

CHESHIRE EAST COUNCIL

CABINET

Date of meeting: 24 March 2009
Report of: Borough Solicitor
Title: Local Environmental Quality Strategy

1.0 Purpose of Report

- 1.1 This report attaches as Annex 1 a proposed Local Environmental Quality Strategy which will provide guidance for community wardens and environmental enforcement officers and their managers as to how they should tackle local environmental quality issues such as litter, dog fouling, graffiti, fly posting and fly tipping (sometimes called environmental crimes).

2.0 Decision Required

- 2.1 That the Cabinet considers the Local Environmental Quality Strategy and adopts it.

3.0 Financial Implications for Transition Costs

- 3.1 The cost of warden uniforms, change of livery for vehicles and fixed penalty notice documentation has been reported to the Places Group and Places Advisory Panel.

4.0 Financial Implications 2009/10 and beyond

- 4.1 The Strategy includes levels of fixed penalties to be imposed until the service can be reviewed after a meaningful period of operation.

5.0 Legal Implications

- 5.1 There is a risk of legal challenge if robust and consistent procedures are not in place and officers are not given clear guidance as to how they should act when carrying out their duties.
- 5.2 There is also a risk of Local Government Ombudsman complaints being upheld if the Council does not provide clear and consistent guidance to officers.

6.0 Risk Assessment

6.1 A number of risks can be identified:-

- A lack of clear and consistent guidance to officers leaving officers with too much discretion to exercise in difficult situations in the street and may produce inconsistencies in their approach to enforcement;
- Complaints to the Local Government Ombudsman being upheld if no clear guidance has been issued to officers and the service is operated in an inconsistent manner.

6.2 The Strategy addresses these risks.

7.0 Background and Options

7.1 Currently Macclesfield have an adopted Strategy similar to that in Annex 1 and Crewe and Nantwich and Congleton have established operating procedures. The general thrust of the approach to environmental enforcement has been considered by the Places Group. The enforcement described in Annex 1 should not be confused with enforcement that may be undertaken by environmental health officers and for which a separate policy will be required.

7.2 The Council's constitution is to include delegated powers for a director or head to authorised wardens to issue fixed penalty notices. Guidance should therefore be given to ensure they are issued consistently and fairly.

7.3 The Strategy provides clear and consistent guidance for officers and their managers as to how environmental crimes should be discouraged and enforced. It also provides a useful reference document for them as to how matters arising in the operation of the service should be dealt with.

7.4 The Strategy should be in place by 1 April 2009 so that the education and enforcement service currently operated in the 3 districts can continue across Cheshire East in a consistent manner.

8.0 Overview of Day One, Year One and Term One Issues

8.1 The adoption of the Strategy is a day one issue. It can be reviewed and amended as necessary during or at the end of year one once the service has had opportunity to bed in.

9.0 Reasons for Recommendation

9.1 It is important that the Strategy is in place and adopted by the Council in time for vesting day so that clear and consistent guidance is given to officers as to how they should undertake their roles from 1 April 2009.

For further information:

Portfolio Holder: Councillor Brian Silvester

Officer: Rachel Goddard

Tel No: 01270 537678

Email Rachel.goddard@crewe-nantwich.gov.uk:

Background Documents:

Documents are available for inspection at:

Westfields

Middlewich Road

Sandbach

CW11 1HZ