



# South Somerset District Council

Freedom of Information Act (2000) & Environmental Information Regulation (2004)

Information Request Reference Number: 297

## RESPONSE

You have asked South Somerset District Council for the following information:-

Q1. Does your local authority have a policy for issuing Community Protection Warnings/Community Protection Notices? If yes, please can this be attached.

**The SSDC enforcement policy can be found [here](#)**

Q2. Do you use Community Protection Warnings/Community Protection Notices when there is other legislation in place that could be applied?

**Not as a general practice: Each case is considered on its merits and the most appropriate legislation is then applied.**

Q3. Do you have any systems of oversight to ensure that Community Protection Notices are being used correctly? For example: oversight by a senior officer, or a chance for recipients to appeal the Community Protection Notice within the local authority?

**The Council's "Compliance and Enforcement Specialist" is in place to ensure consistency across all areas of Service delivery. It is also SSDC policy that all notices are peer reviewed before being served.**

Q4. Does your local authority use pre-written Community Protection Warnings/Community Protection Notices where the issuing officer 'fills in the blanks'?

**A CPN template is used. Such templates are useful to ensure that consistency across all areas of Service delivery is achieved.**

Q5. How do you apply the 'detrimental effect' threshold required for the issuing of a Community Protection Notice? For example, do you define 'detrimental effect' as conduct that causes nuisance or harm, or conduct that others find very annoying?

**Each case is considered on its merits according to national guidance, developing legal precedent and by learning from other local authorities and peer groups.**

Q6. What information about the appeal process is given to Community Protection Notice recipients?

#### **RIGHT OF APPEAL**

**You may appeal against this notice to a magistrates' court within 21 days from the date on which it is served, on the grounds that:**

- 1. The conduct specified in the community protection notice—**
  - a. did not take place,**
  - b. has not had a detrimental effect on the quality of life of those in the locality,**
  - c. has not been of a persistent or continuing nature,**
  - d. is not unreasonable, or**
  - e. is conduct that the person cannot reasonably be expected to control or affect.**
- 2. Any of the requirements in the notice, or any of the periods within which or times by which they are to be complied with, are unreasonable.**
- 3. There is a material defect or error in, or in connection with, the notice.**
- 4. The notice was served on the wrong person.**

#### **IMPORTANT NOTE**

- 1. Until an Appeal has been determined by the Court;**
  - a) Any requirements imposed by the this notice to stop doing specific things remain in effect, unless the court orders otherwise; but**
  - b) Any other requirement imposed by the notice is of no effect.**

Q7. Is information about Community Protection Warnings/Community Protection Notices that have been issued shared with relevant interested partners, such as housing or police? If so, how is this done?

**No.**

Q8. What training is given to officers that issue Community Protection Warnings/Community Protection Notices, in terms of content and duration?



**An external trainer is contracted to provide specific training on the legal aspects of enforcement activities, including the use of CPNs. Internal training and peer support is provided by the Enforcement and Compliance specialist across the whole of service delivery.**

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