

# Enforcement Policy Consultation Feedback

## 1. Do you agree with our approach to enforcement?

Answer Choices		Response Percent	Response Total
1	Yes	33.33%	2
2	Don't know	66.67%	4

No - please explain your reasons (6)

1	22/04/2022 16:50 PM ID: 189870707	Not applicable as answered 'Yes'
2	23/04/2022 16:25 PM ID: 189907545	Does the weasel-words mean that GBC will only enforce what it chooses to enforce, as against fully enforcing the appropriate regulations?
3	24/04/2022 09:20 AM ID: 189920415	There appears to be no real determination to sort out problems, particularly in the case of the fields at Wanborough where illegal encampments have been established
4	24/04/2022 10:34 AM ID: 189922502	?
5	29/04/2022 10:02 AM ID: 190316868	Too focused on punishment, should be more about engaging and explaining.
6	10/05/2022 12:13 PM ID: 191010451	No As a resident I have not been treated fairly on two separate occasions. There seems to be a bias to some people and not others.

## Response

Guildford Borough Council will take enforcement in line with this enforcement policy, underlined by the overarching principles of transparency, accountability, proportionality, consistency and the targeting of resources.

The policy is general and is not designed to include subject specific procedures by which enforcement action will be undertaken.

Wanborough Field is a specific case. The Local Enforcement Plan for planning enforcement is currently being reviewed and will be going out to consultation in the next few months. We would encourage those who feel that we have not dealt with issues effectively or expediently to use the Corporate Compliments and Complaints procedure to raise their dissatisfaction via: [Make a complaint to the council - Guildford Borough Council](#).

Only in the most serious cases will be go straight to formal enforcement action. For the majority of cases, we will enforce the law by offering advice and guidance. Guildford Borough Council wants to support individuals and businesses to comply with the law.

It is not possible to respond to feedback with details of the allegation where the individual was not treated fairly. We have a compliments and complaints procedure, and we would encourage those who feel that they have not been treated fairly to use this process to air their dissatisfaction.

## 2. Does the proposed policy create the right balance between taking an informal and formal approach to enforcement?

Answer Choices		Response Percent	Response Total
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## 2. Does the proposed policy create the right balance between taking an informal and formal approach to enforcement?

1	Yes		33.33%	2
2	Don't know		66.67%	4
			answered	6
			skipped	0

No - please outline how this balance could be redressed. (6)

1	22/04/2022 16:50 PM ID: 189870707	Not applicable as answered 'Yes'
2	23/04/2022 16:25 PM ID: 189907545	Who determines the 'right balance?' If Legislation exists and is breached than it should be enforced.
3	24/04/2022 09:20 AM ID: 189920415	You need to take real steps to stop fly tipping and illegal developments on land
4	24/04/2022 10:34 AM ID: 189922502	?
5	29/04/2022 10:02 AM ID: 190316868	No - GNC should focus on educating and warning people rather than issuing FPNs.
6	10/05/2022 12:13 PM ID: 191010451	No It depends whether it is developed without corruption.. or biases from current employees

### Response

The Council will aim to resolve issues efficiently and expediently by providing information and guidance and using the statutory legislation where informal means fail to redress the issue. In more serious issues, for example, where there is imminent risk to public health, the Council may decide to use formal powers straight away to resolve the issue. Many aspects of enforcement are supplemented by procedures, which outline the escalation process. It is not always possible to predict every case scenario; in these cases, the officer with the appropriate delegated authority will review the case and decide on the best course of action. Some cases may require Executive approval, particularly where it requires significant Council funding.

We welcome reports of fly tipping [Report an issue - Guildford Borough Council](#) and encroachment onto land [Report a suspected planning breach - Guildford Borough Council](#) via our webforms.

All decisions taken outside of this policy will be recorded and rationale for the decision justified.

