

The Corporate Enforcement Policy was presented to the REC Panel on Wednesday 26th October. Following discussions between members and officers the following minor amendments have been recommended to clarify the policy.

1. Insertion of the words “which the Council may take into consideration, as well as other local factors, and includes the following”. This makes it clear that the Council may refer to the CPS guidance when deciding whether to prosecute or not as well as having discretion over the decision for local issues.

Paragraph 7.3.1 now reads:

The CPS guidance gives a number of factors that may lead to a decision not to prosecute **which the Council may take into consideration, as well as other local factors, and includes the following:**

2. Clarification and simplification of the conditions for administering a simple caution in line with the Home Office Circular 016/2008 and insertion of an additional condition.

Paragraph 7.4.2 now reads:

- The offender has made a clear and reliable admission (either verbally or in writing);
- There is a realistic prospect of conviction full Code test;
- It is in the public interest to offer a simple caution; and
- **The offender is 18 years or more at the time that the caution is to be administered**

3. Change of “formal” to “simple” caution.

Paragraph 7.4.3 now reads:

If a person/Company declines the offer of a **simple** caution, the regulator will normally pursue the prosecution action.

4. Deletion of the word “will” and insertion of “may” and deletion of “or subject to, other enforcement action”. This allows for discretion on behalf of the Executive Director as to whether to consider publicising that a person was convicted of an offence and not other enforcement action.

Paragraph 13.3 now reads:

The Executive Director for the service area **may** therefore consider publishing the name and address of each person convicted of an offence together with details of the issues involved.

5. Paragraph 13.3 divided to give an additional paragraph added 13.4:

To reach decision as to whether to publish such information, the Executive Director will consider the following factors:

- The specific details of the offence committed or detrimental activity.
- The public interest in disclosing personal information e.g. the deterrent effect of the publication.
- Whether the publication would be proportionate.
- The personal circumstances of the offender.

This list is not exhaustive and other factors may be relevant in the circumstances of an individual case.

A question was raised in relation to publishing the relevant sanctions for all possible offences in the policy. This would be impracticable given that the policy covers all enforcement action corporately and would result in hundreds of offences being appended to the policy which would need constant updating when legislation changed.