



## What to do if you are not happy with the action we plan to take

### Making representations

We provide a procedure for you to make representations so that we can take your circumstances into account before we take enforcement action. This will not happen in serious cases where we must take immediate action.

We will write to you explaining why we are considering taking enforcement action. You may then make representation to the appropriate unit manager.

You should only make representations if you feel that any of the following apply to you:

- What we are asking you to do is too harsh considering the harm you are causing by not staying within the law.
- What we are asking you to do goes beyond what you must do by law.
- The officer dealing with the case has not considered all the relevant facts or has not looked at other ways of dealing with the problem.
- Your alternative proposal does not go against government guidelines or local policies.

If you want to make representations, you should do so in writing within fourteen days of receiving our letter.

If you want to meet a senior officer to discuss the case you must tell us within seven days of receiving our letter.

### Legal Rights of Appeal

Your opportunity to make representations about your case does not affect your legal right to appeal against enforcement notices. All notices we send will include information about your legal rights.

### Complaints

If you are not satisfied with our service, please speak to us. We will explain our complaints procedure and send you more information about how to make a formal complaint about our services and how to take the matter further if the issue is still not resolved.

More information is available from:

✉ Environmental Health  
South Somerset District Council  
Brympton Way  
Yeovil  
Somerset BA20 2HT

☎ 01935 462462  
(8am to 6pm Monday to Friday)

✉ [pollution.control@southsomerset.gov.uk](mailto:pollution.control@southsomerset.gov.uk)

Published by:

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[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

If you would like this document translated into other languages or into Braille, large print, audio tape or CD, please contact:

☎ 01935 462462

Dokument ten jest na życzenie udostępniany w językowych polskim.

Este documento encontra-se disponível em Português, a pedido.



## Environmental Health Service



## Understanding Our Enforcement Policy

## Introduction

This leaflet contains information about our enforcement policy. If you want to find out more or to see a copy of the full policy please telephone 01935 462462. Alternatively, you can see a copy on our website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

Effective and well-targeted regulation is essential for promoting fairness and protecting the health, safety, environment and wellbeing of our residents, visitors and businesses. However, regulation and its enforcement should also be proportionate and flexible enough to allow economic progress.

## Our Approach to Enforcement

Our enforcement will have due regard to the Statutory Code of Practice for Regulators, and will also take a positive and proactive approach towards ensuring compliance by:

- Helping and encouraging people to understand and meet regulatory requirements more easily, and
- Responding proportionately to regulatory breaches and ensuring that our efforts and resources are targeted where they are most needed.

We will use our enforcement powers to make sure that the public, employees, customers, animals and the environment are protected from harm. We will not use our enforcement powers unless we have to.

Every person who breaks the law will be dealt with according to the circumstances of the case and whether local people's health and safety, the environment or public wellbeing is affected.

## Applying the Policy

Wherever possible, officers will seek to find solutions that are arrived at by agreement and co-operation. However, there will be circumstances in which enforcement is needed and we will not shrink from using our full legal powers, including prosecution, where it is necessary to do so.

## Minor Breaches of the Law

If you are willing to put things right, we will normally just give a written or verbal warning or revisit to check that work has been done.

If we write to you, we will make it clear whether we are telling you something you **must** do, or just giving you advice about things you **may** do.

## Significant Breaches of the Law

Where there is a risk of nuisance, or harm to the environment, local amenities, health or safety, we will usually send you the most appropriate notice immediately. The notice will either require you to stop doing something or to carry out necessary improvements to resolve a breach of the law.

A notice is a formal document requiring you to do something and which can be enforced in the courts or directly by the council. Failure to comply with many notices is a criminal offence.

Notices will continue in force until complied with, withdrawn by the council or quashed by a court. Notices may be declared by the council on searches and you may be required to disclose a notice on the sale of your property.

We will also write to tell you how and when you can appeal against our decision and whether we will delay our enforcement action until after the appeal has been decided.

## Serious Breaches of the Law

We may prosecute you if you do any of the following:

- Create a serious risk of nuisance, or serious harm to the environment, local amenities, health or safety.
- Show an obvious or persistent disregard of your legal responsibilities.
- Fail to meet the requirements of an enforcement notice.
- Obstruct one of our officers.
- Commit an offence which is so serious that other forms of action would be inappropriate.

Before we decide whether to prosecute you, we will consider the following:

- How serious the offence is.
- Whether you are willing to prevent the problem from happening again.
- How the public would benefit if you were prosecuted.
- Whether other, less serious, action would be as effective or more appropriate.
- Any explanation you offered about the offence.

If we decide to prosecute you, we will do so as quickly as possible.

