

RIBBLE VALLEY BOROUGH COUNCIL REPORT TO COMMUNITY COMMITTEE

Agenda Item No.

meeting date: TUESDAY, 2 SEPTEMBER 2014
title: CONFIRMATION OF AUTHORISED OFFICERS & EARLY PAYMENT
FIXED PENALTY PROVISIONS
CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005
submitted by: MARSHAL SCOTT – CHIEF EXECUTIVE
principal author: JAMES RUSSELL – HEAD OF ENVIRONMENTAL HEALTH SERVICES

1 PURPOSE

1.1 To reconfirm authorised officers of the Council to enforce requirements of the Clean Neighbourhoods and Environment Act 2005 and confirm early payment provisions.

1.2 Relevance to the Council's ambitions and priorities:

- Community Objectives – The measures will potentially enhance the objective “to promote and support the healthy environmental, economic and social well-being of people who live, work and visit Ribble Valley”.
- Corporate Priorities – To promote “a healthier environment and lifestyle”.
- Other Considerations – These authorisations are required to enable officers to be able to enforce the provisions of this legislation.

2 BACKGROUND

2.1 The Clean Neighbourhood and Environment Act received Royal Assent on the 7 April 2005. The wide range of provisions contained within the Act either came into force 2 months after the Act was granted assent or by specific order of the Secretary of State at some time in the future.

2.2 A number of officers were identified and authorised in July 2005 to enforce relevant provisions of the Act. However, since this time, the Council has undergone several restructures with associated changes with job titles. Also, with the recent adoption and introduction of the new Dog Control Orders, the authorisations have been extended to include members of staff who oversee the Council's parks and playing fields. It is therefore prudent to revisit and reconfirm authorisation of officers.

2.3 At the last meeting, Committee resolved to allow the early payment of a fixed penalty if paid within 14 days. All fixed penalties under the Act must be paid within 14 days, so a shorter period must be specified which is less than 14 days.

3 ISSUES

3.1 In order to enforce the provisions of this Act, associated regulations and orders, the Council needs to identify appropriate officers, duly authorise them, provide them with the appropriate advice and training to carry out their associated duties.

3.2 It is therefore recommended that the following officers be given delegated powers and be authorised for the purposes of this Act, associated regulations and orders:

- Head of Environmental Health Services;
- Head of Cultural & Leisure Services;
- Head of Engineering Services;
- Head of Legal & Democratic Services;
- Head of Planning Services;
- Principal & Senior Planning Officers;
- Countryside Officer;
- Leisure & Sports Development Manager;
- Sports Development Officer;
- Engineering Services Manager;
- Senior and District Environmental Health Officers;
- Environmental Health Technicians/Pollution Control Officer;
- Dog Wardens;
- Pest Control Officers;
- Senior Civil Enforcement Officer and Civil Enforcement Officers;
- Market Officer;
- Enforcement Officer (Licensing & Planning);
- Taxi Enforcement Officer;
- Waste Management Officer;
- Cleansing Manager;
- Amenity Cleansing Manager;
- Amenity Cleansing Operatives;
- Head Gardener & Grounds Maintenance Staff;
- Any other officer duly authorised by the Chief Executive or Director of Community Services.

It is also appropriate to reconfirm the authorisation of Police Officers and Police Community Support Officers (PCSO's) to act on our behalf in relation to these provisions.

- 3.3 At the last meeting of this Committee it was agreed to set the fixed penalty charge at £80 in relation to Dog Control Orders. Committee set a lesser sum of £50 if the fixed penalty was paid within 14 days. As stated above, all fixed penalties under the Act', must be paid within 14 days, so a shorter period requires to be set. Historically, a reduced early payment of 10 days has been allowed in relation to a Fixed Penalty issued in relation to the Clean Neighbourhoods & Environment Act. As such Committee is asked to consider this remaining at 10 days or preferably being reduced to 7 days, to 'encourage' and better reflect early payment.

4 RISK ASSESSMENT

- 4.1 The approval of this report may have the following implications:

- Resources – There will be a need to provide appropriate training for the authorised officers.
- Technical, Environmental and Legal – Failure to approve the proper authorisation of enforcement officers could result in legal challenge during court proceedings.
- Political – None.

- Reputation – Having authorised officers to carry out appropriate enforcement there will be a high profile expectation regarding this matter. If no action is forthcoming the reputation of the Council is likely to be adversely affected.
- Equality & Diversity – None.

5 RECOMMENDED THAT COMMITTEE

- 5.1 Authorise the Officers listed in Paragraph 3.2 for the purposes of this Act and any regulations made thereunder or amending or replacing the same.
- 5.2 Consider and approve 7days as being the early repayment period in relation to a fixed penalty issued in relation to Dog Control Order offences and similarly in relation to other fixed penalty offences under the Clean Neighbourhoods & Environment Act 2005.

JAMES RUSSELL
HEAD OF ENVIRONMENTAL HEALTH SERVICES

MARSHAL SCOTT
CHIEF EXECUTIVE

BACKGROUND PAPERS

- 1 Cleaner Neighbourhood and Environment Act 2005.
- 2 Full document accessed through: www.defra.gov.uk/environment.

For further information please ask for James Russell, extension 4466.

JAR/COMMUNITY/2 SEPT 14