

**Nottingham City Council – Communities Directorate**  
**Service Standards**

**What you can expect from Communities Regulatory Services in Nottingham City Council.**

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This document explains what you can expect of Communities Regulatory Services in Nottingham City Council. Whether you run a business, are an employee or a member of the public, we are committed to supporting the Council's Plan to make Nottingham a safe, clean and ambitious city by providing you with an efficient, courteous and helpful service. This document is subordinate to the Council's Enforcement Policy and tells you how we aim to carry out enforcement duties and what standards we will meet.

Regulatory Services support the Council's aim to support businesses and to promote the local economy so it offers residents the means and opportunities to realise their potential. We will work with businesses, business groups and partners to support and promote a thriving economy while protecting citizens from harm.

**Areas we regulate**

We deliver services in a number of areas. The key areas of work are below but the list is not exhaustive;

<b>Pollution/Environmental Protection</b>	<b>Private Sector Housing</b>	<b>Food Safety &amp; Food Standards</b>
<b>Health and Safety</b>	<b>Trading Standards</b>	<b>Fire Safety</b>
<b>Antisocial Behaviour.</b>	<b>Licensing</b>	<b>Waste</b>
<b>Sports Grounds Safety</b>	<b>Health Protection</b>	<b>Noise Control</b>

The 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 Regulators' Code.

## **How we deliver our services**

We make a fundamental contribution to the maintenance and improvement of public safety, quality of life and wellbeing. Our service aim is to:

- Ensure a safer, healthier and confident community,
- Protect the public, businesses and the environment from harm
- Support the local economy to grow and prosper

We determine our activities by assessing the needs of local people and our business community, and considering the risks that require addressing. We do this through a variety of ways such as interactions with local Councillors, direct feedback from businesses or via business groups, D2N2 Local Enterprise Partnerships, through using data/advice from central government and other information available to us and our partner agencies. In this way we ensure our resources are targeted appropriately, in the light of these local needs and of national priorities.

We are committed to being transparent in our activities. We measure what is important and we are committed to providing annual statutory returns to central government departments who publish a range of information about Council's performance.

We carry out all our activities in a way that supports those we regulate to comply and grow:

- We ensure that information, guidance and advice is available to help you to meet legal requirements (see [Helping you to get it right](#)).
- We carry out inspections and other activities to check compliance with legal requirements, and we target these checks where we believe they are most needed (see [Inspections and other compliance visits](#)).
- We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary (see [Responding to non-compliance](#)).
- We provide a range of services to businesses, including pest control, licences, registrations, food hygiene rating reinspections. (See [Requests for our service](#)).

Our services will be delivered in a way that has had regard to the requirements of the [Regulators' Code](#).

## **Working with you**

In all your dealings with us you can expect, and will receive, an efficient and professional service. Our officers will:

- Be courteous and polite
- Always identify themselves by name in dealings with you, and provide you with contact details
- Seek to gain an understanding of how your business operates
- Provide details of how to discuss any concerns you may have
- Agree timescales, expectations and preferred methods of communication with you
- Ensure that you are kept informed of progress on any outstanding issues.

We recognise that your business will receive advice and inspections from other organisations, and we will do our best to work with them to ensure that you receive the best service.

### **What we expect from businesses**

While we recognise that dealing with officers from the Council can at times be stressful it is important that business representatives act with courtesy, consideration and cooperation. Some visits by officers have to be made without prior appointment by law; it is recognised that this can put strain on businesses at the time but courtesy and understanding of the officer's role will ensure that we can work together to achieve compliance as this is more cost effective for businesses as well as the Council.

### ***Helping you to get it right***

We want to work with you to help your business to be compliant and successful and it is important to us that you feel able to come to us for advice when you need it. We won't take enforcement action just because you tell us that you have a problem.

We make information and guidance on meeting legal requirements available through a variety of methods including the website and when we make on-site visits.

Where you need advice that is tailored to your particular needs and circumstances we will:

- Discuss with you what is required to achieve compliance
- Provide advice that supports compliance and that can be relied on
- Provide clear advice that can be easily understood and implemented
- Distinguish legal requirements from suggested good practice
- Ensure that any verbal advice you receive is confirmed in writing if requested
- Acknowledge good practice and compliance.

