

MUNICIPAL YEAR 2015/2016 REPORT NO. **151**

**MEETING TITLE AND DATE:**

**Cabinet – 20 January  
2016**

**REPORT OF:**

Director - Regeneration  
and Environment

**Agenda – Part: 1**

**Item: 7**

**Subject: Approval of the Enfield  
Enforcement Policy**

**Wards: ALL**

**Key Decision No: KD 4040**

**Cabinet Member consulted:  
Cllr Daniel Anderson**

Contact officer and telephone number:

Ian Davis – 020 8379 3500

E mail: [ian.davis@enfield.gov.uk](mailto:ian.davis@enfield.gov.uk)

**1. EXECUTIVE SUMMARY**

- 1.1 It is good practice, and for specified enforcement services like Environmental Health, Licensing and Trading Standards it is a statutory requirement, to have an enforcement policy which is endorsed by members and the Council. The purpose of an Enforcement Policy is to explain how we respond to non-compliance.
- 1.2 The Policy encompasses the following services:- Environmental Health (Food Safety, Health and Safety, Private Sector Housing, Infectious diseases, animal welfare and animal disease control, nuisance, air quality, contaminated land), Licensing, Trading Standards, Environmental Crime (street scene and waste), Blue Badge Fraud and Highways Enforcement.
- 1.3 The Enforcement Policy sets out Enfield Council's approach to deal with non-compliance robustly and swiftly. Enforcement is a key tool for the council in protecting the quality of life of its residents. Robust enforcement is essential for public confidence in upholding the integrity of the regulatory regimes that we administer to protect residents, the public, businesses and workers. However, the Council also recognises that good regulation is supportive to the economic vitality and growth of the economy and local businesses.
- 1.4 The Council will not hesitate to take all necessary enforcement action against those who commit serious offences, flout the law, fail to follow advice or warnings to achieve compliance, or breach matters that are of key priority to the Council. If there is a serious or imminent risk of harm, danger, nuisance or injury we will take formal enforcement action immediately as required.

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- 1.5 The Council is likely to offer advice or a warning in the first instance if the breach is not so serious as to require immediate enforcement action to address high risk or very harmful situations, if it is not a persistent or continuing breach, if there has been a history of good compliance or we are confident there will be compliance, and is the most appropriate use of resources. There are however, breaches which the Council considers necessary to adopt a zero tolerance approach towards (see 4.1.4 of the policy) for the protection of the quality of life of its residents, and these will be enforced without giving a warning.
- 1.6 Investigations and formal action (e.g. notice service and prosecution) are undertaken in accordance with the requirements of the legislation offences occur under and legislation and Codes of Practice concerning the collection and use of evidence. They also give a range of protections to citizens and potential defendants.
- 1.7 When deciding on the enforcement action to be taken, we will consider the risk and seriousness posed by the offending breach. Appendix B in the Enforcement Policy, and paragraph 3.5.4 below, details the enforcement actions available to us and when they will be used.
- 1.8 We recognise that publicising our activities, including prosecution cases, will help to inform others, improve awareness and increase compliance (deterrent factor). Research (see background papers) has shown that publicising enforcement action increases public confidence and also acts as a deterrent to other criminals if they think that the consequence of committing crime is likely to result in publicity.
- 1.9 The Enforcement Policy was placed on consultation on 10 March 2015 for a period of 16 weeks until 30 June 2015. The Policy was consulted on via the Council's website. The consultation was also sent to the North London Chamber of Commerce, Enfield Racial Equality Council (EREC), Enfield Business Retailers Association (EBRA) and the Over 50's Forum. We also gave presentations to, and undertook face to face consultation, with EREC and EBRA.
- 1.10 The feedback is detailed in Appendix 1 to this report, and amendments made to the Enforcement Policy as needed in the light of the public consultation. Paragraph 3.7.3 summarises the feedback received.

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## **2. RECOMMENDATIONS**

That, the Enfield Enforcement Policy at Appendix 2 is approved.

## **3. BACKGROUND**

### **3.1 Purpose of the Enforcement Policy**

3.1.1 It is good practice, and in some cases a statutory requirement, that public sector enforcement bodies work in accordance with an approved Enforcement Policy.

