

Report to: **South Hams Executive**

Date: **19 September 2019**

Title: **Environmental Protection Enforcement Policy**

Portfolio Area: **Environment (Cllr Keith Baldry)**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken: **After Call in 30 September 2019**

Author: **Cathy Aubertin** Role: **Head of Environment Services Practice**

Contact: Cathy.Aubertin@swdevon.gov.uk

Recommendations: that the Executive:

1. approves the adoption of the Environmental Protection Policy attached at Appendix A with immediate effect.

1. Executive summary

- 1.1 The report asks Members to approve the Environmental Protection Policy attached at Appendix A in order to support the enforcement work carried out by officers.
- 1.2 The recommendations will enable the Council to continue to manage environmental protection enforcement in an efficient and effective manner, in line with the Council's Environment Theme and priorities.
- 1.3 The attached Environmental Protection Enforcement Policy supports the Council's corporate Enforcement Policy which is available on the Council's website:
<https://www.southhams.gov.uk/article/4162/Enforcement-Policies>

2. Background

- 2.1 The Council does not currently have a specific Environmental Protection Enforcement Policy, but operates under the general Council Enforcement Policy (see link at 1.3 above).

- 2.2 The implementation of the attached Environmental Protection Policy (the Policy) will give guidance to officers in respect of the actions that they are able to take and will give additional consistency in dealing with issues, particularly in respect of fly-tipping and waste.
- 2.3 Although enforcement action is currently undertaken in respect of dog control and against fly-tippers, the Policy will give officers the confidence to undertake enforcement consistently in other areas of environmental crime, such as littering.

3. Outcomes/outputs

- 3.1 Although there is legislation in place that gives the Council powers to deal with environmental crime and issues, the Policy will provide both officers and residents with clarity and consistency on how this will be tackled.

4. Options available and consideration of risk

- 4.1 If the Policy is not introduced, officers will not have the consistency and guidance to address dog-related crime and fly-tipping, and there will be a continued lack of clarity in respect of other environmental areas, leading to a lack of education and enforcement action.

5. Proposed Way Forward

- 5.1 That the proposed Environmental Protection Enforcement Policy be adopted, to support and guide future enforcement actions.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Policy sets out the various statutory powers available to the Council in relation to compliance and enforcement. The Council's wider Enforcement Policy provides the overarching principles of enforcement and education and this proposed Policy further supports that Policy.
Financial implications to include reference to value for money		None. Income from Fixed Penalty Notices may increase but that is not the driver behind the proposed policy.

Risk		<p>Some customers may object to the Council taking a firmer stance in respect of Environmental Protection.</p> <p>Not having an enforcement policy may hamper the Council in tackling environmental crime, as the policy will support and guide actions taken by officers.</p> <p>Having this policy in place will provide clarity for the officers who undertake environmental protection enforcement and ensure that a consistent approach is taken across the district.</p>
Supporting Corporate Strategy		Council - delivering efficient and effective services. Environment – protecting, conserving and enhancing our built and natural environment.
Comprehensive Impact Assessment Implications		
Equality and Diversity		No implications.
Safeguarding		No implications.
Community Safety, Crime and Disorder		Potential to reduce environmental crime.
Health, Safety and Wellbeing		No implications.
Other implications		None.

Supporting Information

Appendices:

Appendix A – Environmental Protection Enforcement Policy.

Background Papers:

None.

Approval and clearance of report

Process checklist	Completed
Portfolio Holder briefed/sign off	Yes/No
SLT Rep briefed/sign off	Yes/No
Relevant Heads of Practice sign off (draft)	Yes/No
Data protection issues considered	Yes/No
Accessibility checked	Yes/No