

Draft
Enforcement Strategy
2007-2011

Foreword – Executive Member for Crime and Community Safety

Content to be provided here

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1. Introduction

It is recognised that the primary responsibility for compliance with the law lies with businesses and individuals and their need to recognise their responsibility. Any enforcement authority must, however, play its part in providing equal and clear consistent advice and enforcement.

The primary function of central and local government enforcement work is to protect the public, the environment and groups, such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy. We are committed to these aims and to maintaining a fair and safe trading environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses and members of society want to comply with the law. We will, therefore, take care to help businesses meet their legal obligations and work with those who carry out anti-social behaviour without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly.

For this reason we feel there is a clear need to prepare, consult on and adopt an enforcement strategy that reflects the priorities of the council as well as supporting our internal enforcement policies.

This document sets out what the enforcement services aims, objectives and priorities will be over the next four years. It commits us to good enforcement policies and procedures and highlights the need for partnership working and cross service delivery.

This enforcement strategy sits within the corporate planning framework and aims to support other key strategic priorities set out in the following documents :

- Sustainable Community Strategy 2003-2007
- Housing strategy
- Private sector housing strategy 2004-2006
- Safer Communities Strategy
- Local Development Framework (UDP)
- Gambling policy
- Licensing policy
- Equalities Strategy
- Contaminated Land

2. Borough Profile

Haringey's diverse communities make the borough a challenging place to live and work.

Haringey boasts a population of approximately 224,500 with 40% of these residents living in wards that are amongst the 10% most deprived in the U.K. Unemployment locally has exceeded both the national and regional averages with 7.4% of the population unemployed (April 05). In contrast to this the west side of the borough is predominantly affluent promoting wealth, stability and good educational attainment.

Haringey is one of the most ethnically and culturally diverse places to live in the country with around half its population originating from minority ethnic backgrounds. Haringey's cultural diversity and its polarised socio-economic status provide a challenging role for the council's enforcement services.

Almost two thirds of Haringey population live in private sector dwellings providing homes to over 70,000 households. 22% of households are living in overcrowded conditions the private rented sector makes up 20.1% of the housing market with Houses in Multiple Occupation Accounting 1.5% . The borough also supports approx 2765 empty properties with 1275 long-term empty properties which continue to harbour undesirable activity and blight our neighbourhoods (April 06).

The 2001 census highlighted an increase in the number of one person households living within the borough. This increase could account for the number in Illegal planning conversions which has given rise to the need to introduce to the service a team solely dedicated to investigating planning enforcement issues. Complaints relating to house conversions make up to 20% of the overall planning complaints made by the Haringey public.

Evidence of Haringey's diversity can be heard as it has approximately 193 recognised community languages. It has the third highest proportion of 'other' white residents in London (16%). Other large black and minority ethnic (BME) communities are black Caribbean (10%) and black African (10%). This ethnic and cultural diversity has led to a thriving and vibrant business economy. There are about 7000 business in total in Haringey, 92% of these are small employing less than 24 people. There are around 2,000 registered food businesses with a high concentration involving food and drink. In terms of food manufacture, there are no national companies, but a number of local and regional businesses. Meat processing and kebab manufacture is present on estates around the borough and on the retail / wholesale side, imported food is a significant issue.

The Borough is characterised by its restaurants and other caterers. In addition, as the population diversifies, there is an increasing amount of imported food coming into the borough to supply local requirements both for Haringey and North London. Businesses reflect the diverse & multicultural profile of the Borough which has a high number of proprietors whose first language is not English.

Haringey is an outer London borough posing the local authority with inner London problems. With its unique make-up of diversifying ethics, cultures, languages and socio-economic factors the borough poses a challenge to its public services.

The enforcement service is committed to ensuring that we contribute towards producing a safer, healthier community which can enjoy a thriving local business economy. Our Enforcement strategy along with its supporting enforcement policy outlines the direction through which we aim to achieve this ambition.

3. The Enforcement Challenge

1. Safer Stronger Communities

Environment and crime continue to be a priority for residents living in the borough (*consultation on sustainable community strategy 2006*). Improving the quality of the natural and built environment and reducing the level of crime are key priorities for the Haringey Strategic Partnership. A clean, well maintained and attractive environment not only makes people feel happier with where they live but it also helps make them feel safer. (*HSP LAA draft Sept 06*).

Environmental crime is the result of anti-social behaviour carried out by a minority of people who behave in such a manner. Anti-social behaviour includes a variety of behaviours covering a whole range of selfish and unacceptable activity that can blight the quality of community life. The most visible manifestations of anti-social behaviour in the form of environmental crime are often seen in public places such as parks, play areas, shopping precincts and town centres. Environmental crime includes graffiti, vandalism, abandoning vehicles and related nuisance activities – dismantling, storing and selling derelict looking untaxed vehicles on highways and estates – fly tipping, dumping, littering and fly posting. Enviro-criminals include owners who allow their dogs to foul the public areas and who fail to clear it up. It includes those creating noise nuisance as well as many other activities that scar our streets visibly and audibly (*L.B Lewisham*).

Evidence suggests that if swift action is taken to address and resolve every case of environmental anti-social behaviour, it is less likely to recur and local community pride can be fostered. (*CIEH tackling anti-social behaviour paper*).

The enforcement service is responsible for managing the boroughs environmental crime in partnership with internal services and external partners. Environmental crime covers a range of anti-social activity which if left unmanaged can quickly destroy the environment we live in and our ability to enjoy the amenity value of our public spaces.

Fly –Tipping and Dumping

Fly tipping is the illegal dumping of waste ranging from old washing machines to lorry loads of building material or abandoned piles of black refuse sacks containing trade waste. The enforcement service deals with its environmental crime through a uniformed Street Enforcement team which is supported by Street Wardens authorised to undertake street enforcement. Based on current trends, these officers serve 800 fixed penalty notices in 2006/7 for rubbish and trade waste related offences.

Despite increases in enforcement and improvements to waste collection services, overall reports of dumping within the borough have continued to increase through the period of monitoring from October 2004 to October 2006. Whilst much of this reflects the increased levels of reporting undertaken by Council officers tasked with the role of spotting dumping, it is clear that the dumping of small items and black bags on the street for collection is a significant problem. An additional problem for Haringey arises from poor waste storage and disposal in bedsit and shared housing in the private sector and the use of unauthorised waste contractors.

Data reports on the comparison between dumping and street cleansing have been used to identify borough hot spots, statistics produced by Haringey Waste contractors shows that 40% of all complaints relating to the location of dumping is within the North East of the borough in N17.

Graffiti and Fly Posting

A neighbourhood blighted by graffiti and fly posting can be visually intimidating for the community and visitors to the area. During January to June 2006 9,342m² of graffiti was removed as well 97m² of fly posting and 1 m² of paint spillage. Around two thirds of this work carried out was reactive in response to reports from council staff and the public. We know that it is unlikely that graffiti and flyposting can be eradicated from the borough it is the objective of the enforcement service and its partners to managed the problem and to work with our external partners e.g. BT and Telewest to remove graffiti from cable boxes and telephone boxes and to target graffiti hotspots with enforcement action.

Littering

Litter can be something as small as a sweet wrapper or as large as a bag of rubbish, it can include discarded cigarettes, cigars and chewing gum. *(sec 98(5A) Environmental protection Act 1990)*. The cleanliness of streets and attractiveness of the physical environment has important consequences for other areas of social life. It makes the borough a nicer place to live and for young people to grow up in. A better environment produces better citizens and vice versa. It engenders a sense of civic pride and helps to diminish the fear of crime, it benefits the local economy, making the borough a more attractive place to stay and to visit, it promotes healthy neighbourhoods and community well being. *(Report of the Street Sweeping and Cleanliness Scrutiny Review Panel)*

Data reports for Street Sweeping also highlight the boroughs problem with littering, 15% of sweeping complaints for the borough coming from the N15 postal area of the borough. *(Partnership board performance monitoring report 9th Nov 2006)*. Street cleanliness remains a priority for Haringey residents as it has once again been highlighted as a concern as part of the HSP sustainable community strategy consultation *(Aug 2006)*.

Public Eyesores and Nuisance Premises

One of the problems experienced is that significant locations and local landmarks such as abandoned sites, empty properties, Net work Rail land and trading Estates, for example, can often suffer from neglect resulting in a concentration of environmental crime issues in one place. Currently around 80 such locations are being investigated and action taken where necessary to remove these locations as eyesores.

In addition a number of premises and traders operate with a disregard for legal requirements such as planning permission and licensing. Problem garages and social clubs can often cause significant public concern and be a magnet for other criminal behaviour.

2. The Trading Environment

Haringey's economy is dominated by small business. There are about 7000 business in total in Haringey, 92% of these are small employing less than 24 people. There is a relatively high concentration of businesses involving food and drink with a total of around 2,000 registered food businesses. In terms of food manufacture, there are no national companies, but a number of local and regional businesses. Meat processing and kebab manufacture is present on estates around the borough and on the retail / wholesale side , imported food is a significant

Food Safety

The Borough is characterised by its restaurants and other caterers. In addition, as the population diversifies , there is an increasing amount of imported food coming into the borough to supply local requirements both for Haringey and the North London area generally. Businesses reflect the diverse & multicultural profile of the Borough which has a high number of proprietors whose first language is not English. There are currently 2,172 registered food businesses in Haringey. Although these frequently change ownership the total number is expected to remain the same or increase slightly. Half of all food premises are restaurants or catering premises which carry often the highest levels of risk if there is poor food hygiene.

The importation of food from non EC countries for a diverse community also introduces a risk for food safety. Sampling projects focus on ensuring that food is not contaminated with ingredients that are considered unsafe or from unauthorised suppliers. Unfit meat and bush meat has been found in the borough and the demand for products not considered fit for human consumption does exist in the borough.

Although not often considered a food, Khat is widely used within the Borough by mainly the Somali community. Its impact on health has been established causing psychological and dental problems.

Trading Standards

In order to provide effective and appropriate enforcement of consumer legislation, Trading Standards carries out inspections at retail premises such as small shops, markets, public houses, supermarkets and petrol outlets. Additionally, visits are made to industrial units such as packers and importers, food and non-food manufacturers and cash and carry warehouses. The Service's inspection plan ensures all high risk premises are visited each year and medium risk premises every two years on a rotational basis. Further, the service carries out some food standards inspections and food is sampled to ensure that it is fit for consumption and as described.

Age Restricted Products

The Service is also responsible for enforcing and advising on a wide range of legislation controlling a variety of age restricted products. The products that are dealt with include cigarettes, fireworks, knives, alcohol, spray paint, cigarette lighter gas canisters, glue and other solvents. Shops that sell age-restricted products are advised of the law and their obligations. Shops are usually visited in person and given educational material which can help with staff training. Enforcement activity involves test purchasing exercises relating to under age sales, particularly of alcohol, in partnership with the Police; this links into the crime and disorder strategy. As part of our partnership working we have been taking part in joint projects with other NW London Boroughs relating to fair trading, product safety and metrology, and we are liaising closely with the new DTI-funded Regional Scambusters team. The sale of age restricted products results in criminal activity, anti-social behaviour, solvent and alcohol abuse all of which have an impact on society. Trading Standards focus safety resources on age-restricted products to protect the health of the young and reduce anti-social behaviour, particularly in relation to cigarettes and alcohol. Trading standards work in partnership with businesses, the local community and internal services to: Reduce anti social behaviour associated with spray paints (e.g. graffiti) by restricting the sales of these products

- Reduce sales of age-restricted products to young people. This can involve Test Purchasing projects as well as advice to traders to help them comply with the law. The projects are sometimes carried out in conjunction with the Police and the advice-giving may be done in association with other organisations. This will lead to the reduction of anti social behaviour by youngsters

Counterfeited goods

Trading Standards Departments are increasingly finding inferior, illegally copied and often unsafe goods on sale to the public which have been produced or imported by unscrupulous businesses or individuals capitalising on well-known company names and brands, or the original work of others. Counterfeiting is a huge problem globally, with millions of counterfeit goods being produced and sold every year. Custom and Excise are seizing well in excess of 100m items a year and last year the EU seized about £2bn worth of counterfeit goods. Buying counterfeit goods can also have much greater consequences than people realise, with members of the public unwittingly giving money to organised crime and terrorist organisations. Counterfeiters also have a huge impact on legitimate businesses, which causes them to lose millions of pounds of revenue a year. Smuggling and buying counterfeit goods also funds organised crime and terrorist organisations. Criminals who produce counterfeit goods have a huge effect on companies often forcing them to close down.