3.1.2 For Environmental Health, Licensing and Trading Standards Services there is statutory guidance to which the Council will have to have regard known as the Regulators' Code. This was published by Better Regulation Delivery Office (BRDO) on 6 April 2014. Prior to this there was other statutory guidance such as the Enforcement Concordat. The Council must have regard to the Regulators' Code in developing (enforcement) policies and operational procedures that guide our regulatory activities.

3.1.3 Environmental Health, Licensing, Trading Standards Services and the other Environment Division services encompassed by the Enforcement Policy regulate and enforce the protection of the vulnerable, together with fulfilling environment, social and other objectives. The Regulators' Code builds on these core purposes and seeks to promote proportionate, consistent and targeted regulatory activity.

3.1.4 There are six guiding principles in the Regulators' Code the Council must abide by in its enforcement activities as follows:

- Regulators should carry out their activities in a way that supports those they regulate to comply and grow
- Regulators should provide simple and straightforward ways to engage with those they regulate and hear their views
- Regulators should base their regulatory activities on risk
- Regulators should share information about compliance and risk
- Regulators should ensure clear information, guidance and advice is available to help those they regulate meet their responsibilities to comply
- Regulators should ensure that their approach to their regulatory activities is transparent

- 3.1.5 The purpose of an Enforcement Policy is to explain the approach towards non-compliance. This is an important policy document for the Council as a regulator in meeting its responsibility under the statutory principles of good regulation and to show its transparency in its enforcement activity and to strive towards greater accountability.
- 3.1.6 The proposed Enfield Enforcement policy is at Appendix 2 for consideration and approval. It has been written in accordance with the requirements of the Regulators' Code.
- 3.1.7 The Enforcement Policy emphasises that Council's enforcement services recognise that robust enforcement is essential for public confidence in upholding the integrity of the regulatory regimes that it administers, and in addition that good, proportionate regulation is supportive of the economic vitality and growth of the economy and local businesses.
- 3.1.8 The Council will not hesitate to take all necessary enforcement against those who commit serious offences, flout the law, fail to follow advice or warnings to achieve compliance, or breach matters that are of key priority to the Council. If there is a serious or imminent risk of harm, danger, nuisance or injury then we will take formal enforcement action immediately as required.
- 3.1.9 Where appropriate; the Council is likely to offer advice or a warning in the first instance if the breach is not so serious as to require immediate enforcement action to address high risk or very harmful situations, if it is not a persistent or continuing breach, if there has been a history of good compliance or we are confident there will be compliance, and is the most appropriate use of resources. If this approach is unsuccessful enforcement action will be taken. There are however, breaches which the Council considers necessary to adopt a zero tolerance approach towards for the protection of the quality of life of its residents, and these will be enforced without giving a warning.
- 3.1.10 This Policy will be reviewed 3 years after issue, or sooner if required

## 3.2 **Scope and content of the Enforcement Policy**

3.2.1 The following services are covered by the Enforcement Policy:-

- Environmental Health (Food Safety, Health and Safety, Private Sector Housing, Infectious diseases, animal welfare and animal disease control, nuisance, air quality, contaminated land)
- Licensing Enforcement
- Trading Standards
- Enviro-Crime enforcement (enforcement of street scene issues and waste enforcement)
- Blue Badge Enforcement
- Highways Enforcement

- Additional and Selective Licensing (if/when implemented)
- 3.2.2 There are separate and more specific enforcement policies for:
- Planning enforcement;
  - Enforcement of vehicle crossovers;
  - Enforcement of streetworks
  - Parking enforcement.
- 3.2.3 For the service areas covered by this Enforcement Policy we receive over 35,000 complaints/service requests per year. The typical types of breaches that require enforcement action are:
- Rogue trading, doorstep crime, scams and fraudulent business practices
  - The sale and supply of counterfeit goods and unsafe goods and products
  - Littering, dog fouling and spitting
  - Flytipping and improper waste storage and disposal
  - Untidy land and front gardens
  - Poor hygiene and unsafe practices at food businesses
  - Blue Badge Misuse
  - Illicit tobacco and alcohol
  - Breaches of licenses and conditions and unlicensed trading
  - Illegal Street trading
  - Car sales on the street
  - Sales to minors of age restricted products (eg alcohol, knives, tobacco)
  - Nuisance (noise, odours, drainage)
  - Private rented sector housing conditions (eg disrepair, health and safety issues and overcrowding)

For some of these offences, the penalties are very serious and result in prison sentences and the use of the Proceeds of Crime Act to recover assets and money that has arisen from the criminality.

