



Enforcement in Waltham Forest

A guide

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1. Foreword



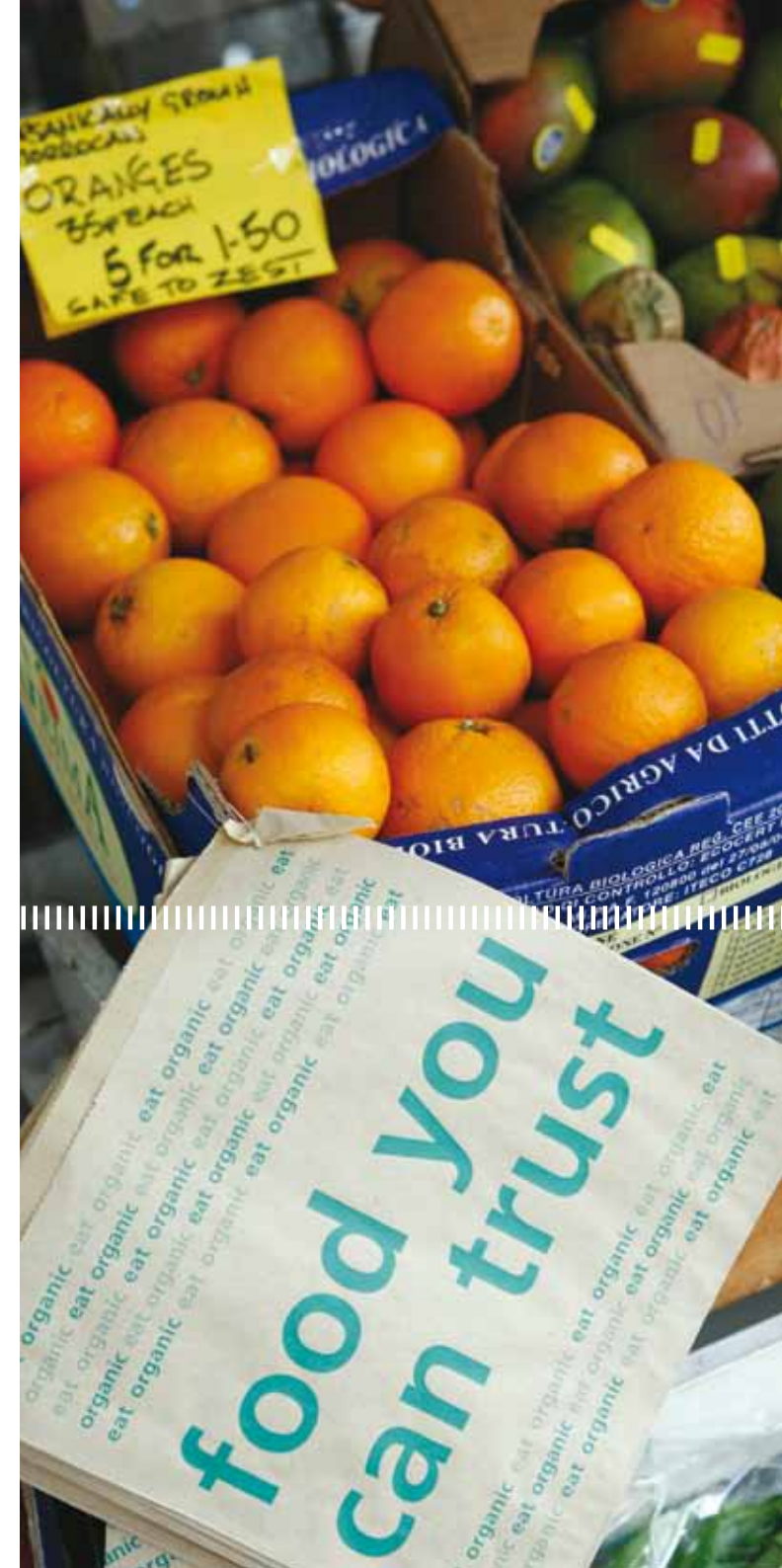
Cllr Afzal Akram
Cabinet Member for Community Safety
Enforcement and Protection

Waltham Forest is an enforcing authority, we are committed to protecting our residents and our environment. Enforcement is essential to improve and look after the areas in which we live and invest in. This guide will explain how enforcement works in Waltham Forest and what you can expect from us.