Haringey trading standards acknowledges both the effects nationally and locally that the sale of counterfeited goods can have. The investigation into counterfeiting and its associated criminal activity is very time, cost and resource intensive. Current investigation into suspected counterfeiting by the Trading Standards team is currently developed through regional intelligence and in partnership with other multi-agencies. Future activity around counterfeiting will continue with tactical intelligence led enforcement activity.

Licensing

Haringey has produced a Statement of Licensing Policy to control the granting of Licences in line with the Licensing Objective which are:-

- the prevention of Crime and Disorder;
- Public Safety;
- The Prevention of Public Nuisance;
- The protection of Children from Harm.

Content required here

Gambling Act

Next year sees the introduction of the Gambling Act. This is new legislation controlling future gambling and provides a unified regulator for gambling, the Gambling commission which will come out of the existing Gambling Board. The Act gives responsibility for the licensing of gambling premises to local authorities who will be required to produce a Statement of Licensing Policy. As a Licensing Authority, the Council's decisions will be made in accordance with the following licensing objectives:

- Preventing gambling being a source of crime and disorder
- Ensuring that gambling is conducted in a fair and open way
- Protecting children and the vulnerable from being harmed or exploited by gambling

Haringey has already been very active in tackling unauthorised gambling and uses joint operations with the police to identify seize and destroy significant number of illegal gambling machines often placed into premises by organised crime groups. Gambling without cash on the table is also a significant issue in many of our social clubs.

Health and Safety

In terms of businesses, Haringey has approximately 8,000 businesses (*totals obtained from Commercial Rates*) making up a mixture of offices, factories, retail shops and food businesses. Approximately 7,000 businesses fall within the enforcement responsibility of the Local Authority. Factories and certain types of businesses are enforced by the Health and Safety Executive. It is estimated that there are approximately 5,000 non-food business that fall within Haringey' enforcement responsibility for Health and Safety.

There are a number of areas within Haringey that have a high concentration of retail shops. Haringey also has 17 industrial estates, which are mainly located to the east of the Borough. The Borough also has a sizeable consumer service-type industry that includes over 40 Launderettes, over 40 Hairdressers and Barbers and nearly 60 licensed Special Treatment Establishments of various descriptions.

It has three significant land sites, Finsbury Park and Alexandra Palace both of which cater for large events that attract people from all over the country including large Pop Music Events, Firework Displays and the Tottenham Hotspurs Football Club on the Tottenham High Road. Here, a minimum of 19 games would be played during the season, each game attracting over 30,000 people and up to a maximum capacity of over 36,000.

As well as carrying out its normal statutory responsibilities the health and safety team are committed to supporting the wider health and safety objectives set out in the community strategy, Better Haringey initiative and within the Local Area Agreement. Achieving a smoke free community is currently being supported by the Food and Health and Safety Teams. Second hand smoke is a substance hazardous to health. Adopting a smoke free policy is about protecting the health and safety of all employees. This cross cutting issue is important for health but also impacts in the reduction of street litter and detritus resulting in cleaner

Fit 3 is an enabling strategy to revitalise Health and Safety by enforcing new safety topics with the statement Fit for Work, Fit for Life, Fit for Tomorrow. Fit 3 is a joint working partnership with the HSE (Health and Safety Executive), other agencies involved in managing the programme include LACORS (Local Authorities Co-ordinators of Regulatory Services) as well as joint working partnerships with stakeholders.

3. Health and Housing

Empty Property Enforcement.

There are a substantial number of privately owned empty properties in Haringey, which is both a wasted resource for the owner and the community. With over 2,400 empty properties Haringey has the 13th highest proportion in London (June 2005). Empty properties continue to present a range of issues and can impact on neighbourhoods, communities and residents in a number of ways including:

- Devaluation of neighbouring properties leading to a loss of equity for homeowners and a disincentive to maintain their properties.
- Blight on neighbourhood - dumping ground for rubbish etc.
- Vandalism, graffiti and other crimes including anti-social behaviour activities.
- A potential for arson
- Pest infestation.

An empty property may represent a wasted opportunity to providing housing in an area of high demand or it may be symptomatic of market failure or a housing market at risk of collapse. The fact however remains that empty homes exist within communities, these vacant properties attract crime and vandalism and are an eyesore for its neighbours. There is extensive public opinion in Haringey in favour of more action on empty homes and in order to support the better Haringey initiative in building sustainable communities it is imperative that the enforcement service introduce effective enforcement methods for dealing with the boroughs long-term vacant properties.

The Council's policy is to develop initiatives to encourage owners to bring long term vacant properties back into use. Despite the general increase in capacity and willingness of some owners to invest in their homes, a minority of homeowners have continued to struggle to keep up with the work that needs to be done. The 'Right to Buy' Scheme has created a cohort of owners, many of whom lack the income or savings to tackle repairs and maintenance in the longer term.

We acknowledge that much of what is achieved in bringing empty properties back into use is based on negotiation and gaining landlords' co-operation. However those owner occupiers and landlords who fail to co-operate and who are in possession of long-term vacant properties which blight our neighbourhoods and offer a haven for criminal activity will be subjected to enforcement action.

Clear standards and criteria for when enforced sales; compulsory purchases or empty homes management order procedures should commence will be developed, to ensure a consistent and coherent enforcement tool kit for dealing with empty homes is available to enforcement staff and empty property owners. Following changes in legislation (The Housing Act 2004) the Council is empowered to impose compulsory leases and will be able to undertake repairs to any properties that had been vacant for more than six months.

Enforcement of Houses in Multiple Occupation (HMO)

HMOs form an important source of low cost accommodation and the Council realises that they will continue to provide accommodation for certain households choosing to reside with in the borough. The Government believes that safe and properly managed HMOs have an important function in the private rented housing market. Many people need access to cheap flexible accommodation and in most areas HMOs meet this need. HMOs play a valuable role In Haringey by providing affordable accommodation in areas of high housing demand where rents are high. The physical conditions

and management standards in HMOs are often worse than in other types of accommodation. Occupants are at a far greater risk of death or injury than in any other type of residential accommodation. Facilities in HMOs are often very poor and below statutory standards and in some cases fire escape arrangements are unsatisfactory or unsafe. The impact that badly managed HMOs have on the community include:

- Adverse effect on the welfare and health and safety of tenants.
- Encouraging transience and community destabilisation.
- The property become an eyesore due to neglect
- Problems with dumped rubbish and waste
- Noise and anti-social behaviour
- May attract criminal activity (e.g. drugs, prostitution etc)

Haringey's Private Sector Stock Conditions Survey highlighted the impact HMOs have in the borough and the challenges they pose. It estimated that 3,077 dwellings acted as HMOs at the time of the survey (2001). It is very likely that due to the dynamics of the borough that this is an under estimation and the more likely level is in the region of 6,000. This lack of accuracy highlights the need for proactive measures to be introduced to accurately identify the number of HMOs in the borough. The survey found unfit levels at 27.5% of all bedsit HMOs, 19.3% are in substantial disrepair and 70.5% do not have provision for escape from fire. (*Private sector stock condition survey 2001*)

It is clear that the Council needs to take a greater interest in HMOs than other forms of residential lettings because of the risks to tenants and because of the sometimes adverse impact that HMOs have on their immediate area. The Council can take action to improve the condition of premises in a poor state of repair and has legal powers to ensure that certain types of improvements are made. Private landlords are also encouraged to acknowledge their responsibilities through the Landlord Accreditation

As a number of HMOs in Haringey are of a poor standard, the Council is committed to ensuring that standards are improved to provide satisfactory living conditions, but where this is not possible, to encourage conversions back into single dwelling homes. Enforcement action can be taken where HMOs have been created without the necessary planning permission. The Unitary Development Plan (UDP) seeks to provide a sufficient amount of decent housing that meets a range of needs, which is affordable and safe. However, the UDP recognises the issues revolving around a transient population and the impact the over concentration of certain types of housing such as HMOs and hostels and a poor standard of housing can have on a local community. The preparation of a specific Planning Guidance Document (PGD) on HMOs to help guide people wishing to convert their property into an HMO and enable the Council to exert more controls is necessary and will remain a priority for both the enforcement and planning services.

Through partnership working with planning and the enforcement services, health and housing team it is our aim to control the number of new HMOs by only granting planning permission for HMOs in areas where there is no over concentration of them, and to identify areas where HMOs would not be permitted. In addition the Council will encourage sub standard HMOs to be converted back to single family dwelling houses where there is no prospect of them being brought up to reasonable standards. In this way the planning system can help ensure that only appropriate dwellings are converted into HMOs and avoid over concentration in certain areas.

Unauthorised Housing Development and Planning Enforcement

Planning enforcement investigates and resolves alleged breaches of planning controls a total of 2699 cases were registered with planning enforcement between Jan 2002 and Nov 2004, a further 885 complaints were received in 2005. In 2006 from April to October there have been 110

Enforcement Notice instructions and 16 prosecutions relating to unauthorised developments. This reflects a significant rise of enforcement activity in previous years and a 611% increase on a similar period in 2005.

Unauthorised house conversions have always been a problem for the borough and until recently were investigated by two services investigating two separate aspects of a breach in legislation. A pilot initiative to identify illegal converted dwellings into HMOs has provided evidence that illegally converted HMOs pose a huge enforcement problem for the borough.

Decent Homes

The Government has acknowledged that investment in housing is vital not only to solve the housing crises but also to meet many other social needs. Poor housing is directly linked to shorter life expectancy, poor health outcomes, child poverty, poor education attainment and crime.

Information from the Private Stock Condition Survey shows a borough-wide unfitness level of 15.7% compared to 7.5% nationally. Green Lanes, Harringay and West Green wards have the highest levels of unfitness. Additionally, 90.8% of dwellings have faults with 50% showing both internal and external faults. Many people living in poor quality housing are the elderly and lone parents. *(stock condition survey 2001)*

Private sector housing plays a major role in meeting housing need in Haringey, providing homes to over 7,000 residents, the enforcement service supports the need to have a comprehensive Private Sector Housing Renewal Strategy to encourage the sector to provide affordable, accessible and decent housing for those wishing to rent or buy. The service also acknowledges that links with other strategies and initiatives is a significant factor for successful joint working. In order to achieve homes which provide a healthy, safe and secure environment for its occupant the enforcement service recognises those strategies such as anti social behaviour strategies, the Better Haringey Initiative, Neighbourhood Renewal, sustainable communities, homelessness and the Decent Homes Standards all have a part to play in providing decent, safe and comfortable homes for people to occupy and enjoy. Along with its partners and the new enforcement powers available for assessing the health and safety of a dwelling *(Housing Act 2004 HHSRS guidance)* the enforcement service is committed to improving the environment in which people have to live.

The Housing Health and Safety Rating System (HHSRS or the Rating System) is an important enforcement tool in improving health and providing decent housing accommodation. The HHSRS is the Government's new approach to the evaluation of the potential risks to health and safety from any deficiencies identified in dwellings. The HHSRS, although not in itself a standard, has been introduced as a replacement for the Housing Fitness Standard. The HHSRS is evidence-based. It is supported by extensive reviews of literature and by detailed analyses of statistical data on the impact of housing conditions on health. The HHSRS concentrates on threats to health and safety and in some cases, the impact on a person's physical, mental health or safety in relation to poor quality, comfort and convenience of a dwelling.

The enforcement service is responsible for the delivery of decent and safe accommodation for residents within the borough through partnership work with delivery agents and through carrying out enforcement action when necessary. The service also acknowledges that there is a need to work closely with the Primary Care Trust and the Voluntary and Community Sector on the cross service agenda that housing plays on improving health and well being.

4. The Vision for Enforcement

The Public's Vision

As part of our commitment to listening and consulting Haringey residents have been asked to provide their own priorities for the borough. The following 6 priorities have been repeatedly highlighted as their main concerns within the community.

- Rubbish dumping and fly-tipping
- Traffic, speeding and road safety
- Drugs and alcohol misuse
- Youth crime and youth disorder
- Anti-social behaviour
- Personal safety and violence

(Safer Haringey partnership data report June 2006)

Haringey Councils vision (*content here to be refreshed from new strategy*)

"To measurably improve the quality of life for the people of Haringey by tackling some of our biggest problems and making it a borough we can all be proud of."