### 3.3 Targeting of Enforcement Approach

- 3.3.1 Enfield Council will not hesitate to take all necessary enforcement action against those who commit serious offences, flout the law, fail to follow advice or warnings to achieve compliance, or breach matters that are of key priority to the Council. If there is a serious or imminent risk of harm, danger, nuisance or injury then we will take formal enforcement action as needed (by the service of an immediate notice such as Stop, Seizure, Prohibition, Suspension or Abatement Notices).
- 3.3.2 We are more likely to offer advice or a warning in the first instance if the breach is not so serious as to require immediate enforcement action to address high risk or very harmful situations, if it is not a persistent or continuing breach, if there has been a history of good compliance or we are confident there will be compliance and is the

most appropriate use of resources. There are however, breaches which the Council considers necessary to adopt a zero tolerance approach towards (see 4.1.4) for the protection of the quality of life of its residents, and these will be enforced without giving a warning such as, for example, as littering, flytipping and other waste offences, dog fouling, spitting and Blue Badge misuse.

3.3.3 In giving advice, warning and taking formal enforcement action, the Council will seek to provide individuals and businesses with clear explanations of what the breach is, what action is needed and the reasons for this. The Council will provide the individual/ business with an opportunity to discuss with the Council the advice given, actions required or decisions taken in relation to non-compliance. The Council recognises the importance of regulated individuals and businesses being able to seek advice from the Council to help them ensure that they are compliant. In usual circumstances this request for advice would not trigger enforcement action from the Council. However, the exception is if the Council assesses that there is a need to take immediate enforcement action to respond to or prevent serious or imminent risk.

3.3.4 However, the Council is also committed to dealing firmly with those that deliberately or persistently fail to comply, and less likely to take enforcement action against those who demonstrate an active willingness to resolve the non-compliance.

3.3.5 In some teams the Council makes an assessment of all incoming complaints about alleged non-compliance to determine whether they will be investigated. This is to ensure that the Council targets resources to the areas of highest risk and concern, in accordance with good enforcement practice. In deciding whether to investigate, the Council takes into account factors such as:

- the seriousness of the allegations,
- whether the complainant has provided their contact details (i.e. not anonymous),
- the previous history of the individual or business being complained about,
- whether a programmed inspection is due (if applicable)
- the impact on the community

### **3.4 Investigations**

3.4.1 All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to the London Borough of Enfield:

- 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
- Equalities Act 2010

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

3.4.3 The Council's 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.

3.4.4 In the vast majority of cases that the Council investigates with a view to prosecution where there is a statutory defence in particular the Council will invite those suspected of being involved in offences to a formal interview conducted in accordance with the Code of Practice under the Police and Criminal Evidence Act 1984 (known as 'PACE Interviews'). This presents an opportunity for the suspect to detail any statutory defence they believe they have and offer explanations. The Council will then evaluate the evidence gathered to arrive at a decision whether to proceed to prosecution or alternatively if another approach should be taken. A record of interview will be admissible evidence in any potential proceedings if the formal procedure for interviews laid down in PACE has been adhered to.

3.4.5 There are also provisions available to Enforcement Officers investigating offences under the Health and Safety at Work Act to formally interview individuals and companies under Section 20 of the Act who can assist with providing information

### **3.5 Enforcement Powers and Enforcement Actions**

3.5.1 The Council's enforcement officers have delegated powers to carry out the Council's duties as identified in the relevant legislation. Such powers include:

- Powers of entry to gain access to land and premises, with a warrant if required
- Powers to inspect premises, equipment and documents
- Powers to seize equipment and documents if needed
- Powers to take samples
- Powers to seek assistance and information from individuals

3.5.2 For the vast majority of legislation that the Council enforces, there are usually provisions where a person commits an offence of obstruction if they do not allow Enforcement officers to exercise their powers. If the Council's Enforcement Officers are obstructed in the course of their duties, the Council views this very seriously. Obstruction offences are taken seriously by the Council and if a perpetrator persists despite receiving a warning the Council will ordinarily proceed to prosecution.

3.5.3 The Council's enforcement powers do not have the power of arrest. However officers often work closely with bodies which do have the necessary powers of arrest such as the Police, UK Border Agency and other agencies.

