

BROADLAND ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL

Minutes of a meeting of the Broadland Environmental Excellence Policy Development Panel of Broadland District Council, held on Thursday, 23 June 2022 at 6.00 pm.

Committee Members Present: Councillors: K Kelly (Chairman), N Brennan (Vice-Chair), N Harpley, G Nurden, S Prutton and J Ward

Apologies for Absence: Councillors: D Britcher, A Crotch, J Davis, J Fisher and K Lawrence

Substitute: Councillors: S Beadle (In place of K Lawrence) and S Gurney (In place of A Crotch)

Cabinet Member in Attendance: Councillor: J Leggett

Officers in Attendance: N Howard (Assistant Director for Regulatory) and A Grimley (Environmental Protection Manager)

32. TO REPORT APOLOGIES FOR ABSENCE AND TO IDENTIFY SUBSTITUTE MEMBERS

Apologies for absence were received from Councillors D J Britcher, A D Crotch (S Gurney as substitute), J Davis, J F Fisher and K E Lawrence (S Beadle as substitute).

33. TO CONFIRM THE MINUTES FROM THE MEETING OF THE ENVIRONMENTAL EXCELLENCE POLICY DEVELOPMENT PANEL HELD ON 14 APRIL 2022

The minutes of the meeting held on 14 April 2022 were confirmed as a correct record.

34. REGULATORY ENFORCEMENT POLICY

The Assistant Director, Regulatory introduced the report and outlined the key principles for the new overarching Enforcement Policy; the aim of which was to cover all the key areas to ensure legislation was followed for all general

enforcement issues. Specific areas of legislation individual to each area, for 23 June 2022 example planning, food hygiene, would then be dealt with by specific, thematic, detailed policies.

The Environmental Protection Manager advised members that officers had gathered good practice from a wide range of places when drafting the policy and explained that the advantages of separating the overarching enforcement policy and the thematic enforcement policies into separate documents were as follows:

- It was simpler to administer and update each policy without adverse effect on the others.
- It encouraged a helpful focus on the key considerations applicable to a particular area when enforcement policy questions arose and
- During challenges and legal proceedings, technicalities could focus on policy wording, and it was therefore helpful to keep policy documents tightly focussed.

Members commended the presentation and in response to a query, the Environmental Protection Manager confirmed that if the Regulator's code were to change, then we would need to update the policy. The next planned full revision was not until 2025, but in the event of any key changes, the policy may need to be updated and would come back to the panel as needed. Members were reassured by the Assistant Director, Regulatory that any planned reviews would be included in his forward work programme to ensure they were not overlooked.

The Assistant Director, Regulatory advised in response to a query that the new vision referred to in the policy was the vision as adopted by both councils after the collaboration in January 2020.

A member suggested that the list of issues covered was brought from the back of the policy to the front and that the website link in paragraph 89 was replaced with a friendly URL and the Environmental Protection Manager agreed to the suggestions. In addition, it was agreed that a further paragraph to clarify the approach to sexual exploitation of children and enforcement action for minors was added.

Discussion turned as to when a decision on when the names of residents dealt with under the Enforcement Policy should be publicised. It was agreed that it should not be one officer's decision however senior and so the approach would be that as a rule, if we prosecute, we will publicise the name, but if a statutory notice or fixed penalty notice was issued, the name would be withheld. However, if by exception and it was felt to be in the public interest, at least two officers would need to make the decision to publicise.

In response to a query from the Portfolio Holder for Environmental Excellence, the Assistant Director, Regulatory confirmed that the Enforcement Policy had been considered by South Norfolk Council members two days previously, and they had agreed the recommendation to Cabinet as outlined in this report.

Following discussion around the fines associated with fly tipping, the Environmental Protection Manager agreed that the service would annually publicise how many fines were issued and the nature of the offences. It was

clarified to members that in terms of the levels of the fines, these were set by Central Government and were not designed to cover the costs and unfortunately that was the law.

Members welcomed the review and with the amendments as agreed, on a show of hands, it was unanimously:

RESOLVED

To propose that Cabinet recommends to Council to agree the adoption of the proposed overarching Enforcement Policy to replace the existing overarching enforcement policy, retaining as separate documents its other existing thematic enforcement policies.

(The meeting concluded at 6.40 pm)

Chairman