

Appendix 1a: Formal Enforcement Options Guidelines

1 These guidelines should be read in context with the Public Protection Enforcement Policy. Enforcing officers should identify what enforcement options are available, what is the purpose of the enforcement action and then choose the most appropriate action which may include informal actions such as:

- A warning letter
- Advice
- Request for action

2 The following formal options may be available and should be considered subject to the specific legislation. A list of formal options is given below together with some factors which indicate whether the option is appropriate. Options may be applied individually or in combination.

2.1 Statutory Notices are not a punitive action and may be used where:

- There is non compliance with informal action
- There is a history of non-compliance
- Works or actions are required of the recipient
- Service of a notice is mandatory

2.2 Works in default or direct action may be used where:

- There is non-compliance with a statutory notice
- In advance or without a statutory notice where the legislation permits; and it is appropriate to deal with an urgent risk
- It is appropriate and proportionate to resolve outstanding requirements
- To deal with urgent risks

2.3 Fixed Penalty or other Administrative Penalties may be used where:

- Evidence of an offence is found
- It is a proportionate method of dealing with an infraction.

2.4 Review or Revocation of licence or other permit may be used where:

- It is a proportionate response to the gravity of the situation

2.5 Simple Cautions may be used where there is an admission of guilt and in line with Home Office guidance to

- Deal quickly and simply with less serious offences

- Divert less serious offences away from the courts
- Reduce the chance of repeat offences

2.6 Civil Procedures e.g. Undertakings to trade fairly, injunctions

- Where there is a history of persistent complaints or offences

2.7 Seizure/Forfeiture

- To deal with goods or equipment that is unsafe, illegal or have been used in the commissioning of an offence

2.8 Prosecutions may be used where

- There is sufficient evidence of the offence and a realistic prospect of conviction.
- It is in the public interest

Prosecutions will only be instigated in accordance with the prosecution guidelines in Annexe 2.