3.5.4 Appendix B of the Enforcement Policy details the enforcement actions available to the Council and when they can be used. The range of enforcement actions are listed below:

- Compliance Advice, Guidance and Support;
- Voluntary Undertakings;
- Statutory (Legal) Notices;
- Financial penalties (e.g. Fixed Penalty Notice & Penalty Charge Notices);
- Injunctive Actions/ Enforcement Orders;
- Simple Caution;
- Prosecution; and
- Refusal/ Suspension/ Revocation of Licences

3.5.5 When determining whether enforcement action is appropriate the Council will seek to evaluate the consequences of a particular breach in terms of risk and severity. In making decisions about the most appropriate enforcement action to take, the Council will be mindful of the principles set out in the Macrory Review of Regulatory Penalties 2006 concerning sanctions and penalties. These principles:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from non-compliance;
- aim to be responsive and to consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that is associated with criminal convictions;
- aim to be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by regulatory non-compliance, where appropriate; and,
- aim to deter future non-compliance.

## 3.6 Publicising Enforcement Action

3.6.1 The Council recognises that publicising its activities, including prosecution cases, will help to inform others, improve awareness and increase compliance (deterrent factor). Research<sup>1</sup> has shown that publicising enforcement action increases public confidence and also acts as a deterrent to other criminals if they think that the consequence of committing crime is likely to result in publicity. The Council will issue

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<sup>1</sup> Publicising Criminal Convictions (Criminal Justice System publication – December 2009)  
[http://www.openeyecommunications.com/wp-content/uploads/2010/03/Publicising\\_Criminal\\_Convictions.pdf](http://www.openeyecommunications.com/wp-content/uploads/2010/03/Publicising_Criminal_Convictions.pdf)



press releases on its successful prosecutions, other issues of public interest and will 'name and praise' and 'name and shame' when it is legally possible and appropriate to do so.

### **3.7 Public Consultation**

3.7.1 The Enforcement Policy was placed on consultation on 10 March 2015 for a period of 16 weeks until 30 June 2015. The following activities were undertaken during the consultation period to invite feedback on the draft policy:

- It was published on the Council's website inviting comments from businesses, residents and the general public
- It was presented for comment to the Cabinet Member for Environment on 17 September 2014 (prior to public consultation) and on 13 July 2015 and 26 October 2015 (after public consultation ended)
- It was sent to, and then presented for discussion and feedback at a Enfield Racial Equality Council focus group on 30 June 2015
- It was sent to the Enfield Business Retailers Association (EBRA) and the North London Chamber of Commerce, and then presented for discussion and feedback at a meeting on 10 June 2015 attended by the Enfield Business Retailers Association (EBRA)
- It was sent to the Over 50's Forum on 13 August 2015 to capture their feedback as part of the consultation

3.7.2 There were comments received from the Enfield Business Retailers Association (EBRA), the Enfield Racial Equality Council and one member of the public.

3.7.3 The feedback is detailed in Appendix 1 and amendments made to the Enforcement Policy and approaches in the light of the public consultation. In summary, the feedback was:

- The enforcement policy was clear and understandable
- The enforcement policy was reasonable, firm and fair
- Agree that if offences are serious we should take robust action.
- Be explicit that failure to engage and comply with (a) non formal approach and (b) formal steps will result in further enforcement action
- Residents commented that they wanted a 'zero tolerance' approach towards flytipping, and rubbish, lighted cigarettes and food waste/packaging being thrown or discarded from vehicles
- It is important that there is open communication between businesses and enforcement officers
- Enforcement Officers need to have a flexible risk-based approach and understanding of the resources and abilities of small businesses
- It was suggested that food safety officers take a more lenient approach to the risk rating scoring if the food safety is under control

but the food safety documentation and documented checks were absent or not complete

- Matters such as language and cultural differences in businesses were raised as potential 'barriers' to compliance
- Specific issues were raised about flytipping, littering, trade waste and tables and chairs licensing
- Some concern was raised about growing residential problems and multiple occupation and overcrowding and what action the council can take
- Greater explanation was requested about taking a 'proportionate' response to enforcement and how officers decide what enforcement to take
- New businesses need advice and guidance
- Explanation as to how we decide what food premises to inspect
- Asked how the Council consulted with disability groups
- Concerns were raised about the apparent proliferation of fast food takeaways and what action the council can/do take
- Concerns raised about dangerous moped and bicycle riders and the need for enforcement
- Wanted to ensure that Equality Impact Assessments had been undertaken for enforcement services

#### **4. ALTERNATIVE OPTIONS CONSIDERED**

There are no appropriate alternative options.

