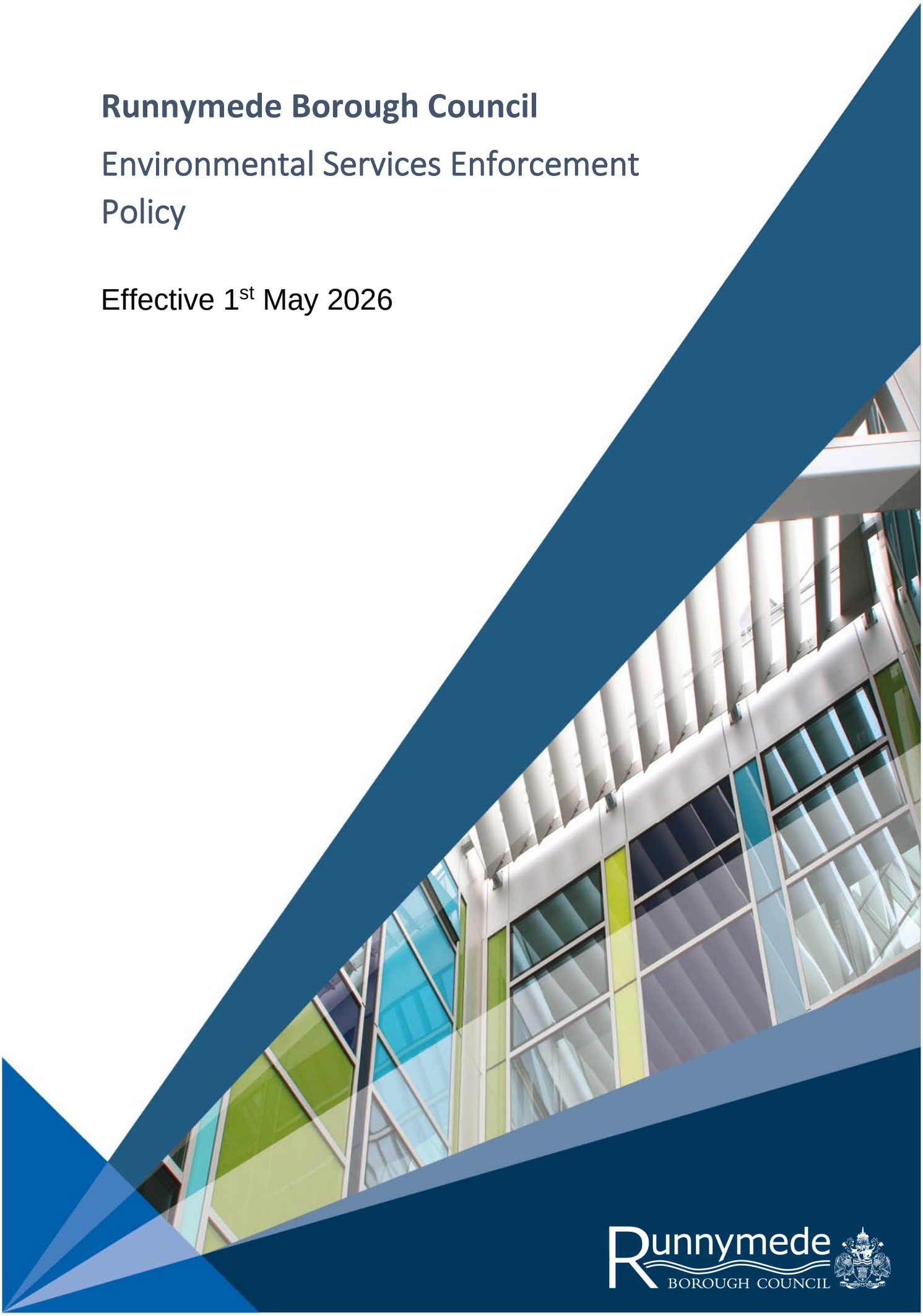
Runnymede Borough Council

Environmental Services Enforcement Policy

Effective 1st May 2026



Environmental Services Enforcement Policy

1. Background

A clear Enforcement Policy which is monitored, regularly reviewed and updated is required to ensure that all those who work, live and visit the Borough of Runnymede have a clear understanding of the Environmental Services enforcement standards.

