

Report of the Assistant Director for Planning and Public Protection

**Review of Enforcement Activity by Public Protection and the National
Trading Standards teams based at City of York Council**

Summary

1. The purpose of this report is to enable the Executive Members to review the formal enforcement action as well as the surveillance activity undertaken in 2019-20 by:-
 - Public Protection (Environmental Health, Trading Standards and Licensing)
 - National Trading Standards Regional Investigation and National Trading Standards eCrime teams
2. Examples of the action taken includes prosecutions of food businesses for failing to keep premises clean or take appropriate steps to ensure the food they are selling is safe and revoking the licences of taxi drivers who are no longer considered 'fit and proper' to hold licences. It also includes action against unscrupulous traders 'ripping off' consumers as well as recovering the proceeds of crime amongst other things.

Recommendations

3. That the Executive Members approve the report.

Reason: To provide ensure enforcement activity undertaken in 2019-20 has been reviewed in accordance with the council's enforcement policy, and meet the requirement of the surveillance commissioner for Member oversight of surveillance activity.

Background

4. The City of York Council's Executive approved an updated enforcement policy for Public Protection, Housing Services and Community Safety on 28 September 2017. It also approved a separate, updated policy for the

National Trading Standards Regional Investigation and National Trading Standards eCrime teams at the same time.

5. This report details the results of formal enforcement action taken in the period specified by the above teams. Each case is considered on its merits before legal proceedings or other types of formal enforcement action including a 'simple caution' or fixed penalty notices are initiated.
6. Annex A summarises the formal enforcement action taken by each team, and provides information about some of the other enforcement activity undertaken which is not formal enforcement action for the purposes of the enforcement policy e.g. written warnings.
7. Annex B gives details of the surveillance activity undertaken as part of the team's investigations. Local Authorities may only undertake 'surveillance' in connection with serious offences i.e. offences which carry a maximum prison sentence of 6 months or more and/or other specific offences such as those in connection with the sale of alcohol or tobacco to children.

Public Protection

8. Public Protection Officers undertake the majority of the council's environmental health, trading standards and licensing duties and as such are responsible for enforcing over a hundred Acts of Parliament and thousands of underpinning Regulations. Each year, officers carry out a detailed 'strategic assessment' of the issues most affecting residents, visitors and businesses as well as the Council Plan to identify a series of 'priorities' around which most activity will be focussed.
9. The priorities for 2019-20 were as follows:-

- Ensuring businesses meet food safety requirements

There is a separate, statutory food plan which sets out the planned activity in this respect.

- Ensuring local businesses are meeting their health and safety obligations

Enforcement Responsibility for health and safety matters is split between the Health and Safety Executive and Local Authorities. We use accident reports and information provided by the Health and Safety Executive on the latest trends and issues of concern to help direct our activities. We also administer the multi-agency Safety Advisory Group to help organisers run events safely.

Towards the end of the last financial year, we were heavily involved in taking steps to prevent the spread of coronavirus.

- Dealing with nuisance from noise, smoke, odour etc emanating from commercial premises

These are matters which give rise to large numbers of complaints. The Community Safety team have responsibility for dealing with domestic noise including operating the night time noise nuisance service.

- Improving local environment, particularly air quality and supporting new developments

This included anti-idling patrols and inspecting businesses in respect of pollution control. We also review planning applications to ensure the environmental impacts of developments are appropriately considered.

- Protecting residents from unfair trading practices – particularly doorstep crime, mass marketing scams and second hand vehicles.

Trading Standards matters generate the largest number of complaints and intelligence logs into the service, particularly in relation to the highlighted matters.

- Preventing the supply of dangerous products including illegal supplies of alcohol tobacco and potentially harmful foods.

This includes activity to prevent illegal sales of age restricted products such as alcohol, tobacco and knives (all minimum age 18) and involves advising businesses on their legal obligations and undertaking 'test purchases' with the help of young persons to ensure they are complying with their obligations. We respond to complaints and other sources of intelligence about problem premises and areas of anti-social behaviour, we also carry out some routine purchases to test wider compliance. In relation to any other age restricted products including spray paints (minimum age 16) , fireworks (18) and solvents (18) we carry out activity in response to complaints and intelligence about particular problem businesses.

