

Environmental Protection Enforcement Policy - 2022/2027

Cabinet	20th October 2022
Report Author	Morgan Sproates (Regulatory Services Manager)
Portfolio Holder	Cllr Jill Bayford (Portfolio Holder for Housing)
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All

Executive Summary:

The Environmental Protection Enforcement Policy provides a framework to assist the Environmental Protection Team in deciding what form of enforcement action is the most appropriate. The report seeks Cabinet approval to adopt the updated Environmental Protection Enforcement Policy, as amended.

Recommendation(s):

Members are requested to approve Thanet District Council's Environmental Protection Enforcement Policy 2022-2027.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

The Environmental Protection Enforcement Policy is in line with The Enforcement Concordat and Regulator's Code Requirements.

The 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

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- [The Crime and Disorder Act 1998](#)
- [Police and Criminal Evidence Act 1984](#)
- [Criminal Procedure and Investigations Act 1996](#)
- [Regulation of Investigatory Powers Act 2000](#)
- Equal rights and anti-discrimination legislation and any advice issued by the Government, the [Chartered Institute of Environmental Health](#) and other relevant bodies.
- Code of Practice for Crown Prosecutors

Risk Management

There exists a risk in not updating the policy that enforcement actions do not mirror current legislation, guidance and best practice and officers will therefore be unable to employ the full range of options available.

Corporate

Updated policy to ensure compliance with Enforcement Concordat and Regulator's Code to ensure officer decisions on enforcement action are applied fairly, proportionately and consistently. Will ensure all businesses and residents within Thanet Communities are clear on the enforcement actions that will be taken to safeguard Public Health and prevent pollution of the wider Environment.

The Council's Core Business Objectives set out the direction of travel for the Council until 2023 laying the strong foundations that will benefit, shape and grow the district. By taking this approach, the Council's resources will be focused on what matters most, service delivery will be strengthened and both staff and partners will be working towards a common goal - ensuring prosperity and improved quality of life for our residents and the community.

These Core Business Objectives are:

Growth

We will continue to ensure we work to consider new ways to generate income and invest our current resources. Delivering a Council that is financially strong to discharge its services and invest in growth of the District.

Environment

Having a clean and well-maintained environment remains important to us. We will be clear with our residents on what we do and what our asks of residents are - cultivating a shared responsibility approach. Delivering a clean and accessible living environment, maintaining an emphasis on prevention but where necessary we will adopt a strong enforcement approach.

Communities

Through effective partnership working with both the public sector agencies and the community, we will provide leadership and direction across the district and the region to ensure everyone is working to the same goal. Delivering high-quality housing, safer communities and enhancing the health and wellbeing of our residents.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

All Staff and contractors involved in environmental protection enforcement will be made aware of their responsibilities under the [Public Sector Equality Duty](#) and [TDC's Equality Policy](#). They will be expected to treat people equally at all times and have regard to the needs of vulnerable people and protected groups where appropriate.

Corporate Priorities

Growth

Environment

Communities

1.0 Introduction and Background

- 1.1 The existing enforcement policy used by the Environmental Protection Team requires reviewing due to the length of time it has been in operation. Legislation has changed and the policy needs to be updated to reflect those changes.
- 1.2 In particular, this reflects the use of CPN and CPW powers alongside existing Statutory legislation by EP officers, in relation to Nuisance complaints. The existing policy has been through extensive consultation with Kent Pollution Group and via

Manager's Forum and has now been updated to reflect current legislation, guidance and enforcement remit.

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.
- 2.2 This enforcement policy not only lays out how enforcement action is decided upon but also provides those complaining about Environmental Protection issues or causing them to understand what action is available to the local authority to resolve issues.
- 2.3 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.
- 2.4 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 accessible on the Council's website.

3.0 Options

- 3.1 To approve Thanet District Council's updated Environmental Protection Enforcement Policy 2022/2027.
- 3.2 Not to approve Thanet District Council's updated Environmental Protection Enforcement Policy 2022/2027.

4.0 Recommendations

- 4.1 Members are requested to approve the updated Environmental Protection Enforcement Policy (Annex 1)

Contact Officers

Contact Officer: Amanda Berry, Senior Environmental Protection Officer EHP
Reporting to: Morgan Sproates, Regulatory Services Manager

Annex List

Annex 1 - Environmental Protection Enforcement Policy - 2022-2027
Annex 2 - Environmental Impact Assessment

Background Papers

Regulators' Code - <https://www.gov.uk/government/publications/regulators-code>

Corporate Consultation

Finance - Matt Sanham (Acting Director of Finance)

Legal - Sameera Khan (Interim Head of Legal and Monitoring Officer)