



Cyngor Castell-nedd Port Talbot
Neath Port Talbot Council

NEATH PORT TALBOT COUNCIL

Education, Skills & Wellbeing Cabinet Board
28th September 2023

Report of the Head of Planning and Public Protection
Ceri Morris

Matter for Decision

Wards Affected: All

Environmental Health and Trading Standards – Enforcement Policy

Purpose of the Report

To seek approval of the updated Environmental Health and Trading Standards Enforcement Policy (*the Policy*), thus ensuring legislature compliance.

Executive Summary

The Policy ensures that the principles of good enforcement are met, namely, setting clear standards, openness, helpfulness, complaints handling, proportionality and consistency.

Without a Policy there may be inconsistency in approach and enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.

This revised policy is updated to include a guidance note to the Leasehold Reform (Ground rent) Act 2022, which came into force on 30th June 2022.

Background

The Environmental Health and Trading Standards Service is required to have an Enforcement Policy. The policy has been revised annually in the past however as there are very few changes year on year, this policy is now only reported to Members where changes are required to be made.

The Policy ensures compliance with applicable legislation including the Regulators' Code, other published guidance and ensures that there is consistency in the approach of officers when making decisions concerning enforcement action.

Members should note that the Policy only applies to the Environmental Health and Trading Standards Service.

Summary of Changes

The updated Policy is presented in full in Appendix 1 and has been updated to include a guidance note to the 'Leasehold Reform (Ground rent) Act 2022', which came into force on 30th June 2022.

Enforcement of these new requirements will contribute to the wider reform agenda to tackle unfair practices in the leasehold market and to promote fairness. The Leasehold Reform (Ground Rent) Act 2022 effectively prevents most new residential leaseholders from facing financial demands for ground rent in England and Wales.

The Local Weights and Measures (Trading Standards in NPT) have a duty to enforce having consideration to the revised Enforcement Policy and will collaborate with the National Trading Standards Estate and Letting Agency Team to ensure advice / enforcement approach is consistent nationally.

Financial Impacts

No implications.

Integrated Impact Assessment

A first stage impact assessment has been undertaken to assist the Council in discharging its legislative duties (under the Equality Act 2010, the Welsh Language Standards (No.1) Regulations 2015, the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

The first stage assessment as set out in Appendix 2, has indicated that a more in-depth assessment is not required.

Valleys Communities Impacts

No implications.

Workforce Impacts

No implications.

Legal Impacts

The policy has a positive legal impact, as it clarifies the principles of good enforcement, and therefore enforcement action will be considered in a consistent, proportional, transparent, accountable and targeted manner.

Risk Management Impacts

The policy has a positive risk management impact as enforcement action will be considered in a consistent, proportional, transparent, accountable and targeted manner.

Crime and Disorder Impacts

The policy has a positive impact on crime and disorder as it clarifies the principles of good enforcement to ensure there is compliance with the wide range of law relating to trading activity, public health, housing, health and safety and food safety.

Consultation

There is no requirement for external consultation on this item.

Recommendations

That having considered the report and having due regard to the Integrated Impact Assessment, it is resolved to make the following recommendation for approval:

1. To approve the updated Environmental Health and Trading Standards Enforcement Policy for 2023, as set out in Appendix 1.

Reasons for Proposed Decision

To ensure that consistent enforcement action is taken, and the principles of the Regulators' Code and other published guidance are followed.

Implementation of Decision

The decision is proposed for implementation after the three day call in period.

Appendices

Appendix 1 – Environmental Health & Trading Standards Enforcement Policy 2023
Appendix 2 – First Stage Integrated Impact Assessment.

List of Background Papers

None.

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APPENDIX 1

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Environment and Regeneration Directorate

ENVIRONMENTAL HEALTH AND TRADING STANDARDS

ENFORCEMENT POLICY

Revised Date: March 2023

Introduction

The purpose of this policy is to guide efficient compliance with legislation that is enforced by the Environmental Health and Trading Standards Service, whilst minimising the burden to the Council, individuals, businesses and other organisations.

In performing their enforcement functions, the Environmental Health and Trading Standards Service will pursue their objectives of protecting the health, safety and economic well-being of residents, visitors and businesses within the County Borough.

To achieve these objectives the Service is committed to providing advice, information and education to both consumers and businesses and to ensuring that non-compliance is dealt with in a manner which is open, consistent, proportionate and fair. This Enforcement Policy sets out the principles and procedure adopted by the Service in cases of non-compliance and/or unlawful activity by businesses or individuals.

This Policy is intended to provide guidance for officers, businesses and consumers rather than to set down a prescriptive set of rules. Nothing in this Policy should be construed as restricting the discretion of the Council to take legal proceedings or other enforcement action in cases where it is considered to be in the public interest.

A specific Enforcement policy guidance note (appendix 1) relates to Local Authority Pollution Prevention and Control (LAPPC) and Local Authority Integrated Pollution Prevention and Control (LA-IPPC). This relates to the protection of the Environment and prevention of harm to human health, in particular by preventing or minimising the release of polluting substances to air (for LAPPC regulated installations) and to air, land, water (for LA-IPPC installations) from certain activities prescribed by Schedule 1 of the Environmental Permitting (England and Wales) Regulations 2016.

A specific Enforcement policy guidance note (appendix 2) relates to the Leasehold Reform (Ground rent) Act 2022. The Act came into force on 30 June 2022 and is the first major piece of legislation to reform the leasehold system in a generation. It means new regulated leaseholders will not face demands for ground rent and are entitled to refuse payment on any demand for any prohibited rent.

Reference material

The Service has had regard to the following reference material in implementing this Enforcement Policy:

- a) The Ministry of Justice guidance for Simple Cautions for Adult Offenders (November 2013).
- b) The Code for Crown Prosecutors 2013
- c) The former LACORS Home Authority Scheme and The Office of Product Safety & Standards Primary Authority Scheme.
- d) The Regulators' Code 2014

- e) Regulatory Enforcement and Sanctions Act 2008, as amended
- f) Legislative and Regulatory Reform Act 2006
- g) Food and Feed Law Codes of Practice
- h) Health and Safety Executive's Enforcement Policy Statement
- i) Office of the Deputy Prime Minister's Housing, Health and Safety Rating System Enforcement Guidance
- J) Rent Smart Wales Enforcement Policy 2017

Basic Principles

The Service, as a law enforcement body, has a duty to ensure that there is compliance with the wide range of laws relating to trading activity, public health, pollution, housing, health & safety and food safety, with the protection of public health and the promotion of good business practice being fundamental to the implementation of their enforcement and regulatory roles.

