

NEIGHBOURHOOD SERVICES

Community Safety and Licensing

Enforcement Policy

Contents

	Page
1. Background	3
2. Introduction & Scope	3
3 Approval & Review	4
4. Access to the Policy	4
5. The Principle of Good Enforcement – Policy And Procedure	4
6. Shared Enforcement Responsibilities	9
7. Enforcement and the 24hr Economy	10
8. Securing Compliance with the Law	10
9. Enforcement Options	12
10. Implementation of the Enforcement Policy	17
11. Diversity	17
12. Have your Say	18

COMMUNITY SAFETY AND LICENSING ENFORCEMENT POLICY

1. BACKGROUND

On 11th October 2000 East Herts Council signed up to the Enforcement Concordat as commended by the Cabinet Office and the Local Government Association, which lays down the principles of good practice to ensure fair, practical and consistent enforcement. BV166 – Checklist for Environmental Health and Trading Standards places a requirement on Local Authorities to have an Enforcement Policy approved by Members. The **Community Safety and Licensing Department** has produced its Enforcement Policy in accordance with these principles, to secure compliance with the law whilst minimising the burden on individuals, businesses and the Council.

Full Council approved an Enforcement Policy for East Hertfordshire District Council on 25 February 2004. This **Community Safety and Licensing** Enforcement Policy is supplementary to the core policy.

2. INTRODUCTION & SCOPE

The **Community Safety and Licensing Service** forms part of Neighbourhood Services. Within Neighbourhood Services, other services are undertaken by Environmental Health, Building Control and Development Control.

This document outlines the Council's approach to enforcement of the following

- House to House Collections
- Street Collections
- Lotteries & Amusements
- The Licensing Act 2003
- Section 19 Criminal Justice & Police Act 2001**
- Taxis & Private Hire Vehicles
- Taxis & Private Hire Drivers
- Private Hire Operators
- The Gambling Act 2005**

This policy lays down the principles that will be followed in exercising the enforcement functions and deciding upon enforcement action, whether it is criminal proceedings at one end of the spectrum or informal advice and warnings at the other.

Each area of work uses different legislation to secure its aims and each has its own extensive body of guidance, which has been developed by Government bodies, Legal authorities, Public authorities and

Industry. This policy does not try to capture all of this detailed, complex and often changing guidance, but in all of its enforcement activities the **Community Safety and Licensing Service** gives due weight to current relevant guidance. This Policy may therefore be supplemented by more specific documents, where appropriate, relating to the areas of work mentioned above and detailing working protocols and procedures.

This Policy commits the Council to implementing procedures which officers follow when undertaking their statutory duties to ensure that they act in an equitable, practicable and consistent manner.

The Policy cannot be absolutely prescriptive because the circumstances of each individual case and the evidence available are likely to vary so much. But this Policy document should leave most readers in no doubt as to what they can expect by way of enforcement from the **Community Safety and Licensing Service** of East Herts Council.

3. APPROVAL & REVIEW

The **Licensing Committee of East Herts Council** approved this **Enforcement Policy** on.....following review.

This Enforcement Policy will be reviewed periodically and in response to relevant new legislation or guidance and amended accordingly.

4. ACCESS TO THE POLICY

In accordance with BV166- Checklist of Enforcement Best Practice for Environmental Health, the Council will ensure this Enforcement Policy is open to the public and ensure that officers follow the Policy and associated procedures.

A full copy of this Policy can be obtained by contacting Community Safety and Licensing on 01279 655261 or by requesting a copy at any Council Office or on the website www.eastherts.gov.uk. A short leaflet on the policy is also available entitled 'The Guiding Principles of Our Enforcement Policy'. Copies of both these documents can be provided in other languages, in large print or Braille if required. Also see 'Diversity' on page 17.

5. THE PRINCIPLES OF GOOD ENFORCEMENT - POLICY AND PROCEDURES

The primary function of central and local government enforcement work is to protect the public, the environment and stakeholders such as

residents 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. The council is committed to promoting compliance and maintaining a fair and safe environment.

The effectiveness of legislation in protecting consumers or sectors in society depends crucially on the compliance of those regulated. It is recognised that most businesses want to comply with the law, therefore care will be taken to help businesses 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.

Policy

Enforcement of legal requirements will be based on the following principles:

- Measuring performance against agreed **standards**;
- **Openness** in dealing with businesses and others;
- **Helpful**, courteous and efficient enforcement officers;
- Publicised **complaints** procedures;
- Enforcement decisions taken in a **proportionate** manner;
- High standards of **consistency** in enforcement action.

