



## Policy and Resources Committee – 05 December 2016

### Environmental Services Enforcement Policy Updates

---

#### Purpose of report

This report presents the updated Environmental Services Enforcement Policy Statement to include the new legislation for the microchipping of dogs and unauthorised deposit of waste following the approval and delegated responsibility agreed at previous Policy and Resources Committee Meetings.

---

#### 1.0 Background

1.1 East Northamptonshire Council's Environmental Services inspect, provide advice, guidance and enforce a number of different pieces of legislation and the Enforcement Policy sets out the general principles and approach which Officers will follow.

#### 2.0 Additional Legislation to be included

2.1 On the 21 March 2016, the Policy and Resources Committee approved the adoption of The Microchipping of Dogs (England) Regulation 2015 and delegated the authority to officers to serve notices on any one keeping a dog that is not appropriated registered.

2.2 On the 05 September 2016, the Policy and Resources Committee approved the adoption of The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 and delegated the authority for officers to be able to issue fixed penalty notices for the offence of fly tipping

#### 3.0 Environmental Services Enforcement Policy Statement

3.1 As a result of the above changes, it is necessary to add the following proposed additions to the policy statement:

#### 3.2 Appendix F – Waste, Litter and Dog Control

##### **The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016**

F3.7 From May 2016, in accordance with the above regulations, an individual committing an offence as described in section F3.3, may have the opportunity to discharge any liability to conviction for an offence by payment of a fixed penalty of £400.

F3.8 Where there is an offence committed as described in F3.3, the officer will consider the nature and scale of the waste accumulation and potential costs for removal. Where accumulations are likely to cost in excess of £400 for removal, offences will be considered significant and will no longer be suitable to be discharged as described in F3.7.

#### 3.3 The Microchipping of Dogs (England) Regulations 2015

F6.9 Any person who keeps a dog has mandatory responsibility with regard to microchipping and registering the details of the keeper and the dog, with an approved microchip database. Section 13 of the regulations makes it an

offence for the keeper of a dog to fail to;

- Microchip a dog within twenty one days of being serviced with a notice to do so.
- Update the keeper details where the ownership of a dog has changed
- Implant a microchip unless they have completed an approved training course for that purpose
- Update the Keeper details within seven days of being served with a notice to do so.
- Obstruct an authorised officer from arranging microchipping for an unchipped dog.

F6.10 Failure to comply with a notice is an offence punishable on summary conviction with a fine of £100.

#### **4.0 Equality and Diversity Implications**

4.1 An equality impact assessment has been completed and there is no change to the equality and diversity implications as a result of this report.

#### **5.0 Legal Implications**

5.1 There are no additional legal implications as a result of the recommendations in this report.

#### **6.0 Risk Management**

6.1 There are no additional risk implications as a result of this report, Risk RM ENV 004 – Unsatisfactory Regulatory Services already captures the operational, reputational and financial risks to the Authority relating to activities contained within this report.

#### **7.0 Resource and Financial Implications**

7.1 There are no additional resource or financial implications as a result of the recommendations of this report, beyond that which was already presented at the reports to the Policy and Resources Committee of the 21 March and 05 September 2016

#### **8.0 Constitutional Implications**

8.1 There are no additional Constitutional Implications as result of the recommendation of this report

#### **9.0 Customer Service Implications**

9.1 There are no additional Customer Service implications as a result of the recommendation of this report.

#### **10.0 Corporate Outcomes**

10.1 The recommended decision will help deliver the following corporate outcomes:

- Good quality of life in East Northamptonshire – cleaner, safer, prosperous, healthier and sustainable – with a defined policy and zero tolerance approach, environmental quality is improved.
- High quality service delivery – This policy contributes to the overall perception of the waste service and the levels of customer satisfaction.
- Effective partnership working – Investigations often require multiple agencies and can demonstrate the effectiveness of close working arrangements
- Effective management – Tackling incidents of environmental crime have

been identified as a high priority for the Council.

## 11.0 Recommendation

11.1 The Committee is recommended to

1. Approve the amendments to the Environmental Services Enforcement Policy Statement, to ensure that officers maintain consistency with previous decisions

<b>Legal</b>	Power: The Microchipping of Dogs (England) Regulations 2015 The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016				
	Other considerations:				
<b>Background Papers:</b> <a href="http://www.east-northamptonshire.gov.uk/download/meetings/id/3092/item_6_-_the_unauthorised_deposit_of_waste_fixed_penalties_regulations_2016">http://www.east-northamptonshire.gov.uk/download/meetings/id/3092/item_6 - the unauthorised deposit of waste fixed penalties regulations 2016</a>  <a href="http://www.east-northamptonshire.gov.uk/download/meetings/id/2935/item_8_-_changes_in_dog_control_legislation_-_the_microchipping_of_dogs">http://www.east-northamptonshire.gov.uk/download/meetings/id/2935/item_8 - changes in dog control legislation - the microchipping of dogs</a>					
<b>Person Originating Report:</b> Charlotte Tompkins, Waste Services Manager ☎ 01832 74(2208) ✉ ctompkins@east-northamptonshire.gov.uk					
<b>Date: 31 October 2016</b>					
<b>CFO</b>		<b>MO</b>		<b>CX</b>	