Regulators' Code

We will follow the provisions of the Regulators' Code, in that we will:

- Conduct our activities to support businesses to comply and grow.
- Provide simple and straightforward ways to engage with businesses and we will listen to their views.
- Base our regulatory activities on risk.
- Share information about compliance and risk.
- Provide clear information, guidance and advice to aid business compliance.
- Ensure that our regulatory approach is transparent.

Additionally, our policy is underpinned by certain other basic principles as detailed below.

Consistency

In order to ensure the equitable implementation of enforcement action, the Service is committed to ensuring that the policy is operated consistently at all levels within the Service from investigating officers to senior management. Consistency is not to be equated with uniformity and this does not mean that all cases will be treated identically, as circumstances vary in each matter. The principle of consistency means that we will take a similar approach in similar circumstances to achieve similar ends.

Accountability

The Service is responsible to the public for their actions and will ensure that this Enforcement Policy is accessible. Further, it operates a fair and efficient complaints process within the overall Corporate Compliments, Complaints and Comments process. Details of the Corporate Compliments, Complaints and Comments procedure can be accessed via: <http://www.npt.gov.uk/default.aspx?page=2777>; by email – contactus@npt.gov.uk or by telephone on 01639 686868.

Proportionality

Proportionality means that any enforcement action is proportionate to the risk and will be related to the seriousness of any breach of the law. In considering seriousness, various factors will be taken into account, which include, among other considerations, the following: the number of people affected by any breach and their vulnerability, the economic impact, the detriment to the safety of others and the degree of intent. Any statutory defences will also be considered.

Transparency

We are committed to the implementation of clear and open procedures. Ensuring that individuals and business proprietors are aware of, and understand, their obligations and rights under the law is an integral part of the activities of the Service. In the event that the Service takes any enforcement action in relation to an individual or business, detailed information will be given as to what action is being taken, what is required of the individual or business and what the next steps will be. Any questions in relation to what is happening will be answered fairly and accurately having regard to the need for confidentiality in some cases. The Enforcement Policy is published on our website.

Targeting

We aim to focus enforcement activity on those areas which: indicate the greatest risk to public health or safety; impact most significantly on the economic well-being of the community; disproportionately affect vulnerable groups; taking into account both local and national priorities. We also aim to adopt a lighter touch for compliant businesses or individuals, and in some cases may opt not to take enforcement action where the infringement is minor or where a suitable alternative course of action is available. In all cases, we aim to target those who are primarily responsible for the non-compliance.

Enforcement Action

In dealing with non-compliance with environmental health, consumer and trading legislation, various factors are considered when assessing the most appropriate course of action. Action should be both necessary and proportionate with the objective of protecting the public, employees, consumers and the environment and where relevant be in the interests of compliant businesses. A graduated enforcement approach will be considered where the circumstances in each case merit such an approach. Evidence gathering will be subject to the relevant laws and codes of practice which may cover topics such as PACE

(Police and Criminal Evidence); IPA (Investigatory Powers Act); Powers of arrest; and linking with other enforcement agencies.

Home Authority Principle and Primary Authority Principle

In respect of Home Authority and Primary Authority businesses the Service will, prior to undertaking any work that may affect a business that may be assisted by a Home Authority or Primary Authority:

- Consult the Home Authority or Primary Authority Registers prior to undertaking the proposed work.
- Liaise with those authorities that have entered into Home Authority or Primary Authority relationships with businesses.
- Follow and adhere to any inspection plans produced by Primary Authorities.
- Feedback to Home Authorities or Primary Authorities on the work that has been subsequently undertaken.
- Publish the inspection plans for any business for whom we act as a Primary Authority on the Primary Authority Register.
- Contribute to the Primary Authority Register by adding information or responding to Statutory Notifications when necessary or required.

Graduated Enforcement Approach

The graduated approach that we employ often starts at informal advice and verbal warnings and may escalate through to serving of notices, issuing of written warnings and simple cautions and potentially lead to prosecutions. Some matters may involve less significant breaches of the legislation that we enforce and proportionality and fairness may dictate that advice and lesser scale enforcement action is taken. Some matters however, will be so serious, perhaps involving negligence, dishonesty, deception, deliberate actions or vulnerable persons and these by their nature should be considered as appropriate for prosecution, without the graduated approach being followed.

The main options available to us are outlined below.

Informal action and advice

This can take the form of a verbal warning, with guidance and advice on how to avoid future breaches, or a written warning setting out the infringement and giving advice as appropriate. A written warning is likely to be accompanied by verbal guidance and advice. In both instances the advice given will be clear and simple and, if appropriate, legal requirements will be clearly distinguished from best practice advice.

Statutory Notices

Certain provisions of the legislation administered by the service relate to the issuing of a Statutory Notice for breaches of law. The notice requires the recipient to take steps in order to return to legal compliance. Such steps may include; refraining from doing something such as making excessive noise or undertaking works such as restoring a commercial kitchen to compliance with food hygiene laws. The decision to serve a statutory notice will depend upon all the circumstances of the case. In some instances, the service may be under a legal duty to issue a notice once a contravention has been identified.

The person receiving the notice may not agree with it and has the right to appeal.

Failure to comply with a valid notice is an offence and the Council may take one of the following actions in response.

- Offer the offender a simple caution.
- Take legal proceedings, usually in the Magistrate's Court.
- Seize and detain materials or equipment.
- Undertake any work required by the notice and recover costs.

The service makes a charge when statutory notices are issued under housing legislation. The charge, which is made at the end of the notice appeal period, includes: the cost of inspection; the cost of deciding the most satisfactory course of action and the cost associated with the service of the notice. An administrative charge is also made. The amount of charge is agreed annually by the Director of Environment and our Cabinet Member in consultation with the Head of Planning and Public Protection and the Environmental Health and Trading Standards Manager.

Emergency or Immediate Actions/Prohibitions

Emergency or immediate action is sometimes needed to deal with the most serious risks and they will be subject to specific procedures, some of which may involve the Magistrates Court. Details of the appeals procedures are routinely included with the relevant Notices and information provided at the time of action.

