



## Enforcement Policy

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#### 1. Introduction

Milton Keynes Council functions as a regulator and enforcement agency with a wide range of legal powers and duties enabled through legislation. The authority has an essential role in the safeguarding of children, protection of the environment, health, safety and interests of residents, visitors and businesses within and where relevant, outside of Milton Keynes.

This enforcement policy was produced through consultation with all relevant stakeholders and is designed to ensure a consistent, fair, proportionate and effective approach to regulatory inspection and enforcement.

#### 2. Aims

The council's aim is to undertake its regulatory and enforcement role in an impartial, open and consistent manner. This is achieved through education, mediation, advice, inspections, monitoring and by regulating the activities of individuals, families, businesses and other trading entities as necessary. Securing compliance through the use of enforcement powers and sanctions, including prosecution is sometimes a necessary means to achieving this outcome. In doing this, Milton Keynes Council enforcement officers will act in accordance with the guidance and standards set out in this policy. In particular Milton Keynes council will:

- Work with individuals, families and businesses to help them to comply with their legal responsibilities and obligations
- Undertake fair and effective enforcement activities
- Robustly challenge the actions of individuals that negatively affect the community

- Liaise and co-operate closely with partner agencies to ensure the most appropriate and proportionate action is taken in each case
- Ensure enforcement staff are competent, appropriately trained and apply this policy and its principles professionally and consistently
- Make information about this policy widely available to the public and businesses within and outside Milton Keynes
- Monitor compliance with the policy and review it on an annual basis in consultation with relevant stakeholders
- Act in accordance with the Government Enforcement Concordat, Code for Crown Prosecutors and where relevant, the Regulators' Compliance Code.
- Have regard to other council policies and procedures that sit underneath this overarching policy

A further aim of this policy is to ensure that Milton Keynes Council can tackle the needs of individual communities by engaging with them, identifying issues of particular importance to them and using enforcement sanctions appropriately to bring about compliance. This approach will provide swift resolution to community problems through the use of intelligence and effective community engagement.

### **3. Scope**

This policy applies to all of the enforcement functions carried out by Milton Keynes Council. It supports and supplements existing, specific guidance on enforcement action contained in the statutory code of practice for regulators and other statutory codes of practice, relevant guidance documents and guidelines issued by other government departments and other bodies. Due consideration will be given to any other enforcement policy or scheme such as the Primary Authority Principle, where relevant.

### **4. General Principles of Enforcement**

Any decision regarding enforcement action will be taken on the merits of each case, be impartial, objective and will not be affected by race, disability, socio-economic factors, age, politics, gender, sexual orientation or religious beliefs of any council employee, offender, victim or witness. However, where a victim has been targeted by an offender by virtue of their status, for example ethnicity or where the perpetrator is young or vulnerable, consideration will be given to this when deciding on any course of action.

A copy of our equality and diversity policy can be found on our website: [Equalities Policy](#) and may also be obtained by applying in writing to: Corporate Equalities & Diversity Officer, Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ.

Where appropriate, we will seek to achieve compliance through early engagement, mediation, education and advice. Where this is not deemed by officers as the most appropriate route, their decisions will be recorded and justified.

## **5. Referrals / Service Requests etc**

Complaints which may result in enforcement action against a business, individual or family will be brought to their attention as soon as practicable. During the process of taking any enforcement action any significant complainant or witness will be notified of progress on a regular basis and of any new information which may affect the outcome. In circumstances where notifying any party could impede enforcement action, notification will not take place until those circumstances no longer exist.

## **6. Enforcement actions**

The following sanctions are available to the council:

- Informal warnings
- Fixed / Variable Penalty / Monetary Notices
- Refusal, revocation or suspension of licence
- Statutory Notices
- Stop / Prohibition Notices
- Simple Cautions
- Undertakings / Injunctive Proceedings
- Prosecution
- Confiscation / Forfeiture

Any sanctions and penalties imposed will be consistent, balanced, fairly implemented and relate to common standards which ensure that individual safety and welfare, public safety, financial security, or the environment is adequately protected. Where it is clear that jurisdiction for enforcing any matter or imposing any form of sanction rests with another regulator, the matter will be passed across to them accordingly; however this will not preclude an investigation from taking place to ascertain relevant facts. The aim of using sanctions and penalties is to:

- Protect the public and businesses from harm
- Stop the infringing conduct immediately
- Change the behaviour of the offender
- Deter future non-compliance and reassure the community
- Restore the harm caused by regulatory non-compliance
- Eliminate any financial gain or benefit from non-compliance
- Be proportionate to the nature of the offence and the harm, or risk of harm caused and with consideration as to the public stigma that might come with receiving a criminal conviction

In deciding which sanction is appropriate, the service will have particular regard to the following criteria:

- Whether the breach was pre-meditated or committed deliberately or recklessly, or without due diligence;
- Whether there are any prior complaints and convictions or other information relevant to the individual, family, business or trader's history;

- Inadequate mitigation or explanation given by the individual, family, business or trader. Also, the individual, family, business or trader's attitude and in particular, whether they were obstructive or co-operative;
- The prevalence of the type of breach and whether a particular sanction could act as a deterrent and encourage compliance generally;
- The effect of the breach on the victim or affected person, in particular where the victim or affected person is in some way vulnerable or the infringement resulted in death or serious injury.

## **7. Recovery of costs**

Where appropriate, the council will seek to recover all costs incurred in carrying out any proceedings (including staff time) from relevant parties to ensure that the financial burden of the infringement is not borne by the authority and ultimately the tax-payer.

## **8. Enforcement policy implementation**

Scheduled internal quality audits will be undertaken to ensure that all enforcement activity is carried out in accordance with this policy. Significant instances of non-compliance with this policy will be recorded, reported to the Assistant Director and appropriate action instigated.

Complaints about our service will be addressed through our corporate complaints procedure, which can be found on our website: [Complaints](#) and may also be obtained by applying in writing to: Milton Keynes Council, Civic Offices, 1 Saxon Gate East, Milton Keynes, MK9 3EJ.