

South Cambridgeshire District Council
Corporate Enforcement & Inspection Policy



South
Cambridgeshire
District Council

Introduction & Background

South Cambridgeshire District Council (SCDC) recognises that the vast majority of South Cambridgeshire's residents and businesses want to maintain and share in the superb quality of life we have in the District. The Council acknowledges that even when the best intentions are planned, things can go wrong. It also knows that a very small minority engage in deliberate and unfair actions that damage local communities and the environment.

This policy sets out what everyone can expect when the Council undertakes informal and formal enforcement and inspection activities to deal with such situations.

Aim of the Policy

A "1 SCDC", joined-up Enforcement & Inspection approach focused on the needs of customers and the delivery of outcomes, supporting locality and partnership working, involving Councillors and the Community in problem-solving and delivery of solutions.

Policy Statement

1. In developing this Policy and operational processes, the Council has regard to the Regulators' Code, the Code for Crown Prosecutors, the Food Law Code of Practice and other legislative requirements. In undertaking its enforcement and inspection activities, the Council will ensure that it
 - Carries out activities in a way that supports those it regulates to comply and grow
 - Provides simple and straightforward ways to engage with those it regulates
 - Bases its regulatory activities on risk
 - Shares, where permitted, information about compliance and risk
 - Provides clear information, guidance and advice to those it regulates allowing them to meet their responsibilities to comply
 - Is transparent in its approach to regulation.
2. Residents and businesses want the Council to be consistent, equal, and fair in its approach to enforcement and regulation. The Council will balance this against the need to consider each case on its merits and be flexible in how it solves problems.
3. The Council will be clear on what you can expect from its enforcement activities and ensure that local Councillors are kept informed and involved in communicating and managing those expectations. The Council will tell you what it can and cannot do, what processes it will follow, and when and if a problem is outside its control.
4. The Council will adopt a victim and witness-centred, intelligence-led, risk-based approach to enforcement and regulatory activities, being clear about what the harm and risks are and prioritising speedy action on high-risk, high-impact issues. It will decide what enforcement action is expedient and a priority by considering:
 - a. The harm and impact on victims (both individuals and the wider community) and witnesses and how we can reduce that harm or risk of harm.
 - b. The vulnerability of victims, witnesses, and "offenders".
 - c. Intelligence held by SCDC and partner organisations
 - d. Previous action taken by SCDC or partners to tackle a problem e.g. whether a warning letter or a formal notice has been issued.

- e. Whether it is a repeated problem.
 - f. The likelihood of being able to identify those responsible for a breach and collect evidence to support formal action, including the willingness of witness to provide statements.
 - g. If there is another way of solving the problem at hand without the need for enforcement intervention.
 - h. Whether the action assists those we regulate to comply and grow.
5. Within the scope of relevant legislation, SCDC will share and exchange intelligence with local Councillors and all relevant partners to guide its enforcement prioritisation, decisions and response. As a minimum, SCDC will always capture and review intelligence.
 6. SCDC will focus on prevention, so that problems do not occur in the first place. It will resolve matters informally whenever appropriate by providing advice, information and education to help residents and businesses get it right and by having the right officer available with the right expertise to help and support them. SCDC will also be clear on its role in solving problems, the role individuals and the community must play, and which other agencies are the right ones to help tackle specific issues.
 7. Where something is wrong, SCDC will first consider how it can work with individuals, businesses and the community in a simple and straight forward way to regularise and put right the problem without enforcement. It will encourage mediation between parties in a dispute and support local Councillor engagement in solving local problems.
 8. The Council will not begin enforcement action nor waste valuable, scarce resources simply “being seen” to take action when there is no realistic anticipation that enforcement action will solve a problem or it would result in focusing on low-risk / low harm matters. If SCDC believes that a matter can be put right or “regularised”, it will let you know. However, it may not necessarily enforce this regularisation unless there is significant harm / risk.
 9. In undertaking its enforcement work, SCDC will be clear as to what the non-compliance is and will not impose unnecessary administrative burdens on local residents and businesses. SCDC welcomes ideas on how any such burdens can be reduced.
 10. SCDC will generally only undertake inspections where it has a clear reason to do so. Officers will seek to agree the date and time of such inspections in advance (unless to do so would undermine the purpose of the inspection). In addition to risk-based inspections and visits, the Council may also conduct 10% random sample inspections to provide intelligence to target future enforcement work and act as a visible deterrent.
 11. When a breach or problem is identified, the Council will adopt a 3-step approach based on:
 - a. Do you need help? The Council is here to help you get it right, first time. Speak to us.
 - b. Still having difficulties solving the problem? The Council is still here to help develop a solution.
 - c. Still no improvement? Now SCDC will consider taking enforcement action...

Timescales for action will depend on the risk identified, legal requirements and the agreed preferences of residents and businesses.

12. However, SCDC has a “zero tolerance” approach to and reserves the right to take immediate, formal enforcement action in cases including (but not limited to):

- a. Deliberate, fraudulent or criminal activity or when people deliberately undermine or “play the system” (e.g. planning or licensing regimes).
 - b. Risk to health, life and amenity
 - c. Where our help and advice are deliberately ignored.
 - d. Fly-tipping, littering, dog-mess, graffiti and other environmental harm, and damage to or demolition of listed buildings
 - e. When there is significant harm being caused to individuals, communities or the environment.
 - f. When victims or witnesses require our extra support and protection.
 - g. Obstruction or assault of SCDC staff
13. This Council does not believe that anyone should benefit from illegal, unfair or unauthorised activities. In such cases, SCDC will actively consider using the Proceeds of Crime Act 2002 to recover and confiscate any money or assets arising from such activities.
14. Enforcement and regulation can still be delivered with great customer service. In our letters and other communications, SCDC will use “plain English” to give the right message, in the right way, at the right time, to meet the needs of the people with whom we are communicating.
15. SCDC will publicise its enforcement & regulatory activities to keep residents and businesses informed and, where necessary, to act as a deterrent.
16. If you are unhappy with the way SCDC has acted in undertaking its enforcement and regulatory activities, you can raise your concerns or make a complaint via our corporate complaints process.