We ensure allergen advice/compliance is a key part of our inspections at food premises.

- Ensuring businesses are meeting their licensing obligations

This includes premises licensed to sell alcohol, taxis and various animal establishments such as kennels, cateries and pet shops amongst other things.

10. Please note, none of the above is of greater priority than any another. The enforcement activity shown in Annex A reflects that officers have been working in accordance with these priorities.
11. Similar priorities remain for 2020-21, and our approach will largely remain unchanged. However, there will continue to be a focus on helping businesses with advice and support on regulatory matters through the coronavirus pandemic. Furthermore, whilst carrying out all of this work, officers will continue to share intelligence on serious organised crime and modern slavery with appropriate organisations.

National Trading Standards teams

12. The purpose of the Regional Investigations teams and the National eCrime enforcement team is to tackle wide-scale scams and complex cases of fraud perpetrated on consumers and/or businesses on a regional and national basis. The national e-crime team – as the name suggests – focuses on trading standards crimes on the internet. These teams investigate individual cases and practices referred to them by local authority trading standards services and other organisations via the National Trading Standards Tasking Group, they do not take on cases directly from members of the public.

Consultation

13. A survey of Talkabout panellists was undertaken between 21/11/16 and 18/12/16 and they were asked to rank the importance of different aspects of the service carried out by Public Protection, Housing Services and Community Safety. Under the enforcement policy, formal enforcement action is an option in all the areas they identified as important.
14. In 2019, a business survey of local retailers, food businesses and other enterprises in the city centre was undertaken. It was funded by the Department of Business, Enterprise, Innovation and Skills. Some 81% of 127 respondents said that the Council ‘should take formal enforcement action against those who flout the law or ignore advice’.
15. Public Protection also routinely survey our customers and the results over the last three years were as follows:-

Measures	19-20 (2019)	18-19 (2018)	17-18 (2017)

% customers satisfied with the overall level of service provided	86.3%	80.6%	75%
% of businesses reporting contact with officers was helpful	96.8%	96.8%	98.2%
% of businesses reporting that they were treated fairly	97.5%	98.1%	100%

Options

16. There are no options, the report is for information. Members are asked to note the action taken with comments as necessary

Analysis

17. The report ensures that formal enforcement action (and surveillance activity) taken by Public Protection in 2019-20 has been reviewed as required.

Council Priorities

18. The legal actions support the Council's priorities in respect of the following:
- Good health and wellbeing
 - Well paid jobs and an inclusive economy
 - A greener and cleaner city
 - Safe communities and culture for all

Implications

19. **Financial:** There are no financial implications associated with this report. Formal enforcement action is funded through existing budgets.
20. **Human Resources:** There are no Human Resources implications associated with this report.
21. **Equalities:** There are no equalities implications associated with this report although many of the activities are aimed at helping vulnerable people and challenging inequality.
22. **Legal:** Under the City of York Council's delegation scheme, legal proceedings may only be approved if they are in accordance with an approved enforcement policy.
23. **Crime and Disorder:** Formal enforcement action contributes to reducing anti social behaviour and dishonest trading.

24. **Information Technology (IT):** There are no IT implications associated with this report.
25. **Other:** There are no other implications associated with this report.

Risk Management

26. Applying the Council's risk scoring criteria, operating with outdated enforcement policies poses a 'major risk' (potential action in a national court with the national media coverage) and a likelihood of 'possible' giving a score of **12** (yellow risk). Operating with up to date relevant policies, reduces the likelihood to 'unlikely' giving a score of **8** (green risk).

Contact Details

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Mike Slater,
Assistant Director for Planning and Public Protection

Report Approved

Date 11/09/2020

Specialist Officer Implications: None

Wards Affected:

All

Background Papers:

None

Annexes

Annex A: Summaries of Formal Enforcement Action 1st April 2019 to 31st March 2020

Annex B: Surveillance Activity

Annex C: Existing enforcement policy – Public Protection, Housing Services & Community Safety

Annex D: Enforcement policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams

Annex A: Summaries of Formal Enforcement Action 1st April 2018 to 31st March 2019

Public Protection (including Environmental Health, Trading Standards and Licensing)

