

National Enforcement Powers Guide

England and Wales

Public
Version

National Enforcement Powers Guide

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The National Enforcement Powers Guide has been coordinated and compiled by Kate Rolle, Hertfordshire Modern Slavery Partnership Coordinator at Shiva Foundation, in collaboration with Katy Parker, Project, Parliament and Communications Coordinator at the Human Trafficking Foundation (HTF) and Alan Beach, Eastern Region Coordinator in the Modern Slavery and Organised Immigration Crime Unit (MSOIC).

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Disclaimer

This guide should not be used by agencies to cover or replace any individual agency's more detailed policy and standing operating procedures but to act as a reference point for understanding external partner powers and responsibilities.

To ensure the accuracy, completeness and reliability of the information provided, included agencies were regularly consulted and involved in drafting and reviewing the content and their individual contributions informed key sections of the guide.

Considering future changes in UK Government legislation and policy, agency powers are likely to change frequently and therefore the contents of this guide must be seen within the time period that it is published. However, it is intended that this guide will be updated on a regular basis to reflect relevant changes when deemed most appropriate to do so.

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Foreword: Minister for Safeguarding

This Government is committed to eradicating modern slavery and labour exploitation and bringing the perpetrators behind these abhorrent crimes to justice. However, we cannot do this alone and the role of law enforcement agencies is paramount.

The *Modern Slavery Act 2015* and the *Immigration Act 2016* underscored our commitments and gave law enforcement agencies the tools they need to disrupt offenders. Since 2016 we have provided over £13 million of funding to support the policing response, as well as providing £33 million for the state enforcement of labour market legislation.

There is more we need to do. The challenges presented by Covid-19 have shown how quickly this abhorrent crime can evolve and throughout the pandemic we have worked closely with a range of partners, including law enforcement agencies, local authorities and NGOs to ensure that our enforcement response and support for victims continues. It's now more important than ever to ensure that victims have access to essential support.

The National Referral Mechanism (NRM) continues to lift victims of modern slavery from dangerous situations of exploitation and put them in a position to rebuild their lives. Our ambitious NRM Transformation Programme will introduce a series of changes to ensure victims have their cases settled promptly, receive support tailored to their recovery needs from the outset, and are empowered to move on with their lives. It is vital that supporting victims is not a solo effort and that every agency that encounters potential victims is working collaboratively to provide the best possible support.

In the Leicester textiles industry, deeply concerning reports of labour exploitation have brought home the often hidden, but real, risks that vulnerable workers can face. However, in responding to these concerns, we have seen the immeasurable value of multi-agency working and a key lesson from the Gangmasters and Labour Abuse Authority-led Leicester Taskforce has been the importance of understanding the range of powers available to different agencies.

I wholeheartedly welcome the publication of this National Enforcement Powers Guide which will support this continued collaboration between law enforcement partners. I hope that this guide will serve as a crucial tool in supporting our work to ensure that victims are provided with the support they need and offenders behind these cruel crimes are prosecuted. I would like to thank the National Network Coordinators Forum (NNCF), the Modern Slavery and Organised Immigration Crime Unit (MSOIC) and all others involved for making this possible.



Victoria Atkins MP
Minister for Safeguarding

Foreword:

Independent Anti-Slavery Commissioner

Tackling modern slavery and human trafficking crimes is often complex and even the most experienced colleagues will be challenged by the difficulty of knowing which agencies are able to intervene in operational activity and subsequent investigations. The National Enforcement Powers Guide has been produced in order to fill this gap, providing a single resource that includes a comprehensive overview of each agency's remit, their enforcement powers and details on how they can support multi-agency operational activity in practice.

As the Independent Anti-Slavery Commissioner (IASC), I have a UK-wide remit to encourage good practice in the detection, investigation and prosecution of modern slavery offences and the identification of victims. In my [Strategic Plan 2019-2021](#), I underline the importance of working in partnership to tackle this devastating crime, as well as the need to equip professionals to identify and safeguard victims of trafficking, and to prosecute offenders using a whole system approach.

I therefore welcome this work and encourage the various enforcement bodies included, as well as the wider partner agencies that form the anti-slavery partnerships across the UK,¹ to make good use of this resource to further enhance their multi-agency approach to operational activity at a local level. In doing so, I hope that this will also make a positive contribution to improving the effectiveness and consistency of how we respond to modern slavery nationally.

Finally, I would like to thank the National Network Coordinators Forum (NNCF) and the Modern Slavery and Organised Immigration Crime Unit (MSOIC) who identified this gap in awareness among frontline professionals and then worked collaboratively to find a practical solution. I also want to extend my thanks to the significant number of colleagues from a range of enforcement bodies who have given their time to share their expertise and make this work possible.



Dame Sara Thornton
Independent Anti-Slavery Commissioner

¹ It is recognised that some of the enforcement bodies referenced within this guide have a UK-wide remit and that others only cover England and Wales.

Foreword:

National Policing Lead for Modern Slavery

Since the *Modern Slavery Act 2015* was enacted, partnership working has been integral to identifying, safeguarding and supporting victims of exploitation, along with bringing to justice those who perpetrate these crimes. Ensuring we continue to make the environment hostile for criminal groups to operate in is key to our collective success. Disrupting their criminal activity and exploitation is paramount.

To achieve this, it is important for all law enforcement agencies and Non-Governmental Organisations (NGOs) involved in tackling modern slavery and human trafficking to have knowledge of each partner's enforcement powers, capability, roles and responsibilities.

With the challenges presented by the Covid-19 pandemic, and the UK status change within the EU, it is now more important than ever to work together, utilising all appropriate legal tools available in the fight against exploitation.

To facilitate this and to provide a single point of reference, this National Enforcement Powers Guide has been created to pull all agencies together into one single document. I hope this will enhance collective knowledge and allow for continued multi-agency collaboration when planning and conducting safeguarding or enforcement action.

I would like to express my thanks to the Human Trafficking Foundation's National Network Coordinators Forum (NNCF) and the Modern Slavery and Organised Immigration Crime Unit (MSOIC) who have worked hard to produce the National Enforcement Powers Guide. I am also grateful for the time and endorsement provided by individual agencies in supporting this project.



Chief Constable Shaun Sawyer QPM
National Policing Lead for Modern Slavery
Chief Constable of Devon and Cornwall Police

Introduction

The passing of the *Modern Slavery Act 2015* marked a dramatic shift in national focus towards tackling modern slavery and exploitation. Consequently, UK anti-slavery policy and funding facilitated increased operational responses among law enforcement partners across the UK. Underpinning this development was the establishment of local anti-slavery partnerships that helped to facilitate more collaborative structures, instigating greater use of multi-agency approaches to enforcement and intelligence sharing between partners.

Despite the progress, there were ongoing reports of exploitation, most notably with the public allegations made against Leicester garment factories in 2020. The 2017 research report '[Collaborating for Freedom: Anti-Slavery Partnerships in the UK](#)' published by the Independent Anti-Slavery Commissioner (IASC) and the University of Nottingham's 'Rights Lab' stated that: 'different enforcement agencies [are] still working to their own agendas or calendars without this being joined up or thought out' (*survey response*), along with 'silo mentalities, a lack of sharing information and different areas having different resourcing structures to deal with this crime' (*survey response*). Furthermore, a lack of coordination has led to 'inefficiencies and duplication' (*survey response*).

At the Eastern Region Anti-Slavery Partnership (ERASP) Conference in January 2020, which was attended by over 100 law enforcement stakeholders across the Eastern Region, it became evident that one reason for a lack of consistency and coordination is that there is a lack of understanding between agencies around their different roles and powers.

Considering powers of entry alone, which are the main focus of this guide, there are currently over 900 separate powers of entry under primary and secondary legislation allocated to law enforcement agencies across the UK, over 175 of which require the issue of a search warrant. This is a staggering amount of legislation to know and understand, let alone apply practically day-to-day, creating the potential for missed opportunities by law enforcement agencies to work closer together, and to make the best use of these available powers in a more tactically coordinated manner.

Power of Entry

A power of entry is a statutory right for a person (usually a state official such as a police officer, local authority trading standards officer or a member of enforcement staff of a regulatory body) to legally enter defined premises, such as businesses, vehicles or land for specific purposes. The purposes for which a power of entry might be exercised include undertaking an inspection, dealing with an emergency or searching for evidence during an investigation. Often, a power of entry is accompanied by what

are known as 'associated powers', which set out what an official can do once they have entered the premises. This might include conducting a search, seizing relevant items or collecting samples.

The need to create the National Enforcement Powers Guide therefore came out of increased awareness of the gap in knowledge and understanding of different agency roles and responsibilities. Seeing the value in bringing this information together in one single document to support local stakeholders and agencies, the National Network Coordinators' Forum (NNCF) and the Modern Slavery and Organised Immigration Crime Unit (MSOIC) have worked in collaboration to produce this guide.

The purpose of this guide is to help facilitate a faster tactical multi-agency response and to use the appropriate legislation available to gain entry into commercial and residential premises, where intelligence has indicated that there could be a potential case of exploitation or modern slavery. Likewise this guide can be used to support agencies to understand and develop key processes when finding victims and offenders of exploitation, as well as wider serious and organised crime.

This guide is aimed at all professionals in law enforcement and associated organisations who may encounter victims and perpetrators of exploitation and modern slavery, along with other forms of serious and organised crime, in their day-to-day activities. It is suggested that this guide should be used as a reference document for agencies to assist in planning and working with partner agencies when considering who should be involved at the various stages of conducting activity, in order to respond to potential victims and offenders of exploitation, modern slavery and other crime types.



In the UK, there are 45 territorial police forces covering England, Wales, Northern Ireland and Scotland, plus the British Transport Police, Civil Nuclear Constabulary and the Ministry of Defence Police.

The enforcement powers contained within this document relate to those police forces within England and Wales only, as NI and Scotland are governed by separate legislation.¹

The police have core operational duties including: 1) protecting life and property, 2) preserving order, 3) preventing the commission of offences and 4) bringing offenders to justice. The police also have additional duties that are prescribed under legislation and common law.

Police investigations into modern slavery offences should be victim-focused but must also maximize the opportunities to identify and successfully prosecute, or otherwise disrupt, those responsible. The primary objective is to safeguard and support victims.

The police are NRM First Responders as outlined in the *Modern Slavery Act 2015*.



Agency Focus

1. Identifies and prevents all forms of exploitation in line with the *Modern Slavery Act 2015*.
2. Identifies and protects vulnerable people, safeguarding those at risk from harm.
3. Identifies offenders and collates evidence to lead to successful prosecution of those involved.
4. Works in partnership with external agencies to develop systems, processes and training to better identify, support and protect victims.



Multi-Agency Working in Practice

The police seek to work closely with a wide range of partner agencies, including NGOs,² to identify, protect and safeguard victims, and to bring offenders of exploitation to justice.

¹ The Police Service of Northern Ireland (PSNI) is responsible for policing Northern Ireland and Police Scotland is a single force, which is responsible for policing across Scotland.

² NGOs stands for non-governmental organisations, which are non-profit groups that functions independently of any government and are organized on a community, national and international level to serve a social or political goal.



Police: Key Legislation

The police have statutory and common law powers and duties which must be utilised in accordance with the *Human Rights Act 1998*.

For the purpose of this guide and whilst not an exhaustive list, the main legislation dictating police powers in this area are:

- *Criminal Law Act 1967*
- *Police and Criminal Evidence Act (PACE) 1984*
- *Police Act 1996*
- *Human Rights Act 1998*
- *Criminal Justice and Police Act 2001*
- *Police Reform Act 2002*
- *Proceeds of Crime Act (POCA) 2002*
- *UK Borders Act 2007*
- *Modern Slavery Act (MSA) 2015*
- *Common Law Powers*

Police Officers with Powers of Entry

Police officers are not usually able to enter a dwelling or other private premise without permission or a legally obtained warrant, except in exceptional circumstances which are predominantly covered by [PACE 1984](#).



Police: Powers

Powers of Entry with No Search Warrant Required

Legislation	Power of Entry	Power of Arrest
PACE 1984 - s17	<p>1. Purpose:</p> <ul style="list-style-type: none"> • a. To execute a warrant of arrest issued in connection with or arising out of criminal proceedings or a warrant of commitment. • b. To arrest a person for an indictable offence.³ • c. To arrest for a specified offence.⁴ • d. To recapture any person who is unlawfully at large or whom they are pursuing. • e. To save life and limb or prevent serious damage to property. <p>2. Site access: Except for the purpose specified in point e above, the powers of entry and search are only exercisable if the police constable has reasonable grounds for believing that the person they are seeking is on the premises.⁵ There are no restrictions on when officers can enter.</p>	A police constable ⁶ has a statutory power to arrest without warrant for all offences (PACE 1984 – s24).
PACE 1984 - s18	<p>1. Purpose: To enter and search premises that are:</p> <ul style="list-style-type: none"> • a. Occupied or controlled by a suspect who has been arrested for an indictable offence and • b. there are reasonable grounds for suspecting that there is evidence relating to that offence on the premises, or another indictable offence, which is connected or similar. <p>2. Site access: The power to search is at any time, to the extent that is reasonably required for the purpose of discovering relevant evidence.</p>	No power to arrest.

³ Indictable offences are offences that are dealt with at the Crown Court only. Modern slavery offences are indictable offences.

⁴ See [PACE 1984 - s17\(1c\)](#) for a list of specified offences.

⁵ See [PACE 1984 - s17\(2b\)](#) for details of additional limitations for entry and search.

⁶ All police officers are police constables.

Powers of Entry with No Search Warrant Required (cont)

Legislation	Power of Entry	Power of Arrest
PACE 1984 - s32	<p>1. Purpose: To enter and search any premises that an arrested person was in at the time of their arrest, or immediately before arrest, for evidence (indictable offences only).</p> <p>2. Site access: To enter at any time, officers must reasonably believe that the premises may contain evidence and must only search to the extent that is reasonably required to discover any such item or evidence.</p>	No power to arrest.

Examples of additional entry and search powers without a warrant available under other legislation are:

- [POCA 2002 – s289](#)
- [UK Borders Act 2007 – s44](#)
- *Common Law: to prevent a breach of the peace*

Powers of Entry with Search Warrant Required

Legislation	Search Warrant
<p>The most common powers used to obtain a search warrant are:⁷</p> <ul style="list-style-type: none"> • For evidence of indictable offences (PACE 1984 – s8). • For stolen property (Theft Act 1968 – s26). • For controlled drugs (Misuse of Drugs Act 1971 – s23). 	<p>1. Search warrant: A search warrant allows police officers⁸ to search for identified suspects and evidence relating to specific intelligence or a criminal investigation in line with specific legislation:</p> <ul style="list-style-type: none"> • Warrants can be for a specific premises or multiple premises. • An all-premises warrant can be authorised for other unknown premises owned or controlled by the person named on the warrant. <p>2. Site access: Access to relevant premises detailed on the warrant granted can be at any time.</p>

In all cases where a search warrant or no warrant is required, the following applies around forced and refused entry:

- **Forced entry:** Reasonable force may be used to gain entry to conduct a search of premises using powers under [PACE 1984 - s17-18 and 32](#), as well as for executing search warrants.
- **Refused entry:** Officers may use reasonable force in the exercise of the power of entry, if necessary and proportionate to the circumstances ([PACE 1984 – s117](#)). Potential offences of obstruction could be considered if entry is refused.

⁷ See [PACE Code B 2013](#) for a list of additional powers to obtain a search warrant, including notes for guidance; and 2B for a comprehensive list of powers.

⁸ The application for a search warrant must be made by a police officer or by an individual who has relevant designated powers (e.g. a police staff investigator who has been allocated designated powers under the [Police Reform Act 2002](#)).



Process on Site

1. Entry

- Police officers attending a site where exploitation is suspected do not have to give prior notice before attempting to enter.
- On entry, officers will present identification, explain the reason for the visit and the legal basis for entry.
- From the outset, officers will adopt an investigative mentality and approach, with the five Building Block Principles in mind: 1) preserve life and 2) scenes; 3) secure evidence; identify 4) victims and 5) offenders.

3. Gathering Evidence

- Police officers will search and seize material, including in electronic form, relevant to the investigation.⁹
- They will record the scene and victims using body-worn video or an appropriate mobile device.
- They will document or photograph the physical condition of the victim and their possessions.
- They will conduct enquiries, where possible, at neighbouring premises to identify potential witnesses.
- They will contact the Force Intelligence Unit/Bureau to request fast-time checks on all potential victims and suspects.

⁹ In line with [PACE 1984 - s19 – 22](#), the [PACE Code B 2013](#) governs the search of premises and the seizure of material found on persons or premises and there are additional seize and sift powers granted under the [Criminal Justice and Police Act 2001 - s50](#).

2. Interviews

- Police officers will obtain initial details of those present:
 - They will take an early account from potential victims to establish the nature and scale of the offence.
 - They will seek to identify offenders and any other potential victims.
- Where possible, trained victim liaison officers should also attend to support engagement with victims, which can assist in building a rapport with them.

4. Outcomes and Next Steps

- Where victims are identified and NRM support is agreed, emergency safe accommodation will be sourced by police officers liaising with partner agencies.
- Where appropriate, offenders will be arrested.
- Where an NRM referral has been made, the relevant police force will record a crime and commence a criminal investigation.



If Suspected Victims of Exploitation Present

Step 1:

In line with internal safeguarding procedures, the police will look to meet the immediate safety, health and welfare needs of any potential victims. This may be facilitated through the use of a reception centre.

Step 2:

Where there are adult victims, NRM support will be explained and offered by the police.¹⁰ If the support is accepted, a place of safety will be sourced through local charities, Non-Governmental Organisations (NGOs) and local authorities.

Step 3:

If victims include a child, contact will be made with local authority children's services and advice will be sought from the local child abuse investigation unit (CAIU) immediately. Consideration should be given to providing emergency care in line with the *Children Act 1989*.¹¹

Step 4:

Victims will be interviewed as Achieving Best Evidence (ABE) guidance dictates, as and when appropriate.

Step 5:

The police will make the appropriate NRM referral or submit a Duty to Notify form, dependent on the wishes and age of the victim under the [MSA 2015 - s52](#).

¹⁰ Explanation of the NRM and offer of support may also be communicated by other NRM First Responder organisations and/or accompanying victim support organisations.

¹¹ [The Children Act 1989 - s46](#) refers to the power granted to police to remove and accommodate children in an emergency.



Multi-Agency Working in Practice

The police seek to work in partnership with all appropriate agencies and organisations for the purpose of preventing and tackling all forms of crime, including modern slavery and human trafficking.

The police can support other agencies as:



A partner to prevent a breach of the peace.



A responder to reports of potential exploitation.



A sharer of appropriate information and evidence.

Working in Partnership: When attending premises and executing a search warrant in relation to modern slavery offences, the police may take with them any agencies considered necessary to assist with victim care, gathering and securing evidence and offering expert advice. Each agency will need to be named when applying for a search warrant. This does not prohibit the attending agency from utilising their own powers.

Supporting Partners: The police can support partner agencies conducting multi-agency site visits. Their role will be dependent on the investigation and objectives of the visit. For example, supporting the GLAA to secure a location, identify victims or offenders and to transport those who have been detained. They may also accompany any partner agency on entering a premises in order to prevent a breach of peace. Partners are encouraged to make contact at the earliest opportunity to arrange for police support, to clarify roles and to agree what powers they will be using to enter. Depending on the safeguarding need, the police will take part in a Multi-Agency Risk Assessment Conference (MARAC), where deemed appropriate and applicable.

Information Sharing: The sharing of information and intelligence is conducted via data sharing agreements and protocols as defined by the relevant data sharing legislation.

Best Practice: Good practice suggests that at the earliest opportunity all agencies are brought together at a strategic level to set a Memorandum of Understanding (MOU) for collaborative working and to identify involvement and objectives. Following the strategic meeting, all key agencies should confirm their agreement to the MOU. They should then meet on a tactical level to define roles and responsibilities, including agreeing thematic priorities and communication strategies. The aim is to work meaningfully together as partners at an operational level, supported by regular ongoing debriefs.



Offences and Sanctions

Offences

Although the police have thousands of offences that they investigate, for the purpose of this guide, this section will focus on the offences provided under the *MSA 2015*. The Act consolidated and simplified existing human trafficking and modern slavery offences into a single Act and introduced key definitions for relevant offences and a statutory defence for victims.

Under the *MSA 2015*, the following are considered criminal offences which may be passed on to the Crown Prosecution Service (CPS):

- **Section 1 - Slavery, Servitude and Forced or Compulsory Labour:** Where a person holds another person in conditions of slavery or servitude or requires another person to perform forced or compulsory labour and that person knows, or ought to know, that the other person is being held as such. This includes any work or service which is extracted from a victim under threat, menace or deception (maximum sentence: life imprisonment).
- **Section 2 - Human Trafficking:** Where a person arranges or facilitates the travel of another person with a view to that person being exploited. Travel could involve the recruitment, transportation, transfer, harbouring or receipt of victims for the purposes of exploitation, either with or without the victim's consent (maximum sentence: life imprisonment).
- **Section 4:** The intention of a person to commit either one of the above offences, including by aiding, abetting, counselling or procuring (maximum sentence: 10 years' imprisonment), unless committed through kidnapping or false imprisonment (maximum sentence: life imprisonment).

Note: [Section 45](#) of the *MSA 2015* established a statutory defence for exploited victims who have also committed criminal offences as a direct result of their exploitative situation. For adults, it must be shown that they were compelled to commit the offence, whereas for children, this is not required.¹²

¹² For further information, see [MSA 2015 - s.45](#).

Sanctions and Penalties

Outcomes following investigations will either be imprisonment, a fine and/or a civil order. Any attempt to obstruct a police officer¹³ in the course of their duties may result in a maximum penalty of one month's imprisonment and/or a fine.

