

RECOMMENDATIONS TO CABINET – 1ST NOVEMBER 2011 FROM THE REGENERATION, ENVIRONMENT AND COMMUNITY PANEL MEETING HELD ON 26TH OCTOBER 2011

REC28: RECYCLING TASK GROUP

The Waste and Recycling Manager presented the report which considered the work carried out by the Recycling Task Group and the options for future delivery of the Refuse and Recycling service and ways to divert more waste from landfill.

He explained that a similar report had been considered by the Resources and Performance Panel at their meeting on 25 October 2011, which set out the finance and resource implications of the proposals. This Panel would be considering the environmental and community aspects of the proposals.

The Waste and Recycling Manager explained that, set out within the Kier Service contract were three options on how the Council could chose to deliver the service:

- Alternative weekly collection between recycling and general waste.
- Alternative weekly collection between recycling and general waste, but with a weekly collection of food waste.
- No change to current service.

The Recycling Task Group had investigated the implications of the above options and conducted a visit to a composting centre, landfill site and a recycling centre. The Task Group had also looked at various other ways to divert the amount of waste being sent to landfill, for instance increasing the amount of glass that was recycled and promoting recycling of batteries.

The Waste and Recycling Manager informed the Panel that the Recycling Task Group had considered the three options above and proposed that the Council provide an alternative weekly collection of waste and recycling, but with a weekly collection of food waste.

If an alternative weekly collection was introduced, the Task Group proposed that residents would be offered a large capacity 240 litre bin which, on its own would reduce the capacity of the current service from the current level of two 140 litre collections per fortnight. However, with the introduction of a weekly food collection service alongside the alternative weekly collection the total refuse and recycling capacity per household would increase to the same level as the current service.

The Waste and Recycling Manager explained that residents would be given the option to retain their current 140 litre bin if they did not

require the larger 240 litre bin which would save wasting existing resources.

It was proposed that the weekly food waste collection would be introduced with an initial provision for fifty caddy liners per property and each property would be provided with a 7 litre solid walled caddy for use in the kitchen and a larger 21 to 23 litre sealed caddy for general collection. The external caddy would be sealed with a lockable lid, meaning that it would be secure from pests and vermin. The Waste and Recycling Manager confirmed that food waste would be collected in the same vehicle as the other collections, with the vehicle being modified accordingly.

In response to a question from Councillor Howland, the Waste and Recycling Manager explained that the use of the food collection service was optional, but he hoped that households would make use of the service.

Councillor Mrs Christopher asked for further information about the sizes of the proposed caddies and asked if the Waste and Recycling Manager felt that people with small or no gardens would be deterred from using the service due to lack of space to store the caddy. The Waste and Recycling Manager explained that the footprint of the external caddy was approximately the size of an A4 piece of paper, so he hoped that the majority of households would be able to accommodate this. In response to a further question from Councillor Mrs Christopher, the Waste and Recycling Manager explained that there were currently no proposals in place to introduce a kerbside glass collection service as at this stage it would not be financially viable.

In response to a question from Councillor Chenery of Horsbrugh, it was explained that the collection vehicles which would be used for collecting food waste would have an additional pod installed to the front of the vehicle, just behind the cab, which would accommodate the food waste collected. He confirmed that bones were acceptable to be placed in the food waste container.

The Waste and Recycling Manager informed the Panel that in the first two years of the contract, which started in April 2013, it was proposed that the Council made a provision, from the financial savings, of £50,000 per year for additional promotion and education work for the service changes including starter packs for residents and information on both bins and the inside of bin lids to help increase recycling levels and reduce contamination. The Waste and Recycling Manager explained that the educational and promotional work would be carried out in partnership with Kier, who would be providing the Council with access to an Educational Officer, the provision of which was already contained within the contract.

Councillor Chenery of Horsbrugh questioned why, if there would be a weekly collection of one form or the other, couldn't all waste be recycled on a weekly basis. The Waste and Recycling Manager explained that if all three waste collections were carried out at the same time, each collection vehicle would have to be fitted with three different compartments, thus reducing the amount of waste and recycling that could fit into each compartment, resulting in either more trips to empty the vehicle, or just making use of one compartment and the other ones not filling up. He explained that the modifications required to the collection vehicles to accommodate food waste would be a 3m² pod fitted just behind the cab of the collection vehicle.