Standards

In consultation with business and other relevant interested parties, including technical experts where appropriate, the Council will produce and publish standards setting out the level of service and performance the public and business people can expect to receive. The Council's Directors Board monitors the performance against set standards. Any service standards such as speed of response will be available on request and information will be provided in plain language wherever appropriate.

Openness

The Council will provide information and advice in plain language on the rules that apply and will disseminate this as widely as possible. The Council has interpreting and translation services available for business or the public who do not have English as their first language. It will be open about how it sets about its work, including any charges that are set. It will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties.

In carrying out all of its enforcement duties, the **Community Safety and Licensing Service** will help those it deals with to understand what is expected of them, and what they can expect from the Community Safety and Licensing Service in terms of formal action, informal action and advice.

The **Community Safety and Licensing Service** will make it clear in written and where possible, verbal communication what must be done, distinguishing between statutory requirements and what is desirable but not compulsory, to those who are potentially subject to enforcement action.

Anonymous complaints will be investigated where possible. Generally, anonymous complaints do not provide us with enough information to enable us to undertake a full investigation and so we may be restricted in our ability to resolve or take further action in some cases.

Helpfulness

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

Complaints about the Service

The Council undertakes regular customer satisfaction surveys and regularly reviews comments and complaints it receives regarding the nature and quality of its services and enforcement functions. In addition, if anyone wishes to complain about enforcement action they may do so initially by contacting:

The Head of Community Safety and Licensing or one of the Licensing Managers on Tel: 01279 655261

or by writing to them at Wallfields, Pegs Lane, Hertford,
Herts SG13 8EQ

Or by e-mail at community.protection@eastherts.gov.uk

If a complainant is dissatisfied with the result of their complaint, they may then complain through the Council's formal complaints procedure. This is available at all council offices or on the website www.eastherts.gov.uk

All formal complaints will be investigated in accordance with laid down procedures. In cases where disputes cannot be resolved, any right of complaint or appeal will be explained.

Proportionality

The Council will minimise the costs of compliance for business by ensuring that any action required is proportionate to the risks involved and the seriousness of any breach. As far as the law allows, it will take account of the circumstances of the case and the attitude of the operator when determining action but will seek to secure the most appropriate standard in the particular circumstances.

It will have regard to various courses of remedial action and will consider what is 'reasonably practicable'. Officers, when considering enforcement, will take into account the cost as well as the degree of risk. However some risks may be so serious that they cannot be permitted.

It will take particular care to work with small businesses, voluntary and community organisations and minority groups so that they can meet their legal obligations without unnecessary expense, where practicable.

Officers of the Council will, in appropriate circumstances, facilitate training and education if this is what is most needed to address problems attracting enforcement action.

Consistency

The Council will carry out its duties in a fair, equitable and consistent manner. Decisions on enforcement always entail a degree of judgement and the circumstances of each case will inevitably differ in detail. Furthermore, guidance upon which officers rely changes over time and a decision made one day may differ from one made the next for that reason. Because of this there may be times when enforcement appears inconsistent but through no fault of the Council.

To try to ensure enforcement action is consistent within the East Herts District and with other enforcing authorities the Council will ensure that its officers:

- follow current internal procedural and guidance notes where available,
- take due account of appropriate guidance from other authoritative bodies such as the Local Authorities Co-ordinating body on Regulatory Services (LACORS),
- liaise with other enforcement agencies as necessary e.g. Health and Safety Executive, Police, Environmental Health etc
- operate an inter-agency approach where the local authority's powers are insufficient,
- are aware of any new legislation or guidance, which impacts on their duties.

The above measures will be supplemented by training for enforcing officers and managerial checks on performance.

Transparency

Advice from officers will be put clearly and simply and will be confirmed in writing, explaining why the 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 & safety or to prevent evidence being destroyed).

Where immediate action is considered necessary, an explanation of why such action is required will be given at the time and confirmed in writing later. Where the provision of such information is a legal requirement in relation to action taken, and is more stringent than this, the appropriate timescale will be adhered to.

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 (this advice will be issued with the enforcement notice).

Targeting

Resources will be targeted on those persons, premises or businesses whose activities give rise to the most serious risks or where hazards are least well controlled.

