
ADOPTION OF ENVIRONMENTAL ENFORCEMENT POLICY

To: **Cabinet – 3 April 2014**

Main Portfolio Area: Community Services

By: **Morgan Sproates, Environmental Protection Manager**

Classification: **Unrestricted**

Ward: **All Wards**

Summary: **The Environmental Enforcement Policy provides a framework to assist the Environmental Protection Team in deciding what form of enforcement action is the most appropriate.**

For Decision

1.0 Introduction and Background

1.1 The existing enforcement policy used by the Environmental Protection Team required reviewing due to the length of time it has been in operation. Legislation has changed and the policy needed to be updated to reflect those changes.

The policy has been through considerable consultation; initially it was discussed at the Kent Environmental Protection Group which is part of the Chartered Institute of Environmental Health. This provided specialised feedback and ensured that the policy was in line with central government guidance as well as other local authorities.

Following on from this it was presented at the managers' forum where it was openly discussed; all managers were also given a copy and further opportunity to comment individually.

2.0 The Current Situation

2.1 Thanet District Council has signed up to The Enforcement Concordat, confirming its commitment to the principles of good enforcement. This policy encompasses the principles of this concordat.

This enforcement policy not only lays out how enforcement action is decided upon but also provides those complaining about environmental issues or causing them to understand what action is available to the local authority to resolve issues.

The policy lays out how we investigate complaints including priority of cases. The general policy relates to all enforcement actions and lays out the basic principles of enforcement.

Guidance is provided on what is considered when making a decision on enforcement action. The policy then goes on to lay out the various types of enforcement action available to the local authority.

The policy includes details on complaints and appeals available to those who are affected by enforcement decisions made by the local authority.

The policy will be available on the Council's website as well as by request on paper.

3.0 Options

3.1 Adopt the Environmental Enforcement Policy

3.2 Not adopt the Environmental Enforcement Policy

4.0 Corporate Implications

4.1 Financial and VAT

4.1.1 There are no immediate budget implications to this report although any increase in enforcement action will possibly lead to budget pressure this is already considered in our current operational costs.

4.2 Legal

4.2.1 The environmental enforcement policy is in line with The Enforcement Concordat.

4.3 Corporate

4.3.1 The environmental enforcement policy ensures that all enforcement decisions will take into account the provisions of:
The Human Rights Act 1998
The Crime and Disorder Act 1998
Police and Criminal Evidence Act 1984
Criminal Procedure and Investigations Act 1996
Regulation of Investigatory Powers Act 2000

4.4 Equity and Equalities

4.4.1 The environmental enforcement policy considers equal rights and anti-discrimination legislation to ensure that all enforcement decisions and actions take this into account.

5.0 Recommendation(s)

5.1 That Cabinet agree adoption of the Environmental Enforcement Policy.

6.0 Decision Making Process

6.1 This is a non key decision

Contact Officer:	Morgan Sproates, Environmental Protection Manager
Reporting to:	Penny Button, Environmental Health Manager

Annex List

Annex 1	Proposed Environmental Enforcement Policy
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Corporate Consultation Undertaken

Finance	Via managers forum
Legal	<i>Via managers forum</i>