

## **Regulation and Enforcement:**

### **Code of Conduct: Public Expectations**

Officers undertaking regulatory and enforcement functions for, or on behalf of the Council, are subject to the provisions of the statutory General Enforcement Policy which describes expectations of officers when delivering regulatory and enforcement actions. There are a few roles that are exempted from the General Enforcement Policy, however all officers are subject to the Council's Corporate Code of Conduct.

This Code of Conduct details what members of the public should expect from officers, whether requesting or being subject to, regulatory and enforcement actions.

1. Officer behaviour, including communications in all forms, influences perceptions of the Council and consequently can generate complaints against the Council which are investigated with full disclosure.
2. Officers will:
  - a. Be professionally
  - b. Be polite
  - c. Be honest
  - d. Identify themselves with an identification card, either detailing their name and role, or their officer number
  - e. Where uniformed they will display the appropriate branding and uniform at all times while on duty and not seek to carry out work in a way that could be deemed to be undercover, unless authorisation is provided by managers for specific operations.
  - f. Where non-uniformed officers should make it clear to individuals and business who they are and what their role is.
3. Officers will exercise all enforcement and regulatory activities in a way which is:
  - a. Proportionate – activities will reflect the level of risk to the public and enforcement action taken will relate to the seriousness of the offence.
  - b. Accountable – activities, including internal electronic communications, will be open to public scrutiny whether as part of disclosure or freedom of information. Officers need to understand and be conscious of the relevant policies and the complaints procedures.
  - c. Consistent – advice to those enforced against and regulated will be robust, reliable and where advice is provided by others it will be respected. Where circumstances are similar, a consistent, if possible, approach and actions to other Councils will be followed.

- d. Transparent – those regulated will be advised appropriately so as to understand what is expected of them and what they can anticipate in return.
  - e. Targeted – resources will be focused on higher risk enterprises and activities, reflecting local and national priorities.
  - f. Openness – enforcement and regulatory activities will be undertaken in an open way unless this would defeat the objective of enforcement.
  - g. Professional – enforcement and regulatory activities will always be undertaken in a professional and polite manner. Whilst work is confrontational, officers need to ensure that a professional and polite, albeit when needed firm, manner is maintained.
  - h. Perception – officers should not behave in a manner that might be construed as bringing the Council into disrepute. This would include breaching legal and policy requirements. As an example, there are Corporate policies and procedures dealing with surveillance that have to be adhered to; where individuals or businesses are subject to surveillance without due authorisation, which might include following individuals or observing individuals, this can damage the Council's reputation and result in litigation.
4. Where formal enforcement action is necessary, the most appropriate course of action will be considered from the range of sanctions and penalties available, with the intention of:
- a. Aiming to secure public safety
  - b. Aiming to change the behaviour of the offender
  - c. Aiming to eliminate any financial gain or benefit from non-compliance
  - d. Being responsive and considering what is appropriate for the particular offender and issue involved, including punishment and the public stigma that may be associated with a criminal conviction.
  - e. Being proportionate to the nature of the offence and harm caused
  - f. Aiming to restore the harm caused by non-compliance
  - g. Aiming to deter future non-compliance.
5. Before formal enforcement action is taken:
- a. Where appropriate there will be an opportunity to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction of evidence or there is an imminent risk to the environment or health and safety.
  - b. Where immediate formal enforcement action is taken, which will usually be the service of a written notice, reasons for such action will be given at the time, if possible, and confirmed in writing within 10 working days.

- c. Where there are rights of appeal, or routes to make representation, against formal enforcement action, notification of the mechanism to do so will be clearly set out in writing at the time the action is taken.
  - d. Clear reasons will be given for any formal enforcement action taken and confirmed in writing.
6. Where members of the public are concerned that officers working for, or on behalf of the Council, have not adhered to this Code of Practice, they have recourse to formally complain to the Council within the provisions of the Council's Corporate Complaints Policy. In writing to:

The Complaints Manager  
Rotherham Metropolitan Borough Council  
(FREEPOST RTCT-XKLS-ZHAZ)  
Riverside House  
Main Street  
Rotherham  
S60 1AE

Email: [complaints@rotherham.gov.uk](mailto:complaints@rotherham.gov.uk)  
Telephone: (01709) 382 121