The Waste and Recycling Manager explained that it was proposed that the initial contract for food waste treatment would be to a timescale and the terms would not preclude the use of food waste within technologies that may be introduced as an alternative to incineration.

The Waste and Recycling Manager outlined the other recommendations put forward by the Recycling Task Group which included the promotion of availability of battery recycling facilities within supermarkets. He informed the Panel that the Recycling Task Group had investigated the harmful effect that the disposal of batteries to landfill had on the environment, but due to the small amount of batteries to be disposed of it was felt that a kerbside collection service would not be financially viable, so the Task Group had recommended joint working with supermarkets to improve the use of the collection of batteries for recycling.

The Task Group had also recommended that training should be provided for Members prior to the service changes so that they could cascade information onto their residents.

The Waste and Recycling Manager explained that the Council was currently a poor performer with regard to recycling, being the second worst in Norfolk and in the third quartile nationally. He informed the Panel that the Council currently recycled 37.7% of its waste, of this dry recyclates formed 24.3% and brown bin garden waste formed 13.4%. Of the waste not currently recycled that could be recycled, the Panel were informed that the largest single item, representing on average 5.82kg per household per week, was food waste. The Waste and Recycling Manager explained that food waste was harmful in terms of the production of methane gas which was a particularly harmful greenhouse gas, 23 times more potent than CO₂.

The Panel were informed that the proposals to change the current service would hopefully result in over 50% of collected waste in the Borough being recycled. In the future with the possible improvements in technologies and the increased type of materials which could be collected with kerbside recycling, it was hoped to increase the

percentage of recycled materials by a further 10 to 15% over the next three to four years.

It was explained that the Council had a projected budget shortfall of around £2,000,000 in 2013/14. The introduction of the alternative weekly collections with a weekly food waste collection would produce a saving of £552,930 per year. The Waste and Recycling Manager explained that the financial implications of the service changes had been considered in further detail by the Resources and Performance Panel.

The Waste and Recycling Manager drew the Panel's attention to the accompanying Equalities Impact Assessment Form, included with the report, which identified that the change in service would most affect people with a disability or the elderly and frail, who may find the larger bin more difficult to move. It was explained that for those households an assisted lift service would be offered which meant that the bin would be collected and returned from where it was kept by the resident. It was also explained that bin differentiation would be difficult for those who were blind or partially sighted and assistance could be provided according to different needs by providing contrasting coloured lids, Braille or other coding of lids. Information in other languages would also be provided on bins to people who did not speak English.

With regards to specific geographical areas which would be most affected by the change, it was explained that waste generated by Houses in Multiple Occupation would be cleared weekly and in areas where there was no capacity to keep bins, a weekly service would be maintained. Clinical waste collections would not be affected by the changes in service.

The Chairman invited questions from the Panel, some of which are summarised below:

Councillor Bubb asked how the collection of waste from public bins would be carried out under the new contract. The Waste and Recycling Manager explained that the Council had committed to ensuring public bins were emptied to ensure that they didn't overflow and were never more than 70% full. The only exception to this rule was in tourist areas in the peak season, for example it would be difficult to ensure that bins on Hunstanton seafront did not become more than 70% full but would not be overflowing in the middle of summer.

Councillor Bubb expressed the importance of relaying clear information to residents about the service changes. The Waste and Recycling Manager explained that Kier would deliver a communication package to each household in the Borough. Information would also be published on the Borough Council website

and in the future it was hoped that a smart phone application could be introduced.

Councillor Allen asked if the food waste collection service would be rolled out across shops, offices, surgeries etc. The Waste and Recycling Manager explained that this would be a commercial decision made by individual premises but it was hoped that the food waste collection service would be cheaper than the trade waste collection service as it was cheaper to compost food waste than to send it to land fill.

Councillor Cousins queried the figures provided in the report regarding the savings the proposals would achieve to assist in meeting the Council's budget shortfall. Councillor Long explained that questions and queries relating to the financial implications of the proposals should have been raised at the Resources and Performance Panel meeting the previous evening. He clarified that the figures quoted would be impacted by the purchase of caddy liners to support the food waste collection service and the £50,000 which would be used for education and publicity.