### ***Inspections and other compliance visits***

We monitor and support compliance in a number of different ways including through inspections, sampling visits, test purchases, advisory visits and complaint investigations. These visits will always be based on an assessment of risk – we won't visit without a reason.

Many of our visits and inspections have to be carried out without notice but we try and choose times that are suitable for your type of business to avoid causing major disruption. If it is appropriate we will inform you about certain visits we intend to make.

When we visit you our officers will:

- Explain the reason and purpose of the visit
- Carry their identification card at all times, and present it on request when visiting your premises
- Exercise discretion in front of your customers and staff
- Have regard to your approach to compliance, and use this information to inform future interactions with you
- Provide information, guidance and advice to support you in meeting your statutory obligations, if required
- Provide a written record of the visit when appropriate.

### ***Responding to non-compliance***

Where we identify any failure to meet legal obligations, we will respond proportionately, taking account of the circumstances, in line with our Enforcement Policy [[hyperlink here](#)].

We deal proportionately with breaches of the law as set out in our Enforcement Policy, including taking firm enforcement action when necessary.

Where we require you to take action to remedy any failings we will:

- Explain the nature of the non-compliance
- Discuss what is required to achieve compliance, taking into account your circumstances
- Clearly explain any advice, actions required or decisions that we have taken
- Agree timescales that are appropriate to the risk, in relation to any actions required
- Provide in writing details of how to informally appeal against any advice provided, actions required or decisions taken, including any statutory rights to appeal
- Explain what will happen next
- Keep in touch with you, where required, until the matter is resolved

### **Requests for our services**

We clearly explain the services that we offer, including details of any fees and charges that apply by displaying on our website.

In responding to requests for our services, including requests for advice and complaints about breaches of the law, we will:

- Acknowledge your request
- Tell you when you can expect a substantive response
- Seek to fully understand the nature of your request
- Explain what we may or may not be able to do, so that you know what to expect
- Keep you informed of progress throughout our involvement
- Inform you of the outcome as appropriate

### **How to contact us**

You can contact us by:

Telephone: 0115 915 5555

Online: [Contact Us - Nottingham City Council](#)

Web information: [Business Information and Support - Nottingham City Council](#)

By post: Communities, *Loxley House, Station St. Nottingham NG2 3NG*

We will seek to work with you in the most appropriate way to meet your individual needs. We can make information available in different formats and have access to translation and interpretation services.

If you contact us we will ask you for your name and contact details to enable us to keep in touch with you as the matter progresses. We treat all contact with the service in confidence unless you have given us permission to share your details with others as part of the matter we are dealing with on your behalf or there is an operational reason why we need to do so. We will respond to anonymous complaints and enquiries where we judge it appropriate to do so.

Personal data will be managed in accordance with Nottingham City Council's Data Protection Policy. [Nottingham City Council Privacy Notice - Nottingham City Council](#)

## **Our Team**

We have a dedicated team of officers who have the appropriate qualifications, skills, training and experience to deliver the services provided. We have arrangements in place to ensure the ongoing training and professional competency of all officers.

Where specialist knowledge is required in an area outside of our expertise we have arrangements in place, with neighbouring authorities, other regulatory organisations and specialist service providers, to call on additional resources as necessary.

## **Safeguarding**

We aim to protect citizens from harm particularly those that are vulnerable such as the elderly, children or due to disability, immigration or refugee status. As part of the routine regulatory work officers will be mindful of safeguarding considerations and will where necessary report concerns that they may have about vulnerable persons. In doing, so officers will be proportionate and sensitive as far as reasonably practicable.

## **Working with others**

We are part of a much wider regulatory system in the Nottingham City and East Midlands area. We have good working relationships with other regulators; this includes sharing information and data on compliance and risk, where the law allows, to help target regulatory resources.

Our officers are familiar with the work of our partners and can help signpost you to the advice and guidance you need.

## **Having your say**

### ***Complaints and appeals***

Where we take formal enforcement action, there is often a statutory right to appeal. We will always tell you about this at the appropriate time.

We are always willing to discuss with you the reasons why we have acted in a particular way or asked you to act in a particular way. If you have been unable to resolve your concerns with the inspecting officer, then you can contact the officer's line manager for an informal review of the matter.

