



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY **8 DECEMBER 2016**
EXECUTIVE **21 DECEMBER 2016**

WARDS AFFECTED: ALL

ENVIRONMENTAL ENFORCEMENT POLICY & PROCEDURES

Report of Deputy Chief Executive (Community Direction)

1. PURPOSE OF REPORT

- 1.1 To advise Members of the updated Enforcement policy and procedures for the Clean Neighbourhoods Team.

2. RECOMMENDATION

- 2.1 That Executive agrees to the updated policy and procedures.

3. BACKGROUND TO THE REPORT

- 3.1 The Neighbourhood Wardens enforcement policy and procedures were adopted in 2010 and are used to ensure a consistent and fair approach to environmental enforcement.

- 3.2 These 2 documents have been updated and merged into one document. Key changes are:-

- Inclusion of new legislation - Antisocial Behaviour Crime and Policing Act 2014 (including Public Space Protection Order and Community Protection Notices (and the corresponding removal of legislation repealed by this act e.g. dog fouling of land act)).
 - Inclusion of new legislation for fly tipping fixed penalty notice.
 - All references to the Neighbourhood Wardens are changed to Clean Neighbourhood Officers to reflect the change in post titles.
 - Those caught littering will no longer be issued with a warning notice on the first offence, but with a fixed penalty notice. This change is recommended to reduce littering as this remains an environmental nuisance, and brings the enforcement of littering in line with the enforcement of other environmental crimes.

- 3.3 A public consultation seeking opinions on the updated policy and procedure has now been undertaken, and the responses were overwhelmingly supportive and therefore no further amendments to this document is proposed.

Agreement to fining people on their first littering offence – 100% yes

Agreement to new fixed penalty notice for fly tipping – 100% yes

Overall believe policy is fair – 100% yes

Overall happy with procedures for tackling environmental crime – 95% yes

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 This report will be heard in open session.

5. FINANCIAL IMPLICATIONS [CS]

- 5.1 At this stage it is not expected that this change will result in significant additional income. The current income budget from penalty notices is £2,000

6. LEGAL IMPLICATIONS [AR]

- 6.1 This is contained within the body of this report and the updated policy/procedures.

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The introduction of the updated policy and procedures will contribute to the corporate plan aims of:-

- Clean neighbourhoods
- Protecting and improving our parks and open spaces
- Protecting the community by creating a safer place.
- Encourage responsible citizenship

8. CONSULTATION

- 8.1 HBBC undertook a web based consultation seeking views on the changes proposed. 20 responses were received and the results are detailed in 3.4 of this report.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Lack of staff to carry out enforcement duties (this new policy includes new enforcement responsibilities)	Seek opportunities to increase enforcement capacity	Lisa Kirby

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 Fly tipping is a problem particularly in our rural areas affecting farmers and other land owners. Any initiative which simplifies the enforcement of environmental legislation will assist in these areas.
- 10.2 The policies and procedures are to be applied consistently across all areas of the Borough.
- 10.3 Equalities are covered in section 7 of the policy / procedures

11. CORPORATE IMPLICATIONS

- 11.1 By submitting this report, the report author has taken the following into account:
 - Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector

Background papers: Environmental Enforcement Policy and Procedures (Dec 2016)

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