

Safer Neighbourhoods Joint Enforcement Policy

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Neighbourhoods and Regeneration Directorate
London Borough of Hackney

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1. INTRODUCTION

- 1.1 The local authority for the London Borough of Hackney (“the Council”) is committed to ensuring that our local environment is clean, safe and benefits all of the residents, visitors, and business within our community.
- 1.2 Enforcement is considered a key priority for the Council. It enables the delivery of key issues outlined in the Community Strategy, the Local Area Agreement, the Council’s objectives and the Mayor’s Priorities. In recent years the Council has invested increasing resources to make the quality of our local environment comparable to other London Boroughs.
- 1.3 This policy sets out the guidelines that the Council will use to determine how, where and when enforcement action will be taken. It sets a new benchmark for its enforcement services, to ensure that the Council fulfils its duties and exercises its legislative powers fairly, effectively and consistently to maintain high local environmental standards within the Borough. It provides a common framework and robust set of shared principles for the different enforcement services operating within Neighbourhoods and Regeneration’s Safer Neighbourhoods Division. The joint policy will ensure that the same standard of quality and service is provided across the Division’s enforcement operations. Lastly, as determined by an Equalities Impact Assessment, the policies are designed so as not to disproportionately impact any one group within the Borough.

2. AIMS AND OBJECTIVES

- 2.1 The fundamental aim of this policy is to promote and achieve sustained compliance with the law. The use of enforcement options, including fines, within the policy framework is intended to ensure that the Council works towards eliminating any financial gain (non-compliance), whilst ensuring a reduction in the incidence of offences. The levels of penalties imposed should also act as a deterrent to other potential offenders.
- 2.2 The Safer Neighbourhoods Joint Enforcement Policy is intended to ensure that the Council utilises the tools available within the current legislative framework to engender compliance.
- 2.3 This policy introduces a Council-wide risk-based framework for enforcement, so that the resources available are allocated and deployed in the most efficient and effective way possible. This approach will help maintain an appropriate balance between: compliance within the relevant legislation; support for economic progress and ensuring that the Service undertakes enforcement processes in an open, fair, effective and consistent manner.
- 2.4 This policy is designed in line with the Human Rights Act 1998, the Enforcement Concordat 1998 and the Regulators Compliance Code 2006.

3. SCOPE

- 3.1 The scope of the Safer Neighbourhoods Joint Enforcement Policy extends to all enforcement operations delivered by the Safer Neighbourhoods Division, with the exception of Parking Services.

4. GUIDING PRINCIPLES FOR ENFORCEMENT

4.1 The Council has adopted two sets of standards to guide its enforcement activities: the Regulatory Compliance Code and the Enforcement Concordat adopted by the Council in 1998. Following these standards, the Council and its employees explicitly authorised to undertake enforcement duties within a particular service area (“Officers”) will be guided by the following principles when undertaking enforcement duties.

Discrimination, Law and Human Rights

- 4.2 Enforcement is to be based on firmness and fairness. Where enforcement is necessary, it will be undertaken without fear or favour and without discriminating based on race, ethnic background, religion, social status, colour, sex or sexual orientation of any persons involved.
- 4.3 Furthermore, in implementing the policy, Officers will have regard to statutory codes of practice and relevant guidance from Central Government and other appropriate bodies. In line with the Human Rights Act 1998, Officers will uphold the rights of all people, specifically:
- Article 6 – right to a fair trial
 - Article 7 – no punishment without law
 - Article 8 – right to respect for private and family life
 - Article 1, First Protocol – right to peaceful enjoyment of possessions
- 4.4 Interference with these rights is only permissible if what is done has a legal and has a legislative basis.

Standards

4.5 Clear standards will be drafted and published setting out the target levels of enforcement service and performance achieved in enforcing the areas outlined within Section 3. These standards will be made available on the Council’s Web Site

Information and consultation

- 4.6 Advice from Officers will be clear and simple and will be confirmed in writing, explaining any legal terms. A clear distinction shall be made between legal requirements and best or desirable practice.
- 4.7 In circumstances where immediate action is necessary, an explanation of why such action was required is to be given at the time or, as soon as is reasonably practical where required by legislation.
- 4.8 Where there are rights of Appeal against specific actions, advice on the mechanism to be followed is to be given in accordance with appropriate legislation.

Transparency

- 4.9 Information and advice will be published concerning the rules that the Council will apply and Officers will be open about the work undertaken, including any charges that may be raised.
- 4.10 Discussion will take place concerning general enforcement issues, specific compliance failures or problems with anyone who is experiencing difficulties. If enforcement action is carried out, any documentation or evidence gathered will be kept on file to ensure it can be scrutinised at a later date if necessary, ensuring there is accountability throughout the process.

Helpfulness

4.11 Officers will provide a courteous and efficient enforcement service and individual Officers will identify themselves by name and show their authorisation/identification card at the commencement of any visit when requested, required by legislation or as appropriate.

- 4.12 A contact telephone number will be provided for on-going discussions. Businesses and individuals will be actively encouraged to seek advice and information relating to the Council's enforcement role.
- 4.13 If business operators or members of the public indicate that they wish to complain about any aspect of enforcement work, Officers shall ensure that the mechanism for complaining is clearly explained.

Proportionality

- 4.14 The use of enforcement sanctions will be proportional, transparent and appropriate to the circumstances of the particular case. It may be targeted, intelligence led, or to achieve Council priorities. Whilst it will be used to achieve a consistent outcome, the approach will remain flexible.
- 4.15 Officers will also ensure that visits are targeted and that a culture of proactive compliance is in place to ensure as little unnecessary burden as possible to the regulated entity.

Prioritisation of risks and needs

- 4.16 Given the Council's finite resources, enforcement will prioritise requests and areas for enforcement based on identified risks and the placement of areas or premises into different risk categories. Risk-identification involves judgements on the likelihood of an offence and the scale of its impacts, in line with the Council's statutory duties and legislative powers, while taking into account the needs of vulnerable populations (including children and the elderly) and locales (including schools and hospitals).

Risk-based Inspection approach and factors to be considered

- 4.17 By adopting a risk-based approach Officers will also ensure that those businesses or persons with a history of good compliance will receive less frequent inspections and those businesses that are inspected will be targeted due to the level of risk they present to the public.
- 4.18 In selecting the most appropriate enforcement methods and actions, Officers acting for the Council will consider the following:
- the degree of risk from the situation, including to people's safety, health and welfare;
 - the seriousness of the legal contravention;
 - the different technical means of remedying the situation;
 - the particular circumstances of the case and likelihood of its continuation or recurrence;
 - the general attitude of the offender to his or her responsibilities;
 - aggressive or discriminatory behaviour towards our Officers or the public, or obstruction of Officers in the performance of their duties;
 - the past history of the person(s), company or premises involved;
 - the impact of the enforcement choice in encouraging others to comply with the law
 - the likely effectiveness of the various enforcement options;
 - the evidential basis for the proposed action;
 - the overarching public interest test;
 - any legal imperatives, such as the obligation to serve notices if required by legislation or statute;
 - any specific legal guidance, for example, advice contained in Government circulars;
 - whether what has happened contravenes other Council policies including the Hackney Local Development Framework (LDF), and therefore whether other enforcement agencies should be engaged and informed.

Proactive inspection cycle

4.19 Where appropriate, a proactive inspection cycle may be used to guarantee that locations and venues identified as high-risk are visited at more regular intervals. The use of a proactive inspection cycle can ensure that frequent/regular offenders are targeted by Officers.

Efficiency

4.20 The method of enforcement selected should be calculated to produce the highest reasonable standards of compliance within the least time without imposing unreasonable burdens on the affected businesses or individuals.

4.21 Other factors being equal, Officers and the Council will go directly to the most immediate or direct action in appropriate cases of non compliance.

Consistency

4.22 Officers will aim to be consistent in their selection and application of the options available to ensure compliance, while retaining the right to tailor their responses to better respond to the specific circumstances of individual offences.

4.23 Arrangements will be made to promote consistency, including effective arrangements for liaison with neighbouring authorities, such as Islington and Haringey, and other enforcing agencies.

Training and professionalism

4.24 All Officers with responsibility for applying this policy will be appropriately authorised and trained. The Corporate Director of Neighbourhoods and Regeneration has full delegated powers for the authorisation of Officers by name within their competencies to facilitate flexibility as circumstances dictate. The policy requires Officers to exercise professional judgement within those competencies.

5. ENFORCEMENT OPTIONS

- 5.1 A range of enforcement and awareness raising options are available to Officers to ensure compliance within their areas of responsibility. Please refer to Appendix C for a summary of some relevant legislation and penalties.
- 5.2 Officers are empowered to consider and take the following options against individuals, businesses and organisations that commit an offence.

Verbal and Written Warnings

- 5.3 Statements that the recipient may be committing an offence, and continued non-compliance may result in further penalties.

Simple Cautions

- 5.4 Non-statutory disposals for adult offenders who admit guilt of committing an offence. They can be cited in court in any subsequent court proceedings. They can be held on file indefinitely, and could be quoted on a Standard or Enhanced Disclosure issued by the Criminal Records Bureau. There is no legal obligation for any person to accept an offer of a simple caution.

Conditional Cautions

- 5.5 A form of statutory caution with attached conditions, usually to support rehabilitation or reparation, such as payment towards costs of investigation or remedial action. Offenders can be prosecuted for the original crime if they do not comply with the conditions of the caution.

