

These factors include the number of people affected or potentially affected by the offence, the degree of damage, risk or harm, the attitude and history of the alleged offender, the likelihood of the offence being repeated, whether there may have been malice or harassment, and many more.

If the case passes both tests, the investigating officer must satisfy an Enforcement Review Panel consisting of at least two managers from Environmental Health, Private Sector Housing or Environmental Amenities and a solicitor that prosecution is the appropriate option. There will also be close and regular liaison with the Council's Solicitor during the preparation of the case. At each of these stages, the alternatives to prosecution will be discussed. Even when the decision to prosecute has been made, it is kept under review and may be changed right up until the hearing.

## Who can we go to for more advice?

Any of the staff within Environmental Health or Private Sector Housing and Public Health will be happy to help you. If they cannot give the advice you need themselves, they will put you in touch with a colleague who can. A copy of the more detailed Enforcement Policy is available on the Council's website at [www.arun.gov.uk/eh](http://www.arun.gov.uk/eh)

Some useful contact details for our Service areas are given below, all of which are **prefix 01903** numbers:

### Environmental Health

**Nat Slade** 737683

### Housing Standards, Public Health and Pest Control

**Louise Crane** 737669

Fax (all service areas): 723936

Contact Centre: 737755

Email: [env.health@arun.gov.uk](mailto:env.health@arun.gov.uk)

Post: Environmental Health Services  
**or** Private Sector Housing & Public Health Team  
Arun District Council  
Civic Centre  
Maltravers Road  
Littlehampton  
West Sussex  
BN17 5LF



## Environmental Health Services and Private Sector Housing

## Enforcement Policy and its delivery



## What is meant by Enforcement?

In the context of this leaflet, the term enforcement is used to describe two of the functions which the Environmental Health Service or Private Sector Housing and Public Health Team of the Council may carry out. These are:

- (a) making sure that the various laws relating to Environmental Health, Private Sector Housing and Public Health are being complied with, and
- (b) taking appropriate action against businesses or individuals, when those laws are being broken or ignored.

## What is covered by the Laws?

A very wide range of issues, all of which are designed to protect people, the environment, or both.

Examples range from inspecting food premises or bedsits to licensing taxis, and from ensuring the safety of those at work to preventing nuisance from noise, dust, smoke or the fly tipping of rubbish.

Much of the enforcement work concerned with checking compliance is a legal duty for the Council and may be carried out to a risk based programme of inspections.

## What action can be taken for breaches?

Again, there is quite a variety, ranging from a warning letter right through to prosecution, with several stages in between. Action taken depends upon the nature of the offence and the powers given to the Council by the relevant legislation.

The actions which may be taken are described in more detail in the section of this leaflet entitled *'What are the Enforcement Options?'*

## How is Enforcement carried out?

Arun District Council is committed to carrying out its enforcement duties in accordance with guidelines issued

by the Government in its publication *'Regulators Code'*.

## What does the Regulators Code say?

This obliges the Council to:

1. carry out their activities in a way that supports those they regulate to comply and grow
2. provide simple and straightforward ways to engage with those they regulate and hear their views
3. base their regulatory activities on risk
4. share information about compliance and risk
5. ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
6. ensure that their approach to their regulatory activities is transparent

## What are the Enforcement options?

When circumstances indicate that the law may have been broken, there may be options open to the Council as to the actions available.

The following describes these actions, but not all of them will be available in all circumstances. Anyone who is in doubt as to the actions open to the Council can contact our officers for advice.

- a) **Prosecution** - This is reserved for the more serious or repeated offences. In some cases, prosecution action can be taken straight away while, in others, it can only be taken if a formal Notice has been served and the Conditions ignored or breached.
- b) **Simple Caution** - This is a course of action which may be offered as an alternative to prosecution. The offender admits guilt and, if further offences are committed, the Caution may be taken into account by a Court if prosecution action is then taken.

- c) **Formal Notice** - A Notice may be served requiring specified actions to be taken, usually within a time limit. In most cases, there is the right of Appeal against a Notice. Subject to any Appeal decision, it is an offence to fail to comply with a Notice.
- d) **Works in Default** - In some cases, if the business or individual fails to carry out required works, the Council may do the work itself and raise a reasonable charge for doing so. Works in Default may include the confiscation of equipment causing noise or other nuisance, after a Notice had been served and ignored. If the Council has undertaken the works, then doing so does not preclude prosecution in suitable circumstances.
- e) **Revocation, Variation or Suspension** - If a Licence or Permit is needed to operate a business, this may be revoked, suspended or varied if the conditions are breached. There is usually a right of Appeal.
- f) **Written Warning** - Minor breaches may be dealt with by no more than a warning, which will be retained on file for future reference.
- g) **Fixed Penalty** - A Notice may be issued requiring payment of a fixed sum for offences such as dog fouling.

## Before Prosecuting

The decision to prosecute is not taken lightly and involves a number of stages, following a detailed Procedure.

Firstly, the Investigating Officer will assemble the evidence and examine the results in the light of two Tests, these being:

- a) **the Evidential Test** - The strength of the evidence will be tested. Prosecution will not take place unless there is a reasonable prospect of success.
- b) **the Public Interest Test** - A large number of factors will be weighed to determine whether or not prosecution would be in the public interest.