



**CHELTENHAM**  
BOROUGH COUNCIL

# **Corporate Enforcement Policy**

## Contents

	<b>Page Number</b>
1. Introduction & Aims	3
2. Principles and Procedures for Good Enforcement	4 – 9
3. Enforcement Options	9
4. Prosecution Policy	10 – 12
5. Administration of Policy	12 – 14
Conflict of Interest	Appendix A
References	Appendix B
The Primary Authority Scheme	Appendix C
Examples of Immediate Action	Appendix D

## 1. Introduction

- 1.1 Cheltenham Borough Council is responsible for enforcing a wide range of legislation. This document sets out the Council's Enforcement Policy. It outlines what businesses, consumers, workers, residents and others can expect from enforcement officers.
- 1.2 All enforcement action will be undertaken without regard to the race, faith or religious belief, age, disability, gender or sexual orientation of the person against whom the action is being taken. Enforcement action taken against an individual or organisation will be consistent with the council's commitment to equality and diversity, (namely to eliminate discrimination, promote equality of opportunity and enhance good community relations).
- 1.3 All enforcement action will be carried out by duly authorised staff in accordance with this policy. We will apply the principles of good enforcement as set out in the Enforcement Concordat and other guidance issued by Central Government. This Council signed the Concordat on 13 December 1999. The policy is available to interested parties in order to help ensure that the Council's approach to enforcement is as open and fair as possible. It is published on the Council's website.
- 1.4 The Council will take full account of the Department for Business, Innovation and Skills. Regulators Code 2013 and the statutory principles of transparency, accountability, proportionality and consistency when taking enforcement action. Regulatory activity will only be targeted at cases where action is needed.

### Aims

- 1.5 The policy reflects the Council's corporate aims and objectives. In particular we aim to:
  - Reduce crime and disorder, and the fear of crime in our communities
  - Protect and improve heritage and the environment
  - Maintain the quality of the housing stock to fulfil our legal duty
  - Protect the health, safety, welfare and consumer interests of those who live, work, or are affected by activities taking place within the Borough
  - Seek to maintain a fair trading environment for those businesses operating within the Borough
  - Carry out enforcement in a fair, practical and consistent manner
  - Provide a service which embodies good practice, Best Value, and individual Human/Legal Rights, in accordance with our Principles and Procedures for Good Enforcement
  - Whenever possible, enforcement objectives will be met through the provision of advice and information. The Council supports the Primary Authority Principles. We believe that prevention is better than cure

- Where the degree of risk or prejudice to residents, consumers, businesses, or the law demands a robust approach, statutory remedies will be used

## **Definition**

- 1.6 Enforcement is any formal and informal action taken to prevent or rectify infringements of legislation. The Enforcement Options will differ where different pieces of legislation are used, but the principles of application should remain constant. Enforcement includes visits, verbal and written advice on legal requirements and good practice, assistance with licensing compliance, written warnings, the service of statutory and fixed penalty notices, prohibitions, formal cautions, attachment to earnings (including some benefits and allowances), prosecution, seizure and detention, works in default, injunctions and liaison and cooperation with other enforcement authorities where appropriate (including "Enforcement Orders" injunctions).

## **2. Principles and Procedures for Good Enforcement**

### **2.1 Standards**

- 2.1.1 We will draw up clear standards setting out the level of service people can expect to receive in our Service Plans and our approach to providing information, guidance and advice. We will monitor and report on our performance against these standards.

### **2.2 Openness**

- 2.2.1 Information and advice will be provided in plain language on the laws/rules that we apply and we will disseminate through a variety of commonly used media, including translation into different languages, braille or use of the Council's minicom service where appropriate or resources allow. We will take whatever reasonable steps are necessary to make ourselves understood and make it clear how those we regulate can communicate with the Council.
- 2.2.2 We will be open about how we set about our work, including any charges we set. We will discuss general issues, specific compliance failures or problems with anyone experiencing difficulties. We will clearly distinguish between statutory requirements and advice or guidance about what is desirable but not compulsory. As appropriate, advice will be put in writing. We will explain what remedial work is necessary, and why, and will indicate an appropriate time scale for completion.

### **2.3 Helpfulness**

- 2.3.1 We recognise that most businesses and individuals want to comply with the law. Our role involves actively working with residents, consumers and businesses, especially small and medium sized businesses, to advise and assist with compliance. We will provide a courteous, helpful and efficient service and our staff will identify themselves by name.
- 2.3.2 A contact point and a range of contact options will be provided for further dealings with us and we will encourage people to seek advice/information from us. Applications for approval of establishments, licenses, registrations, etc will be dealt with efficiently and promptly.