Defendant	Legislation	Nature of Case	Penalty	Costs
Richard HEPPELL	Clean Air Act 1993	Emission of dark smoke from trade premises	£500 fine £50 Victim surcharge	£692.81
David JONES	Town Police Clauses Act 1847 Road Traffic Act 1988	York licensed private hire driver plying for hire. Driving without insurance	6 Penalty points on driving licence NB Appeal to Crown Court dismissed	£1,250
Mohammed Abdul ALIM (Shahi)	Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013	Sold food items containing peanut to a purchaser who stated that they were allergic to peanuts.	£9,000 Fine £170 Victim surcharge	£5,562.51
Trevor DOUGLAS (Whitby Seafish)	Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013	Failed to effectively clean equipment Failed to keep food protected from cross contamination Failed to implement and maintain a system for controlling hazards Failed to provide adequate hand washing facilities	£300 Fine £30 Victim surcharge Food Prohibition order on Mr Douglas	£200.00
Amanda Yun TSANG (Yan's Express)	Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013	Food premises not clean and not in good repair Lack of food safety management system Failed to ensure good personal hygiene of food handlers	£300 Fine £30 Victim surcharge	£2,677.87
Sau Man LEE (Oriental Masterchef)	Food Safety Act 1990 Food Safety and Hygiene (England) Regulations 2013 Food Information Regulations 2014	Lack of food safety management system Food at risk of contamination Food premises not clean and not in good repair Failed to comply with Hygiene Improvement Notices Failed to provide accurate information on allergens present in 'Special Fried Rice'	£961.00 Fine £96.00 Victim surcharge	£2,500.00
Di WU (Hong Kong Chophouse)	Food Safety Act 1990	Food premises not clean and not in good repair	£1,300 Fine £130 Victim surcharge	£3,000

	Food Safety and Hygiene (England) Regulations 2013	Failed to comply with Hygiene Improvement Notice Food at risk of contamination Lack of food safety management system	Food Prohibition order on Mr Wu	
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2 x simple cautions for food hygiene offences

11 x fixed penalty notices for smoking inside public places

14 x taxi/private hire drivers licences revoked – no longer considered ‘fit and proper’ persons to hold a licence

*Please note that a Simple Caution is a Home Office approved procedure which is an alternative to prosecution. It involves a written acceptance that an offence has been committed and may be drawn to the attention of a court if any subsequent offence is committed within two years of issue.

Other activity of note (not formal enforcement action within the enforcement policy).

Activity	Target	2019-20	2018-19	2017-18	2016-17
% of all underage sales visits	Less than 10%	42.9% 7 visits 3 sales (of which 2 x e-cigarette, 1 x knife)	0% 18 visits 0 sales	11.8% 17 visits 2 sales (of which 2 x knives)	0% 5 visits 0 sales

11 x ‘improvement notices’ served in respect of hygiene concerns in food businesses

756 x written warnings for food safety matters

79 x written warnings for food standards matters including allergens information

10 x other written warnings for matters such as livestock animal welfare breaches and displaying incorrect food hygiene ratings amongst other things.

105 x drivers asked to stop vehicle idling with an estimated 6 hours 45 mins of idling time saved.

National Trading Standards Regional Investigation and eCrime Team

Defendant	Legislation	Nature of Case	Penalty	Costs
Peter HALL	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £4,863,049.52 (included in Claire Hall's total)	
Claire HALL	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £4,989,741.07	
Collette FERROW	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £115,704.91	
Liam HINCKS	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £65,000 Compensation Order of £8,779.00	
Kerry MILLS	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £886,490.10	
Caroline GOWANS	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £25,550.09	
Thomas SCOFFIN	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £78,190.00	
Linda SCOFFIN	Proceeds of Crime Act 2002	Post conviction confiscation proceedings	Confiscation award of £279,997.78 Compensation Order £14,139.78	£20,000.00
Motorsure Limited trading as Motorhub	Consumer Protection from Unfair Trading Regulations 2008	Misleading actions and omissions connected with the sale of used motor vehicles	Fine £38,800.00	£13,797.00
Saleem ARIF	Companies Act 2006 and Proceeds of Crime Act 2002	On-line electrical goods retailer fraudulent trading and money laundering	Imprisonment for 54 months Disqualified from acting as a company director for 8 years	
Kewal BANGA	Proceeds of Crime Act 2002	Money laundering of the proceeds of Saleem ARIF's business monies	Imprisonment for 35 months Disqualified from acting as a company director for 8 years	
Adnan IQBAL	Proceeds of Crime Act 2002	Money laundering the proceeds from a fraudulent property letting business	Imprisonment for 10 months suspended for 18 months	

