

Regulatory Enforcement Policy

Public Protection and Regulatory Services

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Enforcement Approach and Priorities

South Gloucestershire Council Public Protection and Regulatory Services – Environmental Protection, Trading Standards, Licensing, Environmental Enforcement, Private Sector Housing, Health and Safety, Planning Enforcement, Building Control and Community Safety

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This policy affirms our commitment to protecting the health, safety, and wellbeing of individuals, communities, and businesses across South Gloucestershire. It outlines our enforcement principles, operational priorities, and approach to inspections and interventions.

Our Role

We work to ensure South Gloucestershire remains *a great place to live and work* by:

- Supporting corporate objectives and community wellbeing
- Protecting people, property, and the environment through education, guidance, and enforcement
- Acting on behalf of victims and tackling harmful or unlawful activities
- Promoting fairness, consistency, and proportionality in all enforcement actions

Enforcement Objectives

Our enforcement activities are guided by the following principles:

- **Support and protect victims** from harm
- **Ensure fairness and consistency** in applying the law
- **Respond to identified vulnerabilities** to ensure effective safeguarding
- **Assist businesses and individuals** in meeting legal obligations efficiently
- **Focus on prevention** through education and guidance
- **Take firm action** against those who disregard legal responsibilities

Scope of Enforcement Activities

Environmental Health, Trading Standards, Licensing & Community Safety

- Air and industrial pollution control
- Noise and environmental nuisance
- Food hygiene and safety
- Food standards
- Housing standards and empty homes
- Drinking water quality and contaminated land
- Pest control and public health
- Licensing of houses in multiple occupation
- Strategic input into planning and licensing
- Health and Safety at Work
- Smoke free workplaces
- Licensing of premises, taxis, street traders, scrap metal, and caravan sites
- Fair trading and product safety
- Explosives and petroleum licensing
- Weights and measures
- Animal health, welfare, feed and licensing
- Anti-social behaviour, domestic abuse, hate crime

Environmental Enforcement

- Investigation and prosecution of waste related offences such as fly tipping, duty of care responsibilities, the illegal storage and treatment of waste and other offences under the Environmental Protection Act 1990
- Investigation of street scene offences such as littering, dog fouling, abandoned vehicles, graffiti etc
- Enforcing waste carriers licencing
- Enforcing scrap metal collectors licencing
- Education and enforcement work related to dog ownership
- Recovery and kennelling of stray dogs
- Supporting internal teams with specialist investigative advice and file preparation
- Flyposting intervention and prosecution procedures

- Littering from Vehicles (Outside London) Regulations

Building Control

- Building Regulations plan examination
- Building Regulations site inspections
- Enforcement of Building Regulations and associated legislation
- Dangerous structures assessment and emergency responses (24/7)
- Administration of demolition notifications
- Providing support to the Building Safety Regulator on applications submitted to them
- Administration of legal notices such as Initial Notices

Planning Enforcement

- Development without the necessary planning permission
- Development that does not comply with planning permission and/or conditions granted
- Works to listed buildings without listed building consent
- Illegal display of advertisements on private land
- Failure to properly maintain land

Principles of Enforcement

We follow the **Government Concordat on Good Enforcement**, the **Regulator's Code**, and the **Farm Regulators' Charter**, ensuring that enforcement is:

- **Open and transparent**
- **Helpful and fair**
- **Proportionate to risk**

Our enforcement approach will be assessed on an individual case basis, consideration will be given to Council Policies, any suitable codes of practice, the risks presented, the community affected, and our statutory duties under any relevant legislation. This could result in formal enforcement action being the most appropriate response without an initial informal approach.

We will also follow the principles of the Regulator's Code where this is compatible with our legislative requirements. Legislation such as, the Renters' Rights Act 2025, impose a duty on Councils to enforce legislation with formal action and therefore cannot be subject to the Regulators' Code and so will not be applied when considering relevant statutes under such legislation.

Operational Approach

Prevention First

We prioritise prevention by raising awareness, providing guidance, and promoting best practices.

