

**ENFORCEMENT GROUP -
CUMBRIA STRATEGIC WASTE PARTNERSHIP (CSWP).**

EXECUTIVE MEMBER: Councillor George Clements, Deputy Leader
Promoting Prosperity
Councillor Geoff Blackwell, Portfolio Holder
LEAD OFFICER: Cath Coombs, Acting Head of Leisure &
Environmental Services
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Summary and Recommendation:

This report informs Executive of the role of the Cumbria Strategic Waste Partnership Enforcement Group and seeks endorsement of a Cumbria wide agreement to the development and implementation of a common enforcement policy for the County.

It is recommended:

- 1) That the work of the CSWP Enforcement Group is noted.
- 2) That the aims objectives outlined in sections 2.2 and 2.3; the proposed work priorities in section 2.4, and the actions outlined in section 3.2 and 3.3 are endorsed by the Executive.

1. INTRODUCTION

- 1.1 The Cumbria Strategic Waste Partnership (CSWP) was borne out of a desire for a closer working relationship between all the Cumbrian District Authorities and the County Council to enable the implementation of a Joint Municipal Waste Management Strategy, and to ensure that the financial resources available are maximised and efficiently managed.
- 1.2 In 2007, the Partnership's Officer Group, a working group of waste officers representing all Cumbrian authorities, highlighted that waste related environmental enforcement had not been covered thus far and this was an important and growing area of work. With the introduction of the Clean Neighbourhood and Environment Act (2005) (CNEA) there is clear opportunity for district councils to interpret and enforce environmental and waste related crime in a consistent manner.

- 1.3 The need for consistent interpretation and implementation of the above, and other Street scene related, legislation is vital if the CSWP are to successfully address Street scene and Waste-enforcement related issues in light of targets contained within the Local Area Agreement.
- 1.4 It was decided that a CSWP Enforcement Group be established to investigate and scope a programme of work relating to environmental enforcement. The sub-group is represented by the following organisations:
- Allerdale Borough Council;
 - Barrow Borough Council;
 - Carlisle City Council;
 - Copeland District Council;
 - Cumbria County Council;
 - Eden District Council;
 - Environment Agency
 - South Lakeland District Council;

Additional partners can be co-opted onto the Group as required.

2. ARGUMENT

- 2.1 The CSWP Enforcement Group is now well established. The Aims and objective of the CSWP Enforcement Group are detailed in paragraphs 2.2 and 2.3 respectively.
- 2.2 The aim of the group is to take a uniform approach in dealing with waste-related environmental enforcement issues, as well as all topics covering the Street scene, across the County through the sharing of information and best-practice between partners.
- 2.3 Objectives:
- To interpret and implement new legislation introduced by Central Government (including CNEA 05) in a uniform manner, where appropriate;
 - To identify common waste related environmental crimes within Cumbria and a common method of remediation, where appropriate;
 - To identify and share environmental crime related best-practice from the Partnership authorities and beyond;
 - To identify common Streetscene issues within Cumbria and a common method of remediation, where appropriate;
 - To identify and share Streetscene related best-practice from the Partnership authorities and beyond;

- To develop, agree and implement a Cumbria-wide enforcement training and development programme, identifying training needs from all organisations and all officers involved in the development of policy and delivery of Streetscene and enforcement services
- To oversee and review enforcement and Streetscene performance across Cumbria, with particular reference to indicators contained within the Local Area Agreement (LAA);
- To investigate and aid the development of Streetscene issues within Neighbourhood Management Areas;
- To investigate and quantify the gap between reported Local Environmental Quality (LEQ) and the perception of residents, visitors and Elected Members;
- To ensure the Partnership is fully appraised of the environmental enforcement and Streetscene expectations and priorities throughout the duration of the Strategic Waste Partnership and its Contract;
- To report work and achievements through the Partnership's Officer Group in a regular and timely fashion.

2.4 The depth and breadth of the Group's work is considerable and is growing. Work priorities are reviewed as part of the Group's standing agenda, current priorities are as follows:

- Development of a County-wide Enforcement Policy
- Recycle Point Signage and Enforcement
- Standardisation of Warning Letters
- Development of Consistent Legal Advice
- Information Sharing Protocol
- Training and Development Needs
- Best-practice

2.5 The development of common enforcement policies and a consistent approach to legal assistance are seen by the group as being pivotal in developing common interpretation and implementation of Waste and Streetscene related legislation such as CNEA (2005). At the CSWP Enforcement Group Meeting in June 2008, the partners agreed that a County-wide Enforcement Policy would aid in the development of uniform enforcement-legislation interpretation and implementation.

