

**Synopsis of report:**

**To seek Member's endorsement of the updated Environmental Services and Private Sector Housing Enforcement Policies.**

**The Committee is further requested to endorse the Environmental Crime, Fixed Penalty and Civil Penalty Notice Enforcement Protocol.**

**Recommendation:**

**Members approve the updated Environmental Services and Private Sector Housing Enforcement Policies attached.**

**1. Context of report**

- 1.1 The last update of the Environmental Services (ES) Enforcement Policy came before this Committee in April 2019. The policy document outlines the general approach to how the Council deals with enforcement issues in the wider sense 'the policy' overarches a number of other related enforcement policies and protocols covering specific service areas e.g. private sector housing enforcement and domestic waste enforcement policies.
- 1.2 Members will be aware that Engineering Services and, more recently, Open Spaces (delivery) transferred to Environmental Services. These service areas have drainage and parks byelaws and the policy has been updated to specifically reference these areas. Should the need arise for enforcement action this will support the consideration of enforcement action in these areas being in line and in scope of an overarching enforcement policy. Other housekeeping amendments, such as to reflect any changes in post, have also been made. Whilst administrative amendment and revision may be carried out under delegated officer authorisation, the policy is also reviewed every 5 years and brought to the committee for approval. The overall ethos of the policy has remained unchanged.

**2. Report**

- 2.1 The ES Enforcement Policy, last updated in April 2019, has been reviewed and updated to reflect changes in legislation, updates to posts named in the policy and the incorporation of Engineering Services and, more recently, Open Spaces (delivery) into Environmental Services whom are liable to enforce drainage and parks byelaws.
- 2.2 The latest version of the ES enforcement policy is attached at Appendix A together with an updated version of the Private Sector Housing enforcement policy at Appendix B which, whilst coming under the umbrella of the ES policy specifically deals with private sector housing legislation, including houses in multiple occupation (HMO) matters.
- 2.3 Given the number of fixed penalty notices available to deal with environmental crime offences a separate Enforcement Protocol has been drawn up to cover this area of work.

**3. Policy framework implications**

- 3.1 The Council has a statutory duty as to enforce relevant legislation. Under section 222 of the Local Government Act 1972, a local authority has the power to prosecute (or defend) legal Proceedings.
- 3.2 The Council must have regard to any Statutory Guidance issued in relation to determining the level of fixed penalty notices or civil penalties

#### **4. Resource implications**

- 4.1 There are no resource implications

#### **5. Legal Implications**

- 5.1 Legislative and Regulatory Reform Act 2006 - Regulators whose functions are specified by order under section 24(2) of the Act, includes Local Authorities, must have regard to the Regulators Code when developing policies and operational procedures that guide their regulatory activities.

#### **6. Equality Implications**

- 6.1 There are no Equality Implications arising from this report. The Enforcement Policy applies equally to all residents and businesses unless exempted by legislation with regard to a positive impact on equality.

#### **7. Environmental/Sustainability/Biodiversity implications**

- 7.1 None

#### **8. Conclusions**

**(To resolve)**

##### **Background papers**

The Environmental Services Enforcement Policy (Current edition April 2019)