The frequency and priority of proactive inspections of premises for the purpose of enforcement will be based on a risk rating system where possible: premises or activities with the highest hazards, greatest risks, poorest compliance and worst management being inspected more frequently than low risk premises. Some very low risk premises may not form part of the inspection programme at all but will generally be given literature or guidance to help them run their business safely and with the least impact on their local environment. It follows therefore that most of the Council's enforcement activity arising from its pro-active programmes is targeted on the cases most requiring it.

The second targeting mechanism is the investigation of complaints where evidence, experience and this policy are used to determine enforcement action.

The third targeting mechanism is planned, special surveys and enforcement initiatives on the back of national concerns as voiced by the government or its agencies, or local concerns as voiced by Members of the Council, or residents.

Risk rating will be determined in accordance with advice and guidance issued by the Government, advisory bodies, relevant representations, requests for a licence review, incident of complaints etc. This may result in particular types of business or particular sectors of the community being targeted from time to time.

6.0 SHARED ENFORCEMENT RESPONSIBILITIES

- 6.1 The Licensing Act 2003 identifies or confers certain shared or specific powers/functions on 'responsible authorities' and 'authorised persons'. In some cases these are functions that are either exercised by other parts of the Council or separate enforcement agencies.

The Council will provide a co-ordinated approach to those licensing functions and activities that lie within its own area of control and liaise with all other relevant agencies including other Council services where relevant.

- 6.2 Responsible authorities under the Licensing Act 2003 are:

- Chief Officer of Police
- Fire Authority
- Enforcing authority under the Health & Safety at Work etc Act 1974
- Local Planning Authority

- The body responsible for or interested in matters relating to the protection of children from harm
 - Environmental Health Authorities
 - Other licensing local authorities
 - Trading Standards
 - In relation to a vessel – the navigation authority, the Environment Agency, the British Waterways Board, the Secretary of State.
- 6.3 In order to facilitate joint working under the Licensing Act 2003, the Council has entered into a joint Enforcement Protocol between the Hertfordshire Licensing Authorities, the Environmental Health Authorities, Police, Fire and Rescue Service and Trading Standards Service.
- 6.4 **The Gambling Act 2005 also introduced Responsible Authorities within the Act. All the above Authorities are included together with:**
- The Licensing Authority
 - The Gambling Commission
 - Her Majesty's Revenue and Customs
 - Any person prescribed by the Secretary of State.
- 6.5 The Council recognises there are areas of work within the **Community Safety and Licensing Service** where there may be shared or complimentary enforcement roles with other agencies that may benefit from an inter-agency or multi-agency approach. This can arise where the local authority powers alone are insufficient, shared with another agency, or required as a matter of good practice or safety. In all such circumstances the Council will aim to work in conjunction with all other agencies as appropriate.

7.0 ENFORCEMENT AND THE 24-HOUR ECONOMY

- 7.1 The Council recognises that many licensable activities take place outside normal office hours and has made provision to visit businesses outside normal office hours at times when the business is operating. **The Community Safety and Licensing Service** is therefore able to carry out a range of inspection, complaint response and monitoring activities outside the Councils normal service hours.

8.0 SECURING COMPLIANCE WITH THE LAW

- 8.1 It is the policy of East Herts Council to maintain and enhance the amenity of East Herts and to protect the health, safety and well-being of its residents. The Council considers that its powers to initiate formal action and prosecutions under the law are a vital tool to secure essential improvements to the environment of the district. The Council's aim is to achieve co-operation and promote a positive culture to achieve compliance with legal requirements.

The **Community Safety and Licensing Service** will, however, enforce against or prosecute those who neglect or wilfully fail to comply with their legal obligations, especially where that failure constitutes a risk to the public or where action is required to minimise adverse environmental impacts within the district.

The use of enforcement will be proportional to any offence committed, consistent in application (including consistency with other local authorities or enforcement agencies), transparent in its use and appropriate to the circumstances of the particular case in question.

Where enforcement is necessary because of ignorance of the law (which is not of course a defence against criminal proceedings) rather than wilfulness, officers will give advice and guidance to those involved in addition to any enforcement action.

Enforcement action will not generally, therefore, be a punitive response to minor technical contraventions of law but will be forceful in situations where the public's health, safety or well being is put at risk or there is a significant environmental impact or there is a consistent failure to meet legal obligations.

In carrying out enforcement action, the **Community Safety and Licensing Service** complies with the Data Protection Act, Regulation of Investigatory Powers Act and the Human Rights Act e.g. the right to fair trial, right to respect for private and family life, prohibition of discrimination and protection of property.

