

COMMITTEE:	Cabinet
DATE:	5th September 2002
SUBJECT:	Environmental Health Enforcement Policy
REPORT OF:	Head of Environmental Health
Ward(s):	All
Purpose:	To seek Cabinet approval of the revised Environmental Health Enforcement Policy.
Contact:	Gary Stevenson, Head of Environmental Health, Telephone 01323 415360 or internally on extension 5360.
Recommendations:	That the revised Environmental Health Enforcement Policy at appendix 1 be approved.

1.0	<u>Introduction</u>
1.1	The Environmental Health Division currently operates within the remit of an enforcement policy approved by the Council in 1997. Operational aspects of the Division's enforcement activities have been amended in light of the introduction of new legislation and guidance such as the Human Rights Act and the Enforcement Concordat.
1.2	The Best Value Indicator for Environmental Health (BV 166) makes reference to the existence of written and published enforcement policy formally endorsed by Members. Given the period of time that has elapsed since the original policy was published it is appropriate for the policy to be subject to scrutiny by stakeholders and re-endorsed by Cabinet.

1.3	<p>In addition, the Food Standards Agency Framework Agreement with local authorities identifies the need for a comprehensive documented food safety policy.</p>
2.0	<p><u>Policy Framework</u></p>
2.1	<p>The Eastbourne Borough Council Values set out in the Corporate Plan provide a general framework within which services are provided. In addition under the aim of a Healthy Place the Council is committed to protecting public health through intervention, education and responsible action.</p>
2.2	<p>The current policy has proved to be effective and it is not proposed to change the general ethos that the provision of education and advice to businesses and individuals is the preferred initial option to achieve compliance with legislative standards.</p>
2.3	<p>However, it is made clear that formal action will be taken where necessary, including now the criteria to use prosecutions where it is appropriate to draw public attention to the need for compliance with the legislation and a conviction may deter others from committing similar offences.</p>
2.4	<p>The revised Environmental Health Enforcement Policy incorporating the Food Safety Enforcement Policy is at Appendix 1.</p>

2.5	<p>The policy incorporates the principles of the Enforcement Concordat, which the Council adopted in January 2001. In particular it is made clear that businesses can expect to:</p> <ul style="list-style-type: none"> · receive clear explanations of what they need to do and by when; · have opportunities to resolve differences before enforcement action is taken – unless immediate action is needed; and · receive an explanation of their rights of appeal.
3.0	<p><u>Consultations</u></p>
3.1	<p>As required by the Council’s constitution, the enforcement polices were considered by the Planning and Licensing Committee on 16th July 2002. The Committee resolved that the policies should be reported to Cabinet for approval.</p>
3.1	<p>The proposed policy has been made available on the Council’s website and sent to Eastbourne Hotels’ Association and the Chamber of Commerce for comment. Any further comments received will be reported verbally at the meeting.</p>
4.0	<p><u>Human Resource and Financial Implications</u></p>
4.1	<p>There are no direct implications. The Council may have a greater opportunity to recover legal cost associated with court cases where it can be demonstrated that the published enforcement policy has been followed</p>
5.0	<p><u>Human Rights Implications</u></p>

5.1	The revised policy will ensure that the requirements of the Human Rights Act are complied with when enforcement action is undertaken.
6.0	<u>Community Safety Implications</u>
6.1	The enforcement policy sets a clear framework for tackling anti-social behaviour, one of the six priorities for the Crime Reduction Partnerships Crime Reduction Strategy
5.0	<u>Summary</u>
5.1	This report proposes the approval of a revised enforcement policy for Environmental Health. The policy continues the general ethos that the provision of education and advice to businesses and individuals is the preferred initial option to achieve compliance with legislative standards. The policy provides a framework to ensure that enforcement action is undertaken in a consistent, transparent manner having regard to risk and public interest.
<p>Gary Stevenson</p> <p>Head of Environmental Health</p>	
<p>Background Papers:</p> <p>The Background Papers used in compiling this report were as follows:</p> <p>Environmental Health Enforcement Policy 1997: http://www.eastbourne.gov.uk/Community/downloads/env-health-enforcement-policy.pdf</p> <p>Enforcement Concordat : http://www.cabinet-office.gov.uk/regulation/publicsector/enforcement/enforcement.htm</p> <p>To inspect or obtain copies of background papers please refer to the contact officer listed above.</p>	
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