Shaidul ISLAM	Proceeds of Crime Act 2002	Money laundering the proceeds from a fraudulent property letting business	Imprisonment for 10 months suspended for 18 months Compensation Order £7,100.00	
Kamran MALIK	Proceeds of Crime Act 2002	Money laundering the proceeds from a fraudulent property letting business	Imprisonment for 10 months suspended for 18 months Compensation Order £11,873.00	
Kingstown Associates Limited	Consumer Protection from Unfair Trading Regulations 2008	Promotional mailings containing false information about cash prizes	£150,000	£10,763.84
Peter HUNTER	Companies Act 2006	On line event ticket reselling fraudulent trading	Imprisonment for 48 months	
David SMITH	Companies Act 2006	On line event ticket reselling fraudulent trading	Imprisonment for 30 months	

Annex B: Surveillance Activity

	Activity	Reason
Public Protection	2 x Directed surveillance authorisations	Under controlled conditions, observe a volunteer attempting to purchase age restricted products from various businesses
National Trading Standards	14 x subscriber requests	Requests for details of subscribers to telephone numbers, email accounts etc. (205 in total) used in alleged scams and consumer protection investigations.
Veritau	1 x subscriber requests	Requests for details of subscribers (2 in total) as part of a counter fraud investigation

Annex C: Existing enforcement policy – Public Protection, Housing Services & Community Safety



Public Protection (Environmental Health, Trading Standards, Licensing), Housing and Community Safety Services

Enforcement Policy

This document is the enforcement policy for City of York Council's Public Protection (Environmental Health, Trading Standards, Licensing), Housing and Community Safety services. It sets out the key principles under which officers will seek to achieve compliance with the legislation enforced by these services.

In carrying out their duties officers will adhere to the principles of good enforcement set out in the Regulators' Code (2014) and other relevant codes of practice including those concerned with the investigation of offences or the prosecution of offenders.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and the European Convention of the Protection of Human Rights and Fundamental Freedoms.

Please note, whilst this policy acknowledges that officers will adhere to principles of good practice in their enforcement activity, it does not prescribe the way investigations will be conducted or the authorisation of surveillance activity. Furthermore, it does not include enforcement action by Planning, and Transport (including Parking services) which operate under their own guidance.

1.0 Introduction

The main purpose of the Public Protection, Housing and Community Safety Services are to maintain a fair and safe trading environment for consumers and businesses, to help reduce the actual and perceived impact of violent,

aggressive and nuisance behaviour on people in York and to improve and protect public health and improve the environment. We recognise that effective and well-targeted regulation is essential in achieving this.

We will ensure legal compliance by:

- Helping and encouraging businesses and individuals to understand and comply with the law.
- Responding proportionately to breaches of the law.

We want to achieve the following outcomes:

- Support economic growth, especially in small businesses, by ensuring a fair, responsible and competitive trading environment
- Protect the environment for future generations including tackling the threats and impacts of climate change
- Improve quality of life and wellbeing by ensuring clean and safe neighbourhoods
- Help people to live healthier lives by preventing ill health and harm, and promoting public health
- Ensure a safe, healthy and sustainable food chain for the benefits of consumers and the rural economy.

2.0 Economic Progress

We will carry out our activities in a way that supports those we regulate comply and grow, remembering that it is important to maintain a level playing field for all businesses to thrive.

We will consider the impact that our regulatory activities may have on businesses, including consideration of costs, effectiveness and perceptions of fairness. We will only adopt a particular approach if the benefits justify the costs and in doing so will endeavour to try to keep any perceived burdens to a minimum.

References to costs and benefits include economic, social and environmental costs and benefits.

