

- in certain circumstances, seek to raise awareness and increase compliance levels by publicising unlawful practices or criminal activity. Where appropriate the results of specific court cases may be published.
- 5.3 The action that Wirral Council chooses to take depends upon the particular circumstances and the conduct of the business or individual in respect of the breach.
- 5.4 Wirral Council is committed to deal firmly with those that deliberately or persistently fail to comply, **for example the Council adopts a robust approach to the enforcement of littering offences under section 87 and 88 of the Environmental Protection Act 1990 (as amended) and will issue a fixed penalty notice in all cases where it is considered that there has been a deliberate breach of the legislation. A similar approach will be adopted in respect of offences in relation to dog fouling pursuant to the Dogs (Fouling of Land) Act 1996 in respect of land designated under the Council's Fouling of Land by Dogs Order 1998. Fixed Penalty Notices (FPN) will be issued in all cases where an offence of dog fouling has been identified.**
- 5.5 Wirral Council is committed to ensuring that, where appropriate, those regulated are able to request advice on non-compliance without automatically triggering enforcement action, particularly where action to resolve non-compliance is being taken.
- 5.6 If we receive information 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.
- 5.7 During the progression of enforcement investigations/actions, businesses 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 or other enforcement agencies when required and/or in accordance with the Data Protection Act 1998 and subject to other statutory provisions.
- 5.8 Wirral Council will respond appropriately to all complaints of non-compliance, subject to any risk-based prioritisation scheme used by the investigating department.
- 5.9 All investigations will be carried out lawfully having regard to the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Wirral Council:
- Police and Criminal Evidence Act 1984
 - Criminal Procedure and Investigations Act 1996
 - Regulation of Investigatory Powers Act 2000
 - Criminal Justice and Police Act 2001
 - Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.