

OLDHAM METROPOLITAN BOROUGH COUNCIL

ENVIRONMENTAL HEALTH GROUP

PUBLIC HEALTH SECTION ENFORCEMENT POLICY

Introduction

The Environmental Services Department's mission statement is as follows:

“Our mission is to work in partnership with others to protect and enhance the health and quality of life for all sections of the community and to achieve an environment in Oldham which is safe, sustainable, attractive and accessible”

The Public Health section of the Environmental Services Department are responsible for dealing with a variety of issues on a day to day basis. These include:

Fly tipping	Animal wardens
Accumulations of waste on land	Caravan site licensing
Littering and dog fouling	Private water supplies
Private drainage	Filthy premises
Gypsies	Ruinous and dilapidated premises
Pest control	Buildings open to access
Private rented property fitness (not HMOs)	

The bulk of the section's work involves responding to requests for service made by members of the public, other departments and other agencies and organizations. Some proactive work is also undertaken by the section. This takes the form of educational exercises and the monitoring of the borough to identify or anticipate and remedy problems within the section's remit.

The public health section is divided into three teams;

- 1) Environmental Action Unit (Tel. 0161 911 4477)
(Investigate and enforce with regard to Fly tipping, Accumulations of waste on land, Littering and Dog fouling)
- 2) Pest Control & Animal Warden Service (Tel. 0161 911 4509)
(Offers advice and treatment for and investigates complaints regarding pests; collects stray dogs, investigates dangerous dogs and assists in the enforcement of dog fouling legislation)
- 3) Public Health Team (Tel. 0161 911 3447)
(Responsible for all other issues dealt with by the section – as above)

Background

The purpose of this document is to highlight the principles of the Council's Enforcement Policy and explain how the Public Health Section implement this in practice. Due to the large remit of the section, officers have to work with many different pieces of legislation. Officers have a variety of powers under this legislation and many enforcement options are available to them. These may include:

Verbal advice
Informal letter
Formal warning letter
Legal notices requiring something to be done
The ability to conduct work in default and recharge
Fixed penalty notices
Court orders
Formal cautions
Prosecutions

The type of action that can be taken by an officer depends on the law that applies in that circumstance. Officers are, however, expected to comply with the following principles when considering any enforcement action.

Principles of good enforcement practice

Proportionality. The extent of the enforcement action taken must be proportionate to the risk to health, safety or the environment, which exists or is likely to occur in the future. Whatever course of action is taken, the officer must always be able to justify it. In many cases, individuals act responsibly and are eager to comply with the law. In this situation the officer's role will be to encourage and support rather than enforce. In situations where a serious breach of legislation occurs or where an informal approach is inappropriate (e.g. Where matters need resolving quickly), the council fully supports formal enforcement action.

Consistency. Officers within the section are all highly trained and experienced. They are legally authorized to undertake enforcement action according to their competence. Ongoing training, supervision and the use of procedures all help to ensure consistency. Enforcement action must be taken in line with the enforcement policy and any available guidance or codes of practice, and where appropriate in consultation with the officer's line manager. Officers must always have sufficient evidence of an offence before considering enforcement action. In addition to considering the severity of the offence, the officer when selecting appropriate enforcement action, should also consider any history of the offender, the attitude of the offender, whether enforcement action is in the public interest and whether any deterrent effect will result.

Transparency. Officers should always make it clear what is required by law and what is recommended practice only. Details of how to appeal against legal notices must be included when such a notice is served. Officers must make it clear what action could be taken in a situation and what action is actually going to be taken. If a person wishes to query or disagrees with any enforcement action taken by officers of the Public Health section, they should initially contact the Principal Environmental Health Officer (Public Health) or the Environmental Health Group Manager. This contact information is included with written correspondence from the section.

Whatever the approach adopted, officers must always treat people with respect and courtesy.

A copy of the full version of the enforcement policy is available electronically on the Council's website or in hard copy upon reasonable request to the department.

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