2.6 The new Regulatory Enforcement and Sanctions Act 2008 will inform and direct the way in which the Group works.

The Act delivers three distinct but related policy areas in four Parts:

- Part 1 establishes the Local Better Regulation Office (LBRO) to promote the principle of better regulation amongst local authorities and greater co-ordination between them and central government.

- Part 2 seeks to secure co-ordination and consistency of regulatory enforcement by local authorities by establishing a Primary Authority scheme. As regulations have not come into force it is not clear yet how this might affect waste enforcement.
- Part 3 gives regulators an extended toolkit of alternative sanctions as a more proportionate and flexible response to cases of regulatory non-compliance normally dealt with in the criminal courts.
- Part 4 creates a duty that requires regulators to review their functions, not to impose unnecessary burdens, and unless disproportionate or impracticable, to remove burdens that are found to be unnecessary.

The Act comes into force on 1st October 2008 apart from provisions in Part 2 relating to the Primary Authority scheme, which should come into force on 6th April 2008.

- 2.7 Similarly, common and consistent legal guidance and interpretation is identified as being a key to the success of effective waste and environmental enforcement. If attitudinal change is going to be achieved through uniform enforcement across Cumbria, it is essential that the CSWP Enforcement Group work alongside legal colleagues to develop a common legal interpretation of the legislation. The Group also believes that input and buy-in from legal officers across the County, at an early stage, will be absolutely essential in achieving common policies as detailed above.

3. OPTIONS TO BE CONSIDERED

- 3.1 That Executive agrees to the aims and objectives of the group, as outlined in the CSWP Enforcement Group's Aims and Objectives as detailed in paragraphs 2.2 and 2.3 of this report.
- 3.2 That Executive agrees to working towards the development and implementation of a Cumbria-wide common Waste Enforcement Policy.
- 3.3 That Executive agrees to work towards the development of a common legal interpretation and delivery of Waste and Environmental enforcement legislation, by bringing together WCA, WDA and Environment Agency legal teams to plan and share best-practice.

4. CONCLUSIONS

- 4.1 Agreement is also being sought from all partner authorities to support the aims and objectives that are set-out in the Group's Aims, Objectives and Scoping Documents. This would allow the Group to continue with its work, safe in the knowledge that all partners are committed to its remit and aims.
- 4.3 The CSWP Enforcement Group believe it is important to be clear with all partners that one of the identified and agreed priorities is to work towards the development and implementation of a common enforcement policy for the County. Therefore agreement is being sought from all partner authorities to pursue a Cumbria-wide Enforcement Policy,
- 4.4 A key priority is to engage with all Partners' legal teams. Therefore agreement is being sought to work with legal teams collectively, and utilise their considerable expertise and experience to inform the development of a common enforcement policy and to ensure consistent legal interpretation of relevant legislation.

5. FINANCIAL AND HUMAN RESOURCES IMPLICATIONS (INCLUDING SOURCES OF FINANCE)

- 5.1 None arising direct from this report

6. PROJECT AND RISK MANAGEMENT

- 6.1 Supporting the recommendations will result in a county wide common enforcement policy mitigating risks and enforcement inconsistencies.

7. IMPACT ON CORPORATE PLAN

- 7.1 Effective enforcement activities support a number of the corporate objectives and contribute to improving the quality of the Copeland environment and residents lives.

List of Appendices

None

List of Consultees

Councillor George Clements
Councillor Geoff Blackwell
Corporate Team

CHECKLIST FOR DEALING WITH KEY ISSUES

Please confirm against the issue if the key issues below have been addressed. This can be by either a short narrative or quoting the paragraph number in the report in which it has been covered.

Impact on Crime and Disorder	Supports
Impact on Sustainability	Supports
Impact on Rural Proofing	Supports
Health and Safety Implications	Supports
Impact on Equality and Diversity Issues	None
Children and Young Persons Implications	None
Human Rights Act Implications	None
Section 151 Officer Comments	None
Monitoring Officer Comments	Proposals tie in with thrust of new legislation

Please say if this report will require the making of a Key Decision NO