#### **5. REASONS FOR RECOMMENDATIONS**

5.1 Services such as Environmental Health, Licensing and Trading Standards are required by the Legislative and Regulatory Reform Act 2006 to have regard to the Regulators' code (published by the Better Regulation Delivery Office) which specifies we should have an enforcement policy and have regard to the principles set out in the Regulators' Code in undertaking enforcement activities.

5.2 In addition, other statutory guidance also requires that the council has an enforcement policy such as the Food Standards Agency's 'Framework Agreement on Official Feed and Food Controls by Local Authorities', made under the Food Standards Act 1999.

#### **6. COMMENTS OF THE DIRECTOR OF FINANCE, RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS**

##### **6.1 Financial Implications**

6.1.1 The proposed policy reflects enforcement best practice. The policy will also support the Annual Governance Statement, which forms part of the Council's Annual Statement of Accounts. It will be included in the Council's governance framework as it demonstrates how the Council puts in place proper arrangements for the governance of its affairs and

facilitates the effective exercise of its functions. As such, it will also contribute to the better management of risks the Council faces, which in turn helps to provide external auditors and other commentators with assurance that the Council ensure good value for money in its financial management.

6.1.2 The responsibilities outlined in the policy will be managed within the existing resources and monitored and reported through the department's financial monitoring processes.

## **6.2 Legal Implications**

Section 21 of the Legislative and Regulatory Reform Act 2006 puts a duty on regulatory bodies to exercise their regulatory functions in a way that is transparent, accountable, proportionate and consistent with a view to targeting activities with action only where it is needed.

The Regulators' Code (April 2014) was issued under section 22 of the Act to give guidance to regulators on how to comply with their duties under the Act. The Act assisted by the Code seeks to advise regulators on how to regulate whilst succeeding in reducing regulatory burdens and supporting compliant business growth through the development of open and constructive relations between regulators and those regulated.

The Code urges regulators to provide information, guidance and advice to those they regulate so that they can better meet their responsibilities. The Policy described in this Report complies with this requirement.

## **6.3 Property Implications**

There are no property implications.

## **7. KEY RISKS**

The key risks associated with this Enforcement Policy would be regulatory and reputational risks:-

- Not to have an Enforcement Policy that is prepared with regards to the Regulators' Code – this policy has been prepared in accordance with the Code and has been consulted on with stakeholders and the public, and/or
- Not to have an approved Enforcement Policy in place – the existing policy was prepared before the Regulators' Code was introduced hence why it has been redrafted and presented for endorsement.
- To not take enforcement action in accordance with the Enforcement Policy – the Policy is clear in paragraph 3.2 that where it is considered necessary to deviate from the approach in the Policy,

this will only be done where it is justifiable and the reasons are recorded.

## **8. IMPACT ON COUNCIL PRIORITIES**

### **8.1 Fairness for All**

The approach to enforcement in the Policy promotes the priority of fairness for all. The intention of the Policy is to ensure that the community (residents, workers, visitors and businesses) are supported and protected and the whole community is treated fairly, transparently and with equity. In particular we aim to protect the most vulnerable from exploitation.

### **8.2 Growth and Sustainability**

8.2.1 Good proportionate regulation is well recognised as being important to public confidence and also to support the maintenance and growth of the local economy.

### **8.3 Strong Communities**

This Policy has been consulted on with stakeholders in the community. Their views have been considered and the policy amended as needed as a result of the consultation with them. The Policy aims to target enforcement to the areas of greatest risk to health, safety, nuisance and the environment, thus promoting strong communities.

## **9. EQUALITIES IMPACT IMPLICATIONS**

9.1 The Council fully recognises the need and value in ensuring that the Council's enforcement services support protect and do not disadvantage any community groups.

9.2 In addition, all services and teams undertaking enforcement have completed retrospective Equalities Impact Assessments of their enforcement activities on the community and in particular on the protected characteristic. The Council also undertakes predictive Equalities Impact Assessments for any new enforcement activities.