- 2.3.3 We will ensure that, wherever practicable, our enforcement services are effectively coordinated internally and with outside bodies to minimise unnecessary overlaps and time delays.

## 2.4 Proportionality

- 2.4.1 When making a decision on appropriate enforcement action officers will, where discretion is allowed, consider both the circumstances of the case and history of the parties involved. We will ensure that remedial action required is proportionate to the risks/disadvantage created by the non-compliance and that it reflects any advice issued by Central Government or other co-ordinating bodies. Where formal cautions or prosecutions are being considered the requirements of the Home Office Guidance and The Code for Crown Prosecutors respectively will be borne in mind.
- 2.4.2 We will take particular care when working with individuals, small businesses and voluntary organisations so that they can meet their legal obligations without unnecessary expense, where practicable. However we recognise this does not diminish their obligations.

## 2.5 Consistency

- 2.5.1 Enforcement staff will carry out their duties in a fair, equitable and consistent manner. While officers are expected to exercise judgement in individual cases, we will make arrangements to promote consistency. The Council will take full account of the Primary Authority statutory guidance (September 2013) when taking enforcement action (Appendix C).
- 2.5.2 Wherever possible officers will be provided with a suite of enforcement powers, to a level appropriate to the position of the officer within the Authority, in accordance with the Council's Constitution.
- 2.5.3 We will participate in liaison with other Authorities and enforcement bodies to ensure consistency and to explore and develop best practice.
- 2.5.4 Unless immediate enforcement action is required, action will not normally be taken in matters which fall under the control of other agencies and authorities without prior consultation.
- 2.5.5 When it is appropriate to give advice and where that advice impinges on the enforcement role of another agency, the recipient will also be advised to contact that agency.
- 2.5.6 Where appropriate the Council may work with or assist other enforcing authorities/agencies with their investigations. The Council may also provide data to or obtain data from other enforcing authorities. When data sharing between authorities/agencies occurs this will be done in accordance with the principles on data protection.

## 2.6 The Use of Formal Action

- 2.6.1 Where legislation provides, an opportunity may be offered to an offender to discharge their liability to prosecution by paying a charge prescribed by Fixed Penalty Notice (FPN).

- 2.6.2 Without prejudice to the provisions for fixed penalty notices, before formal enforcement action is taken officers will, where appropriate, provide an opportunity to interested parties to discuss the circumstances of the case and, if possible, resolve points of difference. In some cases this will be via notice of intention to proceed. This will not, however, fetter the authority's ability to proceed with a prosecution where it is deemed appropriate.
- 2.6.3 This opportunity for discussion will not be given when the situation is so serious that immediate action is necessary or may prejudice later proceedings (see Appendix D for examples). Where immediate action is taken the officer who initiated it will write to interested parties (wherever possible within five days and always within ten days) explaining why the action was required.
- 2.6.4 Where rights of appeal exist against formal action we will clearly state this. Information on the appeal process will be set out in writing at the time the action is taken.

## 2.7 Conflicts of Interest and Undue Influence

- 2.7.1 We will take steps to ensure that legislation is enforced in an impartial way. The Council has in place procedures to deal with any potential conflicts of interest, and undue influence, being brought to bear on enforcement decisions or actions. Any complaints made in connection with these matters will be investigated. Appendix A sets out the Council's procedure for dealing with conflicts of interest and undue influence.
- 2.7.2 Where the Council is responsible for enforcement action that impinges on matters, which are the responsibility of the Authority, there may be a possible conflict of interest. All such matters will be considered by the relevant Director, in consultation with the One Legal, who will ensure interested parties are informed of possible conflicts. Where there is joint enforcement responsibility with other agencies consideration will be given to involve those parties. The Council Monitoring Officer will be informed about issues which do not appear to have been resolved.

## 2.8 Human Rights

- 2.8.1 All enforcement action and investigations will be carried out in a manner which complies with the requirements of legislation and codes of practice governing the collection of evidence and investigatory powers.
- 2.8.2 Officers will take care not to take any action which contravenes rights conferred by the Human Rights Act 1998 or any other legislation unless it is necessary and proportionate to do so.