This vision is clearly described and depicted within the council's Community Strategy. The council aim to achieve this vision by concentrating on five themes which represent the challenges the council must face if they are to make real progress. The council's priorities have been set to reflect the top priorities of local residents, public service providers, community groups and voluntary organisations.

Those priorities are to:

- Improve services
- Narrow the gap between the east and the west of Haringey
- Create safer communities
- Improve the environment
- Raise achievement in education and create opportunities for life long success.

(Community Strategy 2003-2007)

The Enforcement Service Vision:

"Sustaining Communities - helping when we can, being tougher when we need to be, improving all the time".

It is the Enforcement Service vision to make the borough a better place by working together to improve local services. Within the enforcement service we want to secure a healthy, safe, fair and sustainable, quality environment for those living, working, trading and at leisure in Haringey.

5. Enforcement Priorities and Aims

The enforcement service has developed four key priorities for driving and delivering both our services aims and objectives. In achieving these priorities we will make a valuable contribution towards meeting the Haringey Strategic Partnerships priorities set out in the council's vision as described in the community strategy 2003-2007 which is currently under review.

Key Priorities

- **Producing Healthier Communities**
- **Achieving Safer and Stronger Communities**
- **Creating enterprise and economic development**
- **Provide a highly efficient and valued enforcement service**

These key priorities reflect the work of the enforcement service and provide support to the councils Local Area Agreement commitment as well as providing strong evidence to support the current community strategy's wider council objectives. It is the aim of the enforcements key priorities to remain relevant and achievable whilst community strategies alter and grow as the borough dynamics change over the coming years.

Priority One	Healthier Communities
Aims: <ul style="list-style-type: none">• To enforce the standards set for Houses in Multiple Occupation• To remove hazards identified within private rented dwelling which pose the greatest risk to the vulnerable occupant• To increase the percentage of vulnerable people living in decent homes in the private sector• To control the supply of age restricted products to children – e.g. alcohol, knives, tobacco• To intervene to protect health at work; and to ensure the supply of safe food, products and services• To reduce the impact of pollution, including noise, contaminated land, tobacco and other air pollutants	
Good Practice in Haringey <ul style="list-style-type: none">• <i>Content here</i>• <i>underage sales programme,</i>• <i>energy efficiency,</i>• <i>Mandatory HMO,</i>	

Priority Two Safer Stronger Communities

Aims:

- To target organised criminal activity including counterfeiting and supply of other illegal and dangerous goods
- To reverse and prevent unauthorised use and non permitted development
- To implement an enforcement tool for targeting unscrupulous, failing landlords
- To promote good citizenship and reduce the fear of crime
- To promote investment in area renewal
- To stop environmental crimes and the abuse of public spaces
- To act against landowners that neglect properties and create public eyesores

Good Practice in Haringey

- *Content here*
- *Use of 215 T&C P Act*
- *Work on NR sites*
- *Group Repair*
- *Junior Wardens*
- *Telephone boxes*
- *Social Clubs*

Priority Three Enterprise and economic development

Aims

- To encourage and support good landlords
- To promote safe places of entertainment and work
- To support businesses and traders to achieve compliance with regulations affecting them.

Good Practice in Haringey

- *Content here*
- *Accreditation and forums*
- *Food Safety Training and Safer Food better Business.*

Priority Four Efficient and valued service

Aims:

- To target enforcement based on the level of risk posed to the public
 - To provide enforcement processes that ensure the reasonable needs and expectations of our communities are met
 - To produce highly trained and motivated staff who can provide a flexible approach to enforcement activity
 - To develop and enhance communication and consultation systems that improve understanding and perception of enforcement
-
- *Content Here*
 - *DVD*
 - *Inspection programme performance*
 - *Enforcement structure and tactical enforcement*
 - *Web information*

6. The Enforcement Business Unit and Tactical Enforcement

The Enforcement Business service was established in 2003 with a newly created Assistant Director appointed in September 2003. In 2004/5 the service took on responsibility for planning enforcement, the coordination of five Neighbourhood Warden schemes, and the establishment of a Heavy Enforcement Team within a new Environmental Crime Group. Further changes have established Licensing within Trading Standards and the development of a new Street Enforcement Team

In 2006 the enforcement service introduced a new structure to enhance enforcement delivery and to allow flexibility of human resources across the service as and when demand and priorities for enforcement action are required. The introduction of new tactical area based officers allows the service to remain focused on individual neighbourhoods needs as well as targeting the priorities of the borough as a whole.

The service consists of 5 operational service groups supported by a Enforcement Support Group providing business support and administrative support.

Commercial Services Group

The Commercial Services group consists of two Enforcement Teams covering Environmental Health and Trading Standards and a Public Health Services team including pest control, animal warden, mortuary and coroners court. These teams report to a Commercial Services Manager who has additional support from a Trader Liaison Lead Officer to support compliance strategies that do not rely on enforcement interventions.

Commercial Environmental Health includes the functions of Pollution Control, Health and Safety at Work and Food Safety. The team of 8 officers operates as a pool of resources supported by one Tactical Enforcement Officers and Lead officers for each of the key functions. Inspections for Food safety and Health & Safety at Work are operated through risk based programmes and supplemented by sampling a food programme. Response work includes the investigation of complaints and formal notification of incidents and accidents.

Pollution control includes the implementation of a Contaminated land Strategy and Air Quality Action Plan.

Trading Standards includes the enforcement of fair trading and consumer protection, together with the administration of the Licensing Authority role. The team of 5 officers operates as a pool of resources supported by one Tactical Enforcement Officers and Lead Officers for Licensing and for Trading Standards. Inspections for Trading Standards are operated through a risk based programme and supplemented by a test purchasing programme aimed at enforcing age restricted sales. Response work includes the investigation of complaints and formal notification of product reports.

Health and Housing

The Housing and Health group consists of a 3 officer groups. A strategic team of 3 Lead Officers develop and coordinate Private Sector Housing development on HMO licensing, private sector housing partnerships and landlord liaison report directly to the Service Manager.

A private sector housing enforcement team of 13 officers operates as a pool of resources delivering interventions according to the Private Sector Housing Strategy. Enforcement priorities here include the enforcement of HMO standards through licensing, the return of empty properties to use and health based interventions to remedy and remove housing risks in the private sector.

The service is supported by three Tactical Enforcement Officers focussing on our most problematic landlords and empty properties. These officers also carry a case load of planning enforcement of unauthorised housing development including unauthorised HMOs and conversions.

Environmental Crime

The Environmental Crime group includes a team of 13 Street Wardens service covering 3 scheme areas. Seven Sisters NDC, Northumberland Park and West Green, Bowes Park and Noel Park. The service also operates finite deployments to other locations where there are crime or antisocial behaviour issues arising. The service provides a visible uniformed presence and works closely within scheme areas to develop close contacts with community groups and other bodies. Wardens develop local intelligence to support enforcement work and some wardens have been trained and authorised to undertake enforcement work. Wardens also undertake youth diversion projects to remove offending opportunities and develop skills and self esteem.

The Street Enforcement team includes 14 uniformed officers undertaking full time enforcement. These officers operate across the borough provide a raid response to reported incidents such a fly tipping and patrolling areas including known environmental crime hotspots. The service uses a broad range of enforcement powers including fixed penalty notices. The service enforces the following

- Street Trading
- Highways – permissions, obstructions and abuse of the highway
- Litter and fouling
- Trade Waste and carriers licensing
- Fly tipping
- Fly posting, graffiti and criminal damage
- Planning Enforcement – advertising hoardings, for sale /to let boards, satellite dishes and eyesores.

Three Tactical Enforcement Officers carry a case load of Crime and Environmental Crime matters including the Public Eyesores programme, Problem Social Clubs and Nuisance Garages. These officers also coordinate joint enforcement operations and are the main service link to a range of enforcement partners including Safer Neighbourhoods Police Teams.

Enforcement Response

Enforcement Response includes two operational groups. A team of area based tactical Enforcement Officers and a Team of officers focussed on out of hours offending.

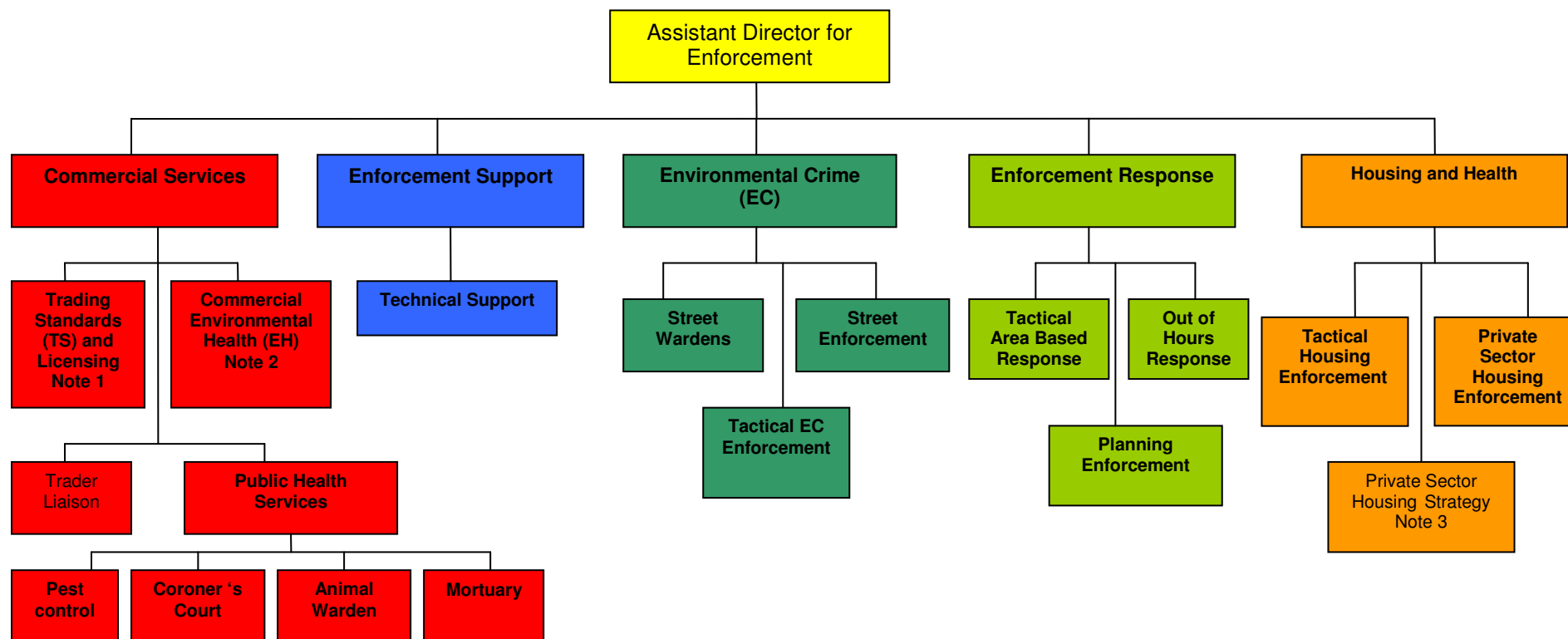
Area Based officers are responsible for maintaining the business unit links with area groups, enforcement partners such as SNT teams and other area based stakeholders. They will negotiate and commit resources for the Business unit for area based action plans. As enforcement officers they will also carry a case load of response enforcement work according to the priorities of an area including planning enforcement investigations.

Out of Office services provide a level of cover for all response work outside of normal working hours and provide additional backup to our daytime operations. The service provides a lead response on Noise and Licensing investigations but is commissioned to undertake other surveillance in support of daytime services.

Enforcement Support

Enforcement support are responsible for supporting enforcement processes and in particular training, information and intelligence sharing, trend analysis and member support.

The Enforcement Structure



Notes

1. Trading Standards include one Tactical Enforcement Officer and Lead Officers for Licensing and Trading Standards
2. Commercial Environmental Health includes one Tactical Enforcement Officer and Lead Officers for Pollution Control, Food Safety and Health & Safety at Work.
3. Private Sector Housing Strategy Team consists of Lead Officers for HMO licensing, Landlord Liaison, and Private Sector Housing Partnerships

Tactical Enforcement

All service groups within Enforcement contain a Tactical Enforcement resource for deployment on the highest priority enforcement issues.

