

Shropshire Council Better Regulation and Enforcement Policy

Executive Summary

The policy was adopted by Shropshire Council at the cabinet meeting on 25 July 2018 and is effective from 1 September 2018. It provides guidance to officers, businesses, residents and the general public on the range of options that are available to achieve compliance with all legislation enforced by Shropshire Council. These options range from taking no action through to prosecution and include civil and criminal remedies. The policy applies to all officers when undertaking regulatory functions on behalf of the Council.

The policy recognises that prevention is better than enforcement; however, it is made clear that under certain circumstances formal enforcement action will be necessary against those who flout the law or act irresponsibly. The policy sets out that effective regulation needs to be proportionate and flexible in order to support and encourage fair competition, economic growth and prosperity as well as promoting safer communities and public confidence, whilst ensuring the highest level of protection for the public. The policy therefore promotes a positive, proactive and balanced approach to ensure compliance with regulatory matters.

The principles of openness, helpfulness, proportionality, fairness and consistency, together with appropriate complaints policies, underpin the operation of the policy and will help businesses to comply with regulations, local residents to abide by their legal responsibilities and regulators to achieve higher levels of voluntary compliance.

The policy sets out that officers will be professional in their conduct, customer focussed, fair and consistent, helpful, use targeted and intelligence-led interventions, take a proportionate response, be open and transparent, provide feedback and protect data and information. Non-compliance will be dealt with through escalated enforcement action beginning with advice, information and assistance unless the circumstances require immediate enforcement action and these circumstances are set out in the policy. The policy sets out clearly the aims of enforcement action.

Where prosecution is considered, the policy sets out that each case will be considered on its own merits and regard will be had for the evidential and public interest tests in the Code for Crown Prosecutors.

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