

WIRRAL COUNCIL
REGENERATION DEPARTMENT
Regulation Enforcement Policy (2009)
Environmental Health Service
Trading Standards Service
Licensing Service
Private Sector Housing Renewal Service

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EXECUTIVE SUMMARY

The enforcement policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by Wirral Council's Regulation Services. The policy has been approved by Wirral Council's Cabinet.

Our primary objective is to achieve regulatory compliance. We recognise that prevention is better than cure, but where it becomes necessary to take formal action against a business, or member of the public, we will do so. There is a wide range of tools available to us as an enforcement agency, with prosecution being the most serious. We will always choose an enforcement method that is relevant and proportionate to the offence or contravention.

The policy is built around a process of escalation. We will prosecute in circumstances where a defendant has acted wilfully or where their actions are likely to cause economic loss or harm to others, or where they have ignored written warnings or formal notices, endangered, the health, safety or well being of people, animals or the environment, or assaulted or obstructed an officer in the course of their duties.

The options available to us include:

- No action
- Fixed Penalty ;
- Informal Action and Advice;
- Penalty Charge Notices;
- Formal Notice; (including Vehicle Conditions and Suspension notices, Improvement notices and prohibition notices)
- Forfeiture Proceedings;
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution;
- Proceeds of Crime Applications

The policy is designed to help you understand our objectives and methods for achieving compliance and the criteria we consider when deciding what the most appropriate response is to a breach of legislation.

All our decisions will have regard to current statutory guidance and codes of practice, particularly the Regulators' Compliance Code, the Code for Crown Prosecutors and the Human Rights Act.

1.0 Introduction

1.1 Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and in particular the decision to prosecute have serious implications for all involved. We apply this Policy to ensure that:

- Decisions about enforcement action are fair, proportionate and consistent;
- Officers apply current Government guidance and relevant codes of practice;
- Everyone understands the principles that are applied when enforcement action is considered.

2.0 Legal Status of the Enforcement Policy

2.1.1 The Cabinet of Wirral Council approved this policy on.....

2.2 This policy is intended to provide guidance for officers, businesses, consumers and the public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

3.0 Scope and Meaning of Enforcement

3.1 This Enforcement Policy is based on the following 5 principles:

- Proportionality
- Accountability
- Consistency
- Transparency
- Targeted

3.2 This Policy applies to all the legislation enforced by Officers in Environmental Health Service, Trading Standards Service, Private Sector Housing Renewal and Licensing.

3.3 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. This is not limited to formal enforcement action such as prosecution.

3.4 In certain circumstances we will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published in accordance with Council policy.

4.0 How to obtain a copy of the Policy or make comments

4.1 This Policy is available on the Council's website:

Council website – to be added.

If you would like a paper copy of the Policy and/or you would like to comment on the Policy, please contact us by:

- telephoning 0151 691 8045
- e-mailing licensing@wirral.gov.uk
- e-mailing tradingstandards@wirral.gov.uk
- e-mailing environmentalhealth@wirral.gov.uk
- e-mailing privatesectorhousing@wirral.gov.uk
- writing to the Head of Regulation, Wallasey Town Hall, Brighton Street, Wallasey, CH44 8ED

4.2 On request, this Policy will be made available on tape, in Braille, large type, or in a language other than English.

5.0 General Principles

5.1 Prevention is better than cure and our role therefore involves actively working with businesses (including private landlords) to advise on, and assist with compliance. Where appropriate, positive feedback will be provided to regulated businesses, thereby encouraging and reinforcing good practice.

5.2 Where we consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy and in the Regulators' Compliance Code.

For more information about the Regulators' Compliance Code visit:

<http://www.berr.gov.uk/whatwedo/bre/inspection-enforcement/implementing-principles/regulatory-compliance-code/page44055.html>

5.3 Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.

5.4 We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.

- 5.5 Wirral Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 5.6 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.
- 5.7 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.

6.0 Notifying Alleged Offenders

- 6.1 If we receive information [for example from a complainant] that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 6.2 During the progression of enforcement investigations/actions, business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998 and subject to other statutory provisions.

