

Swale Borough Council

Overarching Enforcement Policy



1 - Introduction

- 1.1 This overarching enforcement policy is an umbrella policy and applies to all service areas. Extra requirements can apply to specific enforcement activities such as health and safety, licensing, planning and parking services.
- 1.2 Detailed service-specific policies and procedures, where needed, are held, updated and reviewed by the relevant service. Information about these may be obtained directly from that service.
- 1.3 This policy helps to make sure that regulatory inspection and enforcement is carried out in a fair, practical and consistent manner.
- 1.4 This policy has been written in accordance with the Regulators' Code April 2014 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf. In certain circumstances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned and based on evidence.

2 - Council aim and vision

- 2.1 Swale Borough Council has set out its strategic aims and vision in the Corporate Plan and the enforcement services of the Council carry out their duties in support of these. The specific aims that relate to enforcement services are found in service plans together with the core enforcement activities of the service.
- 2.2 Good regulation and enforcement helps to support the local economy and a safer and more enjoyable environment for residents.

3 - Principles of good regulation

Proportionality

- 3.1 The principle of proportionality is that enforcement action taken against a person, organisation or business is suitable and appropriate in the circumstances. It should also justify the level of resources to be implemented taking into account factors such as interests, resources and objectives.
- 3.2 To achieve proportionality, Swale Borough Council will carefully consider all the issues relevant to an enforcement matter. This could include issues such as the seriousness of the offence, the offender's circumstances, the interests and safety of the public and environment.

- 3.3 In all cases, Swale Borough Council will follow the relevant guidance to deliver best practice.

Consistency

- 3.4 Swale borough council will carry out enforcement action in a fair and consistent manner in accordance with its policies and procedures. Similar approaches will be taken in similar circumstances to achieve similar ends, although each case will be assessed on its own merits. The willingness to comply and co-operation of the person, organisation or business subject to enforcement action may also be taken into account in deciding how and what enforcement action should be taken.

Targeted

- 3.5 Targeting means making sure that enforcement activity is targeted on those whose activities that give rise to the most serious offences. It also means that any enforcement action is focused on those with a duty imposed on them by Statute and where as a result of their breach of duty any offences committed by others are likely to be facilitated.
- 3.6 Any enforcement action will be targeted against the person, organisation or business who is under a duty, such as employers, employees, owners of premises, householders, self-employed persons, or individual members of the public.

Transparency

- 3.7 Transparency is important in maintaining public confidence in our capability. We will help those being regulated to understand what they need to do and how they can achieve compliance. In all matters the various enforcement teams will also clearly identify themselves and their role.
- 3.8 Swale enforcement officers will explain carefully (if necessary in writing) why the action is necessary, who must carry it out, and by what date it must be carried out.
- 3.9 Where appropriate, Swale Borough Council will give reasonable opportunity for discussion before formal enforcement action is taken. Where it is appropriate but not possible, we will give a written explanation of our reasons for taking immediate action and this will be done as soon as practicable.
- 3.10 Information and advice will be provided in language or in a format which is easy to understand.

Accountability

- 3.11 Swale Borough Council is accountable to the public for its actions. This means we must have policies and standards which are easily accessible and understood, and effective and easily accessible mechanisms for dealing with comments and handling complaints.

- 3.12 Swale Borough Council has an internal procedure for dealing with complaints against its services. Details are available on the Council's website <https://www.swale.gov.uk/compliments-and-complaints/>. In addition to Swale Borough Council's own complaints procedures, the Local Government Ombudsman hears complaints regarding local government maladministration, and details of this service are also available from the council.
- 3.13 Where a right of appeal is applicable we will give out information on how to do this with the statutory notices or warnings served by us.

Helpfulness

- 3.14 Our staff will deal courteously and efficiently with all people, organisations and businesses they come into contact with. Staff will, in the usual course of events, identify themselves by name, and contact numbers will be made available as soon as practicable after the event. We will communicate by email where this is possible and preferable.