9.3 All Environment Staff undertaking also attended equalities and diversity training in 2013/14.

9.4 Corporate advice has been sought in regard to equalities and an agreement has been reached that an equalities impact assessment is neither relevant nor proportionate for the approval of this report to approve the Enfield Enforcement Policy

## **10. PERFORMANCE MANAGEMENT IMPLICATIONS**

There is an existing framework of performance measures used by the Services encompassed by this Enforcement Policy that monitors and measures outputs and outcomes. These performances measures will continue under the new Policy.

## **11. HEALTH AND SAFETY IMPLICATIONS**

There are existing risk assessments and safe systems of work in place which are regularly reviewed. These are to ensure that the risks to the health and safety of enforcement officers in conducting their duties have been identified, assessed and control measures put in place.

## **12. HR IMPLICATIONS**

There are no HR implications. The Enforcement Policy will be used by existing enforcement staff.

## **13. PUBLIC HEALTH IMPLICATIONS**

The approach to enforcement in the Policy positively contributes towards the health and wellbeing of the public either immediately from prevention of harm and longer-term through ensuring compliance with the regulatory framework. Immediate enforcement action is taken when there is a serious or imminent risk posed of injury or ill health or a risk to people or their food, water, workplace, home surrounding living environment or as a consumer of services and goods. When the risk is not imminent, a staged approach is taken to ensure compliance and to reduce or eliminate the harm. However, robust enforcement action is taken when there is a failure to take advice and comply, offences are serious or deliberate flouting of the law.

## **Background Papers**

None



**Appendix 1: Summary of the feedback on the Enfield Enforcement Policy from the public consultation**

<b>QU. No.</b>	<b>Questions</b>	<b>Enfield Business Retailers Association response<sup>2</sup></b>	<b>Public response<sup>3</sup></b>	<b>Enfield Racial Equality Council response<sup>4</sup> (EREC)</b>	<b>Response to consultation feedback received</b>
1.	Is the policy clearly laid - out?	Very clear, reasonable and fair	To some extent	Methodical and logical policy. Well laid out to a 'great' extent.	No response required
2.	Is the policy easy to understand?	Yes – especially as there was the presentation at the meeting as well as just having it to read in advance	To some extent	Easy to understand and not too cumbersome. All felt it was easy to understand to a 'great' or 'some' extent.	No response required
3.	If not, what would make it clearer or easier to understand?	N/A	To some extent	Those saying to 'some extent' asked how we define 'proportionate' enforcement response (example given was tables and chairs licensing). Felt this assessment by officers is too subjective and needs	Some examples given at EREC consultation meeting. Policy amended to explain more clearly the need for ensuring that the most appropriate means of enforcement is chosen depending on the level of risk and the seriousness of

<sup>2</sup> Meeting held with 3 Town Centre Managers

<sup>3</sup> One response received from the public via the Council website

<sup>4</sup> Meeting held with focus group of over 25 persons from across the community and sent to over 250 of the EREC membership

				to be a more objective 'standard'.	the offence.
4.	Do you agree with our enforcement approach set out in section 4?	<p>Yes – firm but fair approach. Agree that if offences are serious should take robust action.</p> <p>Enforcement officers also need to take flexible approach (see comments below)</p> <p>Discussion about the need for good and open communications between enforcement officers and businesses/individuals being regulated so that advice can be sought and any concerns about inspections, risk rating and enforcement actions can be raised by businesses and discussed with enforcers.</p>	To some extent	Agreed. Structured and policy makes sense.	The recognition of the need for those regulated to seek advice is covered in the Enforcement Policy (section 4) or to make a complaint about officers (section 8). However, we will ensure that it is emphasised in written communications particularly at any concerns about action taken should be raised with the officer or their line manager in the first instance.
5.	If you answered 'No'	N/A	N/A	Comments received that residents wanted fly	The enforcement regime for rubbish thrown from



	to the above, what else would you like to see included?			tipping, rubbish and lighted cigarettes being thrown from vehicles or food waste/packaging dumped by side of road when parked up to eat to have a zero tolerance approach.	vehicles is being examined during 2015/16. Increased enforcement and more robust strategy is being implemented for flytipping.
6.	Do you think there should be any amendments to the policy?	No – except see comments below about taking a flexible approach.	Yes	No – except specific suggestions made above	No response required
7.	If you answered to yes above, please provide any comments		Be explicit that failure to engage and comply with (a) non formal approach and (b) formal steps will result in further enforcement action.	No – except specific suggestions made above	Sections 4.2 and 4.8 of the policy were amended to give this greater emphasis.
8.	Are you a? <ul style="list-style-type: none"> <li>▪ Business</li> <li>▪ Trade or Business Association</li> <li>▪ Other</li> </ul>	Business Association	Business	Residents	N/A
9.	Any other	The need to take a flexible		Question raised by	<b>Flexible approach:</b>