Authorised officers of the Council will abide by this policy when making enforcement decisions and all operational procedures will be written to accord with it. Any departure from policy must be exceptional, capable of justification and be fully considered by Management before the decision is made, unless it is believed that there is significant risk to the public or the environment in delaying the decision.

8.2 Authorisation of Officers

The full range of legislative powers available to undertake the range of duties are found in the East Herts Council Constitution, which is available on request or on the Council's website.

The constitution gives delegated power to the Director of Neighbourhood Services to appoint and authorise officers, subject where appropriate to officers possessing such qualifications as required by law or in accordance with the Council's policy and having the necessary competency and experience. All enforcement

officers will be authorised in writing by the Director of
Neighbourhood Services

The authorisation of each officer is dependant on the duties they have been appointed to undertake and their training, experience and competency. A copy of the documentation detailing each enforcement officer's areas of responsibility, credentials and warrant are held on file and are regularly reviewed and updated as necessary.

8.3 Exercise of Powers of Entry

In order to enforce the various statutory provisions relating to the different enforcement areas, the powers of entry prescribed under the applicable legislation vary. Such powers may allow an officer to request entry to a business address without notice. Alternatively, officers seeking access to primarily residential addresses used as business premises may be required to give notice to an owner/occupier that he/she wishes to gain entry for a specified purpose on a specified day. Entry may be sought for a number of purposes, including inspection, collection of evidence, checking for compliance with a licence etc.

The obstruction of an officer is a criminal offence and it is the policy of East Herts Council to refer cases of obstruction to the Solicitor to the Council, with a view to prosecution. In such cases the investigating officer will also apply to a Magistrate for a warrant to enter the premises by force if necessary, to enable the purposes of such entry to be fulfilled.

It is the policy of East Herts Council to issue all investigating officers with identification cards which have a photographic image of the officer indelibly imprinted on them. Officers will carry their I.D. cards with them at all times and will produce them on request to verify their identity. If any person has any doubts or suspicions concerning an officers identity they can contact East Herts Council, at the address listed at the end of this policy document.

9.0 ENFORCEMENT OPTIONS

- 9.1 The options that are available to the Council and its officers to secure compliance with the law following a compliance inspection, monitoring, investigation of a complaint or referral from another responsible authority and having considered all the relevant information, are:

- To take no action
- To take informal action (either written or oral)
- To issue a formal caution
- To prosecute
- To review, amend, condition, vary, revoke or suspend a licence or certificate.
- To take out an injunction.
- To use the Penalty Points System within the Hackney Carriage and Private Hire Policy
- Issue a closure notice under Criminal Justice and Police Act 2001

In any situation which requires action to ensure compliance with the law, officers will consider the following when deciding on the most appropriate enforcement method: -

- the degree of risk from the situation,
- the seriousness of the legal contravention,
- the different technical means of remedying the situation,
- the particular circumstances of the case and likelihood of its continuation or recurrence,
- the general attitude of the offender to his or her responsibilities,
- the past history of the person(s) or company involved,
- the impact of the enforcement choice in encouraging others to comply with the law,
- the likely effectiveness of the various enforcement options,

9.2 No action

If it found that there has been no breach of relevant legislation or a licence condition and there is no risk to health and safety, then no further action by the Council may be required. Notwithstanding this, the investigation officer will note their findings and the reason for the decision, which must be recorded in writing for future reference.

9.3 Informal action

This sort of action will be appropriate where the degree of risk (or in some cases environmental impact) from any given situation is minor, or it is technical and insignificant. The person responsible would have no recent history of non-compliance and the officer would have good reason to expect them to put right the matters in question without the need for further intervention. The other enforcement options would be inappropriate and disproportionate bearing all of these things in mind. In some instances, the law allows discretion in whether formal or informal action should be taken. Examples of informal action include written and oral warnings. Other legislation may not allow such discretion.

Informal action will be recorded on files and will be used as a basis for judgements on future enforcement action if there are recurrent problems with an offender or premises.

9.4 Simple Cautions

Simple cautions will be issued in accordance with guidance in Home Office Circular 016/2008. The aim of the simple caution is to deal quickly and simply with less serious offences, divert offenders from unnecessary appearance in the criminal courts and reduce the chances of their re-offending. A simple caution is likely to be appropriate where there has been a contravention of the law giving rise to a potential risk or environmental impact or persistent failure to put a matter right

9.5 Simple cautions will only be offered where the Council has confidence that this is in the public interest and where there is sufficient evidence to support a prosecution should the offender refuse to accept the caution, i.e.:

- The evidence available must comply with the Crown Prosecution Service code on criteria for prosecution i.e. a conviction should be more likely than an acquittal before a court;
- The offender must admit to the offence;
- The offender must agree to the caution.