We manage formal complaints about our service, or about the conduct of our officers, through Nottingham City Council's Corporate Complaints Policy [Comments, Compliments & Complaints - Nottingham City Council](#)

### ***Feedback***

We value input from you to help us ensure our service is meeting your needs. We would like to hear from you whether your experience of us has been good or in need of improvement. This helps us to ensure we keep doing the right things and make changes where we need to. We use customer satisfaction surveys from time-to-time but we would welcome your feedback at any time. You can provide feedback through our Have Your Say page on the website: [Comments, Compliments & Complaints - Nottingham City Council](#)

### ***Developing our services with you***

Individual Council service areas carry out liaison with businesses to find out and understand their views to ensure we are delivering our services to meet the needs of citizens and the business sector. Note that this also requires the Service to ensure all parties understand and

comply with their legal duties and obligations and are aware of any constraints these may impose on service delivery.

### **Policy Review**

Review of the service standards will be undertaken periodically and following any explicit change in government policy.

## **Appendix A: Legislation, Guidance and Codes that Influenced the Preparation of the Enforcement Policy**

### **A. Principles of Good Regulation**

The Legislative and Regulatory Reform Act 2006, Part 2, requires Nottingham City Council to have regard to the Principles of Good Regulation when exercising a specified regulatory function<sup>1</sup>. For local authorities, the specified functions include those carried out by our environmental health, trading standards and licensing services.

We will exercise our regulatory activities in a way that is:

- (i) Proportionate – our activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence,
- (ii) Accountable – our activities will be open to public scrutiny, with clear and accessible policies, and fair and efficient complaints procedures,
- (iii) Consistent – our advice to those we regulate will be robust and reliable and we will respect advice provided by others. Where circumstances are similar, we will endeavour to act in similar ways to other local authorities,
- (iv) Transparent – we will ensure that those we regulate are able to understand what is expected of them and what they can anticipate in return, and
- (v) Targeted – we will focus our resources on higher risk enterprises and activities, reflecting local need and national priorities.

### **B. Regulators' Code**

Nottingham City Council has had regard to the [Regulators' Code](#) in the preparation of this policy. 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.

### **C. Human Rights Act 1998**

Nottingham City Council is a public authority for the purposes of the Human Rights Act 1998. We therefore apply the principles of the European Convention for the Protection of Human Rights and Fundamental Freedoms. 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 right to a fair trial and the right to respect for private and family life, home and correspondence.

### **D. Data Protection Act 1998**

Where there is a need for Nottingham City Council to share enforcement information with other agencies, we will follow the provisions of the Data Protection Act 1998.

### **E. The Code for Crown Prosecutors**

When deciding whether to prosecute Nottingham City Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

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<sup>1</sup> Specified by the Legislative and Regulatory Reform (Regulatory Functions) Order 2007, available at [www.legislation.gov.uk](http://www.legislation.gov.uk)

The Code for Crown Prosecutors is a public document that sets out the general principles to follow when decisions are made in respect of prosecuting cases. The Code sets out two tests that must be satisfied commonly referred to as the 'Evidential Test' and the 'Public Interest Test':

- a. Evidential Test - is there enough evidence against the defendant?

When deciding whether there is enough evidence to prosecute, Nottingham City Council will consider what evidence can be used in court and is reliable. We must be satisfied there is enough evidence to provide a "realistic prospect of conviction" against each alleged offender.

- b. Public Interest Test - is it in the public interest for the case to be brought to court?

Nottingham City Council will balance factors for and against prosecution carefully and fairly, considering each case on its merits. The public interest factors that we will take into account are detailed under the enforcement options available to us in [Appendix C](#).

## **F. Regulatory Enforcement and Sanctions Act 2008 ('the RES Act')**

The Regulatory Enforcement and Sanctions Act 2008, as amended, established the Primary Authority scheme. We will comply with the requirements of the Act when we are considering taking enforcement action against any business or organisation that has a primary authority, and will have regard to guidance issued by the Secretary of State in relation to Primary Authority.