Fixed Penalty Notices (FPNs)

- 5.6 An alternative to prosecution for specific offences, allowing offenders to dispose of any liability within a set period for an offence that they have committed, and may allow for an early payment discount. FPNs can only be issued where sufficient evidence is available to support a prosecution should the notice not be paid. These notices can be issued to anyone over 10 years old.
- 5.7 Note on common use: Officers may issue FPNs as efficient and less resource-intensive alternatives to prosecution.
- 5.8 Please refer to Appendix C for a summary of offences and FPNs.

Legal Proceedings

- 5.9 Civil or criminal prosecution proceedings against offenders in court.
- 5.10 Note on common use: Decisions to prosecute will take account of the Crown Prosecutors Guide. In particular, the following criteria will be considered:
- the gravity of the offence;
 - the potential for harm arising from the offence;
 - the general record and the approach of the offender;
 - the public benefit achieved by pursuing a prosecution;
 - the criteria listed in the Code for Crown Prosecutors
- 5.11 Prosecution will normally be reserved for the more serious offences and in particular:
- where there is a blatant disregard for the law;
 - when there appears to have been reckless disregard for the safety of people;
 - where as a result of substantial legal contravention there has been a serious incident;

- where a particular contravention has caused serious public alarm;
- where there have been repeated breaches of legal requirements and it appears management and/or licensees are neither willing or structured to deal adequately with the causes of the offence.

Statutory Notices

5.12 Formal notices served on individuals, businesses and organisations requiring them to carry out specific legal obligations.

Execution of Emergency works and works in default following Statutory Notice

5.13 For some offences, where a notice has been served and rectification work has not been done, then work in default could follow. It is Council policy to recover the full cost of carrying out works in default.

Immediate or Direct Action

5.14 In certain circumstances, for example to ensure hygiene standards for consumer protection, immediate enforcement action can be undertaken.

Injunctions

5.15 Court orders to stop certain actions or to ensure actions are undertaken.

Closure Notices/Orders

5.16 Served on licensed and other premises if in breach of certain legislation, such as unauthorised serving of alcohol.

Anti Social Behaviour Orders (ASBOs) and Acceptable Behaviour Contracts (ABCs)

5.17 Court orders that can prevent the recipient from undertaking specific actions or from entering specific areas. It applies for a minimum of two years. Breaches are a criminal offence punishable by a fine or up to five years in prison.

Amendment, suspension, revocation or refusal of local authority licences

5.18 Representations to the relevant Panels to alter or refuse offenders' trading or operating their licence.

Entering premises

5.19 Provisions in some statutes and legislation allowing Officers to enter premises in order to enforce legislation.

Entry and Search Warrants (powers – evidence)

5.20 Warrants sworn before a Justice of the Peace allowing Officers to enter and search premises to enforce legislation.

Seizure of goods/equipment (powers – evidence)

5.21 Provisions in some statutes and legislation allowing Officers to seize items being used to cause an offence or any goods that may be required as evidence for possible future court proceedings. Appropriate receipts must be provided and time-limits apply on holding goods prior to court proceedings.

Forfeiture Proceedings

5.22 Court applications, often in conjunction with seizure and/or prosecution, to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem.

Proceeds of Crime Applications

5.23 Applications to confiscate assets, to recover the financial benefit that the offender has obtained from their criminal conduct. Proceedings are conducted according to the civil standard of proof. Applications are made after a conviction has been secured.

Awareness raising and education

5.24 Initiatives to raise public awareness of enforcement issues within the Borough, the practical steps that can be taken by residents and businesses to assist, and to promote different enforcement services to reduce the overall levels of environmental pollution in the Borough.

5.25 This may involve action days, paper and electronic leaflets, and organising events such as Noise Action Week, and other options. In order to maximise the effectiveness of its public awareness initiatives, the Service will strategically target high-risk areas, in line with its prioritisation of risks and needs.

Partnerships

5.26 In order to seek the most efficient delivery of this policy and to help keep Hackney clean and safe, the Safer Neighbourhoods division will develop strategic partnerships with a range of partners and stakeholders. Our partners will include:

- Street Wardens
- Parks and Open Spaces
- Hackney Homes
- Children, Schools and Families Directorate
- Public Realm
- Planning Service
- Safer Neighbourhood Teams
- Community Payback
- Neighbouring Boroughs
- ENCAMS (Environmental Campaigns)
- Capital Standards
- Environment Agency
- Driving Vehicle Licensing Association (DVLA)
- Vehicle Operating Standards Association (VOSA)
- London Travel Watch
- Network Rail
- Transport for London
- Utility Companies
- Youth groups, businesses and tenant management groups
- Registered Social Landlords
- Police, Fire and Health Services
- Biannual Cross-Council Environmental Crime Case Conference (with the Licensing Authority, Community Safety Team, Police and other, Council services)

6. IMPLEMENTATION – GENERAL

- 6.1 There are a diverse range of offences and issues that require enforcement by the Borough of Hackney. Accordingly, Officers will apply the Division's common enforcement guiding principles (set out within Section 4) and select from the options available (as set out within Section 5) in a tailored way, to effectively respond to the unique requirements of their field of operations.
- 6.2 The specific Council programmes and initiatives through which Officers deliver enforcement action will be determined by the Hackney Enforcement Strategy and other Divisional Strategies as appropriate.
- 6.3 The remainder of this section, along with Sections 7 to 12 outlines further, additional enforcement policy and action specific to each Service covered by this Joint Enforcement Policy.
- 6.4 Appendix C outlines the legislation and relevant penalties and fines (including Fixed Penalty Notices) that can be issued by Officers for different offences.

Working with businesses to ensure compliance and encourage economic progress

- 6.5 Under the Regulatory Enforcement and Standards Act 2008, businesses that operate in more than one jurisdiction may enter into statutory partnership with a single enforcement agency, that will provide robust and reliable advice on compliance other councils must take into account when carrying out inspections or dealing with non-compliance. Where the Borough of Hackney is a 'secondary authority' on enforcement matters, Officers will have regard to any advice and enforcement plans provided by all relevant partnership agreements that affect businesses operating with the Borough.

Alternative approach for juveniles, vulnerable adults or persons with chaotic lifestyles

- 6.6 In appropriate situations, an alternative approach might be taken for offences involving young people, vulnerable adults and persons with 'chaotic lifestyles' such as the homeless or those with dependency or mental health issues. Fixed Penalty Notices can be issued to anyone over the age of 10. However it is important that Hackney Council fulfils its duty with regard to the Children Act 2004, and as such, Officers may take reasonable steps to ensure young people are not criminalised for minor offences. A similar approach may also be appropriate for vulnerable adults and those with chaotic lifestyles, to provide ample opportunity for offenders to change their behaviour.

Publicity

- 6.7 The Council will normally publicise enforcement action and details of any convictions, to support the deterrent effect of the Council's Enforcement Strategy, and draw attention to the need to comply with the law. Where appropriate and allowed by law, the media will also be provided with factual information about charges that have been laid before the Courts.

7. IMPLEMENTATION – LOCAL ENVIRONMENTAL QUALITY

Scope of Service

- 7.1 The offences and infringements covered by the Environmental Enforcement Service include, but are not restricted to,
- Fly tipping and litter;
 - Graffiti and fly posting;
 - Highways obstructions;
 - Dog fouling.

Priority crimes

- 7.2 Priority crimes have been identified using quantitative and qualitative information, including MORI surveys, complaints, members' enquiries and Officer Intelligence. They are:
- litter;
 - dumping of waste as a result of commercial activity;
 - dumping of waste as a result of domestic activity;
 - illegal transportation of waste;
 - graffiti and fly-posting;
 - highways obstructions;
 - dog fouling;
 - illegal street trading;
 - illegal car repairs.

Priority areas

- 7.3 The Council will target resources towards the priority crimes as well as to the areas and individuals or organisations that provide the greatest threat against the quality of the local environment. These include:
- areas with the highest incidence of environmental crime, particularly high streets and industrial areas;
 - areas which contribute most to perceptions of cleanliness in the Borough, such as main thoroughfares;
 - individuals or organisations who make the greatest contribution to levels of environmental crime, such as persistent offenders, businesses that do not fulfil their legislative duties, and prolific graffiti vandals and fly-posters.

Litter

- 7.4 Litter in the Borough is most commonly found on footpaths, and is primarily made up of smoking-related material, confectionary wrappers, bottles and cans, and food containers. Its size can be anything from single items to small bags of rubbish.
- 7.5 Following the EPA 1990 and CNEA 2005, the Council may introduce the use of FPNs for littering offences.
- 7.6 The Council may seek approval to designate areas in Hackney as Enforcement Action Zones. This will allow a strong, targeted stance against visible, litter-prone areas that contribute to the community's perception of environmental quality across the Borough as a whole. Officers may impose higher fines for a number of environmental crimes including litter as well as fly-posting and noise nuisance in such designated areas.
- 7.7 The Council may introduce, and authorise Officers to use, three additional legislative tools provided by CNEA 2005, to target common sources of litter, and reduce the amount of litter overall. Specifically:

- A consent system permitting businesses and individuals to distribute free literature in designated areas in a controlled way within the Borough, in order to reduce the impacts of a common source of litter, and authorise FPNs for breaches.
- Street Litter Control Notices, for establishments that contribute on an ongoing basis to litter problems, and authorise FPNs for breaches of Notices.
- Litter Clearing Notices, for land-owners to clear up and keep clear land degraded by litter, and authorise FPNs for breaches of Notices.