## 2.9 Powers

- 2.9.1 Council enforcement staff have a range of powers to help them enforce criminal legislation. Officers must not be prevented from carrying out their duties and must be given reasonable assistance and correct information. **Obstruction** is a criminal offence.
- 2.9.2 Officers will not exceed their powers and will keep within the legal framework governing their activity. They will comply with the requirements of the Police and Criminal Evidence Act 1984, the Criminal Procedure and Investigations Act 1996 and the Regulation of Investigatory Powers Act 2000.

2.9.3 Wherever possible the Council will adopt a multi-disciplinary approach to enforcement with officers authorised in accordance within the provisions of section 2.5.2 of this policy.

## 2.10 Targeting

2.10.1 The Council accepts that its enforcement resources are limited and where appropriate they should be focused on those persons, or companies whose activities give rise to the risks which are most serious or least well controlled on their own premises or public open space.

2.10.2 Officers will, therefore, carry out a programme of inspections on a risk rating basis, premises or activities with the highest hazards, greatest risks, poorest compliance and worst management being inspected more frequently than low risk premises. Some low risk premises may not form part of the inspection programme at all but generally will be given literature or guidance to help them run their business safely and with the least impact on their local environment.

2.10.3 Enforcement is informed through intelligence arising from investigation of complaints and planned projects, special surveys and enforcement initiatives – some may result in departures from the programme of inspections.

2.10.4 Some of the Council's enforcement work is carried out as a requirement of Government Departments which set timescales for, amongst other things, such matters as the determination of applications, variations and revocations of permits to operate.

## 2.11 Referrals

2.11.1 In some circumstances breaches found at the retailer end of the supply chain may best be dealt with by the manufacture/importer. Technical breaches may be referred to the authority where the product originated for them to deal with as they see fit, subject to their agreement. For those companies with a "Primary Authority" arrangement, such referrals would normally follow.

2.11.2 We regularly consult and work with other agencies, including:

- the Gloucestershire Fire and Rescue service
- Severn Trent Water and Thames Water
- the Police
- the Environment Agency
- the Department of Work and Pensions
- Health & Safety Executive
- the County Council
- other council departments
- liaison with other agencies such as the police and/or Cheltenham Borough Homes or other Registered Providers will be carried out whenever necessary,

particularly on such matters as entering premises to seize equipment and dealing with anti-social behaviour orders.

- 2.11.3 Information of allegations outside the remit of this Council may be referred to the appropriate enforcement authority with the witness contact details (if the witness agrees) to enable that agency to investigate the allegation.
- 2.11.4 The Council may also provide data to or obtain data from other enforcing authorities. When data sharing between authorities/agencies occurs this will be done in accordance with the principles on data protection.

## 2.12 Prosecutions

- 2.12.1 We will use discretion in deciding whether to initiate a prosecution. Other approaches to enforcement can sometimes promote compliance with legislation more effectively. However, where the circumstances warrant it, prosecution without prior warning and recourse to alternative sanctions may be appropriate.
- 2.12.2 The decision to prosecute will take into account the criteria set down in the Code for Crown Prosecutors, issued by the Crown Prosecution Service.
- 2.12.3 In considering whether a prosecution might be appropriate consideration will be given to the following:-
  - Is there a risk or danger to public or personal safety?
  - Is fraud, gross negligence or an otherwise "guilty mind" involved?
  - Is there failure in following our advice concerning legal requirements?
  - Are there persistent breaches following warnings from the authority?
  - Is there significant (potential or actual) financial loss?
  - The attitude of the offender
- 2.12.4 In addition, consideration will be given to guidance and advice offered by Government Departments and Agencies, Local Authority Associations and other relevant bodies.
- 2.12.5 Where there has been a breach of the law enforced by the Council leading to a death, we will consider whether the circumstances of the case might justify a charge of manslaughter. We will liaise with the Police, Coroners and the Crown Prosecution Service (CPS) and other agencies as necessary.

## 2.13 Prosecution of Individuals

- 2.13.1 The laws we enforce place responsibilities not only on businesses (including sole proprietors & partners) but also on employees and private individuals. Subject to the above criteria, officers responsible for recommending prosecution will not distinguish their actions or decisions on the basis of status alone. If it is considered warranted by the circumstances, we will prosecute those individuals responsible for the offence (including company directors and managers where the law allows).

## 3. Enforcement Options



3.1 The method of enforcement selected should be calculated to produce the highest reasonable standards of compliance within the least time. Any formal action will be considered in accordance with this prosecution policy. Some initial action will be dependant on the urgency of the situation.