7.0 Deciding what level of enforcement action is appropriate

7.1 Levels of enforcement action:

- 7.1.1 There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court. Examples of the main types of action that can be considered are shown below:

- No action
- Fixed Penalty ;
- Informal Action and Advice;
- Penalty Charge Notices;
- Formal Notice;(including Vehicle Conditions and Suspension notices, Improvement notices and prohibition notices)
- Forfeiture Proceedings;
- Seizure of goods/equipment;
- Injunctive Actions;
- Refusal/revocation of a licence;
- Simple Caution;
- Prosecution;
- Proceeds of Crime Applications

7.1.2 In assessing what enforcement action is necessary and proportionate, consideration will be given to:

- The seriousness of compliance failure;
- The past performance at a business and its current practice;
- The risks being controlled;
- Legal, official or professional guidance;
- Local priorities of the Council.

7.2 No Action

7.2.1 In certain circumstances, contravention of the law may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community, or there is insufficient evidence or it is not in the public interest to proceed

7.3 Informal Action and Advice

7.3.1 For minor breaches of the law we may give verbal or written advice. We will clearly identify any contravention of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

7.3.2 Sometimes we will advise offenders about 'good practice', but we will clearly distinguish between what they *must do* to comply with the law and what is advice only.

7.3.3 Failure to comply could result in an escalation of enforcement action.

7.4 Fixed Penalty Notices

7.4.1 Certain offences are subject to fixed penalty notices where prescribed by legislation. They are recognised as a low-level enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

7.5 Penalty Charge Notices

7.5.1 Penalty Charge Notices (PCN) are prescribed by certain legislation as a method of enforcement by which the offender pays an amount of money to the enforcer in recognition of the breach. Failure to pay the PCN will result in the offender being pursued in the County Court for non-payment of the debt. A PCN does not create a criminal record and we may choose to issue a PCN without first issuing a warning.

7.6 Formal Notice

7.6.1 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to be undertaken or cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention, the implications of the non-compliance and any relevant appeal provisions.

7.6.2 All notices issued will include details of any applicable *Appeals Procedures*.

7.6.3 Certain types of notice allow works to be carried out in default. This means that if a notice is not complied with [a breach of the notice] we may carry out any necessary works to satisfy the requirements of the notice ourselves. Where the law allows, we may then charge the person/business served with the notice for any cost we incur in carrying out the work including administrative and supervisory costs .

7.7 Forfeiture Proceedings

7.7.1 This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

7.8 Seizure

7.8.1 Certain legislation enables authorised Officers to seize goods, for example unsafe food, documents, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give the person from whom the goods are taken an appropriate receipt.

7.9 Injunctive Actions

7.9.1 In certain circumstances, for example, where offenders are repeatedly found guilty of similar offences or where traders breach consumer's civil rights and it is considered that injunctive action is the most appropriate course of enforcement, injunctive action may be used to deal with repeat offenders, dangerous circumstances or significant consumer detriment.

7.9.2 Under the Enterprise Act 2002; proceedings may be brought where an individual or organisation has acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most circumstances action will be considered where there have been persistent breaches or where there is significant consumer detriment. Action can range from:

- Informal undertakings;
- Formal undertakings;
- Interim Orders; -
- Court Orders;
- Contempt Proceedings.

7.9.3 Anti Social Behaviour Orders (ASBO) and Criminal Anti-Social Behaviour Orders (CRASBO) can be sought, after consultation with the Council's Anti Social Behaviour Team where the non-compliance under investigation meets the conditions detailed in the Crime and Disorder Act 1998.

7.10 Refusal, Suspension and Revocation of Licences - Licensing Act 2003 and Gambling Act 2005

7.10.1 All applications for premises to be licensed pursuant to the Licensing Act 2003 or the Gambling Act 2005 will be dealt with by the Licensing Officer unless valid representations are received. In such circumstances the application shall be referred to the Licensing Act 2003 Sub Committee for consideration. The Licensing Act 2003 Sub Committee will also determine any application for review of a licence issued pursuant to the Licensing Act 2003 or the Gambling Act 2005. (See also paragraph 7.10.3 and 7.10.4.) All other premises based licences shall be dealt with by the Licensing Officer unless there are representations or concerns about the 'fitness' of the applicant. In such circumstances the application (or any subsequent review of the licence) will be referred to the Licensing Act 2003 Sub Committee for determination.

