

Enforcement Policy

Document Control Information	
Business Unit	Corporate Policy Document
Version	Version 4
Last Updated	June 2020
Next Planned Review	01/06/2023
Author	Ben Adams
Classification	Public Document
Is any part of the document redacted?	No
Reason for Classification	Transparent System

Document Version History			
Version	Date	Author	Comments
1	July 2008	Steve Haslam	Document created.
2	February 2011	Julian Townsend	Review and update completed.
3	August 2015	Steve Haslam	To reflect changes in corporate structure, legislation and introduction of the Regulator's Code.
4	June 2020	Ben Adams	Scheduled review and general refresh.
5	June 2023		Scheduled three-year review

This policy will be subject to a review at least every three years with additional reviews conducted in response to any changes in legislation and local needs.

Table of Contents

1	Introduction	1
2	Principles of Good Regulation	2
2.1	The Legislative and Regulatory Reform Act 2006.....	2
2.1	Regulators’ Code	3
2.2	Human Rights Act 1998.....	3
2.3	Data Protection Act 2018.....	3
2.4	The Code for Crown Prosecutors	3
2.5	Regulatory Enforcement and Sanctions Act 2008 (‘the RES Act’).....	3
2.6	Derbyshire Enforcement Protocols	4
3	Our approach to dealing with non-compliance	5
3.1	Standards	5
3.2	Openness	5
3.3	Providing Support	5
3.4	Risk Based Enforcement Activity	5
3.5	Shared Enforcement.....	5
3.6	Primary Authority Principles.....	6
4	Managing Investigations	7
5	Enforcement Options (in Respect of Criminal and Civil Breaches)	8
5.1	Compliance Advice, Guidance and Support	8
5.2	Voluntary Undertakings	8
5.3	Statutory (Legal) Notices	8
5.4	Administrative Penalties	9
5.5	Works in Default or Remediation	9
5.6	Seizure of Equipment	9
5.7	Financial Penalties.....	9
5.8	Injunctive Actions, Enforcement Orders etc.....	10
5.9	Compulsory Purchase Orders	10
5.10	Simple Caution	11
5.11	Prosecution.....	11
5.12	Refusal/Suspension/Revocation of Licences.....	11
5.13	Anti-Social Behaviour Interventions	12
6	Application of our Policy	13
6.1	Recording and Monitoring Enforcement Action	13
6.2	Monitoring Compliance with the Policy	13
6.3	Customer Comments Procedure	13
6.4	Review.....	13
7	Annex 1 - Relevant Legislation, Policies and Guidance	15

1 Introduction

This document is the Enforcement Policy for Amber Valley Borough Council (“the Council”). It sets out the key principles under which officers will act, the Council’s approach to dealing with non-compliance, how we manage investigations, the various enforcement options that are available, and how this policy will be applied.

In carrying out their duty’s officers will adhere to the principles of good enforcement set out in the ‘Statutory Code of Practice for Regulators’ (“[the Regulators’ Code](#)”) and all other relevant codes, including those concerned with the investigation of offences or the prosecution of offenders.

The primary function of the Council’s enforcement work is to protect the public, workers and the environment. The legislation that we are responsible for enforcing is extensive and cannot be exhaustively listed here, however the following examples demonstrate the range and diversity:

- Environmental Protection (including contaminated land, dog fouling, fly tipping and littering);
- Health and Safety;
- Housing (mainly private sector);
- Licensing;
- Planning and Regeneration (including Building Control);
- Public Health (including Food Safety);
- Anti-Social Behaviour;
- Benefits and Discount Fraud;
- Revenues Collection and Enforcement.

Enforcement activity will be carried out with due regard to:

- The Government’s Enforcement Concordat (1998) that sets out the principles and procedures of good enforcement practice.
- The Regulators Code when developing policies, procedures, principles, standards and guidance in respect of its enforcement activities.
- The Human Rights Act 1998 and the European Convention for the Protection of Human Rights and Fundamental Freedoms.

This policy was approved at a meeting of the Full Council on **24 June 2020** – **Minute 4537** refers. The minutes of this meeting are available [here](#).

A copy of this policy is available on the Council’s website and may be linked to here; [Enforcement Policy](#).