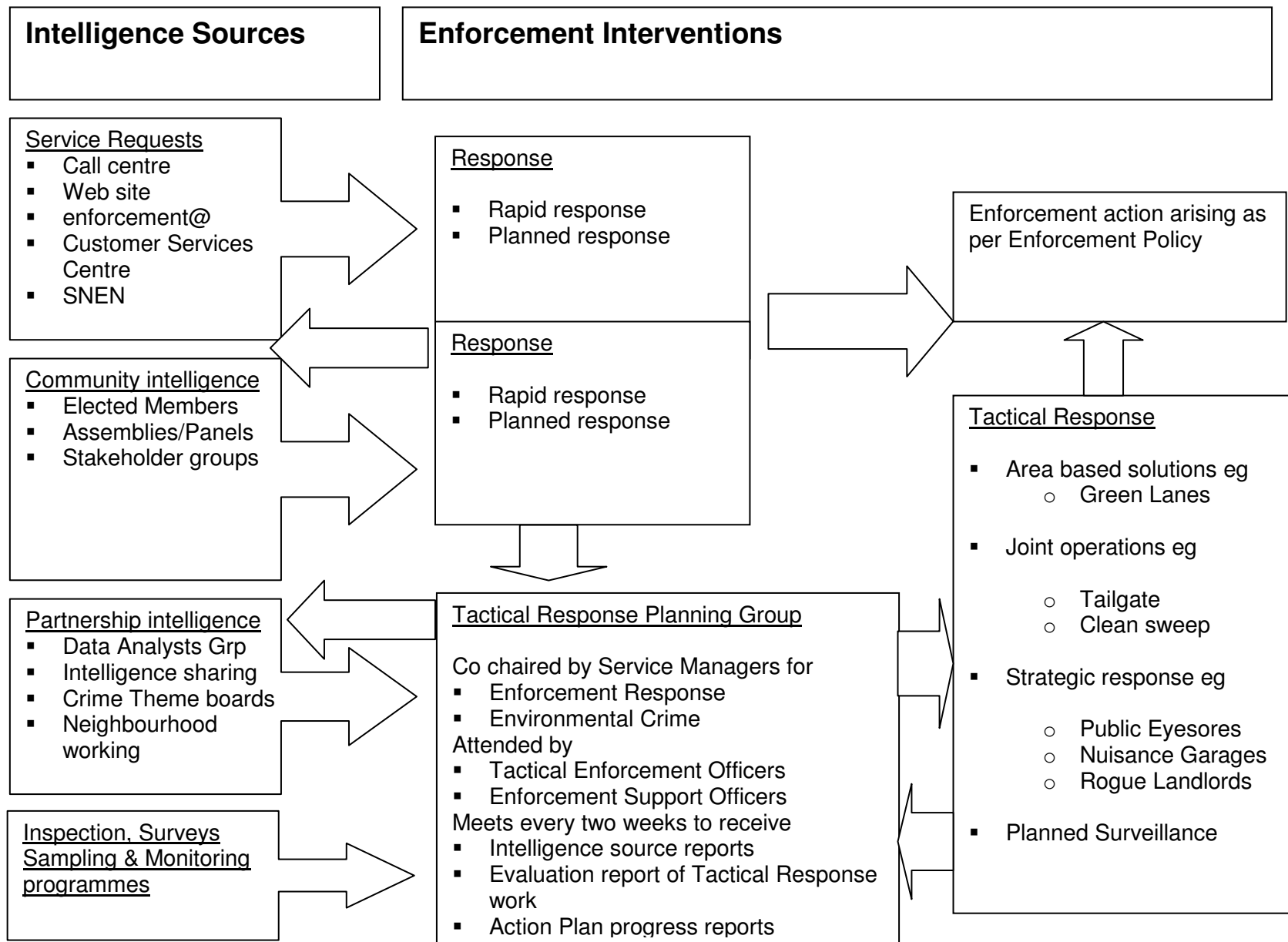
Organised and Prolific Offending - Some, but not all, tactical enforcement targets will reflect organised criminal behaviour and demonstrate prolific offending across crime areas. Tactical Enforcement Officers are experienced and flexible officers who are primarily tasked with specific strategic themes and who are provided with delegated authority to use a broad range of enforcement powers. Tactical Enforcement themes currently include

-

- Nuisance garages – dealing with motor vehicle trade offences, abuse of highway, control of waste and nuisance behaviour.
- Problem Social Clubs – dealing with licensing, planning, nuisance and illegal trading activities. Premises can become a magnet for other criminal activities.
- “Massage” premises – locations which used for illegal sexual activity
- Pirate Radio Stations – these tend stations to support organised crime and gangs. Residents in affected blocks can be at serious threat of violent behaviour.
- Public Eyesores – a programme of hotspot locations in the borough which have a detrimental impact on an area. Issues can include planning, environmental crime offences.
- Problem Landlords – dealing with landlords and letting agents that consistently flout housing standards, planning controls and which allow nuisance behaviour to exist in badly managed premises.
- Organised Crime - Traders operating in the informal economy are also often prominent and prolific offenders. They can be engaged in product counterfeiting, the introduction of illegal goods or the reintroduction of stolen goods to the market place, criminal deceptions, food adulteration, substitution and fraud or supply chain or long form frauds.
- Empty properties - persistently empty properties can become a magnet for environmental crime and ASB. Enforcement action provides a route for bringing such premises back into use.

Tactical Enforcement officers will operate from within the service groups but will also operate collectively on joint operations to establish cross service communications on enforcement targets. This will ensure that we prioritise our resources on our highest priority targets and ensure that will maximise the involvement of other enforcement partners. This tactical to approach is also called “heavy enforcement”.

A Tactical Response Planning Group exists to coordinate the use of intelligence across HSP partners and to plan joint enforcement operations. The flow of information through the service and which is used to plan tactical enforcement targets is shown in the chart below.



7. Our Approach and Enforcement Policy

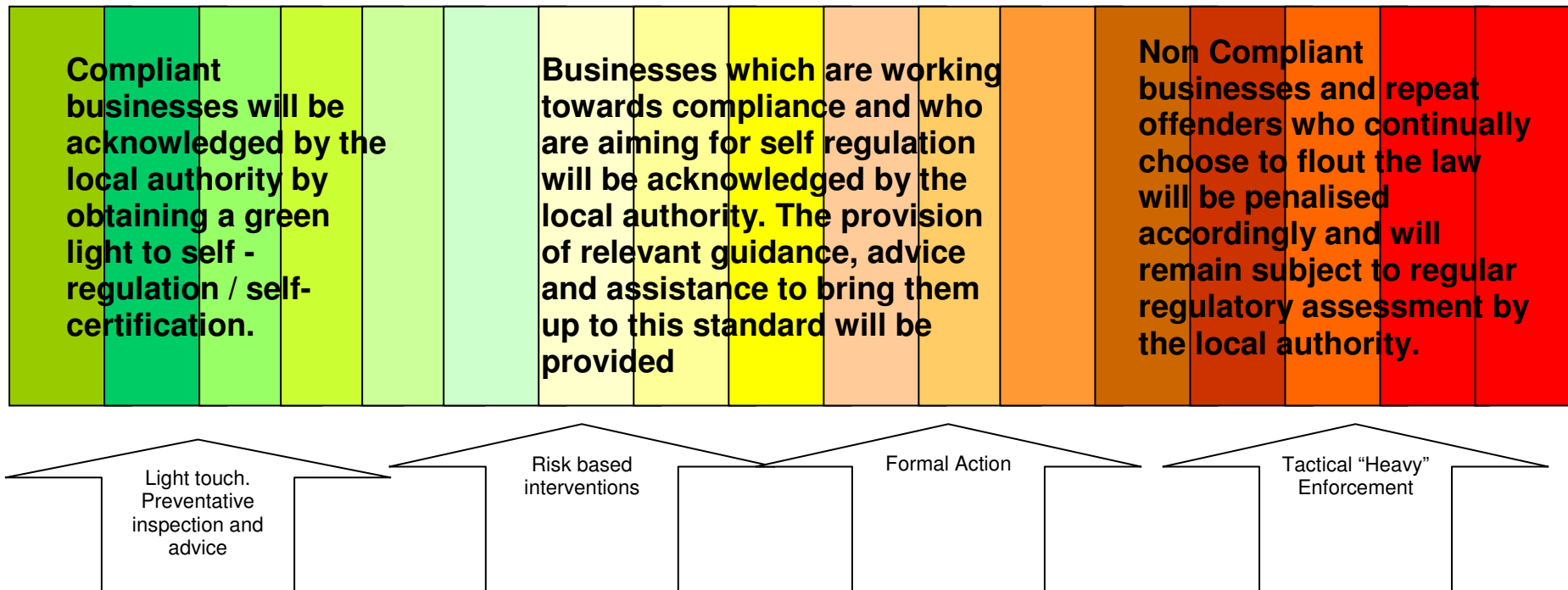
Clear Risk Assessed Interventions

It is the aim of the enforcement service to have an enforcement policy (Appendix 5) and strategy which is easily understood, easily implemented and easily enforced and which provides both quality and effectiveness in our enforcement delivery. It is our aim to provide a regulatory service based on risk assessment so that the burden of enforcement falls most on highest-risk business and individuals and least on those with the best records of compliance. This provision is part of an overall enforcement framework which should provide efficient and well focused enforcement delivery based on the principal of risk, making much more use of advice, and applying tougher and more consistent penalties where they are deserved. As a regulator providing improved advice, can lead to better regulatory outcomes, particularly in small business (*Hampton Review 2005*).

This framework which is depicted clearly within the Enforcement Policy supports some of the recommendations outlined in the Hampton review 'effective inspection and enforcement' document March 2005.

The Hampton review recommended a sliding scale of enforcement outcomes for dealing with offending. The penalty regime should be based on managing the risk of re-offending, and the impact of the offence, with a sliding scale of penalties that are quicker and easier to apply for most breaches with tougher penalties for rogue businesses which persistently break the rules.

Haringey spectrum of compliance model



Building on Good Practice

Accreditation

Accreditation is a tool which aims to provide business owners with information and professional development opportunities to allow them to operate a successful business and to provide their clients with a safe and high quality service. The aim of accreditation is to accredit the business / owner following successful completion of an approved course/inspection etc.

Accreditation is a means of providing evidence to a regulatory provider that your business has been assessed for standards of quality, by an external source. As a regulatory service the use of accreditation as a source of good quality data as part of a risk assessment is essential. Accreditations such as the British standards institute, performance in different regulatory regimes, landlord accreditation and the existence of management systems are examples of quality data that can be taken into consideration when carrying out risk based assessments

Skills Training for Support for Businesses

Content Here

Landlord Accreditation

The Government is promoting landlord accreditation schemes as an effective means of improving the private rented sector for the benefit of all. The Landlord accreditation is founded on the belief that the more knowledge and awareness landlords have regarding the key property management issues, the more likely it is that their properties will be maintained to a higher standard, their tenants' safety and health will be improved and, perhaps of equal importance to landlords, their businesses will be better protected against falling foul of the complex laws surrounding the letting of residential properties. The educational development of participating landlords is the king-pin to ensure that they fully understand their obligations not only in a legal sense, but also the more general responsibility they have to the communities in which their properties are situated. Issues such as current legislation, basic structural requirements, tenancy agreements, inventory control, gas/electrical safety, harassment and illegal eviction will be covered, as well as the delivery of comprehensive information on Housing Benefit procedures and other relevant matters.

Integral to Landlord accreditation is the 'fit and proper person' concept, introduced by the Housing Act 2004 through the provision of Licensing powers held by the local authority. Accredited landlords will be closely linked to a Code of Conduct which every accredited landlord must sign up to. Haringey council works in partnership with other London boroughs in a Pan London Landlord accreditation initiative providing landlords with guidance and training which will allow them to run their businesses compliantly.

Working with Neighbourhoods and Area Based interventions

Haringey Council as part of its community involvement plan declared seven area assemblies across the borough. As part of bringing Haringey Council services, closer to home each area has been provided with a neighbourhood manager. The managers work through the council's seven area assemblies bringing the council and other agencies together with local people to tackle local problems. Making a difference at a local level means that residents, ward Councilors and community groups can be involved with local improvement projects which really matter to local residents living in that neighborhood.

Area based working through joint partnerships with the community, police and other agencies allows for targeted, evidence based, tactical enforcement work specific to the concerns of that community group. The diversity within Haringey and the need to narrow the gap between the east

and west of the borough means that enforcement action can be tailored to a specific area targeting those problems accordingly. A problem in one ward within the borough may be very different to the problems faced in another area of the borough. This method of working allows resources to be allocated according and allows communities to feel they are being heard.