3.0 Risk Assessment

We will allocate our resources where they will be most effective by assessing the risks due to non-compliance with the law. The risk factors include:

- the potential impact on residents, consumers, business and the environment in failing to meet legal requirements.
- the likelihood of non-compliance taking into account matters such as:
 - the past history,
 - the systems a business has in place,
 - management competence of the business
 - and willingness to comply.

4.0 Advice and Guidance

We recognise that prevention is better than cure and will actively work with business and residents to advise on and assist with, compliance with the law. In doing this we will ensure that:

Legal requirements are made available and communicated promptly upon request.

The information we provide will be in clear, concise and accessible language. Advice will be confirmed in writing where necessary.

We will clearly distinguish between legal requirements and guidance aimed at improvements above minimum standards.

We will signpost towards additional business support services where appropriate.

Please note: there may be a fee payable for our advice. Where this is the case you will be informed and provided with details of the charge or an estimate if the exact fee is not known.

5.0 Inspections and Other Visits

All inspections and other visits to businesses will be undertaken after consideration of the risk the business poses if it fails to comply with the law (see paragraph 3.0 above), where the business has requested advice or where intelligence/information suggests that an inspection or visit is appropriate.

- Where we carry out inspections we will give feedback to the business on what the officer has found; this will include positive feedback to encourage and reinforce good practice.

- Where practicable we will co-ordinate inspections with other regulators to minimise the burden on businesses.
- Random inspection will be undertaken where government guidelines/ policies or a condition of a licence requires us to do so. A small amount of random inspections may also be undertaken to test our risk assessments or the effectiveness of any action we have taken.

6.0 Information Requirements

We will only ask businesses for information that is necessary after considering the cost and benefit to obtaining the information. Where possible we will share this information with our partners (taking account of data protection) to prevent the need for providing the information more than once.

7.0 Compliance and Enforcement Actions

We recognise that most businesses and individuals wish to comply with the law, however firm action will be taken against those who break or flout the law or act irresponsibly.

We will carry out all of our enforcement duties, including taking formal enforcement action (described below), in a fair, equitable and consistent manner. Whilst officers exercise judgement in individual cases, we will have arrangements in place to promote consistency including liaison with other agencies and authorities.

Formal enforcement action will only be considered and taken in the first instance in cases involving unfair practices against individuals or businesses, illegal sales of age restricted products, supply of counterfeit goods and other intellectual property crime, occupational health and safety, public safety, risk to public health (including food safety), health and safety in the home, statutory nuisances, animal health and welfare, damage to the environment, dog fouling, trading standards offences committed by doorstep sellers, breaches of licence conditions or operating without a licence when one is required and any other case in which a head of service considers formal enforcement action is necessary.

Formal enforcement action will also be considered and may be taken where advice has been ignored.

Where formal enforcement action is necessary, we will consider the most appropriate course of action (from the range of sanctions and penalties available) with the intention of: -

- Aiming to change the behaviour of the offender
- Aiming to eliminate any financial gain or benefit for non-compliance
- 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 criminal convictions
- Being proportionate to the nature of the offence and harm caused
- Aiming to restore the harm caused by non-compliance
- Aiming to deter future non-compliance.

When formal enforcement action is taken:

- We will take all reasonable steps to discuss the circumstances of the case, unless immediate action is required e.g. to prevent the destruction loss of evidence or there is an imminent risk to the environment, public health or health and safety. This discussion may be in the form of an interview under caution if a prosecution is being considered. We will provide the opportunity for further dialogue about the proportionality or consistency of our action upon request.
- 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.
- Where there are rights of appeal against formal enforcement action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken.
- Clear reasons will be given for any formal enforcement action taken, and confirmed in writing.

For the purpose of this policy 'formal enforcement action' includes serving a legal notice e.g. an improvement, suspension, prohibition, fixed penalty or abatement notice and civil penalty notices to letting agents and landlords, the seizure of goods, suspension or revocation of a licence, a formal 'simple' caution, prosecution or other court action.

If the formal enforcement action being considered is a prosecution we will also consider a number of additional factors in line with the Code for Crown Prosecutors and any other nationally recognised guidance such as the

Enforcement Management Model published by the Health and Safety Executive. These factors, not an exhaustive list, may include the following:

- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers
- Whether it is in the public interest to prosecute
- The realistic prospect of conviction
- Whether any other action (including other means of formal enforcement action) would be more appropriate or effective
- The views of any complainant and other persons with an interest in prosecution.