Inspections

- Routine and unannounced inspections
- Intelligence-led and risk-based targeting
- Complaint-driven investigations
- Compliance with relevant codes of practice
- Provide formal notice of inspections where legislatively required

Inspection Frequency

Determined by:

- Risk profile and history
- Existing controls and procedures
- National guidance and licensing timelines
- Local intelligence
- Complaints or information received from third parties
- Joint working with partner organisations
- Joint working with other Council departments

Legal Powers

- **Warrants:** May be sought for entry, inspection, seizure, or disabling equipment or documents. Entry may be made with the aid of the police or other partner organisations or agencies.
- **Seizure:** Items posing health risks or breaching legislation may be removed. This may include items such as sound equipment, speakers, dogs, vehicles, documents, records or any other information or item which may indicate a breach of Legislation.
- **Work in Default:** work may be carried out and costs recovered where appropriate.

Informal and Formal Enforcement Actions

Informal Action

We will use our best efforts to resolve any issues where the law may have been broken without issuing formal notices or referring the matter to the courts. This is our first option when:

- A minor breach/offence may have been committed
- We are confident that appropriate corrective action will be taken
- Where we have professional discretion to consider informal action

During inspections or investigations into specific complaints:

- **Minor technical breaches** may be dealt with informally by providing information, advice, or guidance
- **Formal action**, including fixed penalty notices, may be taken where any of the following are met:
 - The breach/offence is absolute
 - There is a threat to human health or the environment
 - The breach is serious
 - The circumstances are exceptional
 - There is a history of non-compliance or disruptive behaviour.

Wherever possible or requested:

- Advice or guidance will be provided in writing or via email
- A clear distinction will be made between legal requirements and best practice
- An opportunity will be given to discuss the matter
- Rights of appeal, complaint, or further representation will be explained

Immediate action may be taken without prior discussion where necessary to protect the environment, public health or safety.

While the Council will use its discretion on whether to carry out informal action, it is not legally required to provide written or verbal advice before commencing formal action.

Formal Notices

Much of the legislation that we enforce provides for or requires the service of formal

notices or orders, including fixed penalty notices, civil penalty notices on individuals or businesses to compel compliance.

Where a formal notice is served which has a designated appeal procedure, the method of appealing against the notice and the timescale for doing so will be provided in writing at the same time. The notice will explain what is wrong, what is required to put things right, and what the likely consequences are if the notice is not complied with. There is a charge associated with some notices, where this is the case, it will be made clear prior to the service of the Notice. Where applicable Notices, Orders and the charges for such action will be registered as a Local Land Charge against the property.

Common types of formal notices include:

- Improvement Notice – under the Food Safety Act 1990, Health and Safety at Work etc Act 1974, or Housing Act 2004, The Animal Welfare Act 2006
- Prohibition Notice/Order – to stop activities posing serious personal injury risks or prohibit unsafe housing in the use or part use of a property or building for residential use.
- Abatement Notice – to address statutory nuisances under the Environmental Protection Act
- Community Protection Notice – under the Anti-social Behaviour, Crime and Policing Act
- Civil Penalty Notice – as an alternative to prosecution under the Housing and Planning Act 2016, the Housing Act 2004, Renter's Rights Act 2025, the Housing Act 1988 as amended and the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020 as detailed in the Housing and Planning Act 2016 and the Renters' Rights Act 2025.
- Enforcement Warning Notice: Under section 172ZA of the Town and Country Planning Act 1990, requires an application to be made by a specified date, otherwise further enforcement action may be taken. The issue of an enforcement warning notice constitutes taking enforcement action for the purposes of section 171B of the Town and Country Planning Act 1990.
- Enforcement Notice: Under Section 172 of the Town and Country Planning Act 1990), requires steps to be taken, or activities to cease to remedy the breach.
- Breach of Condition Notice: Under Section 187A of the Town and Country Planning Act 1990 requires its recipient to secure compliance with the terms of a planning condition or conditions.
- Listed Building Enforcement Notice: Under Section 38 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires steps to be taken, or activities to cease to remedy the harmful affect to the historic or architectural significance of the building.
- Proper Maintenance of Land Notice: Under Section 215 of the Town and Country Planning Act 1990, requires land to be cleaned up when its condition adversely affects the amenity of the area. This could include development land where a project has stalled.

