



Draft Local Enforcement Plan

Version 1	Working draft for Overview & Scrutiny Committee	12 February 2024
Version 2	Draft updated following Overview & Scrutiny Committee	21 February 2024

1. Purpose and scope

- 1.1 This Local Enforcement Plan outlines the key principles that the Council will follow when regulating, enforcing, and litigating. The plan sets out the standards that everyone can expect from the Council's regulatory services and its officers.
- 1.2 This document outlines how Council officers consider enforcement actions, how work is prioritised, and how cases are investigated. The Council ensures that all officers comply with this plan.
- 1.2 If there are specific strategies or procedures needed for each service area, they will be added to the general plan. If there are no specific policies or procedures for a particular service area, all regulatory functions will follow the principles outlined in the general plan.
- 1.3 The primary objective of regulations and enforcement is to guarantee the safety and well-being of the public, the environment, and different groups, including consumers, residents, workers, businesses, and the community. The Council is committed to implementing stringent regulations to ensure fair and consistent enforcement, support the local economy, and benefit the environment.
- 1.4 The Council's enforcement activities, such as investigations and formal actions, are carried out in accordance with its legal obligations. To ensure that this is the case, enforcement and investigating officers work within the limits of their delegated authority, which has been granted by the appropriate committee or Council. Any changes to these limits are reflected in the Council's constitution, which is regularly reviewed and updated.
- 1.5 Council officers play a vital role in ensuring that the enforcement decisions are fair and just. To achieve this, it's important for them to consider the principles outlined in this plan, as well as any relevant national guidance. This helps maintain consistency in actions and provide the best possible service to the communities the Council serve.
- 1.6 This document outlines how officers consider enforcement actions, how we prioritise work, and investigate cases. The Council ensures that all officers comply with this plan.
- 1.7 The enforcement functions are carried out under the Scheme of Delegation to Officers. The Executive Director – Place has delegated authority to investigate and to take enforcement proceedings relating to environmental health, licensing, and planning functions. Many of these functions are further delegated to officers according to their qualifications and competency.

2. Key Principles

- 2.1 The Council will follow the principles of the Regulators' Code which provides a clear, flexible, and principles-based framework for how regulators should engage with those they regulate. It sets out the following:
1. regulators should carry out their activities in a way that supports those they regulate to comply and grow,
 2. regulators should provide simple and straightforward ways to engage with those they regulate and hear their views,
 3. regulators should base their regulatory activities on risk,
 4. regulators should share information about compliance and risk,
 5. regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply,
 6. regulators should ensure that their approach to their regulatory activities is transparent.
- 2.2 Hart District Council has adopted the HART core values of:
- Helpful** – we will really listen to what our citizens, customers and residents want to achieve and help them reach their goals,
- Approachable** – we will be open, friendly, and fair, working with others and helping others to succeed,
- Responsive** – we will strive to do things well and look for ways to innovate and improve, and
- Take Ownership** – we will take responsibility, do what we say we will and see things through. People and teams will be required to work collaboratively with others both inside and outside the organisation and actively share learning and best practice.
- 2.3 In all enforcement activity it is important that the Council adopts the legal concept that the guilt of an accused person cannot be presumed and that they must be assumed to be innocent until proven otherwise.
- 2.4 Enforcement investigations will usually be kept confidential. However, any requests for information will be considered in accordance with the General Data Protection Regulation (GDPR), Freedom of Information Act (FOI) and Environmental Information Regulations (EIR).
- 2.5 In designing this Plan the Council have sought to embed these principles and ensure our enforcement activities are undertaken in a way that supports businesses and people to comply and grow.

3. How to contact us

3.1 If you are concerned with an environmental health or licensing matter or that there may be a breach of planning control you can raise this through one of the following channels. Our preferred method is the use of a webform or email as this enables the team to receive the information clearly and quickly.

	Environmental health & licensing	Planning
Webform:	Environmental Health Webform	to be finalised
Email:	eh@hart.gov.uk	enforcement@hart.gov.uk

3.2 We know that a webform or email may not be suitable for everyone, you can still contact us by post.

Hart District Council
Civic Offices
Harlington Way
Fleet
Hampshire
GU51 4AH

3.3 The quality of information and evidence provided by those reporting a breach can have a significant impact on the outcome of an investigation. You will need to provide:

- the address of the site,
- your own contact details, including your name and address,
- details of the alleged breach, including the start date, if known,
- it is also helpful to provide photographs of the development or activities,
- an indication of what harm is being caused, and to whom, and
- any details you have about the persons responsible.

3.4 Reports can be made by telephone (01252 622122) but will not be dealt with unless sufficient information is provided to allow the Council to undertake an initial investigation.

3.5 If the information given is found to be false, the enquiry will not continue unless the breach is seriously harmful to the area. Similarly, anonymous complaints will not be investigated unless they are of a very serious nature, it is in the public interest to do so, and the investigation is not reliant on the evidence of the complainant.

