

6 December 2016

ITEM: 9

Cleaner, Greener and Safer Overview and Scrutiny Committee

Environmental Enforcement Report

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|---|-----------------------------|
| Wards and communities affected: N/A | Key Decision: N/A |
| Report of: Sue Harper, Interim Head of Environment | |
| Accountable Head of Service: Julie Rogers, Head of Environment | |
| Accountable Director: Steve Cox, Corporate Director of Environment and Place | |
| This report is Public | |

Executive Summary

The attached report (draft) will be considered at Cabinet on 14th December 2016. It provides an update on progress on work related to Environmental Enforcement since July 2016 and outlines the proposed way forward.

1. Recommendation(s)

- 1.1 To note the report and make any comments, to be fed back verbally to the Cabinet on the night of the meeting.**

2. Introduction and Background

- 2.1** The attached report (appendix 1 – ‘Environmental Enforcement Report’) will be considered at the Cabinet meeting on 14th December 2016. It provides Cabinet with an update on environmental enforcement work since the previous cabinet report in July 2016. It explains the restructure that has occurred within the Environment Department, the additional resource that has been put in place as part of the ‘Clean it and Cut it’ pilot and the introduction and work of the Trade/Commercial Waste Team.
- 2.2** The report outlines the discussion at Cleaner, Greener, Safer Overview and Scrutiny Committee in October 2016 on the options for enhancing the capacity of the Enforcement Team and the preference from the Committee to using a private enforcement company on a 12-month pilot basis. This has now been progressed and this pilot is due to start on December 5th as set out in the Cabinet report.
- 2.3** There is still more that needs to be done to support the continuing improvement in the quality of the local environment and the report sets out the

need to develop a strategy to tackle the main issues, involving a range of partners. The strategy will need to clarify and strengthen our existing enforcement policies, including how the council only has a responsibility for clearing fly-tipping on public land and our role in relation to private land.

3. Reasons for Recommendation

- 3.1 The recommendations are to ensure that Cabinet and members are aware of the current status and progress made on improving environmental enforcement work since July 2016.

4. Consultation (including Overview and Scrutiny, if applicable)

- 4.1 N/A

5. Impact on corporate policies, priorities, performance and community impact

- 5.1 N/A

6. Implications

6.1 Financial

Implications verified by: **Laura Last**
Senior Finance Officer – Management Accountant

This work will be completed within existing budgets. The contract with a private operator to provide additional enforcement work will operate on a break-even basis. To ensure a break-even position the early payment waiver on a litter FPN has been waived.

6.2 Legal

Implications verified by: **Adam Rulewski**
Barrister – Litigation and Prosecutions

The council has a duty to enforce environmental regulations within its area and where it is the designated enforcement authority. The recommendations in this report support the delivery of this duty.

6.3 Diversity and Equality

Implications verified by: **Natalie Warren**
Community Development and Equalities Manager

The principles of good enforcement ensures that enforcement activity is consistent, proportionate, transparent, accountable and targeted. To this end the enforcement policy recognises that fixed penalty notices should not be issued to people under the age of 18 years, to vulnerable people or where a disabled person is relying on a dog for assistance.

- 6.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

N/A

7. **Background papers used in preparing the report** (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- N/A

8. **Appendices to the report**

- Appendix 1 – Draft Cabinet Report - Environmental Enforcement

Report Author:

Sue Harper, Interim Head of Environment