2 Principles of Good Regulation

This policy is designed to give clear guidance to those who are affected by it including businesses, organisations and individuals. Equally, it gives guidance to enforcement officers, who are responsible for ensuring compliance with legislation, to ensure they act in a consistent manner.

We also wish to support local businesses and provide a framework that supports local economic growth and fair-trading conditions.

- 2.1 **The Legislative and Regulatory Reform Act 2006**, requires the Council to have regard to the ‘principles of good regulation’ when exercising a specified regulatory function. For us, the specified functions include those carried out by environmental health, planning and regeneration, and licensing services.

We will therefore exercise our regulatory activities in a way which is:

- (i) **Proportionate** – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) **Accountable** – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) **Consistent** – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) **Transparent** – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return,
- (v) **Targeted** – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.
- (vi) **Helpful and provides advice to businesses** - We believe that prevention is better than cure; we will actively work with local business and individuals to advise on, and assist with, compliance. We will provide a courteous and efficient service, and our staff will identify themselves by name, showing an authorisation document or other means of identification. We will offer a contact point and telephone number to encourage further liaison. Applications for licences, registrations etc. will be dealt with efficiently and promptly. We will strive to ensure that wherever practicable, our activities are effectively co-ordinated to avoid unnecessary overlaps and/or delays.

- 2.1 The Council has had regard to the [Regulators' Code](#) in the preparation of this policy. 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.
- 2.2 The Council is a public authority for the purposes of the **Human Rights Act 1998**. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. Due regard is given to the right to a fair trial and the right to respect for private and family life, home and correspondence.

[See Annex One](#)

- 2.3 Where there is a need for the Council to share enforcement information with other agencies, we will follow the provisions of the **Data Protection Act 2018**.
- 2.4 When deciding whether to prosecute, the Council will have regard to [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

This is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The code sets out two tests that must be satisfied. These are commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. **Evidential Test** - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, the Council will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

- b. **Public Interest Test** - is it in the public interest for the case to be brought to court?

The Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that we will consider are detailed under the enforcement options available to us in [Section 5](#) below.

- 2.5 The Regulatory Enforcement and Sanctions Act 2008 ('the RES Act'), as amended, established the Primary Authority scheme. We will comply with the requirements of the RES Act when we are considering taking enforcement action against any business or organisation that has a primary authority and will have regard to guidance issued by the Secretary of State in relation to primary authorities.

2.6 Derbyshire Enforcement Protocols exist for the following;

Parking Enforcement

The Council is a member of the Civil Parking Enforcement Project Board for Derbyshire and parking restrictions, both on-street and off-street in car parks, are enforced by Civil Enforcement Officers. Advice intended to assist the public in understanding how parking is enforced in the county is contained in the Civil Parking Enforcement Policy and Guidance on the Processing of Penalty Charge Notices in the County of Derbyshire (Version 2, April 2009).

For further information please visit the [Parksmarter website](#)

Derby and Derbyshire Licensing Enforcement Protocol

The Council's licensing enforcement procedures must have regard to the Derby and Derbyshire Licensing Enforcement Protocol and the roles of other agencies in effective licensing enforcement.

The protocol provides a framework to ensure consistent enforcement on licensing issues across Derbyshire and that the appropriate agency takes the lead when considering breaches of legislation.

3 Our Approach to Dealing with Non-Compliance

The Council is committed to using proportionate approaches when dealing with cases of non-compliance. We will use fair and objective enforcement and consider policies such as our Equality and Diversity Policy Commitment when deciding on the appropriate enforcement options.

Our enforcement activities will be based on risk and the effects that non-compliance has on public health, community safety and the local environment. We are committed to dealing with those that deliberately or persistently fail to comply with their legal duties.