Specific sanctions include:

- Fines.
- Reparation orders.
- Recouping the benefits of crime under the [POCA 2002](#).
- Forfeiture of land, vehicles, ships or aircraft (*MSA 2015 - Section 2 offences only*).
- Custodial and suspended sentences.
- **Civil Orders:** There are two civil orders available under Part 2 of the *MSA 2015* which can be applied to prevent those who pose a risk of harm from committing modern slavery offences in the future: 1) Slavery and Trafficking Prevention Orders (STPOs) and 2) Slavery and Trafficking Risk Orders (STROs).¹⁴

Local Contact Information:

Email:

Phone Number:

¹³ For further information, see the [Police Act 1996 – s89\(2\)](#).

¹⁴ See Annex B for further details on how to apply for a STPO or STRO.



The National Crime Agency (NCA) was formed in 2014 to fight and reduce serious and organised criminality. As a national agency, the NCA operates within all three UK judicial systems and has been allocated powers specific to each jurisdiction.

The NCA operates proactively at the 'high end' of high risk, undertaking long-term investigations which result in offenders being brought to justice through prosecution or disruption through other means. The agency leads, tasks, coordinates and supports activity against the most serious groups and individuals.

The NCA works with partners to develop, deploy and maintain specialist capabilities and services that are best delivered nationally, enhancing the UK's overall impact on serious and organised crime, in the following areas: 1) border vulnerabilities; 2) illegal firearms; 3) cyber-crime; 4) fraud; 5) drug trafficking; 6) money laundering and illicit finance; 7) modern slavery and human trafficking; 8) organised immigration crime; 9) kidnap and extortion; 10) child sexual abuse and exploitation; and 11) bribery, corruption and sanction evasion. The NCA follows the 'Four P' model in their operations: Prepare, Prevent, Protect and Pursue.

The NCA is an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Leads the UK's fight to target, dismantle and disrupt serious and organised crime.
2. Develops an enhanced intelligence picture of the serious and organised crime threat to the UK.
3. Pursues the most serious and dangerous offenders of serious and organised crime.
4. Develops and delivers specialist capabilities to tackle identified threats on behalf of law enforcement and other partners.



Multi-Agency Working in Practice

The NCA seeks to work in partnership with law enforcement agencies and NGOs in the UK and abroad to target, dismantle and disrupt serious and organised crime across the UK.



National Crime Agency: Key Legislation

- *Immigration Act 1971* (and other related immigration legislation)
- *Customs and Excise Management Act (CIMA) 1979*
- *Police and Criminal Evidence Act (PACE) 1984*
- *Criminal Procedures and Investigations Act 1996*
- *Youth Justice and Criminal Evidence Act 1999*
- *Regulation of Investigatory Powers Act (RIPA) 2000*
- *Proceeds of Crime Act (POCA) 2002*
- *Children Act 2004 – s11*
- *Serious Organised Crime and Police Act (SOCPA) 2005*
- *Crime and Courts Act 2013*
- *Modern Slavery Act (MSA) 2015 (England and Wales)*
- *Human Trafficking and Exploitation Act (Scotland) 2015*
- *Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015*

Officers with Powers of Entry

The [Crime and Courts Act 2013](#) designated certain NCA officers with ‘Tri-Powers’, enabling them to perform the roles of a Police Constable, Immigration Officer and an officer of Her Majesty’s Revenue and Customs (HMRC), including authorising use of powers of entry in line with relevant legislation.’

1. Designated NCA Officer

- An NCA officer who has been designated the powers and privileges of a constable under sections 9 and 10.

2. Non-Designated NCA Officer

- An NCA officer who has not been designated the powers and privileges of a constable under sections 9 and 10 and therefore does not have powers of entry in line with the legislation provided in the below table, but is able to work alongside a Designated NCA Officer on relevant activities (e.g. operations).



National Crime Agency: Powers

Powers of Entry with No Search Warrant Required

Legislation	Power of Entry	Power of Arrest
Designated NCA Officer PACE 1984 - s17	<p>1. Purpose:</p> <ul style="list-style-type: none"> • a. To execute a warrant of arrest issued in connection with or arising out of criminal proceedings or a warrant of commitment. • b. To arrest a person for an indictable offence. • c. To arrest for a specified offence.¹ • d. To recapture any person who is unlawfully at large or whom they are pursuing. • e. To save life and limb or prevent serious damage to property. <p>2. Site access: Except for the purpose specified in point e above, the powers of entry and search are only exercisable if the Designated NCA Officer has reasonable grounds for believing that the person they are seeking is on the premises.² There are no restrictions on when officers can enter.</p>	<p>A Designated NCA Officer has a statutory power to arrest without a warrant for all offences (PACE 1984 – s24).</p>
Designated NCA Officer PACE 1984 - s18	<p>1. Purpose: To enter and search premises that are:</p> <ul style="list-style-type: none"> • Occupied or controlled by a suspect who has been arrested for an indictable offence <p>and</p> <ul style="list-style-type: none"> • there are reasonable grounds for suspecting that there is evidence relating to that offence on the premises, or another indictable offence, which is connected or similar. <p>2. Site access: The power to search is at any time, to the extent that is reasonably required for the purpose of discovering relevant evidence.</p>	<p>No power of arrest.</p>

¹ See [PACE 1984 - s17\(1c\)](#) for a list of specified offences.

² See [PACE 1984 - s17\(2b\)](#) for details of additional limitations for entry and search.

Powers of Entry with No Search Warrant Required (cont)

Legislation	Power of Entry	Power of Arrest
Designated NCA Officer PACE 1984 - s32	<p>1. Purpose: To enter and search any premises that an arrested person was in at the time of their arrest, or immediately before arrest, for evidence (indictable offences only).</p> <p>2. Site access: To enter at any time, Designated NCA Officers must reasonably believe that the premises may contain evidence and must only search to the extent that is reasonably required to discover any such item or evidence.</p>	No power of arrest.

Additional entry and search powers without a warrant are available to Designated NCA Officers under the following legislation:

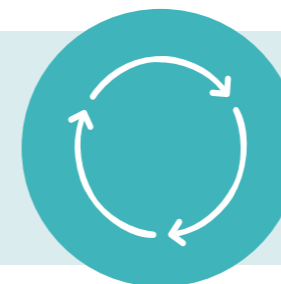
- [Proceeds of Crime Act 2002 – s289](#)
- [UK Borders Act 2007](#)

Power of Entry where Search Warrant May be Required

Legislation	Power of Entry	Power of Arrest
Designated NCA Officer Immigration Acts and additional relevant immigration legislation	<p>1. Purpose: To ensure compliance with the relevant immigration acts.</p> <p>2. Court warrant: May or may not be required, dependent on the nature of the crime.</p> <p>3. Site access: Right to access at any time in line with the relevant legislation.</p>	Power of arrest.
Designated NCA Officer CIMA 1979 in line with powers granted under PACE 1984	<p>1. Purpose: To ensure compliance with the Act.</p> <p>2. Court warrant: May or may not be required, dependent on the nature of the crime.</p> <p>3. Site access: Right to access at any time in line with the relevant legislation.</p>	Power of arrest in certain circumstances in line with PACE 1984 .

In all cases where a search warrant or no warrant is required, the following applies to Designated NCA Officers around forced and refused entry:

- **Forced entry:** Reasonable force may be used to gain entry to conduct a search of premises using powers under [PACE 1984 - s17-18 and s32](#), as well as for executing search warrants.
- **Refused entry:** Designated NCA Officers may use reasonable force in exercising the power of entry, if necessary and proportionate to the circumstances ([PACE 1984 – s117](#)). Potential offences of obstruction could be considered if entry is refused.



Process on Site

1. Entry

- Designated NCA Officers attending a site where exploitation is suspected should consider it to be a crime scene and do not have to give prior notice before attempting to enter.
- On entry, officers will present identification and explain the reason for the visit.

2. Interviews

- Designated NCA Officers will arrest and remove suspects to be further investigated and interviewed.
- Interviews will be conducted in line with [PACE 1984](#).

Note: *The NCA can also provide advice to partners in relation to interview plans and tactics to question appropriately to prove points of relevant legislation.*

3. Gathering Evidence

- Search and seize material, including in electronic form, which is relevant to the investigation or offences ([PACE 1984 - s19 – 22](#)).
- Advise at the scene and record the scene and victims using body-worn video or an appropriate mobile device.
- Document or photograph the physical condition of the victim and their possessions.
- Conduct enquiries, where possible, at neighboring premises to identify potential witnesses.
- Assist with international enquiries through relevant means, including NCA International Liaison Officers.

4. Outcomes and Next Steps

- Where victims are identified and NRM support is agreed, emergency safe accommodation will be sourced by liaising with partner agencies.
- Where appropriate, offenders will be arrested.
- Ongoing investigations and preparations will take place, including making international enquiries as appropriate.

² For example, in relation to the number of officers attending, PPE used and/or attendance by other agencies.

³ All interactions with persons present will be recorded in contemporaneous notebooks.

⁴ Evidence gathered at a fire safety inspection would be obtained in accordance with the [Home Office Code of Practice for Powers of Entry](#).



If Suspected Victims of Exploitation Present

Step 1:

In line with internal safeguarding procedures, the NCA will look to meet the immediate safety, health and welfare needs of any potential victims. This may be facilitated through the use of a reception centre.

Step 2:

Where there are adult victims, NRM support will be explained and referred by the NCA. If the support is accepted, a place of safety will be sourced through local charities, NGOs or local authorities.

Step 3:

If victims include a child, contact will be made with local authority (LA) children's services and a multi-agency child protection response will be conducted, including planning to ensure the continued protection of the child. Depending on the child's LA care status, an NRM referral will be submitted for the child by the appropriate agency in due course.

Step 4:

Victims will be interviewed as Achieving Best Evidence (ABE) guidance dictates, as and when appropriate.

Step 5:

The NCA will make the appropriate NRM referral or submit a Duty to Notify (DTN) as part of an NRM form, dependent on the wishes and age of the victim under the [MSA 2015 - s52](#).



Multi-Agency Working in Practice

The NCA seeks to work in partnership with other agencies and departments in the UK and abroad to fight and reduce serious and organised criminality.

The NCA can support other agencies as:



Advisors on operational planning



Advisors on effective victim safeguarding and management



Providers of an additional resource where required via ROCU⁵ tasking

Working in Partnership: Modern slavery and human trafficking requires a partnership approach to effectively tackle the threat and to safeguard vulnerable victims. Investigations around this threat are conducted in partnership with local police forces and the Home Office, as well as with partners from across other government law enforcement agencies and NGOs both in the UK and overseas.

Supporting Partners: Where appropriate and proportionate, the NCA can signpost access to a range of specialist niche capabilities, including surveillance, illicit finances and border policing. In addition, it can facilitate international engagement and cooperation, as well as the safeguarding of vulnerable victims. The NCA provides a 24/7 on-call Tactical Advice Service to all partners responding to modern slavery and human trafficking: (+44) 0844 778 2406. NCA officers can also support law enforcement colleagues with victim and suspect handling advice on site. The NCA seeks to work closely with NGOs and other relevant partners to provide support to victims at reception centres and debrief interviews.

Information Sharing: The NCA Modern Slavery and Human Trafficking Unit (MSHTU) threat desk has a capability of intelligence development and analysis and can provide operational packages to partners where appropriate. The NCA also has a network of International Liaison Officers across the world providing capability and facilitating relationships globally.

The Joint Slavery and Trafficking Analysis Centre (JSTAC): This centre is an all-source intelligence assessment centre providing a single authoritative national threat picture covering modern slavery, human trafficking and organised immigration crime. The JSTAC comprises intelligence analysts from the NCA, policing and other government agencies and produces assessed intelligence reporting to inform partners and the public on the most up-to-date picture of the threat in the UK and abroad.

⁵ ROCU refers to the ten Regional Organised Crime Units (ROCU) across England and Wales that have a range of specialist policing capabilities to tackle serious and organised crime.



Offences and Sanctions

Offences

The NCA will usually pursue a multitude of offences against OCGs as they tend to commit poly-criminality. Examples of possible offences include:

- Modern slavery, trafficking and exploitation offences ([MSA 2015](#)) (maximum sentence: life imprisonment).
- Drug offences: e.g. supplying, producing and permitting premises ([Misuse of Drugs Act 1971](#)).
- Child sexual abuse ([Sexual Offences Act 2003](#)).
- Sexual assault and rape, prostitution and exploitation ([Sexual Offences Act 2003](#)).
- Serious physical assaults: e.g. grievous bodily harm ([Offences Against the Person Act 1861](#)).
- Assisting unlawful immigration ([Immigration Act 1971](#)).

Note: *This is a non-exhaustive list of possible offences that could be committed by OCGs.*

Sanctions and Penalties

Outcomes following investigations will either be imprisonment, a fine and/or a civil order. Outcomes following criminal investigations can be anything from closure notices and fines, to convictions or confiscations. It is an offence under the *Crime and Courts Act 2013* to resist or wilfully obstruct a Designated NCA Officer acting in the exercise of an operational power, or to wilfully obstruct a person assisting a Designated NCA Officer in the exercise of such power.

Specific sanctions include:

- Fines.
- Reparation orders.
- Recouping the benefits of crime under [POCA 2002](#).
- Forfeiture of land, vehicles, ships or aircraft.
- Custodial and suspended sentences with possible imprisonment.

- Civil Orders: There are two civil orders available under Part 2 of the *MSA 2015* which can be applied to prevent those who pose a risk of harm from committing modern slavery offences in the future: 1) Slavery and Trafficking Prevention Orders (STPOs) and 2) Slavery and Trafficking Risk Orders (STROs).⁶

National Contact Information:

Email: communication@nca.gov.uk

Phone Number: 0370 496 7622

Local Contact Information:

Email:

Phone Number:

⁶ For more information on how to apply for an STPO or STRO, see Appendix B for the flowchart.



Immigration Enforcement

Immigration Enforcement (IE) is responsible for enforcing the UK Government's immigration laws and policies.

IE is committed to tackling illegal migration, removing foreign national offenders (FNOs) and immigration offenders from the UK and disrupting organised criminal groups (OCGs). There are two Directorates within IE that use coercive enforcement powers. Both have teams of immigration officers (IOs) throughout the UK: Immigration Enforcement and Compliance (ICE) and Criminal and Financial Investigation (CFI).

ICE mainly use administrative powers under the various immigration acts to encourage and enforce compliance for those subject to immigration control in the UK. CFI investigate organised immigration crime, human trafficking and modern slavery (where there is a predicate immigration offence) using a limited subset of *PACE 1984* powers given to IOs. CFI also has specialist financial investigation capabilities and conducts confiscation and money laundering investigations under *POCA 2002*.

IE is a NRM First Responder under the *Modern Slavery Act 2015*.

Note: *UK Visas and Immigration (UKVI) is another Directorate within the Home Office but is separate from IE. UKVI is responsible for making millions of decisions every year about who has the right to stay in the country, with a firm emphasis on national security and a culture of customer satisfaction for people who come here legally. UKVI also deals with asylum and resettlement decisions and support. The Directorate is not involved in activities relating to enforcement and/or entry of premises.*



Agency Focus

1. Tackles illegal migration.
2. Encourages compliance with the immigration rules.
3. Removes FNOs and immigration offenders from the UK.
4. Disrupts organised criminal groups involved in immigration crime.
5. Ensures that safeguarding measures address the needs of those identified as vulnerable adults and children.



Multi-Agency Working in Practice

IE seeks to work in partnership with police and law enforcement agencies to disrupt organised immigration crime and organised crime groups involved in facilitation and human trafficking.



Immigration Enforcement: Key Legislation

The responsibilities and powers of immigration officers working in IE are detailed in various statutes the principle one being the *Immigration Act 1971*. There are numerous immigration acts but the main provisions which detail immigration officers' enforcement and investigation powers are to be found in:

- *Immigration Act 1971* (as amended)
- *Police and Criminal Evidence (PACE) 1984*
- *Proceeds of Crime Act (POCA) 2002*
- *Asylum and Immigration (Treatment of Claimants, etc.) Act 2004*

IE Officers with Powers of Entry

1. Immigration Officer – Immigration Compliance and Enforcement (ICE)

ICE officers are tasked with encouraging and where necessary enforcing compliance with the immigration rules and law in respect of:

- persons subject to immigration control who are residing in the UK.
- businesses that employ illegal workers.
- landlords who rent property to persons who do not have permission to reside in the UK.

2. Immigration Officer – Criminal and Financial Investigation (CFI)

- Immigration officers within CFI investigate and disrupt organised immigration crime and human trafficking activities, which are linked to an Immigration offence (e.g. clandestine people smuggling).
- Criminal investigators in CFI and ICE are trained along similar lines to police officers and are licensed by the College of Police under the Professionalising Police Programme (PIP). CFI immigration investigators are additionally required to pass the National Investigators Exam (NIE) and gain accreditation at PIP level 2. CFI also has managers that are accredited to PIP level 3 (SIO)



If Suspected Victims of Exploitation Present

Step 1:

IE will safeguard the victim(s) by: 1) taking them to a place of safety (if they consent) and 2) assessing their welfare/medical needs and seeking appropriate assistance if required.

Step 2:

IE will inform the victim(s) about the National Referral Mechanism (NRM).

Step 3:

Dependent on the preference of the victim, NRM or Duty to Notify (DTN) process would be initiated.

Step 4:

IE will maintain responsibility for the welfare of the foreign national victims they have encountered and will manage referrals to any services required through local anti-slavery partnerships.

Step 5:

If a victim is a British national or an EU national, they will be referred to the relevant local police force for further engagement in line with pre-existing arrangements.⁴

⁴ Processes around referral of EU nationals may change following the passing of any new legislation in line with exit from the EU.



Multi-Agency Working in Practice

IE seeks to work in partnership with agencies and departments to deliver against its objectives on tackling immigration crime.

IE can work collaboratively with partners as:



A source of information and intelligence on immigration



An additional law enforcement resource



A disruption resource linked to removal/deportation

Working in Partnership: IE can attend multi-agency visits where there is intelligence relating to immigration offences to be investigated, utilise their own power of entry. Where assistance is limited to specialist immigration advice, officers can be named on another agency's warrant. Similarly, other agencies can attend IE led visits, using their own powers of entry.

Supporting Partners: When supporting an agency on a multi-agency visit, IE can take the responsibility for initial interviewing of foreign nationals and effect arrests, where appropriate. In the event that the lead agency would rather utilize their own tactical powers during a visit, IE would then be able support by providing statements and disseminating intelligence in accordance with the national intelligence model.

Information Sharing: IE will proactively share intelligence with relevant partners through the national intelligence model processes, facilitated by agreed data sharing agreements in line with relevant data sharing legislation.



Immigration Enforcement: Offences and Sanctions

Offences

The following are considered offences which may be reported to the Crown Prosecution Service (CPS) for prosecution:

- Illegal entry, overstaying and/or a breach of condition of leave in the UK.⁵
- Entering the UK in breach of a deportation order and/or obtaining or seeking to obtain leave by deception (maximum sentence: 2 years' imprisonment).
- Assisting unlawful immigration (maximum sentence: 14 years' imprisonment).
- Human trafficking and modern slavery (where there is a predicate immigration offence) (maximum sentence: life imprisonment).
- False identity offences (maximum sentence: 10 years' imprisonment).
- Any attempt to obstruct an Immigration Officer in the course of their duties (6 month's imprisonment and/or a fine).

Sanctions and Penalties

Outcomes can also include closure notices and fines, slavery and trafficking risk orders, convictions, or confiscation.

Specific sanctions include:

- **Deportation order:** A foreign national offender, who has not yet received British citizenship and is convicted of a serious criminal offence (and sentenced to a custodial sentence of at least 12 months), is subject to automatic deportation provisions. Unless an exception applies, once the custodial sentence is complete, they will be deported back to their country of origin.
- **£3,000 fine:** Landlords may be fined up to £3000 if they rent to tenants who do not have permission to be in the UK.
- **£20,000 fine:** Directed at businesses, this fine is on a sliding scale per illegally employed employee and applies to companies that are found to have employed someone who is subject to immigration control and/or does not have the required permission to work.

⁵ This offence will normally be pursued through administrative removal.



Offences and Sanctions (Part 2)

- **Closure notices:** These can be imposed on businesses that do not comply with immigration requirements.
- **Confiscation of assets:** Under *POCA 2002*, if the court determines that cash is linked to facilitation, modern slavery offences or has been acquired illegally, it may be confiscated.

National Contact Information:

Email address:

Phone Number:

Local Contact Information:

Email address:

Phone Number:



Gangmasters & Labour Abuse Authority



Gangmasters & Labour Abuse Authority

FIRST RESPONDER

The Gangmasters and Labour Abuse Authority (GLAA) is a non-departmental public body. It exists to detect, prevent and disrupt serious and organised crime within labour industries, as well as protect vulnerable workers who are being exploited.

The GLAA is responsible for operating the licensing scheme for businesses that provide temporary labour in the following sectors: 1) agriculture; 2) horticulture; 3) shellfish gathering; and 4) any associated processing and packaging.

The purpose of the licensing scheme is to ensure that the employment standards required by UK law are being met in areas such as employment conditions, health and safety measures, accommodation, pay, transport and training. The GLAA will determine whether a provider is fit to hold a licence, including determining that tax, National Insurance and VAT regulations are being met.

Prior to 2016, the agency only had responsibility for licensing businesses providing temporary labour in the above sectors, ensuring they were compliant, and investigating those who had illegally operated without a licence. The *Immigration Act 2016* then extended the GLAA's remit to include additional powers and responsibilities to investigate a range of labour market offences under section 3(3). The GLAA reports to the Home Office.

