follow the principles of this Enforcement Policy in relation to relevant byelaw enforcement, and take into account any relevant guidance specific to the particular byelaw.

### **Taking Animals into Possession**

Under the Animal Welfare Act 2006, if a veterinary surgeon certifies that 'protected animals' are suffering or are likely to suffer if their circumstances do not change, we may consider taking them into possession and applying for Orders for re-imbursment of expenses incurred and subsequent disposal. Additionally horses and ponies found fly-grazing, straying or that have been abandoned may be seized and impounded and owners pursued for the associated costs. In cases of non-payment of these costs the authority may keep the animals and dispose of them in accordance with the relevant legislation.

## Gathering Evidence

Regulatory bodies are empowered to gather evidence by numerous means, including, where appropriate, covertly (without the targeted individual/s being aware of surveillance). Remote CCTV and other recording devices may be utilised. In each case appropriate authorisation will be sought prior to the undertaking of covert surveillance in accordance with the Regulation of Investigatory Powers Act 2000 (RIPA).

## Equality and Diversity

Equality and diversity issues have been considered when drawing up this policy. It reflects the Council's values, and is in line with anti-discrimination legislation. It will be applied in accordance with the legal obligations of the Council irrespective of disability, gender, race, religion, age, sexual orientation and marital status or any other grounds, which would constitute unfair or unreasonable discrimination.

The policy will have no detrimental impact on minority groups and such groups will be afforded the same level of protection from crime and anti-social behaviour and crime specifically targeted at minority groups will be appropriately addressed.

The Council will regularly review our policies and practice to ensure a continuing commitment to providing services that do not discriminate against minority groups.

## 5. General Principles of Officer Conduct

In addition to the principles set out in this Policy, officers will always present themselves professionally and courteously. Officers will, as the circumstances allow, announce who they are and in what capacity they are acting to someone in authority in the business. However, there may be occasions when officers legitimately delay identifying themselves until a later stage of an investigation, particularly where they are engaged in authorised covert operations. Officers will carry, and show their identity card or authorisation as appropriate.

Officers will engage with individuals and groups fairly, constructively and effectively without discrimination.

Documents can be provided in other formats such as audio, large print or CD.

We will ensure that all of our officers are fully aware of, and committed to, following the policies and principles outlined in this document through a programme of learning and development and management review processes. Our aim is to ensure that the policy is applied fairly and consistently across all service areas so that we achieve high compliance levels.

## 6. Having Clear Accountability for our Decisions and Actions

The Council has a clearly defined scheme for delegated authority in relation to regulatory services and enforcement policy. The Public Protection Service is part of a department managed by the Chief Officer Economy and Planning

The Chief Officer Economy and Planning and/or Head of Service, Public Protection provide elected Members with professional advice and support in addition to leading and managing the service.

The Service's contributions to the Council's Plan, are contained within Service Plans. Relevant information from Service Plan Performance and outcome arrangements are reported to senior management and members in a manner appropriate to the service area.

Regular and systematic work is undertaken throughout the year to assess satisfaction levels and to target improvement activity where satisfaction levels are found to be unsatisfactory.

Regulatory outcomes are normally defined within the councils Performance management Framework. Service Operational plans outlines the operational priorities and activities for the next 12 months.

## 7. Complaints Procedure

The Council has a formal complaints procedure in the event that businesses or members of the public wish to complain about the quality of service they have received. Where the complaint cannot be satisfactorily resolved, through the Council's Complaint's Procedure, the complainant may complain further to the Local Government Ombudsman.

## 8. Feedback and Comments

We welcome feedback on this or any of our policies. This Policy can be made available in a variety of formats and media on request.

Please direct any [feedback or comments](#) on this Enforcement Policy to Public Protection Service.

### 8.1 Contact us

#### Address

Wrexham County Borough Council, Head of Service - Public Protection, Guildhall, Wrexham, LL11 1AY

#### Phone

01978 298989

#### Email

[public\\_protection\\_service@wrexham.gov.uk](mailto:public_protection_service@wrexham.gov.uk)

## 9. Appendix A

### 9.1 Regulatory 'subject area' specific policies

- Health and Safety Enforcement Policy
- Licensing Policy
- Gambling Policy
- Safety of Sports Grounds Policy
- Food Enforcement Policy and Procedure
- Houses in Multiple Occupation Licensing Policy

Where appropriate, internal departmental procedures and Codes of Conduct are in place for various aspects of service delivery.