### 3.2 Options Available

- informal action & advice - written or oral
- a range of statutory notices generally requiring some remedy within a specified timescale (or possibly immediately)
- fixed penalty notices
- letter of warning
- formal caution
- administrative penalty
- prosecution
- prohibition
- injunctive restraint ("Enforcement Orders")
- seizure of goods, equipment, articles or records (paper or computer)
- execution of work in default i.e. works required by a statutory notice where the recipient has not complied
- a range of statutory orders - e.g. management orders and empty dwelling management orders under the Housing Act 2004; liability orders
- compulsory purchase and enforced sale of properties or land within the Borough
- attachment to earnings (inc. some benefits)
- County Court enforcement i.e. judgment and charging orders
- Bankruptcy and liquidation petitions

3.3 The appropriate method of enforcement, whether formal or informal, will be selected on the basis of the nature of the action, breach or non compliance, the conduct, including the previous history, of the offender and the public interest.

## 4. Prosecution Policy

### 4.1 Instituting legal proceedings

4.1.1 The prosecution of offenders will be used judiciously, but without hesitation, against those businesses or individuals where the law is broken and the health, safety, well being or amenity of the public, employees and consumers are subject to serious risk

### 4.2 Simple and Conditional Cautions as an Alternative to Prosecution

4.2.1 As an alternative to legal proceedings subject to the same considerations as legal proceedings.

4.2.2 The guidelines above endorse the principle that suspected criminal offences should not automatically be the subject of prosecution. Where there is sufficient evidence but the public interest does not require prosecution a caution may be administered.

4.2.3 A simple or conditional caution may be issued subject to the procedures and guidance contained in the Ministry of Justice, Simple Cautions for Adult Offenders (November 2013) and the Ministry of Justice Code of Practice for Adult Conditional Cautions (part 3 Criminal Justice Act 2003) (April 2013).

Cautions are formally recorded and may be cited in subsequent court proceedings (within specified time limits) and can only be administered where the offender agrees to be so cautioned and admits the offence.

In formulating the decision to prosecute, caution or pursue another remedy the following criteria will be used.

#### **4.3 Sufficiency of Evidence**

4.3.1 In considering the institution of legal proceedings, or the issuing of a caution whether formal or informal, the immediate consideration is the sufficiency of available, admissible evidence to substantiate the allegation that a criminal offence has been committed. The test to be applied is whether there is a reasonable prospect of a conviction, bearing in mind any statutory defences available to the defendant, and any other factors which would preclude a successful conviction.

4.3.2 In determining the sufficiency of evidence, consideration should be given to the following factors.

- i) availability of essential evidence;
- ii) credibility of witnesses - are they likely to be seen as credible witnesses and whether they are likely to be consistent and fair under cross-examination – are they willing to attend as witnesses - could they be 'hostile' witnesses;
- iii) where the case depends in part on admissions or confessions, regard should be had to their admissibility;
- iv) where two or more defendants are summonsed together, the sufficiency and admissibility of evidence available against each defendant, in the event that separate trials are ordered.

4.3.3 In determining the admissibility of evidence, regard should be given to the requirements of the Police and Criminal Evidence Act 1984 and the Criminal Procedure and Investigations Act 1996 and associated Codes of Practice.

#### **4.4 The Public Interest Criteria**

4.4.1 When satisfied that sufficient evidence is available, consideration must be given to whether the public interest requires a prosecution. Suspected criminal offences should not automatically be the subject of prosecution, but that prosecution should follow wherever it appears that the offence or its circumstances is or are of such a character that a prosecution is required in the public interest.

4.4.2 The factors which can properly lead to a decision not to prosecute will vary from case to case, but generally, the more serious the offence, the less likelihood there will be that the public interest will be served otherwise than by prosecution. The Investigating Officer uses a check list to ensure compliance with this procedure.

