



**CABINET MEMBER FOR
ENVIRONMENTAL
PROTECTION**

**COUNCILLOR BERNIE
MOONEY**

CABINET

Monday, 7 March 2016

COUNCIL

Monday, 14 March 2016

**ENFORCEMENT POLICY
SCHEME OF DELEGATION**

Councillor Bernie Mooney, Cabinet Member - Environmental Protection, said:

“Making sure our residents can enjoy a clean and safe environment is one of our key pledges for 2020. An effective enforcement policy which helps to clamp down on those people who purposefully harm our environment is particularly important.”

REPORT SUMMARY

The purpose of this report is to seek Cabinet approval to a proposed amendment to paragraph 5.4 of the Council’s current Enforcement Policy 2014 a copy of which is attached and marked as Appendix 1 to this report with specific reference to the enforcement of littering and dog fouling. The report also seeks a recommendation from Cabinet to Council for the approval of an amendment to the Council’s Scheme of Non-Executive Delegation of Functions to Officers set out in Part 3, Schedule 4A, Part 1, paragraph 10 of the Council’s Constitution.

RECOMMENDATION/S

1. That Cabinet approves the amendment to the Council’s Enforcement Policy at paragraph 5.4 as detailed in bold type within the document attached and marked Appendix 2 to this report.
2. That Cabinet recommends to Council for approval an amendment to the Council’s Scheme of Non-Executive Delegation of Functions to Officers set out

in Part 3, Schedule 4A, Part 1, paragraph 10 of the Council's Constitution namely the insertion of paragraph 10(f) as detailed in bold type within the document marked Appendix 3 and attached to this report.

SUPPORTING INFORMATION

1.0 REASON/S FOR RECOMMENDATION/S

- 1.1 The proposed amendment to the Council's Enforcement Policy relating to littering and dog fouling is linked to the Council's Pledge to have an attractive local environment. The proposed amendment to paragraph 5.4 provides examples in respect of littering and dog fouling where a robust approach to enforcement action will be taken by the Council.
- 1.2 The proposed amendment to the Council's Scheme of Non-Executive Delegation of Functions to Officers by the insertion of paragraph 10(f) will provide a more efficient and effective service and enable Directors following consultation with and the approval of the Head of Legal and Member Services to authorise suitably qualified and/or experienced Council officers within their relevant area of management to conduct, prosecute, defend and appear in legal proceedings on behalf of the Council before the Magistrates Court in accordance with Section 223 of the Local Government Act 1972 as amended.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 There is no provision for other options to be considered

3.0 BACKGROUND INFORMATION

- 3.1 The Council is required by the Regulators' Code to publish their Enforcement Policy explaining how they respond to non-compliance. It is recognised as an important document for regulators in meeting their responsibility under the statutory principles of good regulation, set out in Section 21 of The Legislative and Regulatory Reform Act 2006, to be accountable and transparent about their activities.
- 3.2 The Council's Enforcement Policy was approved by Cabinet on 11 September 2014 and provides guidance to officers, businesses and the general public on the range of options that are available to achieve compliance with legislation enforced by the following services.
 - Licensing
 - Trading Standards
 - Environmental Health
 - Planning
 - Building Control
 - Housing Standards
 - Waste and Environment including Highways Services
- 3.3 It is designed to help businesses and individuals understand our objectives and methods for achieving compliance and the criteria we consider when deciding the most appropriate response to a breach of legislation.
- 3.4 Officers from each of the services contributed to the policy and were satisfied that it reflected the provisions for regulation within their service. It has since been recognised

that specific reference to the Council's current approach to littering and dog fouling in the Borough should be highlighted in the Policy.

4.0 FINANCIAL IMPLICATIONS

4.1 There are none arising from this report

5.0 LEGAL

5.1 Local Authorities are required by the Regulators' Code to publish an enforcement policy explaining how they respond to non-compliance.

6.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

6.1 There are none arising from this report

7.0 RELEVANT RISKS

7.1 There are none arising from this report

8.0 ENGAGEMENT / CONSULTATION

8.1 Consultation was undertaken before the Enforcement Policy was approved by Cabinet on 11 September 2014.

9.0 EQUALITY IMPLICATIONS

9.1 There are none arising from this report

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APPENDICES

Appendix 1 - Enforcement Policy

Appendix 2 - Proposed Amendment to paragraph 5.4 of Enforcement Policy

Appendix 3 - Proposed Amendment to Council Constitution at Part 3, Schedule 4A, Part 1, paragraph 10 - Scheme of Non-Executive Delegation of Function to Officers.

REFERENCE MATERIAL

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Cabinet	11 September 2014