2. Introduction

This policy sets out the Council's principles for enforcement for the following key areas (not exhaustive);

- food safety,
- health & safety at work,
- private water supplies,
- infectious disease control,
- statutory nuisance;
- industrial installation pollution
- contaminated land,
- air quality,
- licensing of taxis & private hire vehicles,
- alcohol licensing (including premises and personal licences),
- gambling,
- lotteries
- scrap metal collectors
- stray dogs
- animal activities licensing and other licensing functions.
- Caravan/park home licensing
- Waste enforcement
- Open spaces (byelaws)
- Drainage

2.1 Enforcement includes council officers giving advice, carrying out visits and inspections, responding to complaints and service requests, assisting consumers and businesses to comply with statutory duties, licensing requirements and taking formal enforcement action where warranted against those who breach the law.

2.2 The primary aim of our enforcement policy is to protect the health, safety and welfare of the public and the environment in its widest sense.

2.3 The enforcement policy outlines how the wider Environmental Services carries out its enforcement role when delivering the various services outlined above and sets out what businesses, residents and visitors can expect from Enforcement Officers. In addition to the main policy individual areas of work may also be covered by a more focused enforcement area or activity specific protocol or policy.

2.4 All policies and protocols will be reviewed and updated at least every five years to take into account new legislative requirements, guidance from central government, respective national bodies and best practice.

3. Objectives of the Enforcement Policy

3.1 To ensure protection of the public and the environment, from unsafe food, premises, work practices, products, unscrupulous and illegal traders, noise, atmospheric or land pollution, public health pests, and stray dogs.

3.2 To stop, control and prevent any untoward practices prejudicial to the health of the public and thereby protect the health of the public.

3.3 To achieve compliance through informal action and through an enabling and supportive relationship with businesses and the public. Formal enforcement procedures, including prosecution, will only be used where in the opinion of the Council or its officers there is a serious or imminent risk of injury to health or personal injury, a blatant disregard for the law, breach of statutory duty, deliberate intent or serious negligence or in accordance with a specific protocol.

3.4 To ensure a consistent approach with regard to openness, helpfulness and proportionality to the risk posed.

3.5 To promote and maintain a consultative and participatory relationship with businesses, consumers and service users.

3.6 To have a better informed community and thus reduce the need to rely on regulatory intervention for compliance with legislation.

3.7 The Environmental Services are committed to implementing policies and procedures that subscribe to principles of good enforcement. In forming this policy due consideration has been paid to the Regulators' Code April 2014 (having statutory effect under section 23 of the Legislative and Regulatory Reform Act 2006) and centrally issued guidance.

4. The Key Aspects of the Policy

4.1 All enforcement actions and investigations work whether formal or informal will be undertaken in accordance with and are based on applicable legislation, with due regard to statutory codes of practice and statutory guidance, and consideration of guidance including:

- Relevant Acts of Parliament
- Codes of Practice made under the key relevant acts for each enforcement area e.g. Home Office Powers of Entry: Code of Practice (December 2014)
- Primary Authority scheme statutory responsibilities and guidance under the Regulatory Enforcement and Sanctions Act 2008
- Relevant Central & National Guidance, such as those from:
  The Food Standards Agency (FSA),
  The Local Government Association (LGA),
  The Health & Safety Executive (HSE) & their Local Authority Unit (LAU),
  The Department of Environment, Food & Rural Affairs (DEFRA),
  The Environment Agency (EA),
  The Drinking Water Inspectorate (DWI),
  The Chartered Institute of Environmental Health (CIEH); and
  The Office for Product & Safety (OPSS) .
- Benchmarking exercises with other Local Authorities

5. Prevention and Promotion

It is recognised that most businesses, licensees, landlords and individuals want to comply with the law and the Environmental Services actively seeks to promote awareness about the standards it applies through: -

- routine inspections of premises and practices
- investigatory visits in response to complaints
- persuasion, advice, information and training
- consider reasonable adjustments to ensure people are not put at a disadvantage due to protected characteristics, such as providing information in alternative formats (braille etc.) where necessary
- rewarding business operating exceptionally high standards, for example of food hygiene under the FSA (Food Hygiene Rating Scheme) FHRS via positive endorsement via the Council's social media channels
- taking firm action against blatant breaches of the law