Our services have different enforcement roles and responsibilities such as tackling fly-tipping and graffiti on our streets, dealing with anti-social behaviour in your neighbourhoods or ensuring the food premises in the borough meet food safety standards.

We are determined to do all we can to provide services that address these concerns, taking appropriate enforcement action where necessary.

We are working together, with the support and involvement of the community to help keep our borough a safer, cleaner and a more welcoming place to live and work.



2. Enforcement

Our roles and responsibilities

We have a number of services with different roles and responsibilities working together towards enforcement and inspection in the borough.

Environmental crime

The Council deals with environmental crimes such as littering, graffiti, fly posting, dog fouling, fly-tipping, waste disposal and highway obstruction. These offences are illegal, unacceptable and a blight on our communities. We will fine and where appropriate prosecute anyone who is caught committing these offences.

Anti-social behaviour

Anti-social behaviour can be acts of violence, harassment or unacceptable behaviour. We are working with the police, residents and local agencies to stop all forms of anti-social acts ensuring that measures are put in place to prevent future repetition protecting victims, witnesses and the community.

Housing standards

We know that residents often feel uneasy about having houses in multiple occupation (HMO's) in their area. There may be concerns about disturbances, noise, maintenance, safety and the welfare of the tenants.

We keep a register of all licensed HMO's in the borough. If we discover a HMO operating without a licence, we will take action.

Planning enforcement

Most breaches of the planning rules are brought to our attention by residents or as we monitor development under way.

When development takes place without permission, the Council has a full range of enforcement powers available to establish whether a breach of planning control has taken place, what harm is caused because of the breach and how to remedy the situation.

Licensing

The purpose of licensing is to protect the health, safety and welfare of residents, visitors and businesses whilst encouraging fair trading.

The Council is responsible for the enforcement and regulatory functions of all public control licensing in the borough, this include licences for clubs, pubs, gambling premises and businesses selling explosives.

The Licensing Act 2003 requires us to carry out our duties with a view to promoting four licensing objectives. These are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

These objectives are to ensure that licensable activities are done in the public interest.

2. Enforcement

Our roles and responsibilities

Trading standards

We will visit, inspect and test products and services to ensure that trade is carried out lawfully, fairly and safely. The work of trading standards impacts on residents, consumers and traders.

We support businesses and the public by giving free legal advice so that the highest standards are maintained, dealing with consumer and business advice, underage sales, counterfeiting, product safety and fair trading.

Food safety

The Council enforces food safety legislation in over 2,000 food premises in the borough. We aim to protect the health of all people by ensuring food and drink available in our borough is safe to consume.

We do this by:

- Carrying out routine inspections
- Investigating serious food complaints
- Taking legal action against food businesses that breach food safety law and pose a risk to public health



Health and safety

We enforce the laws relating to health and safety at work, and offer advice to businesses, workers, and the public.

This means we:

- Inspect businesses
- Deal with complaints and enquiries from employees and the public
- Investigate accidents (around 180 each year)
- Promote healthy and safe practices

Our priorities are to tackle the most common causes of time off work which are:

- Slips and trips
- Falls from height
- Workplace transport
- Work-related stress
- Muscle and joint pain

We also aim to reduce ill health and accidents at work.

2. Enforcement

Our roles and responsibilities

Noise

Noise such as loud music, noise from houses, pubs, shops and construction and building worksites effect the quiet enjoyment of everyday life.

We will take action to prevent nuisance from noise such as:

- Loud music that prevents you or your family sleeping or relaxing
- Building sites or factories that make noise early or until late at night
- Intruder and car alarms which repeatedly sound for long periods
- Persistent and prolonged noise from animals

Pollution

Many health problems are caused by exposure to hazardous or toxic substances through land, air or water pollution. We take enforcement action to ensure standards are met to protect the community from harmful pollution.

Public health

Basic public health requirements are necessary to prevent the spread of disease. We ensure that premises are kept free from public health pests by a mixture of enforcement advice and baiting. We also deal with premises which are filthy or have drainage problems.



3. Enforcement

Our powers

The Council has a variety of enforcement powers available to use.

Where there has been an alleged breach of legislation, there are several alternatives for action depending on the nature and seriousness of the incident.

We aim to provide enforcement services in a fair and consistent way, however we will, when necessary, take firm action against those who commit serious offences, or those who consistently breach the law.

Below are the enforcement actions available (not all actions are available to all areas of enforcement).

