

Item No.: 2.	Classification: Open	Committee: Environment and Community Support & Safety Scrutiny Sub-Committee	Date: 25 February 2004
From: Director of Environment and Leisure: Gill Davies		Title of Briefing Note: Penalties and Enforcement	

INTRODUCTION

1. Officers were asked to provide a briefing paper on penalties and Enforcement action taken with regard to Enviro-Crimes and the Environment. The briefing note was to include details on the legislation that is available for Officers to enforce. Details of enforcement activity including prosecutions and penalties were required as well as examples of best practice.

BACKGROUND INFORMATION

2. This report together with the Appendices, provides broad-brush details of Southwark's Enforcement activities with regard to Enviro-Crimes and the Environment. Appendix 1 details the following:-
 - Primary legislation that is available for officers to enforce with regard to the environment.
 - Some background on the problems associated with Enviro-Crimes and poor quality Environment in Southwark.
 - Details on what Southwark has done to deal with these issues including prosecution, enforcement action and other initiatives.
 - How the Services compare with other Councils including example of Southwark's best practice.
 - Some examples of best practice nationwide.
3. Appendix 2 details the enforcement activity from 1st April 2003 until 15th January 2004 including prosecutions, penalties imposed, enforcement notices served and complied, fees collected and premises improved.
4. Details in this report and appendices are not exhaustive and are designed to give a flavour of the work being undertaken.

KEY ISSUES FOR CONSIDERATION

5. There is already a significant amount of legislation, both primary and secondary as well as Central Government guidance and circulars, dealing with Enviro-Crimes and the Environment. Southwark uses the full range of powers and duties available to combat Enviro-Crime. Enforcement Officers have delegated authority commensurate with their grade and their job description. Enforcement Officers have the authority to take enforcement action and subjected to the Business Unit Managers approval, refer the matter to Legal Services for prosecution.
6. In November 2003 The Council's Executive formerly adopted an Enforcement Policy, which sets our regulatory stance.

7. The Service is preparing for a further raft of legislation with associated enforcement powers to deal with anti social behaviour contained within the Housing Bill and Anti-Social Behaviour Bill that are due go on the statute book in 2004/5. As a result, the scene with regard to Enviro-Crime is very much an evolving and changing situation.
8. To date this Financial year the following enforcement action has been taken with respect to Enviro-Crimes and the Environment:-
 - 201 prosecutions with a further 20 pending.
 - Fines either imposed by the Courts or the Council in excess of £1.45million. £1.3 million of this is attributed to venalities imposed under the New Roads and Street Works Act 1991. The Local Authorities ability to impose penalties under this Act is subject a case to be heard in the House of Lords. Fines imposed by the Courts are not available to the Council as a means of revenue generation.
 - Nearly 3,000 formal enforcement notices have been served.
 - A further 1,200 informal notices have been served.
 - 392 premises have either been licensed or their processes authorised.
 - Over 1,600 premises have been improved/made safe by the Services intervention.
 - Fees of £329,000 have been collected.
9. The respective operational units that bring together the work on Enviro-Crimes have and continue to benchmark their work with other leading Authorities and seek out best practice. A number of the units are able to demonstrate top quartile performance.
10. A lot of the work Southwark is engaged in is very much seen as cutting edge and best practice and a significant number of other authorities seek out and visit Southwark to learn from our initiatives and successes.

Gill Davies
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