Hygiene Emergency Prohibition Notices.

Where an authorised Officer has evidence of an imminent risk of injury to health relating to a Food Business, a Hygiene Emergency Prohibition Notice (HEPN) may be served to prohibit a premise, equipment or a process.

The notice must state the reasons why the premises pose an imminent risk to health and the works which are required to remove the imminent risk, such as "Rid the premise of rodents / cockroaches. Pest proof the premise. Thoroughly disinfect all surfaces and equipment."

An application must be made to the Magistrates Court for a Hygiene Emergency Prohibition Order (HEPO) to replace the HEPN within three working days of the notice being served. Where an HEPO is granted by the Court, the HEPN should be removed and replaced by the HEPO that day. The food

business operator must apply in writing to the Food Authority for a certificate lifting the Emergency Hygiene Prohibition Order / Notice, which on request, an Authorised Officer should re-inspect as soon as possible (within 14 days) to determine whether the notice or Order can be lifted.

Simple Caution

We have the discretion to offer a simple caution in circumstances where there is sufficient evidence to support a realistic prospect of a conviction and the offender admits the offence and gives informed consent to being cautioned.

A caution is a serious matter and it is kept on record for a period of 2 years after it has been given, however each case is considered on its own merits. The issuing of a Simple Caution will be considered by the Service when deciding on enforcement action, as an alternative to prosecution. Such decisions will be made on consideration of the facts of each case and the level of seriousness of the offence or offences being investigated. In the event of future breaches, it can be cited in any subsequent court proceedings.

The Ministry of Justice guidance on Simple Cautions for Adult Offenders provides detailed information on the intended use and administration of the Simple Caution.

Fixed Penalty Notices

Fixed Penalty Notices can be issued as an alternative to legal proceedings for breaches of certain legislation, for example, smoke free laws, unlicensed or non-registered landlords and letting agents, or non-display of a food hygiene rating. If the person responsible does not accept the Fixed Penalty Notice or fails to pay the penalty within the required time period, they may be liable to prosecution.

We may seek accreditation to issue a Fixed Penalty Notice to those responsible for non-compliance with other legislation for example, relating to the prohibition on the sale of alcohol to under-age children etc or we may work in conjunction with partners such as the Police who may serve Fixed Penalty Notices for such matters.

Revocation, Review or Refusal of Licences

Where there is non-compliance with any conditions of a licence that a business or individual may hold, for example, to sell alcohol, we may take steps with the appropriate licensing body to undertake a review to determine if the Licensee, Designated Premises Supervisor, Premises or Personal Licence Holder or any person or persons having responsibility for or under the licence is/are still fit and proper to hold the licence and/or to impose further specific conditions.

The service also operates a Mandatory Licensing Scheme to regulate high risk houses in multiple occupation (HMOs), of 3 or more storeys occupied by 5 or more people not of the same family. Further powers are available should the authority decide to utilise them for the control of 2 storey HMOs.

The Enterprise Act 2002

Under the Enterprise Act 2002 the Service can take action against businesses or individuals where there has been a breach of community or domestic law with the effect of harming the collective interests of consumers. This action is civil rather than criminal and sanctions are injunctive.

The purpose of action under the Enterprise Act is to prevent future breaches of the law rather than to punish previous breaches. The penalties for a future breach can be severe including a fine or potentially imprisonment.

This type of enforcement action is most appropriate in situations where there have been persistent breaches of the law, although in some circumstances action may be considered for a small number of breaches, or even a sole breach, where there is significant detriment or potential detriment to the consumer.

There is a range of actions available under the Act including:

- Informal undertakings.
- Formal undertakings.
- Interim Court Enforcement Orders.
- Court Enforcement Orders.
- Proceedings for Contempt of Court.

Community Protection Notices

The Anti-social behaviour, Crime and Policing Act 2014 introduces powers to tackle anti-social behaviour such as Community Protection notices where the conduct of an individual or body has detrimental effect of a persistent or continuing nature, on the quality of those in the locality and the conduct is unreasonable.

A community protection notice imposes any of the following requirements on the individual or body issued with it:

- a) A requirement to stop doing specified things
- b) A requirement to do specified things
- c) A requirement to take reasonable steps to achieve specified results.

They can only be issued if the offender has been given a written warning that the notice will be issued if their conduct doesn't change and that they have been given enough time to have reasonably made those changes, and yet have chosen not to do so.

A person issued with a community protection notice who fails to comply with it commits an offence.

Prosecution

Prosecution may have serious consequences for a business or individual: financial penalties, a criminal record, adverse publicity, an adverse effect upon a business' trading position and in some cases even loss of liberty. For these reasons the decision to prosecute is not taken lightly and is usually reserved for the more serious offences.

In deciding whether to instigate proceedings we have particular regard to the Crown Prosecution Service's (Code for Crown Prosecutors) which requires the assessment of two elements known as the evidential test and the public interest test.

The evidential test requires that the evidence to support a prosecution is deemed to be admissible in court, reliable and of sufficient quality and depth to give a realistic prospect of conviction. Integral to this process is consideration of any statutory defence which may be available and the likely success of such defence.

The public interest test is, broadly, a consideration of a number of factors which support the view that it is in the public interest to proceed. These relevant factors are outlined in the paragraph below. An additional factor which is particularly relevant to prosecution is whether the conviction will result in a significant sentence or penalty, including forfeiture of non-compliant goods, confiscation of the proceeds of the crime, disqualification of company directors and/or compensation for the victim. Consideration is also given to any impact a prosecution may have on a victim's physical or mental health, subject to the seriousness of the offence.

In applying the public interest test, it is not simply a case of adding up the factors on either side. We will decide in each individual case on the weight to be given to the relevant factors and assess the position overall, which is in line with the approach outlined in the Code for Crown Prosecutors.

In cases where legal proceedings are to be instigated, we have regard for the defendant's right to have the matter brought before the Courts without undue delay. What constitutes undue delay is determined by the date the offence came to light, the contribution by the defendant to the delay, the complexity of the offence and/or investigation and the seriousness of the offence.

Relevant Factors in considering Enforcement Action

The following factors are relevant in considering which of the above enforcement options is the most appropriate to take. In the decision-making process, we will consider whether or not and /or the extent to which:

- The organisation or individual appears willing to speedily remedy the situation.
- The offence was the result of a genuine mistake or misunderstanding.