Fly-tipping from Commercial Waste

- 7.8 Fly-tipping is deliberate abandonment of materials on an illegal basis on any land that is open or accessible to the public. While the source, size and cumulative impact of fly-tipping varies, in all circumstances the mismanagement of waste degrades the quality of the local environment, and often attracts further environmental crimes and health and safety risks.
- 7.9 Under Section 34 of EPA 1990, businesses must: (1) secure waste prior to disposal, (2) ensure that waste is transferred to a company licensed by the Environment Agency to take, transport, recycle or dispose of it safely, and (3) receive and keep records for two years of their waste disposal arrangements (Waste Transfer Notes). Businesses that do not do this are placing a financial burden on everyone but themselves, and also damaging the standard of the local environment.
- 7.10 The Council will seek to create a level playing-field and fine businesses that fly-tip and dump waste at the cost of others. Officers will target industrial and commercial areas, and those businesses in the Borough's primary and secondary retail areas that do not appear to have Waste Transfer Notes.
- 7.11 Officers may issue FPNs to businesses that:
- Cannot demonstrate duty of care for the recommended legislative timeframe (currently two years);
 - Do not adhere to terms and conditions of their waste disposal arrangements;
 - Produce more waste than they pay for the disposal of.

Domestic Waste and Compulsory Recycling

- 7.12 Under Section 46 of EPA 1990 and CNEA 2005, residents can be issued with FPNs if they threatened the quality of the local environment and consistently and significantly breach Council specifications in terms of (1) the types of waste to be placed in receptacles, including recyclable materials, (2) the types and quantity of containers to be used, or (3) when and where receptacles should be placed for collection.
- 7.13 In order to reduce the likelihood of waste dumping, and in line with a targeted approach to enforcement, all residents in 'hot-spot' areas, where there have been repeated or persistent dumping of waste, may be issued notices under Section 46 of EPA 1990, binding their premises to specific waste disposal arrangements. Where this notice is breached, Officers may issue an FPN.
- 7.14 In contrast to the punitive approach outlined in response to dumping of waste, Officers may also undertake a proactive approach to the enforcement of recycling, focusing on education and advice, in order to ensure recycling regimes are followed and local environmental standards are maintained.

Illegal Transportation of Waste

- 7.15 The transportation of waste by unlicensed carriers contributes to problems of fly-tipping and environmental damage, as it is less likely to be disposed of in adherence to legislative regulations. Under the Control of Pollution Act 1989, it is an offence for any person to transport controlled waste if they are not a registered carrier.

- 7.16 Under Section 5B of the Control of Pollution Act 1989 and CNEA 2005, Officers may issue FPNs against persons transporting waste that fail to produce a Waste Carriers Licence.

Graffiti and Fly-Posting

- 7.17 Graffiti is illegal and classed as images, marks or letters applied without permission to publicly viewable surfaces such as walls or bridges. Fly-posting is an illegal form of advertising, defined as any printed and associated material - ranging from small stickers up to large posters - which is illegally fixed to any structure. It can be unsightly and, like graffiti, is often seen as symptomatic of urban decay. Graffiti and fly-posting are often found in the same location, are intrinsically linked in their negative impact on perceptions of local environmental quality and safety, and are expensive to remove.
- 7.18 Officers will prioritise formal action and targeting of graffiti or fly-posting on main thoroughfares and high streets, or on properties with multiple instances or extensive coverage.
- 7.19 Following the Association of London Government (2005) 'Code of practice for exercising the powers set out in section 12 and 13 of the London Local Authorities Act 1995 (as amended)', Officers may take immediate action on 'offensive' graffiti, defined as graffiti that is racially or sexually offensive, homophobic, depicts a sexual or violent act or is defamatory. Offensive graffiti may be removed immediately, and where possible, enforcement on these offences will be prioritised. FPNs cannot be issued in response to this graffiti, and proceedings for prosecution will commence in partnership with the Police.
- 7.20 Officers may recommend the use of Anti Social Behaviour Orders (ASBOs) to target those individuals that contribute most to levels of graffiti and fly-posting, in liaison with the Community Safety Division. To this end, Officers may obtain impact statements from local residents and businesses as necessary.
- 7.21 The Council will support private property owners, local businesses and organisations in complying with their duties and responsibilities to prevent graffiti and fly-posting, and to provide assistance with its removal.
- 7.22 For less offensive graffiti, Officers may issue Graffiti Removal Notices to affected businesses and property owners. Under LLA 1995 and 2004, the graffiti must be removed within 14 days (or 28 days for postal letterboxes or service pouch-boxes). Where such action does not result in the removal of the defacement, the Council may undertake works in default in order to remove the offending item. The Council may also support preventative measures to tackle persistent defacement hotspots, such as anti-graffiti paint.
- 7.23 Following LLA 2007, Officers may take a strategic approach in its work with protected parties such as Network Rail, to make sure their structures meet local environmental standards before graffiti or fly-posting occurs.
- 7.24 In the case of fly-posting, the Council may utilise powers provided by the Town and Country Planning Act 1990, ASBA 2003, LLA2007 and CNEA 2005, as appropriate, to allow enforcement action against both the beneficiaries of the fly-posting, such as the companies, venues and individuals listed on the illegal advertising or responsible for the affixing the fly posts and or the owners of the affected property.
- 7.25 Officers may use amendments to Section 225 of the Town and Country Planning Act 1990 by the Section 34 of the CNEA 2005, and undertake works to remove fly-posting and to recover relevant costs from the person responsible for displaying the advertisements or causing it to be displayed, or whose goods or services that are publicised. The owners of property affected by fly-posting may also be held accountable through formal punitive enforcement, to encourage them to take steps to reduce the likelihood of fly-posting taking place at all.
- 7.26 The Council may review the licences of owners of properties affected by fly-posting, or seek enforcement on the conditions of their licences, where applicable.

- 7.27 The Council may seek approval to designate areas in Hackney as Enforcement Action Zones. This will allow a strong, targeted stance against visible, fly-posting prone areas that contribute to the community's perception of environmental quality across the Borough as a whole. Officers may impose higher fines for a number of environmental crimes including fly-posting as well as fly-posting and noise nuisance in such designated areas.
- 7.28 The Council may utilise additional tools and mechanisms provided by LLA 2007, in order to reduce the likelihood of fly-posting occurring, and to take a strong enforcement stance where it does take place. This includes:
- a ban on the display of many types of portable advertisements within a designated area, on grounds on public safety or amenity, with fines up to £2,500 for contraventions of the ban;
 - higher fines for repeat offenders, with fines up to £20,000 for third offences, instead of a current maximum of £2,500;
 - utilisation of powers to force property owners or occupiers to take action to stop people persistently putting up unauthorised advertising on their buildings;
 - carrying out works in default where fly-posting does occur and is not removed by property owners or occupiers, and recovering relevant costs through the Courts;
 - utilisation of powers allowing Officers to seize items where they suspect a fly-posting offence has been committed.
- 7.29 The Council may also undertake to include fly-posting deterrence as a condition of all future hoarding licences, in order to reduce the possibility of fly-posting occurring on these structures. It is important that clear communication is maintained between the Council and relevant businesses, and that the businesses are made aware of the condition prior to the granting of the licence.

Highways Obstructions

- 7.30 Under the Highways Act 1980, the Council has a duty to protect the public's access rights on the road and footway network, and it is an offence to deposit anything on the highway which may cause an interruption to any user of the highway, without lawful excuse or authority.
- 7.31 Anyone wishing to place a skip, builders' materials, hoarding or tables and chairs on the public highway must first obtain a Council licence, which sets conditions to ensure public highway access. Enforcement against highway obstructions is primarily concerned with obstructions caused by items or materials wilfully placed on the public highway, including "A" Boards, unlicensed skips, scaffolding, unlicensed hoarding and temporary cross-overs. In general, any unlicensed structure placed on the highway that encroaches on the two metres minimum acceptable clearance is classed as an obstruction, and relevant enforcement action may be undertaken.
- 7.32 Officers may issue FPNs to individuals or businesses found wilfully obstructing the public highway.
- 7.33 Under the Highways Act 1980, Officers may also issue a Notice obliging offenders to remove obstructions as quickly as possible from public highways. The Council may confiscate material if there is non-compliance or the business cannot be contacted.

Shop-front and Street Trading

- 7.34 Unlicensed shop-front street trading may result in the sale of unchecked and unsafe goods, be a danger to the health of the general public, threaten the success of local businesses, or constitute highway obstructions and be an inconvenience or a hazard to pedestrians and other road users.
- 7.35 Following the Local Government (Miscellaneous Provisions) Act 1982 and the London Local Authority Act 1990, local authorities can issue licences specifying the streets, goods, and time periods of legal trading.

- 7.36 Officers may issue an FPN to any person who engages in street trading in a prohibited street, engages in street trading in a licensed street without the authority of a street licence or temporary licence, or contravenes any of the principal conditions of their licence.
- 7.37 Under LLA 1990 and 2007, Officers may also seize relevant items from unlawful street traders, including perishable items as necessary. The Council is more likely to consider prosecution in the event of non-payment of a FPN, non-compliance with a Notice or continued offending.
- 7.38 Officers may be authorised to target both unlicensed shop front and street trading, as well as enforce conditions and compliance at licensed premises, to allow them to act against offenders that come to their attention during the ordinary course of their duties. Officers may also encourage unlicensed shop front traders to apply for licences, as part of their standard toolkit of actions.