6. Enforcement Actions

In the event of non-compliance with statutory requirements, a range of enforcement actions are available, these include: -

6.1 Informal Action

Use of compliance advice, guidance and support as a first response in the case of many breaches of legislation that are identified. Advice is provided, sometimes in the form of a warning letter, to assist individuals and businesses in rectifying breaches as quickly and efficiently as possible, avoiding the need for further enforcement action. A warning letter (sometimes called an 'informal caution') will set out what should be done to rectify the breach and to prevent re-occurrence. If a similar breach is identified in the future, this letter will be persuasive in considering the most appropriate enforcement action to take on that occasion. Such a letter cannot be cited in court as a previous conviction but it may be presented in evidence.

The Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. However any failure to honour voluntary undertakings is taken very seriously and formal enforcement action is likely to result.

6.2 Formal Action

6.2.1 Statutory notices: Notices requiring compliance immediately or within a specified time, and prosecutions will normally be confined to serious breaches of the law. For breaches posing a nuisance or considerable risk to the health of the public, specific individuals or the environment The Council will serve either an improvement or abatement notice requiring compliance immediately or within a specified time. Where there is imminent risk of serious personal injury, prohibition powers in the form of prohibition notices/orders will be used to stop the activity or close down the premises. These powers may involve seizure and detention of the offending equipment where necessary. In addition the proprietor/landlord or individual responsible may be prosecuted in the Magistrates Court.

6.2.2 Simple Caution where an offence is admitted: This procedure is an alternative to taking action in the Courts. Once a simple caution has been administrated, should a further offence be committed, it may be cited in any subsequent Court proceedings. A Simple Caution is a serious matter and it is recorded by the Council and where applicable on the Police National Computer. Cautioning is recognised as an

increasingly important way of keeping offenders out of Court and in many circumstances reducing the risk that they will re-offend. In considering and issuing simple cautions we will have regard to the Ministry of Justice Guidance April 2015 – Simple Cautions for Adult Offenders. The caution will be administered by a Senior Officer who has been designated a 'Cautioning Officer' (e.g. the Corporate Head of Environmental Services or the Environmental Health Manager).

6.3 Fixed Penalty Notices (FPN)/Penalty Charge Notices (PCN): The Council has powers to issue fixed penalty notices in respect of some breaches of legislation. A fixed penalty notice is not a criminal fine, and does not appear on an individual's criminal record. If a fixed penalty is not paid, The Council may commence criminal proceedings or take other enforcement action in respect of the breach.

If a fixed penalty is paid in respect of a breach The Council will not take any further enforcement action in respect of that breach. Payment of a fixed penalty does not provide immunity from prosecution in respect of similar or recurrent breaches. The Council is only able to issue fixed penalty notices where it has specific powers to do so. If fixed penalty notices are available, their issue is at The Council's discretion. With respect to litter and dog fouling issues The Council operates a 'zero tolerance' policy, a FPN will be offered in all cases. In some circumstances, in particular where breaches are serious or recurrent, it may be that prosecution is more appropriate than the issue of a fixed penalty notice.

6.4 Prosecutions The decision to prosecute does not preclude the issue of legal notices as well. Prosecutions have a preventative role in drawing attention to the need for compliance and the maintenance of good standards. We will apply the principles of "Criminal Procedures & Investigations Act 1996" the "Crown Prosecutors" statutory Code of Practice and the Regulators' Code as well as Home Office Guidance, when making decisions on the course of action to be taken in any particular case.

