

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Community Overview & Scrutiny Panel

11 July 2022

TITLE:	SMDC Refreshed Environment Enforcement Policy
PORTFOLIO HOLDER:	Councillor Sav Scalise - Portfolio Holder for Environment
CONTACT OFFICER:	David Smith - Head of Communities and Climate Change
WARDS INVOLVED:	(All Wards);

**Appendices Attached - Appendix A – Revised Corporate Enforcement Policy;
Appendix B - Revised Environmental Enforcement Policy**

1. Reason for the Report

1.1 The report presents an updated Corporate Enforcement Policy which sets out the Council's general approach to enforcement. It also presents a revised policy on enforcing environmental crimes.

2. Recommendation

2.1 That the Panel recommends that Cabinet approves the revised Corporate Enforcement Policy at Appendix A.

2.1 That the Panel recommends that Cabinet approves the revised Policy on Enforcement of Environmental Crimes provided at Appendix B.

3. Executive Summary

3.1 The Council engages in regulatory enforcement when delivering certain functions including environmental health, environmental crime, licensing, development control, housing and finance.

3.2 The Council's Corporate Enforcement Policy is intended to be an over-arching document which can be supplemented by enforcement policies specific to each area of the Council's enforcement activity.

3.3 As a whole, the Council's enforcement policies are a guide for businesses and individuals who may be subject to regulation. The documents set out what

they can expect from the Council's regulatory services, as well as providing the public with a statement of the Council's intent on enforcement. To this end the policies, once approved, will be publicised on the Council's website and elsewhere as appropriate.

- 3.4 The Council has reviewed and updated its Corporate Enforcement Policy, to reflect revised regulatory guidance, and a copy can be found at Appendix A.
- 3.5 The Council's Environmental Enforcement Policy was adopted in 2017. The Corporate Plan 2019-2023 committed to reviewing the policy as a means of taking steps to further reduce dog fouling and littering.
- 3.6 The revised Alliance wide policy, which can be found at Appendix B, confirms the Council's triple-track approach to responding to environmental crimes that consists of Education, Enforcement and Cleansing. The policy recognises the Council's changed operating model following the creation of Alliance Environmental Services (AES) and the role of Council services in delivering the policy following internal restructuring.

4. How this report links to Corporate Aims:

4.1 This report supports the Corporate aims of:

- supporting communities to create a healthier, safer, cleaner Staffordshire Moorlands.
- a responsive, smart, financially resilient and forward-thinking Council.
- protect and create jobs by supporting economic growth.
- protect and improve the environment.

4.2 It also fulfils the commitment within the corporate plan to review the Council's Policy on Enforcement of Environmental Crimes to take steps to further reduce dog fouling and littering.

5. Options and Analysis

5.1 There are no options to consider in this report because to be an effective regulator the Council needs to have a robust enforcement policies in place.

6. Implications

6.1 Community Safety - (Crime and Disorder Act 1998)

Section 17 of The Crime and Disorder Act 1998 requires Local Authorities to exercise their functions with due regard to the likely effect of the exercise of those functions on, and the need to prevent, crime and disorder. The Enforcement Policy will support those statutory requirements.

6.2 Workforce

There are no significant impacts on the workforce.

6.3 Equality and Diversity/Equality Impact Assessment

An impact assessment has been completed.

6.4 Financial Considerations

None

6.5 Legal

The policies presented in this report are consistent with the Regulators' Code 2014, which was published pursuant to Section 23 of the Legislative and Regulatory Reform Act 2006. The policies will support consistent decision taking in enforcement action in the interests of certainty for those affected by such action.

6.6 Sustainability

The Council's enforcement policies will be used to protect from harm and preserve the environment in the District, supporting the Council's climate change ambitions.

6.7 Consultation

The service areas with regulatory functions have been consulted

ahead of drafting this report.

6.8 Risk Assessment

None

Mark Trillo

EXECUTIVE DIRECTOR (Governance & Commissioning)

Web Links and Background Papers	Location	Contact details
The Regulators Code 2014	Weblink	Paul Rushworth paul.rushworth@highpeak.gov.uk David Smith david.smith@highpeak.gov.uk

7 Detail

- 7.1 The principle legislative Act regarding enforcement by the Council is the Regulatory Enforcement and Sanctions Act 2008 which endeavours to ensure that local authority regulatory enforcement is carried out in a way which is transparent, proportionate, consistent and targeted only at cases in which action is needed. The Council's policies are periodically reviewed to take into account legislative changes and to ensure the policies are aligned with the Council's corporate objectives and evolving service delivery models.
- 7.2 The revised policy on enforcing environmental crimes confirms the Council's triple-track approach to responding to such crimes that consists of Education, Enforcement and Cleansing. It emphasises the importance of targeted action by Council Officers, and the importance of targeting activity in those areas that are experiencing the greatest problems. The revised policy recognises the Council's changed operating model following the creation of Alliance Environmental Services (AES) and the role of Council services in delivering the policy following internal restructuring across both Alliance Councils.

7.3 The Council's other service areas with enforcement activity will revise their service specific policies to ensure they are consistent with the overarching themes in the policies attached to this report.