Dog Fouling

- 7.39 Dog fouling has a negative impact on the standards and attractiveness of the local environment, threatens people's enjoyment of the areas around them, and can lead to human blindness on contact due to *Toxocara Canis* infections.
- 7.40 Under Section 55 of CNEA 2005, and a Council Dog Fouling Control Order prescribed in 2007, Officers may issue a Dog Fouling Control Order to any person failing to remove their dog's faeces on any land accessible to the public within the control of the London Borough of Hackney. This includes: all Council-owned parks and recreational areas, cemeteries, allotments, public roads and the footpaths, cycle paths and verges adjacent to these roads, school playing fields, school playgrounds and other land within the grounds of school and colleges, and Hackney Homes housing estates.
- 7.41 Officers may not issue a Dog Fouling Control Order to disabled people in charge of guide dogs for the blind or other support dogs, unless their disability is such that it does not prevent them from being aware of and removing faeces.
- 7.42 The Council may undertake a targeted enforcement approach focusing on dog fouling-prone areas, using periodic visible enforcement on specific days advertised in advance, in order to encourage compliance and most efficiently tackle the problem of dog fouling and perceptions of environmental quality in the Borough. FPNs may be issued where dog fouling offences are witnessed by Officers on these days, during routine inspections or in the course of other enforcement action.

8. IMPLEMENTATION – NOISE

Scope of Service

- 8.1 The offences and infringements covered by the Noise Service include, but are not restricted to,
- Alarms
 - Domestic noise
 - Licensed and other commercial premises
 - Machinery and construction sites

Enforcement Risk Matrix

- 8.2 Officers will consistently, thoroughly and appropriately use enforcement measures based on the guiding principles outlined in Section 4, and implemented through the use of an Enforcement Risk Matrix, which will form part of the Noise Service's Operations Manual. The Enforcement Risk Matrix introduces a level of coherence to the handling of noise pollution and the potential of noise pollution in the Borough and ensures a move away from compliance with minimum standards towards a more robust, rigorous and quality-driven approach.
- 8.3 Where conflicts arise between the priorities of different groups, for example between residents and businesses in the high-risk, night-time economy areas of Shoreditch and Dalston, the cost of carrying out enforcement activity may be considered against the beneficial outcome to the Borough, and the need for public protection, particularly of vulnerable populations, such as children and the elderly or infirm.
- 8.4 The Enforcement Risk Matrix will outline time related service delivery standards and the use of a number of enforcement measures, including FPNs. The use of the Enforcement Risk Matrix ensures the Council appropriately discharges its statutory duties and responsibilities, makes use of new enforcement tools, and follows a clear timeframe, using effective communication with the complainant throughout the enforcement process, in line with guidelines from the Department for Environment, Food and Rural Affairs.

Domestic Noise

- 8.5 Around 70% of the complaints currently received by the Council are in relation to noise emitted from domestic premises, including complaints about loud music, dogs barking and neighbour noise. Where the noise is not considered to be excessive or a statutory nuisance, the Council does not have legislative power to undertake formal enforcement action.
- 8.6 Officers may use abatement notices, to ensure excessive or statutory nuisances are curtailed across the Borough. FPNs may be issued in response to 'excessive' noise from dwellings at night or following the breach of an abatement notice issued under Section 80 of EPA 1990.
- 8.7 Officers may utilise powers under EPA 1990 and the Noise Act 1996 to seize noise-emitting equipment, following the breach of an abatement notice, an ongoing statutory nuisance or when excessive noise is being or has been emitted following a warning notice. This may take place alongside other enforcement measures, such as proceedings for prosecution and FPNs, in circumstances in which it is necessary to bring an immediate cease to the noise or to minimise its ongoing effects.
- 8.8 Following the Crime and Disorder Act 1998 and ASBA 2003, Officers may recommend the use of Anti Social Behaviour Orders (ASBOs) and Acceptable Behaviour Contracts (ABCs) in liaison with the Community Safety Division, in circumstances where noise nuisance is part of a wider pattern of harassment or other disorder issues. ASBOs and ABCs are

innovative and flexible enforcement tools, to be used alongside or following the failure of other enforcement measures, such as a prosecution. These powers are normally to be used in liaison with other Council bodies as necessary.

Commercial Noise

- 8.9 Although commercial noise may overlap with noise from licensed premises (see below), different enforcement mechanisms are available to the Council for its responses. Commercial noise is generally used to refer to machinery noise, fan noise, and noise from vehicle movements, alarms or ventilation systems from commercial or trade premises.
- 8.10 If noise is not considered to be a statutory nuisance, the Council does not have legislative power to undertake formal enforcement action. If the noise is considered to be a statutory nuisance the Council is under duty to serve an abatement notice. Officers may adopt the provisions made by CNEA 2005, and defer the issuing of a notice for a period of up to seven days while other forms of resolution are pursued. As with domestic noise, this provision will be adopted through the Enforcement Risk Matrix.
- 8.11 However, unlike the majority of noise from domestic premises, commercial noise is often associated with the commercial operation itself and may take a period longer than seven days to be abated, as necessary works are carried out or new equipment is ordered. Under EPA 1990, in these instances Officers may propose a solution within a realistic timescale, taking into account the practical realities of commercial activities. In return, the premises should demonstrate 'best practical means' in relation to undertaking its activities and noise levels, and show that the necessary changes are being made.
- 8.12 Following the provisions made by LLA 2004 and 2007, the Officers may use additional enforcement measures to better enforce noise compliance and ensure a healthy environment within the Borough. Specifically, where an abatement notice issued under Section 80 of EPA 1990 for trade, industrial or business premises has not been complied with, Officers may take advantage of powers under EPA 1990 to enter a premises, seize noise-making equipment and carry out necessary works. This can be done in conjunction with issuing FPNs or prosecution proceedings, in order to minimise the ongoing effects of noise nuisance. It should be noted that this includes any breach of an abatement notice by a licensed premises.

Noise from Licensed Premises

- 8.13 The control of noise from licensed premises may result in action being taken on a licensing and enforcement front.

Licensing Action

- 8.14 Under the Licensing Act 2003, Pollution Officers provide a substantive response and recommend necessary conditions in response to licensing applications. Officers may also call for a review of the relevant licence, adding conditions or revoking the licence as necessary. Officers will take any such action with reference to the Enforcement Risk Matrix, in order to ensure that the needs of vulnerable populations are taken into account when responding to these applications. Pro-active monitoring of licensed premises. This ensures that the Council's duty under EPA 1990 to inspect its area on a regular basis to detect any statutory nuisances is met along with ensuring that the relevant licensing conditions are complied with and are sufficient in preventing noise nuisance. Such pro-active visits can ensure in some instances that action is taken before residents are adversely affected.

Enforcement Action

- 8.15 Sources of noise nuisances from licensed premises include loud music, ventilation systems, extractor fans, customers and vehicles delivering goods or collecting waste. These sources often overlap with commercial noise. Officers may use similar enforcement

procedures as those used for commercial noise, with the added use of four legislative tools only available in response to noise from licensed premises.

- 8.16 Officers may issue FPNs in response to excessive noise from licensed premises, as allowed under CNEA 2005. FPNs are an effective, visible, fast and less resource-intensive alternative to prosecution and may be issued to a licensed premise regardless of whether they are breaching any conditions on their licence.
- 8.17 Officers may use powers under the Noise Act 1996 to seize noise-emitting equipment from which excessive noise is being or has been emitted, following a warning notice. This may take place in conjunction with other enforcement measures in circumstances in which it is necessary to bring an immediate cease to the noise.
- 8.18 The Council supports the use of strong measures, where appropriate, to curtail continued non-compliance and noise nuisance.
- 8.19 Following the ASBA 2003, Officers may in conjunction with the Police shut down a licensed premises for 24 hours, where the noise is causing a public nuisance, and there has been non-compliance with other enforcement mechanisms or the noise nuisance is severe, such as from an illegal rave.

Alarms

- 8.20 Under CNEA 2005, the Council may designate an area as an 'alarm notification area', with a requirement to register alarm key-holders with the local authority. Officers may issue FPNs for failure to nominate a key-holder or notify the local authority in writing of the key-holder's details in an alarm notification area.
- 8.21 Under CNEA 2005, where nuisances from alarms occur and reasonable steps have been taken to contact the relevant key-holder, Officers may enter the relevant premises or obtain a warrant for the power of entry by force if necessary in order to silence the alarm. Use of the key-holder and FPN system as outlined above is intended to reduce the likelihood of repeated nuisances from alarms.
- 8.22 For car alarms, the key-holder and FPN system does not apply, and the Council is required to undertake reasonable steps to trace the owner or driver of the car in order to advise them of the situation and to issue an abatement notice under EPA 1990 and the Noise and Statutory Nuisance Act 1993. If this is not possible within the stated one hour timeframe, Officers may silence the alarm itself or remove the vehicle to a secure area, in order to minimise the nuisance being caused.