Partnership Working

Partnerships are key to the delivery of services across the local authority as a whole, the development and use of effective partnership can be seen through the work of the HSP and the Community Strategy and the work being carried out through the Local Area Agreement. The Enforcement Service has developed very successful partnerships with both internal service providers and external stakeholders. See Appendix 2 These partnerships have enabled the enforcement service to carryout successful targeted and tactical joint operations, which have been highly organised and intelligence led.




Effective partnership working is a critical element in the management of anti-social behaviour. Partnership working has been an integral tool in enforcing environmental anti-social behaviour and its relationship with other types of criminal activity.

A varied and expanding programme of joint operations has been developed over the past three years between the environmental crime group our internal and external partners such as the Police, DAAT, Safer, stronger Communities Team, Housing and ASBAT .

A series of joint operations known as “Tailgate” has been built on joint planning and high visibility in some of the boroughs crime hotspots. Tactical Enforcement are responsible for investigating, co-ordinating and targeting enforcement action on those perpetrators who continuously choose to flout the law and pose the greatest environmental risk to our communities. By working together and utilising all respective powers, operational partners and resources the heavy enforcement and environmental response team can strive to successfully target the boroughs repeat offenders and facilitate other partnerships and strategies in meeting their objectives.

Content here on Tailgate outcomes

Examples of Achievement

	Environmental Crime	
<p>Operation 'STOP IT'</p>	<p>A multi disciplined Enforcement operation which works along side partners. Environmental Crime Group and Police officers from the Safer Neighbourhood Team White Hart Lane have conducted Operation Stop It' in the N17 and N22 areas. The operation focuses on vehicles carrying waste, cars offered "for sale" on the public Highway (nuisance parking) and abandoned vehicles. A Operation Stop IT campaign allowed Haringey to be one of the first authorities to utilise new seizure powers that came into force in April.</p>	
<p>Public Eyesores</p>	<p>major clean-up operations across the borough have been carried to combat some of the publics biggest public eyesores. An example can be seen at Gourley Place, South Tottenham where public eyesore has been tackled. An area near a railway embankment that has been used as a dumping ground for up to 20 years! contained a build up of rubbish behind an old wall and fencing. Rubbish piled up to seven feet high. At least 110 tonnes of rubbish has been removed at a cost to the landowners of £28,000. Fencing collapsed during the clean-up and had to be rebuilt at a cost of £3000 to Network Rail.</p>	 
<p>Early Bird continues to catch worms</p>	<p>The Heavy Enforcement Team (HET) carries out work with Licensing to ensure premises who have late night business licences are complying with their conditions.</p> <p>Operation early bird targeted areas such as Green Lanes to ensure all businesses were compliant with legislation governing late night business activities.</p> <p>At the end of July, one restaurant in Green Lanes was found guilty of four separate offences for using the premises to supply late night refreshments. The license holder was fined a total of £450 and costs of £656.35.</p> <p>Another licence holder was found guilty of two separate offences for using the</p>	

	premises to supply late night refreshments. The license holder was fined £500	
Illegal gaming machine sites	At the end of July Environmental Crime Group Officers and Metropolitan Police carried out joint operation to target unlicensed gaming machines (pictured below) in the borough. 14 businesses complied with the 7 day notice and removed unlicensed gaming machines from their premises. Two businesses failed to comply therefore machines were disabled and the contents seized.	
Tottenham shops fined for under age sales	An operation to detect licensees who sell goods to underage customers resulted in Licensees of two shops pleading guilty to selling alcohol to under age test purchasers in an exercise carried out by Trading Standards in conjunction with the Police. Both were fined and charged costs. Several other cases are pending. The owner of a newsagent in Tottenham High Rd. pleaded guilty to selling alcohol to two 14 year old girls and was fined £250 with £200 costs. A Supermarket in Lordship Lane was fined £500 with £204 costs for a similar offence. These are encouraging results given that the maximum fine under the old Act was only £1000. A number of cases are pending that fall under the Licensing Act 2003, which raises the maximum fine to £5000. Alcohol was also confiscated from a business that had previously been served with a notice for selling alcohol without a license.	
Education and training achievement	<p>The Food Safety Team has run three workshops promoting “Science at Work “at Alexandra Park School for 60 students .The interactive programme was aimed at stimulating a greater interest in science for 14/15 year olds and to show the relevance of science for a range of occupations such as Environmental Health.</p> <p>The Commercial Group organised training for 22 businesses as part of a campaign to teach ‘Safer Food, Better Business” (SFBB) to small and medium sized caterers. Operators who attended an initial 3 hour session can access a free one to one coaching session at their business premises.</p>	
Empty homes brought back into use	An example of the continued partnership between the housing service, enforcement service and the North London Sub Regional Partnership saw 23 grants totalling £669,000 being given by Housing Grants and Regeneration to bring empty properties back into use, 48 units to the private sector leasing team were provided. 3 empty double fronted properties in Chandos Road N17 which previously occupied squatters and fly-tipping has been regenerated due to a grant aid and agreement between Haringey and the developer. 12 flats have been let to Council for five years to re-house homeless families	

Better shop fronts along Seven Sisters Road

A Seven Sisters road renewal project has begun which will see 19 new shop fronts constructed through funding by the NDC. The improvements will have a significant impact on both the quality of the built environment and the sustainability of small business in the area. The 11 week build will finish in mid-July. Gladesmore Community School has been heavily involved in the design process.



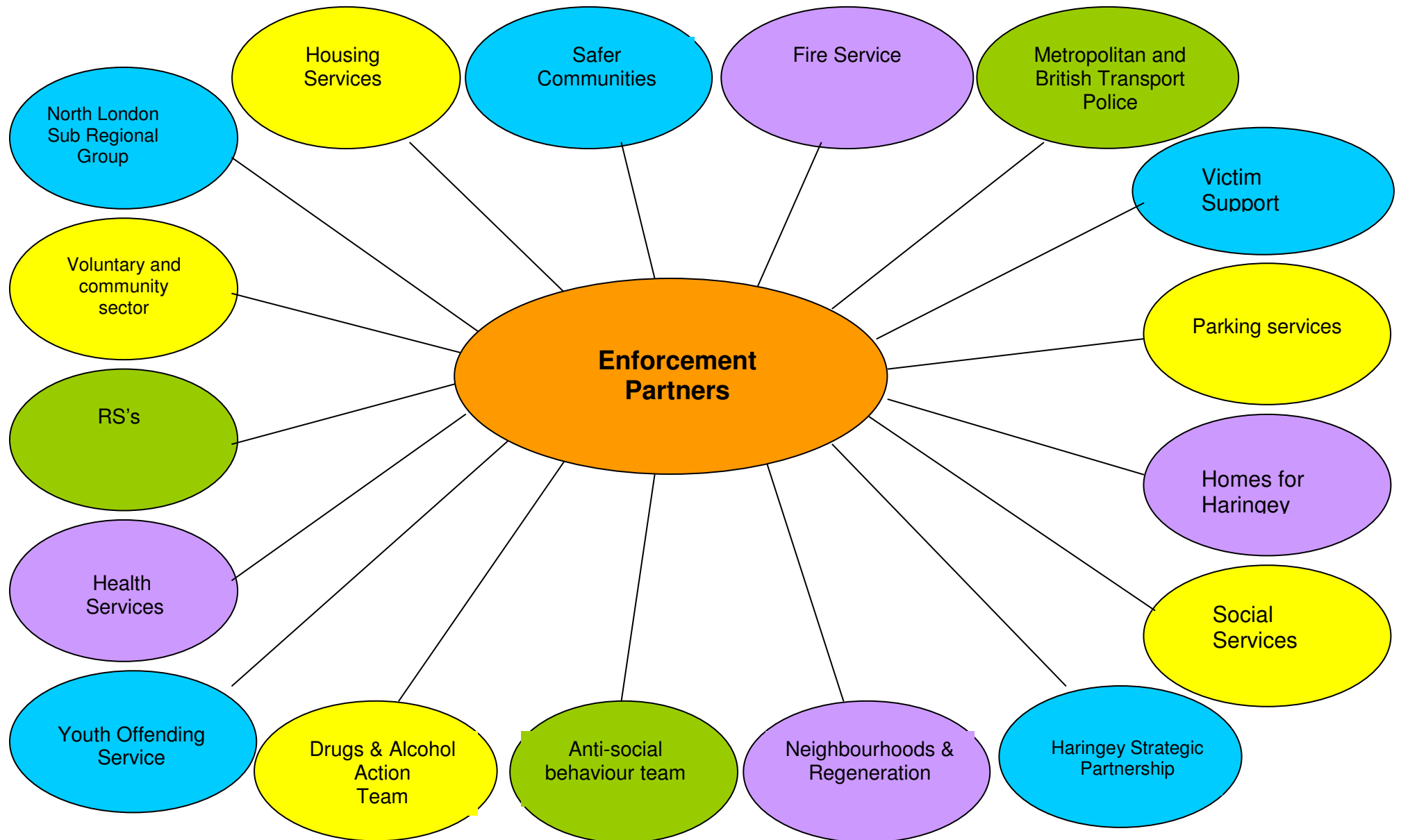
8. Strategic Implementation and Action Plan

The Enforcement Strategy will be delivered through the Enforcement Strategy Action Plan. *(to provided as Appendix3)*

Our strategic approach to delivering the strategy's main objectives will be implemented through the following:

- Ensure that we have clearly identified and agreed priorities for enforcement by adopting an enforcement policy which will provide, proportionate use of enforcement tools and ensure that we take the toughest action on issues that are a priority for Haringey. The Enforcement Policy provided as an Appendix to this strategy identifies the range of enforcement options and the decision making frame work for taking action.
- To meet our statutory responsibilities but ensure we target our enforcement action on areas where the greatest risk could come from non compliance whilst accrediting, developing and celebrating good trading practice and publicising enforcement outcomes whilst shaming its offenders. This will include testing the use of discretionary powers and byelaws.
- Ensure resources are targeted effectively by using:
 - intelligence led activity,
 - covert and overt surveillance
 - problem solving
 - joined up interventions with our enforcement partners
 - Risk based programmes of intervention
 - Out of hours activity and operations
- Ensure that our enforcement service has the correct balances in place to take into account differences in language, disabilities and culture, to engage with these communities and to enable us to listen to what they say.
- Ensure that staff are able to provide a competent and well managed enforcement service through effective training, decision making and resource planning.
- Provide a response to complaints that will deliver intervention that will catch offenders and stop nuisance as it happens as it first priority.
- Increase our profile within the borough by patrolling of public spaces and providing a visible presence within our neighbourhoods.

Appendix 1. Enforcement Service Partners



Appendix 2 DRAFT Haringey Council Enforcement Policy

1. Introduction

- 1.1. The primary purpose of this enforcement policy is to provide a framework for effective enforcement decision making by authorised officers of the London Borough of Haringey. This policy document states the principles and practices that the Council will apply when deciding on appropriate courses of enforcement action.
- 1.2. Use of the policy and its decision framework will ensure that enforcement action is directed towards the priorities of Haringey.
- 1.3. Haringey Council has both statutory duties to investigate a range of offending activities and powers to enforce standards and prosecute offending where necessary.

2. Enforcement in Haringey and Policy Scope

- 2.1. Enforcement is provided through a number of business units but mainly through the Enforcement Service. Haringey Council's Constitution and in its delegation schedules under Part F 'Decision-making' and Part F.7 Schemes of Delegation Schedule identifies the relevant delegated officers for the discharge of enforcement powers.
- 2.2. The scope of this Enforcement Policy includes all of the powers delegated and described below:-
 - Animal Welfare
 - Antisocial Behavior
 - Benefit Fraud
 - Building Control
 - Consumer Safety
 - *Children in Education*
 - Environmental Protection
 - Fair Trading
 - Fly posting
 - Food Safety
 - Graffiti
 - Highways
 - Health and Safety at Work
 - Licensing and Registration
 - Litter and waste
 - Planning
 - Private Sector Housing
 - Public Health and Nuisance

3. Strategic links for Enforcement

- 3.1. *Haringey Council's Community Strategy identifies how the borough will improve the quality of life for people living, working, learning, visiting and*

Appendix 2 DRAFT Haringey Council Enforcement Policy

investing in Haringey. The current strategy sets out the priorities of the Haringey Strategic Partnership (HSP) until 2007 and provides five priorities to make the borough a better place through working together.