The GLAA is an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Protects vulnerable and exploited workers.
2. Gathers intelligence and investigates reports of labour abuse.
3. Carries out risk-based inspections.
4. Ensures compliance with licensing standards.
5. Pursues enforcement action against offenders.



Multi-Agency Working in Practice

The GLAA seeks to work in partnership with police and law enforcement agencies to protect vulnerable and exploited workers through multi-agency operations, visits and inspections.



Gangmasters and Labour Abuse Authority: Key Legislation

The main responsibilities and powers of the GLAA are enshrined in UK law. The majority of these powers are set out in the *Gangmasters (Licensing) Act 2004*, as amended by the *Immigration Act 2016*.

A full list of laws that the GLAA can enforce is outlined in the [Immigration Act 2016 - s3\(3\)](#), covering offences cited in the following legislation:

- *Employment Agencies Act 1973*
- *National Minimum Wage Act 1998*
- *Gangmasters (Licensing) Act (G(L)A) 2004 (s12-13 and s18)*
- *Modern Slavery Act (MSA) 2015 (s1-2, s4 and s30)*

GLAA Officers with Powers of Entry

1. Compliance Officer

- Inspects businesses that are required to hold a licence, to ensure they are compliant with the licensing standards, and are not exploiting workers.
- Ensures that those engaged in the supply of workers, or who use workers to provide a service, meet minimum employment and other standards.
- [G\(L\)A 2004 - s16 \(civil power of entry\)](#)

2. Enforcement Officer

- Investigates unlicensed activity, use of an unlicensed gangmaster and obstruction.
- [G\(L\)A 2004 - s17 \(power of entry under a warrant - non-PACE 1984\)](#)

3. Labour Abuse Prevention Officer (LAPO) or Authorised Investigator

- Investigates labour market abuse offences in line with relevant legislation.
- The power to investigate labour market abuse offences comes from [PACE 1984](#) in line with the [\(Application to Labour Abuse Prevention Officers\) Regulations 2017](#).



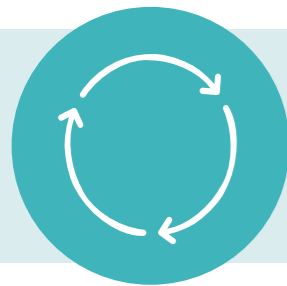
Gangmasters and Labour Abuse Authority: Powers

GLAA officers have been granted separate powers to conduct either compliance or criminal investigations. Consequently, when entering premises, each officer is only able to use the powers subject to their specific role.¹

Officer	Power of Entry	Power of Arrest
Enforcement Officer (G(L)A 2004 - s17)	<ol style="list-style-type: none"> 1. Purpose: To investigate offences of being unlicensed or using unlicensed gangmasters. 2. Court warrant: Required (in line with the criteria list). 3. Site access: Expected to inform property owner of entry where possible prior to visit. 4. Forced entry: May force entry if interference is suspected, that could frustrate the purpose of the visit. 5. Refused entry: Criminal offence of obstruction. 	Power to arrest without a warrant if reasonable suspicion that an individual may be guilty of: ² <ol style="list-style-type: none"> 1. Acting as an unlicensed gangmaster; 2. Being in possession of false documents; or 3. Conspiring, attempting, inciting, aiding, abetting, counselling or procuring such an offence.
Compliance Officer (G(L)A 2004 - s16)	<ol style="list-style-type: none"> 1. Purpose: To monitor compliance with licensing laws. 2. Warrant: Not required (civil inspections only). 3. Site access: Can enter at any reasonable time. 4. Forced entry: Not able to force entry. 5. Refused entry: Criminal offence without reasonable cause. 	No power to arrest.
LAPO or Authorised Investigator (PACE 1984)	<ol style="list-style-type: none"> 1. Purpose: To investigate suspected labour market offences. 2. PACE warrant: Required (s8 - 9). 3. Site access: Can enter at any time. 4. Forced entry: May force entry if interference is suspected that could frustrate the purpose of the visit. 5. Refused entry: Criminal offence of obstruction. 	<ol style="list-style-type: none"> 1. Statutory power to arrest (authorised investigators only) if labour market offences suspected. 2. No power to transport or detain for custody purposes. 3. Will normally carry out interviews under caution with the arrested person at the police station.

¹ See the [GLAA Code of Practice \(Oct 2018\)](#) for further information.

² This power aligns with a 'citizen's arrest' under [PACE 1984 - s24a](#), but is not a statutory power of the GLAA..



Process on Site

1. Entry

- GLAA officers will announce their intention to visit a premises prior to entry, unless it is deemed to frustrate the purpose of the search.
- Upon entry, they will show ID to the appropriate person(s) on site and explain the information needed for the purposes of their investigation.
- The number of officers attending will depend on the complexity and scale of the investigation or inspection.

2. Interviews

Compliance inspection interviews:

- GLAA officers will usually interview workers, clients and the business owner on site.
- **Note:** *Should the principal authority of the business be unavailable for interview without a reasonable explanation, this may be deemed an obstruction.*

Criminal investigation interviews:

- If interviews are conducted in relation to criminal investigations, they will normally be conducted elsewhere, including at police stations.

3. Gathering Evidence

GLAA compliance officers have the power to require documentation, but not the criminal investigation power to search and seize under a warrant.³

Enforcement officers and LAPOs can search for, request, examine, copy and/or seize material relevant to investigations including:⁴

- Records (e.g. workers personal data or access to a computer).
- Additional information to ensure compliance with relevant provisions.

Note: *LAPO officers may search people on the premises.*

4. Outcomes and Next Steps

Enforcement cases:

- GLAA officers will immediately safeguard any potential or identified victims.
- Officers will then summarise any issues identified and a decision will be made as to whether further inspections or investigations are necessary.

Licensing and compliance cases:

- In extreme circumstances, a gangmaster's licence will be revoked and/or suspended with immediate effect.



If Suspected Victims of Exploitation Present

Step 1:

The GLAA will safeguard the victim(s) by: 1) seeing to any welfare or medical needs; 2) taking them to a safe place (if necessary); and 3) making referrals to relevant agencies.

Step 2:

The GLAA will inform the victim(s) about the NRM and arrange accommodation with local partners, if needed.

Step 3:

The GLAA will conduct Achieving Best Evidence (ABE) interviews with victims to obtain additional evidence for an investigation, if agreed by the victim(s).

Step 4:

A designated GLAA officer will be assigned as a point of contact for the victim(s) throughout the investigation if they do not wish to provide an ABE interview.

Step 5:

The GLAA will make the appropriate NRM submission, depending on the wishes and age of the victim.

³ Enforcement officers use the [GLA Act - s17](#), whereas LAPOs use the [PACE 1984 - s8-9](#) to search and seize in line with the prescribed warrant from such legislation.

⁴ **Note:** GLAA officers can only retain and remove original documents (if necessary) with a receipt, to be returned to the owner as soon as their need has passed. Any obstruction in provision of these forms of documentation is a criminal offence.



Multi-Agency Working in Practice

The GLAA seeks to work in partnership with organisations for the purpose of protecting worker rights and preventing exploitation.

The GLAA can support other agencies as:



An expert in interviews and gathering evidence



A specialist in engaging with workers



An additional law enforcement resource

Working in Partnership: When entering premises under the power of a warrant, a GLAA officer may take with them any other person considered necessary. In the instance of a safeguarding visit for example, police are often invited on site to support. The GLAA looks to work in partnership with a considerable number of partner agencies, including the National Crime Agency, the HMRC National Minimum Wage (NMW) team, the Health and Safety Executive and Trading Standards, to meet its objectives.

Supporting Partners on Site: The role that the GLAA will play during multi-agency operations or visits will depend on which agency is leading the investigation on site. Usually when a GLAA officer enters a premise in support of other agencies, they would be named on the warrant that the lead organisation has obtained.

Engaging with Workers: Sometimes, the GLAA may support other agencies and conduct interviews and apply their expertise to a situation where labour abuse has been identified. In this situation, the GLAA may also assist in determining if relevant documentation are forgeries or will take the lead on communications, including interviews, if victims of exploitation are present. The GLAA is knowledgeable in cultural and religious differences, assessing verbal and non-verbal communications, key signs to look out for and appropriate interview questions.

Safeguarding and Transporting Victims: The GLAA may arrange transportation for victims to be transferred away from the site to a safe place where they can access further support. The GLAA often works with the British Red Cross who can provide reception centres for vulnerable individuals - a service that is open 24 hours a day. In larger scale operations, the National Crime Agency will usually take on operation of reception centres.

Case Study: Operation (Cambridgeshire)

Request for Support

The GLAA had commenced an investigation into an allegation of labour exploitation and slavery of homeless males who were recruited from the streets of Lincolnshire and Humberside to work laying driveways and block paving. It was suspected that the Organised Crime Group (OCG) was involved in other criminal activities that fell outside the GLAA's remit. The GLAA requested the assistance of and invited several agencies to attend a pre-planning meeting held at Cambridgeshire Constabulary to determine whether they would support the planned operation to a traveller's site.

Agencies Involved

GLAA, Cambridgeshire Constabulary, HMRC (National Minimum Wage team), Eastern Region Special Operations Unit (ERSOU), Health and Safety Executive, (HSE) Environment Agency, British Red Cross, Government Agency Intelligence Network (GAIN), Metropolitan Police (Stolen Vehicle and Plant team).

During the Operation

1. All agencies visited the entire site together, which included the main residential buildings, offices, caravans and storage areas.
2. A reception centre, staffed by the British Red Cross, was arranged in advance to be on standby.
3. All persons found on site were checked for any indication of exploitation and labour abuse.
4. HSE issues were identified and the agency issued safety notices in respect of the residential caravans on site which were housing workers.
5. High value items from construction plants (i.e. heavy machinery) to vehicles, which were reported stolen, were found within the confines of the site and were subsequently seized and recovered.
6. The main suspect, who was the owner of the driveway company was interviewed by HMRC NMW team and dealt with accordingly in respect of NMW offences against the company employees.

Outcomes and Next Steps

- Disruption of OCG business activities due to the arrest and detention of the main suspect in relation to the handling of stolen goods, namely the plant equipment used on a daily basis to carry out activities that formed part of the exploitation of workers.
- Temporary suspension of the use of the residential caravans, which were used to house the workers, who lived on site that were suspected victims of labour exploitation, who lived on site.
- HMRC initiated their own investigations into the financial activities of the main suspect and OCG.

Lessons Learned

Cemented understanding among partners that criminality crosses the responsibility of different organisations. As a result, the operation consolidated working relationships between relevant partners for future collaborative working on similar cases.



Offences and Sanctions

Offences

The following are considered criminal offences:

- Operating as a gangmaster without a licence and/or possessing a document (false, improperly obtained and/or belonging to someone else) which implies that you or someone else is licensed by the GLAA ([G\(L\)A Act - s12](#)).
- Entering into an agreement with an unlicensed gangmaster ([G\(L\)A Act - s13](#)).
- Breaches of labour market offences ([Immigration Act 2016 - s3\[3\]](#)).
- Obstruction ([G\(L\)A Act - s18](#)).

Sanctions and Penalties

Outcomes following criminal investigations can be anything from advisory notices and fines to convictions. Any attempt to obstruct a GLAA officer in the course of their duties may result in a maximum penalty of 6 months' imprisonment and/or a fine.

Specific sanctions include:

- **Licensed Sector (including Shellfish Gathering):** The maximum penalty for operating without a gangmaster licence is 10 years' imprisonment and/or a fine. If an organisation and/or individual enters into an agreement with an unlicensed gangmaster, the maximum penalty is 6 months' imprisonment and/or a fine. In relation to civil breaches of the licensing standards, a licence may be revoked. Any organisation and/or individual using workers to gather shellfish are required to obtain a licence and are considered to be gangmasters, facing the same penalties as unlicensed gangmasters.
- **Labour Market Enforcement Undertakings and Orders (LMEUs and LMEOs):** These sanctions are intended for application against more serious or persistent offenders, where this type of intervention is judged appropriate to prevent further offending.⁵
- **Modern Slavery/Human Trafficking:** For modern slavery and human trafficking offenders and potential offenders, the GLAA can apply for a Slavery or Trafficking Risk Order (STRO) or Slavery and Trafficking Prevention Order (STPO) for those believed likely to commit an offence or to reoffend.⁶

⁵ For further information, see the [Code of Practice \(Nov 2016\)](#).

⁶ See Annex B for further details on how to apply for a STPO or STRO.

National Contact Information:

Email: intelligence@gla.gov.uk

Phone Number: 01159 597052

Local Contact Information:

Email:

Phone Number:



Department for Business, Energy & Industrial Strategy



Department for Business, Energy & Industrial Strategy

The Employment Agency Standards Inspectorate (EAS) is the state regulator of employment agencies and employment businesses in the UK and sits within the Department for Business, Energy and Industrial Strategy (BEIS).

The EAS is responsible for seeking compliance with the *Employment Agencies Act 1973* and *The Conduct of Employment Agencies and Employment Businesses Regulations 2003 (as amended)*. This legislation requires recruitment agencies to abide by specified minimum standards. EAS works with recruitment agencies, hirers and work-seekers to ensure compliance with employment rights, particularly for vulnerable agency workers, and that those using private recruitment agencies to find work are treated fairly.

The EAS investigates complaints received (usually from workers) about the practices of recruitment agencies and carries out proactively targeted inspections. Employment agencies and employment businesses are expected to take prompt action to fully comply with relevant legislation where any breaches are brought to their attention by the EAS. Enforcement action is regarded as a tool of last resort.¹

The EAS is not an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Advises both work-seekers and businesses on relevant employment legislation.
2. Seeks to support and protect employers, hirers, and work-seekers.
3. Protects vulnerable work-seekers where their employment rights may be denied.
4. Enforces legislation where serious and/or repeated non-compliance is identified.



Multi-Agency Working in Practice

The EAS seeks to work collaboratively with external partners to protect workers employed through recruitment agencies.

¹ EAS enforcement policy also operates in accordance with the *Regulators' Compliance Code* and the regulatory principles outlined in the *Legislative and Regulatory Reform Act 2006*.



EAS: Key Legislation

- *Employment Agencies Act (EAA) 1973*
- *Anti-Terrorism, Crime and Security Act 2001*
- *Conduct of Employment Agencies and Employment Businesses Regulations 2003*
- *Legislative and Regulatory Reform Act 2006 (Regulatory Principles)*
- *Regulators' Compliance Code 2014*
- *Immigration Act 2016 (Chapter 1)*

EAS Officers with Powers of Entry

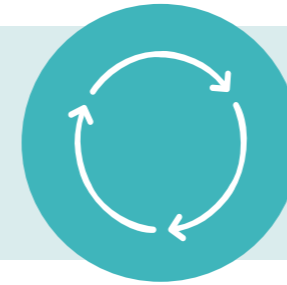
Under the *Employment Agencies Act 1973*, all EAS inspectors are authorised by the Secretary of State to enter any relevant premises where they suspect that recruitment agency activity is, has been or may be being conducted.



EAS: Powers

Officer	Power of Entry ¹	Power of Arrest
EAS Inspector <i>(EAA 1973 - s9)</i>	<ol style="list-style-type: none"> 1. Purpose: To investigate recruitment agency activity at relevant premises. 2. Court warrant: Not required. 3. Site access: Right to enter any relevant premises at any reasonable time. 4. Forced entry: Will not force entry. 5. Refused entry: Criminal offence. 	No power of arrest.

¹ See [EAA 1973 - s9](#) for further information on the power of entry.



Process on Site

1. Entry

- EAS inspectors will show their warrant card upon arrival and communicate the reason for their visit.
- Inspectors will normally notify a recruitment agency at least 7 days prior to any inspection.²
- In the case of domestic premises, 7 days' prior notice must be provided and at least two officers will attend.
- However, if intelligence suggests that a recruitment agency is conducting willful and malicious criminal activity, inspectors may attend without prior notification.

2. Interviews

- EAS inspectors will generally liaise with a designated point of contact for the business during the inspection (e.g. company directors, compliance managers or office managers).
- Inspectors can also reasonably question any person on relevant premises to check for compliance with the *EAA 1973* and associated regulations.

3. Gathering Evidence

EAS officers may search for, request, examine, copy and/or seize material relevant to investigations including:

- Any record kept by the business in pursuance of the *EAA 1973* or the regulations.
- Any financial record which may be reasonably required to demonstrate compliance with the *EAA 1973* or the regulations.

4. Outcomes and Next Steps

- Any breaches of relevant legislation will be brought to the attention of the recruitment agency and followed up.
- If the case is complex and the recruitment agency is uncooperative or wilfully disregarding the law, it will be escalated to the Heads of Enforcement and Sanctions, and of Risk and Intelligence.
- They will then consider whether further enquiries and/or sanctions need to be pursued, including notifying partner organisations.

² Even though the EAS is not legally required to provide notice of an inspection, EAS inspectors will usually give at least seven days' written notice prior to their attendance to minimise the potential disruption to a business.



If Suspected Victims of Exploitation Present

Step 1:

The EAS will collate relevant information and report concerns to a member of the senior management team.

Step 2:

Depending on the circumstances identified, the EAS senior management team will then either contact the Gangmasters and Labour Abuse Authority (GLAA), police or National Crime Agency (NCA).

Step 3:

Contact would then be followed up with any supplementary documentary evidence as required by those agencies.

Note: The EAS is not tasked with identifying exploitation outside of EAS obligations but may come across it during its day-to-day activities.



Multi-Agency Working in Practice

The EAS seeks to work proactively with other enforcement bodies for the purpose of protecting workers who are employed through recruitment agencies.

The EAS can support other agencies as:



A source of information on the UK labour market landscape



Experts on recruitment agency compliance



A resource with additional sanctions at their disposal

- **Working in Partnership:** The EAS will regularly invite HMRC's NMW Team and the GLAA on its targeted operations, along with other bodies such as The Pensions Regulator and Immigration Enforcement. The role that EAS will play during multi-agency operations and visits will depend on which agency is leading the investigation on site and which powers of entry are being used. If the EAS is leading, normal practice would be for the agency to conduct themselves as they would if acting alone, but they would also inform the recruitment agency concerned that other organisations are also attending under their own relevant legislative powers. The EAS has also carried out joint visits with the police as the lead agency and has been previously named on police warrants.
- **Supporting Partners:** The EAS is supportive of taking part in multi-agency meetings prior to any operation or visit to establish suitable information sharing protocols. This provides partner organisations with the opportunity to request additional information from the EAS - during or after the operation - that may be relevant to their own investigations.
- **Information Sharing:** The EAS can share information with other agencies where there is a legal gateway.⁴ For example, the EAS is authorised to share information with the GLAA and HMRC NMW officers. In addition, the EAS can disclose information to certain other public authorities under the *Anti-Terrorism, Crime and Security Act 2001 - s17*, if it is relevant for the purposes of any criminal investigations or proceedings, or for the initiation of such investigations or proceedings.

⁴ [Employment Agencies Act 1973 - s9.4](#): Information obtained in the course of exercising the powers conferred by the Act shall not be disclosed without the consent of the person by whom the information was furnished, unless by order from the Secretary of State.



EAS: Offences and Sanctions

Offences

EAS Inspectors will always seek in the first instance to achieve compliance through advice and persuasion. However, the EAS can take prosecution action, where appropriate, in the relevant criminal court against an agency found to be in breach of the legislation. The following are examples of offences which may lead to prosecution by the EAS, although not an exhaustive list:

- Where a work-seeker has not been paid for all hours worked.
- Where a work-seeker has been charged a work-finding fee.
- Where work-finding services are conditional upon a work-seeker paying a fee for goods or services before a recruitment agency has agreed to look for work on that work-seeker's behalf.
- Where the health and safety information has not been passed on to the work-seeker or obtained from the hirer.
- Where a worker has been placed to work with vulnerable people without the necessary checks being made (e.g. qualifications, DBS checks and two written references).

Sanctions and Penalties

Outcomes following an inspection can range from advice, a warning letter and remedial action, to Labour Market Enforcement Undertakings (LMEUs), with prosecution as a last resort. Prosecution could lead to a fine and a Labour Market Enforcement Order (LMEO) being made.⁵ Any attempt to obstruct an EAS officer in the course of their duties may result in a prosecution and a fine.

Specific sanctions include:

- **Warning letter:** A warning letter sets out where the recruitment agency has contravened the legislation and will include the full provision of the relevant regulation they need to comply with. Failure to respond to a warning letter issued by EAS could result in further enforcement action.

⁵ Three enforcing authorities, the EAS, HMRC National Minimum Wage team and GLAA have the power to seek Labour Market Enforcement Undertakings (LMEU) and Labour Market Enforcement Orders (LMEO) and investigate the offence of breaching an LME order, where the trigger offence is in their own area. For EAS, this would be under the *Employment Agencies Act 1973*. For further information, see the [Code of Practice \(Nov 2016\)](#).

- **Labour Market Enforcement Undertaking (LMEU):** A LMEU is an agreement between the EAS and the non-compliant person or business⁶, on what that person or business will do to restore and maintain compliance by a specific date, and how⁷.
- **Labour Market Enforcement Order (LMEO):** This order may be issued by a court if the employment agency or employment business fails to comply with the LMEU. The LMEO requires the non-compliant person or business to implement the measures previously set out in the LMEU. Failure to comply with an LMEO may result in either a fine and/or two years' imprisonment.
- **Prohibition Order issued by an Employment Tribunal:** An order that prohibits an individual or business from running or being involved in running an employment agency or employment business, for up to a maximum of 10 years on the grounds of misconduct or unsuitability.⁸ Any person who breaches a Prohibition Order can face criminal proceedings.
- **Prosecution and imprisonment:** Where the EAS is unable to achieve compliance, it can seek to prosecute individuals and businesses. EAS offences are 'either way'. If successful, a court may issue an LMEO and failure to comply may result in either a fine and/or two years' imprisonment.

