

Environmental Health and Licensing enforcement policy

THE PRINCIPLES OF ENFORCEMENT

We believe that enforcement should be carried out fairly and in a way that avoids an unreasonable regulatory burden. We have adopted the principles of good enforcement and processes in compliance with the Regulators Code. We will follow the Code for Crown Prosecutors in our decision making process. Our enforcement actions will reflect the following principles:

- **Proportionate** – the action that we decide to take will reflect the risk to public safety or the environment, prevention of crime and disorder, prevention of nuisance, and protection of children from harm. As far as the law allows, we will take account of the individual circumstances of each case when considering appropriate action.
- **Transparent and open** – we will try to make sure that individuals, businesses and organisations clearly understand the reasons for enforcement action being taken against them, and can easily recognise the difference between legal requirements and advice or guidance.
- **Consistent and fair** – we will aim to achieve consistent enforcement so that the action taken and decisions reached will be similar in comparable circumstances.
- **Targeting** – we will prioritise inspections and enforcement to focus on activities that represent the greatest risk to public safety or the environment.
- **Equality and fairness** – we aim to have a fair approach to our enforcement activities. We will carefully consider the needs of anyone who is subject to enforcement action and be sensitive to the needs of people who may be particularly vulnerable during the enforcement process.
- **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaint procedures.

THE RANGE OF ENFORCEMENT ACTIONS

A) Informal action - these will not limit our discretion to pursue other enforcement options.

- **Education** – we will advise on how to comply with the law and council policies, and will also promote good practice by:
 - responding to enquiries;

- using the media, leaflets and the internet;
 - running training courses; and
 - working with partner agencies to organise promotional events.
- **Informal warnings** – if there has been a minor incident where the law or policy has been broken, we may decide that the most appropriate course of action is to issue a verbal or written informal warning. We will take account of any previous informal warnings when we are considering taking formal action.
 - **Penalty points** – licensed drivers and operators who breach the taxi licensing policy or commit minor offences may be issued with penalty points as detailed in our Joint Taxi Licensing Policy.

B) Formal action

- **Legal notices and fixed penalties** - many laws that we enforce allow us to serve notices on an individual or an organisation. The person who receives the notice may be prosecuted if they fail to comply with the notice. In certain circumstances, we may serve a legal notice and also prosecute. We will provide details of how the person who receives the notice can appeal against it when we serve it.
- **Panel hearings and reviews** – licence holders who breach a policy or commit offences may be put before a panel of councillors. Panels may change licence conditions and suspend or revoke licences. The written decisions of licencing panels may be appealed to the magistrate's court. Details of how to appeal are included on all decision letters.
- **Simple cautions** – in certain situations, we may consider it appropriate to issue a simple caution instead of deciding to prosecute. We may use simple cautions to deal with less serious offences quickly. It is unlikely that we would offer a simple caution in circumstances where the offender has a history of failing to change their behaviour. When we offer a simple caution, the person involved must admit the offence and accept the caution. The same evidence is needed for a simple caution as for a prosecution case.
- **Prosecution** – we will not go ahead with a prosecution case unless we have carefully assessed the evidence in line with the Code for Crown Prosecutors and other relevant guidance.

COMPLAINTS

If you consider that the enforcement action we take or propose does not follow the principles set out in this enforcement policy, you should raise your concerns with the relevant enforcement officer. If the officer is not able to sort out your problem, your complaint will be passed to the Service Manager.

If you are not happy with the outcome of your complaint you can escalate your concerns using our complaints procedure, details of which can be found here:

www.whitehorsedc.gov.uk/about-us/how-we-work/contact-us/complaints

www.southoxon.gov.uk/about-us/contact-us/complaints

Alternative formats of this publication are available on request. These include large print, Braille, audio, email, easy read and alternative languages.

To request this please contact Environmental Health or Licensing using the details below.

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