- 3.2. Enforcement action taken by the London Borough of Haringey will support these priorities by
 - Supporting compliant businesses and behaviour
 - Providing effective enforcement interventions that can resolve offending behaviour when it occurs.
 - Demonstrating that the reporting of offending behaviour will have a proportionate consequence.
 - Targeting offending behaviour that causes fear of crime, compromises health and safety or which degrades the environment
 - Protecting the young and the vulnerable from exploitation and harm.
- 3.3. Where enforcement powers are used we will ensure that it is targeted so that those that persistently offend, or have a disregard for safety, or who target or exploit the young or vulnerable, or that abuse our public spaces will receive the toughest penalties.

4. **Hampton and Macey Reviews, and the Enforcement Concordat**

- 4.1. As signatories to the Enforcement Concordat, Haringey Council is committed to applying the principles that it sets out and these have also been incorporated into this Enforcement Policy. A copy of the Concordat is provided as Appendix 1.
- 4.2. The Hampton Review, 'Reducing administrative burdens; Effective Inspection and Enforcement' has established a further set of principles for enforcement. These principles, provided as Appendix 2 are produced together with published "principles "and "characteristics" for enforcement sanctions from the Macey report of November 2006. This report was commissioned as a result of the Hampton review to report on options that would add to regulators enforcement toolbox. These principles and characteristics have been included where possible into the decision making framework provided by this policy.
- 4.3. Following the introduction of the Legislative and Regulatory Reform Act 2006 a new Regulatory Compliance Code will be published which will supersede all or part of the Enforcement Concordat. The draft contents of the code have been incorporated into this Policy.

5. Enforcement Principles

5.1. The following principles are those that will be applied by enforcement services in the London Borough of Haringey.

5.2. Standards

5.2.1. We will consult widely with the community, businesses and other stakeholders to draw up clear standards setting out the level of service and performance we expect to provide. We will publish these standards and our performance against them.

5.2.2. We recognise that it is important that we ensure the competency and quality of our enforcement staff. All officers and elected Members of the Council, that are authorised to take delegated enforcement decisions will be able to demonstrate that they have been trained, have undergone robust peer review and hold qualifications where required. We will have in place monitoring systems that will demonstrate that all enforcement decisions taken are traceable to this policy.

5.2.3. In cases where we investigate alleged offences our enquiries will be completed promptly regardless of legal time limits for Court action.

5.3. Openness

5.3.1. We will publish information and advice about the rules that we apply and the further policies that influence decision making.

5.3.2. Where formal action is taken or under consideration, we will ensure that our reasons are clear and that any appeals procedures available are explained.

5.3.3. Where copies of notices are required to be kept on public registers we will ensure that we do this and that there is easy access to the registers.

5.3.4. Where we have undertaken a risk assessment we will be open about the methodologies we use.

5.4. Helpfulness

5.4.1. We will provide a courteous and efficient service. Our staff will identify themselves by name and provide a contact point and telephone number for further dealings with us.

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- 5.4.2. We will ensure that, wherever practicable, our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays. Where possible information collected by a Council enforcement team will be shared to avoid that business having to give the same information twice.
- 5.4.3. We believe that prevention is better than cure. We will advise on and assist with compliance and will work particularly actively with small and medium sized businesses.
- 5.4.4. We will provide information in different community languages for businesses and individuals where appropriate.
- 5.4.5. We will provide responses to requests made under the Freedom of Information Act 2000 and Environment Information Regulations 2004. We will provide advice or assistance where help is requested according to our published standards.
- 5.4.6. We will aim to feedback to those that use and support our services with timely and appropriate information on the key milestones in the investigation of a case.
- 5.5. **Feedback about our services and complaints**
 - 5.5.1. We will actively seek the views of those who receive our services about how we can improve.
 - 5.5.2. We will provide well publicised, effective and timely complaints procedures that are easily accessible to business, the public, employees and consumer groups.
 - 5.5.3. In cases where disputes cannot be resolved, we will explain any right of complaint or appeal, with details of the process and the likely time-scales involved.
 - 5.5.4. We will provide access to the Council's public complaints procedure to anyone who is unhappy about our service.
- 5.6. **Fairness, Risk and Proportionality**
 - 5.6.1. We will seek to advise and inform on potential offences and help individuals to avoid offending behavior.
 - 5.6.2. We will work constructively with businesses that are honestly trying to comply with the law, and help them towards compliance.

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- 5.6.3. We will provide an opportunity for the party in suspected breach to discuss the circumstances of the case and try to resolve the breach. However, we will not hesitate to use powers of direct action designed to tackle offending where there is a clear and current unacceptable breach or an imminent risk. This includes the use of powers to seize, close or stop and operation, or the use of fixed penalty notices.
- 5.6.4. No matter will be taken to formal action simply to elicit a fee, penalty charge or similar payment.
- 5.6.5. We will always consider whether it is expedient to take planning enforcement in the case of unauthorised development. We will normally take enforcement action only when it is essential to protect the amenity of the area, public or highway safety, and the integrity of the development control process. We will not issue a formal notice solely to remedy the absence of a valid permission and will normally suspend enforcement proceedings whilst considering a valid formal application to remedy the matter or where there is an appeal pending, unless the breach is considered to be particularly serious.
- 5.6.6. Haringey Council believes that certain offences are unacceptable in any circumstance and will apply a “Gravity Factor” to certain matters. The areas where gravity factors are applied will be determined by Executive Member decision. Where such gravity factors apply the Council will seek to take the highest available action available, including action for first offences. Those offences where gravity factors are applied are provided as Appendix 3.
- 5.6.7. We will minimise the cost of compliance by ensuring that any action we require is proportionate to the risks and seriousness of the breach.
- 5.6.8. We will develop joint enforcement responses with our colleagues in other enforcement agencies and use these to ensure that our most persistent and prolific offenders receive the toughest outcomes.
- 5.6.9. Where the Council has to execute works in default, because a responsible person has failed to, we will recover our full economic costs either by agreement or through the courts.
- 5.6.10. As far as the law allows, we will take account of the circumstances and attitude of alleged offenders when considering action.
- 5.6.11. We will take into consideration the views of anyone who is alleged to have been injured or suffered loss. Where possible and where prosecution is successful, we will seek a court order to achieve compensation.

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- 5.6.12. We will consult with enforcement authorities with special responsibility for the decision making base of a company or the source of an offending product or service.
- 5.6.13. We will take particular care to work with small businesses, voluntary and community organisations.
- 5.6.14. Where we are successful in Court we will always apply for the full costs of that investigation and prosecution.
- 5.6.15. Where we are successful in taking prosecution cases, we will publicise these results so that we inform others about the consequences of failing to comply with legal requirements.

5.7. **Consistency**

- 5.7.1. We will carry out our duties in a fair, equitable and consistent manner.
- 5.7.2. We will promote consistency, and make effective arrangements for liaison with other authorities and enforcement bodies.
- 5.7.3. We will monitor the outcomes of enforcement, audit the competence of our staff and run regular training to ensure that our authorised officers are qualified and competent.
- 5.7.4. The Council supports the 'Home Authority Principle' developed by the Local Authorities Coordinators of Regulatory Services ('LACORS').
- 5.7.5. The Council has established information sharing protocols to ensure that it and its partners have access to accurate and appropriate information when taking enforcement decisions.
- 5.7.6. Where we have shared enforcement responsibilities with others we will work with them to ensure a consistent approach. This includes other enforcement agencies and other Council services.
- 5.7.7. We will take formal action only where we are sure that it is consistent with this policy.

5.8. **Monitoring**

- 5.8.1. We will monitor the outcomes of enforcement and compliance with this Policy.

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- 5.8.2. We will monitor our compliance with the Council's equalities policies and best practice.
- 5.8.3. We will publish reports on our compliance with this enforcement policy and any variations will be addressed in our published business plans.

5.9. Targeting

- 5.9.1. No inspection will take place without a reason.
- 5.9.2. We will use risk assessment to target our planned inspection programs and to prioritise our activities. Our greatest effort will be directed where a compliance breach would have serious consequences; and the individual business is at high risk of a compliance breach. Where the risk of an adverse outcome is low we will not automatically inspect.
- 5.9.3. Risk assessment will
- assess and balance the likelihood of compliance failure, the seriousness of compliance failure, the business's past performance and its current practice;
 - Use all relevant, good-quality data that can be readily obtained, including that available from third parties such as independent accreditation schemes
 - Not use any irrelevant, inaccurate or unreliable data
- 5.9.4. Our response times and inspection intervals will be traceable to an assessment of risk and seriousness of offence. We will take account of local needs including those of business owners, employees and the public in setting targets and priorities. However, our inspections intervals will not be predictable.
- 5.9.5. Inspection programs and information will be coordinated across agencies to ensure the burdens on business are minimised.
- 5.9.6. We will use problem solving techniques to develop strategies for resolving problems and ensure that available intelligence is used to inform these strategies and our tactical enforcement operations.
- 5.9.7. We will use information from area based groups and stakeholders to ensure that our enforcement response to problem locations is informed by local intelligence.

5.10. Human Rights

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5.10.1. We will always respect the rights and freedoms of individuals as set out in the Human Rights Act 1998 and we will comply with the protocols described in the Act.

6. Enforcement Processes

- 6.1. Our delivery of enforcement will be based on four methods of intervention:
- **Education** - we will promote good practice, support training initiatives and provide advice where it is practicable to do so.
 - **Planned Inspection** – we will operate a number of risk based inspection programs for trading regulation
 - **Responding to complaints and information** - we will prioritise our response to complaints and other notifications by an assessment of risk.
 - **Intelligence led** – We will monitor trends in enforcement and non-compliance and carry out targeted and tactical enforcement projects

7. Enforcement Decisions

- 7.1. The Council will often have a number of enforcement options for most matters ranging from verbal advice on compliance through to prosecution. The following will be used to help us determine the correct level of action in any particular case:
- 7.2. How serious is the matter?
- Was there disregard for the law or a published policy of the Council.
 - Was there significant gain, dishonesty or intention to deceive?
 - Has there been reckless disregard for safety?
 - Has there been serious injury, loss or public alarm?
 - Are there multiple offences?
- 7.3. What is the previous history?
- Is it a repeat offence?
 - Has previous advice or advice made available n how to comply with the law been ignored?
- 7.4. What steps have been taken to get information about compliance?
- 7.5. Is the action proposed likely to be effective in preventing recurrence of the offence?
- 7.6. Will serious or irreversible consequences result from a failure to comply with a legal requirement?
- 7.7. Does a Gravity Factor apply?
- This will relate to issues of major area of local concern and will be subject to review by the relevant Executive Member.

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7.8. Appendix 4 contains a decision framework to determine levels of enforcement intervention based on the options available in each area of enforcement activity. This framework or an equivalent record will be used to record the reasons for a formal action or the decision to take no action where an offence has been identified. In the case of lower level offending this may be in the form of a relevant contemporaneous note or through the detail provided by a formal notice. Decisions likely to result in a formal caution or prosecution require a higher level recorded information. Formal records will be made available on request to those against whom action is taken.

8. Enforcement Options

8.1. In summary the options available fall under the following hierarchy. Each enforcement area will publish specific process information to show the detailed framework for enforcement action that it uses.

8.2. Informal action will be taken in the first instance where the matter is not serious; the past history shows no similar problems, there is no risk to health or fraud and we have confidence that compliance will be achieved. Voluntary organisations will normally be dealt with at this level.

8.3. Advice from Officers will be put clearly and simply. It will be confirmed in writing, explaining why any remedial work is necessary and over what time-scale. We will make sure that legal requirements are clearly distinguished from best practice advice.

8.4. Where advice has been given and repeat offences are found, formal action is likely to follow.

8.5. Agreements and Undertakings

8.6. Agreements and undertakings are informal procedures, aimed at stopping problem behaviour or continuing offending. Rather than punishing the offender these can be signed and agreed by an offender to record acceptable improvements that will prevent future offending. The will form a record that can be used as a record should further action be required.

8.7. Notices Requiring Improvement or Works will be used where there are recurring matters not resolved informally; or significant contraventions; or risks to health or the environment.