Noise from the Street

- 8.23 Under EPA 1990 and Noise and Statutory Nuisance Act 1993, the definition of 'statutory nuisance' includes noise emitted from vehicles, machinery or equipment in the street, excluding traffic noise. This may include noise from car alarms, air-conditioning units on vehicles, noise from loudspeakers, and noise from deliveries or collections on streets.
- 8.24 If the noise is not considered to be a statutory nuisance, the Council does not have legislative power to undertake formal enforcement action. However, if the noise is considered to be a statutory nuisance the Council is under duty to serve an abatement notice. Officers may adopt provisions made by CNEA 2005 and defer the issuing of a notice for a period of up to seven days while other forms of resolution are pursued. As with other types of noise, the adoption of this provision will be made with reference to the Enforcement Risk Matrix.
- 8.25 As with noise from commercial premises, when noise arises from vehicles, machinery or equipment used for industrial, trade or business purposes, the noise may take a period longer than seven days to be abated whilst any as necessary works are carried out or new equipment is ordered. In these instances, Officers may propose various steps to be taken within a realistic timescale, taking into account the practical realities of commercial

activities. Rather than being expected to stop the noise entirely within the seven day period, the owner of the relevant vehicle, machinery or equipment should demonstrate 'best practical means' in relation to its activities and noise levels, and show that the necessary changes are being made, as recommended under EPA 1990.

- 8.26 Following the provisions made by LLA 2004 and 2007, the Officers may use additional enforcement measures to better enforce noise compliance and ensure a healthy environment within the Borough. Specifically, where an abatement notice issued under Section 80 of EPA 1990 for trade, industrial or business premises has not been complied with, Officers may take advantage of powers under EPA 1990 to enter a premises, seize noise-making equipment and carry out necessary works. This can be done in conjunction with issuing FPNs or prosecution proceedings, in order to minimise the ongoing effects of noise nuisance. It should be noted that this includes any breach of an abatement notice by a licensed premises.
- 8.27 In relation to noise from loudspeakers, the operation of loudspeakers in the street is prohibited between 9pm and 8am by the Noise and Statutory Nuisance Act 1993. The Council may give special consent to the operation of loudspeakers outside these hours, as deemed appropriate. In these cases, decisions on consent will be made with reference to the Enforcement Risk Matrix.

Planning Conditions and Construction Noise

- 8.28 The Council will prescribe standard hours and levels for noise and vibration that are audible/perceptible at boundaries of construction and demolition sites. Applications for a dispensation from these prescriptions may be made on an individual basis, and will be considered by Officers within the context of the current legislative and regulatory framework.
- 8.29 The Council will enforce limits on noise and vibration levels to protect residents, businesses and visitors to the Borough from disturbance and protection of property from damage.
- 8.30 In order to ensure that potential noise problems from new buildings or developments are recognised, the Council will provide substantive responses to planning applications submitted to the Planning Department. As with licensing applications, relevant planning conditions will be made with reference to the Enforcement Risk Matrix, in order to ensure that the needs of vulnerable populations are met.
- 8.31 The Council supports appropriate, preventative measures to ensure potential noise problems from new buildings or developments do not arise. Specifically, the Control of Pollution Act 1974 Sections 60 and 61 allow Councils to issue notices that place conditions on construction.
- 8.32 Following the Control of Pollution Act 1974, Officers may issue Section 60 notices to all contractors or individuals responsible for construction works that do not apply for a Section 61 notice. In addition to other relevant conditions, contractors may be required to undertake regular noise monitoring and consultation with local residents, in order to alleviate their concerns and minimise the possibility of complaints.

9. IMPLEMENTATION – BUILDING CONTROL

Scope of Service

- 9.1 The offences and infringements covered by the Building Control Service include, but are not restricted to,
- Regulated building works which have commenced without proper Building Control Notification.
 - Serious contraventions of the Building Acts, Regulations, associated approved guidance and British Standards.
 - Dangerous Structures not made safe immediately or within a reasonable time by the owner.
 - Non-notification of demolition works.

General Policy

- 9.2 The Council's Safer Neighbourhoods Division includes the Building Control Service, which primarily aims to protect public health and safety, improve access to all buildings and ensure energy conservation. This is achieved through ensuring compliance with the Building Acts and Regulations and principally through issuing of a completion certificate for compliant works.
- 9.3 Breaching Building Control legislation results in the commission of criminal offences. The Council has statutory duties placed upon it to ensure that minimum building standards and required national legislation are enforced as and when necessary. This Policy sets out the criteria to be followed when considering enforcement action along with the service standards customers can expect.

Enforcement standards

- 9.4 Land owners, businesses, applicants, neighbours and the general public are all customers of the Building Control Service. It is important that customers are treated positively, helpfully and equally.
- 9.5 The Building Control Service Aims are to:
- Provide customers with helpful guidance and information in plain language and to disseminate this information as widely as possible.
 - Be open about how service is delivered and consult with customers, businesses and other relevant parties.
 - Deal with customers in a courteous and efficient manner.
 - Advise customers and assist them to comply with the relevant regulations and legislation.
 - Ensure that Officers dealing with customers identify themselves by name and provide a contact telephone number and/or a mail address.
 - Encourage, as far as practicable, businesses to seek advice and information so as to minimise the need for enforcement.
 - Advise customers of suitable alternative courses of action/ways of complying with the legislation.
 - Be consistent in our approach, to follow best practice and Government guidance.
 - Be proportionate in our response to the breach of control. We will try to minimise unnecessary expense where this is practicable.
- 9.6 The Council will publish its performance on building control compliance in relation to targets set in-house and those outlined by central Government and these will be made available on the Council's Web Site.

Standards, Process and Response Time

- 9.7 Access to Building Control records is subject to the Data Protection Act, Environmental Information Regulations and the Freedom of Information Act 2000. Any request for access to information under the Freedom of Information Act should be in writing or by e-mail.
- 9.8 The Council monitors and inspects the Borough from time to time to identify unauthorised works. Information requiring enforcement action can also arise from enquiries made from members of the public.
- 9.9 When an alleged breach of control is reported or suspected, the site or premises may be inspected and further information sought. Where a breach of control is established the person responsible for the breach may be informed of what is wrong and what action should be taken to correct it. A time limit may be given and the consequences of not taking the appropriate action will be explained.
- 9.10 Complaints about alleged breaches of control will be treated confidentially within the Council. They will be investigated within 1 hour if an immediate danger to health is identified or otherwise within 2 working days. The complainant will at the appropriate stage be notified of how the Council intends to pursue the matter and of the decision to take enforcement action or not. If no action is to be taken the complainant will be given reasons why no action is being taken. A response will be given to the complainant within 5 working days, normally matching the method of contact either phone, letter or e-mail.

Referrals to Other Agencies

- 9.11 Where there is wider regulatory interest, the Council may refer received information to other regulators that are relevant. For example, to the Fire Authority where there are issues with means of escape in case of fire or, to the Health and Safety Executive (HSE) where there are gas safety issues.

Informal Action

- 9.12 Informal action is appropriate where the degree of risk from any given situation is minor. Also, the person responsible would have no recent history of non-compliance and the surveyor would have good reason to expect them to put right the matter in question without further intervention.
- 9.13 Informal action may be recorded on the case file and may be used as a basis for judgements on future enforcement action if there are recurring problems with an offender or premises.
- 9.14 A completion certificate may be withheld until the contravention has been removed and the work complies with the Building Regulations.

Use of Statutory Notices

- 9.15 Statutory notices shall be used where there is a clear breach of the law, where the degree of risk to public health and safety is significant and where a remedy needs to be specified and secured within a set period of time.
- 9.16 Statutory notices shall be used where, in addition to the above, the response of the offender needs to be monitored to ensure a satisfactory outcome. The right of appeal will be set out in writing within the notice.
- 9.17 Negligent or wilful non-compliance with a statutory notice may result in surveyors recommending that the case is referred to the Council's solicitor for prosecution.
- 9.18 The enforcement procedures to be followed are as detailed by the London District Surveyors Association (LDSA), "Guidance Notes for Enforcement Procedures Under the Building Regulations".

9.19 The National Model of Trial Guidelines will be considered in determining whether the case should be heard at Magistrates Court or at Crown Court.

Prosecution

9.20 Prosecution proceedings may be undertaken where appropriate.

High Court Action

9.21 An injunction may be sought from the High Court where the circumstances of any case cause a significant problem or threat to health and safety and the normal process of law (statutory notices, prosecution, work in default) is likely to be ineffective. This may be because the perpetrator has shown a careless disregard for earlier similar requirements or where the process of law would take an unacceptable period of time having regard to the particular circumstances or where there is no other suitable option available.

Work in Default

9.22 Where a notice has been served but the offender has not acted without adequate excuse or reason then works in default would follow, subject to the practical constraints of the case and a financial assessment.

9.23 The Council will seek full recovery for any works in default undertaken.

10. IMPLEMENTATION – LICENSING

Scope of Service

- 10.1 The offences and infringements covered by the Licensing Service include, but are not restricted to:
- sale / supply of alcohol – premises and personal licences
 - provision of regulated entertainment
 - provision of late night refreshments
 - gambling
 - massage & special treatments – premises and practitioners
 - explosives stores
 - motor salvage operators

Procedures

- 10.2 Enforcement action will usually be considered as a result of complaints received from the public and risk assessed inspections.
- 10.3 Most dealings with Licensing and Enforcement Officers are official in nature. Officers will provide information, advice and support, both face to face and in writing. Officers may also use formal enforcement mechanisms as set out in relevant legislation, which is enforced by authorised Officers of the Licensing Service.
- 10.4 An Officer has authority to inspect any premises, persons or activity which is subject to a licence in accordance with powers provided by relevant legislation.
- 10.5 All investigations that may result in legal proceedings will be carried out with regard to:
- the Council's enforcement strategy
 - Police and Criminal Evidence Act 1984 (PACE)
 - Regulation of Investigatory Powers Act 2000 (RIPA)
 - Criminal Procedures and Investigations 1996 Act (CPIA)
 - any Codes of Practice
 - other guidance provided for within the legislation
 - any amendments or new legislation which may be issued relevant to the Authority's enforcement powers.