These factors are NOT listed in order of significance. The rating of the various factors will vary with each situation under consideration.

When formal enforcement action is being considered for an acquisitive crime i.e. the acquiring of assets (including money) from offences such as fraud or intellectual property crime, we will undertake a financial investigation into the circumstances of the case. In serious cases this may result in the seizure of a suspect's cash and legal proceedings for money laundering and confiscation of assets under the provisions of the Proceeds of Crime Act 2002.

8.0 Accountability

We will be accountable for the efficiency and effectiveness of our activities:

- We shall provide businesses and individuals with effective consultation and opportunities for feedback on our service.
- Officers will be courteous, fair and efficient at all times, and will identify themselves by name and, where appropriate, identity card.
- Any complaints about the way you have been treated will follow the City of York Council's complaints procedure 'Have Your Say'. A copy of the complaints procedure can be obtained from our website at www.york.gov.uk

9.0 Application of our enforcement policy

All officers will have regard to this document when making enforcement decisions.

Any departure from this policy must be exceptional, capable of justification and be fully considered by the head of service before a final decision is taken. This proviso shall not apply where a risk of injury or to health is likely to occur due to a delay in any decision being made. In cases of emergency or where exceptional circumstances prevail, the chief executive may suspend any part of this policy where it is necessary to achieve the effective running of the service and/or where there is a risk of injury or to health of employees or any members of the public.

10.0 Review

There will be an annual review of the action taken under this policy. This document will also be subject to review as and when required. Improvements will be made if there are any changes in legislation or in local needs.

If you have any comments please contact the Head of Public Protection, Head of Housing or Head of Community Safety by calling 01904 551550 or by writing to City of York Council, West Offices, Station Rise, York, YO1 6GA or email to ycc@york.gov.uk

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (بولی) میں بھی مہیا کی جا سکتی ہیں۔ (Urdu)

 **(01904) 551550**

Annex D: Enforcement policy - National Trading Standards Regional Investigation and National Trading Standards eCrime teams



National Trading Standards

Yorkshire and the Humber Regional Investigations Team and

National Trading Standards eCrime Team

Enforcement Policy

This document is the enforcement policy for the National Trading Standards Yorkshire and the Humber Regional Investigations Team and National Trading Standards eCrime Team (NTS RIT and eCrime) hosted by City of York Council on behalf of the National Trading Standards Board (NTSB)

The purpose of NTS RIT and eCrime is to tackle the scams and complex cases of fraud perpetrated on a regional and national basis in an effective way that is not readily achievable by individual local authorities. NTS RIT and eCrime investigate individual cases and practices referred to them by local authority trading standards services and through the tasking arrangements of NTSB.

The purpose of NTS RIT and eCrime is not to provide advice, information or carry out inspections of regulated businesses. NTS RIT and eCrime are charged with taking on major investigations, and in appropriate cases, bringing them to a just conclusion through the courts using both criminal and civil sanctions.

NTS RIT and eCrime will have regard to The Code for Crown Prosecutors issued by the Director of Public Prosecutions, the Regulators' Code and other relevant codes including those concerned with the investigation of offences.

NTS RIT and eCrime will take appropriate formal enforcement action in cases concerning fraud, significant unlawful consumer detriment, unlawful exploitation of vulnerable consumers groups, intellectual property crime and any other matter that the head of regional investigations considers necessary within the scope of the purpose of NTS RIT and eCrime. For the purposes of this policy formal enforcement action includes prosecution, civil action, confiscation proceedings or the issue of a simple caution.

Formal enforcement action under this policy will be in the public interest and will:

- aim to change the behaviour of the offender;
- aim to eliminate any financial gain or benefit from crime/non-compliance;
- be responsive and consider what is appropriate for the particular offender and regulatory issue, which can include punishment and the public stigma that should be associated with a criminal conviction;
- be proportionate to the nature of the offence and the harm caused;
- aim to restore the harm caused by the crime/regulatory non-compliance, where appropriate;
- and
- aim to deter future offending/non-compliance.

All enforcement activity undertaken under this policy will have regard to the Human Rights Act 1998 and Equalities Act 2010.