- There is a history of similar previous alleged breaches by the same organization or individual.
- Previous advice has been heeded and acted upon.
- There is a threat to public health, safety or the environment.
- There is a threat of a significant economic disadvantage to consumers or other businesses.
- The victim is part of a vulnerable group, for example, children, the disabled or the elderly.
- The offence was motivated by some form of discrimination.
- The offence is widespread with the potential to affect a number of individuals.
- The organisation or individual has acted deliberately, negligently or with premeditation.
- The organisation or individual has breached a position of authority or trust.
- There are grounds for believing the offence is likely to be repeated.
- As a matter of public policy it is desirable to proceed with enforcement action.

Action under the Proceeds of Crime Act 2002

In the event of a criminal conviction, it is open to the authority in certain circumstances to apply for an order under the Proceeds of Crime Act 2002. This legislation provides for confiscation of property and assets if it can be demonstrated that a defendant has profited from crime. In appropriate cases we will consider if an investigation into the defendant's financial affairs is required with a view to pursuing a confiscation order. We **will not** consider the fact that Proceeds of Crime actions may or may not be available in determining whether to prosecute.

Enforcement of Our Functions at Neath Port Talbot County Borough Council Premises

As a Service we are also required to inspect premises managed by or owned by this Authority.

We will treat such inspections as we would inspections of any other business in the County Borough area, taking steps to ensure that where we find non-compliance that this is raised immediately post inspection, with the relevant Head of Service via our own Head of Service. We will work with those Sections to rectify non-compliance in an open and transparent manner, ensuring that the same level of compliance is met as we would expect from any other business within our area.

Freedom of Information

The Freedom of Information Act 2000 deals with access to official information. In addition, there are also regulations which provide access to environmental information i.e. the Environmental Information Regulations 2004.

This legislation gives the public a general right of access to information held by public authorities. When responding to requests, there are procedural requirements set out in the legislation which an authority must follow including the time frame within which the information must be supplied. There are also valid exemptions from supplying information that the authority can apply in certain, legally defined, circumstances.

Equal Opportunities

Implementation of this Policy will be carried out in accordance with Neath Port Talbot County Borough Council's policy on diversity. All decisions will be impartial and will not be influenced by race, politics, gender, sexual orientation or religious beliefs of the alleged offender.

Appendix 1

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL
ENVIRONMENT DIRECTORATE
LOCAL AUTHORITY POLLUTION PREVENTION AND CONTROL
LAPPC AND LA-IPPC ENFORCEMENT POLICY GUIDANCE

1.0 **INTRODUCTION**

1.01 The purpose of enforcement for Local Authority Pollution Prevention & Control (LAPPC) and Local Authority Integrated Pollution Prevention & Control (LA-IPPC) is to protect the environment and prevent harm to human health. In particular, by preventing or minimising the release of polluting substances to air (for LAPPC regulated installations) and to air, land and water (for LA-IPPC installations) from certain activities prescribed by Schedule 1 of the Environmental Permitting (England & Wales) Regulations 2016 (EP Regulations). These regulations replace the Pollution Prevention & Control (England and Wales) Regulations 2000.

1.02 This is achieved by:

- (i) Carrying out pro-active inspections at a frequency in line with the government's risk assessment procedure to ensure compliance with the legislative requirements and permit conditions.
- (ii) Taking transparent and proportionate enforcement action (including prosecution where appropriate) for offences and/or breaches.

1.03 This LAPPC and LA-IPPC Enforcement Policy Guidance has been written taking into account the statutory Regulators' Code issued under Section 23 of the Legislative and Regulatory Reform Act 2006.

2.0 **ENFORCEMENT POWERS**

The available enforcement powers for LAPPC and LA-IPPC fall into the following main categories:

2.01 **For prevention:**

- Suspension Notices
 - Enforcement Notices
 - Notices requiring information
 - Power to prevent/remedy pollution
 - Revocation of permits

2.02 **For Criminal offences:**

- Warning letter
- Formal caution
- Prosecution

2.03 Supplementary Powers

Supporting powers include:

- powers to enter and inspect premises.
- take samples.
- take copies of information.
- require answers to questions etc.

3.0 LEVEL OF ENFORCEMENT ACTION

3.01 The seriousness of offences can vary greatly. At one end of the scale, an action could lead to severe pollution of air, threatening human health. At the other end, there can be breaches of administrative permit conditions e.g. failure to submit records in the correct format, where there are no direct consequences for the environment.

3.02 In reaching a decision on the most appropriate enforcement action, account will be taken of the following:

(i) **ENVIRONMENTAL EFFECT**

The magnitude of the environmental effect is an indicator of the degree to which the offender has failed to put in place, maintain, adhere to and/or foresee the consequences of not having suitable procedures or systems to prevent the incident. In general, the greater the effect or potential effect, the greater the probability of prosecution.

(ii) **NATURE OF OFFENCE**

The type of offence may be so serious in its nature or impact on the Council's ability to regulate effectively that it will normally be dealt with by prosecution.

(iii) **INTENT**

Offences that are committed deliberately, recklessly, negligently or carelessly or for financial gain will normally be dealt with by prosecution. Lesser enforcement action may be appropriate where the Council is satisfied that the offence was committed unintentionally, or was the result of a genuine mistake or arose out of an emergency.

(iv) **PREVIOUS HISTORY**

Although the action to be taken will depend upon the circumstances of each case, consideration shall also be given to the type, seriousness, number and frequency of previous enforcement actions. Where the operator is responsible for a number of installations or activities, then the previous history of one site will be relevant to the decision-making process for the others if the circumstances are such that the operator should have learnt from previous enforcement action. For operators who have previously received a formal caution, subsequent offences will normally be dealt with by prosecution.

(v) **BEHAVIOUR OF THE OFFENDER**

Prosecution will normally be pursued if the offender:

- refused to accept alternative enforcement action.
- made no attempt to minimise or rectify the effects or potential effects of the offence.
- Obstructed investigations
- Disregarded Council advice or formal guidance in the commission of the offence.
- Acted dishonestly in seeking to deter or delay enforcement action.

(vi) **DETERRENT EFFECT**

Prosecution will normally be pursued if it is likely to be a necessary or effective way of preventing repetition of the offence by the offender.