6.4.1 In deciding whether to prosecute or not, we will consider the following matters: -

6.4.1.1 The gravity of the offence/s, for example whether: -

- there has been blatant disregard for the law, deliberate intent or serious negligence
- there are persistent poor standards and/or malpractice
- there has been ill health as a result of a substantial legal contravention
- a particular contravention has caused serious public alarm
- those affected are particularly vulnerable
- failure to comply with the requirements of notices issued

6.4.1.2 The general record and approach of the offender, for example: -

- repeated breaches of legal requirements or license conditions or various breaches of a multiple concern and, where it appears that an individual or a company is neither willing nor able to deal adequately with these
- failure to comply with statutory notices where matters of significant concern are persistent rather than transitory
- previous convictions or cautions which are relevant to the offence
- offending was or is likely to be continued, repeated or escalated

7. Our Standards

7.1 Consistency: We will: -

- carry out our duties in an efficient, fair, courteous and consistent manner
- have in place in-house procedures and arrangements which are reviewed and updated regularly to promote consistency in the way we deliver the service
- have in place effective arrangements for liaison with other Local Authorities and enforcement bodies such as LGA, FSA, HSE, Fire Authority, Police Authority, EA, etc., particularly where there is a shared enforcement role.
- draw up yearly activities, priorities and targets, setting out the level of service and performance the public and businesses can expect to receive through our Annual Service Plans

7.2 Openness: We will: -

- provide information and advice in plain language on the rules we apply where applicable
- be open about how we set about our work, including the charges that we set
- discuss general issues and specific compliance failings or problems
- provide an opportunity to discuss the circumstances of a case and, if possible, resolve points of difference before enforcement action is taken (unless immediate action is required)
- give an explanation of why immediate action is required
- provide information on the rights of appeal against formal action

7.3 Helpfulness: We will: -

- actively work with individuals, businesses, especially small and medium sized businesses, to advise on and assist with compliance
- provide a courteous and efficient service and our staff will identify themselves by name
- provide a contact point and telephone number for contacting us and we will encourage individuals and businesses to seek advice/information from us
- deal with applications for licences, registrations and consents in accordance with service standards
- ensure that wherever practicable our enforcement services are effectively coordinated to minimise unnecessary overlaps and time delays
- have provision to visit a business out of normal office hours at times when the business is available where practicable

7.4 Proportionality: We will: -

- As far as the law allows, minimise the costs of compliance for individuals and businesses by ensuring that any action reflects the risks involved
- as far as the law allows, take account of the circumstances of the case and the attitude/actions of the individual or organisation when considering action
- take particular care to work with individuals, small businesses, voluntary and community organisations so that they can meet their legal obligations without unnecessary expense
- ensure that information given to a business or individual, whether written or verbal, will clearly identify those requirements which are mandatory and those which are advisory or are recommendations of best practice

8. Publicity

8.1 The Council may publicise cases of businesses, licensees, and individuals it successfully prosecutes for relevant offences as well as those it rewards for

implementing very high standards. Names of companies and individuals convicted of offences maybe published on the Council's website or through social media. Cases subject to an active appeal will not usually be published, until the applicable appeals process has elapsed.

8.2 Information related to enforcement notices issued by the Council may appear on the Council's website or social media outlets. Notices which are withdrawn or subject to an active appeal will not be published.

9. Consultation With Customers: We will: -

9.1 Make our enforcement policy available publicly and assist all in complying with relevant areas of the law.

9.2 Provide anyone with the opportunity to provide feedback and comments relating to our enforcement policy. Feeback can be provided by email to environmentalhealth@runnymede.gov.uk , by writing to the address given in section 10 below.

9.3 Respond to anyone enquiring about or commenting on our enforcement policy.

10. Complaints and Appeals

We subscribe to the Council's corporate complaints procedure. In addition, the majority of legislation enforced by officers of the Environmental Services division have an in built appeals procedure prescribed within.

If you do not agree with any action taken by an officer you should contact the Environmental Health Manager, whose details are given below.

Environmental Health Manager
Runnymede Borough Council
Runnymede Civic Centre
Station Road
Addlestone
Surrey KT15 2AH
Tel. No. 01932 425733

A service user can still make a complaint in cases where the Council has instigated legal proceedings. However, making a complaint will not stop any impending legal action.

Where statutory notices have been served, making a complaint does not replace the statutory rights of appeal or the right to make representations. It also does not allow extra time to comply with any notice or order.

If a service user disagrees with a statutory notice, they should take action as specified in the notice or order to make an appeal, if any route to appeal exists. Reference should be made to any notes that may accompany the notice or order for more detail.

This Enforcement Policy supersedes and replaces all earlier enforcement policies relating to Runnymede Borough Council Environmental Health Services.

