

# CHESHIRE EAST COUNCIL

## REPORT TO: Sustainable Communities Scrutiny Committee

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**Date of Meeting:** 2nd September 2010  
**Report of:** Tony Potts  
**Subject/Title:** Environmental Enforcement

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### 1.0 Report Summary

1.1 The purpose of this report is to provide members with an overview of Cheshire east's enforcement policy, which relates to environmental enforcement. Its aims are to secure an efficient and effective approach to **all Council regulatory inspection and enforcement functions** to improve Compliance with legislation whilst minimising the burden on businesses, Individuals and organisations.

### 2.0 Recommendations

2.1 To comment on the Policy and make recommendations (Appendix A)

### 3.0 Reasons for Recommendations

3.1 It was agreed that the Policy is reviewed every three years, however due to changes to structures and departments within the council it is felt appropriate to undertake a review and refresh the policy. Members have the opportunity to make comments, and recommendations that may be incorporated into the document.

### 4.0 Wards Affected

4.1 All

### 5.0 Local Ward Members

5.1 All

### 6.0 Policy Implications including - Climate change - Health

6.1 N/A

### 7.0 Financial Implications for Transition Costs (Authorised by the Borough Treasurer)

7.1 None

## **8.0 Financial Implications 2009/10 and beyond (Authorised by the Borough Treasurer)**

8.1 None

## **9.0 Legal Implications (Authorised by the Borough Solicitor)**

9.1 None, subject to the comments of the scrutiny committee.

## **10.0 Risk Management**

10.1 N/A

## **11.0 Background and Options**

11.1 A policy was required to ensure that the enforcement of environmental offences was carried out in a fair and consistent manner throughout Cheshire east, and to work more closely with partners ensuring that this type of offence was being dealt with by the appropriate agency. This would also avoid duplication of effort, ensuring that offenders could be dealt with more effectively.

11.2 The Cheshire east enforcement policy was approved by cabinet in March 2009

11.3 The policy sets out three levels of enforcement:

Promotion - to raise awareness about legal standards and promote good practice.

Informal Warnings - these will be used to reinforce promotional activities Where, whilst the law may have been broken, it was not thought appropriate to take more formal action. An informal warning can be oral or written.

Formal Enforcement - this includes the use of statutory (legal) notices; written undertakings and enforcement orders; cautions; fixed penalty notices; penalty charge notices and prosecution this course of action would be taken following procedures laid down in legislation, codes of practice and professional guidance notes

## **12.0 Overview of Year One and Term One Issues**

12.1 N/A

## **13.0 Access to Information**

The background papers relating to this report can be inspected by contacting the report writer:

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