(vii) **FORSEEABILITY**

The importance of prevention is recognised by the legislation which places a duty on an operator to foresee the possible consequences of actions (or inaction), or the failure or deficiencies of an operator's systems and procedures. Where the offence and/or its environmental consequences were predictable, and no avoiding and/or preventive measure were taken and there was a failure to have regard to the conditions of the permit, prosecution will normally be pursued. Other enforcement action may be considered if the offence:

- Occurred in spite of preventive measures.
- Could not reasonably have been foreseen.
- Was the result of defective equipment which could not reasonably have been known or predicted.
- Was caused by third party intervention which could not be guarded against.

Co-operation with the Council, prompt reporting of the incident, prompt and effective works of mitigation and assistance in any investigation are all factors that will be taken into account when considering what level of enforcement action is appropriate for any particular incident.

The factors which apply and the weight to be attached to each of the above points will depend upon the particular circumstances of each case.

4.0 **RECORD KEEPING**

Records will be kept of all prosecutions, formal cautions, warnings and statutory notices.

5.1 **ENFORCEMENT NOTICE (EP REGULATION 36)**

A notice requiring steps to be taken to ensure compliance with the conditions of an enforcement notice will normally be served in the following situations:

- (i) Where one or more conditions of the permit have been, are being, or are likely to be breached, and the breach would be likely to lead to an incident of low environmental impact and/or there has been a history of relevant warnings.
- (ii) Where the conditions being breached, or likely to be breached, are preventing effective regulation and previous relevant warnings have been given e.g. failure to provide monitoring data, maintain equipment, maintain financial provision.

5.2 **SUSPENSION NOTICE (REGULATION 37)**

A Suspension Notice, suspending the Environmental Permit will be served where there is a risk of serious pollution. This applies whether the operator has breached a permit condition. The notice will be withdrawn once the Council is satisfied that the steps required by the notice to remove the imminent risk of serious pollution have been taken. A Suspension Notice may also be served where the operator has failed to pay the Annual Subsistence Fee for the Environmental Permit.

5.3 **POWER OF THE REGULATOR TO PREVENT OR REMEDY POLLUTION (EP REGULATION 57)**

- 5.3.1 If the Council is of the opinion that the operation of the installation or mobile plant, or the operation of it in a particular manner, involves risk of serious pollution, the council may arrange for steps to be taken to remove that risk e.g. removing or making safe chemicals or ensuring safety works are carried out.
- 5.3.2 Where the Council suspects or is satisfied that an offence has been committed under regulation 38(1), (2) or (3) causing or potentially causing pollution, the council may arrange for steps to be taken towards remedying the effects of the pollution and recover the cost of taking those steps from the operator. The operator will be informed of the steps to be taken to remedy the effects of the pollution.
- 5.3.3 Where council suspects that an offence as mentioned above is being or has been committed and pollution is being or has been caused as a result, the provisions of paragraph 5.3.2 will apply.

5.4 **REVOCATION NOTICE (EP REGULATION 22 & 23)**

A Revocation Notice will normally be considered in cases where other enforcement measures have been used exhaustively to the point where the Council is satisfied as to one of the following:

- (i) the operator is unable to operate the installation in accordance with the conditions of the permit.
- (ii) the holder of the permit has ceased to be the operator of the installation covered by the permit.
- (iii) The permitted activity has ceased to operate, or the legislation no longer applies to that type, size or nature of activity.
- (iv) The operator has failed to pay annual subsistence fees.

6.0 **NOTIFICATION OF STATUTORY RIGHTS OF APPEAL**

The statutory rights of appeal are set out in the notice.

7.0 **ENFORCEMENT ACTION - RELATING TO INVESTIGATIONS (S108-110 Environment Act 1995 and EP Regulation 38)**

7.1 In carrying out investigations into criminal offences, officers will comply with the relevant provisions of the Police and Criminal Evidence Act 1984, the Criminal Procedures and Investigations Act 1996, the Investigatory Powers Act 2016 and the Code of Practice made under them. Prosecution will normally be pursued in the following circumstances:

- (i) Obstructing an Authorised Person
- (ii) Impersonation of an authorised officer.
- (iii) Failing to answer questions.
- (iv) Failing to provide samples.
- (v) Failing to provide relevant information.
- (vi) Preventing another person from appearing before an authorised officer or answering any questions.
- (vii) Intentionally or recklessly making a false or misleading statement or record.

8.0 **ENFORCEMENT ACTION - SPECIFIC OFFENCES (EP REGULATION 38)**

8.1 **Operating Without A Permit (EP Regulation 38(1))**

8.1.1 Prosecution will normally be pursued for the offence of operating a process without a permit. However, for first offences involving no or low impact or potential impact, and where an application is submitted within a short timescale, a formal warning or caution will normally be offered unless there are special reasons for prosecution e.g. poor co-operation.

8.2 **Non-Compliance with Permit Conditions (EP Regulation 38(2))**

8.2.1 Where a breach has caused or has potential to cause a serious environmental impact or the operator had wilful or reckless disregard for the conditions in a permit, including those implied by residual Best Available Techniques (e.g. operating in a reckless manner), then prosecution will normally be pursued.

8.2.2 Where the breach has caused or has potential to cause a significant impact, then the normal response will be prosecution or formal caution, the choice depending on the weight of other factors, e.g. co-operation of the offender, post-remedial works, or history of offending. Prosecution will normally be pursued where a relevant previous warning or formal caution has been given.

8.2.3 Where the breach has resulted in no impact or has caused or has potential to cause relatively low environmental impact, then a warning letter or enforcement notice will be the normal response unless other circumstances make a firmer course of action necessary e.g. previous history, intent, attitude of offender etc.

8.3 **Non-Compliance with a Statutory Notice (EP Regulation 38(3))**

Prosecution will normally be pursued where an operator fails to comply with an Enforcement Notice, a Suspension Notice, Variation Notice, or Notices requiring information. In exceptional circumstances, an operator may be allowed an extension of time for compliance with an Enforcement Notice where there are circumstances outside their control.

9.0 **General**

9.1 This Policy Guidance should be read in conjunction with the Environmental Health and Trading Standards Enforcement Policy.

9.2 Where required, this Policy Guidance shall be interpreted in accordance with the legislation in Paragraph 1.01 and any other relevant legislation in existence at the time.

10.0 **Future Revisions**

This Council will revise this policy guidance as required and in line with changes in legislation or Council policy.

