

**SCRUTINY POLICY REVIEWS 2015/16:  
ENVIRONMENTAL ENFORCEMENT**

**REPORT OF THE EXECUTIVE DIRECTOR OF COMMERCIAL  
DEVELOPMENT**

**1. Purpose of the Report**

- 1.1 To receive feedback from Members of the Economic Prosperity Scrutiny Committee on the proposed changes to the new Environmental Enforcement Policy and working procedures for tackling litter, dog fouling, waste disposal and fly-tipping and other associated offences.
- 1.2 To consider proposals to introduce a power available within the existing legislation that offers offenders Fixed Penalty Notices as an alternative to prosecutions for some unlawful waste deposit offences.
- 1.3 To seek the views of the Committee prior to the submission of a report to Cabinet in relation to the revised Environment Enforcement Policy.

**2 Background**

- 2.1 In April 2016, the Shadow Economic Prosperity Scrutiny Committee agreed a report setting out a review into the current policy on environment enforcement. This review was undertaken in response to the high importance attached by most local residents to the quality of the local environment and the on-going difficulties in maintaining service standards in cleansing services since the government funding cuts. The report and its recommendations were approved by Cabinet on 22 June 2016.
- 2.2 The Scrutiny Committee's report recommended that the approach taken against environment enforcement offenders required some clarification and that a review should be undertaken into the Councils approach to the existing Policy.
- 2.3 On 17 November 2015, this Committee received a further report on the approach being taken to environment enforcement in the city. At the meeting, members re-emphasised the high priority that local residents attach to maintaining a clean and attractive environment, as demonstrated in numerous satisfaction surveys.
- 2.4 At the meeting it was noted that the approach to environment enforcement is based largely on the wider enforcement policy, operating in all enforcing departments including Trading Standards, Environmental Health and Licensing. This approach provides a consistent approach across the Council

in all enforcement matters. However, Members felt that a different approach is required when dealing with issues such as litter, dog fouling and fly-tipping.

- 2.5 The overall approach to environment enforcement to date, has been to educate, advise and assist in the first instance and formally enforce as a last resort. Scrutiny Members felt that increased problems with litter and fly-tipping coupled with the reduction of front line cleansing staff, requires a more targeted and robust approach towards those who adversely affect the environment is required therefore a review of the existing policy was undertaken.

### **3 Current Position**

- 3.1 Following the budget reductions to Local Services in 2016, the provision of cleansing services has significantly reduced, and the ability to continue to remove unlawfully deposited waste in all circumstances in substantial quantities is proving to be a challenge.
- 3.2 The existing Environmental Enforcement Officers/ Customer Relationship Officers support the work of front line cleansing services in providing education and advice to individuals and businesses who otherwise failing to comply with relevant legislation. The Officers encourage legislative compliance through a range of support, education, advice and ultimately, where other attempts have failed, formal enforcement.
- 3.3 In recognition of a need for a more robust approach to environment enforcement, a review of current Environment Enforcement Policy and practices has been completed. The amended Environment Enforcement Policy lays out a more vigorous approach to environmental enforcement, a copy of which is attached at Appendix 1.
- 3.4 Whilst reflecting a more stringent approach to environment enforcement, the 2017 Environment Enforcement Policy incorporates the key principles of The Central and Local Government Concordat on Good Enforcement, which are to be adopted by Sunderland City Council. The principles include the need for proportionality in all formal enforcement decisions; promote consistency in approach but not uniformity; and demonstrate the need for transparency, appropriateness and accountability in all environment enforcement actions taken.
- 3.5 Whilst education, advice and assistance will continue to be play a part in the on-going service delivery of environment enforcement, the mechanisms for tackling repeat, or negligent offenders of environmental crime are available within the new Policy to support front line services in maintenance of a good level of cleanliness within our communities.

## **4 Conclusion**

- 4.1 The report seeks the views of the Committee on the proposed changes to the new Environmental Enforcement Policy and working procedures for tackling litter, dog fouling, waste disposal and fly-tipping and other associated offences.

## **5 Recommendations**

- 5.1 That the Committee consider and comment on proposals for a revised Environmental Enforcement Policy prior to its submission to Cabinet.

## **6. Glossary**

None

## **7 Background Papers**

Cabinet Agenda; 22 July 2016.

Shadow Economic Prosperity Scrutiny Committee April 2015

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