8.8. Once we have served a notice requiring improvement or works to be undertaken, we will continue to provide advice and support to ensure that the recipient understands it and is able to comply with it fully. We will regard failure to comply with a notice as a serious matter which will normally result

Appendix 2 DRAFT Haringey Council Enforcement Policy

- in either a formal caution (for example in the case of a first offence) or prosecution.
- 8.9. Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference and agree time scales for compliance. In the case of vulnerable groups we will consult with any appropriate representative bodies.
- 8.10. Fixed Penalty Notices are an alternative to a prosecution. They will be used where an offence committed does not warrant prosecution in the first instance and where the cost of prosecution and any likely fine arising makes prosecution not in the public interest.
- 8.11. Fixed penalty notices will be used as an effective warning that a matter is an offence and will result in prosecution if they are not paid and no appeal is upheld.
- 8.12. Notices Requiring Information - These will be used to help identify responsibility for matters we are investigating. Failure to comply with a notice will normally result in a prosecution because such a failure will often frustrate the progress of further and more serious enforcement action.
- 8.13. Notices Prohibiting or Stopping Activities will be used where an activity poses a significant risk to health, irreversible damage or the environment. Where the risk exists at the time of the action or is imminent we will immediately use powers available to close premises or parts of premises, seize or detain articles, equipment or food to remove the risk effectively.
- 8.14. Where Officers consider immediate notice action is necessary, they will give an explanation of why such action is needed at the time and confirm in writing in the notice served at that time. If requested, officers will provide further written explanation of their decision within 10 working days.
- 8.15. Work in Default - Where we have served a notice requiring works to be undertaken and there is not compliance, we will exercise powers available to us to arrange for the improvement work to be carried out at their expense. This is known as 'work in default' and we will always seek to recover our full economic costs from the person receiving the original notice.
- 8.16. Review of Licence and Registration Conditions - The Council has published a Licensing Policy and Gambling Policy that sets out its approach to the issue of licenses.

Appendix 2 DRAFT Haringey Council Enforcement Policy

8.17. Formal Cautions will be issued where there is clear evidence and acceptance of an offence by the offender. Where cautions are offered as an alternative to prosecution, we will require that the costs of that investigation are met as part of the conditions for the issue of that caution. The purpose of a formal caution will be:

- to deal quickly and simply with less serious offences;
- to avoid unnecessary appearances in criminal courts; and
- to reduce chances of re-offending.
- to deal with cases where it is not in the public interest to prosecute.

8.18. Where a formal caution is issued the Council will expect its investigation costs to that point will be met. Failure to agree an offer of formal caution will lead to prosecution.

8.19. Prosecution - we will follow the Crown Prosecution Service code for prosecutions when considering enforcement action. Details of this are provided as Appendix 6 and have been included into the decision making framework under Appendix 5.

8.20. Injunctions and Court Orders. – these will be used where an offender persistently offends and where a prosecution or threat of prosecution is unlikely to remedy the breach.

8.21. Proceeds of Crime Act 2002

8.22. Following conviction for an acquisitive crime, a court can be asked to issue a confiscation order: an order to the convicted defendant to pay a sum of money representing the defendant's benefit from crime. The sum will have been determined during the investigation, or at a later date.

8.23. **Enforcement Procedures**

8.24. We will maintain written enforcement procedures designed to implement this policy. Officers will be trained in the use of these procedures and will have authority to take enforcement actions traceable to them. Where enforcement results in a formal caution or prosecution, Officers will provide on request a copy of this policy and a justification for their action.

8.25. **Review**

8.26. We will review this policy and update it to reflect changes in its source documents and controlling bodies. We will also review its effectiveness in supporting the Council's and the Community's priorities.

Appendix 2 DRAFT Haringey Council Enforcement Policy

8.27. We will consult with stakeholders before and after making any significant changes to this policy.

Where other factors affect our decision to prosecute we will publish them.

Enforcement Policy Appendices

Appendix 1

The Principles of Good Enforcement:

Policy and Procedures

This document sets out what business and others being regulated can expect from enforcement officers. It commits us to good enforcement policies and procedures. It may be supplemented by additional statements of enforcement policy. The primary function of central and local government enforcement work is to protect the public, the environment and groups such as consumers and workers. At the same time, carrying out enforcement functions in an equitable, practical and consistent manner helps to promote a thriving national and local economy.

We are committed to these aims and to maintaining a fair and safe trading environment. The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. We recognise that most businesses want to comply with the law. We will, therefore, take care to help business and others meet their legal obligations without unnecessary expense, while taking firm action, including prosecution where appropriate, against those who flout the law or act irresponsibly. All citizens will reap the benefits of this policy through better information, choice and safety.

We have therefore adopted the central and local government Concordat on Good Enforcement. Included in the term 'enforcement' are advisory visits and assisting with compliance as well as licensing and formal enforcement action. By adopting the concordat we commit ourselves to the following policies and procedures, which contribute to best value, and will provide information to show that we are observing them.

Enforcement Policy Appendices

Principles of Good Enforcement: Policy

STANDARDS

In consultation with business and other relevant interested parties, including technical experts where appropriate, we will draw up clear standards setting out the level of service and performance the public and business people can expect to receive. We will publish these standards and our annual performance against them. The standards will be made available to businesses and others who are regulated.

OPENNESS

We will provide information and advice in plain language on the rules that we apply and will disseminate this as widely as possible. We will be open about how we set about our work, including any charges that we set, consulting business, voluntary organisations, charities, consumers and workforce representatives. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

HELPLESSNESS

We believe that prevention is better than cure and that our role therefore involves actively working with business, especially small and medium sized businesses, to advise on and assist with compliance. We will provide a courteous and efficient service and our staff will identify themselves by name. We will provide a contact point and telephone number for further dealings with us and we will encourage business to seek advice/information from us. Applications for approval of establishments, licenses, registrations, etc, will be dealt with efficiently and promptly. We will ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary overlaps and time delays.

COMPLAINTSABOUTSERVICE

We will provide well publicised, effective and timely complaints procedures easily accessible to business, the public, employees and consumer groups. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained, with details of the process and the likely time-scales involved.

PROPORTIONALITY

We will minimise the costs of compliance for business by ensuring that any action we require is proportionate to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the operator when considering action. We will take particular care to work with small businesses and voluntary and community organisations so that they can meet their legal obligations without unnecessary expense, where practicable.

CONSISTENCY

Enforcement Policy Appendices

We will carry out our duties in a fair, equitable and consistent manner. While inspectors are expected to exercise judgement in individual cases, we will have arrangements in place to promote consistency, including effective arrangements for liaison with other authorities and enforcement bodies through schemes such as those operated by the Local Authorities Co-ordinating Body on Food and Trading Standards (LACOTS) and the Local Authority National Type Approval Confederation (LANTAC).

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Principles of Good Enforcement: Procedures

Advice from an officer will be put clearly and simply and will be confirmed in writing, on request, explaining why any remedial work is necessary and over what time-scale, and making sure that legal requirements are clearly distinguished from best practice advice. Before formal enforcement action is taken, officers will provide an opportunity to discuss the circumstances of the case and, if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety or environmental protection or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and, in all cases, within 10 working days. Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken (whenever possible this advice will be issued with the enforcement notice).

CABINET OFFICE
MARCH 1998

Enforcement Policy Appendices

Appendix2

Hampton Report Recommendations – March 2005

- Regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- Regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;
- All regulations should be written so that they are easily understood, easily implemented, and easily enforced, and all interested parties should be consulted when they are being drafted;
- No inspection should take place without a reason;
- Businesses should not have to give unnecessary information, nor give the same piece of information twice;
- The few businesses that persistently break regulations should be identified quickly, and face proportionate and meaningful sanctions;
- Regulators should provide authoritative, accessible advice easily and cheaply;
- When new policies are being developed, explicit consideration should be given to how they can be enforced using existing systems and data to minimise the administrative burden imposed;
- Regulators should be of the right size and scope, and no new regulator should be created where an existing one can do the work; and • Regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection.

Macrory Review of Regulatory Penalties – November 2006.

The final report of the Hampton Review recommended that the government establish a comprehensive review of regulators penalty regimes. Following this Professor Richard Macrory was asked to examine the current system of regulatory sanctions.

The aim of the review was to bring the penalty system into line with the risk based proportionate model of regulation laid out in the Hampton Report. The review looked at options that would add to regulators enforcement toolbox, broadening the flexibility available to both regulators and the judiciary to meet regulatory objectives better and improve compliance.

The review makes a number of recommendations that aim to ensure that regulators have access to a flexible set of modern fit for purpose sanctioning tools that are consistent with the risk based approach to enforcement outlined by Philip Hampton. The following are key to a local enforcement policy.

Six Penalties Principles

A sanction should:

1. Aim to change the behaviour of the offender

Enforcement Policy Appendices

2. Aim to eliminate any financial gain or benefit from a non-compliance
3. Be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction
4. Be proportionate to the nature of the offence and the harm caused
5. Aim to restore the harm caused by regulatory non-compliance, where appropriate
6. Aim to deter future non-compliance

Seven characteristics

Regulators should:

1. Publish an enforcement policy
2. Measure outcomes not just outputs
3. Justify their choice of enforcement actions year on year to stakeholders, Ministers and Parliament
4. Follow-up enforcement actions where appropriate.
5. Enforce in a transparent manner
6. Be transparent in the way in which they apply and determine administrative penalties
7. Avoid perverse incentives that might influence the choice of sanctioning

Each regulator should publish a list on a regular basis of its completed enforcement actions and against whom such actions have been taken.

Draft Regulatory Compliance Code

- regulators, and the regulatory system as a whole, should use comprehensive risk assessment to concentrate resources on the areas that need them most;
- regulators should be accountable for the efficiency and effectiveness of their activities, while remaining independent in the decisions they take;
- no inspection should take place without a reason;
- businesses should not have to give unnecessary information, nor give the same piece of information twice;
- the few businesses that persistently break regulations should be identified quickly;
- regulators should provide authoritative, accessible advice easily and cheaply; and
- regulators should recognise that a key element of their activity will be to allow, or even encourage, economic progress and only to intervene when there is a clear case for protection

Enforcement Policy Appendices

Appendix 3

Gravity Factors

These gravity factors will be used to reflect changing trends in offences and priorities for the Council and will be agreed by the relevant Executive Member.

The following offences will warrant the highest level of formal action including prosecution for a first offence:

1. Assault against or obstruction of an Officer.
2. Organised, premeditated and deliberate offences.
3. Targeting of vulnerable groups.
4. Harassment.
5. Failure to comply with formal notices served by the Council.
6. Where there has been a reckless disregard for life or limb,
7. Where there has been substantial financial gain.
8. Where there has been a deliberate and significant fraud.
9. Where there is a serious pollution risk.

Enforcement Policy Appendices

Appendix 4

CPS Code for Prosecutors – Adapted for use in London Borough of Haringey

THE FULL CODE TEST

The Full Code Test has two stages. The first stage is consideration of the evidence. If the case does not pass the evidential stage it must not go ahead no matter how important or serious it may be. If the case does pass the evidential stage, Prosecutors must proceed to the second stage and decide if a prosecution is needed in the public interest. The evidential and public interest stages are explained below.

THE EVIDENTIAL STAGE

Prosecutors must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. They must consider what the defence case may be, and how that is likely to affect the prosecution case.

A realistic prospect of conviction is an objective test. It means that a jury or bench of magistrates or judge hearing a case alone, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A court should only convict if satisfied so that it is sure of a defendant's guilt.

When deciding whether there is enough evidence to prosecute, Prosecutors must consider whether the evidence can be used and is reliable. There will be many cases in which the evidence does not give any cause for concern. But there will also be cases in which the evidence may not be as strong as it first appears. Prosecutors must ask themselves the following questions:

- Can the evidence be used in court?
 - Is the evidence reliable?
- a.** Is it likely that the evidence will be excluded by the court? There are certain legal rules which might mean that evidence which seems relevant cannot be given at a trial. For example, is it likely that the evidence will be excluded because of the way in which it was gathered? If so, is there enough other evidence for a realistic prospect of conviction?
- b.** Is there evidence which might support or detract from the reliability of a confession? Is the reliability affected by factors such as the defendant's age, intelligence or level of understanding?
- c.** What explanation has the defendant given? Is a court likely to find it credible in the light of the evidence as a whole? Does it support an innocent explanation?

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- d.** If the identity of the defendant is likely to be questioned, is the evidence about this strong enough?
- e.** Is the witness's background likely to weaken the prosecution case? For example, does the witness have any motive that may affect his or her attitude to the case, or a relevant previous conviction?
- f.** Are there concerns over the accuracy or credibility of a witness? Are these concerns based on evidence or simply information with nothing to support it? Is there further evidence which the police should be asked to seek out which may support or detract from the account of the witness?

Prosecutors should not ignore evidence because they are not sure that it can be used or is reliable. But they should look closely at it when deciding if there is a realistic prospect of conviction.