National Contact Information:

Email: eas@beis.gov.uk

BEIS Business Support Helpline:
0207 215 5000 (ask to speak to an EAS inspector).

ACAS Helpline:
0300 123 1100 (general advice/
guidance and to make a complaint for
the EAS to investigate).

Local Contact Information:

Email:

Phone Number:

⁶ In line with relevant legislation that applies to the EAS, the applicable person or business would have to be an employment agency or employment business. The EAS would only consider an LMEU against these two entities if there were significant or persistent breaches of the legislation. An LMEU must be freely entered into by the enforcement body and organization, but failure to do so could lead to the enforcement body seeking an LMEO through the court system, as only a court can approve an LMEO.

⁷ An LMEU can be removed if compliance is achieved, but it can also remain in force for a period of up to 2 years, even if the specific conditions have been met, if there is considered to be a continuing risk.

⁸ A prohibition can take various forms with different conditions attached. Generally, however, once someone has been prohibited, they cannot run or be involved with running any employment agency or employment business during their prohibition period.



Trading Standards enforce the law across a range of subject areas by undertaking routine inspections and investigating non-compliance.

Trading Standards officers (TSOs) are employees of local authorities (LAs). Job titles and qualifications will vary between different LAs and between different functions.¹ TSOs visit business premises for a number of reasons, but the underlying purpose of a visit is generally to check and ensure that the business is complying with the law as well as to address or investigate any non-compliance.

Areas of inspection include: 1) age-restricted products; 2) agriculture; 3) animal health and welfare; 4) fair trading, which includes: pricing descriptions of goods, digital content and services, and terms and conditions; 5) food standards and safety (some LAs do not enforce food law); 5) petrol and fireworks storage; 6) intellectual property (for example, counterfeiting); 7) product safety; and 8) weights and measures.

Trading Standards is an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Investigates persistent and/or serious criminal activities (e.g. fraud, counterfeiting and scams).
2. Supports businesses by offering professional business advice and guidance.²
3. Audits high-risk businesses (e.g. farms, food and feed producers, importers, whole-salers and retailers).
4. Carries out regular market surveillance to prevent unsafe or illegal products entering the market (e.g. at ports, markets and boot fairs).
5. Reduces illegal sale of tobacco and alcohol to children and young people and access to illegal tobacco.



Multi-Agency Working in Practice

As GAIN³ members, TSOs seek to actively work with partners from all areas of enforcement to protect consumer and business interests.

¹ For the purposes of this guide, they are referred to as Trading Standards officers, or TSOs.

² Examples of this include providing animal health and disease outbreak advice and [Primary Authority Partnerships](#), which are legal partnerships between a specific business and an LA.

³ GAIN refers to the UK Government Agency Intelligence Network, which is a large network of national law enforcement partners, including all police forces in England and Wales, which shares information about organised criminals.



Trading Standards: Key Legislation

In most cases, TSOs have powers under the [Consumer Rights Act 2015 - Schedule 5](#). However, as consumer law features across approximately 148 pieces of legislation and regulations, depending on the legislation that officers are seeking to enforce, they may have additional powers or slightly different powers available to them.

Examples of applicable consumer legislation include:

- *Police and Criminal Evidence (PACE) Act 1984*
- *Weight & Measures Act 1985*
- *Food Safety Act 1990*
- *Trademarks Act 1994*
- *Proceeds of Crime Act (POCA) 2002*
- *The General Product Safety Regulations 2005*
- *Consumer Protection from Unfair Trading Regulations 2008*
- *The Cosmetic Products (Safety) Regulations 2008*
- *Food Information Regulations 2014*
- *Consumer Rights Act (CRA) 2015*

TSOs with Powers of Entry

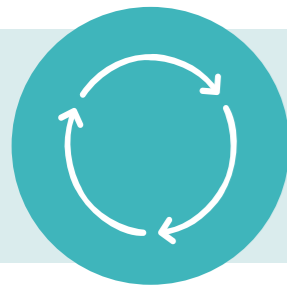
A TSO's main powers include powers to enter premises, powers of inspection and powers to secure or seize material that might be required as evidence. In relation to entry of premises, TSOs have the authority to enter any premises used in cause of a trade or business in line with legislative guidelines.



Trading Standards: Powers

Legislation	Power of Entry	Power of Arrest
<p>Trading Standards Officer</p> <p>In most cases, CRA 2015 - Schedule 5</p>	<ol style="list-style-type: none"> Purpose: To inspect any premises in cause of a trade or business to ensure compliance with relevant legislation. Court warrant: <ul style="list-style-type: none"> • Not required for entry to commercial premises unless entry is refused. • Required for entry of a home, or any other premises used solely or mainly as a dwelling and/or entry by force.⁴ Site access: Right to enter any premises used in cause of a trade or business at any reasonable time. Forced entry: Will not force entry immediately but will instead apply for an entry warrant to force entry at a later date. Refused entry: Criminal offence. 	<p>No power of arrest.</p>

⁴ An entry warrant application may be completed prior to attempting entry where it is expected that entry will be refused or obstructed.



Process on Site

1. Entry

- TSOs must normally provide the business owner(s) with at least two days' written notice of their intent to enter the relevant premises. There are, however, some exceptions.⁵
- Upon entry, TSOs will show ID to the occupier(s) and seek consent from the person in charge to enter the premises, whilst explaining the reason for their visit.

2. Interviews

- In accordance with *PACE 1984*, TSOs may interview workers, clients, and the principal authority on site (i.e. business owner/director), if it is appropriate to do so.
- Once identities have been established, and if the police are in attendance, traders will then be sent a written letter of invitation to take part in a formal, video-recorded interview.

3. Gathering Evidence

- TSOs can observe business activities, inspect goods or documents, test weighing or measuring equipment and make a test purchase.
- If TSOs suspect any breaches of trading standards law, they can seize goods or documents to assist with their investigation.
- Officers can also break open containers and take with them any other person or agency if seen as necessary for the success of the visit.

4. Outcomes and Next Steps

- TSOs will immediately seek to address any issues of regulatory compliance identified by providing suitable business advice.
- If product safety is identified as an issue, TSOs will seek to recall and take the product off the market.
- If doorstep crime⁶ is identified, officers will seek to safeguard any relevant person(s) on site and report the concerns to the safeguarding lead.
- Where applicable, officers will also check work claims to determine whether there are any false or fraudulent claims.
- Where appropriate, officers will make referrals to relevant agencies for further support (e.g. the police and Immigration Enforcement).

⁵ Notice is not required if: 1) the occupier has chosen to waive the notice requirement; 2) a TSO reasonably suspects that a business has broken the law; 3) giving notice would defeat the purpose of the visit; 4) it is not practicable to give the occupier prior notice (for example, there is an imminent risk to public health or safety); and 5) entry is for the purposes of market surveillance activities under certain European safety legislation.

⁶ Doorstep crime refers to rogue traders, bogus callers and distraction burglary.



If Suspected Victims of Exploitation Present

Step 1:

In an emergency, TSOs will call 999 and request assistance from the police.

Step 2:

In a non-emergency, TSOs will submit intelligence reports to the designated intelligence officer (local or regional).

Step 3:

If applicable, the local Trading Standards intelligence officer will then report to the relevant regional Trading Standards intelligence officer.

Note: Local TSOs should be aware of possible signs of exploitation. If TSOs identify a potential vulnerable person in the course of their day-to-day work, then special measures will be put in place to safeguard them against possible exploitation.



Multi-Agency Working in Practice

Local TSOs seek to actively work with partners from all areas of enforcement to protect consumer and business interests.

Local TSOs can support other agencies as:



An expert in matters relating to consumer law



A partner in planned enforcement action



A source of information for law enforcement partners

Working in Partnership: Due to the nature and breadth of consumer and business legislation, TSOs deal with diverse issues under a wide variety of Acts, Orders and Codes of Practice. As a result, working with other regulatory bodies such as the police, Immigration Enforcement, HM Revenue and Customs (HMRC), the Food Standards Agency (FSA) and the Office for Product Safety and Standards is an absolute necessity for effective protection of consumer and business interests. In the case of animal health issues, for example, Trading Standards have designated specialist animal health officers to deal with this aspect of consumer legislation. These specialist officers work closely with the Animal and Plant Health Agency (APHA)⁷, the Royal Society of Prevention Against Cruelty to Animals (RSPCA)⁸ and the Department for Environment, Fisheries and Rural Affairs (DEFRA)⁹ to ensure appropriate disease controls are in place, protecting residents and agriculture in the UK.

⁷ The APHA is an executive agency that works to safeguard animal and plant health for the benefit of people, the environment, and the economy. For further information, see the [APHA website](#).

⁸ The RSPCA is a charity operating in England and Wales that promotes animal welfare. For further information, see the [RSPCA website](#).

⁹ DEFRA is the government department responsible for environmental protection, food production and standards, agriculture, fisheries and rural communities in the United Kingdom of Great Britain and Northern Ireland. For further information, see the [DEFRA website](#).

Supporting Partners: TSOs can support partners by joining multi-agency operations that fall within the remit of consumer law. Officers will seek to coordinate with relevant law enforcement partners for the purposes of the inquiry, including those without authorised powers of entry. In certain circumstances, TSOs may be able to facilitate faster entry into relevant premises of interest to partners by using their powers to carry out inspections without the need of warrants. TSOs may also be able to support partners by utilising their networks to invite relevant specialists to attend a visit or operation for an expert opinion (e.g. chartered surveyors for building work; or brand experts for trademark holders to investigate breaches of trademarks; or vets and RSPCA officers when visiting a farm to investigate animal welfare offences).

Information Sharing: Trading Standards holds records of every trader in their local area. Consequently, if TSOs have previously visited a trader to carry out an inspection, they can potentially provide partners with pictures, risk assessments, site layouts and reports relating to the site. In practice, where a Memorandum of Understanding (MOU) is in place, a TSO can provide any information or intelligence relevant to the investigation to the parties included in the MOU. In cases where no Trading Standards offences are being investigated and there is no MOU, law enforcement agencies may still be able to request certain details directly from their local TSOs.

Regional Coordination: The [National Trading Standards Body](#)'s vision is to protect consumers and safeguard businesses through cross-boundary, intelligence-led enforcement projects in England and Wales. They fund national teams that are hosted within LAs with a designated lead for each region who can be contacted for further support. Examples of specific teams include the eCrime, Feed, Regional Investigations, Estate Agency, Intelligence and Scams teams.

Case Study: Rogue Trading in Hertfordshire



Offences and Sanctions

Request for Support

Hertfordshire Trading Standards were carrying out an investigation into a number of rogue trading incidents in the area. It became apparent during their investigation that Hertfordshire Constabulary were also investigating the same family.

Agencies Involved:

Hertfordshire Constabulary, Trading Standards from Hertfordshire, Thames Valley and Northampton, Hertfordshire County Council Financial Investigators, and Citizens Advice Bureau (CAB) Hertfordshire.¹⁰

Prior to Operation:

- Hertfordshire Constabulary, Trading Standards from Hertfordshire, Thames Valley and Northampton worked together on interviewing and obtaining statements.
- Regular meetings were held between the agencies involved in the investigation.
- Consumer Advice Bureau data bases were checked to find more victims.
- Victims were contacted and statements were given.

During the Operation:

1. Warrants were executed at domestic premises linked to the suspected perpetrators, including traveller sites.
2. Hertfordshire Constabulary were the lead agency on the warrants executed but were also accompanied by Trading Standards on all visits.
3. Arrests of identified suspects were made and Trading Standards Hertfordshire were present at the formal case interviews undertaken by Hertfordshire Constabulary in the weeks that followed.

Lessons Learned:

For this operation, the police took on responsibility for investigating the allegations into false imprisonment of workers, working closely with local TSOs to use consumer protection legislation to secure a conviction and custodial sentences. Trading Standards supported the police by obtaining statements and giving their knowledge of consumer law. This case enabled joint investigation to take place with the most suitable enforcement body taking the lead to get the best outcome to the investigation.

¹⁰ Although not an enforcement agency, the CAB had also received complaints linked to the family under investigation.

Offences

The vast majority of law infringements that Trading Standards enforce are criminal offences and can be prosecuted in the Magistrates' Court or Crown Court.

Examples of such offences are:

- Rogue trading: the use of aggressive behavior to obtain work, as well as upping the price and not providing the correct legal paperwork ([Consumer Protection from Unfair Trading Regulations 2008](#)).
- Counterfeit property exposed for sale: e.g. illicit tobacco, clothing, handbags, DVDs and alcohol ([Trademarks Act 1994](#)).
- Placing unsafe toys, furniture, cosmetic products or white goods on the market ([The General Product Safety Regulations 2005](#) and [The Cosmetic Products \(Safety\) Regulations 2008](#)).
- Breaching food safety by not labelling food correctly, misdescribing, allergen mislabeling ([Food Safety Act 1990](#) and [Food Information Regulations 2014](#)).
- Short measures or weights ([Weight and Measures Act 1985](#)).

Sanctions and Penalties

Outcomes following criminal investigations can range from cautions and orders to fines and custodial sentences. Any attempt to obstruct a TSO in the course of their duties may result in a prosecution.

Specific sanctions include:

- **Simple caution:** This caution is a recorded warning provided in person explaining the criminal offences committed.
- **Enforcement orders issued by the County Court or High Court:** These orders vary from outlining specific actions requiring the business to comply with the law to orders requiring payment of compensation to victims or payment of the costs of the investigation and prosecution.¹²

¹¹ A breach of an enforcement order is a contempt of court, which carries a maximum penalty of a fine and two years' imprisonment.

¹² An example would be a Criminal Behaviour Order, which restricts future conduct (i.e. a ban on making contracts in consumers' homes).

Offences and Sanctions (Part 2)

- **Undertaking:** This is a formal promise by the business to comply with the law and, where appropriate, to take enhanced consumer measures.¹³
- **Compliance notices:**¹⁴ In some cases, Trading Standards can issue a notice requiring the business to take action or to stop doing something, without the need to apply to court for an order. These notices have different names and different conditions depending on the law they are made under.¹⁵
- **Penalty notices and fines:** A penalty notice imposes a fine directly on a business without the need for court proceedings. Such notices are available under a range of legislation, including laws relating to letting agents, secondary ticketing, single-use carrier bags and, in some areas, underage sales of alcohol.
- **Disqualification as a company director:** Offences that may lead to disqualification include offences connected with a company or driving offences committed as part of day-to-day business activities (e.g. where the offence included bad driving or was facilitated by the use of a company vehicle).
- **Recouping the benefit of crime** through confiscation of assets and money under the [POCA 2002](#).
- **Forfeiture of any illegal or infringing goods** and any equipment used in committing the relevant crime.
- **Prosecution and imprisonment:** A common sentence for some Trading Standards offences is a maximum two years' imprisonment. However, where a business is prosecuted for fraud, theft or money laundering, in addition to or instead of Trading Standards offences, or for offences under intellectual property law (trademarks and copyright), this carries a maximum sentence of 14 years' imprisonment.

¹³ There is no obligation on Trading Standards to accept an undertaking, but it may be accepted if the business genuinely appears to be committed to making amends. ([Enterprise Act 2002 - part 8](#))

¹⁴ Compliance notices are available under a range of laws, including food standards, animal health, product safety, weights and measures, and fair trading.

¹⁵ In general, there will be a set deadline to comply with a compliance notice. If a business fails to comply, this can lead to court action. However, if the business disagrees with the use of the notice, it usually can apply to the court or to a tribunal to appeal against it.

Local Contact Information:

Email Address:

Phone Number:

To find your local Trading Standards:

www.tradingstandards.uk/consumers/support-advice



The Environment Agency (EA) is a non-departmental public body sponsored by the DEFRA Group (Department for Environment, Food and Rural Affairs), which was established in 1996.

Since 2013, the EA has been the environmental regulator for England only.¹ In line with [EA 2025](#), the EA is committed to creating a better place for people, wildlife and the environment, as well as promoting green growth and a sustainable future. Its long-term goals are to achieve: 1) a nation resilient to climate change; 2) healthy air, land and water; and 3) green growth and a sustainable future.

The EA has a wide remit and is responsible for permitting, regulating and enforcing different aspects of the environment including: 1) waste operations; 2) treatment of contaminated land; 3) water quality and resources; 4) fisheries; 5) inland river, estuary and harbour navigation; and 6) conservation and ecology.

More specifically, waste activities are regulated by the EA. Most sites handling waste require an environmental permit or exemption (e.g. recycling operations and waste treatment). The EA also works with the agricultural sector by permitting activities and undertaking pollution prevention work.

The EA is not an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Issues environmental permits to organisations that could pollute the air, water or land through their activities.²
2. Issues environmental permits to organisations that could increase a flood risk or adversely affect land drainage through their activities.
3. Carries out intelligence-led, reactive and routine inspections to ensure compliance with the law.
4. Utilises enforcement options when environmental law breaches are identified.
5. Maintains public registers for relevant sites, including those where enforcement action has been taken.



Multi-Agency Working in Practice

The EA seeks to work in collaboration with other agencies and support multi-agency working within their remit of protecting and improving the environment.

¹ For Scotland, see Scottish Environment Protection Agency; for Wales, see Natural Resources Wales; for Northern Ireland, see Department of Agriculture, Environment and Rural Affairs.

² A list of organisations that require an EA permit can be accessed [here](#).



Environment Agency: Key Legislation

The EA has enforcement powers to regulate and secure compliance; prevent and detect offending; and investigate and collect evidence and materials for use in subsequent enforcement responses. A list of relevant legislation that dictates EA powers is provided below:

- *Salmon and Freshwater Fisheries Act (SAFFA) 1975*
- *Police and Criminal Evidence Act (PACE) 1984*
- *Salmon Act 1986*
- *Water Resources Act (WRA) 1991*
- *Environment Act 1995*
- *Criminal Procedure and Investigations Act 1996*
- *Proceeds of Crime Act (POCA) 2002*
- *Regulatory Enforcement and Sanctions Act 2008*
- *The Eels (England and Wales) Regulations 2009*
- *The Keeping and Introduction of Fish (England and River Esk Catchment Area) Regulations 2015*
- *Environmental Permitting Regulations 2016*
- *Waste Enforcement Regulations 2018*

EA Officers with Powers of Entry

1. Enforcement Officers and Regulatory Officers³

- Responsible for regulating a range of environmental activities to ensure that they are carried out without polluting the environment or causing harm to people.
- Responsible for investigating illegal operations (including environmental pollution incidents, illegal waste operations and flood risk activities) and taking appropriate enforcement action.
- [Environment Act 1995 - s108](#)

³ This includes a wide variety of staff e.g. Area Enforcement Teams, Environment Officers, Waste Regimes Operational Support Teams, National Intelligence Teams, Prevention and Disruption Teams, and National Investigations Teams.

2. Joint Unit for Waste Crime Officers

- Responsible for tackling serious and organised waste crime (e.g. organised large-scale dumping of waste).
- Comprising eight different enforcement agencies,⁴ JUWC officers have the same powers as Enforcement and Regulatory Officers.
- [Environment Act 1995 - s108](#)

3. Fisheries Enforcement Officers (commonly known as Water Bailiffs)

- Carry out intelligence-led enforcement to detect and deal with fisheries offences.
- They have the same powers and liabilities as a police constable ([SAFFA 1975 - s3](#)) to uphold relevant fisheries legislation.

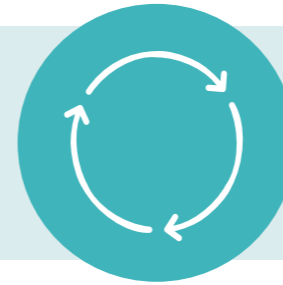


Environment Agency: Powers

Officer	Power of Entry	Power of Arrest
<p>Enforcement and Regulatory Officers:</p> <ul style="list-style-type: none"> • <i>Area Enforcement Teams</i> • <i>Area Environment Officers</i> • <i>Waste Regimes Operational Support Teams</i> • <i>National Intelligence Team</i> • <i>Prevention and Disruption Teams</i> • <i>National Investigations Team</i> <p>(Environment Act 1995 - s108)</p>	<ol style="list-style-type: none"> 1. Purpose: To determine whether environmental legislation is being complied with. 2. Court warrant: Not required unless refused entry. 3. Site access: Right to enter business premises unannounced at any reasonable time except for residential premises or taking heavy plant (e.g. a digger) on to a site. 4. Forced entry: May force entry in an emergency or with a Magistrates' Warrant. 5. Refused entry: Criminal offence to obstruct an officer without a reasonable excuse. 	<p>No power of arrest.</p> <p>Arrests for relevant offences will be carried out by the police on behalf of the EA where the arrest criteria can be demonstrated.</p>

⁴ Joint Unit for Waste Crime: 1) Environment Agency; 2) Natural Resources Wales; 3) Scottish Environmental Protection Agency; 4) Northern Ireland Environment Agency; 5) Police; 6) National Crime Agency; 7) HM Revenue and Customs; and 8) British Transport Police.