When dealing with non-compliance the Council will have open lines of communication with those it is dealing with and is committed to the following enforcement principles:

- 3.1 **Standards** We will make sure that our services are delivered in accordance with local service-specific or national guidelines, where appropriate.
- 3.2 **Openness** We will provide accessible information and advice, in plain language, on the legislation that we enforce. We will be open about how we set about our work and any charges that we set, again consulting local business and other interested parties.
- 3.3 **Support** We are committed to ensuring, wherever possible, that those regulated by us can request advice on non-compliance without directly triggering enforcement action, where they show a willingness to resolve the non-compliance. We will clearly define the difference between what is a legal requirement, guidance or good practice.
- 3.4 **Risk** Our enforcement services will primarily focus on those activities giving rise to the most serious risks to the public, workers and the environment. We will take enforcement action against those duty holders who are responsible for the risk and who are best placed to control it.
- 3.5 **Partnerships** In some situations, risks to the public, workers and the environment, are also addressed by more specific legislation enforced by other authorities. Where appropriate we will liaise with all other authorities before taking enforcement action. In order to avoid duplication, we will in such circumstances, seek to agree who should ensure that any such risks are adequately controlled. In determining who is the most appropriate enforcing authority, due regard will be made to the following principles:
 - Relative effectiveness of the available legislation;
 - Degree of expertise held by each authority;
 - Efficient use of resources;
 - General suitability of the respective authorities to deal with the risks in question;
 - Relevant enforcing authority legislation.

Relevant information will be shared with other enforcement bodies, where appropriate.

- 3.6 **Primary Authority Principles.** Where a primary authority agreement exists between a business and a local authority, officers will have due regard to the primary authority principles and liaise with the Primary Authority when considering formal enforcement options.

The officer will also follow any inspection plans, where they exist, when visiting relevant premises.

4 Managing Investigations

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 Council, including conducting interviews.

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the 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.

All enforcement officers are authorised to undertake enforcement activities on behalf of the Council under a Scheme of Delegations which forms part of the Constitution of the Council. The Scheme of Delegations includes who is responsible for managing investigations and making decisions on enforcement actions.

Our authorised officers will also comply with the requirements of the legislation under which they are acting, and with any associated guidance or codes of practice. Much of the legislation enforced by our officers includes offences of obstruction and powers of entry to premises and to seize items during an investigation. Officers will have regard to the Home Office's 'Code of Practice: Powers of Entry' made under the Protection of Freedoms Act 2012 when considering powers of entry options.

Investigations will be undertaken in a timely manner and will be subject to a regular case review process. The investigating officer will keep alleged offenders and witnesses appropriately informed on the progress of the investigation.

A full list of relevant legislation, policies and guidance documents relating to enforcement is listed in [Annex One](#) of this policy.

4.1 **Surveillance and the use of the Regulation of Investigatory Powers Act 2000.**

The use of the Regulation of Investigatory Powers Act 2000 (RIPA) is strictly controlled within the Council. Officers do not have the authorisation to use any powers without authority of the Council's Democratic Services Manager and strict adherence to the Council's Surveillance Policy, which may be found on the Council's website.

5 Enforcement Options (in Respect of Criminal and Civil Breaches)

The Council (and its enforcement officers) have a range of enforcement options available to them when dealing with cases of non-compliance. The Council takes into consideration a range of factors when deciding the appropriate and proportionate sanction or penalty applicable in a particular set of circumstances.

We will take account of the following factors when reaching a decision:

- a) whether it is likely to change the behaviour of the offender;
- b) whether it will eliminate any financial gain or benefit from non-compliance;
- c) whether it will be responsive and consider what is appropriate for the offender and regulatory issue, including consideration of the public stigma that should be associated with a criminal conviction;
- d) whether it will be proportionate to the nature of the offence and the harm caused;
- e) whether it will restore the harm caused by regulatory non-compliance, where appropriate; and,
- f) whether it will deter future non-compliance.

5.1 Compliance Advice, Guidance and Support

The Council uses compliance advice, guidance and support as a first response when dealing with many breaches of legislation. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible and avoiding the need for further enforcement action.

A warning letter (sometimes called an ‘informal caution’) will set out what action is required to rectify the breach and to prevent re-occurrence. However, if a similar breach is identified in the future, the warning letter will be taken into consideration when deciding the most appropriate enforcement action in response to the renewed or continued breaches. While the letter cannot be cited in court as a previous conviction it may be presented in evidence.

Where more formal enforcement action, such as a ‘simple caution’ or prosecution, is taken, we recognise that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

5.2 Voluntary Undertakings

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. It will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result when this occurs.