### 3. Do you have any suggestions on how this document could be improved?

Answer Choices		Response Percent	Response Total
1	Open-Ended Question	100.00%	6
1	22/04/2022 16:50 PM ID: 189870707	Parking enforcement is by far the largest statutory enforcement activity that GBC undertake, both in terms of volume and revenue. However, GBC's existing and proposed corporate enforcement policies do not make any reference to this.  This being the case, perhaps it would be useful to clarify the situation better by re-naming the document 'Corporate Enforcement Policy (excluding Civil Parking and Moving Traffic Enforcement)', or something of that ilk. Alternatively, perhaps the title should highlight more clearly the areas that the corporate policy does cover.	
2	23/04/2022 16:25 PM ID: 189907545	It appears to be designed to elicit the answer GBC wishes to receive. If legislation exists and it is the responsibility to enforce it, then it should do so in an open and transparent way, without applying its own interpretation.	
3	24/04/2022 09:20 AM ID: 189920415	The document is irrelevant and just a load of 'woolly PC speak' Residents want a council that takes action	
4	24/04/2022 10:34 AM ID: 189922502	Above all, enforcement action must be and be seen to be EFFECTIVE which it is not at present.	
5	29/04/2022 10:02 AM ID: 190316868	The document says, "Paying a fixed penalty is an admission that an offence has been committed but avoids the need for an individual to be prosecuted".  This is incorrect - paying a fixed penalty notice is not an admission of guilt.  That sentence should be omitted from the consultation document.	
6	10/05/2022 12:13 PM ID: 191010451	Yes Let more residents be involved	

#### Response

Parking Enforcement does not form part of this enforcement policy. Details of Guildford Borough Council's enforcement approach taken on parking contraventions and moving traffic violations can be obtained from the Council's Parking Lead.

Please refer to previous responses to questions 1 and 2 Re: enforcement approach.

We would welcome feedback on specific cases where we did not meet expectations via our compliments and complaints procedure at: [Make a complaint to the council - Guildford Borough Council](#)

Fly-Tipping Fixed Penalty Notices are designed to give an offender the opportunity to discharge any liability to conviction for an offence - which means that by admitting the offence and paying the fine, an offender can avoid being prosecuting for that offence. The sentence will be amended for accuracy.

We would welcome constructive suggestions on how residents can be involved in and support our enforcement activities.

#### 4. Are you confident that this policy will make sure that individuals and businesses will be treated fairly by us, Guildford Borough Council?

Answer Choices			Response Percent	Response Total
1	Yes, individuals and businesses will be treated fairly		16.67%	1
2	Individuals will be treated fairly, but not businesses		0.00%	0
3	Businesses will be treated fairly, but not individuals		33.33%	2
4	Neither individuals nor businesses will be treated fairly		50.00%	3
			answered	6
			skipped	0

Please give a reason for your answer (4)

1	23/04/2022 16:25 PM ID: 189907545	If the choice of enforcement is for GBC, how can it be determined that the Council isn't acting in a prejudicial way against individuals or businesses. The appropriate legislation should be enforced without a GBC 'filter' applied
2	24/04/2022 09:20 AM ID: 189920415	Criminals and law breakers will flourish, residents are being ignored
3	24/04/2022 10:34 AM ID: 189922502	It is too impersonal for individuals and biased against them
4	10/05/2022 12:13 PM ID: 191010451	WHY IS IT NOT POSSIBLE TO ANSWER 'NO' It seems it's who you know within the council rather than situations being fair. Bullying and hiding behind various excuses seem to be acceptable by employees of the council. Whereas the residents are expected to pay, be out of pocket, not treated fairly and discriminated against and accept all of these negative behaviours.

#### Response

There are lots of offences where we can take a rules-based approach to enforcement, however, where officer judgement and assessment is required against legislation and statutory guidance, it is not always straight forward. In this instance we aim to employ professional and competent officers, coupled with systems and procedures, to deal with matters in the most effective and expedient manner to resolve the issue. It is common practice to discuss more complex cases with colleagues and Lead Officers to ensure that there is a fair and consistent approach to enforcement between officers and the Council's legal team. Where it is deemed that there is no offence, we will aim to advise the complainant as soon as practicable.

We would welcome feedback on specific cases where residents have been ignored in order to inform our policies and procedures to ensure that this imbalance is redressed.

We take allegations of bullying very seriously and would welcome feedback on specific circumstances when this has occurred.

Guildford Borough Council wants to treat all people equally and encourage diversity, ensuring there are no barriers to people complying with the law and seeking justice. All of staff are trained in relation to our Equality and Diversity Policy. We take allegations of discrimination and bias very seriously and, where there is evidence to substantiate it, will take robust action to tackle this behaviour.