

# Our Enforcement Promise

Hertfordshire County Council is committed to making the county a prosperous place to live, work and travel in. We want to maintain the highest possible standards, providing services which meet the needs of everyone.

The Council therefore adheres to both the Enforcement Concordat and the Regulators Code. The Regulators Code promotes efficient and effective approaches to regulatory inspection and enforcement which improve regulatory outcomes without imposing unnecessary burdens on business. The Code replaces the Enforcement Concordat for Fire and Rescue and Trading Standards functions, for all other Council enforcement work the Concordat remains in place.

Services throughout the council have a statutory responsibility to enforce laws that are made by Parliament. We want to work with local businesses and individuals rather than against them, encouraging compliance.

For example, the council's Trading Standards service has to ensure that companies comply with legislation covering areas such as weights and measures and food safety. Other enforcers within the council include our Environment and Commercial Services, and Adult Care Services.

The following explains how our services will apply business rules and regulations in a fair, consistent and balanced manner, as laid out in the Regulators Code. We will always aim to help businesses and individuals to stay within the law and prevent, where possible, formal actions being taken.

## **Business Support**

Free, as well as chargeable business advice is available.

We will also support business by:

- Providing advice to encourage compliance with the law through leaflets, seminars, press releases etc.
- Making best use of resources by targeting areas where our help is most needed
- Listening to business concerns and complaints

## **Promise**

When dealing with business and individuals we will:

- Explain the purpose of any visit or inspection carried out by our staff
- Ensure you know who you are dealing with
- Provide all necessary advice on legislation, including guidance on best practice
- Maintain confidentiality
- Where appropriate, provide a written explanation of our visit
- Avoid unnecessary inconvenience e.g. by ensuring that we visit at a convenient time
- Carry out our duties in a considerate and courteous manner
- Avoid undue delay in progressing investigations
- Explain any appeal route against our actions
- Encourage feedback about our services
- Liaise with other enforcement agencies to promote consistency.

Additionally the Regulator's Code requires the Trading Standards and the Fire and Rescue

services to:

- Collaborate with other regulators to share data and minimise demand on businesses.
- Perform regulatory duties without impeding business productivity

In certain instances we may conclude that a provision in the Regulator's 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

### **Prosecution / Formal Actions Policy**

Most breaches of the law will be resolved through advice or written warning. However, prosecution or formal action, including the issue of formal notices, is an important part of the enforcement process. It will only be considered when:

- There is a significant risk to public safety
- Fraudulent practice is involved
- There has been a repeated failure to heed advice
- There has been an obstruction of authorised staff carrying out their duties; or
- It is in the wider public interest to prosecute

And having considered the following in particular:

- The evidence provides a realistic prospect of conviction
- Culpability
- The effect on businesses and consumers
- The conviction will result in a significant sentence
- Consideration of the defendant's previous behaviour