7.10.2 Under the Licensing Act 2003, where a Review of a Premises Licence is sought under Section 51 of the Act, the options available to the Licensing Sub Committee are:-

- To modify the conditions of Licence
- To exclude a Licensable activity from the scope of the Licence
- To remove the Designated Premises Supervisor
- Suspend the Licence for a period not exceeding three months
- Revoke the Licence
- No action

7.10.3 Under the Gambling Act 2005, where a Review of a Premises Licence is sought under Section 202 of the Act, the options available to the Licensing Sub Committee are:-

- Revocation of the Licence
- Suspend the Licence for a specified period not exceeding three months

- Exclude a licensed activity, under Section 168 or remove or amend an exclusion
- Add, remove or amend a condition under Section 169.

7.10.4 Grounds for Refusal, Suspension or Revocation of a Hackney Carriage or Private Hire Drivers Licence

- Where application is for the Grant of a licence, the Licensing Panel has to be satisfied that the applicant is a “fit and proper” person to hold a licence.
- The Licensing Panel will deal with applications referred by the Licensing Officer where there are concerns as to whether or not the applicant is a ‘fit and proper person’. Each application will be considered on individual merit but the Licensing Panel will give consideration to its current Guidance for dealing with such applications. The Guidance identifies certain convictions which will generally exclude a person from holding a hackney/private hire drivers licence.
- All new applicants are required to successfully complete the BTEC Level 2 qualification in transporting passengers by taxi and private hire, knowledge test and produce a satisfactory medical report prior to a licence being issued.
- Applicants are also subject to a Criminal Record Bureau check. Once licensed all hackney/private hire drivers are subjected to a criminal record check every three years.
- The grounds for refusing to renew a licence, or for suspending or revoking a licence, are based on whether the driver has:-
 - (a) been convicted of an offence involving dishonesty, indecency or violence;
 - (b) been convicted of an offence under the Local Government (Miscellaneous Provisions) Act 1976;
 - (c) failed to comply with a requirement of the Local Government (Miscellaneous Provisions) Act 1976, or
 - (d) any other reasonable cause.
- Licences may be suspended or revoked **with immediate effect** if such a decision is deemed necessary **in the interests of public safety**.

7.10.5 Grounds for suspension or revocation of a Private Hire Operators Licence or refusal to renew such licence

- Under Section 62 of the Local Government (Miscellaneous Provisions) Act 1976 the Council may suspend or revoke, or (on application under Section 55 of this Act) refuse to renew an operator’s licence on any of the following grounds.

- (a) any offence under, or non-compliance with, the provisions of this Part of this Act;
- (b) any conduct on the part of the operator that appears to the District Council to render him unfit to hold an operator's licence;
- (c) any material change since the licence was granted in any of the circumstances of the operator on the basis of which the licence was granted; or
- (d) any other reasonable cause.

7.10.6 Grounds for issuing a vehicle conditions notice or vehicle suspension notice

- The issuing of conditions notices and suspension notices will be undertaken in accordance with the Vehicle Inspection Policy.

7.11 Formal action – Housing Conditions, Housing Health and Safety Rating System

7.11.1 The principles of the formal action apply to any enforcement action taken with respect to improving housing conditions. However, more specifically formal action will be taken in line with Housing Health and Safety Rating System Enforcement Guidance as made under the Housing Health and Safety Rating System Regulations 2005.

7.11.2 Category 1 Hazards

Where an assessment of a property has been undertaken under the Housing Health and Safety Rating System and the hazards have been rated as a category 1 hazard, band A-C, then the service of a Statutory Notice will be considered. Where formal action is being considered and the person responsible agrees to take action to resolve the matter, the Team Leader may agree to defer formal action for a reasonable time. Deferred action will not be considered where there is an imminent risk to public health or safety.

7.11.3 Category 2 Hazards

Where an assessment of the property has been undertaken under the Housing Health and Safety Rating System and the hazards have been rated as a category 2 hazard, band D and below, then a hazard awareness notification may be issued. If a number of upper range category 2 hazards, bands D and E, exist at the property and or the conditions are such as to be affecting the material comfort of the occupying tenant then consideration will be given to the serving of a statutory improvement notice. This action could be considered in a situation where the occupants encounter one category 2 hazard after another as they move around the house. In such circumstances full consideration will be given to the effect of the hazards on the current occupier.