Prosecution and Criminal Behaviour / Banning Orders

Prosecution is considered when informal and formal actions are inappropriate or ineffective. Factors influencing prosecution include:

- Failure to comply with formal notices
- Recovery of unpaid fixed penalties
- Ignoring previous advice
- Flagrant or repeated breaches
- Seriousness of the offence
- Offender's attitude and history
- Deterrent effect on others
- Whether a Simple Caution is more appropriate
- Where a civil penalty notice has been issued and there is a continued or second offence

All prosecution decisions follow the **Code for Crown Prosecutors**, considering both the **weight of evidence** and **public interest**.

During investigations, offenders will be given the opportunity to be interviewed, with legal representation if desired. Statutory defences, explanations, and mitigation will be considered.

We act in accordance with the **Human Rights Act 1998**, ensuring enforcement is lawful, proportionate, and respects individual rights, including the right to respect for home, land, and business assets.

Part 2, Chapter 2 of the Housing and Planning Act 2016 permits a Council to apply for a Banning Order against a person who has been convicted of one or more of the relevant offences. The Council may consider a Banning Order for the more serious offenders. It will consider the seriousness of the offence(s), whether the landlord has committed other offences (or received any Civil Penalty in relation to a Banning Order offence) and any history of failing to comply with their obligations or legal responsibilities.

In addition, the Council may apply for additional Orders, these include but are not limited to:

- Injunctions – related to anti-social behaviour, planning and community safety
- Criminal Behaviour Orders - offering long term remedy to communities from those whose activities are having a detrimental impact upon the quality of life where the anti-social behaviour is persistent or continuing.

- An Order under the Proceeds of Crime Act 2002 (POCA), following conviction, with a view to recovering assets generated through criminal activity.
- Disqualification under the Company Directors Disqualification Act 1986

Repeat Offenders

For individuals or businesses that repeatedly offend or fail to comply, or place a disproportionate burden on regulatory resources, a **risk-based escalation strategy** may be adopted. This may involve:

- Increased inspection frequency
- Targeted enforcement activity
- Long-term compliance planning

In these instances, formal enforcement action will be considered from the outset when dealing with any new cases involving businesses or individuals who have shown previous disregard for the law.

Primary Authority

South Gloucestershire Council currently acts as a **Primary Authority**, promoting a consistent enforcement approach across other local authorities. This role involves:

- Liaising with other councils to ensure coordinated enforcement
- Checking with relevant authorities before serving formal notices (except in emergencies)
- Supporting businesses with assured advice and regulatory guidance

This approach helps reduce duplication, improve clarity, and ensure fairness in enforcement across jurisdictions.

Consistency and Coordination

We are committed to maintaining a consistent and professional approach in all enforcement activities. All staff will:

- Be courteous, open, fair, and consistent in enforcing the law
- Show official identification or provide a business card during visits
- Give their name when speaking on the telephone

- Respond to enquiries as promptly as possible
- Inform individuals if follow-up communication will occur after a visit

Consistency is achieved by:

- Following relevant legislation, codes of practice, and internal procedures
- Ensuring independent review of prosecution decisions by a Senior Manager and the Council's Solicitor
- Basing decisions on facts, evidence, and public interest

While local circumstances may influence specific enforcement actions, every effort is made to align with national standards and maintain consistency across local authorities.

In cases where enforcement responsibilities are shared with another agency, we will:

- Liaise effectively to coordinate actions
- Avoid duplication or inconsistency
- Ensure proceedings are pursued for the most appropriate offences

CCTV

South Gloucestershire Council operates multiple variations of CCTV (for example dome cameras, wildlife cameras and drone technology) as a strategic tool to enhance community safety, prevent crime, and support law enforcement, while ensuring compliance with the Human Rights Act, Data Protection Act, and other relevant legislation.

The Council owns and manages the systems, with a dedicated CCTV Officer responsible for day-to-day operations, data control, and adherence to the CCTV Code of Practice. Recorded material is handled with rigorous security measures, retained for 30 days unless required for evidential purposes, and processed in line with national standards to protect privacy and prevent misuse. The system is subject to audits, inspections, and periodic evaluations to ensure accountability, transparency, and continued effectiveness in meeting its objectives.