

# **ENVIRONMENTAL PROTECTION ENFORCEMENT POLICY**

This document sets out standards of enforcement that businesses, individuals and the community as a whole can expect from the Council's Environmental Protection Service. It commits all officers to good enforcement policies and procedures.

The Environmental Protection - Enforcement Policy encompasses within it all the aspects of the Enforcement Concordat, which was formally adopted by Doncaster Council, at its Policy and Strategy Board on 26 February 2001.

## **1. Introduction**

The primary objectives of Environmental Protection are to promote economic, social and environmental well-being through high quality services. We aim to achieve this by working in partnership with communities, business and other agencies. Equitable and consistent enforcement ensures there is no disadvantage to local businesses, consumers, residents and visitors.

We recognise that the effectiveness of legislation depends upon the compliance of those regulated and that most businesses and individuals want to comply with the law. We will assist and advise wherever possible, whilst taking firm action against those who flout the law or act irresponsibly.

Doncaster's Environmental Protection Service have adopted the Regulators Compliance Code and in doing so commit ourselves to the following aims and procedures:

## **2. Aims**

### **2.1 Standards**

We are committed to consultation with business and other interested parties on service provision. We will draw up clear standards setting out the level of service and performance that the public and businesses can expect to receive. We will publish these standards and report on our annual performance against them.

### **2.2 Openness**

We will provide accessible information and advice, in plain language, on the legislation that we enforce. We will be open about how we set about our work, consulting local businesses and consumers, residents and visitors.

### **2.3 Helpfulness**

We believe that prevention is better than cure and we will actively work with local

business, consumers and residents to advise on, and assist with, compliance with the law. We will provide a courteous and efficient service and our staff will identify themselves by name. We will offer a contact point and telephone number to encourage further communication.

Application for licences and registrations will be dealt with efficiently and promptly. We will strive to ensure that wherever practicable our activities are effectively co-ordinated to avoid unnecessary overlaps and/or delays.

## **2.4 Complaints about our service**

All complaints will follow Doncaster Council's formal complaint procedure, which is easily accessible to all service users and which explains the rights of complaint and appeal, including the likely timescales involved.

## **2.5 Proportionality**

We will, as far as the law allows and where co-operation is given, work with businesses so that they can meet their legal obligations without unnecessary expense. We will take into account the costs of compliance by ensuring that any enforcement action we take or remedial action we require is proportional to the risks.

In relation to small businesses, voluntary and community organisations we will take particular care to help them meet legal obligations without incurring unnecessary costs.

## **2.6 Consistency**

We will carry out our duties in a fair, equitable and consistent manner. Whilst officers necessarily exercise judgement in individual cases, we will have arrangements in place to promote consistency, including liaison with other authorities and agencies. We recognise that there are situations where there is a shared enforcement role. We will ensure that in those circumstances enforcement is effectively and efficiently co-ordinated to avoid duplication of resources.

## **3. Procedures**

- Advice from an officer will be put clearly and simply, confirmed in writing on request, explaining, why any remedial work is necessary and over what timescale. Legal requirements will be clearly distinguished from best practice advice
- Before formal enforcement action is taken, there will be an opportunity to discuss the circumstances of a case, unless immediate action is required (e.g. to prevent destruction of evidence or where there is an imminent risk to health and safety or the environment)
- Where immediate action is taken, reasons for such action will be given at the time and confirmed in writing in most cases within 5 working days and in all cases within 10 working days

- Where there are rights of appeal against formal action, notification of the appeal mechanism will be clearly set out in writing at the time the action is taken

#### **4. When do we prosecute?**

Before deciding whether a prosecution shall be taken against a business or individual, we will consider a number of factors in line with the Code for Crown Prosecutors. These factors may include the following:

- Non-payment of a Fixed Penalty Notice
- The seriousness of the alleged offence
- The history of the party concerned
- The willingness of the business or the individual to prevent a recurrence of the problem and co-operate with officers
- Whether it is in the public interest to prosecute
- The realistic prospect of conviction
- Whether any other action (including a Simple Caution) would be more appropriate or effective
- The views of any complainant and other parties with an interest in a prosecution

*(These factors are **NOT** listed in order of significance. The rating of the various factors will vary with each situation under consideration.)*

#### **5. Application of our policy**

All officers will refer to this policy when making enforcement decisions. It will be read in conjunction with relevant guidance on enforcement action which may be produced and regard will be given to any relevant quality procedure. The Environmental Protection Service will also take into account the view of any other enforcement agency where there is shared or complementary enforcement role.

*(Note: For the purpose of this policy formal enforcement action includes legal notices, Simple Cautioning and prosecution.)*

Any departure from this policy must be exceptional, capable of justification and be fully considered by the Head of Service Environmental Protection before a final decision is taken. This provision shall not apply where a risk of injury to health is likely to occur due to a delay in any decision of being made.

## **6. Review**

This document will be subject to review as and when required. Improvements will be introduced to accommodate changes in legislation and local needs.

Karen Hanson  
Head of Service  
Environmental Protection  
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If you have any comments please contact [nuisanceteam@doncaster.gov.uk](mailto:nuisanceteam@doncaster.gov.uk) or by telephoning on (01302) 736000