7.11.4 In all circumstances if the Council considers that there is a high risk to the health and safety of the occupant then there will be no delay in initiating enforcement action. This would include circumstances where after a Housing

Health and Safety rating assessment has revealed a category 1 or 2 hazard. In all cases occupancy factors will be taken in to consideration when determining what action is to be taken.

7.11.5 Improvement Notice

In serving a statutory notice the schedule of defects and necessary remedial works detailed in the Notice must, as a minimum, reduce a category 1 hazard to a category 2 hazard and prevent any recurrence of that hazard within 12 months. It cannot require works to start within 28 days of service and carries a 21 day right of appeal to the Residential Property Tribunal (RPT).

7.11.6 Suspension of an Improvement Notice

In normal circumstances an improvement notice would become operative 21 days after service. However, in agreement with the Team Leader, the Officer may suspend an action specified in the notice. The notice to suspend may specify an event that triggers action, such as non-compliance with an undertaking given to the authority or a change of occupancy. Suspension may be considered in circumstances for example where the hazard is not sufficiently minor to be addressed with a hazard awareness notice but the current occupiers are not members of a vulnerable group. Suspension of an Improvement Notice might also be appropriate to deal with a property that is part of, or scheduled to be, included in a strategic regeneration initiative

7.11.7 Prohibition Order

A Prohibition Order prohibits the use the whole or part of a dwelling for some or all purposes, or occupation by particular numbers or descriptions of people. The Order must:

- Specify whether the order is made under section 21 or 22
- The nature of the hazard
- The deficiency giving rise to the hazard
- The properties in which prohibitions are imposed
- Any remedial action that would result in the order being revoked
- The right of appeal (within 21 days to RPT)

A Prohibition Order becomes operative 28 days after its service if there has been no appeal to the RPT.

7.11.8 Demolition Order

A Demolition Order is only available in response to the identification of a category 1 hazard. The Council must:

- Take into account availability of local accommodation for rehousing
- Take into account the demand for, and sustainability of, the accommodation if the hazard was remedied
- Consider the prospective use of the cleared site

- Consider the environmental impact of the action.
- A Demolition Order carries a 21 day right of appeal to Residential Property Tribunal

7.11.9 Clearance Area Action

The provisions of Part 9 of the Housing Act 1985 are retained in respect of Clearance areas. The Council must be satisfied that each of the residential buildings in a clearance area contains one or more category 1 hazard.

7.11.10 Licensing of Houses in Multiple Occupation (HMO)

- (i) The authority will implement Mandatory Licensing of Houses in Multiple occupation of three stories or more, occupied by 5 persons or more and sharing facilities such as bathrooms, water closets and kitchens. It will be a condition of licenses that:
- Satisfactory provision of facilities is provided
 - There is adequate means of escape from fire
 - The premises are satisfactorily managed
 - A licence may only be issued to fit and proper person. Further details on the HMO licensing are available from the HMO Team (Tel 691 8665).
 - Where a house is occupied as an HMO planning permission may be required and in such circumstances Regeneration Department and Development Control will work in partnership.
- (ii) Sanctions :
- Revocation of a licence when the owner is not a fit and proper person
 - The imposition of an interim and final management order by application to the Residential Property Tribunal when an owner of a licensable does not apply for a licence or is not a fit and proper person to manage an HMO
 - Prosecution for non compliance with conditions of licence.

7.11.11 Emergency Remedial Action

If a category 1 hazard exists on the property, and in the opinion of the inspecting Officer, the hazard involves an imminent risk of serious harm to the health and safety of the occupiers or any other residential premises, the Council may enter the premises at any time upon obtaining a warrant (if required) to take out emergency remedial action. This action is whatever is necessary to remove the imminent risk of serious harm.

A notice will be served on the responsible party within seven days of taking the emergency action. This notice will include the details of the hazard, the premises in which the action was taken, the nature of the remedial action, the date the action was taken and the right to appeal to the Residential Property Tribunal.

7.11.12 Charges for Serving Notice

- When a statutory notice has to be served the Council may recover the costs incurred to undertake this action.
Charges according to the time an Officer spends in drafting Notices and any necessary follow up action will be made and 20% administration and supervision charge for work in default will also be made . It is intended that Officers should have discretion not to charge co-operative owners in respect of the service of Prohibition Orders preventing the occupation of dwellings or parts of dwellings.