5.3 Statutory (Legal) Notices

In respect of many breaches the Council has powers to issue statutory notices. These include: ‘Stop Notices’, ‘Prohibition Notices’, ‘Emergency Prohibition

Notices’, and ‘Improvement Notices’. Such notices are legally binding. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and / or, where appropriate, the carrying out of work in default.

A statutory notice will clearly set out actions which must be taken and the timescale within which they must be taken. It is likely to require that any breach is rectified and/or prevented from recurring. It may also prohibit specified activities until the breach has been rectified and/or safeguards have been put in place to prevent future breaches. Where a statutory notice is issued, an explanation of the appeals process will be provided to the recipient.

Some notices issued in respect of premises may be affixed to the premises and / or registered as local land charges.

5.4 Administrative Penalties

In circumstances where a business or individual admits to a contravention of legislation that requires remedial action by the Council (such as the removal of fly tipping or fly posting), the Council may decide not to prosecute if the business or individual pays the full cost of remedial action. This would only be considered for a first offence.

Administrative Penalties will be issued where deemed appropriate regarding Housing Benefit or Council Tax Discount Fraud.

5.5 Works in Default or Remediation

The Council will normally carry out works in default of a statutory notice where:

- Works required by a statutory notice have not been carried out; and
- There is an imminent risk to public health/safety or the environment, such that the consequences of not taking immediate action would be unacceptable; or
- Statute does not permit prosecution for non-compliance with a statutory notice.

The Council may need to undertake remediation of contaminated land if it cannot find those responsible, or due to inability of those responsible to undertake the work, or where there is imminent danger of serious harm.

5.6 Seizure of Equipment

The Council will consider the seizure of equipment, where appropriate and supported by legislation, where there is an imminent risk to public health/safety or the environment, such that the consequences of not taking immediate action would be unacceptable.

5.7 Financial Penalties

The Council has powers to issue Fixed Penalty Notices (FPN's) in respect of some breaches and its Fixed Penalty Notice Enforcement Strategy sets out the approach it will take (see Annex One).

An FPN is not a criminal fine and does not appear on an individual's criminal record. If an FPN is not paid, we may commence criminal proceedings or take other enforcement action in respect of the breach.

If an FPN is paid in respect of a breach, the Council cannot take any further enforcement action in respect of that breach. Payment of an FPN does not provide immunity from prosecution in respect of similar or recurrent breaches.

The Council is only able to issue FPN's where it has specific powers to do so and it is at the Council's discretion whether to dispose of some offences by way of an FPN. In some circumstances, particularly where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of an FPN.

5.8 Injunctive Actions, Enforcement Orders etc.

In some circumstances the Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring (for example causing nuisance, removing protected trees or carrying out unapproved work on a listed building). The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

It will have clear conditions explaining what people are not able to do and how long it is valid for, which is normally for 6 or 12 months.

The Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, the Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment with a maximum sentence of two years.

5.9 Compulsory Purchase Orders

The Housing Act 1985 enables the Council to tackle empty properties through compulsory purchase where owners fail to bring them into beneficial use. The Act also enables the Council to acquire land or buildings to increase the quantity or improve the quality of housing in the area. Powers may be used on a reactive basis for dealing with non-compliance or positively for strategically important housing development sites.

The Town and Country Planning Act 1990 (as amended) can be used to tackle poor quality sites and buildings where the Council feels it will improve the social, environmental and economic well-being of the area. When considering use of these powers the Council will have regard to balancing the public interest against the rights of the property owner.

5.10 Simple Caution

The Council has the power to issue simple cautions (previously known as ‘formal cautions’) as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, the Council is likely to consider prosecution.

A simple caution will appear on the offender’s criminal record. It is likely to influence how the Council and others deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with the [Ministry of Justice Guidance on Simple Cautions for Adult Offenders \(April 2015\)](#) and any other relevant guidance.

5.11 Prosecution

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute the Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

Prosecution will only be considered where the Council is satisfied that it has enough evidence to provide a ‘realistic prospect of conviction’ against the defendant(s).

Before deciding that prosecution is appropriate, the Council will consider all relevant circumstances carefully and will have regard to the public interest criteria contained in the code.

A successful prosecution will result in a criminal record. The court may impose a fine and in respect of particularly serious breaches a prison sentence. The court may order the forfeiture and disposal of non-compliant goods and/or the confiscation of any profits which have resulted from the breach. Prosecution may also lead, in some circumstances, to the disqualification of individuals from acting as company directors.