Inspections

- 10.6 Licensing inspections have two main purposes:
- To ensure that premises, persons or activities licensed by the Council are acting in accordance with licence conditions;
 - To identify premises, persons or activities which require licensing but which are not licensed.

Shared Enforcement Role

- 10.7 Licensing Officers may share information and assistance where appropriate with other service areas within the Council or external agencies which have an enforcement role. The purpose being where possible to co-ordinate enforcement activity, and minimise unnecessary overlaps or time delays.
- 10.8 Officers may carry out investigations with Officers from other service areas or agencies as appropriate and specifically where there is an identified shared or complementary role.

Informal action

- 10.9 Informal action to secure compliance with licensing legislation includes offering advice, verbal warnings and requests for action, which may be confirmed in writing.
- 10.10 Before taking one of the following formal actions, Officers will provide an opportunity to discuss the circumstances of the case, and if possible, resolve points of difference, unless immediate action is required (for example, in the interests of health and safety, or to prevent evidence being destroyed).

Simple Cautions

- 10.11 In line with Home Office Circular 18/1994, simple cautions may be used as an alternative to prosecution where appropriate, such as:
- to deal quickly and simply with less serious offences;
 - to divert less serious offences away from the courts;
 - to reduce the chances of repeat offences.

Prosecutions

- 10.12 All decisions to prosecute will be made by the Licensing Services Manager.

Injunctions

- 10.13 An injunction may be sought from the Courts where any of the following circumstances arise:
- the case may cause a significant problem or threat to an individual, or individuals health and safety;
 - where a successful prosecution has been obtained, but the perpetrator continues in their illegal activity;
 - where the process of law would take an unacceptable period of time having regard to the particular circumstances.

Closure Notices/Orders

- 10.14 A closure notice may be served on premises where unauthorised sales of alcohol are taking place or have taken place within the last 24 hours if it is deemed to be the most effective way to ensure compliance.
- 10.15 Premises served with a closure notice who fail to comply with the terms of the notice may have further sanctions imposed. A closure order may be applied for at the Magistrates court. A closure order :
- authorises the local authority to physically close the premises if this proves to be necessary;
 - requires the cessation of sales of alcohol;
 - may require the payment of a sum of money to the court pending compliance with the order.
- 10.16 Where closure is required by an order, the premises will remain closed until the local authority issues a certificate indicating that the problem has been resolved or until the court itself either withdraws its order or any applied time limit expires.

Suspending/revoking a licence

- 10.17 A decision to suspend, refuse or revoke a licence will normally be taken by the Licensing Sub-committee. Where there are rights of appeal against formal action, advice on the appeal mechanism will be clearly set out in writing at the time the action is taken.

Language Difficulties

- 10.18 Consideration will be given to those individuals for whom English is not their first language, or who have difficulty with written or spoken English during any formal action. Consideration will be given to the need for the translation of documents, need for interpreters etc. Where appropriate, proprietors will be given the opportunity to appoint their own interpreters at any interview. Otherwise, the Council will appoint an interpreter in their first language.

11. IMPLEMENTATION – HEALTH AND CONSUMER PROTECTION

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Section Summary

- 11.1 The enforcement policy provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with the legislation enforced by the Health and Consumer Protection Service.
- 11.2 Our primary objective is to achieve regulatory compliance. We recognise that prevention is better than cure, but where it becomes necessary to take formal action against a business, or member of the public, we will do so. There are a wide range of tools and sanctions available to us as an enforcement agency, including prosecution the most serious.
- 11.3 We will always choose an enforcement method that is relevant and proportionate to the offence or contravention. We will also take account of an individual’s or a business’s past history when making our decision.
- 11.4 The options available to include:
- No action;
 - Informal Action and Advice;
 - Fixed Penalty Notices;
 - Penalty Charge Notices;
 - Formal Notice;
 - Forfeiture Proceedings;
 - Seizure of goods/equipment;
 - Injunctive Actions;

- Refusal/revocation of a licence;
 - Simple Caution;
 - Prosecution;
 - Proceeds of Crime Applications.
- 11.5 The policy is designed to help you understand our objectives and methods for achieving compliance and the criteria we consider when deciding what the most appropriate response is to a breach of legislation. All our decisions will have regard to current statutory guidance and codes of practice, particularly the Regulators' Compliance Code, the Code for Crown Prosecutors and the Human Rights Act.

Introduction

- 11.6 Fair and effective enforcement is essential to protect the health and safety and economic interests of the public, businesses and the environment. Decisions about enforcement action and in particular the decision to prosecute have serious implications for all involved. Regulatory Services applies this Policy to ensure that:
- Decisions about enforcement action are fair, proportionate and consistent;
 - Officers apply current Government guidance and relevant codes of practice;
 - Everyone understands the principles that are applied when enforcement action is considered.

Intention

- 11.7 This policy is intended to provide guidance for officers, businesses, consumers and the public. It does not affect the discretion of the Council to take legal proceedings where this is considered to be in the public interest.

Scope and Meaning of 'Enforcement'

- 11.8 This Policy applies to all the legislation enforced by Officers of Health and Consumer Protection Services
- 11.9 'Enforcement' includes any action taken by officers aimed at ensuring that individuals or businesses comply with the law. This is not limited to formal enforcement action such as prosecution.
- 11.10 In certain circumstances we will seek to raise awareness and increase compliance levels by publicising unlawful trade practices or criminal activity. Where appropriate the results of specific court cases may also be published.

General Principles

- 11.11 Prevention is better than cure and our role therefore involves actively working with businesses to advise on, and assist with compliance.
- 11.12 Where we consider that formal action is necessary each case will be considered on its own merits. However, there are general principles that apply to the way each case must be approached. These are set out in this Policy and in the Regulators' Compliance Code.
- 11.13 For more information about the Regulators' Compliance Code visit: http://bre.berr.gov.uk/regulation/reform/enforcement_concordat/index.asp.
- 11.14 Enforcement decisions will be fair, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs, political views or the sexual orientation of the suspect, victim, witness or offender. Such decisions will not be affected by improper or undue pressure from any source.

- 11.15 We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, and its significance, in making the decision to take formal action.
- 11.16 The London Borough of Hackney Council is a public authority for the purposes of the Human Rights Act 1998. We will, therefore, apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms.
- 11.17 This enforcement policy helps to promote efficient and effective approaches to regulatory inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens. This is in accordance with the Regulator's Compliance Code.
- 11.18 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.

Notifying Alleged Offenders

- 11.19 If we receive information (for example from a complainant) that may lead to enforcement action against a business or individual we will notify that business or individual as soon as is practicable of any intended enforcement action, unless this could impede an investigation or pose a safety risk to those concerned or the general public.
- 11.20 During the progression of enforcement investigations/actions, business proprietors or individuals and witnesses will be kept informed of progress. Confidentiality will be maintained and personal information about individuals will only be released to a Court when required and/or in accordance with the Data Protection Act 1998.

Deciding what level of enforcement action is appropriate

- 11.21 A number of factors are considered when determining what enforcement action to take:
- 11.22 Levels of enforcement action. There are a large number of potential enforcement options. The level of the action taken varies from no action through to proceedings in Court.
- 11.23 Examples of the main types of action that can be considered are shown below:
- No action;
 - Informal Action and Advice;
 - Fixed penalty Notices;
 - Formal Notice;
 - Forfeiture Proceedings;
 - Seizure of goods/equipment;
 - Injunctive Actions;
 - Refusal/revocation of a licence;
 - Simple Caution;
 - Prosecution.
- 11.24 In assessing what enforcement action is necessary and proportionate, consideration will be given to:
- The seriousness of compliance failure;
 - The business's past performance and its current practice;
 - The risks being controlled;
 - Legal, official or professional guidance;
 - Local priorities of the Council.
- 11.25 Where the law has been contravened, there is a range of enforcement options available to seek compliance with the law.

No Action

11.26 In certain circumstances, contraventions of the law may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention, or the cost of the required enforcement action to the City Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances.

Informal Action and Advice

11.27 For minor breaches of the law we may give verbal or written advice. We will clearly identify any contraventions of the law and give advice on how to put them right, including a deadline by which this must be done. The time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

11.28 Sometimes we will advise offenders about 'good practice', but we will clearly distinguish between what they must do to comply with the law and what is advice only.

11.29 Failure to comply could result in an escalation of enforcement action.

Fixed Penalty Notices

11.30 Certain offences are subject to fixed penalty notices where prescribed by legislation. They are recognised as a low-level enforcement tool and avoid a criminal record for the defendant. Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), we may choose to administer a FPN on a first occasion, without issuing a warning.

Formal Notice

11.31 Certain legislation allows notices to be served requiring offenders to take specific actions or cease certain activities. Notices may require activities to cease immediately where the circumstances relating to health, safety, environmental damage or nuisance demand. In other circumstances, the time allowed will be reasonable, and take into account the seriousness of the contravention and the implications of the non-compliance.