4.4.3 The following considerations should apply:-

- i) seriousness of the offence - the degree of detriment or potential detriment to consumers, employees or the environment. The likely penalty may be indicative as will current public attitudes to particular breaches of the law;

- ii) the age of the offence (staleness) - regard must be had not only to the date when the offence was committed but also to the length of time which is likely to elapse before the matter can be brought to court. Less regard will be paid to staleness if it has been contributed to by the defendant themselves, the complexity of the case or the particular characteristics of the offence that have contributed to the delay in its coming to light;
- iii) the age, circumstances or mental state of the offender - the age whether young or old will have a bearing on the decision whether to prosecute unless there is a real possibility of repetition or the offence is of a serious nature. One must also consider whether the defendant is likely to be fit enough to attend court;
- iv) complainant's attitude - in some cases it will be appropriate to have regard to the attitude of a complainant who later expresses a wish that no action be taken;
- v) the willingness of the offender to prevent a recurrence of the problem. If the circumstances that give rise to the offence have subsequently been rectified and there is little likelihood of a recurrence then the case may be dealt with more appropriately by other means;
- vi) the 'newness' of the legislation transgressed may be a consideration, especially where the offence is of a technical nature, and future compliance may be obtained by less formal means;
- vii) important but uncertain legal points may have to be tested by way of prosecution.

4.4.4 Before any proceedings are issued the case file will be passed to One Legal for consideration. The Borough Solicitor and Monitoring Officer has the responsibility for the issuing and conduct of all court proceedings.

## **5. Administration of Policy**

### **5.1 Confidentiality**

5.1.1 We will ensure that the identity of persons contacting us, and any information supplied by them, is not revealed to a third party except:-

- Where the law requires or
- where the case goes to court or tribunal or
- with the prior written agreement of the person supplying the information

### **5.2 Complaint Procedures**

5.2.1 We will respond to complaints about the service we provide in accordance with the Corporate Complaint Procedure. This procedure is publicised in the Council's corporate customer feedback system. Such a response will not be initiated in respect of complaints about a decision to prosecute as this is a matter for the Courts.

5.2.2 Where immediate action is considered necessary, an explanation of why such action was required will be given at the time and confirmed in writing in most cases within 5 working days and in all cases, within 10 working days.

### **5.3 Implementation and Review**

- 5.3.1 Implementation of the policy is the responsibility of all enforcement officers. The implementation of the policy will be monitored by the Service Heads for the relevant Services.
- 5.3.2 Departures from this policy will not occur without full consideration of all the circumstances by the responsible Director in consultation with One Legal, save in exceptional, or unforeseeable circumstances where adherence to this policy would put public or individual health or safety at risk.
- 5.3.3 This policy will be reviewed and updated if any changes in legislation, guidance or other circumstances have a significant impact on the enforcement principles set out in this document.
- 5.3.4 As part of the ongoing development of this policy we will consult with those affected by it including groups with particular needs and interests, consumers, businesses, their employees and the public.

### **5.4 Monitoring of the Policy**

- 5.4.1 We will set up a monitoring system whereby we will examine a sample of the enforcement action taken by our officers to monitor against this policy. This will be done by in-process monitoring and discussion at regular one-to-one meetings. The results will be reported on at Divisional Management Team meetings and considered at the quarterly review performance. If changes are found to be needed an objective will be built into the Service Plan.

## APPENDIX A

### Conflicts of Interest and Undue Influence

The enforcement role of the Council is an impartial one. However, within the Council, as with any organisation, there is the possibility of a real or perceived conflict of interest or undue influence arising. It is, therefore, important to the integrity of the enforcement services of the Council that people seeking to use it are neither discriminated against nor granted advantageous treatment because of their status.

### Circumstances which may give rise to a real or perceived Conflict of Interest

There may be circumstances short of a criminal offence which could give rise to a conflict of interest between an employee and a customer, for example:-

- Where the customer is socially acquainted with or related to the officer. Under these circumstances it would be difficult for the officer to act in an impartial manner and unreasonable to expect this.
- Where an employee receives a request for advice or assistance which falls outside the normal remit for the service from a Council Member, Council employee or an agency who they have close working contact with.

### Undue Influence

Undue influence arises where a party exercises a dominant influence over the mind of another so that person is unable to exercise a free and independent will in the matter. For example, when an employee knows that a client is a Councillor or a more senior Council Employee, they should ask him/herself whether, if this were publicly known, it might be perceived as affecting the judgement or actions of the advisor.

Where an employee believes that there is potential for Conflict of Interest or Undue Influence then the matter should be referred to their line manager for appropriate action/advice.

### Information Indicating the Commission of a Criminal Offence

If it becomes apparent to an employee from information received from a client, that either a client or a third party may have committed a criminal offence, the appropriate service manager, in consultation with One Legal, will take a view on the appropriateness or otherwise of adjourning the proceedings and will take appropriate action which may include:-

- Obtaining more details.
- Advising the client that no service can be given due to the possible illegality of past events and/or conflict of interest.
- Advising the client to contact the appropriate enforcement agency.
- Informing the police or other enforcement agency of the information received.