3.6 The identity of a complainant will be treated as confidential. However, if the case results in legal action being taken, the success of that case may rely on

evidence being given by the complainant. In such a case, the case officer will be happy to explain what may be required before taking a decision about whether to proceed with legal action.

- 3.7 If you are aware of dog fouling problems or consistent issues with littering, please report this at [FixMyStreet](#).
- 3.8 The [Council's Customer Care Standards](#) are published on the Council's website.

4. Our approach to enforcement

4.1 We recognise that most people want to comply with the law. We want to cooperate with individuals or businesses to achieve compliance. If there is a problem, we want to resolve it by communicating clearly and encouraging people to behave responsibly. We will follow the "4 Es" approach to enforcement:



- 4.2 Formal enforcement action is usually a last resort. The Council consider facts of the case and assesses them against the consideration set out in this Plan in determining whether it is expedient to take formal enforcement action.
- 4.3 There will be cases where enforcement action is not a last resort, but is necessary as urgent action is required, for example where there are breaches of planning control which are causing serious harm, so a stop or temporary stop notice is needed or where an injunction is required.
- 4.5 The Council will not condone wilful breaches, but it will exercise discretion about taking enforcement action if it is considered expedient to do so.
- 4.6 The Council seeks to manage its finite resources to ensure that the highest priority cases can be addressed without delay. As a result, the response, processing, and ability to take on lower priority reports will need to be adjusted accordingly. Enforcement resources are finite and the demand for enforcement investigations is usually very high, when significant number of higher priority cases are on hand this may lead to significant delays in investigating cases where harm is the more limited.
- 4.7 The Council will not normally undertake covert surveillance for planning enforcement purposes. Should it be considered necessary to do so, surveillance will only be undertaken with prior authorisation and in accordance with the provisions of the Regulation of Investigatory Powers Act 2000 or any subsequent legislation.

- 4.8 Where necessary, the Council will undertake interviews under caution in line with the Police and Criminal Evidence Act (PACE).
- 4.9 The Council will also use other publicly available sources of information such as Land Registry records or information which is published on the internet.

5. What you can expect from the Council

- 5.1 You are entitled to expect our Officers to:
- a) be courteous, helpful, and efficient,
 - b) be consistent, transparent, and accountable,
 - c) identify themselves by name and show identification,
 - d) provide a contact point for any communication,
 - e) give clear advice in plain English,
 - f) confirm advice in writing on request, explaining the action required and the timescale for compliance,
 - g) clearly distinguish between what you must do to comply with the law and what is recommended as best practice,
 - h) minimise the cost of compliance by requiring action that is proportionate to the risk,
 - i) give you reasonable time to comply (unless immediate action is necessary in the interests of public health or to prevent evidence being lost),
 - j) notify you if the matter is to be escalated to legal proceedings,
 - k) advise you how to make a complaint or representation in cases of dispute about our actions,
 - l) maintain confidentiality, except where there is a legal obligation to disclose information, or where witness statements are required for prosecution or other action,
 - m) ensure that, wherever practicable, our enforcement services are effectively co-ordinated to minimise unnecessary duplication and delay, and
 - n) coordinate enforcement activities and share good practice with other enforcement agencies to support compliance and to ensure consistency of approach.

6. What to do if you are not satisfied with our service

- 6.1 We make every effort to provide good customer service and to follow our procedures but occasionally errors will happen. If you are unsatisfied with our response, the Council has a Complaints Procedure. Full details on [how to make a formal complaint](#) are published on the Council's website.
- 6.2 Please note that the Complaints Procedure only deals with processes and procedures in making a decision, it does not deal with matters where we have followed proper procedures, relevant legislation and guidance but came to a decision that you disagree with, i.e. that it was not expedient to take enforcement action or to serve an enforcement notice.

- 6.3 If, having gone through the formal Complaints Procedure, you remain dissatisfied, you may refer your complaint to the Local Government Ombudsman. Details of how to do this are on the Council's website at the link above, or on the [Ombudsman's website](#).

7 Cost recovery

- 7.1 Where permitted by law the Council will seek to recover its costs of investigation and enforcement proceedings. Where the Council has incurred costs, for example by carrying out remedial work or direct action, we will seek to recover the full costs incurred from the exercise of those powers. The Council will pursue the recovery of costs in the civil courts by mechanism permitted by law if deemed appropriate and / or necessary.

8 Publicity

- 8.1 In order to deter others the Council will aim to publish any prosecution or other enforcement action that it considers will achieve that aim.

9 Service specific strategies

- 9.1 The following service or team specific strategies or procedures sit under and supplement this overarching plan and are relevant to enforcement action in relation to that service or team:
- Environmental Health & Licensing,
 - Planning.

10. Review of the Local Enforcement Plan

- 10.1 This Plan will be reviewed every 5 years, or sooner, if necessary, to reflect statutory changes or national guidance.

Appendix 1: Environmental health & licensing enforcement

Appendix 2: Planning enforcement