7.12 Simple Caution (previously known as a formal caution)

7.12.1 A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.

7.12.2 For a Simple Caution to be issued a number of criteria must be satisfied;

- Sufficient evidence must be available to prove the case;
- The offender must admit the offence;
- It must be in the public interest to use a Simple Caution;

For details of the Home Office guidance (Circular 30/2005) visit:

<http://www.homeoffice.gov.uk/police/powers/cautioning/>

7.12.3 We will also take into account the following when making our decision:

- The offender should not have received a Simple Caution for a similar offence within the last 2 years.

7.12.4 Where appropriate, a record of the Simple Caution will be sent to the Office of Fair Trading, and will be kept on file for 2 years. If the offender commits a further offence, the Caution may influence our decision to take a prosecution. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in Court, and this may influence the severity of the sentence that the Court imposes.

7.12 Prosecution

7.12.1 A prosecution will normally ensue where the individual or organisation meets one or more of the following criteria:

- When non-compliance with legal obligations likely to lead to economic loss or potential harm to others;
- where written warnings or formal notices are ignored;

- Where the health, safety or well being of people, animals or the environment are endangered;
- An officer is assaulted or obstructed in the course of their duties.

7.13 Proceeds of Crime Applications

7.13.1 Applications may be made under the Proceeds of Crime Act for confiscation of assets. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Applications are made after a conviction has been secured.

8.0 Determining whether a Prosecution or Simple Caution is viable and appropriate

8.1 We apply two ‘tests’ to determine whether a Prosecution or Caution is viable and appropriate. They are the “evidential test and public interest tests”. We follow guidance set by the Crown Prosecution Service when applying the tests:

For more information about the ‘Code for Crown Prosecutors’ visit:

[http://www.cps.gov.uk/publications/code for crown prosecutors/index.html](http://www.cps.gov.uk/publications/code%20for%20crown%20prosecutors/index.html)

8.2 A Caution or Prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test. The principles outlined apply equally to the other types of formal enforcement action that are available.

8.3 The Evidential Test

8.3.1 We must be satisfied that there is enough evidence to provide a ‘realistic prospect of conviction’ against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or Magistrates’ Court should only convict if it is sure of a defendant’s guilt.

8.4 The Public Interest Test

8.4.1 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

8.5 One or more of the following public interest criteria will normally be taken into account when deciding on the relevance of legal proceedings, although this list is not exhaustive:

- The prevalence of the type of offence;
- The need for a suitable deterrent;
- The risk of danger or injury to the public;
- The failure to comply with a statutory notice or to respond to advice about legal requirements;
- The disregard of legal requirements for financial reward;
- Significant financial loss, potential or actually, to a third party;
- A history of similar offences;
- Persistent breaches of legislation;
- Where fraud, guilty knowledge or negligence is a factor.

9.0 Who decides what enforcement action is taken

9.1 Decisions about the most appropriate enforcement action to be taken are based upon professional judgement, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government. This will be further reinforced, where considered necessary, by the introduction of practice and procedure notes which will seek to guide officers in the appropriate line of action to take.

9.2 Where appropriate, decisions about enforcement will involve consultation between or approval from:

- Investigating Officer(s);
- Senior Managers within Regulation Division;
- Council Solicitors or Counsel;

10.0 Liaison with other Regulatory Bodies and Enforcement Agencies

10.1 Where appropriate, enforcement activities within Regulatory Services will be co-ordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

10.2 Where an enforcement matter affects a wide geographical area beyond the Council's boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and

organisations will be informed of the matter as soon as possible and all enforcement activity co-ordinated with them.

10.3 Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, examples including:

- Government Agencies;
- Police Forces;
- Fire Authorities;
- Statutory Undertakings;
- Other Local Authorities.

11.0 Considering the views of those affected by offences

11.1 Regulatory Services undertakes enforcement on behalf of the public at large and not just in the interest of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decision.

12.0 Protection of Human Rights

12.1 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:

- Right to a fair trial;
- Right to respect for private and family life, home and correspondence.
- Protection of property

13.0 Review of the Enforcement Policy

13.1 This Policy will be reviewed annually by Environmental Health Manager, Trading Standards Manager and Private Sector Housing Standards Manager.

14.0 Complaints

14.1 The Council has an established complaints procedure which can be accessed on line at

http://active.admin.ad.wirral.gov.uk/LGCL/100004/200025/content_0000287.html