Appendix 2

Enforcement Policy for Neath Port Talbot County Borough Council in relation to:

Leasehold Reform (Ground Rent) Act 2022

April 2023

Foreword

The following policy has been adapted from a National guidance template produced to assist enforcement authorities in implementing the Leasehold Reform (Ground Rent) Act 2022 to their portfolio of activity.

The National Trading Standards Letting and Estate Agent team produced this template policy as the statutory guidance produced by the Department for Levelling Up, Housing and Communities as well as the Welsh Government, (point 6.1 in both documents) state enforcement authorities may wish to contact National Trading Standards for more advice on adopting an enforcement policy under this Act. The Act covers all of England and Wales. Weights and measures authorities have a statutory duty to enforce the Act, whereas district authorities have a discretionary power of enforcement.

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Introduction

“Neath Port Talbot County Borough Council” (“the Council”) has adopted this policy on deciding financial penalties and/or recovery orders under the [Leasehold Reform \(Ground Rent\) Act 2022](#) (“the Act”), with reference to the considerations prescribed in the [Department for Levelling Up, Housing and Communities’ (DLUHC) [Statutory Guidance for Enforcement Authorities](#)] / [Welsh Government’s [Leasehold Reform \(Ground Rent\) Act 2022: statutory guidance for enforcement authorities](#)] (“the statutory guidance”).

The Act uses the terms “landlord” and “tenant” though this policy, as well as the statutory guidance, use the terms “landlord” and “leaseholder” respectively. The statutory guidance states that a leaseholder is a tenant who owns a leasehold interest in property, granted by a person (the landlord) who holds the freehold interest or a superior leasehold interest in that property¹.

This policy applies to any decision made by the Council in its capacity as an “enforcement authority” under section 8 of the Act.

Sanctions Overview

Financial Penalties

The Act provides that the Council may impose financial penalties from a minimum of £500 up to a maximum of £30,000 for a relevant breach of section 3(1) of the Act, where the Council is satisfied beyond a reasonable doubt that a relevant breach has occurred.

Recovery Orders

The Act also provides that the Council may order the landlord, or a person acting on their behalf, who received payment of the prohibited rent² in breach of section 3(1) of the Act to refund the leaseholder who paid it, where the Council is satisfied on the balance of probabilities that a relevant breach has occurred.

The Council cannot order a person to refund the prohibited rent if a leaseholder has made an application under section 13 of the Act to the First-Tier Tribunal (Property Chamber) in England or the Leasehold Valuation Tribunal in Wales (in either context we will refer to the relevant forum as “the Tribunal”) in relation to the same payment.

Where any part of two or more payments of a prohibited rent made by a leaseholder under the same lease have not been refunded, the Council may make a single order in respect of all the prohibited rent that has not been refunded.

Process

¹ Paragraph 10 of the [DLUHC Statutory Guidance](#) and Paragraph 2.6 of the [Welsh Government Statutory Guidance](#)

² Section 10(2) [Leasehold Reform \(Ground Rent\) Act 2022](#)

The decision to issue, and the process of issuing, a financial penalty and/or a recovery order happens in multiple steps:

- An investigation into the alleged breach of the Act.
- Determination of the severity of the breach.
- A notice of intent to issue a financial penalty and/or a recovery order.
- A period for written representations.
- Review of those representations, if provided.
- A final notice imposing the financial penalty and/or recovery order.

The Council may serve a single notice of intent and a single final notice in respect of both a financial penalty and a recovery order³.

Other types of enforcement action that may be taken

The Council will determine the most appropriate and effective sanction and whether to impose a financial penalty and/or a recovery order. In suitable circumstances, consideration will be given to less formal action such as warning letters or advice to secure compliance, in accordance with the relevant enforcement policy of the Council.

Determining the level of financial penalty

In accordance with the provisions of the statutory guidance, the following factors will be considered by the Council when determining the level of financial penalty to impose for a breach of the Act:

- Severity of the breach
- Starting point and range
- Aggravating and mitigating factors
- Fairness and proportionality

Although the Council has discretion in determining the appropriate level of financial penalty, within the limitations set out by the Act, regard has been given to the statutory guidance when creating this policy.

Step 1 – Determining the Severity

The more serious the breach, the higher the penalty will be.

³ Schedule ss.2(2) and 5(3) [Leasehold Reform \(Ground Rent\) Act 2022](#)

The Council will assess the severity of the breach using the culpability and harm factors set out below. The listed factors are not exhaustive, and where a breach does not fall squarely into a category, individual factors may require a degree of weighting to make an overall assessment. Other discretionary factors may also be applied in order to reflect consistency and the Council may consider decisions in other UK jurisdictions where they contain some relevant and persuasive content.

Culpability

Where there is higher culpability, there will be a higher financial penalty.

Very High (Deliberate*)	Where the landlord intentionally breached, or flagrantly disregarded, the law or has/had a high public profile and knew their actions were unlawful.
High (Reckless*)	Actual foresight of, or wilful blindness to, risk of a breach but risk nevertheless taken.
Medium (Negligent*)	Breach committed through act or omission which a person exercising reasonable care would not commit.
Low/No	Breach committed with little fault, for example, because: <ul style="list-style-type: none"> • significant efforts were made to address the risk although they were inadequate on the relevant occasion. • there was no warning/circumstance indicating a risk. • failings were minor and occurred as an isolated incident.

** These are the terms used in the statutory guidance.*

Harm

Where there is greater harm caused, there will be a higher financial penalty.

The following factors relate to both actual harm and risk of harm. Dealing with a risk of harm involves consideration of both the likelihood of harm occurring and the extent of it if it does.

High (High Likelihood of Harm)	<ul style="list-style-type: none"> • Serious adverse effect(s) on individual(s) and/or having a widespread impact due to the nature and/or scale of the Landlord's business. • High risk of an adverse effect on individual(s) – including where persons are vulnerable.
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<p>Medium (Medium Likelihood of Harm)</p>	<ul style="list-style-type: none"> • Adverse effect on individual(s) (not amounting to “high” harm - above). • Medium risk of an adverse effect on individual(s) or low risk of serious adverse effect. • Leaseholder and/or landlords substantially undermined by the conduct. • The Council’s work as a regulator is inhibited. • Leaseholder or prospective leaseholder misled.
<p>Low (Low Likelihood of Harm)</p>	<ul style="list-style-type: none"> • Low risk of an adverse effect on actual or prospective leaseholders. • Public misled but little or no risk of actual adverse effect on individual(s).