Environment Agency: Powers (Part 2)



Process on Site

Officer	Power of Entry	Power of Arrest
<p>Joint Unit for Waste Crime <i>(Environment Act 1995 - s108)</i></p>	<ol style="list-style-type: none"> Purpose: To investigate serious and organised waste crime. Court warrant: Not required unless refused entry. Site access: Right to enter business premises unannounced at any reasonable time except for residential premises or taking heavy plant (e.g. a digger) on to a site. Forced entry: May force entry in an emergency or with a Magistrates' Warrant. Refused entry: Criminal offence to obstruct an officer without a reasonable excuse. 	<p>No power of arrest.</p> <p>Arrests for relevant offences will be carried out by the police on behalf of the EA where the arrest criteria can be demonstrated.</p>
<p>Fisheries Enforcement Officers <i>Relevant Legislation⁵</i></p>	<ol style="list-style-type: none"> Purpose: To investigate fisheries offences.⁶ Court warrant: Not required unless refused entry (or officers believe that is likely) and to search residential premises and curtilage.⁷ Site access: Right to enter business premises unannounced at any reasonable time except for residential premises or taking heavy plant (e.g. a digger) onto a site. Forced entry: May force entry in an emergency or with a Magistrates' Warrant. Refused entry: Criminal offence to obstruct an officer without a reasonable excuse. 	<p>Power of arrest as a water bailiff (SAFFA Act - s34) and as a constable (PACE 1984) for fisheries offences⁸ under relevant legislation.</p> <p>Arrests for other relevant offences will be carried out by the police on behalf of the EA.</p>

⁵ [SAFFA 1975 – s.31-33](#); [PACE 1984](#) (as a constable for the purposes of SAFFA 1975 and by-law enforcement); [Salmon Act 1986](#); [WRA 1991 – s.169-172](#); [The Eels Regulations 2009 – s.26](#); [The Keeping and Introduction of Fish \(England and River Esk Catchment Area\) Regulations 2015](#).

⁶ This also includes assessing compliance of rod licensing, fishing equipment, seasons/close seasons, national and regional by-laws, and fish introduction.

⁷ Curtilage refers to the land immediately surrounding a dwelling.

⁸ Offences could be linked to rod licensing non-compliance, fishing equipment, open/closed seasons, national and regional byelaws, and fish introductions.



1. Entry

- EA officers must show identification upon entry and explain their purpose for entering the site before conducting an inspection.
- EA officers can enter commercial premises at any reasonable time or at any time in the event of an emergency.
- EA officers must provide 7 days' notice before entering domestic premises and entering with heavy plant.
- If no occupier is present, EA officers can conduct their investigations as normal.



2. Interviews

- An EA officer will only undertake interviews under caution in a PACE-compliant interview room rather than on site.
- However, they will carry out basic questioning of any person(s) identified on site to ascertain identity, ownership and whether an offence has been committed.



3. Gathering Evidence

- Warranted EA officers can gather information, which can be used as evidence, including photographs, documents, and samples. This evidence may be retained by the EA for further investigation and testing.
- EA officers can serve notices requiring specific information (e.g. computerised documents).
- In line with relevant legislation, Fisheries Enforcement Officers are also able to seize boats, vessels, vehicles, and equipment.



4. Outcomes and Next Steps

- The outcome of a site visit will vary depending on the severity of a situation.
- Results of the visits will be recorded on the EA central database and any intelligence gathered will also be recorded and analysed.
- If offences are substantiated, a local governance group will recommend the next course of action.

⁵ This also includes assessing compliance of rod licensing, fishing equipment, seasons/close seasons, national and regional by-laws, and fish introduction.

⁶ Curtilage refers to the land immediately surrounding a dwelling.

⁷ Offences could be linked to rod licensing non-compliance, fishing equipment, open/closed seasons, national and regional byelaws, and fish introductions.



If Suspected Victims of Exploitation Present

Step 1:

Dial 999 in an emergency.

Step 2:

If the EA has concerns, an EA officer may attempt to gather information.

Note: *The EA will largely seek to avoid interaction with suspected victims so as not to raise suspicion, allowing those professionally trained to handle the matter.*

Step 3:

Report concerns to the 24/7 [Modern Slavery and Exploitation Helpline](#).

Step 4:

Report to the internal intelligence team, who will record the intelligence as a modern slavery incident on the EA's central database.

Step 5:

Inform line manager of concerns to ensure any internal staff health, safety and wellbeing issues are identified and actioned.



Multi-Agency Working in Practice

The EA seeks to work with partners on issues relating to the environment.

The EA can support other agencies as:



Experts in environment compliance



Providers of evidence to support investigations



Sharers of intelligence with partner agencies

- **Working in Partnership:** EA officers can accompany partners on a multi-agency site visit, as well as gather evidence and take action relating to any environment offences on site. However, the practicalities of multi-agency working will vary depending on the situation that an EA officer is faced with. If the EA officer encounters illegal activity outside of their remit, they will refer to the appropriate enforcement body.
- **Supporting Partners:** The role that the EA will play during multi-agency operations or visits will depend on the type of offending that has occurred. If there is suspicion of environmental offences, the EA will likely attend a site as part of a joint visit. If there is low-level or non-environmental offending, the EA may be able to support partners through intelligence sharing and providing evidence to assist them with their investigations.
- **Information Sharing:** The EA holds records of any operators that may have an environmental permit or exemption, including specific information relating to the relevant site and intelligence on the operators' business associations. If EA officers have previously visited a site to carry out an environmental compliance visit, they can potentially provide partners with pictures, risk assessments, site layouts and reports relating to the site. The EA is also part of the Government Agency Intelligence Network (GAIN) which facilitates sharing of information between enforcement partners.
- **Reporting Intelligence:** Intelligence can be reported to the EA via the incident hotline on 0800 80 70 60.
- **Joint Unit for Waste Crime (JUWC):** Launched in January 2020 to tackle serious and organised crime in the waste sector, the JUWC brings together eight law enforcement partners: 1) EA; 2) Scottish Environmental Protection Agency; 3) Natural Resources Wales; 4) HMRC; 5) Police; 6) NCA; 7) Northern Ireland EA; and 8) British Transport Police. The aim of the JUWC is for partners to use their collective powers and resources to tackle crime in the waste sector, supported by better intelligence sharing.



EA: Offences and Sanctions

Offences

There are a wide range of offences that permit the EA to pursue enforcement action against offenders. Some example offences are:

- To cause or knowingly permit a water discharge activity without an environmental permit or exemption.
- Depositing, knowingly causing or knowingly permitting the deposit of controlled waste or extractive waste on land without, or other than in accordance with, an environmental permit.
- Treating, keeping, or disposing of controlled waste or extractive waste in a manner likely to cause pollution or harm to human health.
- Using specified instruments to take or kill fish.

Sanctions and Penalties

The [EA Enforcement and Sanctions Policy](#)⁸ outlines how the EA uses its enforcement and sanctioning powers to secure compliance with laws that protect the environment.⁹ Outcomes following criminal investigations can be anything from warnings to cautions, to recouping the benefits of the crime, to convictions or suspended or revoked licences. Any attempt to obstruct an EA officer in the course of their duties is also an offence.

Specific sanctions include:

- **Written warning:** If an offence is committed, the EA will issue a written warning, which will be kept on record and may influence future decisions on enforcement action where breaches continue or further breaches are identified.
- **Suspension or revocation** of permitted activities, where there is a significant risk to the environment or where there is persistent offending.
- **Stop notice:** This notice requires an individual or business to stop an activity that is causing or presenting a significant risk of causing serious harm to human health or the environment, or in circumstances where they are committing or likely to commit an offence.

- **Formal caution:** A formal caution will be issued where there is sufficient evidence to bring a prosecution and the offender has admitted to the offence and has consented to being cautioned.¹⁰
- **Prosecution:** If the offender does not consent to being cautioned and/or it is in the public interest to commence criminal proceedings, the EA will normally proceed to a prosecution.¹¹
- **Seizure of vehicles** used in crime (e.g. seizing a vehicle used to illegally tip waste).
- **Recouping the benefit of crime** under [POCA 2002](#) (e.g. a court ruling the seizure of items purchased with funds from illegal environmental activity).

National Contact Information:

Email: enquiries@environment-agency.gov.uk.

Phone Number: 0370 850 6506 (Monday to Friday - 9am to 5pm) (General Enquiries) and 0800 80 70 60 (24/7 Public Incident Reporting Line).

Local Contact Information:

Email:

Phone Number:

⁸ The [Offence Response Options \(ORO\)](#) details the options available to every offence that the EA regulates.

⁹ The EA seeks to ensure that the enforcement response is proportionate and appropriate to each situation.

¹⁰ A record of the formal caution is kept, and it will be produced in court if the offender is later found guilty of further offences.

¹¹ If offences are served summarily, the sentence is 3 months' imprisonment and/or the statutory maximum. If offences are convicted on indictment, the sentence is two years' imprisonment and/or a fine.

Local Fire and Rescue Service

Local Fire and Rescue Service

Fire services in the UK operate under separate legislative and administrative arrangements in England and Wales, Northern Ireland, and Scotland, with emergency cover provided by over fifty agencies.

These agencies are officially known as a Fire and Rescue Service (FRS). The aim of this service is to prevent the loss of life and property at fires and other incidents, as well as to enforce fire safety legislation and promote fire safety education within the community.

Advised by the [National Fire Chiefs Council](#), central government is responsible for maintaining national standards. More specifically, [Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services \(HMICFRS\)](#) provides direct oversight through the centralised inspections framework. The devolved government in Scotland has a similar agency, HMFSI Scotland.

The FRS is not an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Saves life and renders humanitarian service.
2. Ensures safety in the home and the workplace.
3. Educates the public on fire safety.
4. Protects the environment.
5. Enforces fire safety legislation.



Multi-Agency Working in Practice

The FRS seeks to work in partnership with partner agencies and organisations to ensure safety in the home, workplace and whilst travelling.



Fire and Rescue Service: Key Legislation

- *Health and Safety at Work Act 1974*
- *Dangerous Substances (Notification and Marking of Sites) Regulations 1990*
- *The Dangerous Substances and Explosive Regulations 2002*
- *Fire and Rescue Services Act (FRSA) 2004*
- *Regulatory Reform (Fire Safety) Order (RRO) 2005*

FRS Officers with Powers of Entry

1. Fire Inspector and/or Fire Protection Officer

- Enforces fire safety legislation, including Fire Safety Orders (FSOs), and pursues action against offenders.
- The power of entry to additional officers is delegated by the Chief Fire Officer.

2. Operational Firefighter

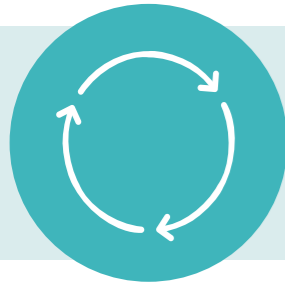
- Responds to operational incidents.



Fire and Rescue Service: Powers

Legislation	Power of Entry	Power of Arrest
Fire Inspector and Fire Protection Officer¹ <u>RRO 2005 – article 27</u>	<ol style="list-style-type: none"> 1. Purpose: To carry out an inspection or gather evidence relating to a contravention of fire safety legislation. 2. Court warrant: Not required. 3. Site access: Can enter at any reasonable time. If the site is deemed to be dangerous, or people are in serious danger or at risk of death, can enter at any time. 4. Forced entry: May force entry if attending with police. 5. Refused entry: Criminal offence (<u>RRO 2005 – article 32</u>). 	No power of arrest.
Operational Firefighter <u>FRSA 2004</u> <u>RRO 2005 – article 27</u>	<ol style="list-style-type: none"> 1. Purpose: To extinguish fire and to protect life and property. 2. Court warrant: Not required. 3. Site access: Can enter at any time. 4. Forced entry: Will request police attendance to force entry. 5. Refused entry: Criminal offence (<u>RRO 2005 – article 32</u>). 	No power of arrest.

¹ A Fire Protection Officer is granted the power of entry under the [RRO 2005 – article 27](#) if they have been authorised to do so in writing by a Fire Inspector.



Process on Site



1. Entry

- Relevant FRS officers should provide at least 48 hours' notice prior to entry. In the case of domestic premises, however, 48 hours' prior notice must be provided.
- An FRS officer must present themselves to the relevant person(s) on site explaining the reason for their visit, show ID, issue a notice of powers and rights, and present an authorised warrant (if applicable).
- If prior intelligence is available from other agencies, this may influence how the inspection is carried out.²



2. Interviews

- An FRS officer will not usually carry out interviews on site but will instead arrange for an interview, compliant with *PACE 1984*, to be undertaken at a later date with relevant parties.
- Interviews always tend to form part of necessary evidence gathering for an investigation into a contravention of fire safety legislation.



3. Gathering Evidence

- Relevant FRS officers have the authority to test, examine, copy, photograph and seize documents and property that are pertinent to the investigation.³
- This also includes the right to require the production of any records by the occupier, including in electronic form.
- FRS officers may also dismantle, subject to any process, or test any dangerous articles or substances identified, including facilitating their destruction if this is deemed necessary.⁴



4. Outcomes and Next Steps

- Following an inspection, an FRS officer will adhere to established fire safety audit procedures to ensure compliance with the *RRO 2005*.
- If issues are identified, the FRS officer will work with the business to facilitate meeting the minimum standards required, issue relevant notices, and make multiple visits until they are satisfied that the company is compliant.



If Suspected Victims of Exploitation Present

Step 1:

If victims are identified at any premises who are in immediate danger of injury or being moved, the FRS will call the police on 999 and request for an immediate response.

Step 2:

In a non-emergency, the FRS will report suspicious activity to the relevant agency (e.g. police) and make a safeguarding referral to the appropriate agency (e.g. LA).

² For example, in relation to the number of officers attending, PPE used and/or attendance by other agencies.

³ All interactions with persons present will be recorded in contemporaneous notebooks.

⁴ Evidence gathered at a fire safety inspection would be obtained in accordance with the [Home Office Code of Practice for Powers of Entry](#).



Multi-Agency Working in Practice

The FRS seeks to work in partnership with partner agencies and organisations to ensure safety in the home, workplace and whilst travelling.

The FRS can support other agencies as:



An expert in fire safety protection and prevention



A first responder to emergency incidents



A source of information on fire protection

Working in Partnership: As promoters of public health, wellbeing and protection of the environment, the FRS works collaboratively with other emergency services on relevant operations. Due to the nature of the work, the service engages regularly with building inspectors, the Environment Agency and Trading Standards, where appropriate. A fire investigation officer will also conduct a joint investigation with the police to confirm deliberate ignition following a fire incident. If deliberate ignition is established, an arson or criminal damage investigation will follow.

Supporting Partners: If there are legitimate fire safety concerns in line with their authorised powers, the FRS can take police officers to any relevant premises as a joint operation. Should a police officer find intelligence to suggest criminality, the police would then take the lead on the operation. When the FRS receives information from relevant agencies, these concerns are given the appropriate response and action, depending on the circumstances.

Working in Partnership on Site: The FRS will often work in conjunction with other agencies during an operation or visit. Examples agencies include Immigration Enforcement, the Gangmasters and Labour Abuse Authority (GLAA), police and local authority (LA) environmental health and housing enforcement officers. After each multi-agency operation or visit, a debrief will usually take place with the involved agencies to discuss what was identified and the next steps for each agency. Each agency will then follow up the operation or visit in line with their own processes and procedures. For example, the FRS will follow existing fire safety audit procedures to ensure compliance with the provisions under the *RRO 2005*.

Information Sharing: Fire reports following an incident can be released on request to other law enforcement partners and relevant agencies. Fire safety plans and corresponding documents can also be shared with other law enforcement partners if there is a Memorandum of Understanding (MOU) in place. If there isn't an MOU, the sharing of information would be determined on a case-by-case basis by an appropriate officer.

Case Study: MATE Strategy (Hereford and Worcester)

Since 2017, Hereford and Worcester FRS have been undertaking enforcement in collaboration with other law enforcement partners in line with the Multi-Agency Targeted Enforcement (MATE) Strategy. An HMICFRS inspection report from 2019 stated that the MATE Strategy is of notable multi-agency practice and should be used as a model for other services.

Request for Support and Pre-Planning

- Every year, an annual meeting is held with all relevant agencies to discuss any proposed targeted enforcement activity based on the intelligence of all those attending. This meeting is chaired by the West Mercia Police Harm Hub Sergeant.
- Inspection dates are then identified and run as a police-led operation, with all agencies attending relevant premises for inspection under their own legislation in a single visit.

During the Operation

- Each attending agency uses its own powers of entry to enter the premises.⁵
- Each agency will then conduct its enforcement activity within the premises.

Outcomes and Next Steps

- Each agency will then take the required actions under their own legislation and in line with pre-determined powers of authority. For example:
 - West Mercia Police will take responsibility for controlling access to the premises and the safety of those present, along with any criminal issues, including detaining and arresting persons present on the premises, if appropriate to do so.
 - Hereford and Worcester FRS will check the premises for compliance with the *RRO 2005*, undertaking the required audit and issuing any notices required.
 - Herefordshire Trading Standards or Worcestershire Regulatory Services will investigate any illegal activity, such as illicit tobacco sales and fake goods, and bring forward prosecutions under relevant legislation.

⁵ In some cases, those agencies that have requested court warrants to enter the premises may also name all of the partner agencies on the warrant.



Outcomes and Next Steps (cont)

- Home Office Immigration Enforcement and the GLAA will investigate and detain any illegal workers or wages violations and process individuals accordingly.
- Other key agencies include HM Revenue and Customs (investigate tax issues); LA environmental health inspectors (check the cleanliness of premises and issue notices accordingly) and LA housing enforcement officers (ensure that premises are fit for habitation, meeting the standards set out in the *Housing Act 2004*).
- Repeat violations found within premises tend to be dealt with using closure notices.
- The evidence required to bring these notices before the Magistrates' Court includes statements and information from all involved agencies.⁶
- If the visit is made under MATE and potential exploitation is discovered, the appropriate agency in attendance will take relevant action, including reporting it to the appropriate channels.

Lessons Learned

- With the fire safety teams co-located with the West Mercia Police Harm Hub teams, information can be quickly passed to the appropriate agency and can be actioned straight away.
- This approach also means that all agencies have a better understanding of what powers and actions each agency has or can take. As a result, the whole process can be carried out quickly, reducing the potential impact of any exploitation or other safeguarding concerns identified.
- The MATE approach has uncovered previously undetected serious and organised crime within Herefordshire and Worcestershire, which has enabled the police to map additional Organised Crime Groups (OCGs) linked to other criminal activities.

⁶ West Mercia Police have tended to take the lead on closure notices and these notices have been highly successful in closing down and improving the use of premises in terms of health and safety and other aligned areas.

Offences

The following are considered criminal offences:

- Inadequate means of escape from a site or building.
- Inadequate provision of fire-fighting equipment.
- Inadequate means of raising an alarm in the event of a fire (e.g. lack of fire alarm system).
- Failure to carry out an appropriate Fire Safety Risk Assessment as required by the *RRO 2005*.
- Injury or loss of life linked to inadequate fire safety provision.

Sanctions and Penalties

Outcomes following an inspection can range from advice, notices, fines and/or imprisonment. Any attempt to obstruct a fire prevention officer while carrying out their duties under the *RRO 2005* may result in 2 years' imprisonment and/or a fine.

Other specific penalties include:

- **Prohibition notices:** These notices prohibit the use of a particular premises, or part of that premises, (e.g. a specific floor or building), until the issues identified have been resolved.
- **Enforcement notices:** These notices apply to relevant premises to improve fire safety provision and ensure that legal standards are met.

Local Contact Information:

Email:

Phone Number:



The Health and Safety Executive (HSE) is the UK's national regulator for workplace health and safety, with day-to-day responsibility for the enforcement of health and safety law to prevent work-related death, injury, and ill health.

Created by the *Health and Safety at Work Act 1974*, the HSE is an executive non-departmental public body, sponsored by the Department for Work and Pensions.

As part of its work, HSE investigates workplace accidents, small and large, including major incidents. An investigation may range from an inquiry by a single inspector for a minor incident, dangerous occurrence or complaint, to a large inquiry involving a team of inspectors.

HSE is not an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Protects the health, safety and welfare of people at work and those who may be affected by work activities.
2. Seeks to prevent work-related death, injury and ill health.
3. Seeks to target businesses with the most serious risk or where risks are least well-controlled.
4. Carries out proactive inspections and investigates incidents and concerns relating to workplace health and safety.
5. Pursues enforcement action against health and safety offenders.



Multi-Agency Working in Practice

The HSE seeks to work collaboratively with government departments and law enforcement.

Health and Safety Executive: Key Legislation

- *Health and Safety at Work etc. Act (HSWA) 1974*

HSE Officers with Powers of Entry:

Only HSE Inspectors have powers to:

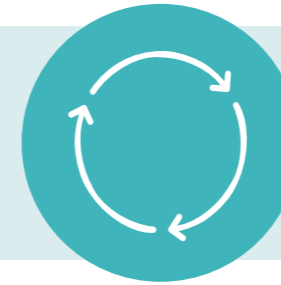
- Enter, inspect, and investigate premises to stop activities which involve a risk of serious personal injury, and require improvements to risk control where there is a breach of the law.

Note: *The HSE would be acting outside of the law if it used its powers to act on matters which are outside the purpose of the [HSWA 1974](#).*



Health and Safety Executive: Powers

Officer	Power of Entry	Power of Arrest
<p>Health and Safety Inspector</p> <p><i>(Inspectors are appointed under HSWA 1974 – s19)</i></p> <p><i>(Powers of entry are covered under HSWA 1974 – s20[2][a])</i></p>	<ol style="list-style-type: none"> Purpose: To carry out a workplace inspection or to investigate a concern or incident to ensure relevant health and safety legislation is not being contravened. Court warrant: Not required (inspectors are warrant card holders for relevant premises). Site access: Right to enter any business premises at any reasonable time where there is an enforcement role. <p><i>Exception:</i> Right to enter at any time if a dangerous situation is suspected.</p> <ol style="list-style-type: none"> Forced entry: If they have reasonable cause to anticipate serious obstruction, they may, take a police officer with them (HSWA 1974 - s20[2][b]). Refused entry: Criminal offence (HSWA 1974 - s33[1]). 	<p>No power of arrest.</p>



Process on Site

1. Entry

- HSE inspectors may visit any premises at any reasonable time, unless a situation is deemed to be dangerous, in which case they can enter at any time.
- They can visit premises unannounced and without warning as there is no requirement to give advance notice of a visit to a business.
- They carry warrant cards to demonstrate their authority to enter premises.

