



Dorset Waste Partnership Joint Committee

Date of Meeting	6 th November 2017
Officer	Gemma Clinton, Head of Service (Strategy)
Subject of Report	Review of Enforcement Policy and Procedures and Guidelines
Executive Summary	<p>This report provides an update to the Enforcement Policy and the Enforcement Procedures and Guidelines for the DWP.</p> <p>The documents have been reviewed to take account of changes in legislation, particularly around the Deregulation Act 2015, and to formalise our approach to Enforcement.</p> <p>The documents also provide a framework for the areas of waste enforcement covered by the DWP, how enforcement will be undertaken and the process and procedures that will be followed.</p>
Impact Assessment:	<p>Equalities Impact Assessment;</p> <p>The EQIA is detailed in appendix three</p>
	<p>Use of Evidence:</p> <p>Various pieces of environmental legislation - (Environment Protection Act 1990, Controlled Waste Regulations 1992/2012, Clean Neighbourhoods and Environment Act 2005, Refuse Disposal (Amenity) Act 1978, Anti-Social Behaviour, Crime and Policing Act 2014, Deregulation Act 2015 ‘Ask the Expert’ guidance from Keep Britain Tidy</p>

Review of Enforcement Policy and Procedures and Guidelines

	<p>DEFRA guidance document – Nuisance vehicle parking and abandoned vehicles (2006)</p> <p>Ministry of Justice – Criminal Procedure and Investigations Act 1996 Code of Practice</p>
	<p>Budget: N/A</p>
	<p>Risk Assessment: N/A</p>
	<p>Other Implications: None</p>
<p>Recommendation</p>	<p>It is recommended that the Joint Committee:</p> <ol style="list-style-type: none"> 1) Approve the revised Enforcement Policy and Procedures and Guidelines documents 2) Support the more robust approach to waste crimes and waste collection offences i.e. issuing of warnings, FPN's, prosecutions and waste collection charges where applicable. 3) Agree with the staged approach to dealing with repeat waste collection offences
<p>Reason for Recommendation</p>	<p>To enable officers to deal with waste crimes appropriately and proportionally.</p> <p>To enable officers to deal with repeat waste collection offences with education and advice followed by formal enforcement where required.</p>
<p>Appendices</p>	<p>Appendix 1: Enforcement Policy Appendix 2: Enforcement Procedures and Guidelines Appendix 3: Equality Impact Assessment</p>
<p>Background Papers</p>	<p>None</p>
<p>Report Originator and Contact</p>	<p>Name: Gemma Clinton Tel: 01305 224716 Email: g.clinton@dorsetwastepartnership.gov.uk</p>

1. Enforcement Policy, Procedures and Guidelines

- 1.1 The document in Appendix one provides an update to the Enforcement Policy for the DWP. The revised Enforcement Policy statement sets out the general principles and approach that the DWP will follow when enforcing waste legislation. The principles of DWP enforcement will be to:
- target action
 - use proportionality
 - be accountable
 - provide fairness and consistency
 - be open and transparent
 - reduce enforcement burdens
- 1.2 The Enforcement Procedures and Guidelines document is detailed in appendix two. This document details the core functions of the Enforcement Team as follows:
- Abandoned Vehicles
 - Fly tipping
 - Dropping litter
 - Powers to prevent littering
 - Duty of care compliance checks
 - Waste collection related offences – Recycle for Dorset offences
- 1.3 For each function the document details the relevant legislation, the type of enforcement action available and the procedure that will be followed in order for suspected perpetrators to be dealt with in the most appropriate manner.
- 1.4 Currently, our approach to enforcement has been to provide informal advice and guidance with warning letters sent out where appropriate. The revised procedures will provide us with the tools to enable a more robust approach to waste enforcement involving the issuing of warnings, FPN's, prosecution through the courts and waste collection charges.
- 1.5 The DWP has two full time budgeted enforcement officers, additional temporary resource is being recruited to the enforcement team to support the approach proposed in this report, and to deal with the increasing number of abandoned vehicles. The enforcement team deal with the range of offences detailed across the County (excluding Purbeck District Council that carries out it's own enforcement directly, and West Dorset District Council, Weymouth and Portland Borough Council and North Dorset District Council that deal directly with Abandoned Vehicle offences).
- 1.6 Weymouth and Portland Borough Council is part way through a trial using a third party for issuing of Fixed Penalty Notices. For 2018/19, the DWP will work with officer colleagues at Weymouth & Portland Borough Council to monitor their scheme with a view to revisiting the feasibility of a DWP scheme at a later date.
- 1.7 The review has taken account of the changes made by the Deregulation Act 2015 which has decriminalised waste receptacle offences under section 46 of the Environmental Protection Act 1990 (section 2.6 and 7 of the procedures and guidelines document). Local authorities are still able to issue FPNs under section 46A of the Environment Protection Act but the deregulated civil process is lengthier and gives those in receipt of a notice greater rights of appeal. An offence is now committed only if there has been a failure to comply with requirements a local authority has made; and the failure to comply:

Review of Enforcement Policy and Procedures and Guidelines

- has caused, or is or was likely to cause, a nuisance; or
 - has been, or is or was likely to be, detrimental to any amenities of the locality.
- 1.8 The review has formalised when a waste collection charge will be an option under the Controlled Waste Regulations 2012. Paragraph 4 of the Controlled Waste (England and Wales) Regulations 2012 can be used to impose a collection charge to cover the cost of collecting side waste and contaminated waste if the authority has already served a section 46 notice in relation to this issue. Any charges under this paragraph are not tended to be penal – they simply allow the authority to cover the cost of collecting waste which falls outside their usual service (section 5.1 and 7 of the procedures and guidelines document).
- 1.9 The revised policy and procedures and guidelines need to be reviewed internally by Operational staff and also be subjected to legal approval. They are currently being reviewed by Dorset County Councils legal department and also the Keep Britain Tidy legal experts.

Gemma Clinton, Head of Service (Strategy), Dorset Waste Partnership
October 2017