

Enforcement Policy consultation

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Introduction

- Council has a duty (or powers) to enforce hundreds of Acts of Parliament and thousands of regulations.
- Anti-social behaviour to zoo licensing.
- The enforcement policy 'guides our approach' to dealing with breaches



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Introduction

- Anything from providing words of advice all the way though to fixed penalty tickets (illegal parking, persistent absence from school), seizing offending items (noisy speakers, unsafe goods), injunctions (preventing forced evictions), prosecutions (filthy kitchens) and confiscating proceeds of crime (scams/rogue trading)!
- Reviewed periodically -

<https://www.york.gov.uk/consultations#enforcement>



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General approach

- Existing policy applies to our regulatory activities, new policy applies council wide (some exemptions – debt recovery inc. council tax, and fraud against the council – where unique considerations apply)
- As drafted it follows the format and principles of the Regulators' code as required for our regulatory activities.



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General approach

- Generally speaking, we resolve issues *informally* by way of advice and guidance. Perhaps visiting, writing advice/warning. Signposting people to helpful sources of information.

Formal enforcement action

- However, sometimes we take formal enforcement action – even in the first instance.
- Formal enforcement action is defined – a long list of things including (essentially anything more than a written warning!)
- Formal enforcement action is taken for serious or problematic issues.

Formal enforcement action

- For the purpose of this policy ‘formal enforcement action’ includes serving a legal notice e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice, the carrying out of works in default and remedial action, management orders, consumer law civil penalties and civil penalty notices to letting agents and landlords, the seizure of goods, suspension or revocation of a licence, a ‘simple’ caution, prosecution or other court action. It also includes the issuing of civil penalty charge notices to any vehicle for road traffic contraventions

Purpose of formal enforcement action

- Support economic growth, especially in local businesses, by ensuring a fair, responsible and competitive trading environment
- Protect the environment for future generations including tackling the threats and impacts of climate change
- Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods



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Purpose of formal enforcement action

- Help people to live healthier lives by preventing ill health and harm, and promoting public health
- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy
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Purpose of formal enforcement action

- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy
- To improve housing conditions and raise the standard of management in the private rented sector
- To provide safer, healthier, affordable and warmer homes in the private sector



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Purpose of formal enforcement action

- To ensure children and young people are safe and healthy, and have childhoods in which they enjoy and achieve
- To achieve compliance with highway regulations for the benefit of all road users and pedestrians enabling safe access to public highways and free flowing traffic



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Examples of formal enforcement action

- Particularly important to get people's views through the consultation
- List of identified issues in the annexes...
- Also includes..
- Where previous advice has been ignored
- Where the Director of Governance feels it is appropriate

Examples continued

- Animals – cruelty, dog attacks, licensing
- Children – school absence, age restricted sales
- Environmental health – food safety, health & safety
- Environmental Protection – noise and other nuisance, dark smoke, vehicle idling
- Highways -pavement café conditions, A-boards, illegal parking, moving traffic offences.



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Examples continued

- Neighbourhood Enforcement – littering, street urination
- Planning - non-compliance with conditions, noise and disturbance, on-going development
- Taxis – Unlicensed drivers, unsafe taxis.
- Trading Standards – Unfair trading, counterfeit, unsafe goods



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Next steps

- Complete the survey

<https://www.york.gov.uk/consultations#enforcement>

- By 4th February!



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