2. Interviews

- HSE inspectors will usually interview the duty holder or the person in charge at the time of the visit and will also talk to workers or their representatives.
- Statements will be taken where necessary to investigate whether breaches of health and safety law have occurred.
- HSE inspectors may then interview under caution those suspected of health and safety offences.

3. Gathering Evidence

HSE inspectors have the right to:

- Observe a workplace, including taking measurements, photographs and recordings.
- Take equipment and samples of any articles or substances found.
- Dismantle or subject samples to testing if they are suspected to be dangerous.
- Seize, render harmless or destroy dangerous items.
- Require an inspection of any books and documents, including taking copies.
- Require an area or machine to be left undisturbed.¹

4. Outcomes and Next Steps

- HSE inspectors seek to identify any breaches of the law and will take action to address any non-compliance.
- If any issues are identified, they will offer advice (either verbal or in writing) or give a notification of contravention.
- They seek to deal with serious risks immediately and consider appropriate enforcement if needed.

¹ These rights are granted under relevant legislation for the purposes of ensuring that workplace health and safety risks are controlled and investigating breaches of health and safety law.



If Suspected Victims of Exploitation Present

Step 1:

In an emergency, HSE will refer to the police for assistance.

Step 2:

In a non-emergency, the HSE will report any concerns to the HSE Single Point of Contact (SPOC) for Labour Abuse, who would help to consider what further action to take, including liaising with other agencies as appropriate.

Step 3:

The concerns will then be logged on HSE's central case recording system, which includes information on where intelligence has been shared and if referrals have been made to other agencies.



Multi-Agency Working in Practice

The HSE seeks to work in partnership with agencies and government departments to deliver against its objectives on workplace health and safety.

The HSE can support other agencies as:



An expert resource on health and safety



A partner in planned enforcement action on workplace compliance



A source of information on relevant premises

Working in Partnership on Site: When entering premises, if an HSE investigator is concerned that entry will be refused, or there is a potential for violence or aggression, they then may take with them any other person considered necessary (e.g. police). They can also work with any duly authorised enforcement authority as part of a multi-agency investigation.

Supporting Partners: HSE participation in multi-agency activity is considered on a case-by-case basis. For HSE to participate in multi-agency working, there must be evidence or reasonable intelligence to suggest that there are health and safety issues to address. HSE powers of entry do not allow for other agencies to enter alongside them for the purpose of multi-agency operations, other agencies would need to ensure that they have their own permissions in place to allow entry to the same premises that the HSE is seeking to enter.

Note: *HSE inspectors can only operate under their own powers and these powers should not be used for purposes other than those set out in the HSWA 1974.*

Information Sharing: Being able to share information where it is relevant to do so, means that the HSE is better informed to keep workers safe. Information requests received from other agencies can be cross-checked against HSE systems to identify any relevant intelligence on businesses of interest. Intelligence received by HSE can also be shared with other agencies where it may be of interest and where it is appropriate to do so.



Offences and Sanctions

Offences

Any health and safety offences prosecuted under relevant health and safety law (*HSWA 1974 – s33*) are heard at criminal courts in England, Wales, or Northern Ireland.²

Some example offences include:

- Failure to comply with an improvement or prohibition notice.
- Electrical safety issues.
- Working at height.
- Working with hazardous substances.

Sanctions and Penalties

Outcomes following inspections range from advice (either verbal or in writing) and notifications of contravention, to improvement and prohibition notices, or - in the most serious cases - prosecutions. Obstructing an inspector in the course of their duties or contravening a requirement imposed by an inspector under the *HSWA 1974* may result in prosecution.

Specific sanctions include:

Notification of Contravention (NoC): An NoC is a document or letter that will be issued following identification of a material breach of the law, highlighting the health and safety laws that have been broken and how. It sets out the actions required to rectify health and safety law infringements, as well as the fee amount required to recover applicable costs arising from the intervention in respect of material breaches.

Improvement Notice: This notice sets out any issues identified, any changes that need to be made to put things right, and the time limit for making those changes. The minimum statutory period for compliance with an Improvement Notice is 21 days. It is a criminal offence not to make the changes in the time given.

Prohibition Notice: This notice requires immediate cessation of unsafe activity that risks serious injury until it has been made safe to continue. This could be, for example, keeping workers off a roof until any unsafe scaffolding is fixed. It is a criminal offence not to comply with a prohibition notice.

National Contact Information:

HSE SPOC for Labour Abuse: Barbara Hockey (Head - Vulnerable Workers Team).

Email: barbara.hockey@hse.gov.uk

Phone Number: 020 3028 3590

Local Contact Information:

Email:

Phone Number:

² HSE typically makes its own decisions about whether to bring legal proceedings rather than referring cases to the Crown Prosecution Service (CPS).



The Food Standards Agency (FSA) is an independent, non-ministerial Government department, responsible for protecting public health and consumer interests in relation to food in England, Wales and Northern Ireland.¹

Established in 2000 upon the passing of the [Food Standards Act 1999](#), this Act provided the FSA with functions and powers to enforce food safety. The FSA's mission is to ensure that: 1) food is safe; 2) food is what it says it is; 3) consumers can make informed choices about what to eat; and 4) consumers have access to an affordable diet, now and in the future. All food businesses require approval to operate in line with food standards legislation, but the FSA has specific responsibility for approving and regulating slaughterhouses and meat cutting plants.

National Food Crime Unit (NFCU): As part of the FSA, the NFCU has the remit for serious fraud and related criminality within the food supply chain. Its strategic objectives are to: 1) prevent food being rendered unsafe or inauthentic through dishonesty; 2) disrupt offenders and bring them to justice; and 3) build domestic and global counter food crime capability. The unit applies the 4P methodology in meeting this remit: Prevent, Prepare, Protect and Pursue.

The FSA is not an NRM First Responder under the *Modern Slavery Act 2015*.



Agency Focus

1. Works to ensure businesses are compliant with food safety and hygiene.
2. Keeps consumers informed and supported in managing the risks relating to food.
3. Gathers and uses evidence to identify where changes to the food system would be in the best interests of consumers.
4. Gathers intelligence and investigates reports of food regulation infringements.
5. Inspects and approves operation of food businesses, pursuing enforcement action against offenders.



Multi-Agency Working in Practice

The FSA will work in partnership with agencies and departments to deliver its objectives on food.²

¹ Food businesses in Scotland are regulated by Food Standards Scotland, a separate agency.

² The FSA has developed relationships with food safety teams across 400 local authorities in England, Wales and Northern Ireland.



Food Standards Agency: Key Legislation

In line with specific UK legislation, FSA officers have been granted specific powers for entry and ensuring compliance with food safety law:

- *Food Safety Act (FSA) 1990*
- *Food Standards Act 1999*
- *Food Safety and Hygiene (England) Regulations 2013*
- *EU Food Regulations³*

FSA Officers with Powers of Entry

Only FSA authorised officers⁴ have powers to enter and inspect food business operators (FBOs) at any reasonable time, including investigating reports of food safety and hygiene infringements. ([FSA 1990](#) and [Food Safety and Hygiene \(England\) \(FSH\(E\) Regulations 2013\)](#)).

Note: *The NFCU do not presently have any powers outside of food safety legislation.*

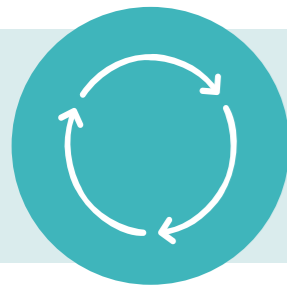
³ As of 2300 on 31.12.2020, the requirements of previous EU law are now retained EU provisions with lawful status in the UK as a result of the Withdrawal Bill and subsequent legislation.

⁴ FSA officers are authorised in different ways depending on the department remit. This is the same for the NFCU.



Food Standards Agency: Powers

Officer	Power of Entry	Power of Arrest
<p>FSA Authorised Officer</p> <p><i>(FSA 1990 – s9)</i></p> <p><i>(FSH(E) Regulations 2013 plus equivalent in Wales and Northern Ireland)</i></p>	<ol style="list-style-type: none"> 1. Purpose: To inspect any food intended for human consumption and to ensure food legislation is not contravened. 2. Court warrant: Not required (unless an initial request for entry has been refused). 3. Site access: Right to enter business premises unannounced at any reasonable time. 4. Forced entry: May force entry with a warrant. 5. Refused entry: Criminal offence (FSA 1990 – s33). 	No power of arrest.
<p>FSA Authorised Officer</p> <p><i>(FSA 1990 - s32)</i></p> <p><i>(FSH(E) Regulations 2013 plus equivalent in Wales and Northern Ireland)</i></p>	<ol style="list-style-type: none"> 1. Purpose: To investigate possible food offences. 2. Court warrant: Not required (unless an initial request for entry has been refused). 3. Site access: Right to enter business premises unannounced at any reasonable time. 4. Forced entry: May force entry with a warrant. 5. Refused entry: Criminal offence (FSH(E) Regulations 2013 – s17). 	No power of arrest.



Process on Site

1. Entry

- Authorised FSA Officers can enter any food premises unannounced at any reasonable time.
- Exception: they must announce their intention to visit any houses used as private dwellings at least 24 hours before the visit.
- Upon entry, they will show ID and authenticated documentation to the appropriate person(s) on site and explain the information needed for the purposes of their inspection.

2. Interviews

- FSA Officers will usually interview workers, clients and the food business operator on site.
- Interviews of FBOs suspected of committing offences will be carried out under caution.

3. Gathering Evidence

- Authorised FSA Officers may inspect premises, processes and records, seize or copy any relevant records relating to the business, and take samples of food for analysis or examination.
- They may also take their own visual records, such as still photographs and videos.
- During the inspection, they must be given any information and assistance which they reasonably require.
- They do not have the power to search premises, nor to search for evidence of other similar offences.

4. Outcomes and Next Steps

- Authorised FSA Officers will seek to immediately identify any breaches of the law.
- They will also check risk controls, as well as consider and action the appropriate enforcement, if needed.



If Suspected Victims of Exploitation Present

Step 1:

If there is an identified immediate threat to life, the FSA Officer will ring 999 as soon as practicable. However, they are not expected to do so if making that call endangers any person(s) present.

Step 2:

In a non-emergency, the FSA will record their observations and notify the NFCU at the earliest practicable opportunity.

Step 3:

The NFCU will then disseminate the recorded information to the best placed agency, most likely the local police force.

Note: Powers available to the FSA under food safety legislation are specific and food related, meaning that they do not extend beyond the operation of a food business. As a result, the agency has no specific powers around victims of exploitation or persons suspected of such involvement. However, the FSA still seeks to fulfil their responsibility to identify, record and report any possible victims as soon as practically possible.



Multi-Agency Working in Practice

The FSA seeks to work in partnership with agencies and departments to deliver its objectives on food.

The FSA can support other agencies as:



A source of information on FSA-approved premises



A coordinator of intelligence sharing and interventions around food crime



An expert in identifying and assessing food safety/hygiene breaches

Working in Partnership on Site: FSA Officers have a narrow area of authority, which strictly relates to food. However, they are able to work with partners on joint visits to premises where the premises falls into their legal remit. Pre-planning ensures that the specific areas of responsibility are identified and can be resourced appropriately to help partners where they can.

Supporting Partners: The FSA can inspect approved premises to assess any food safety/hygiene breaches within those premises, where intelligence has been received identifying suspected forced labour. This offers opportunities to work in collaboration with partners to identify and protect vulnerable people, as well as protect the public from the effects of any subsequently identified food safety/standards breaches.

Regional Coordination: Each region in England, Wales and Northern Ireland has an NFCU Regional Intelligence Officer (RIO) who is tasked to support and coordinate work with local authority food teams and other partners. Their aim is to identify opportunities to lead, support or coordinate interventions to disrupt and investigate such crimes. The NFCU is engaged with the Government Agencies Intelligence Network (GAIN)⁵ across England and Wales to actively promote and engage in partnership working, increasingly around serious and organised criminality.

Sharing Intelligence: If an external agency has an interest in obtaining information about an FSA premise, early sharing of that information will enable the FSA to further enhance the intelligence picture where possible. A list of relevant premises is available on the [FSA website: Approved Food Establishments](#). External agencies can also contact the local RIO for information about FSA premises.

⁵ The Government Agencies Intelligence Network (GAIN) in England and Wales facilitates the exchange of information between public sector enforcement agencies, where this is legally possible.

Case Study: Operation (West Midlands)

Request for Support

Conversation between NFCU RIO and GAIN coordinator inquiring about NFCU knowledge of specific individuals running an FSA-approved business who were mapped within an Organised Crime Group (OCG)⁶ dealing class-A controlled drugs. Facilitated by GAIN, a request for intelligence was made from the FSA, along with the agency's support to enter the premises.

Agencies Involved

FSA Field Operations; NFCU; West Midlands Police; GLAA; HM Revenue and Customs (HMRC); and Birmingham City Council (Food Safety Team).

During the Operation

1. Premises visited by agencies.
2. All staff employed checked for any labour abuse/modern slavery issues.
3. Food standards and safety issues identified and dealt with appropriately, including confiscation and destruction of rancid chicken stored in the outbuildings.

Outcomes and Next Steps

- OCG impacted by disruption of their food business by law enforcement agencies, including temporary suspension and removal of approval to work.
- Consolidation of working relationships with relevant partners.

Lessons Learned

Cemented understanding among partners that criminality crosses the responsibility of different organisations (i.e. criminals tend not to observe legal requirements in all areas).

⁶ An [OCG](#) is defined as a group which, has at its purpose, or one of its purposes, the carrying on of criminal activities, and consists of three or more people who agree to act together to further that purpose. It is not necessary for the individual participating in the OCGs criminal activities to know any of the group members.



Food Standards Agency: Offences and Sanctions

Offences

Offences prosecuted under food safety and hygiene legislation are heard at criminal courts in England, Wales or Northern Ireland. Offences can be heard summarily in Magistrates' Courts or on indictment in a Crown Court.

Common offences prosecuted at court under the *Food Safety and Hygiene (England) Regulations 2013* and devolved equivalents include:

- Placing unsafe food on the market.
- Breaching food safety and hygiene provisions that can cause contamination or have an impact on public health.
- Breaching formal notices such as Remedial Action Notices or Hygiene Improvement Notices.
- Breaching formal Detention Notices.
- Operating as an unapproved/unregistered FBO.

Sanctions and Penalties

Convictions on indictment can result in a maximum sentence of two years' imprisonment and/or unlimited fines. Summary convictions can result in a fine and/or a shorter period of imprisonment. Any attempt to obstruct an authorised FSA Officer in the course of their duties is a specific offence and may result in prosecution.

Specific sanctions include:

- **Advisory, improvement and prohibition notices:** These notices are used to stop any continuation of the identified breaches of regulations and to achieve compliance. The notices can also be issued to proactively protect the public from unsafe food. Failure to comply with those notices can result in further action by way of prosecution.
- **Food seizures and detainments:** Officers can seize and detain food identified as not being safe or complying with the necessary standards. Meat can be destroyed subject to obtaining a relevant order from the Magistrates' Court by the FSA.

- **Suspension or revocation of a licence:** Approval to run the business can be suspended or revoked with immediate effect where food offences warrant it.

Note: *The FSA has no power to suspend or revoke a licence on the grounds of employing exploitative/forced labour. The powers to suspend or revoke a licence only relates to food safety offences.*

National Contact Information

Email: NFCU.Outreach@food.gov.uk⁷

Steve Smith, Head of Outreach

Email: Steve.Smith@food.gov.uk

Phone Number: 07973 686552

Local Contact Information

Email:

Phone Number:

⁷ The NFCU will be able to signpost partners to the RIO covering their particular geographical area of interest.

Local Authority: Housing Enforcement

Local Authority: Housing Enforcement

FIRST RESPONDER

Local authority (LA) housing enforcement officers ensure that local residents live in safe and healthy homes. Dependent on the local authority, these officers will either work within the housing or environmental health departments.

Local authorities have statutory duties and powers to deal with conditions in dwellings which affect other properties, occupiers, visitors, or members of the public. Under the Housing Act 2004, officers have powers to calculate the seriousness of certain hazards and take enforcement action against building owners or landlords when necessary.¹

The Act gives housing enforcement officers the power to intervene where they consider housing conditions to be unacceptable, based on the impact of hazards on the health and safety of the most vulnerable potential occupant. Inspections on properties are carried out when either: 1) a concern is raised with the LA regarding the condition of a property; 2) the exterior is in visibly poor condition; or 3) as a routine inspection.

LA housing enforcement officers are NRM First Responders under the *Modern Slavery Act 2015*.



Agency Focus

1. Ensures that residential housing is safe and fit for habitation.
2. Ensures compliance with environmental health and housing law.
3. Protects vulnerable people against poor living conditions.
4. Works with landlords and homeowners to improve properties.
5. Pursues enforcement action against landlords/homeowners when required.



Multi-Agency Working in Practice

LA housing enforcement officers work in partnership with statutory services and law enforcement to ensure residential dwellings are safe and healthy for human habitation.

¹ However, officers cannot undertake enforcement action in cases where the LA owns the property - this responsibility falls on the Health and Safety Executive (HSE).



LA Housing Enforcement: Key Legislation

- *Public Health Act (PHA) 1936*
- *Prevention of Damage by Pests Act 1949*
- *Health and Safety Act 1974*
- *Protection from Eviction Act 1977*
- *Building Act 1984*
- *Public Health (Control of Disease Act) 1984*
- *Housing Act 1985*
- *Environmental Protection Act (EPA) 1990*
- *Health and Safety (Enforcement Authority) Regulations 1998*
- *Housing Act 2004*
- *The Management of Houses in Multiple Occupation (England) Regulations 2006*
- *The Licensing and Management of Houses in Multiple Occupation (Additional Provisions) (England) Regs 2007*
- *Housing and Planning Act 2016*

LA Housing Officers with Powers of Entry

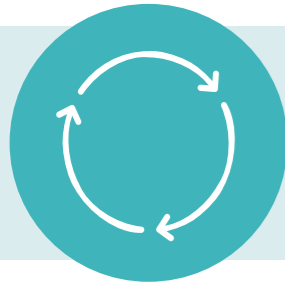
Under the [Housing Act 2004 - s239-240](#), housing enforcement officers may conduct a survey or examination of any premises if:

- Satisfactory standards of management are not being observed.
- The licence requirements for a particular house in multiple occupation (HMO) are not being met.
- There is suspicion that a threat or hazard is present or has the potential to cause harm to any occupant.



LA Housing Enforcement: Powers

Officer	Power of Entry	Power of Arrest
Enforcement Officer Housing Act 2004 – s239 EPA 1990 - s81(7) PHA 1936 - s287(1)	<ol style="list-style-type: none"> 1. Purpose: To investigate the conditions of dwellings. 2. Court warrant: Not required. 3. Site access: Can enter at any reasonable time if at least 24 hours notice has been provided. <i>Exception:</i> can enter at any time without prior notice if HMO licence offences are suspected or to check for management regulation offences (<i>Housing Act 2004 - s72, s95 or s234[3]</i>). 4. Forced entry: Will not force entry immediately but will instead apply for an entry warrant to force entry at a later date (<i>Housing Act 2004 – s240</i>). 5. Refused entry: Criminal offence. 	<p>No power of arrest.</p> <p>Arrests for relevant offences will be carried out by the police on behalf of the LA following successful application for an arrest warrant.</p>
Enforcement Officer Housing Act 2004 – s240 EPA 1990 - s81(7) PHA 1936 - s287(2)	<ol style="list-style-type: none"> 1. Purpose: To complete an inspection for HMO offences where entry has been refused or where entry with notice would defeat the purpose of the entry. 2. Court warrant: Required for entry by force and issued by the Magistrates' Court. 3. Site access: Not required to provide notice and can enter at any time to check for management regulation offences. 4. Forced entry: Will force entry if required. 5. Refused entry: Criminal offence. 	<p>No power of arrest.</p> <p>Arrests for relevant offences will be carried out by the police on behalf of the LA following successful application for an arrest warrant.</p>



Process on Site



1. Entry

- LA housing enforcement officers will provide at least 24 hours' notice prior to entry² unless it is deemed to frustrate the purpose of the search.
- Upon entry, they will show their ID to the appropriate person(s) on site and provide written authorisation of the entry.
- They can take any additional persons with them that they think is necessary for the purpose of the search.³



2. Interviews

- LA housing enforcement officers will only undertake interviews under caution in a PACE-compliant interview room rather than on-site, following a written letter of invitation for an interview.
- However, they will carry out basic questioning of any person(s) identified on site to ascertain identity, ownership and whether an offence has been committed.



3. Gathering Evidence

Under relevant legislation, LA housing enforcement officers have the authority to:⁴

- Take equipment or materials.
- Take measurements and photographs.
- Make recordings (including leaving recording equipment on the premises for later collection).
- Take samples of any articles or substances found on the premises.



4. Outcomes and Next Steps

- LA housing enforcement officers will note down what is identified and record findings from the inspection.
- If issues are identified, officers may complete a prosecution file under the supervision of their line managers and legal department, if required.
- The prosecution file may include a peer review or a case meeting to establish if there is a case 'beyond reasonable doubt'.



If Suspected Victims of Exploitation Present

Step 1:

The LA will call the police on 999 in an emergency.

Step 2:

The LA will seek to preserve evidence and in the right circumstances, explain the support available to the victim.

Step 3:

The LA will seek to obtain consent where possible and where required, whilst making relevant safeguarding referrals to the police and/or the National Referral Mechanism (NRM).

Step 4:

Information on indicators identified will be recorded internally.

² Intention is announced through serving a Section 239 Notice under the *Housing Act 2004*.