Informal advice

Where there is evidence of non-compliance (failing or refusal to comply), we may choose to educate residents or businesses in order to encourage them to comply by offering advice, verbal warnings, the use of letters and the issue of inspection reports before using a more formal approach.

Trading standards make regular advisory visits to traders to assist them in complying with the law on areas such as selling knives to underage children, we also offer talks to schools, groups and businesses promoting consumer rights and food safety awareness.

Simple caution

A **simple caution** is used to deal quickly and simply with people who commit less serious crimes. It aims to divert offenders away from court, and to reduce the likelihood that they will offend again.

If you are given a simple caution you will be officially warned about the unacceptability of your behaviour, and the likely consequences of committing further crimes will be explained to you.

In order for us to issue an official caution, the offender must admit to the offence. People causing anti-social behaviour can be cautioned following complaints.

Enforcement notices

Enforcement notices are written statutory notices to those in breach of rules or regulations. The notice will confirm the law, what offence is being committed, what actions need to be taken to resolve the situation and by when. Notices come with the threat of further action if corrective work is not undertaken (fine, closure of premises or prosecution).

The Council can issue notices to clear a private land if considered harmful or damaging to the area (for example a garden filled with waste).

Stop notices

These types of notice apply particularly to planning enforcement. Stop notices are given when planning regulations are being breached to a serious enough degree to require work to stop immediately.

4. Enforcement

Our powers

Fixed penalty notice

Fixed penalty notice can be issued to anyone over ten years of age for certain offences specified by the law and generally deal with environmental offences such as littering, graffitiing, dog fouling or making loud noise causing neighbours to complain. Fixed penalty notices are not the same as criminal convictions; however failure to pay your fine may result in a court appearance with higher fines or imprisonment.

Immediate or direct action

In circumstances where immediate enforcement action is needed due to the seriousness of the breach, direct action can be taken. We will provide written information at the time explaining why the enforcement action is being taken, the regulation being broken and processes to appeal. For example if we have seized goods, we will leave a receipt providing details of these goods and how to contact the Council.

The use of this type of action is determined by the type or the severity of the offence, such as the immediate closure of a food premises for a breach of hygiene standards that could pose an immediate risk to public health.

Prosecution proceedings

We regard prosecution as a very significant step. This type of action is usually a last resort or where it is in the public interest to do so.

We take into account when considering prosecution:

- The seriousness of the offence
- If any cautions and notices have been ignored in the past
- Whether the offence is deliberately and persistently repeated
- Whether there has been an element of dishonesty or a blatant disregard of legislation
- If the breach could directly impact on public safety

Prosecution proceeding action can include seeking an anti-social behaviour order for someone with persistent and unacceptable behaviour or prosecuting an offender who has refused to pay a fixed penalty notice.

Injunctions and other civil sanctions

In order to prevent very serious or repeated breaches, the Council can seek injunctions from the High Court; this action is usually taken as a last resort.

Under the Enterprise Act 2002 trading standards can take action against traders who do not meet their legal obligations under a range of consumer protection laws. As a final sanction, the County Court can issue an Enforcement Order.

Works in default

In certain cases, following a Notice or Order that has been served and not complied with, the Council can arrange for works to be carried out by a contractor and then recover the costs from the appropriate person.

We have the power to serve notices on the owner or appropriate person of properties that are hazardous, dangerous and do not comply with legal requirements. If the owner does not carry out the works within the specified time, then the Council may do the works in default and recharge the owner for the work carried out.

4. Our commitment to you

The Council have adopted the principles of the Enforcement Concordat, which sets out the code of practice of good enforcement.

The concordat sets standards clearly outlining the level of service the public and businesses can expect to receive. It encourages fair and open regulation and commits us to ensuring our enforcement services work with businesses to assist them comply with the law.

The principles are:

- **Openness:** We will provide clear and open information to residents and businesses about the rules that apply to them.
- **Helpfulness:** We will work with businesses and residents providing advice and assistance.
- **Standards:** We will set clear standards.
- **Proportionality:** We will ensure that enforcement action is proportionate to the risks involved, as far as the law allows.
- **Complaints:** We have a clear and accessible complaints procedure.
- **Consistency:** We will ensure that duties will be carried out in a fair and consistent manner.



Contact us:

- For more information on enforcement in Waltham Forest
- To report environmental crime or an enforcement problem

Call **Waltham Forest Direct** on **020 8496 3000**

Email wfdirect@walthamforest.gov.uk

Visit www.walthamforest.gov.uk