11.32 All notices issued will include details of any applicable Appeals Procedures.

Forfeiture Proceedings

11.33 This procedure may be used in conjunction with seizure and/or prosecution where there is a need to dispose of goods in order to prevent them re-entering the market place or being used to cause a further problem. In appropriate circumstances, we will make an application for forfeiture to the Magistrates Courts.

Seizure

11.34 Certain legislation enables authorized Officers to seize goods, equipment or documents for example unsafe food, sound equipment that is being used to cause a statutory noise nuisance, unsafe products or any goods that may be required as evidence for possible future court proceedings. When we seize goods we will give the person from whom the goods are taken an appropriate receipt.

Injunctive Actions

11.35 In certain circumstances, for example, where offenders are repeatedly found guilty of similar offences or where it is considered that injunctive action is the most appropriate course of enforcement, then injunctive actions may be used to deal with repeat offenders, dangerous circumstances or significant consumer detriment.

- 11.36 Action under the Enterprise Act 2002; proceedings may be brought where an individual or organisation has acted in breach of community or domestic legislation with the effect of harming the collective interests of consumers. In most circumstances action will be considered where there have been persistent breaches or where there is significant consumer detriment. Action can range from:
- Informal undertakings;
 - Formal undertakings;
 - Interim Orders;
 - Court Orders;

Refusal, Suspension and Revocation of Licence

- 11.37 Where there is a requirement for a business to be licensed by the local authority, the licence may be granted unless representations or objections are received against the application. In such cases the Licensing Committee/panel will hear the case and decide to grant, grant with conditions, or refuse the licence application. In addition to the above, licences may be refused, suspended or revoked in respect of any of the matters set out in the London Local Authorities Acts 1990 to 2007 and any regulations made there under.

Simple Caution

- 11.38 A Simple Caution is an admission of guilt, but is not a form of sentence, nor is it a criminal conviction.
- 11.39 For a Simple Caution to be issued a number of criteria must be satisfied:
- Sufficient evidence must be available to prove the case;
 - The offender must admit the offence;
 - It must be in the public interest to use a Simple Caution;
 - The offender must be 18 years or over.
- 11.40 For details on the Home Office guidance (Circular 30/2005) visit: <http://www.homeoffice.gov.uk>.
- 11.41 We will also take into account the following when making our decision:
- The offender should not have received a simple caution for a similar offence within the last 2 years.
- 11.42 A record of the Caution will be sent to the Office of Fair Trading and the Local Authority Coordinating Body for Regulatory Services (LACORS) if appropriate, and will be kept on file for 2 years. If the offender commits a further offence, the Caution may influence our decision to take a prosecution. If during the time the Caution is in force the offender pleads guilty to, or is found guilty of, committing another offence anywhere in England and Wales, the Caution may be cited in court, and this may influence the severity of the sentence that the court imposes.

Prosecution

- 11.43 A prosecution will normally ensue where the individual or organization meets one or more of the following criteria:
- Deliberately, negligently or persistently breached legal obligations, which were likely to cause material loss or harm to others;
 - Deliberately or persistently ignored written warnings or formal notices;
 - Endangered, to a serious degree, the health, safety or well being of people, animals or the environment;
 - Assaulted or obstructed an Officer in the course of their duties.
 - The seriousness of compliance failure;
 - The business's past performance and its current practice;
 - The risks being controlled;

- Legal, official or professional guidance;

Proceeds of Crime Applications

11.44 Applications may be made under the Proceeds of Crime Act for confiscation of assets in serious cases. Their purpose is to recover the financial benefit that the offender has obtained from his criminal conduct. Proceedings are conducted according to the civil standard of proof. Applications are made after a conviction has been secured.

Determining whether a Prosecution or Simple Caution is viable and appropriate

11.45 We apply two 'tests' to determine whether a Prosecution or Caution is viable and appropriate. We follow guidance set by the Crown Prosecution Service when applying the tests.

11.46 For more information about the 'Code for Crown Prosecutors' visit: http://www.cps.gov.uk/victims_witnesses/code.html.

11.47 A Caution or Prosecution proceedings will only be progressed when the case has passed both the evidential test and the public interest test. The principles outlined apply equally to the other types of formal enforcement action that are available.

The Evidential Test

11.48 We must be satisfied that there is enough evidence to provide a 'realistic prospect of conviction' against each defendant on each charge. A realistic prospect of conviction is an objective test that means that a jury or bench of magistrates, properly directed in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a separate test from the one that the criminal courts themselves must apply. A jury or Magistrates' Court should only convict if it is sure of a defendant's guilt.

The Public Interest Test

11.49 The public interest must be considered in each case where there is enough evidence to provide a realistic prospect of conviction. We will balance factors for and against prosecution carefully and fairly. Public interest factors that can affect the decision to prosecute usually depend on the seriousness of the offence or the circumstances of the suspect. Some factors may increase the need to prosecute but others may suggest that another course of action would be better.

Who decides what enforcement action is taken

11.50 Decisions about the most appropriate enforcement action to be taken are based upon professional judgment, legal guidelines, statutory codes of practice and priorities set by the Council and/or Central Government.

11.51 Where appropriate, decisions about enforcement will involve consultation between or approval from:

- Investigating Officer(s);
- Senior managers from Regulatory Services;

Liaison with other regulatory bodies and enforcement agencies

11.52 Where appropriate, enforcement activities within Regulatory Services will be coordinated with other regulatory bodies and enforcement agencies to maximise the effectiveness of any enforcement.

- 11.53 Where an enforcement matter affects a wide geographical area beyond the borough boundaries, or involves enforcement by one or more other local authorities or organisations; where appropriate all relevant authorities and organisations will be informed of the matter as soon as possible and all enforcement activity coordinated with them.
- 11.54 Regulatory Services will share intelligence relating to wider regulatory matters with other regulatory bodies and enforcement agencies, and examples including:
- Government Agencies;
 - Police Forces;
 - Fire Authorities;
 - Statutory undertakers;
 - Other Local Authorities.

Considering the views of those affected by offences

- 11.55 Regulatory Services undertakes enforcement on behalf of the public at large and not just in the interests of any particular individual or group. However, when considering the public interest test, the consequences for those affected by the offence, and any views expressed by those affected will, where appropriate, be taken into account when making enforcement decision.

Protection of Human Rights

- 11.56 This Policy and all associated enforcement decisions take account of the provisions of the Human Rights Act 1998. In particular, due regard is had to the following:
- Right to a fair trial;
 - Right to respect for private and family life, home and correspondence.

Review of the Enforcement Policy

- 11.57 This Policy will be reviewed annually.

12. IMPLEMENTATION – PRIVATE SECTOR HOUSING SERVICE

Scope of Service

- 12.1 The offences and infringements covered by the Private Sector Housing Service include, but are not restricted to,
- Homes in need of repair;
 - Statutory nuisance;
 - Drainage;
 - Rodent infestations;
 - Houses in multiple occupation.

Aim

- 12.2 The aim of the Enforcement Policy is to ensure that residents in the private rented sector in Hackney live in safe and healthy homes.
- 12.3 Whilst many landlords behave responsibly enforcement powers are needed because despite advice, encouragement and the availability of grant aid, some landlords fail to provide housing for rent that meets minimum legal standards.
- 12.4 The Private Sector House Condition and Socio-Economic Survey, which was published in October 2001 showed that in the private rented sector, levels of unfitness remain high. Of an estimated 11,726 privately rented dwellings in Hackney, 2,500 were unfit for human habitation.
- 12.5 Unfitness levels are highest in houses in multiple occupation (HMOs), particularly those offering bedsit or hostel accommodation. Approximately 15,400 lettings are contained within the Borough's 2,800 HMOs and 85% of these are estimated to be unfit due to a lack of an adequate means of escape from fire. This endorses central government statistics which suggest that occupants of HMOs are five times more likely to suffer death or serious injury due to fire than those occupants of single family dwellings.
- 12.6 This situation is unacceptable and our aim is to secure improvement through enforcement. The policy shows that regulatory powers will be used in a fair, efficient and transparent manner.

Legislation

- 12.7 Private Sector Housing enforces various Acts of Parliament on behalf of the Council. This includes:
- The Housing Acts and related Orders and Regulations;
 - The Environmental Protection Act 1980;
 - The Public Health Acts 1936 – 1961;
 - The Building Act 1984;
 - The Prevention of Damage by Pests Act 1949;
 - Other relevant Acts, Regulations and By-laws.
- 12.8 These laws impose statutory duties or powers to deal with:
- Homes that contain Category One or Two Hazards or are need of repair/improvement;
 - Licensing of Houses in Multiple Occupation (HMOs);
 - Statutory nuisance (including refuse on private domestic land) and premises prejudicial to health;
 - Other public health nuisances;
 - Defective drainage;
 - Rodent infestations on private domestic land.

Enforcement

- 12.9 Although some proactive work is carried out, much of the enforcement work of the Private Sector Housing Unit is carried out in response to requests for service made by or on behalf of private sector tenants.
- 12.10 Compliance with the relevant standards may be secured informally by:
- Giving advice either verbally on site or by telephone;
 - Giving written advice;
 - Consideration of reasonable timescales to achieve compliance;
- 12.11 Or formally by:
- Informal and formal cautions;
 - Statutory notices or orders;
 - Recommendation for prosecution to the appropriate Court;
 - Works in default;
 - Injunctions;
 - Refusal, variation or revocation of an HMO Licence;
 - Conditions attached to an HMO Licence.

