



















### **Targeting:**

- We will ensure resources are targeted primarily on those whose activities give rise to the most serious risks, where the hazards are least well controlled, or where there is most potential for irreversible harm to the built and natural environments.
- We will ensure that action is focused on the duty holders who are responsible for the risk and who are best placed to control it through the use of a graduated enforcement approach.
- We will identify and implement risk-rating schemes for all service areas where our work routinely brings us into contact with businesses.
- We will seek to ensure our resources are used with maximum effectiveness to avoid burdening businesses with the costs of unnecessary interventions.
- Where more serious non-compliances are identified, we will advise duty holders of the circumstances under which a revisit will be undertaken and the timescale for that revisit.

### **Transparency:**

- We will help duty holders to understand what is expected of them and what they should expect from officers.
- We will clearly distinguish between legal requirements and good practice advice.
- We will have regard to this enforcement policy when making decisions about the appropriateness of enforcement actions. Where for any reason a decision needs to be taken outside of, or in contravention of this policy, a clear and reasoned argument will be recorded as to why that decision was taken.

### **Accountability:**

- We will ensure that we have policies and procedures against which our work can be judged.
- We will ensure there is an effective and accessible mechanism for dealing with comments and complaints.
- Officers are responsible to Elected Members, the public and Government bodies for their actions.

## **4.6 Enforcement Options and Procedures**

Officers will take the most appropriate course of action and each case will be considered in accordance with this document. Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or origin, gender, gender reassignment, disability religion or belief, age, political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be affected by undue pressure from any source. Our decisions will have appropriate regard to the principles promoted through the [Council's Equality policies](#) and the Council's Safeguarding Policy

#### **4.7 Working in partnership with others**

Where appropriate, enforcement activities within Regulatory Services will be coordinated with other regulatory bodies and enforcement agencies, both within and outside the council. In this way, we will seek to maximise the appropriateness and effectiveness of any enforcement and have an integrated approach to problem solving.

Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, potentially involving enforcement by one or more other local authorities or organisations, all relevant authorities and organisations will be informed of this matter as soon as possible with a view to delivering a coordinated approach to enforcement activity.

#### **4.8 Recovering our costs**

We will seek to recover all our legitimate costs from convicted offenders. In addition, the Council, either through its own officers or in co-operation with the Police may make an application under the Proceeds of Crime Act 2002 to restrain or confiscate the assets of the offender. The purpose of any such actions would be to recover any financial benefit that the offender has obtained from their criminal conduct.

#### **4.9 Publicity**

We will consider, in all cases, drawing media attention to factual information about charges that have been laid before the courts, but will take great care to avoid any publicity that could prejudice a fair trial. We will also consider publicising any conviction that could serve to draw attention to the need to comply with legal requirements or deter anyone tempted to disregard their duties.

#### **4.10 Enforcement in respect of Basildon Borough Council**

On rare occasions, there may be a perceived potential for conflict of interest where the Council has ownership or management interests in premises normally enforced by their own inspecting officers.

For instance, where the Council are the clear duty-holder for health and safety purposes, the premises will be transferred to the Health and Safety Executive for enforcement. Responsibility for day-to-day health and safety at work matters on such premises lies with the head of the relevant service. In other contexts, such as food hygiene, pollution or licensing issues, enforcement officers will offer advice as they would in other circumstances. If considered necessary, any disputed matters would be referred to Executive Directors, Heads of service or Cabinet.

#### **4.11 Comments, compliments, complaints**

Basildon Council is committed to the delivery of responsive, good quality customer services to the people of the Borough and would welcome comments and feedback about the impact the enforcement policy may have on local residents and/or business through our [Customer Services team](#).





















































- work has been carried out without or in serious breach of an appropriate licence;
- a duty holder's standard of managing health and safety is found to be far below what is required by health and safety law and to be giving rise to significant risk;
- there has been a failure to comply with a written warning or an improvement or prohibition notice; or there has been a repetition of a breach that was subject to a simple caution;
- inspectors have been intentionally obstructed in the lawful course of their duties;
- false information has been willfully supplied, or there has been intent to deceive.

We will also consider prosecution, or consider recommending prosecution where following an investigation or other regulatory contact, the following circumstances apply:

- it is appropriate in the circumstances as a way to draw general attention to the need for compliance with the law and the maintenance of standards required by law, and conviction may deter others from similar failures to comply with the law.
- A breach that gives rise to significant risk has continued, despite relevant warnings from employees, or their representatives, or others affected by a work activity.

Where inspectors are assaulted we will also seek police assistance with a view to seeking the prosecution of offenders. Subject to the above we will identify and prosecute individuals if we consider that a conviction is warranted and can be secured. Additionally we will actively consider the management chain and the role played by individual directors and managers. Where appropriate we will seek disqualification of directors under the Company Directors Disqualification Act 1986.

As with prosecution, we will use discretion in deciding whether incidents, complaints or cases of ill health should be investigated. We will use discretion in deciding when to investigate or what enforcement action may be appropriate. Such judgments will be made in accordance with the following principles that are in accordance with the *Enforcement Concordat and Section 18 Guidance* (including the EPS).

The Health and Safety Commission's priorities are used to target our activities and resources via our Service Plan, including the provisions of the [National Local Authority Enforcement Code](#). To maintain a proportionate response most resources available for investigation will be devoted to the more serious circumstances. We will carry out a site investigation of a reportable work-related death, unless there are specific reasons for not doing so.

Our health and safety team will aim to:







