5.12 Refusal/Suspension/Revocation of Licences

The Council issues a range of licences and permits. The Council also has a role to play in ensuring that appropriate standards are met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment.

When considering future licence applications, the Council may take previous breaches and enforcement action into account.

5.13 **Anti-Social Behaviour (ASB) Interventions**

The Anti-Social Behaviour, Crime and Policing Act 2014 contains a range of powers for dealing with ASB. The legislation focuses on “Putting Victims First” and also provides a “Community Remedy”.

The powers include:

- Community Protection Notices
- Public Spaces Protection Notices
- Closure Powers
- Absolute Powers for Possession

When considering exercising any of the above powers the Council will have regard to the detrimental effect that the ASB is having on the community or individuals affected.

6 Application of our Policy

6.1 Recording and Monitoring Enforcement Action

The Council's Legal Services Unit will maintain a central database of statutory notices, administrative penalties, simple cautions, fixed penalty notices, prosecutions and injunctions.

Regarding Housing Benefit and Council Tax Discount Fraud, the Benefits Service will keep a record of all administrative penalties and prosecutions.

The Council will maintain public registers of:

- Legal notices served
- Simple Cautions issued

6.2 Monitoring Compliance with the Policy

All officers will have regard to this policy, operational procedures and guidelines when considering enforcement options.

Any departure from this policy will be exceptional, capable of justification and will be fully considered by the relevant Executive Director before a final decision is taken. This proviso shall not apply where an imminent risk exists where any delay in the decision-making process would have a serious impact on public health and safety or to the environment. In such circumstances the decision will be made by the relevant Manager in consultation with the Assistant Director. A record will be kept, and the Executive Director will be informed as soon as is practicable.

6.3 Customer Comments Procedure

The Council has a Customer Comments Procedure for receiving, recording and responding to comments and complaints made by its customers. It is available on our website at [Comments and Complaints](#)

6.4 Review

This document will be subject to review every three years or earlier if required in response to changes in legislation, guidance, or local needs.

If you have any comments regarding the policy, please contact us at;

Email: enquiry@ambervalley.gov.uk

Writing: Amber Valley Borough Council, Town Hall, Ripley, DE5 3BT.

Telephone: 01773 570222

English

This document is available in alternative formats (including audio and large print) and other languages on request. Please call 01773 570222 or send a email enquiries@ambervalley.gov.uk

Punjabi

ਇਹ ਦਸਤਾਵੇਜ਼ ਮੰਗ ਕੇ ਹੋਰ ਰੂਪਾਂ ਵਿਚ (ਜਿਵੇਂ ਆਡੀਓ ਟੇਪ 'ਤੇ ਰਿਕਾਰਡ ਹੋਇਆ ਅਤੇ ਵੱਡੇ ਅੱਖਰਾਂ ਵਿਚ) ਅਤੇ ਹੋਰ ਭਾਸ਼ਾਵਾਂ ਵਿਚ ਵੀ ਲਿਆ ਜਾ ਸਕਦਾ ਹੈ। ਇਹਦੇ ਲਈ, ਕਿਰਪਾ ਕਰਕੇ ਨੰਬਰ 01773 570222 'ਤੇ ਫੋਨ ਕਰੋ, ਜਾਂ ਇਸ ਪਤੇ 'ਤੇ ਈਮੇਲ ਭੇਜੋ - enquiries@ambervalley.gov.uk

Cantonese

本文件可以按要求製作成另外的格式 (包括錄音帶及特大字體) 和翻譯成其他語文。請致電 01773 570222，或發送電郵至 enquiries@ambervalley.gov.uk

Hindi

"यह दस्तावेज़ मांग करने पर (आडियो और मोटी छपाई समेत) वैकल्पिक रूपों और अन्य भाषाओं में उपलब्ध है। कृपया 01773 570222 पर फ़ोन करें या enquiries@ambervalley.gov.uk पर ईमेल भेजें"।

Urdu

یہ دستاویز گزارش کرنے پر متبادل صورتوں (جس میں ٹیب پر ریکارڈ شدہ اور علی حروف میں ہونا شامل ہے) اور دیگر زبانوں میں دستیاب ہے۔ براہ مہربانی ٹیلیفون نمبر 01773 570222 پر فون کریں یا ای میل ایڈریس enquiries@ambervalley.gov.uk پر ای میل بھیجیں۔

Polish

Na żądanie, dokument ten jest do uzyskania w różnych formatach (łącznie z wersją dźwiękową i dużym drukiem) oraz w innych językach. Prosimy o zatelefonowanie pod numer: 01773 570222 lub wysłanie maila do: enquiries@ambervalley.gov.uk.

