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| Subject: | Environmental Enforcement Policy | Status: | For Publication |
| Report to: | Cabinet | Date: | 19 th March 2014 |
| Report of: | Locality Manager | Portfolio Holder: | Leader of the Council and Communities and Partnerships |
| Key Decision: | <input checked="" type="checkbox"/> Forward Plan <input checked="" type="checkbox"/> | General Exception <input type="checkbox"/> | Special Urgency <input type="checkbox"/> |
| Equality Impact Assessment: | Required: | Yes | Attached: Yes |
| Biodiversity Impact Assessment | Required: | No | Attached: No |
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| 1. | RECOMMENDATION(S) | | |
| 1.1 | That Cabinet approves the Rossendale Borough Council Environmental Enforcement Policy for implementation. | | |
| 1.2 | That all future minor amendments to the policy be delegated to Head of Health, Housing and Regeneration in consultation with the Portfolio Holder. | | |

2. PURPOSE OF REPORT

2.1 To outline the Council's draft Environmental Enforcement Policy (Appendix A) and the reasons it has been developed. To request that Cabinet approve the Policy for implementation.

3. CORPORATE PRIORITIES

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **Regenerating Rossendale:** This priority focuses on regeneration in its broadest sense, so it means supporting communities that get on well together, attracting sustainable investment, promoting Rossendale, as well as working as an enabler to promote the physical regeneration of Rossendale.
- **Responsive Value for Money Services:** This priority is about the Council working collaboratively, being a provider, procurer and a commissioner of services that are efficient and that meet the needs of local people.
- **Clean Green Rossendale:** This priority focuses on clean streets and town centres and well managed open spaces, whilst recognising that the Council has to work with communities and as a partner to deliver this ambition.

4. RISK ASSESSMENT IMPLICATIONS

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

- Failure to implement a clear Environmental Enforcement Policy will hinder the management of customer expectations and make it more difficult for staff to prioritise workloads effectively. This may detrimentally affect the Council's reputation, staff morale and efficiency of working

5. BACKGROUND AND OPTIONS

5.1 With the significant reduction in the number of staff at the Council, there is an impact on the amount and nature of the environmental enforcement work which can be delivered. To assist with managing and prioritising the workload, as well as managing expectations

of service delivery, an Environmental Enforcement Policy has been developed.

5.2 Key points of the policy:-

- The document outlines the types of enforcement which the Council can take, from informal action through to prosecution, and the factors which will be taken into account to determine the appropriate action. For example, the Council will follow the Crown Prosecution Service's Full Code Test to determine whether a prosecution of an offender is appropriate. This will include consideration of the evidence obtained against the offender; the level of culpability of the offender; any previous incidents / offences and whether any other methods of resolving or disposing of the matter may be more appropriate or effective
- The policy clearly sets out the priorities for Environmental Enforcement, the response which can be expected, and the timescale it will be delivered in. This helps the Enforcement Officer to manage their work but also manages customers, members and other departments' expectations. For example, fly tipping is a priority for service delivery because of the volume of complaints, the seriousness of the offence, and the impact on the environment. The Environmental Enforcement Officer will be assisted in dealing with fly tipping by Caretakers where it is small scale and in town centres.
- The policy also sets out which other agencies or departments will deal with elements of environmental enforcement work, for example, issues with household bins and litter on council land will be dealt with by the Operations team, fly posting on unmaintained council land will be dealt with by the Property Services Team (in accordance with the fly posting policy), and enforcement of dog control orders will be carried out by an external contractor (currently Animal Wardens Ltd). Customers, members and other departments can assist with helping staff to work efficiently by ensuring their complaint is directed to the correct team or agency in the first instance.
- The policy also summarises the complaints procedure, and that the service will be delivered in a fair and equitable manner, having regard to Human Rights and other relevant legislation and codes of practice.

COMMENTS FROM STATUTORY OFFICERS:

6. SECTION 151 OFFICER

6.1 Any financial implications arising will be contained within existing budget resources.

7. MONITORING OFFICER

7.1 No comments.

8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT

8.1 The Policy was developed in consultation with officers delivering Environmental Enforcement work taking into account volume of service requests, severity of offences, impact on the local environment, resource implications, capacity of staff, Neighbourhood Plan priorities, and feedback from customers.

Senior Management have also been consulted on the proposed Policy.

The Equality Act 2010 requires the Council to have due regard in the exercising of its functions to three considerations. The need to :

- Eliminate discrimination, harassment and victimisation and any other conduct that is

- prohibited by or under the Act.
- Advance equality of opportunity between people who share a relevant protected
- The amount of regard that is “due” is set out in the Act and will depend on the circumstances of the case.

Under the general equality duty there is a requirement to engage with people with protected characteristics and to have an adequate evidence base for Council decision-making.

An equality impact assessment (Appendix B) has been undertaken which identified that there are no negative equality impacts on any protected equality groups based on the implementation of this proposed Policy.

Corporate Overview & Scrutiny have considered the draft policy and have made a recommendation to Cabinet that the policy be approved for implementation. They also recommend that there be communication around the implementation of the policy, as to who elected members and customers contact when reporting environmental enforcement issues. This has and will be implemented, including information in the Council’s Members’ bulletin and on the Council website. Internal colleagues will also be updated via internal communication methods such as the Team Brief.

9. CONCLUSION

- 9.1 Cabinet members are asked to approve the policy for implementation and to delegate future minor amendments to Head of Health, Housing & Regeneration in consultation with the Portfolio Holder.

No background papers