The Council will define harm widely and the leaseholder(s) may suffer financial loss, damage to health or psychological distress (especially vulnerable cases). There are gradations of harm within all of these categories.

The nature of harm will depend on personal characteristics and circumstances of the leaseholder and the assessment of harm will be an effective and important way of taking into consideration the impact of a particular breach on the leaseholder.

In some cases, no actual harm may have resulted, and the Council will be concerned with assessing the severity of the misconduct; it will consider the likelihood of harm occurring and the gravity of the harm that could result.

Step 2 – Starting points and category range

Having determined the category that the breach falls into, the Council will refer to the starting points and category ranges below to reach an appropriate level of financial penalty. The Council will then consider further adjustment within the category range for aggravating and mitigating features (step 3).

Starting Point (£)	Range	
	Min (£)	Max (£)

Low/No Culpability

Low Harm	1,000	500	1,500
Medium Harm	1,500	1,000	2,000
High Harm	2,000	1,500	2,500

Medium Culpability

Low Harm	3,500	2,500	4,500
Medium Harm	4,500	3,500	5,500
High Harm	5,500	4,500	6,500

High Culpability

Low Harm	8,000	6,000	10,000
Medium Harm	9,500	7,500	11,500
High Harm	11,000	9,000	13,000

Very High Culpability

Low Harm	15,000	11,000	19,000
Medium Harm	16,500	13,000	21,000
High Harm	22,500	15,000	30,000

Multiple Breaches

A landlord, or person on their behalf, who commits multiple breaches in relation to the same lease is generally only liable to one financial penalty⁴. However, they will be liable for a further penalty if, having previously had a financial penalty imposed for an earlier breach, they then commit a further breach in relation to that same lease.⁵

Where a person has committed one or more breaches in relation to two or more leases, the Council may also choose to impose a single financial penalty in respect of all those breaches collectively⁶. If a single penalty is imposed in respect of multiple breaches, the amount of the penalty must not be less than the total minimum amount, and must not exceed the total maximum amount, that could or would have been imposed if each breach had been penalised separately.

⁴ Section 9(3) [Leasehold Reform \(Ground Rent\) Act 2022](#)

⁵ Paragraph 5.2 of the [DLUHC Statutory Guidance](#) and Paragraph 5.2 of the [Welsh Government Statutory Guidance](#)

⁶ Section 9(5) [Leasehold Reform \(Ground Rent\) Act 2022](#)

Obtaining financial information

The statutory guidance advises that obtaining financial information from the landlord may assist with considering what is an appropriate starting point and range, based upon the means of the landlord. In the case where the landlord is a corporate body, the Council may consider information available on its turnover or equivalent⁷.

The Council has investigatory powers under Schedule 5 of the Consumer Rights Act 2015 to investigate breaches of the Act.

Step 3 - Aggravating and mitigating factors

Below is a list of some, but not all, factors that the Council can consider when assessing the value of a financial penalty. The Council will identify whether any combination of these, or other relevant factors, should result in an upward or downward adjustment from the starting point. In particular, relevant unspent convictions are likely to result in a substantial upward adjustment. In some cases, having considered these factors, it may be appropriate to move outside the identified category range which will not exceed the statutory maximum permitted in any case.

Aggravating Factors (Matters increasing severity)	Mitigating Factors (Matters reducing severity)
<ul style="list-style-type: none">• if the leaseholder is a vulnerable individual• the landlord's history of compliance or previous convictions related to the breach• whether the breach was motivated by financial gain• if there has been any obstruction of justice• any deliberate concealment of the activity or evidence• established evidence of wider / community impact• obstruction of the investigation• record of poor compliance• refusal of advice or training	<ul style="list-style-type: none">• high level of co-operation with the investigation, beyond that which will always be expected• evidence of voluntary steps to remedy the breach, including prompt repayment of prohibited rent• evidence of health reasons preventing reasonable compliance (poor mental health, unforeseen health issues and/or emergency health concerns)• no previous breaches• good character and/or exemplary conduct• the landlord is a vulnerable individual, where vulnerability is linked to the breach being committed

⁷ Paragraph 6(4)(b) of [DLUHC Statutory Guidance](#) and Paragraph 6(4)(b) of the [Welsh Government Statutory Guidance](#)

	<ul style="list-style-type: none">• acceptance of guilt
--	---

Step 4 – Fairness and Proportionality

The level of financial penalty should reflect the extent to which the conduct fell below the required standard. The financial penalty should meet, in a fair and proportionate way, the objectives of punishment, deterrence and the removal of gain derived through the commission of the breach.

Factors that could be considered include:

- any other relevant financial information available, such as profit margin for a corporate body or a landlord's indebtedness. This should consider if the financial penalty would have a disproportionate impact on the landlord's ability to comply with the law in future or other unintended consequences (e.g., a landlord becoming at risk of losing their own home).
- wider financial impact on third parties (e.g., impact of employed of staff).
- totality principle: if issuing a financial penalty for more than one breach (relating to two or more leases), or where the landlord has already been issued with a penalty, the Council must consider whether the total financial penalties comply with the Act and are just and proportionate to the breaches.

A financial penalty covering multiple breaches must not cumulatively exceed the minimum and maximum limits for a penalty, as if each breach had been treated separately.

It should not be cheaper to breach the Act than it is to pay a financial penalty.

Step 5 – Recovery Orders

If the Council is satisfied, on the balance of probabilities, that a person has breached section 3(1) of the Act, and they have not refunded the leaseholder of any prohibited rent before the end of the period of 28 days beginning with the day after it is received, the Council may decide to issue a recovery order under section 10 of the Act.

The Council may serve a recovery order instead of, or in addition to, a financial penalty.

The Council cannot order a person to refund the prohibited rent if a leaseholder has made an application under section 13 of the Act to the Tribunal in relation to the same payment.

Where any part of two or more payments of a prohibited rent made by a leaseholder under the same lease has not been refunded, the Council may make a single order in respect of all the prohibited rent that has not been refunded.

Step 6 – Recording the decision

The officer making a decision about a financial penalty and/or a recovery order will record their decision giving reasons for coming to the amount of financial penalty that will be imposed and any terms of a recovery order.

