

Neighbourhood Services and Enforcement Committee

22 June 2023



Title	Joint Enforcement Team- Environmental Crime Enforcement Policy
Purpose of the report	To make a decision
Report Author	Martin Cole Joint Enforcement and Community Safety Team Leader
Ward(s) Affected	All Wards
Exempt	No
Exemption Reason	N/A
Corporate Priority	Environment
Recommendations	Committee is asked to: Adopt the Joint Enforcement Team – Environmental Crime Enforcement Policy at Appendix 1 of this report.
Reason for Recommendation	This new policy pulls together all Environmental Enforcement offences currently dealt with by JET officers and shows the levels of enforcement available and the relevant case disposal.

1. Summary of the report

1.1 This report seeks to ensure that this new Environmental Crime Enforcement Policy brings together all the various legislative acts, byelaws, and guidance (as can be seen from the background papers below) into one clear and concise policy. If this policy is adopted by committee, it will inform Spelthorne's residents and businesses of all the Environmental Offences that the Council's JET investigate and the penalties if offences are committed and detected.

2. Key issues

2.1 The Joint Enforcement Team came into operation in December 2014 prior to that there was little by way of any meaningful Neighbourhood Services enforcement. The JET team undertake many Environmental Crime investigations and prior to this proposed new policy there had not been one in place. Currently all investigations rely on various central government documents providing guidance on the investigation of various Environmental

crimes and the issuing of fixed penalty notices. This policy brings together all these strands in relation to Council responsibilities for the investigation of Environmental Crime, the investigations themselves, and the result of those investigations into one overarching document which if adopted and published can serve to inform the Council's residents of the Policy and what they can expect from it.

3. Options analysis and proposal

3.1 The following decision options are available for consideration by the Committee:

Option 1 Preferred option

The Neighbourhood Services and Enforcement Committee adopt the Policy which will allow the JET to operate a consistent approach to maintain a clean, safe environment and strengthen the Authority's approach to tackling Environmental crime within the borough of Spelthorne.

Option 2

The Committee do not adopt this Policy and the service will continue working from separate guidance policies provided by central Government for both environmental crime and ASB issues.

Option 1 is recommended for the following reasons:

The policy brings together all enforcement options for Environment Crime under one policy, to ensure a consistent approach in dealing with all Environmental Crime that the JET currently deal with.

4. Financial implications

4.1 There are no financial implications associated with delivering and managing the Environmental Crime Enforcement Policy.

5. Risk considerations

5.1 There are no risks associated with this policy. It is, however, important for the reputation of the Authority that the officers work from an up-to-date policy in line with current legislation and that is published on Spelthorne Borough Council's website.

6. Procurement considerations

6.1 There are no procurement implications directly arising from this report.

7. Legal considerations

7.1 The policy document has been reviewed by Spelthorne Borough Council's legal team and all the requested amendments have been accepted.

7.2 The policy document has also been reviewed by the Council's Data Protection Officer who is satisfied that the relevant parts of the policy comply with the relevant Data Protection Act and UK GDPR.

8. Other considerations

8.1 There are no other matters to be considered arising from this report.

9. Equality and Diversity

9.1 The Council aims to be consistent and even-handed in all regards. The taking of any enforcement action to deal with members of the public for Environmental offences is not intended to have either a positive or negative impact upon equality or diversity or apply differently to any group.

9.2 A full equality impact assessment has been conducted and is shown at **Appendix 2.**

10. Sustainability/Climate Change Implications

10.1 There are no sustainability or climate change implications directly arising from this report. But there are as I would anticipate that a new policy should have the effect of less people committing Environmental Crime.

11. Timetable for implementation

11.1 If the committee agree to adopt this new policy, it will be uploaded to the Council website as soon as possible and published on all social media channels.

12. Contact

12.1 Martin Cole JET and Community Safety Team Leader – 01784-448635

Background papers:

Litter and Refuse Council Responsibilities-

<https://www.gov.uk/guidance/litter-and-refuse-council-responsibilities-to-keep-land-clear>

Fly-tipping Council Responsibilities-

<https://www.gov.uk/guidance/fly-tipping-council-responsibilities>

Abandoned Vehicles Council Responsibilities-

<https://www.gov.uk/guidance/abandoned-vehicles-council-responsibilities>

Anti-Social Behaviour Crime and Policing Act 2014

Anti-Social Behaviour Act 2003

Section 215 Town and Country Planning Act Section 22 (3)

Control of Pollution Act 1974

General Data Protection Regulations 2018

Equalities Act 2010

Environmental Protection Act 1990

Clean Neighbourhoods and Environment Act 2005

Refuse Disposal (Amenity) Act 1978

Human Rights Act 1998

Freedom of Information Act 2000

Proceeds of Crime Act 2002

Police and Criminal Evidence Act 1984

Appendices:

Appendix A – Joint Enforcement Team- Environmental Crime Enforcement Policy

Appendix B – Equality Impact Assessment Form