

ENVIRONMENTAL HEALTH PARTNERSHIP – DARTFORD AND SEVENOAKS – APPROVAL OF REVISED ENFORCEMENT POLICY

Cabinet – 11 October 2012

Report of the: Deputy Chief Executive and Director of Community and Planning

Status: For Decision

Also considered by: Council – 16 October 2012

Key Decision: No

Executive Summary:

The Environmental Health teams of Dartford and Sevenoaks have revised their Enforcement Policy to reflect changes created by Government guidance and the new Environmental Health Partnership arrangements that commenced in April 2012. The proposed revised policy ensures that Environmental Health enforcement actions are fair, consistent and transparent.

This report supports the Key Aims of the Community Plan priority to help communities to be safe and feel safe in that it ensures a policy is in place that will be followed ensuring appropriate enforcement action is taken in all Environmental Health related legislation. The Enforcement Policy relates to the Clean and Healthy Environment priority in that it relates to legislation used to control and monitor public health nuisance, air pollution and land contamination. It **also relates to the Health and Wellbeing priority in that comprehensive enforcement ensures that food is safe to eat, and home and work environments are safe and healthy**

Portfolio Holder Cllr. Elaine Bracken

Head of Service Head of Operational and Environmental Services – Richard Wilson

Recommendation to Social Affairs Select Committee

It be resolved to recommend to Cabinet and Full Council that the proposed revised Environmental Health Enforcement Policy be approved.

Reason for recommendation: The Enforcement Policy for the Environmental Health Partnership was reviewed as part of the shared service review process. Following advice from both Sevenoaks and Dartford Legal teams, a single policy has been created to create consistency of enforcement for the residents of both districts. The existing Sevenoaks Enforcement policy required revising and as such, the Shared EH Enforcement Policy has included updates required by regulation and amendments made as a result of the Equality Action point review.

Introduction

- 1 Local authorities are required to publish a policy setting out their approach to compliance and enforcement by the Regulators Compliance Code. This is an important document for regulators in meeting their responsibility under the statutory principles of good regulation to be accountable and transparent about their activities.
- 2 The Council has signed up to the Enforcement Concordat and its environmental health officers will seek to secure compliance with the law informally by information, advice and support but where appropriate will use enforcement powers.
- 3 This policy is intended to provide guidance on the principles and processes that will apply when enforcement action is taken.
- 4 The Council believes in firm but fair enforcement of environmental health legislation. This policy is based on the following five guiding principles:-
 - Consistency: to ensure that similar issues are dealt with in the same way
 - Proportionality: to ensure that the action taken relates directly to the actual or potential risk to health and safety
 - Targeting: to ensure that resources are targeted where activities give rise to the most serious health risks
 - Transparency: to ensure that people easily understand the action expected of them and that clear distinctions are made between legal requirements and guidance
 - Accountability: officers are accountable to citizens, Parliament and the Council for their actions and the Council has an effective mechanism for dealing with complaints and comments.
- 5 The purpose of this Policy is to secure effective compliance with legislation while minimising the burden to the Council, individuals, organisations and businesses.
- 6 We are committed to the principles of good enforcement and continually seek to improve our standards. This policy is subject to regular review.

Key Implications

Financial

As previously has been the case, the Policy in itself does not create any financial implications.

Community Impact and Outcomes

The Enforcement Policy ensures that public health in the community meets minimum legal requirements. E.g. that restaurants are safe to eat in, that public places are not hazardous, and that industry does not emit harmful pollutants.

Legal, Human Rights etc.

Decisions in relation to a prosecution are likely to amount to consideration of civil rights and obligations with the result that Article 6(1) of the Human Rights Act 1998 is engaged.

Resource (non-financial)

No additional resource required.

Value for Money and Asset Management

No impact on value for money and asset management.

Equality Impacts

Does the activity have the potential to cause adverse impact or discriminate against different groups in the community?

No, it is written specifically to ensure it meets the requirements of the EH equality impact assessment as produced in 2008.

Does the activity make a positive contribution to promoting equality?

Yes, by ensuring all enforcement action taken by council officers is fair, legally correct and consistent in all cases.

Conclusions

This Policy document updates a document that has previously been approved by Council. (2002) Members are asked to approve the revised Policy that will ensure consistency of enforcement within the new shared service.

RISK ASSESSMENT STATEMENT

By having an up to date published Enforcement policy, the Council will ensure that it is operating legally and within accepted national guidelines. It reduces risk of costs to the Council from losing legal cases and any legal action against the council for damages/ compensation claims for inappropriate enforcement action.

Appendices

Appendix A – Environmental Health Partnership –
Dartford and Sevenoaks Enforcement Policy.

Sources of Information:

Legislative and Regulatory Reform Act 2006

Food Law Code of Practice

Standard for Health and Safety Enforcing Authorities

HSC Enforcement Policy Statement

The Regulatory Enforcement and Sanctions Act
2008

Regulator's Compliance Code

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**COMMUNITY AND PLANNING SERVICES DIRECTOR
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