

CLEAN NEIGHBOURHOODS & ENVIRONMENT ACT 2005

EXECUTIVE MEMBER: Cllr Allan Holliday
LEAD OFFICER: Keith Parker
REPORT AUTHOR: Steve Bishop

Summary: This report seeks approval from members for the Council to utilise powers made available to Local Authorities under the Clean Neighbourhood and Environment Act 2005.

Recommendation: 1 - That powers be delegated to the Head of Leisure and Environmental Services to allow, subject to the conditions below, officers/representatives of agencies to become 'authorised officers' of the council to enforce powers under the Clean Neighbourhood and Environment Act 2005 and other relevant legislation relating to minor Environmental Crimes.

2 – That any income received through enforcement by third parties (other than the Police Community Support Officers), is used to support their own enforcement activities

3 – That the Head of Leisure and Environmental Services be allowed to revoke the delegated powers where required if they are not used in line with the Council's policies and procedures.

Impact on Delivering Corporate Objectives Effective enforcement activities have a key role in supporting the Councils environmental protection and quality of life objectives.

Impact on other Statutory Objectives This report supports Crime & Disorder, Anti-Social Behaviour and Safer, Cleaner & Greener Community initiatives

Financial and Human Resource Implications: None

Key Decision Status

- **Financial:** None
- **Ward:** None

Other Ward Implications: None

1. INTRODUCTION

1.1 Powers to deal with minor environmental crime (dog fouling, littering, fly-posting) have previously been exclusive to Council officers and the power to authorise officers were delegated to the Head of Leisure and Environmental Services by the Council Executive on 30th April 2002. Recent changes to legislation in the Clean Neighbourhood and Environment Act 2005 now allow for 'Authorised Officers' of the Council to be empowered to support Safer, Cleaner & Greener initiatives.

- 1.2 The Council's Enforcement unit, working in partnership with the Harbour Commissioners have been trying to address the issues of dog fouling and littering around the harbour front and these powers would allow a more direct response.

2. ARGUMENT

- 2.1 New powers under the Clean Neighbourhood and Environment Act 2005 allow for the Council to delegate powers to address minor environmental crimes (surrounding Dog Fouling, Fly-posting and littering) to third party agencies, such as, for example, the Harbour Commissioners, Neighbourhood Wardens, Town & Parish Council's and the Police Community Support Officers. This would support the existing strategy of the council to tackle these nuisance crimes in a more pro-active way without any additional costs to the Council.
- 2.2 By adopting this strategy, the enforcement of these nuisance crimes would increase in key locations and provide valuable support to the council's enforcement unit and in delivery of the Council's objectives for Crime and Disorder, Anti-Social Behaviour and Safer, Cleaner & Greener Communities.

3. OPTIONS TO BE CONSIDERED

- 3.1 Powers to allow 'Authorised Officers' to enforce environmental crimes be delegated to the Head of Leisure and Environmental Services to allow increased enforcement of dog fouling, littering and fly-posting.
- 3.2 These powers to then be delegated, subject to safe-guards approved by the Head of Legal and Democratic Services and the Head of Leisure and Environmental Services and would include attendance of an Enforcement Officer training course and guidance from the Council's Legal Services and Enforcement Department.
- 3.3 Monitoring of compliance to procedures would be adopted to ensure the council's interests are protected and that the Council's policies and procedures on Environmental Enforcement Policies and strategies are followed. That all third party staff that intend to become authorised are subject to CRB security checks.
- 3.4 Powers to allow the Head of Leisure and Environmental Services to revoke such authorisation to protect the Council's interest should any breach of policy or procedure be found.
- 3.5 Any income received through enforcement by third parties for dog fouling, littering and fly posting (other than the Police Community Support Officers) is used to support their own enforcement activities.

4. CONCLUSIONS

- 4.1 That the powers available to the Council be delegated to the Head of Leisure and Environmental Services to allow the enforcement of new powers under the Clean Neighbourhood and Environment Act 2005 and other Environmental Legislation for the enforcement of minor environmental crimes to 'Authorised Officers of the Council' that will (but not exclusively) include, third party agencies such as the Harbour Commissioners, Neighbourhood Wardens, Town & Parish Council Employee's and the Whitehaven Police Community Support Officers.
- 4.2 That powers be delegated to the Head of Leisure and Environmental Services to allow any third party 'authorised officers' be revoked should any breaches of policy or procedure be found.
- 4.3 That income received from this enforcement by third-party agencies can be retained by them (other than the Police) for support of their own enforcement activities subject to any legal costs for prosecution that would be retained by our Legal and Democratic Services department through award from the courts.

List of Appendices

List of Background Documents:

List of Consultees:

Corporate Team, Head of Legal and Democratic Services