³ Additional persons should be named where possible on the warrant, including police officers where police assistance is being provided.

⁴ LA housing enforcement officers will carry out a full inspection to gather evidence relevant to the investigation from the premises.



Multi-Agency Working in Practice

LA housing enforcement officers seek to work in partnership with organisations for the purpose of protecting residents from living in unacceptable housing conditions.

LA housing enforcement departments can support other agencies as:



An expert housing enforcement resource for partners.



A partner in planned enforcement action to assess living conditions.



A source of information sharing and collection for partners.

- **Working in Partnership:** When entering premises under a warrant, a LA housing enforcement officer may take with them any other person considered necessary to ensure effective enforcement, safeguarding and protecting of any person(s) at risk. For example, a locksmith will usually be required to attend, as well as police officers for any potential breach of the peace. LA housing enforcement departments look to work in partnership with a considerable number of partner agencies, including other local authority departments and law enforcement agencies such as the NCA, police and Border Force.
- **Supporting Partners:** The role that the LA housing enforcements officers will play during multi-agency operations and visits will depend on which agency is leading the investigation on-site. Officers will seek to liaise with the police and other agencies as soon as possible prior to a planned visit, arranging a briefing beforehand to share the available information and to inform agencies of the issues they are interested in investigating. LA housing enforcement departments also tend to be members of local multi-agency strategic and operational forums. They will also likely take part in joint training exercises and workshops to support improving the multi-agency safeguarding and operational response.
- **Suggested Best Practice on Modern Slavery and Exploitation:** LA housing enforcement officers should be active participants within their local multi-agency anti-slavery partnership, working collaboratively to develop and adopt relevant local models and pathways to ensure consistency and coordination in responses to local cases. Officers should be trained to recognise exploitation types and indicators to help increase intelligence and facilitate disruption of organized crime and identification of victims. Supported by a Single Point of Contact (SPOC) list available to all partners, an awareness of other local agency roles and responsibilities and effective information sharing are fundamental to the success of multi-agency collaboration. This is key to keeping partners informed of hotspot areas, crime types, ongoing operations, and the potential requirements of their service.



LA Housing Enforcement: Offences and Sanctions

Offences

Under the [Housing and Planning Act 2016](#), the following are considered criminal offences with civil penalties:⁵

- Failure to comply with an Improvement Notice (s30).
- Offences in relation to licensing of HMOs (s72).
- Offences in relation to licensing of houses under Part 3 of the Housing Act (s95).⁶
- Offences of contravention of an overcrowding notice (s139).
- Failure to comply with management regulations in respect of HMOs (s234).

Sanctions and Penalties

Outcomes following investigations can be anything from advice to notices (including statutory, improvement and overcrowding notices) and fines, to convictions or revoked HMO licences with immediate effect. The law allows a maximum financial penalty of £30,000 per criminal offence with regard paid to local circumstances and relevant factors identified. Any attempt to obstruct an LA housing enforcement officer in the course of their duties may also result in prosecution and a fine.

Specific sanctions available to the LA are:

Statutory Notices: These may be served following an inspection of a property. The notice details what work is required within specific timescales to remove or reduce a potential hazard. If the property landlord fails to carry out the work specified on the notices, LA housing enforcement departments will either arrange for: 1) the work to be carried out at the landlord's expense or works in default; or 2) a prosecution case to be passed onto the legal department; or 3) a civil penalty notice of up to £30,000 per offence to be served. Examples of these notices are: 1) Improvement Notices; 2) Suspended Improvement Notices; 3) Overcrowding Notices; and 4) Hazard Awareness Notices.

Orders: Prohibition Orders, Suspended Prohibition Orders, Demolition Orders, Interim or Final Empty Dwelling Management Orders and Emergency Prohibition Orders (Category 1 Hazards only).⁷

⁵ The Government has laid out statutory guidance as to the process and the criteria that needs to be considered when determining civil penalties. See [Part 3 of the Housing and Planning Act 2016](#) for further information.

⁶ Under the [Housing Act 2004](#), this provision allows LAs to make a licensing scheme for privately rented accommodation in its area, or any part of it, providing certain conditions are met. Landlords must adhere to the selective licensing rules of that area.

⁷ For further information on enforcement orders available to the LA, see the [Housing Act 2004](#).

Revocation Notice: This notice confirms that the original notice or order has been withdrawn, which happens once a notice or an order has been complied with or if amendments are required to the notice because of new information.

Declaration of a Clearance Area: This declaration is available to the LA as a course of enforcement action in relation to identification of category 1 hazards (Housing Act 2004 – s5).

Emergency Remedial Action (Category 1 Hazards only): This action may be taken by the LA in relation to any premises that have been served an Improvement Notice, where urgent action is required (Housing Act 2004 – s40).

Banning Order issued by the First Tier Tribunal: This is an order placed on a landlord following an application made by the LA, which prohibits a landlord from letting housing in England, and engaging in English letting agency or property management work for at least 12 months.⁸

If a notice is not complied with, the following sanctions may be considered:

Simple caution: This is a written caution in the form of a formal warning to any persons aged 18 or over who admits to committing a relevant offence.

Civil penalties: These are financial penalties imposed by the LA on an individual or organisation as an alternative to prosecution for certain housing offences under the Housing Act 2004 and a breach of a banning order under the Housing and Planning Act 2016. The penalty can be up to £30,000 for each offence.

Rent Repayment Order: Where Universal Credit has been paid to a tenant, the LA will chase up to a year's rent. In the case of no Universal Credit, the tenant can pursue the landlord to receive up to 12 months' rent.

Enforced carrying out of the works in default: If a person fails to comply with work required by a notice, the LA will carry out the work and charge them for it (Housing Act 2004 – schedule 3).

Prosecution: Restricted to strict liability offences under *The Management of Houses in Multiple Occupation Regulations 2006* and a minority of circumstances where there is a blatant disregard for the law: e.g. health or safety has been put at risk, failure to comply in full or in part with the requirements of a statutory notice or a particular contravention has the potential to cause harm.⁹

⁸ Anyone subject to a banning order must be recorded by the LA on the national database of rogue landlords and agents.

⁹ The case officer will decide whether prosecution is appropriate in any individual case in discussion with the Chief Officer of Environmental Health and Building Control prior to referring any case to the Legal Team. The case officer will then produce a case file and briefing note for the Legal Team, who will decide whether the case meets the requirements of the Code of Practice for Crown Prosecutors.

Local Contact Information:

Email:

Phone Number:

Local Authority: Licencing

Local Authorities (LAs) are considered licensing authorities under the *Licensing Act 2003*,¹ which places legal responsibility on LA licensing officers to grant licences to premises identified in relevant legislation.

In line with the Act, LA licensing officers are authorised to grant licences to premises which undertake one or more of the following functions: 1) the sale by retail of alcohol; 2) the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club, 3) the provision of regulated entertainment, and 4) the provision of late-night refreshment. They also have the power to refuse, review, amend and revoke licences.

In determining the granting of licences, the LA will seek to adhere to the following objectives outlined in the *Licensing Act 2003*: (a) the prevention of crime and disorder; (b) public safety; (c) the prevention of public nuisance; and (d) the protection of children from harm. For the purpose of this guide, this section will focus on the LA function in relation to this responsibility, which also falls into other relevant legislation that has been covered in part in this guide.

LA licensing officers are NRM First Responders under the *Modern Slavery Act 2015*.

Local Authority: Licencing



Agency Focus

1. Protects the public from harm caused by irresponsible licensed premises.
2. Provides advice and guidance and supports responsible premises.
3. Inspects and approves premises for licences and registrations.
4. Investigates complaints and illegal trading.
5. Pursues enforcement action against offenders.



Multi-Agency Working in Practice

LA licensing officers seek to work in partnership with responsible authorities and other relevant agencies to ensure adherence to granted licences.

¹ Responsible authorities are defined in the [Licensing Act 2003](#) as authorities who can comment on applications made under the Act.¹ Within this role, they can also apply for a review of a licence under certain circumstances. Responsible Authorities refer to stakeholders in which the premises are situated: 1) Chief Officer of Police for any relevant police area; 2) the fire and rescue authority; 3) the local Health Board; 4) the LA in England whose public health functions within the meaning of the [National Health Service Act 2006](#) are exercisable; 5) the enforcing authority within the meaning given by the [Health and Safety at Work etc. Act 1974 – s18](#); 6) the local planning authority within the meaning given by the [Town and Country Planning Act 1990 \(c. 8\)](#); 7) the LA by which statutory functions are exercisable in relation to minimising or preventing the risk of pollution of the environment or of harm to human health; and 8) Home Office Immigration Enforcement if the application is for sale of alcohol or late-night refreshment.

² See the [Licensing Act 2003 notes](#) for further information.



LA Licensing: Key Legislation

For the purpose of this guide, the following legislation has been used to provide examples of powers of entry:

- *The Caravan Sites and Control of Development Act 1960*
- *Dangerous Wild Animals Act 1976 and 2010*
- *Local Government (Miscellaneous Provisions) Act 1976*
- *Zoo Licensing Act 1981*
- *Local Government (Miscellaneous Provisions) Act 1982*
- *Licensing Act (LA) 2003*
- *Gambling Act 2005*
- *Animal Welfare Act 2006*
- *Mobile Homes Act 2013*
- *Scrap Metal Dealers Act 2013*

The following legislation also provides for power of entry provisions, but detail has not been provided in the table below:

- *Town Police Clauses Act 1847 (taxis)*
- *Public Health Acts Amendment Act 1907 - s94 (pleasure boats)*
- *Police, Factories, etc. (Miscellaneous Provisions) Act 1916*
- *House to House Collections Act 1939*
- *Hypnotism Act 1952*
- *Policing and Crime 2009 Act - part 2*
- *Anti-Social Behaviour, Crime and Policing Act 2014 – s76*

LA Licensing Officers with Powers of Entry

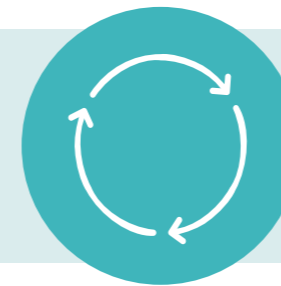
In line with relevant legislation, powers of entry granted to LA licensing officers will depend on the type of premises, the type of application, licence or order in place, and whether licensed or unlicensed activities are taking place.



LA Licensing: Powers

Legislation	Power of Entry	Power of Arrest
Licensing Act 2003	<ol style="list-style-type: none"> 1. Purpose: To ensure compliance with the Act. 2. Court warrant: Not required unless refused entry. 3. Site access: Right to enter at any reasonable time. 4. Forced entry: May force entry with police assistance through a Magistrates' Warrant. 5. Refused entry: Criminal offence. 	No power of arrest.
Gambling Act 2005	<ol style="list-style-type: none"> 1. Purpose: To assess compliance with the Act or whether an offence under the Act is being committed. 2. Court warrant: Required. 3. Site access: Right to enter at any reasonable time. 4. Forced entry: May use reasonable force to facilitate entry with police assistance through a Magistrates' Warrant. 5. Refused entry: Criminal offence. 	No power of arrest.
Animal Welfare Zoo Licensing Act 1981 Dangerous Wild Animals Act 1976 The Legislative Reform (Dangerous Wild Animals) (Licensing) Order 2010 Animal Welfare Act 2006	<ol style="list-style-type: none"> 1. Purpose: To ensure compliance with the relevant Acts. 2. Court warrant: Not required for a standard inspection, but if an issue is identified, it may be required to search for evidence or the commission of an offence. 3. Site access: Right to enter at any reasonable time for inspections. 4. Forced entry: May use reasonable force where necessary. 5. Refused entry: Criminal offence. 	No power of arrest except by a constable for offences relating to the prevention of harm to animals.

Legislation	Power of Entry	Power of Arrest
<p><u>Local Government (Miscellaneous Provisions) Act 1982</u></p> <p>e.g. venues Tattoo parlours Body piercing studios Beauty salons (acupuncture, microblading)</p>	<ol style="list-style-type: none"> Purpose: To ensure compliance with the relevant Acts in line with safe body piercing. Court warrant: Not required unless an offence is suspected, or entry is refused. Site access: Right to enter at any reasonable time for inspections. Forced entry: Would not force entry. Refused entry: Criminal offence. 	No power of arrest.
<p>Mobile Homes and Caravan Sites</p> <p><u>The Caravan Sites and Control of Development Act 1960</u> <u>Mobile Homes Act 2013</u></p>	<ol style="list-style-type: none"> Purpose: To ensure compliance with the relevant Acts. Court warrant: Not required unless an offence is suspected, entry is refused or unable to access the land i.e. a locked site. Site access: Right to enter at any reasonable time for inspections. Forced entry: Would not force entry. Refused entry: Criminal offence. 	No power of arrest.
<p><u>Scrap Metal Dealers Act 2013</u></p>	<ol style="list-style-type: none"> Purpose: To ensure compliance with the Act. Court warrant: Not required unless an offence is suspected or entry is refused. Site access: Right to enter at any reasonable time for inspections to be undertaken by a constable or LA officer. Forced entry: May use reasonable force with a court warrant. Refused entry: Criminal offence. 	No power of arrest.
<p><u>Local Government (Miscellaneous Provisions) Act 1976</u></p>	<ol style="list-style-type: none"> Purpose: To see records in line with the private hire operator conditions provided within the LA licence. Court warrant: Not required unless entry is refused. Site access: Would seek to enter at any reasonable time following a request for permission to enter. Forced entry: Would not force entry. Refused entry: Criminal offence of obstruction (s73). 	



Process on Site

1. Entry

- LA licensing officers will seek to announce their intention to visit premises at least 24 hours prior to entry, although this notice is compulsory for private dwellings, unless notice would defeat the purpose of the search and/or the situation is deemed to be dangerous.
- On entry, officers will show their ID and produce documented authorisation of the right to enter.

2. Interviews

- LA licensing officers require any person involved in the investigation to give information and will conduct basic questioning on site.
- If seeking to question person(s) about suspected offences, LA licensing officers will arrange for formal interviews to be conducted under caution in line with [PACE 1984](#).

3. Gathering Evidence

- LA licensing officers can request to examine and inspect any document, records (including electronic), equipment, premises or part of them whilst on site, including requesting for them to be left undisturbed for investigation.³
- This includes taking measurements, samples and photographs for the purposes of investigation.
- Any article or substance can be detained for further investigation and if it is deemed to likely cause danger, can be dismantled, or tested.

4. Outcomes and Next Steps

- LA licensing officers will undertake any enforcement actions in line with the prescribed LA Enforcement Policy.⁴
- Where there is wider regulatory interest, officers will refer information received to other relevant regulators (e.g. The Gambling Commission).

³ **Note:** All LA EH officers are authorised to gather information for other departments outside of their legal remit. This may involve a basic questionnaire, photographs or other forms of evidence taking.

⁴ The [Enforcement Management Model \(EMM\)](#) and associated procedures provide the LA with a framework for making enforcement decisions that meet the principles of the [Health and Safety Executive \(HSE\) Executive Board Enforcement Policy Statement](#).



If Suspected Victims of Exploitation Present

Step 1:

In an emergency, LA licensing officers will call 999 for attendance from the police whilst on site.

Step 2:

In a non-emergency, officers will note down any concerns and report them to the most appropriate agency (e.g. police or the fire and rescue service).

Step 3:

Dependent on the circumstances, an NRM First Responder (LA or police) will then exercise their duty to notify (DTN) the Home Office of a potential victim once identities have been established.



Multi-Agency Working in Practice

LA licensing officers seek to work in partnership with organisations to protect the public and local residents.

LA licensing officers can support other agencies as:



Experts in compliance and enforcement of licensing laws



Providers of evidence to support investigations



Sharers of intelligence with partner agencies

Working in Partnership: LA licensing officers will support joint visits and operations in collaboration with relevant partners where the premises fall within their remit (e.g. animal welfare, alcohol sales, mobile homes and scrap metal). In cases where premises straddle responsible authority boundaries, LAs will engage with the LA from the neighbouring area. Designated licensing officers within the police force are also kept informed of cases where their support is needed (e.g cases of anti-social behaviour) or where information is required to be shared in line with the provisions under the *LA 2003*. This information is also shared with the other responsible authorities identified in the Act.

Supporting Partners: Any responsible authority identified within the *LA 2003* can make representations to the local authority in relation to alleged or identified infringements of to any of the licensing objectives upon the submission of relevant evidence. The complaint is then discussed at the LA licensing sub-committee⁵ and based on the evidence provided, conditions may either be added to the license, or amendments made, or the licence could even be revoked.

Information Sharing: In order for the LA licensing committee to make an appropriate decision following representations, other responsible authorities will share appropriate information. For example, the LA Director of Public Health will share information from emergency departments and ambulance services in relation to incidents where drunkenness has led to accidents and/or injuries from violence linked to specific premises or premises in a particular area. Many areas have developed specific procedures for local information sharing with LA licensing officers to tackle violence linked to licensed premises, which would provide useful evidence to support representations, as and when made, along with establishing the evidence base for publishing a Cumulative Impact Area (CIA).⁶ Information is also regularly shared with relevant partners such as the police, Trading Standards and HM Revenue and Customs (HMRC), when this is specified under an Act or requested under their specific powers.

⁵ Designated LA sub-committees are authorised to hear cases brought forward by residents or responsible authorities who feel that granted licences have been breached or problems have occurred in order to request licences be reviewed.

⁶ A CIA is a designated zone where evidence has indicated that the number, type or density of licensed premises is impacting adversely on the licensing objectives, namely, crime and disorder, public safety, public nuisance and the protection of children from harm.



Offences and Sanctions

Offences

The following are considered criminal offences:

- Unauthorised exposure of alcohol for sale by retail ([LA 2003 – s136](#)).
- Providing gambling facilities in Great Britain without a relevant licence, permit, notice or exemption. ([Gambling Act 2005 - s33](#)).
- The mutilation of animals, unless it has good medical cause. ([Animal Welfare Act 2006](#)).
- Tattooing any person under the age of 18. ([Tattooing of Minors Act 1969 - chapter 24](#)).

Sanctions and Penalties

Outcomes following criminal investigations can be anything from closure notices and fines, to convictions and prison sentences. Licences can also be reviewed or revoked with immediate effect by the LA licensing committee. Any attempt to obstruct a LA licensing officer in the course of their duties may result in a fine.

Specific sanctions include:

- **Closure Notice:** This is a notice prohibiting access to the premises for a period specified in the notice. It prevents further disorder or nuisance to members of the public, which is associated with the use of the premises by temporarily or permanently closing licensed premises.
- **Review of a licence:** Following the granting of a premises licence or club premises certificate, the LA may be asked to review the licence or certificate by another responsible authority or any other individual because of an issue arising at the premises in connection with any of the four licensing objectives.
- **Revocation of a licence:** Failure to abide with warnings and notices from the LA could result in the review and revocation of the original licence granted.
- **Fines:** There are different levels of fines for different offences in line with the licence provided.
- **Prosecution and imprisonment:** Non-compliant licence holders can incur up to 6 months' imprisonment for licensing offences.

Local Contact Information:

Email:

Phone Number:


Local Authority: Planning

Every local authority (LA) across the UK has a planning department (or local planning authority – LPA).

The LPA manages the development of land and buildings, balancing the economic, environmental, and social impacts of new developments to decide whether they should go ahead.

The LPA is responsible for producing a local plan, which sets out the vision and strategic policies of the LA and the development that is required to achieve this. They also make decisions on planning applications for new developments of both domestic and commercial properties and are responsible for enforcement when breaches of planning control have taken place.

LA planning departments are NRM First Responders under the *Modern Slavery Act 2015*.



Agency Focus

1. Works with the local community to develop its local plan.
2. Determines the outcomes of planning applications.
3. Acts in response to breaches of planning control.



Multi-Agency Working in Practice

The LPA works with relevant agencies, particularly LA Environmental Health and Building Control, to ensure that planning regulations are adhered to.

¹ The Police Service of Northern Ireland (PSNI) is responsible for policing Northern Ireland and Police Scotland is a single force, which is responsible for policing across Scotland.



Local Authority Planning: Key Legislation

Planning legislation is embedded within the National Planning Policy Framework, which sets out the Government's planning policy for England.

A full list of legislation that dictate planning powers is provided below:

- *Police and Criminal Evidence (PACE) Act 1984*
- *Town and Country Planning Act 1990*
 - 1. Sections 214C and 196B (power of entry with a warrant).
 - 2. Sections 196A, 219, 324, 178, 225 and 214B (power of entry without a warrant).
- *Planning (Listed Building and Conservation Areas) Act 1990 (s88[2] and s88A[1])*
- *Hazardous Substances Act 1990 (s36)*
- *Planning and Compensation Act 1991*
- *Planning (Hazardous Substances) Act 1990*
- *Anti-Social Behavior Order 2003 (Part 8)*
- *Proceeds of Crime Act (POCA) 2002*

LA Planning Officers with Powers of Entry

In line with UK legislation, LA planning officers have been granted powers to conduct planning enforcement investigations, including making site visits and taking enforcement action. These powers apply equally to domestic and commercial properties. The nature of the investigation will be dependent on the nature of the breach of planning control.

1. Planning Enforcement Officer

- Investigates and resolves an alleged breach of planning control, including planning enforcement visits and instigating prosecutions for non-compliance.

2. Senior Conservation Officer

- Ensures regulations protecting listed buildings and conservation areas are adhered to.

3. Planning Development Officer

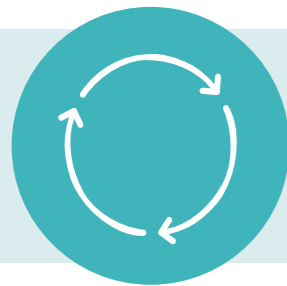
- Processes planning applications and seeks to ensure that building developments follow the agreed plan by checking adherence to planning permissions.