For all information contained within this document contact:

Runnymede Borough Council
The Civic Centre
Station Road
Addlestone
Surrey KT15 2AH

Tel 01932 838383

email: environmentalhealth@runnymede.gov.uk

www.runnymede.gov.uk

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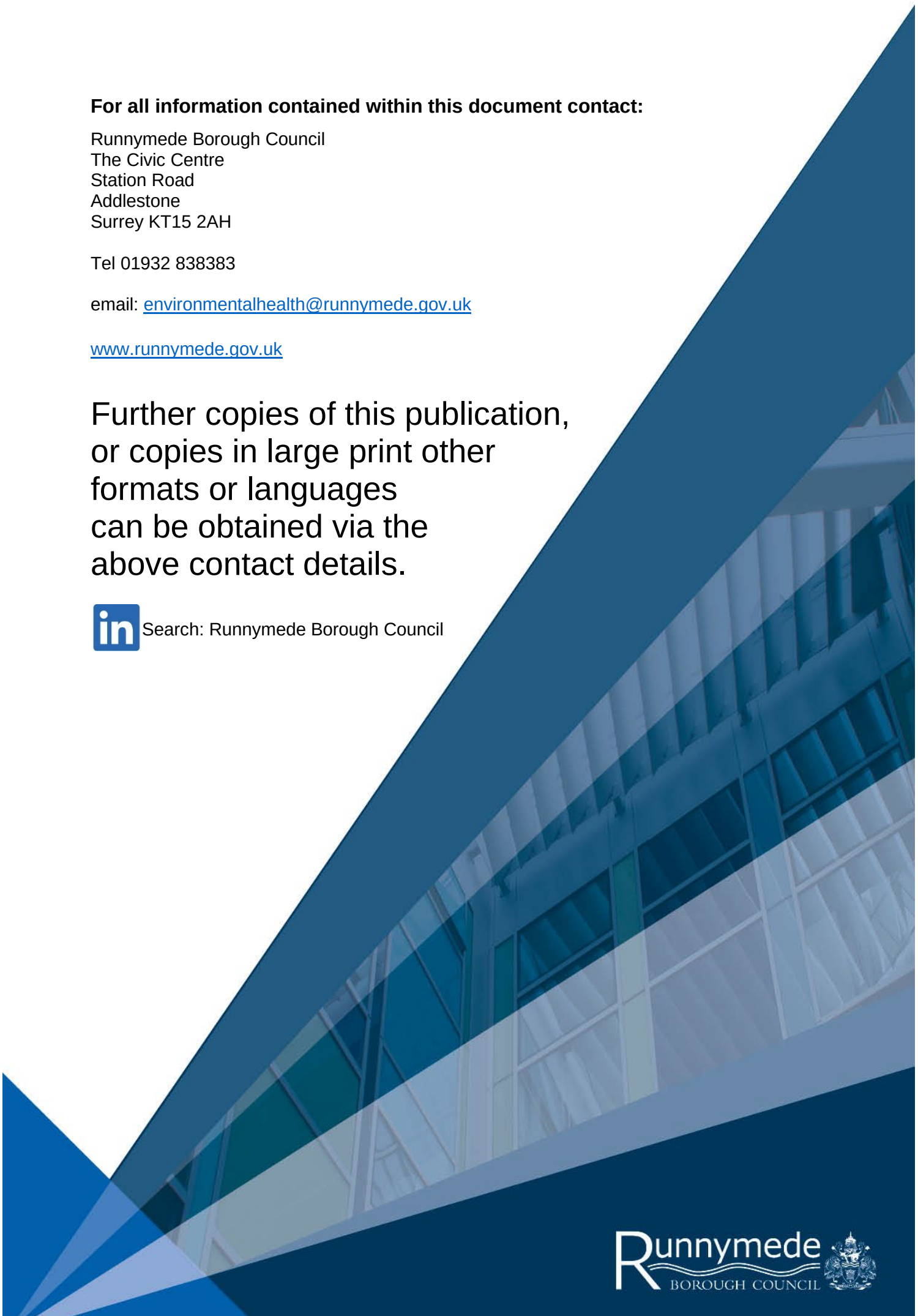
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