## **G. Provision of Services Regulations 2009 ('Tacit consent')**

Some licensing activities are considered services and are therefore subject to the requirements of the Provision of Services Regulations 2009. This covers the application process, how fees are set and charged and whether tacit consent is applicable. Where this applies the relevant service shall set out how the licensing process complies with these regulations via their website entries for each licence or via a separate policy. The Private Sector Housing Team Tacit Consent Policy is linked – (here) [housing-licensing-tacit-consent-policy.pdf \(nottinghamcity.gov.uk\)](#)



## **Appendix B: Conduct of Investigations**

All investigations will be carried out under the following legislation and in accordance with any associated guidance or codes of practice, in so far as they relate to Nottingham City Council :

- the Police and Criminal Evidence Act 1984
- the Criminal Procedure and Investigations Act 1996
- the Regulation of Investigatory Powers Act 2000
- the Criminal Justice and Police Act 2001
- the Human Rights Act 1998

These Acts and associated guidance control how evidence is collected and used and give a range of protections to citizens and potential defendants.

Our authorised officers will also comply with the requirements of the particular legislation under which they are acting, and with any associated guidance or codes of practice.

## **Appendix C: Enforcement Actions available to Nottingham City Council in Respect of Criminal and Civil breaches**

### **A. Compliance Advice, Guidance and Support**

The Council uses 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 (or 'letter before action') 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 recognises that where a business has entered into a partnership with a Primary Authority, the Primary Authority will provide compliance advice and support, and Nottingham City Council will take such advice into account when considering the most appropriate enforcement action for it to take. It may discuss any need for compliance advice and support with the Primary Authority.

Where more formal enforcement action, such as a simple caution or prosecution, is taken, Nottingham City Council recognises that there is likely to be an ongoing need for compliance advice and support, to prevent further breaches.

### **B. Written Warnings**

This method is used in circumstances where there has been a breach of legislation, usually minor, and where it is not thought appropriate to take more formal action. In these cases, the remedy may be simple and easily achieved following a written or verbal warning. A warning can be challenged by the recipient and a review by a senior Officer can be requested. Where this is the case information on how to make a challenge will be included with the details of the warning and in line with individual service procedures.

### **C. Voluntary Undertakings**

Nottingham City Council may accept voluntary undertakings that breaches will be rectified and/or recurrences prevented. Nottingham City Council will take any failure to honour voluntary undertakings very seriously and enforcement action is likely to result.

### **D. Statutory (Legal) Notices**

In respect of many breaches the Council has powers to issue statutory notices; these include: 'Stop Notices', 'Prohibition Notices', 'Suspension Notices', 'Emergency Prohibition Notices', 'Abatement Notices' and 'Improvement Notices'. A statutory notice will require a person, business or organisation to comply with specific legal requirements, usually within a specified time period. A notice shall explain what legislation has been breached, how to comply with

the notice and the consequences of not complying with a notice. Notices will be accompanied by any relevant appeal information. Failure to comply with a statutory notice can be a criminal offence and may lead to prosecution and/ or, where appropriate, the carrying out of work in default.

Some notices issued in respect of premises may be affixed to the premises and/or registered as local land charges.

#### **E. Fixed Penalty Notices**

The Council has powers to issue fixed penalty notices in respect of some breaches. 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, Nottingham City 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 Nottingham City 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.

Nottingham City 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 Nottingham City Council's discretion. 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. In some circumstances the Police may issue fixed penalty notices in connection with investigation work carried out by the Council such as breaches of Licensing legislation discovered through test purchasing.

#### **F. Injunctive Actions, Enforcement Orders etc.**

In some circumstances Nottingham City Council may seek a direction from the court (in the form of an order or an injunction) that a breach is rectified and/or prevented from recurring. The court may also direct that specified activities be suspended until the breach has been rectified and/or safeguards have been put in place to prevent future breaches.

Failure to comply with a court order constitutes contempt of court, a serious offence which may lead to imprisonment.

Nottingham City Council is required to seek enforcement orders after issuing some enforcement notices, providing the court with an opportunity to confirm the restrictions imposed by the notice. Otherwise, Nottingham City Council will usually only seek a court order if it has serious concerns about compliance with voluntary undertakings or a notice.

#### **G. Refusal/Suspension/Revocation of Licences**

Nottingham City Council issues a number of licences and permits. Nottingham City Council also has a role to play in ensuring that appropriate standards are

met in relation to licences issued by other agencies. Most licences include conditions which require the licence holder to take steps to ensure that, for example, a business is properly run. Breach of these conditions may lead to a review of the licence which may result in its revocation or amendment. Failure to apply for or renew certain licences and registrations may lead to the Council considering whether a management order is appropriate; reasonable warnings and advice about the consequences of such actions would be provided to duty holders.