7 Annex One - Relevant Legislation, Policies and Guidance

The Human Rights Act 1998

All enforcement activity will be undertaken with due regard to the provisions of the Human Rights Act 1998.

Under the Human Rights Act 1998 it is unlawful for the Council to act in a way which is incompatible with the European Convention on Human Rights. The following rights are of relevance:

Article 6 – The Right to a Fair Trial

In determination of his civil rights and obligations, or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law.

Article 8 – The Right to Respect for Private Life

Everyone has the right to respect for his private life and family life, his home and his correspondence.

The Council must not interfere with this right except in accordance with the law and where it is necessary in the interests of public safety, for the protection of health or for the prevention of crime.

Article 1 of the First Protocol – The Protection of Property

No one may be deprived of his possessions except in the public interest.

Police and Criminal Evidence Act 1984

All enforcement activity will be undertaken with due regard to the provisions of the Police and Criminal Evidence Act 1984.

Section 67(9)

Persons other than police officers who are charged with the duty of investigating offences or charging offenders shall in the discharge of that duty have regard to any relevant code produced for that purpose.

Code B

Officers must have regard to Code B where they are searching a premise and the seizure of property found. Where necessary, a Code B notice must be served.

Code C

Officers must have regard to Code C when questioning suspects. This includes the cautioning of suspects, advising of recourse to legal advice and interviewing.

Code D

Where officers have a need to identify a person, they must conduct any identification procedure having regard to Code D.

Code E

All tape-recorded interviews must be conducted having regard to Code E.

Regulation of Investigatory Powers Act 2000

All enforcement activity, where there is use of covert surveillance, will be undertaken with due regard to the Regulation of Investigatory Powers Act (RIPA) 2000.

Officers must have due regard to the Authority's procedures relating to RIPA 2000 and obtain any permission and authorisation required under those procedures before commencing any covert surveillance.

The Criminal Procedure and Investigation Act 1996

All investigations will be conducted with due regard to the Criminal Procedure and Investigation Act 1996; this contains the duties of investigators to record, retain and disclose material in any criminal investigation.

The Regulators' Code

All enforcement activity will be carried out in accordance with this document.

Derbyshire Constabulary Service Level Agreement with prosecution agencies concerning access to Police National Computer (PNC) (November 2003)

All enforcement activity will be carried out in accordance with this document.

NPCC (National Police Chiefs' Council) Deletion of records from National Police Systems (PNC/NDNAD/IDENT1) 2018

All enforcement activity will be carried out in accordance with this document.

Anti-Social Behaviour, Crime and Policing Act 2014

Appropriate account will be taken of the Statutory Guidance for Frontline Professionals when enforcing this legislation. [Click Here](#)

Amber Valley Borough Council's Corporate PACE Notebook Procedure (October 2019)

All officers using a PACE notebook will follow this procedure.

The Fraud Act 2006

The Council Tax Reduction Schemes (Detection of Fraud and Enforcement) (England) Regulations 2013

Amber Valley Borough Council's Fixed Penalty Notice Enforcement Strategy [Click Here](#)

Amber Valley Borough Council's Contaminated Land – Cost Recovery Policy.

Derby and Derbyshire Licensing Enforcement Protocol [Click Here](#)

The Civil Parking Enforcement Policy and Guidance on the Processing of Penalty Charge Notices in the County of Derbyshire (Version 2, April 2009)

Amber Valley Borough Council's - Revenues Recovery Procedures (Council Tax / Business Rates) [Click Here](#)

Housing Act 1985

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

MHCLG – Guidance on Compulsory Purchase Process and The Crichel Down Rules [Click Here](#)

Protection of Freedoms Act 2012 - Code of Practice - Powers of Entry [Click Here](#)