9.6 There should be a presumption in favour of cautioning rather than prosecution for certain categories of offenders, e.g. the elderly or those who suffer from mental illness or impairment or a severe physical illness. However, membership of these groups does not of itself provide protection against prosecution.

9.7 The offender must be given a full explanation of the significance of the caution before being allowed to accept it, as a simple caution is an admission of guilt to a criminal offence and is recorded as such. It may be cited if the offender is found guilty of the same or similar offence on a later occasion. It remains "on record" for 3 years and will be reported to the Office of Fair Trading.

The authorisation to issue formal cautions is delegated to the Director of Neighbourhood Services.

9.8 Prosecutions

9.9 The decision to prosecute an individual is a serious step. Fair and effective prosecution is essential to the maintenance of law and order. Prosecution can have serious implications for all involved.

The Council has regard to the Code for Crown Prosecutors so that it can make fair and consistent decisions about prosecutions. The authorisation to prosecute is delegated to the Director of Neighbourhood Services

- 9.10 The Council has the discretion whether or not to prosecute for an offence and the decision to prosecute will be based on the circumstances of each individual case. The criteria for prosecution must be related to the risk or the seriousness of the offence rather than being a punitive response to minor technical transgressions. Not every breach of legislation will result in legal action. Relevant factors will be assessed by the investigating officer, Licensing Manager, Head of Community Safety and Licensing and, where appropriate, the Director Neighbourhood Services and the Director of Corporate Governance or their nominated representative.
- 9.11 Circumstances that warrant prosecution will include at least one of the following:
- The alleged offence involves an obvious breach of the law such that the safety, health or well being of residents, others or the environment has been put at risk;
 - The alleged offence involves a knowing or wilful failure to comply in full or in part with the requirements of a statutory notice, statutory instrument or other legal duty;
 - The alleged offence involves a failure to comply in full or part with a statutory requirement after having been given reasonable opportunity to do so;
 - A history of similar offences involving risk to the safety, health or well being of the public or the environment.
- 9.12 The enforcement officer must be satisfied that there is relevant, admissible, substantial and reliable evidence that an offence has been committed by an identifiable person/company. This is known as the **evidential test**.
- 9.13 Having satisfied the evidential test the following factors will be taken into consideration, forming the basis of the **public interest test**:
- The seriousness of the alleged offence;
 - The previous history of the person or business concerned;
 - The ability of witnesses and their willingness to co-operate;
 - The willingness of the party concerned to prevent recurrence of the offence;
 - The probable public benefit of prosecution;
 - Any explanation offered by the alleged offender;
 - The likelihood of the defendant being able to establish, where appropriate, a due diligence/best practicable means defence;

- Whether other action (formal cautioning, improvement notices) will be more appropriate or effective.

9.14 Further factors which may influence the decision to prosecute

Factors in favour of prosecution	Factors against prosecution
Significant sentence likely	Nominal penalty probable
Defendant a ringleader or organiser of offence	Offence committed as result of genuine mistake or misunderstanding (balanced against seriousness of the offence and consequences)
Evidence of premeditation	One-off minor occurrence due to misjudgement
Offence motivated by any form of discrimination	Defendant already subject of sentencing and further conviction unlikely to result in imposition of further penalty, unless the particular offence requires a prosecution
Victim of offence was vulnerable or in fear of offender	Prosecution likely to have a detrimental effect on the victim's physical or mental health
Marked difference in actual or mental ages of defendant and victim	Defendant is particularly elderly, mentally or physically vulnerable, unless the seriousness of the offence or likelihood of its being repeated is such that it cannot be ignored
	There has been undue delay between the offence taking place and the date of trial, subject to the seriousness and complexity of the offence, unless caused in part by the defendant or offence only recently came to light

9.15 Officers investigating offences will seek to ensure that their investigations and decision making is not unduly prolonged and that complainants, witnesses and other parties are kept informed of progress with the case. To this end all cases for prosecution will be referred to the Director of Corporate Governance within 6 weeks of the decision to prosecute being made.

9.16 Fully documented contemporaneous notes will be kept of all cases.

9.17 Forfeiture or suspension of a licence

The Council has the power to suspend certain licences relating to individuals where the holder has failed to comply with relevant requirements. In other cases following, successful prosecution, the court may order forfeiture or suspension for a prescribed period. The Council will consider making application for a forfeiture order,

following conviction for a relevant offence, where there are sufficient grounds to believe that such action is warranted to prevent an occurrence or halt an existing occurrence.