Issuing a Financial Penalty and/or Recovery Order

Notice of Intent

After determining the level of financial penalty, and/or the need to issue a recovery order, the Council will issue a “Notice of Intent” on the landlord, or relevant person, within the time limits prescribed in the Act⁸.

A Notice of Intent will contain:

- the date on which the notice was served;
- the amount of the proposed financial penalty or the terms of the proposed recovery order;
- the reason for imposing the penalty or making the order; and
- information about the right to make representations.

Written Representations

A landlord or relevant person who receives a Notice of Intent will have a period of 28 days, beginning with the date on which the Notice of Intent was served, to make written representations about the proposal to issue a financial penalty and/or recovery order and the terms therein. The recipient of the notice will be given instructions on how to provide their written representations in response to the notice.

Review of Financial Penalty and/or Recovery Order

The Council will review any written representations received and consider any factors which indicate a reduction in the penalty, or withdrawal of the notice and/or order, is appropriate.

In so doing, the Council will have regard to the following factors relating to the wider impacts of the financial penalty on innocent third parties, such as (but not limited to):

- The impact of the financial penalty on the Landlord or Agent’s ability to comply with the law or make restitution where appropriate.
- The impact of the financial penalty on the employment of staff, service users, customers and the local economy.

⁸ Schedule ss.3(1) [Leasehold Reform \(Ground Rent\) Act 2022](#)

The following factors will be considered in setting the level of reduction. When deciding on any reduction in a financial penalty, consideration will be given to:

- The stage in the investigation or thereafter when the offender accepted liability.
- The circumstances in which they admitted liability.
- The degree of co-operation with the investigation.

The maximum level of reduction in a penalty for an admission of liability will be one third. In some circumstances there will be a reduced or no level of discount. This may occur for example where the evidence of the breach is overwhelming or there is a pattern of breaching conduct.

Any reduction should not result in a penalty which is less than the amount of gain from the commission of the breach itself.

The Council may consider amending the terms of any recovery order during this review.

Final Notice

After the end of the 28-day period for written representations, the Council shall decide whether to issue a Final Notice detailing the value of the financial penalty and/or a recovery order. If a recovery order is included within the final notice, the Council can add interest to this payment at the rate prescribed under section 17 of the Judgments Act 1838⁹ (8% per annum) from the day in which the prohibited rent payment was made.

The final notice will require a penalty to be paid to the Council and/or a recovery order to be complied with before the end of the period of 28 days beginning with the day after that on which the final notice is served.

The final notice will set out:

- the date on which the final notice is served.
- the amount of the penalty or the terms of the order.
- the reasons for imposing the penalty or making the order.
- information about how to pay the penalty or comply with the order.
- information about rights of appeal; and
- the consequences of failure to comply with the notice.

⁹ Section 11(4) [Leasehold Reform \(Ground Rent\) Act 2022](#)

Withdrawal or amendment

The Council may, at any time, withdraw or amend the notice of intent or final notice, including reducing the penalty amount, the penalty or requirement for a recovery order. Where doing so, the Council will write to the person on whom the notice has been served.



APPENDIX 2 – First Stage Integrated Impact Assessment (IIA)

1. Details of the initiative

Initiative description and summary: Review of Environmental Health and Trading Standards Enforcement Policy
Service Area: Environmental Health and Trading Standards
Directorate: Environment and Regeneration

2. Does the initiative affect:

	Yes	No
Service users	x	
Staff	x	
Wider community	x	
Internal administrative process only		x

3. Does the initiative impact on people because of their:

	Yes	No	None/ Negligible	Don't Know	Impact H/M/L	Reasons for your decision (including evidence)/How might it impact?
Age		X				It will have no direct impact on protected characteristics.
Disability		X				It will have no direct impact on protected characteristics.
Gender Reassignment		X				It will have no direct impact on protected characteristics.
Marriage/Civil Partnership		X				It will have no direct impact on protected characteristics.
Pregnancy/Maternity		X				It will have no direct impact on protected characteristics.
Race		X				It will have no direct impact on protected characteristics.
Religion/Belief		X				It will have no direct impact on protected characteristics.
Sex		X				It will have no direct impact on protected characteristics.
Sexual orientation		X				It will have no direct impact on protected characteristics.

4. Does the initiative impact on:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence used) / How might it impact?
People's opportunities to use the Welsh language		X				No impact
Treating the Welsh language no less favourably than English		X				No impact

5. Does the initiative impact on biodiversity:

	Yes	No	None/ Negligible	Don't know	Impact H/M/L	Reasons for your decision (including evidence) / How might it impact?
To maintain and enhance biodiversity		X				It will have no effect on the biodiversity duty
To promote the resilience of ecosystems, i.e. supporting protection of the wider environment, such as air quality, flood alleviation, etc.		X				It will have no effect on the biodiversity duty

6. Does the initiative embrace the sustainable development principle (5 ways of working):

	Yes	No	Details
Long term - how the initiative supports the long-term well-being of people	X		The Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance.
Integration - how the initiative impacts upon our wellbeing objectives	X		THE EHTS Enforcement policy considers and references good practice from a number of sources of guidance and legislation to ensure good enforcement practice across the Environmental Health and Trading Standards functions.
Involvement - how people have been involved in developing the initiative	X		The EHTS Enforcement policy considers and references good practice from a number of sources of guidance and legislation.

Collaboration - how we have worked with other services/organisations to find shared sustainable solutions	X		The EHTS Enforcement policy considers and references good practice from a number of sources of guidance and legislation
Prevention - how the initiative will prevent problems occurring or getting worse	X		The Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance. Without an Enforcement Policy there may be inconsistency in enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.

7. Declaration - based on above assessment (tick as appropriate):

A full impact assessment (second stage) is not required	X
Reasons for this conclusion	
The Policy ensures our compliance with applicable legislation including the Regulators' Code and other published guidance. Without an Enforcement Policy there may be inconsistency in enforcement action which may lead to the Council being non-compliant with the Regulators' Code and other applicable legislation and guidance.	

A full impact assessment (second stage) is required	
Reasons for this conclusion	

	Name	Position	Date
Completed by	Mark Thomas	Environmental Health and Trading Standards Manager	15 th May 2023
Signed off by	Ceri Morris	Head of Service	30 th May 2023