

Enforcement Policy

Test Valley Borough Council in undertaking all its regulatory activities aims to adhere to the principles of good enforcement as laid down in the national *Enforcement Concordat*.

Any enforcement undertaken by the Council will embrace the principles contained within this general policy and will be in accordance with the law.

Where applicable it will also have regard to the requirements of the Regulators' Compliance Code and the provisions of the Regulatory Enforcement and Sanctions Act 2008.

This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens in accordance with the Regulator's Compliance Code.

The Council's approved Service specific enforcement policies embrace the principles of good enforcement and any enforcement undertaken by the Council will embrace the principles contained within this general policy. However these further policies will be in place to ensure the correct procedures are followed in accordance with the law and they provide the detailed enforcement approach taken in the regulatory areas to which they refer.

In certain instances we may conclude that a provision in the Code is either not relevant or is outweighed by another provision. We will ensure that any decision to depart from the Code will be properly reasoned, based on material evidence and documented.

Consideration, however, will be given to the aforementioned requirements when determining general policies or principles or when setting standards or giving general guidance about the exercise of general functions. Individual officers shall work in accordance with the regulators general policies and procedures or guidance on inspections, investigations and enforcement activities.

The Principles of Good Enforcement

Proportionality

We will try to minimise the cost to individuals, organisations and businesses of meeting their legal obligations by ensuring that any action we require is in proportion to the risks. As far as the law allows, we will take account of the circumstances of the case and the attitude of the individual or operator when considering action.

Consistency

We will carry out our duties in a fair, equitable and consistent manner and promote effective liaison with other enforcing authorities.

Transparency

We will assist duty holders to understand what is expected of them and what they should expect from the Council. We will ensure that legal requirements are clearly distinguished from best practice advice. Advice from the officer will be put clearly, in writing, explaining why any remedial work is necessary and over what timescale.

Targeting

We will ensure that enforcement activity is targeted primarily to situations where there is a non-compliance with the law and the consequences of that non-compliance are likely to be serious. Any action will be focused on the responsible person(s) for the contravention, risk or poor conditions and who is/are best placed to remedy such matters.

If you believe action being considered or taken against you to be unfair or unreasonable

Please give reasons to the case officer for any dissatisfaction with the actions being considered or taken. If you request it, the case officer will arrange to meet with you to discuss your concerns.

If you are still unhappy then, in the first instance, please ask to speak to the relevant Team Manager who will address the issues raised. The Council also has a comprehensive complaints procedure – the details of this are provided on the Council's website at www.testvalley.gov.uk and are also contained in a leaflet which will be provided to you on request.

For further information, please contact:

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