**In the case of information indicating an offence by either the Cheltenham Borough Council, a Councillor, or an employee of the Cheltenham Borough Council, the appropriate Strategic Director and the Borough Solicitor and Monitoring Officer will be informed immediately.**

## APPENDIX B

### REFERENCES

a) Crown Prosecution Service: The Code for Crown Prosecution, 7<sup>th</sup> edition published in January 2013, issued under section 10 of the Prosecution of Offences Act 1985 & is available from Crown Prosecution Service Headquarters – 6<sup>th</sup> floor, 50 Ludgate Hill, London EC4M 7EX.

Find at [www.cps.gov.uk](http://www.cps.gov.uk) (Publications)

(b) Enforcement Concordat, June 2003 is found at <http://webarchive.nationalarchives.gov.uk/> and <http://www.berr.gov.uk/files/file10150.pdf> and the Compliance Code 17 December 2007 which can be found at <http://www.berr.gov.uk/files/file45019.pdf> is wider than the Enforcement Concordat in terms of their substantive provisions, however there are many local authority regulatory functions to which it does not apply whereas the Enforcement Concordat applies across all the regulatory functions of an enforcement body

(c) Cheltenham Borough Council's complaints, comments and compliments (customer feedback). Available from the Customer Relations and Research Manager, Cheltenham Borough Council, Municipal Offices, Promenade, Cheltenham GL50 9SA

Tel. 01242 264350 or email [customerrelations@cheltenham.gov.uk](mailto:customerrelations@cheltenham.gov.uk)

Find at [www.cheltenham.gov.uk](http://www.cheltenham.gov.uk)

(d) Information relating to Local Authorities Co-ordinating Body on Food and Trading Standards is found at <http://products.ihf.com/Ohsis-SEO/LOCALAUTHORITIESCOORDINATINGBO.html> and is part of the Occupational Health and Safety Information Service's online subscription. Providing a comprehensive selection of legislation, regulations, guidance, standards, including BSI and best practice which is updated daily, documents can be found on a wide range of subject areas such as Food and Drink, Environmental Health, Environmental Management, Fire and Offshore Safety.

(e) Food Safety Act Codes of Practice and Practice Guidance. The Food Standards Agency, Aviation House, 125 Kingsway, London, WC2B 6NH

Tel. 020 7276 8000 Find at [www.food.gov.uk](http://www.food.gov.uk)

(f) LACORS revised guidance on cautioning of offenders – Issue 3 March 2009 can be found at <http://www.lacors.gov.uk/lacors/upload/20889.doc> and has been produced for local authority regulatory services. It follows the principles set out in Home Office Circular 016/2008 Cautioning of Adult Offenders produced by the Office for Criminal Justice Reform, which replaced Home Office Circular 30/2005 on the Cautioning of Adult offenders.

(g) Department for Business Innovation and Skills, Regulators Code 2013

<http://www.bis.gov.uk/brdo/publications>

(h) Department for Business Innovation and Skills Primary Authority Statutory Guidance

<http://www.bis.gov.uk/brdo/publications>

## APPENDIX C

### **The Primary Authority Scheme**

The Primary Authority Scheme has been designed to improve consistency of enforcement for those businesses that trade across local authority boundaries. In order to achieve this, notification of proposed enforcement action must be made to the primary authority, which is entitled, in certain circumstances, to direct the enforcing authority not to take the action. Where a compliance issue is identified that requires immediate action in order to prevent harm, and in other specific circumstances defined in the secondary legislation, the requirement to notify in advance of the action is waived, although retrospective notification is still required.

The Primary Authority Scheme is the key to achieving better regulation at local level, promoting consistency across council boundaries.

Primary Authority Statutory Guidance was produced in September 2013 by the Department for Business Innovation and Skills. <http://www.bis.gov.uk/brdo/publications>

## **APPENDIX D**

### **Examples where immediate action will be taken**

NB This list is neither exhaustive nor exclusive and is produced by way of example only.

- Closure of a food business where an imminent risk to health exists.
- Detention or seizure of goods and/or equipment where food has not been produced, processed or distributed in compliance with the Hygiene Regulations.
- Service of prohibition orders where there is a risk of serious personal injury.
- Stop notice where unauthorised works are being carried out to a listed building causing irreparable harm