9.18 Revocation of Licences

The Council has the power to revoke certain licenses.

The criteria for revocation of an individual licence will be assessed by the investigating officer, **Licensing Manager, Head of Community Safety and Licensing and, authorised by the Director of Neighbourhood Services.**

Where Director of Neighbourhood Services recommends revocation of licence, they may, after consulting with Chairman or Deputy Chairman of Licensing Committee, also suspend the licence or licences pending consideration by sub committee of the recommendation to revoke.

Where there are rights of appeal against a revocation, advice on the appeal mechanism, including referrals to Licensing Committee will be clearly set out in writing at the time the action is taken.

9.19 Hackney Carriage and Private Hire Penalty Points System

The Council has approved the use of a penalty points system to deal with minor breaches of the legislation or breaches of the Policy.

Full details of the system and how it will operate can be found in the Hackney Carriage and Private Hire Policy.

9.20 Section 19 Criminal Justice and Police Act 2001 Closure Notice

The Council has authorised the use of Closure Notices where:

- Any premises are being used or have been used within the last 24 hours for the sale or consumption of alcohol on or in the vicinity of the premises without a licence;**
- Any premises that have not acted in accordance with the conditions of their licence for the sale of alcohol by retail**

The notice informs the licence holder that if unauthorised sales continue or the licence conditions are not corrected, application may be made to the Court for an order to close the premises.

9.21 Variation and amendment of Licence Conditions

The Council has the power to attach, amend, or vary licence conditions where these are considered proportionate and necessary in accordance with Council Policy or in accordance with advice and guidance issued by the Government and advisory bodies.

9.22 Injunction

An injunction from the High Court may be sought where there are sufficient grounds to believe that such action is warranted to prevent an occurrence, halt an existing occurrence or deal with dangerous circumstance.

An injunction may be sought from the courts where the circumstances of any case cause a significant problem or threat to an individual's or group of individual's health, and the normal process of law is likely to be ineffective because the perpetrator has shown a careless disregard for earlier similar requirements, or where the process of law would take an unacceptable period of time having regard to the particular circumstances.

10.00 IMPLEMENTATION OF THE ENFORCEMENT POLICY

- 10.1 The **Director of Neighbourhood Services, Head of Community Safety and Licensing and Licensing Managers** will be responsible for ensuring that all enforcement officers are familiar with the requirements of and carry out their duties in accordance with this Enforcement Policy.

11.0 DIVERSITY

- 11.1 The Council is committed to equality of access to its services and has adopted a 'Diversity and Equality Policy'. This policy will be followed by officers when carrying out their duties. The policy statement reads as follows:
- 11.2 "East Herts Council is firmly committed to providing and promoting equality for all its employees and the wider community. The Council has adopted this policy to ensure equality influences the way we provide services and the employment of staff. To achieve this we will endeavour to create an environment in which there is respect for every individual and recognition that no member of the public, employee, potential employee, service user or Councillor will be discriminated against irrespective of their gender, race, ethnicity, colour, marital status, disability, age, sexuality, family

responsibilities, religion, trade union involvement or political beliefs. Neither shall they be disadvantaged by conditions or requirements that cannot be shown to be justifiable for health and safety or legal reasons. This is not an exhaustive list and the Council recognises that there are other groups who may face unlawful discrimination.”

In respect of race equality the Council has adopted the McPherson’s definition of a racist incident ‘a racial incident is any incident which is perceived to be racist by the victim or any other person’.

The Council follows the Codes of Practice of the Commission for Racial Equality and Equal Opportunity Commission, and it is committed to achieving the Equality Standard for local government.

We believe in the need to eliminate unlawful discrimination and to promote equality of opportunity in all that we do. We recognise the rich diversity of East Hertfordshire’s population as a strength and we aim to treat all people with dignity and respect whilst recognising the value of each individual and the positive contribution they make to the divers community and workforce.’

12.0 HAVE YOUR SAY

Our enforcement policy is regularly reviewed and updated - please tell us your views on the policy and include any comments or questions you have for us via email:

community.protection@eastherts.gov.uk OR

use the space below and return to Community Safety and Licesning, East Herts Council, Wallfields, Pegs Lane, Hertford. Herts. SG13 8EQ

Name: (Optional)

Address: (Optional)

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TEAM.**