13. Monitoring, Assessment, Review

Monitoring and Assessment

13.1 Performance of Safer Neighbourhoods enforcement, along with the effectiveness of this policy, will be reported on using a number of evaluation tools and indicators. These include:

- National Indicator NI 195 – Improved street and environmental cleanliness (levels of litter, detritus, graffiti and fly posting);
- National Indicator NI 196 – Improved street and environmental cleanliness (fly tipping) / Fly capture database
- Statistics of enforcement actions, including warnings, cautions, successful and unsuccessful prosecution, and the numbers of FPNs issued, cancelled and subsequent payment rates
- Complaints statistics
- Resident satisfaction relating to a clean Hackney
-
- Regular reporting to the Safer Neighbourhoods Management Team
- Regular reporting to Hackney Council Cabinet Member for Neighbourhoods
- Annual Reporting to the Regulatory Committee

13.2 The Council will use these performance indicators to evaluate all of its work, in order to show its effectiveness in its adherence to statutory duties, and to identify and address any gaps in the delivery of the Safer Neighbourhood Directorate's enforcement function.

Review

13.3 The Council will periodically review this policy to reflect current guidance and opinions.

14. Complaints

Complaints

- 14.1 If you would like to make a complaint or if you are unhappy with any aspect of enforcement action please contact the Officer named on the correspondence you receive. Alternatively, please contact us:

By post Enforcement Compliance Manager
 PO Box 60476
 E8 9EJ
By phone 0208 356 4504
By email enforcementsupport@hackney.gov.uk

Appeals

- 14.2 If you are not satisfied with the response, you have the right to refer your complaint to a higher level through the Council's Complaints Procedure. If you would like a copy of the Council's Complaints Procedure or need help or advice about taking your complaint further you can contact:

By post Standards and Complaints Team
 London Borough of Hackney
 FREEPOST LON 18986
 E8 1BR
By phone 020 8356 3770
By email complaints@hackney.gov.uk
Online Using the on-line complaints form found on Hackney's website at
<http://www.hackney.gov.uk/complaints>

- 14.3 If a complainant is dissatisfied with the result of their complaint they could contact the Local Government Ombudsman. There are also statutory rights of appeal, which are contained within statutory notices and enforcement documentation.

15. Publication

- 15.1 To obtain a copy of this policy please contact:
- By post Environmental Enforcement Processing Unit
 Neighbourhoods and Regeneration
 PO Box 60476
 E8 9EJ
By phone 0208 356 4504 / 0208 356 4810
By email enforcementsupport@hackney.gov.uk

Appendix A – Central Government Enforcement Standards

The *Regulatory Compliance Code* (referred to in the Legislative and Regulatory Reform Act 2006) promotes an efficient, proportionate, risk-based and effective approach to regulatory inspection and enforcement in a way that supports, or even encourages, business and economic development. The core considerations it encourages regulatory organisations to follow are:

- Supporting economic progress — perform regulatory duties that minimise disruption to business productivity;
- Risk-assessment — undertake a risk assessment of all activities;
- Advice and guidance — help and encourage regulated entities to understand and meet regulatory requirements more easily;
- Inspections and other visits — focus resources on those least likely to comply;
- Data requirements — collaborate with other regulators to share data and minimise demand on businesses;
- Compliance and enforcement actions — apply formal enforcement actions proportionately and meaningfully, to be considerate, change behaviour and deter future non-compliance;
- Accountability — increase transparency through reports on outcomes, costs and perceptions of enforcement approaches.

The *Enforcement Concordat* (adopted by the Borough of Hackney in 1998) outlines a set of core 'Hampton' principles for enforcement:

- Standards — draw up clear standards in consultation with affected parties on the service and performance levels they can expect to receive;
- Openness — widely distribute clear information and advice on the service and how to comply with the enforcement process;
- Helpfulness — help business by advising on and assisting with compliance, and providing a courteous, efficient and easily-contactable service;
- Complaints about service — have a clear and well-publicised complaints procedure, with details of the processes and time-scales through which complaints will be resolved;
- Proportionality — ensure that enforcement action is proportionate to the risks involved, taking into account the circumstances of the case and the attitude of the operator when considering action;
- Consistency — ensure fair, equitable and consistent enforcement practices, while recognising the specificities of individual cases and contexts.

Appendix B – Glossary of Terms and Legislation

- | | |
|------------------------|--|
| • The Council | The local authority for the London Borough of Hackney |
| • FPNs | Fixed Penalty Notices |
| • Officers | Council employees explicitly authorised to undertake enforcement duties within a particular service area |
| • ASBA 2003 | Anti Social Behaviour Act 2003 |
| • CNEA 2005 | Clean Neighbourhoods and Environment Act 2005 |
| • EPA 1980, 1990 | Environmental Protection Act 1980 and 1990 |
| • LLA 1990, 2004, 2007 | London Local Authorities Acts 1990, 2004 and 2007 |

Appendix C – Legislation and Penalties

The following table lists some of the penalties, including Fixed Payment Notices (FPNs) that the Council and authorised Officers may issue for different offences. Changes and additions to this list may be made as Council policy is updated in line with legislative developments, changed regulations and evolving best-practice across Local London Authorities.

<i>Description of Offence</i>	<i>Relevant Legislation</i>	<i>Penalties / Fixed Payment Notices (FPN)</i>	<i>FPN Early Payment</i>	<i>Max. Penalty in Court</i>
Noise				
Excessive noise from dwellings at night (11pm – 7am)	Noise Act 1996, S.8 ASBA 2003 S.42	£100 FPN	£60	£1,000
Breach of a noise abatement notice	EPA 1990 S.80 LLA 2004 & 2007 Noise Act 1996	£100 FPN and/or seizure of noise-making equipment (Residential) £400 FPN and/or seizure of noise-making equipment (Industrial/Trade/Licensed/Business)	£60 (Residential) £240 (Non-residential)	
Excessive noise from licensed premises	Noise Act 1996 S.8 CNEA 2005 S.84 ASBA 2003	£500 FPN and/or shut down premises for 24 hours	N/A	£5,000
Failure to nominate alarm key-holder or to notify local authority in writing of key-holder's details in an alarm notification area	CNEA 2005 S.73	£75 FPN		£1,000
Alarm sounding and key-holder cannot be contacted	CNEA 2005	Warrant for forced entry to silence alarm		
Construction site noise at irregular hours	Control of Pollution Act 1974 S.60 & S.61	Restrictions on equipment, hours of use, and noise levels		
Noise nuisance as part of a wider pattern of harassment or distressing others	Crime and Disorder Act 1998 ASBA 2003	Anti Social Behaviour Orders and Acceptable Behaviour Contracts		
Litter and Waste				
Litter (depositing)	EPA 1990 S.88	£80 FPN	£50	£2,500
Breach of a Street Litter Control Notice or a Litter Cleaning Notice	EPA 1990 S.94 EPA 1990 S.92C	£110 FPN	£60	£2,500
Commercial dumping of waste	EPA 1990 S33	£300 FPN	£180	£50,000

<i>Description of Offence</i>	<i>Relevant Legislation</i>	<i>Penalties / Fixed Payment Notices (FPN)</i>	<i>FPN Early Payment</i>	<i>Max. Penalty in Court</i>
Residential dumping of waste	EPA 1990 S.46	£100 FPN	£60	£1,000
Failure to produce Waste Transfer Notes	EPA 1990 S.34 EPA Regulations 1991 R.4	£300 FPN	£180	£5,000 – unlimited
Failure to provide Waste Carrier's Licence	Control of Pollution Act 1989 CNEA 2005 S.5B	£300 FPN	£180	£5,000
Breach of a waste receptacle notice	EPA 1990 S.47ZA	£110 FPN	£60	£1,000
Graffiti, Fly tipping, dog control				
Offensive graffiti (racially/sexually offensive, homophobic, violent, defamatory)	LLA 2005	Prosecution		
Graffiti	TCPA 1990 CNEA 2005 S.28 ASBA 2003 S.43 Crime and Disorder Act 1998	£80 FPN, and/or Anti Social Behaviour Orders (ASBOs)	£50	£2,500
Breach of a graffiti removal notice	LLA 1995 & 2004	Recovery of reasonable costs for works in default as applicable.		
Fly posting	ASBA 2003 S.43 CNEA 2005 S.34 LLA 2007 TCPA 1990 S. 224, S.225	£80 FPN, and/or recovery of costs to remove fly-posting, and/or bans on displays in designated areas, and/or and seizure of items	£50	£2,500 – £20,000
Unauthorised distribution of literature on designated land	EPA 1990, Schedule 3A, Par. 7	£80 FPN	£50	£2,500
Breach of dog control conditions	CNEA 2005 S.59	£80 FPN	£50	£2,500
Failure to remove dog fouling	Dog Fouling Act 1996	£50 FPN	N/A	£1,000
Highways and street trading				
Obstruction of highways ('A' Boards, unlicensed skips, scaffolding, unlicensed hoarding, temporary cross-overs, etc)	Highways Act 1980 LLA 1990 Transport for London Act 2003	£100 FPN		
Contraventions of street trading conditions or failure to produce street trading licence on demand	LLA 1990, 2004, 2007	£100 FPN and/or seizure of items		
Unlicensed street trading	LLA 1990, 2004, 2007	£150 FPN and/or seizure of items		

Note

- Fines will be retained by the Council to fund prevention and enforcement actions and improve the quality of the local environment.