When considering future licence applications, Nottingham City Council may take previous breaches and enforcement action into account.

#### **H. Simple Caution**

The Council has the power to issue simple cautions (previously known as 'formal cautions') as an alternative to prosecution for some less serious offences, where a person admits an offence and consents to the simple caution. Where a simple caution is offered and declined, Nottingham City Council will consider prosecution.

A simple caution will appear on the offender's criminal record. It is likely to influence how Nottingham City Council and others deal with any similar breaches in the future and may be cited in court if the offender is subsequently prosecuted for a similar offence. If a simple caution is issued to an individual (rather than a corporation) it may have consequences if that individual seeks certain types of employment.

Simple cautions will be used in accordance with Ministry of Justice Simple Cautions for Adult Offenders and other relevant guidance.

#### **I. Prosecution**

The Council may prosecute in respect of serious or recurrent breaches, or where other enforcement actions, such as voluntary undertakings or statutory notices have failed to secure compliance. When deciding whether to prosecute Nottingham City Council has regard to the provisions of [The Code for Crown Prosecutors](#) as issued by the Director of Public Prosecutions.

Prosecution will only be considered where Nottingham City Council is satisfied that it has sufficient evidence to provide a realistic prospect of conviction against the defendant(s) and where a prosecution is required in the public interest. This is detailed further in paragraph 5 below.

#### **J. Civil/Financial Penalties**

The Council may serve notices imposing civil/financial penalties, as an alternative to prosecution for a number of offences under various legislation. Where legislation enables the Council to impose civil/financial penalties the Council will adopt a policy to be considered when deciding when to prosecute and when to issue a financial penalty in a particular case. However, the Council must still have regard to this policy when making a decision to issue a civil/financial penalty.

The Council will determine, on a case by case basis, whether to instigate prosecution proceedings or to serve a civil penalty. In circumstances where the Council has determined that it would be appropriate to issue a civil/financial penalty as an alternative to prosecution, the level of the penalty will be calculated in accordance with the matrix and guidance set out in the policy adopted for the particular legislation, such as the Housing and Planning Act 2016 and Tenant Fees Act 2019.

#### **K. Proceeds of Crime**

There are some cases where an application under the provisions of the Proceeds of Crime Act is considered appropriate. This seeks to confiscate assets from an offender in order to recover the financial benefit they have gained during the course of their criminal activities. Where such an approach is considered then the Council will seek the advice of an Accredited Financial Investigator at the earliest opportunity so that a parallel financial investigation can be undertaken. There is a defined timescale for the application to proceed with confiscation; it must be made after conviction but prior to any sentencing

#### **L. Rent Repayment Orders**

The Council may apply to the First Tier Tribunal for a Rent Repayment Order (RRO) where a landlord has committed a relevant offence (as set out in Section 40 Housing and Planning Act 2016) to recover an amount in respect of a relevant award of universal credit paid in respect of rent under the tenancy for up to 12 months. An application for an RRO may be in addition to other formal action, such as prosecution proceedings or the imposition of a Civil Penalty.

#### **M. Banning Orders**

For serious offenders, where a landlord has committed one or more offences specified in The Housing and Planning Act 2016, the Council may apply to the First Tier Tribunal for a banning order that bans a landlord from letting housing in England; engaging in English letting agency work and property management work. A banning order, if granted, must be for a minimum period of 12 months. There is no statutory maximum period for a banning order. The Council will generally pursue a banning order for the most serious offenders. It will take into account the seriousness of the offence(s), whether the landlord has committed other banning order offences (or received any civil penalty in relation to a banning order offence) and any history of failing to comply with their obligations or legal responsibilities.

19 September 2023

Version Control					
Version	Date	Approved by	Implementation date	Location of changes	Summary of changes
1	1 December 2015	Delegated Decision No. 2497	7 June 2016	First draft	N/A
2	19 September 2023	Delegated Decision No. xxxx	19 September 2023	Page 2, 1 <sup>st</sup> para  2 <sup>nd</sup> para   Page 4  Page 8 section G  Page 10 Appendix C	Insertion paragraph  Insertion of paragraph detailing which Council functions are not covered by these service standards  Contact information updated  Inclusion of Tacit Consent Policy - Housing  Changes to appendix to reflect alterations in Enforcement Policy