	<p>comments?</p>	<p>approach was raised and discussed. Example given was that Enforcement Officers need to consider the ability and resources of some food business owners to complete food safety documentation. Many food businesses are very small and the owners run all aspects of the businesses themselves. The owner may be a brilliant chef – but not so good at admin and paperwork.</p>		<p>Enfield Stroke Action regarding how the Council consults with other disability groups.</p>	<p>This is covered in section 4.9.1 of the policy. The Food Safety team and officers are mindful of the ability and resources of small businesses – of which the majority of food businesses in Enfield are small.</p> <p><b>Disability groups:</b>  Consultation with Disability groups:  We have contacted Enfield Stroke action and also Enfield Disability Action (an umbrella organisation for local disability groups) for their feedback on the policy</p>
		<p>It was suggested that a more lenient/pragmatic approach should be taken if food safety is under control but the documented checks of the controls were not sufficiently meeting requirements. Some businesses have felt</p>			<p>Officers assess and rate food businesses in accordance with the relevant Food Standards Agency Code of Practice and guidance on the National Food Hazard Rating scheme ('Brand standard'). Account is taken where food businesses have</p>

		officers have judged their food safety management too harshly because of this.			food risks under control but the controls or checks are not recorded. A recent review by another London Borough and a meeting with the Food Standards Agency confirmed that our rating of premises and enforcement approach was appropriate and in accordance with the FSA Code of Practice.
		It was raised that there are language and cultural differences within businesses. Some cultures are fearful and distrust public officials due to enforcement regimes in their country of origin.			Noted – Officers are aware of some of these issues.
		Some specific enforcement issues were raised about: <ul style="list-style-type: none"> <li>▪ Tables and chair licences- would be better to allow barriers or demarcation of the licensed area</li> <li>▪ Flytipping – issues with rubbish dumped in rear</li> </ul>			Tables and Chairs – very helpful comments which will be fed into review of street trading enforcement.  Comments on trade waste bins and flytipping have

		<p>alleys and not cleared/collected</p> <ul style="list-style-type: none"> <li>▪ Trade waste bins – rubbish being dumped in them by other businesses</li> <li>▪ Litter enforcement - would welcome warning signage and more cigarette butt lamp-post bins</li> </ul>			<p>been fed into review of waste enforcement strategy.</p> <p>Comments on Litter enforcement:- Butt bins - Public Realm have reviewed the location of butt bins and are satisfied but will always consider requests for additional bins. Warning signs – has been considered but not necessary to erect warning signage and citizens should be aware it is an offence to litter.</p>
				Some comments asking what the council is doing about the apparent proliferation of fast food takeaways	This has already been addressed in new Planning Policy (DMD) – there is a presumption against grant of planning permission for new takeaways within 400m of secondary schools unless they can evidence it will not be detrimental in terms of the offer of some healthy food alternatives
				Some comments	This is a police matter for

				suggested robust enforcement of bad/dangerous cyclists or persons riding bikes or mopeds on the pavement	enforcement.
				How does the council decide what food premises to inspect?	It was explained that officers risk assess the premises according to the criteria in the FSA Code of Practice which includes matters such the hygiene and structural compliance, type of food prepared/sold and confidence in the management to maintain the controls. This determines the risk and so how often they are inspected ranging from 6 months (high risk) to every 3 years (lowest risk)
				Would be useful for new businesses (especially small businesses) to give advice about consumer rights and date coding of food. For example, join up with banks who give 'start up' packs to new businesses	New food businesses are sent information via an email or letter of the web-based sources of food safety information available and provided signposting to other organisations offering new business support (e.g. Enterprise Enfield)

				Some individuals felt there was a growing residential problems and wanted more information on multiple occupations/ overcrowded dwellings and what could be done to address this	There are existing powers we use to investigate and tackle poor housing conditions and overcrowding. However, the Council is considering more effective additional licensing powers.
				Equality Impact Assessments should carried out when reviewing the policy. It would also be useful to see predictive impact assessments.	These had already been undertaken.