

ENVIRONMENTAL HEALTH ENFORCEMENT POLICY

Committee - Cleaner & Greener Advisory Committee 19th April 2022

Report of: Deputy Chief Executive and Chief Officer Planning and Regulatory Services

Status: For Decision

Also considered by:

- Cabinet- 21 April 2022
- Council - 26 April 2022

Key Decision: No

This report supports the Key Aim of: Safe Communities, Green Environment, Healthy Environment & Dynamic Economy

Portfolio Holder: Cllr. Margot McArthur

Contact Officer: Nick Chapman, Ext. 7167

Recommendation to Cleaner & Greener Advisory Committee

To recommend to Cabinet to recommend to Council to note the contents of the 'Environmental Health Enforcement Policy' and support the adoption of this document

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To note the contents of the 'Environmental Health Enforcement Policy' and authorise its adoption.

Reason for recommendation: The existing Environmental Health enforcement Policy is out of date and requires updating to reflect the dissolution of the Environmental Health Partnership with Dartford Borough Council. The proposed new Enforcement Policy reflects changes in legislation/ practice and provides clarity for residents and business around the enforcement activities undertaken by the new in-house Environmental Health Team.

Introduction and Background

- 1 The Environmental Health Enforcement Policy is a key document which outlines how the statutory and non-statutory duties of the EH Team will be carried out. The policy is designed to provide assurance to stakeholders, customers and other regulators, ensure consistency and transparency and helps the EH Team manage its priorities and expectations.
- 2 In April 2012, Sevenoaks District Council's Environmental Health Team (EH Team) began to deliver services in partnership with Dartford Borough Council. As part of this new relationship, a joint enforcement policy was agreed and adopted.
- 3 This policy remained unchanged throughout the life of the Environmental Health Partnership but following the dissolution of the shared arrangement and the return of Environmental Health to Sevenoaks as an 'in house' service in July 2021, it is now out of date.
- 4 A proposed new enforcement policy has now been developed and is included as appendix 1 within this report for consideration by councillors.
- 5 The new policy has been thoroughly reviewed and updated to ensure that it now reflects changes to legislation, procedures and practice, which have taken place in the past 10 years.

Summary of changes within the proposed Environmental Health Enforcement Policy

- 6 Within the 10 year period since the Environmental Health Enforcement Policy was last updated, there have been several changes to legislation, procedures and practice that have now be reflected in the policy.
- 7 We have reflected changes in legislation, such as those brought about by the Anti-Social Crime and Policing Act 2014, the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 and the Data Protection Act 2020.
- 8 The previous enforcement policy had a significant focus on the enforcement and regulation of businesses. Whilst this remains a key element of the new policy, we have expanded upon our duties and powers in relation to domestic/ householder issues. As a result, we believe that the new policy is more relatable to the public who are significant customers and stakeholders.

- 9 We have provided greater clarity around our decision process when determining the appropriate enforcement actions in response to an issue (Para 17, 31 & 32) and expanded on and provided more detail around the enforcement powers that are available including context about when these powers may be used.

Key Implications

Financial

None

Legal Implications and Risk Assessment Statement.

Environmental Health is a statutory service and discharges a number of legal duties on behalf of Sevenoaks District Council. It is considered good practice for a regulator to publish an adopted enforcement policy.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices

Appendix A - Draft Environmental Health Enforcement Policy 2022

Appendix B- Net Zero Assessment

Background Papers

Richard Morris

Deputy Chief Executive and Chief Officer - Planning and Regulatory Services