THE PUBLIC INTEREST STAGE

In 1951, Lord Shawcross, who was Attorney General, made the classic statement on public interest, which has been supported by Attorneys General ever since: "It has never been the rule in this country — I hope it never will be — that suspected criminal offences must automatically be the subject of prosecution". (House of Commons Debates, volume 483, column 681, 29 January 1951.)

The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. Although there may be public interest factors against prosecution in a particular case, often the prosecution should go ahead and those factors should be put to the court for consideration when sentence is being passed. A prosecution will usually take place unless there are public interest factors tending against prosecution which clearly outweigh those tending in favour, or it appears more appropriate in all the circumstances of the case to divert the person from prosecution (see section 8 below).

Prosecutors must balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better. The following lists of some common public interest factors, both for and against prosecution, are not exhaustive. The factors that apply will depend on the facts in each case. Some common public interest factors in favour of prosecution

The more serious the offence, the more likely it is that a prosecution will be needed in the public interest.

A prosecution is likely to be needed if:

- a. a conviction is likely to result in a significant sentence;

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- b. a conviction is likely to result in a confiscation or any other order;
- c. a weapon was used or violence was threatened during the commission of the offence;
- d. the offence was committed against a person serving the public (for example, a police or prison officer, or a nurse);
- e. the defendant was in a position of authority or trust;
- f. the evidence shows that the defendant was a ringleader or an organiser of the offence;
- g. there is evidence that the offence was premeditated; there is evidence that the offence was carried out by a group;
- h. the victim of the offence was vulnerable, has been put in considerable fear, or suffered personal attack, damage or disturbance;
- i. the offence was committed in the presence of, or in close proximity to, a child;
- j. the offence was motivated by any form of discrimination against the victim's ethnic or national origin, disability, sex, religious beliefs, political views or sexual orientation, or the suspect demonstrated hostility towards the victim based on any of those characteristics;
- k. there is a marked difference between the actual or mental ages of the defendant and the victim, or if there is any element of corruption; m the defendant's previous convictions or cautions are relevant to the present offence;
- l. the defendant is alleged to have committed the offence while under an order of the court;
- m. there are grounds for believing that the offence is likely to be continued or repeated , for example, by a history of recurring conduct;
- n. the offence, although not serious in itself, is widespread in the area where it was committed; or a prosecution would have a significant positive impact on maintaining community confidence.

Some common public interest factors against prosecution

- A prosecution is less likely to be needed if:
- a. the court is likely to impose a nominal penalty;
 - b. the defendant has already been made the subject of a sentence and any further conviction would be unlikely to result in the imposition of an additional sentence or order, unless the nature of the particular offence requires a prosecution or the defendant withdraws consent to have an offence taken into consideration during sentencing;
 - c. the offence was committed as a result of a genuine mistake or misunderstanding (these factors must be balanced against the seriousness of the offence);
 - d. the loss or harm can be described as minor and was the result of a single incident, particularly if it was caused by a misjudgement;
 - e. there has been a long delay between the offence taking place and the date of the trial, unless:

Enforcement Policy Appendices

- the offence is serious;
 - the delay has been caused in part by the defendant;
 - the offence has only recently come to light; or
 - the complexity of the offence has meant that there has been a long investigation;
- f. a prosecution is likely to have a bad effect on the victim's physical or mental health, always bearing in mind the seriousness of the offence;
- g. the defendant is elderly or is, or was at the time of the offence, suffering from significant mental or physical ill health, unless the offence is serious or there is real possibility that it may be repeated. The Council where necessary, applies Home Office guidelines about how to deal with mentally disordered offenders. Prosecutors must balance the desirability of diverting a defendant who is suffering from significant mental or physical ill health with the need to safeguard the general public;
- h. the defendant has put right the loss or harm that was caused (but defendants must not avoid prosecution or diversion solely because they pay compensation); or
- i. details may be made public that could harm sources of information, international relations or national security.

Deciding on the public interest is not simply a matter of adding up the number of factors on each side. Prosecutors must decide how important each factor is in the circumstances of each case and go on to make an overall assessment.

The relationship between the victim and the public interest

The Council does not act for victims or the families of victims in the same way as solicitors act for their clients. Prosecutors act on behalf of the public and not just in the interests of any particular individual. However, when considering the public interest, Prosecutors should always take into account the consequences for the victim of whether or not to prosecute, and any views expressed by the victim or the victim's family.

It is important that a victim is told about a decision which makes a significant difference to the case in which they are involved. Prosecutors should ensure that they follow any agreed procedures.

**Enforcement Policy Appendices
Appendix 5 Form ED1**

ENFORCEMENT DECISION

[This form must be completed in all cases where enforcement action is available. In the case of an offence/statutory non-compliance identified without any intermediate stage necessary to take further action – use form ED2]

CP No. *Investigating Officer*
Group

Subject of proposed action: Name* (individuals or company):
(* delete as appropriate)
Address*:

Property*
Vehicle*

Enforcement action available (incl. brief summary details):

Enforcement check-list/Summary (incl. Human Rights assessment)

Compliance with service policy: YES*

(*initial as appropriate) NO*+

+ Reasons for divergence from policy

Enforcement action available proposed to be taken? YES* [Go to page 2]

(*initial as appropriate) NO*+

+ Reasons for NOT taking available action:

Other than notifying complainant/subject, etc. of no enforcement action available, is any alternative action proposed? (state "NFA" or brief detail)
[Go to "Recommendation of Investigating Officer" at foot of page 2]

Enforcement Policy Appendices
Form ED1 (Page 2)

Enforcement action proposed

Object of proposed action:

Enforcement powers available (law or policy):

Reasons if using a subordinate power (e.g. warning rather than stat. Notice):

Other powers considered and deemed inappropriate:

Action proportionate to risk/danger/nuisance? YES*+

(*initial as appropriate) NO*+

+ Reasons (brief):

Investigating Officer authorised to take proposed action? YES*

(*initial as appropriate) NO*

Further relevant detail [continue on separate sheet, if necessary, but ensure sheet is referenced]:

Recommendation of Investigating Officer:

Signature..... Date

Authorisation:

I have read the contents of this Form ED1, and believe it contains all the relevant material to enable me to make a decision. The proposals are compliant with the service's Enforcement Policy. [*The emergency nature of the action proposed necessitated my authorisation being given after the action had commenced] [* delete if appropriate].

Signature..... Name [print].....

Designation: Date:.....

Enforcement Policy Appendices
Form ED2

OFFENCE, ETC. REPORT
(including other Statutory non-compliance)

[This form must be completed in all cases where an offence or other statutory non-compliance has been identified]

CP No. *Investigating Officer*
Group

Actionable Subject: Name* (individuals or company):
(* delete as appropriate)

Address*:

Property*
Vehicle*

Offence/Statutory non-compliance

Statute(s):

Brief summary of offence, etc.:

Summary of facts (brief):

Description of Evidence:

Anticipated defence:

Mitigation:

Relevant history of subject:

Witnesses/Costs issues:

Enforcement Policy Appendices
Form ED2 (Page 2)

Enforcement action check-list/Summary
(incl. Human Rights and CPS Guidelines assessment)

Compliance with service policy: YES*

(*initial as appropriate) NO*+

+ Reasons for divergence from policy

Is prosecution/caution proposed for offences? YES* [Go to B]

(*initial as appropriate) NO*+

+ Reasons for NOT pursuing prosecution/caution:

Scoring check-list: YES* [Go to B]

Other:

[unless also scoring check-list, Go to A]

Is WID or other primary relevant action proposed for Statutory non-compliance?

(*initial as appropriate) YES* [Go to C]

NO*+

+ Reasons for NOT pursuing WID, etc.

[Go to A]

A. Other action proposed:

[Go to C]

B. Prosecution/caution

Evidence test – Admissible? (*initial as appropriate) YES*

Comment (+ mandatory): NO*+

Reliability test - evidence reliable? (*initial as appropriate) YES*

Comment (+ mandatory): NO*+

Public interest – factors for/against other than as per scoring check-list:

Enforcement Policy Appendices
Form ED2 (Page 3)

Human rights:

Object of proposed action:

Enforcement powers to be used:

Other powers considered and deemed inappropriate:

Action proportionate? (*initial as appropriate) YES*

Comment (+ mandatory): NO*+

Scoring check-list attached (*initial confirmation) YES*

Comment re- check-list:

C. Actions re- Statutory non-compliance [Go to D]

With regard to any subsequent judicial scrutiny,

1. Is evidence admissible? (*initial confirmation) YES*

2. Is evidence reliable? (*initial confirmation) YES*

3. Is it in public interest to pursue proposed action? (*initial confirmation) YES*

4. What is the object of the proposed action?

5. What enforcement powers are to be used?

6. Other powers considered and deemed inappropriate:

7. Action proportionate? (*initial confirmation) YES*

8. Comments/reasons (mandatory where "YES" NOT initialled in 1, 2, 3 and 7 above) (Voluntary otherwise), and approximate cost of works (WID)

Enforcement Policy Appendices

Form ED2 (Page 4)

D. Additional information

Reported within case-type target time? (*initial confirmation) YES*

Comment (+ mandatory): NO*+

Contentious evidence/history?

Recommendation of Investigating Officer:

The appropriate course(s) of action are initialled:

No action Written warning Formal caution

Prosecution - summary indictment

Work in default Seizure/detention Emergency closure

Other (brief description)

Signature..... Date

Authorisation:

I have read the contents of this Form ED2 [*and the attached scoring check-list], and believe it contains all the relevant material to enable me to make a decision. The proposals are compliant with the service's Enforcement Policy. [*The emergency nature of the action(s) proposed necessitated my authorisation being given after the action had commenced].
[* delete if appropriate]

NOTE - This authorisation certifies that the proposals for enforcement action are compliant with the service's Enforcement Policy. The service's requirements for the operational processing of legal proceedings, work in default, seizures of goods, etc. are still applicable, and must be followed.

Signature..... Name [print].....

Designation: Date.....

Enforcement Policy Appendices
Form ED2- Scoring Check-list

**OFFENCE REPORT
SCORING CHECK-LIST FOR PROSECUTION/CAUTION**

[This form must be completed and attached to Form ED2 in all cases where an offence has been identified and any part of section B of Form ED2 has to be completed.

CP No. _____ *Investigating Officer*
Group _____

	Enforcement Priority	2. Officer Comments	Score (0 or 5)
1.	Does a gravity factor apply?		
1.1	Describe the gravity factor and how it applies?		

	Enforcement Policy Issue	3. Officer Comments	Score (0-3)
2.	Attitude and accountability of the Offender		
2.1	Has previous advice on how to comply with the law been ignored? Include when and how.		
2.2	Was there deliberate disregard for the law?	4.	
2.3	Is the defendant vulnerable because of age, circumstances or mental state?		
2.4	What is the likelihood of re-offending? High / Medium / Low		
3.	Views of Injured party		
3.1	What are the views of anyone who has been injured or suffered loss in relation to the case?		
4.	Public Perception		
4.1	Has there been serious personal distress, injury, loss or public alarm?		
4.2	Is the case connected with a major area of local concern? 5		
5.	Was there significant economic advantage?		
5.1	What is the estimated monetary value of this advantage?		
6.	Has there been deliberate dishonesty or an intention to deceive?	6.	
6.1	Is the offence fraudulent?		

Enforcement Policy Appendices

6.2	<i>Is there a pattern to the offences that suggests that it have been planned?</i>		
7.	Vulnerability of the Victim or Intended victim?		
7.1	<i>Is the offence more significant due to the vulnerability of the victim?</i>		
7.2	<i>Have vulnerable groups been targeted?</i>		
8.	Previous History		
8.1	<i>Is it a repeat offence?</i>		
8.2	<i>What formal action has previously been taken and when?</i>		
8.3	<i>If a new trader what efforts have they made to get information about how to comply?</i>		
9.	Consequences		
9.1	<i>Has there been reckless disregard for safety?</i>		
9.2	<i>What serious consequences resulted or could have resulted from a failure to comply with a legal requirement?</i>		
10.	Are there multiple offences to be brought at the same time?		
	Total Score	Add up the eight highest scores	

NOTE - FORM ED2- SCORING CHECK-LIST COMPRISES 2 PAGES OF WHICH THIS IS THE SECOND PAGE.

**ENFORCEMENT ACTION DECISION-MAKING
 & OFFENCES, etc. REPORTING**
PROCEDURE FLOW DIAGRAM

Enforcement Action Decision - Making & Offences Reporting

