

BARNSELY METROPOLITAN BOROUGH COUNCIL

This matter is not a Key Decision within the Council's definition and has not been included in the relevant Forward Plan

REPORT OF THE EXECUTIVE DIRECTOR OF COMMUNITIES TO CABINET ON 11 JULY 2018

ENVIRONMENTAL ENFORCEMENT POLICY

1. PURPOSE OF REPORT

- 1.1 This report seeks to obtain approval for the newly adapted Environmental Enforcement Policy held by the Safer Neighbourhood Service. The Policy is in place to outline how Environmental Enforcement will take place and subsequently how it is done fairly and consistently in accordance with any Government guidance

2. RECOMMENDATIONS

- 2.1 **It is recommended that this amended Policy is approved as the existing one is now out of date.**
- 2.2 **It is recommended that the Policy is in place for 3 years with annual reviews taking place delegated to Cabinet Spokesperson for Communities for approval.**

3. INTRODUCTION

- 3.1 Environmental Enforcement is a subject matter that most communities in Barnsley are aware of. The types of enforcement that fit within this category are: Littering, Dog Fouling, Abandoned Vehicles, Fly-Tipping, Graffiti and more.
- 3.2 Having a Policy in place is a requirement of The Regulators' Code which came into statutory effect on 6th April 2014 under the Legislative and Regulatory Reform Act 2006.
- 3.3 Barnsley Council has had a Policy in place for the last 3 years; however the content is now out-dated and requires change in order to meet the current legislative requirements.
- 3.4 Changes to this document are:
- a. Fixed Penalty Notice levels to reflect changes in Government guidelines in April 2018
 - b. Changes to open the Policy to the wider Environmental Enforcement Tools such as the seizure of vehicles involved in Fly-Tipping.

4. PROPOSAL AND JUSTIFICATION

- 4.1 The proposed Policy needs to be in place to ensure the Local Authority are meeting the Regulators' Code as identified in point 3 above.

5. CONSIDERATION OF ALTERNATIVE APPROACHES

- 5.1 There are no alternative approaches, not having an Environmental Enforcement Policy is not an option. The Policy needs to be a publically available document which once agreed will be posted on the Local Authority website.

6. IMPLICATIONS FOR LOCAL PEOPLE/SERVICE USERS

- 6.1 There are no implications, other than the ability for local communities to be clear on the environmental enforcement Policy adopted by the Local Authority.

7. FINANCIAL IMPLICATIONS

- 7.1 None specific to this report.
- 7.2 It should be noted that any income generated from fixed penalties notices issued in relation to environmental offences must be ring-fenced to support those functions necessary to support the Council in managing the environment.
- 7.3 Fixed Penalty Notice Levies will be reviewed on an annual basis as part of the Council's annual consideration of fees and charges (Appendix A, page 9 provides details of current FPN levy rates).

8. EMPLOYEE IMPLICATIONS

- 8.1 No direct implications associated with this report.

9. LEGAL IMPLICATIONS

- 9.1 There are no legal implications as a result of this Policy if agreed. If the Policy is not agreed Barnsley Council could be challenged in relation to not adhering to the Legislative and Regulatory Reform Act 2006 as documented above in 3.2

10. CUSTOMER AND DIGITAL IMPLICATIONS

- 10.1 No implications in terms of Customer of Digital.

11. COMMUNICATIONS IMPLICATIONS

- 11.1 The Policy supports the development of behaviour change media campaigns such as #everybodythink.

12. CONSULTATIONS

- 12.1 Consultation has been sent to:

Place Directorate
Legal and Governance
Communities
South Yorkshire Police
Berneslai Homes

13. THE CORPORATE PLAN AND THE COUNCIL'S PERFORMANCE MANAGEMENT FRAMEWORK

13.1 The Policy supports the delivery of the following strategic priorities;

To achieve a thriving and vibrant economy

- Create more and better housing
- Develop a vibrant town centre

To achieve strong and resilient communities

- Protecting the borough for future generations

Performance is actively monitored in-line with SNS and Communities Directorate performance management frameworks.

14. PROMOTING EQUALITY, DIVERSITY AND SOCIAL INCLUSION

14.1 The purpose of the Policy is to ensure all Environmental Enforcement is proportionate and reasonable with due regard to promoting equality, diversity and social inclusion.

15. TACKLING THE IMPACT OF POVERTY

15.1 The purpose of the Policy is to ensure that Environmental Enforcement takes place effectively across Barnsley and is delivered on a consistent basis to support the corporate ambition to transform and create an environment for a sustainable and vibrant economy to grow. Ultimately the benefits of stimulating investment and growth through dealing effectively with Environmental Crime should benefit all residents of the borough and help address issues associated with poverty.

16. TACKLING HEALTH INEQUALITIES

16.1 Dealing effectively with Environmental crime will support the development of cleaner communities which will subsequently have a positive impact on supporting healthier environments for people to live, work and visit.

17. REDUCTION OF CRIME AND DISORDER

17.1 All environmental crime has an impact on local communities and can be connected on occasion to an increase in crime and disorder. Having a robust Enforcement Policy allows for effective management within local communities and will play a role in reducing further opportunities for crime and disorder.

18. RISK MANAGEMENT ISSUES

18.1 There are no risks in relation to the agreement of the Policy, however there are risks if the Policy is not agreed as there is a legal requirement to have an effective Policy in place.

19. HEALTH, SAFETY AND EMERGENCY RESILIENCE ISSUES

19.1 There are no specific issues associated with this report.

20. COMPATIBILITY WITH THE EUROPEAN CONVENTION ON HUMAN RIGHTS

20.1 There are no specific issues associated with this report.

21. CONSERVATION OF BIODIVERSITY

21.1 There are no specific issues associated with this report.

22. GLOSSARY

22.1 SNS – Safer Neighbourhood Services

23. LIST OF APPENDICES

Appendix 1: Environmental Enforcement Policy
Appendix 2: iCIA

24. BACKGROUND PAPERS

None

If you would like to inspect background papers for this report, please email governance@barnsley.gov.uk so that appropriate arrangements can be made

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Financial Implications/Consultation



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(To be signed by senior Financial Services officer where no financial implications)