Note: The following legislation applies to these officers: 1) [Town and Country Planning Act 1990](#); 2) [Planning \(Listed Building and Conservation Areas\) Act 1990](#); 3) [Planning and Compensation Act 1991](#); 4) [Anti-Social Behaviour Order 2003 - part 8](#); and 5) [Business and Planning Act 2020](#).



Local Authority Planning: Powers

Officer	Power of Entry	Power of Arrest
1. Planning Enforcement Officer	1. Court warrant: Not required unless refused entry. 2. Site access: Right to enter at any reasonable time.	No power of arrest.
2. Senior Conservation Officer	3. Forced entry: May force entry but will likely arrange for the police to accompany them if there were concerns for officer safety.	
3. Planning Development Officer	4. Refused entry: Criminal offence.	



Process on Site

1. Entry

- LA planning officers must announce their intention to visit premises at least 24 hours prior to entry.
- On entry, ID is provided to the occupier(s).
- Officers tend to undertake most visits alone, although sometimes they will work in pairs if there is a possibility of prosecution.

2. Interviews

- LA planning officers can conduct interviews on site under caution, but they also have their own facilities to conduct interviews.

3. Gathering Evidence

- LA planning officers will take photographs and notes of the site and its surroundings.
- This documentation will be added on to the LA's document management system.

4. Outcomes and Next Steps

- If no breaches of planning control have been identified, LA planning officers will reply to the complainant, advise the occupier and close the case.
- If breaches have been identified, they will send a letter advising what the problem is and the requirement to make a planning application, if appropriate, or to make amendments.
- Specific notices may then also be served if the occupier does not comply.



If Suspected Victims of Exploitation Present

Step 1:

The LA planning department will collate relevant information, particularly noting down any information which could be pertinent to an investigation by the police.

Step 2:

The LA planning department will report its concerns to the relevant safeguarding officer at the council and/or the police.

Step 3:

The concerns will be recorded internally and a Vulnerable Adult Risk Management (VARM) meeting¹ will be held to determine what course of action is required. *(specific to Hull City Council)*

Note: Most reports of possible exploitation referred by LA planning are likely to be made by frontline officers such as planners, enforcement officers and Building Control officers e.g. during a House of Multiple Occupation (HMO) inspection.

¹ VARM refers to a multi-agency meeting during which the activities of each agency will be determined for each individual case discussed.



Multi-Agency Working in Practice

The LA planning department will work with other LA departments and relevant agencies for the purpose of ensuring that planning regulations are adhered to.

LA planning enforcement departments can support other agencies as:



A source of information on planning approvals and control breaches



A coordinator of planning control breach investigations



An expert in pavement licensing and street trading consents.

Working in Partnership: LA planning enforcement department officers can support other agencies, as is considered necessary and appropriate, in accordance with the Enforcement Policy of the LA and/or the [Enforcement Concordant](#).² For example, when entering certain properties which are alleged HMOs, officers can support the police and LA environmental health officers to gain entry to inspect a property of interest and gather evidence of any relevant legislative breaches. Some LA departments may also be members of multi-agency enforcement groups, which encourages collaboration between stakeholders on relevant cases (e.g. Kingston-upon-Hull City Council Regulatory Authorities Group).

Supporting Partners: LA planning enforcement officers seek to support partners by taking separate formal action to remedy a planning breach, undertaking joint site visits and/or referring matters to the most appropriate LA department to be dealt with. Examples of relevant LA departments include: 1) Building Control; 2) environmental health departments; 3) housing departments; 4) highway and forestry departments; and 5) community safety and anti-social behaviour departments.

Information Sharing: If a complaint is received, other agencies such as Building Control will be consulted with from the offset so that a comprehensive picture of the alleged breach can be established to inform what formal action, if any, is required. As a source of information on planning approvals, control breaches and Tree Preservation Orders, agencies can also request information from their LA planning departments in a number of different ways. Within the LA, another department will usually submit a service request, which will be recorded and then responded to. In general, requests by external partners can be made through the LA contact centre who will then generate a service request. Otherwise, partners have been known to contact planning officers directly for relevant information.

² The Enforcement Concordant outlines the broader principles for all areas of LA enforcement.



Case Study: Unregistered Property Conversion in Hull

Request for Support

Kingston-upon-Hull City Council's planning department received an enquiry about the residential occupation of a side garage from a neighbouring property. The local police area team provided reports of alleged anti-social behaviour linked to the same property. Prior to the visit, it was also identified through intelligence that numerous young men were residing in the side garage, believed to be working in shifts, with noise and disturbance heard throughout the night.

Agencies Involved:

Kingston-upon-Hull City Council (environmental health, housing and planning departments) and Humberside Police.

During the Operation:

The property's side garage, which was originally part of a single-family dwelling, was visited jointly by partners. It was identified that the annex had recently been separated, with internal access blocked off, essentially creating a separate living unit. Unfortunately, no contact could be made with any of the occupants, although there was some evidence of occupation at first view.

Outcomes and Next Steps:

The case remains open, but as it stands, there is insufficient evidence of exploitation or a breach in planning control.

Lessons Learned:

This case provided an opportunity for the Kingston-upon-Hull City Council planning department to liaise with other agencies and relevant internal departments, establishing useful contacts for future joint working to take place. It also assisted all those involved in increasing their knowledge of the responsibilities



Offences and Sanctions

Offences

The following are considered as civil offences:

- Breach of planning control (e.g. a development that is not permitted under the provisions of the Planning Acts).
- Unauthorised changes of use to land and buildings.
- Untidy land and buildings (covered by the Planning Acts - s215).

The following are criminal offences which may be passed onto the Crown Prosecution Service (CPS):

- Non-compliance with requirements of a formal notice (e.g. Enforcement Notice, s215 Notice).
- Works to Listed Buildings without the necessary consent.
- Work to trees within a Conservation Area and/or subject to a Tree Preservation Order without the necessary consent.
- Display of signs or advertisements without the necessary consent.
- Non-compliance with a High Hedge Remedial Notice.

Sanctions and Penalties

Outcomes following investigations can be anything from maintenance notices, retrospective planning applications and enforcement notices, as well as injunctions and prosecutions and requests for confiscation orders on a summary conviction. Any attempt to obstruct an LA planning officer in the course of their duties may result in a warrant being executed to inspect a property.

Specific sanctions include:

- **Retrospective Planning Application:** An application open to owners/operators, which may not be validated if sanctions have already been applied.

- **Planning Contravention Notice:** A notice that suggests amendments to resolve the identified planning breach.
- **Works by default charged to the property:** This sanction is used when a notice has not been complied with but can be resolved by undertaking the work unilaterally and by placing a charge on the land/buildings to recover monies.
- **Stop Notice:** This notice prohibits any activity outlined in the enforcement notice.
- **Injunction:** This is a court order prohibiting further action in breach of planning control by the occupier.
- **Prosecution** by the LA.
- **Seizure of proceeds of crime:** This sanction can be sought in the form of a Confiscation Order upon granting summary conviction (e.g. if it is believed that an organized crime group is involved, or modern slavery/human trafficking is identified).

Local Contact Information:

Email:

Phone Number:

National Referral Mechanism

The Home Office established the *National Referral Mechanism (NRM)* in 2009, which is the UK Government framework for identifying and reporting adult and child victims of human trafficking or modern slavery and ensuring they receive the appropriate support.

The Salvation Army currently holds the Victim Care Contract for adult victims, whereas victim care for child victims is provided by local authority children's services, supported by the Barnardo's Independent Child Trafficking Guardianship Service in some UK regions.¹

Under the *Modern Slavery Act 2015*, specific designated organisations in England and Wales have a statutory Duty to Notify (DtN) the Home Office when they encounter a potential victim of modern slavery. These designated organisations are known as First Responders. In practice, this means that if a specified public authority has reasonable grounds to believe that a person may be a victim of slavery or human trafficking, they must notify the Home Office. One such way to satisfy this duty is through the NRM.

To enter the NRM, potential victims of trafficking or modern slavery must first be referred to the Home Office – known as the UK Single Competent Authority (SCA). Only First Responder designated organisations can report and refer potential victims to the NRM. First Responders are members of staff at First Responder Organisations who have a responsibility for carrying out one or more of the functions of the First Responder Organisation and who have been trained to discharge those functions.

These functions are: 1) to identify potential victims of modern slavery and recognise the indicators of modern slavery; 2) to gather information in order to understand what has happened to them; 3) to refer victims into the NRM (in England and Wales this includes notifying the Home Office if an adult victim doesn't consent to being referred. Both can be done via the Modern Slavery Portal); and 4) to provide a point of contact for the Single Competent Authority (SCA) to assist with the Reasonable Grounds and Conclusive Grounds decisions and to request a reconsideration.²

The following agencies are classified as NRM First Responder organisations: 1) police forces; 2) UK Visas and Immigration; 3) Border Force; 4) Immigration Enforcement; 5) National Crime Agency; 6) local authorities; 7) Gangmasters and Labour Abuse Authority (GLAA); 8) The Salvation Army; 9) Migrant Help; 10) Medaille Trust; 11) Kalayaan; 12) Barnardo's; 13) Unseen; 14) Refugee Council; 15) BAWSO (Wales only); 16) New Pathways (Wales only); 17) health and social care trusts (Northern Ireland only); and 18) Tara Project (Scotland only).

Home Office: Online First Responder Training E-Learning Module

The Home Office has created a free e-learning module for First Responders, which is available on the [Modern Slavery and Organised Immigration Crime \(MSOIC\) Unit website](#). All First Responders are encouraged to complete the training. The module can also be accessed by non-First Responders and covers: 1) overview; 2) identification; 3) explanation (engagement with the victim); and 4) how to refer to the NRM.

Additional Resources:

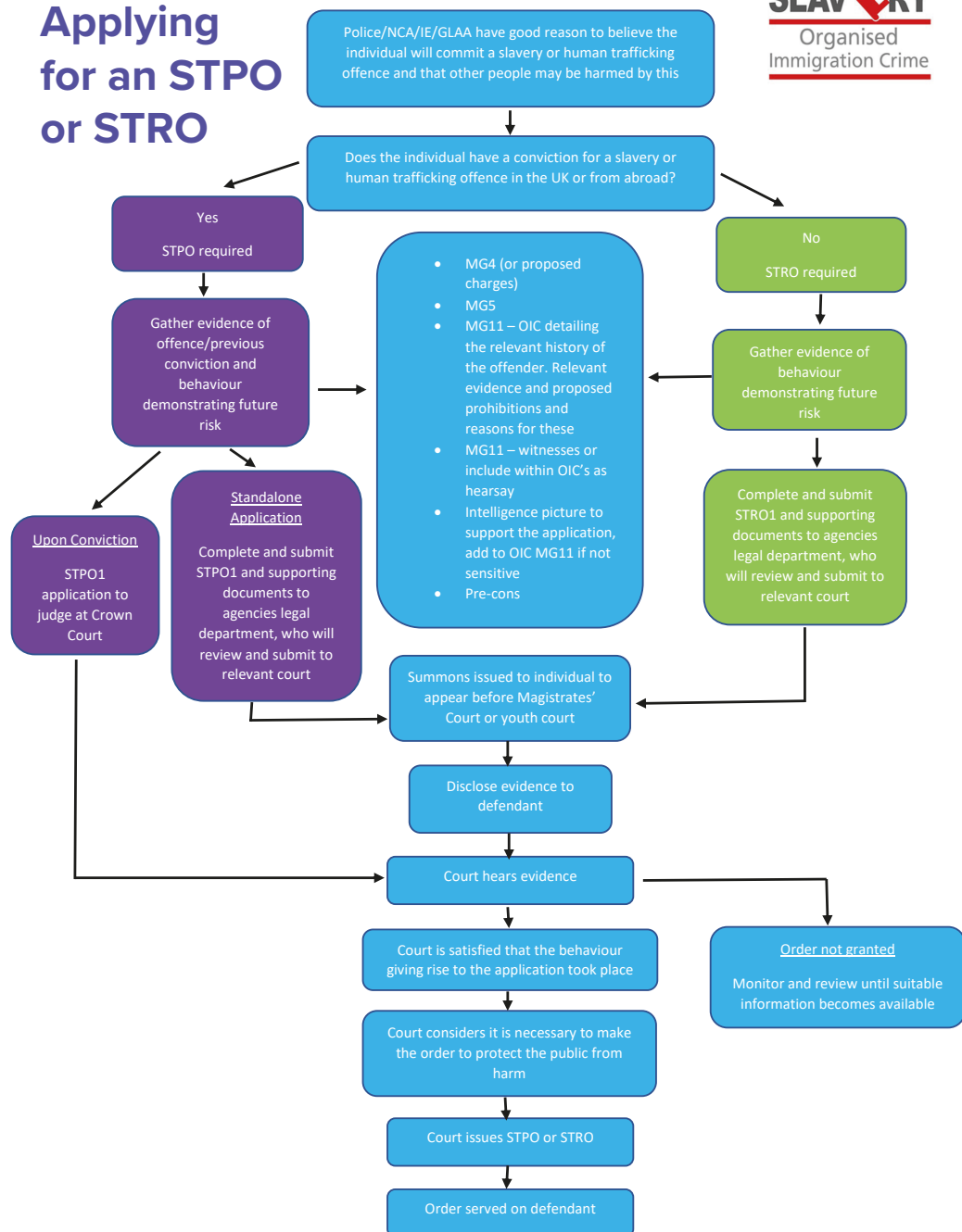
For more information on the roles and responsibilities of NRM First Responder Organisations and non-NRM First Responder organisations, see *Modern Slavery Act 2015 – Statutory Guidance for England and Wales* (Version 1.01 – Mar 2020).

To support explanation of the NRM and engagement with adult victims, download the West Midlands Anti-Slavery Network leaflet: [Accessing Support as a Victim of Modern Slavery \(Adult\)](#), which is also available in 10 foreign languages.

¹ The Barnardo's Independent Child Trafficking Guardianship Service supports all potentially trafficked/enslaved children across Greater Manchester, Wales, Hampshire and the Isle of Wight, West Midlands, East Midlands and Croydon. It is yet to be rolled out to all UK regions. However, all professionals can still contact the 24/7 line for advice on child cases: 0800 043 4303.

² The Home Office has produced additional guidance for NRM First Responders on their responsibilities and understanding the NRM Process: Report modern slavery as a First Responder.

Process for Applying for an STPO or STRO



MSOIC Documents

The Modern Slavery Transformation Unit, and latterly the Modern Slavery and Organised Immigration Crime Unit (MSOIC), have produced numerous reports and guidance for UK police forces and law enforcement partners to support them in tackling modern slavery and human trafficking. All these resources can be found online through the [MSOIC Knowledge Hub](#),¹ which was created to facilitate the sharing of information and best practice between law enforcement and third sector partners.

Dec 2020	Police Guidance for Maintaining and Managing STROs and STPOs
Oct 2020	Operational Principles for Tackling Modern Slavery (A4 Trifold)
Jul 2020	MSPTU First Contact Booklet (with initial actions annex) (v2)
Jun 2020	Referral and Section 47 Strategy Discussion Guide
Jun 2020	Modern Slavery Analyst Guide
Jun 2020	Reception Centre Guidance (including annexes)
May 2020	Slavery or Trafficking Victims who Commit an Offence: A Guide to Section 45 (Modern Slavery Act 2015)
	STRO & STPO Top 10 Tips
Mar 2020	MS Initial Actions Aide Memoire
Jan 2020	Initial Safeguarding Actions
Jan 2020	Child Welfare Conversation Form
Nov 2019	Typology MS Offences
Nov 2019	Initial Response & Safeguarding of Children who are Potential Victims of Trafficking
Nov 2019	MSPTU Safeguarding Children who may have been Trafficked (v2)
Nov 2019	A Guide to Voluntary Returns and Discretionary Leave to Remain
Nov 2019	Victim and Witness Interview Strategies for MSHT Investigations
Nov 2019	Modern Slavery First Contact Booklet
Nov 2019	MSHT Aide - Memoire and Debriefing Form

Resources for specific exploitation types:

Apr 2020	A Guide to Sexual Exploitation - Investigative Opportunities under the Modern Slavery Act 2015 (v5.1)
Apr 2020	A Guide to Labour Exploitation: Investigative Opportunities under the Modern Slavery Act 2015 (v5.1)
Apr 2020	A Guide to Investigating Modern Slavery involving Criminal Exploitation (v1.1)
Jan 2020	Investigating Domestic Servitude: A Reference for Law Enforcement
Nov 2019	A Guide to Undertaking International Criminal Enquiries (with annexes)
Nov 2019	A Guide to Identifying Vulnerability and Exploitation at Car Washes

¹ To access the Knowledge Hub, visit the [MSOIC website](#) to find out how to sign up and access the listed guidance under the Modern Slavery and Human Trafficking Section ([Section Links - Investigating Modern Slavery - How to join Knowledge Hub](#)).

Glossary of Abbreviations

ABE Achieving Best Evidence

APHA Animal and Plant Health Agency

ASB Anti-Social Behaviour

ASP Anti-Slavery Partnership

BEIS Department for Business, Energy and Industrial Strategy

BRC British Red Cross

CAB Citizens Advice Bureau

CAIU Child Abuse Investigation Unit

CFI Criminal and Financial Investigation

CG Conclusive Grounds (NRM Decision)

CIA Cumulative Impact Area

CIMA Customs and Excise Management Act 1979

CRA Consumer Rights Act 2015

CSP Community Safety Partnership

CPS Crown Prosecution Service

DBS Disclosure and Barring Service

DEFRA Department for Environment, Fisheries and Rural Affairs

DFO Digital Forensic Officer

DMI Digital Media Investigator

DTN Duty to Notify

DWP Department for Work and Pensions

EA Environment Agency

EAA Employment Agencies Act 1973

EAS Employment Agency Standards Inspectorate

EH Environmental Health

ERASP Eastern Region Anti-Slavery Partnership

ERSOU Eastern Region Special Operations Unit

EU European Union

FBO Food Business Operator

FCO Foreign and Commonwealth Office

FIB Force Intelligence Bureau

FNO Foreign National Offender

FSA Food Standards Agency or Food Safety Act 1990

FRS Fire and Rescue Service

FRSA Fire and Rescue Services Act 2004

FSH(E) Food Safety and Hygiene (England) Regulations 2013

FSO Fire Safety Order

GAIN Government Agency Intelligence Network

G(LJA) Gangmasters (Licensing) Act 2004

GLAA Gangmasters and Labour Abuse Authority

HE Housing Enforcement

HMFSI Her Majesty's Fire Service Inspectorate In Scotland

HMICFRS Her Majesty's Inspectorate of Constabulary and Fire and Rescue Services

HMRC Her Majesty's Revenue and Customs

HMO House of Multiple Occupation

HO Home Office

HOMSU Home Office Modern Slavery Unit

HRA Human Rights Act 1998

HTF Human Trafficking Foundation

HSE Health and Safety Executive

HSWA Health and Safety at Work etc. Act 1974

IASC Independent Anti-Slavery Commissioner

ICE Immigration Enforcement and Compliance

ICTG Independent Child Trafficking Guardian

ID Identification

IE Immigration Enforcement

JUWC Joint Unit for Waste Crime

LA Local Authority OR Licensing Act 2003

LAPO Labour Abuse Prevention Officer

LGA Local Government Association

LMEO Labour Market Enforcement Order

LMEU Labour Market Enforcement Undertaking

LPA Local Planning Authority

MARAC Multi-Agency Risk Assessment Centre

MATE Multi-Agency Targeted Enforcement

MASH Multi-Agency Safeguarding Hub

MHCLG Ministry of Housing Communities and Local Government

MOU Memorandum of Understanding

MSA Modern Slavery Act 2015

MSHT Modern Slavery and Human Trafficking

MSOIC Modern Slavery and Organised Immigration Crime Unit

MSPTU Modern Slavery Police Transformation Unit

NATMSHTN National Modern Slavery Human Trafficking Network (PCCs)

NCA National Crime Agency

NFCU National Food Crime Unit

NGO Non-Governmental Organisation

NHS National Health Service

NI Northern Ireland

NIE National Investigators Exam

NMW National Minimum Wage

NNCF National Network Coordinators Forum (Human Trafficking Foundation)

NoC Notification of Contravention

NoU Notice of Underpayment

NRM National Referral Mechanism

OCG Organised Crime Group

OPCC Office of Police and Crime Commissioner

OR Official Receiver

ORO Offence Response Options

PACE Police and Criminal Evidence Act 1984

PCC Police and Crime Commissioner

PIP Professionalising Investigation Programme

PH Public Health (England or Wales)

POCA Proceeds of Crime Act 2002

PSNI Police Service of Northern Ireland

PTP Police Transformation Program

QPM Queen's Police Medal

RG Reasonable Grounds (NRM Decision)

RIO Regional Intelligence Officer

RIPA Regulation of Investigatory Powers Act 2000

ROCU Regional Organised Crime Unit

RRO Regulatory Reform (Fire Safety) Order 2005

RSPCA Royal Society of Prevention Against Cruelty to Animals

SAFFA Salmon and Freshwater Fisheries Act 1975

SCA Single Competent Authority

SIO Senior Investigating Officer

SOC Serious Organised Crime

SOCPA Serious Organised Crime and Police Act 2005

SPOC Single Point of Contact

STPO Slavery and Trafficking Prevention Order

STRO Slavery and Trafficking Risk Order

TIA The Insolvency Act 1986

TS Trading Standards

TSO Trading Standards Officer

TSA The Salvation Army

UK United Kingdom

UKBA United Kingdom Border Agency

UKVI United Kingdom Visas and Immigration

VARM Vulnerable Adult Risk Management

VAT Value-Added Tax

WRA Water Resources Act 1991

END