Councillor Chenery of Horsbrugh asked for further information on the clinical waste collection service. The Waste and Recycling Manager explained that the Borough currently carried out approximately 25 clinical waste collections each week. The service contract was currently shared with East Cambs District Council and a special collection vehicle was deployed from Littleport on a weekly basis to carry out the collections before taking them to Addenbrooks for incineration.

Councillor Chenery of Horsbrugh asked if improvements would be made to the amount of recyclable materials that could be collected kerbside, including hard plastics. Councillor Long explained that the contract was currently being negotiated to allow for different plastics to be accommodated to improve recycling levels. Hard plastics currently not accepted in kerbside collections could be taken to one of the household recycling centres in the Borough.

Councillor Shorting informed the Panel that he had previously needed to use the clinical waste collection service, but because of improvements that had been made to the waste that could be put in the black bin, he now no longer needed to collect clinical waste separately.

Councillor Shorting asked what would happen to the specialist split body vehicle that was purchased by the Council a couple of years ago and it was confirmed that this vehicle would be retained by the Council and would be used by Kier in return for a discount in the contract.

In response to a further question from Councillor Shorting, the Waste and Recycling Manager explained that if food waste was put into the garden waste bin the cost of processing garden waste would increase. This was because food waste was currently composted twice whereas garden waste was only composted once. It would also not be cost effective to roll out a universal brown bin service as the cost to the council would be in excess of £1million. Councillor Long explained that the Recycling Task Group had looked at options such as this as some other Council's did provide a combined service, but they had decided that it would not be financially viable for this Council. Also residents who did not have a need for this service, for instance residents in flats or properties with no gardens, would still have to contribute towards the service through their Council Tax.

The Executive Director, Environmental Health and Housing reminded those present that when the Borough Council initially rolled out its recycling service in 2001 there was confusion amongst residents on what could be recycled. He asked if residents would be unclear on what constituted as food waste. The Waste and Recycling Manager reiterated that education and promotion would be carried out jointly with the Borough Council and Kier and would start six months before the service was rolled out to residents. With regards to what constituted as food waste, the Waste and Recycling Manager explained that this was any food waste that was not in its container. He clarified that egg shells and poultry carcasses were acceptable food waste and that there were no restrictions on different types of food.

Councillor Collop referred to the Resources and Performance Panel meeting held the previous evening where it was mentioned that other Councils had looked at introducing a food waste collection, but didn't because it was too expensive and asked for clarification on how this Council could afford it. Councillor Long explained that certain other Councils had not decided to introduce a food waste collection service as they already carried out an alternative weekly collection, so it was not cost effective to introduce an additional service. He explained that the Recycling Task Group had explored the financial benefits of changing the service alongside ways to improve the recycling rates in the Borough.

Councillor Collop made reference to the financial savings as set out in point 6.4 in the Panel Report. Councillor Long reminded Councillor Collop that he would have been better to ask questions relating to finance and resources at the Resources and Performance Panel the previous evening when the Leader and Portfolio Holder for Resources would have been available to answer his resources related queries. Councillor Long explained that the savings achieved as a result of change in service would vary over each year and the figure quoted in the report was an average saving that could be achieved over the term.

Councillor Mrs Christopher queried what should be done about food waste that was retained in packaging. The Waste and Recycling Manager explained that food waste could be scraped into the food waste caddy and then the packaging, if it was not recyclable could be placed in the black bin. He felt that any residual waste left on packaging in the black bins would not be a sufficient amount to cause vermin or pest problems.

Councillor White informed those present that he was a member of the Recycling Task Group and expressed dismay that the Task Group had only met four times as he did not feel that this was a sufficient amount of time to look at such an important issue. He was also concerned as he did not feel that the Task Group had been given the chance to put their own views forward, he just felt as if the Task Group were taking forward the suggestion of officers. He also felt that an insufficient amount of time had been allowed to properly scrutinise finance issues. Councillor Long informed those present that he had Chaired the Recycling Task Group Meetings and felt that they had received a wide range of information and that the Task Group had been given the opportunity to put forward their views, which were subsequently investigated by the officers and reported back at the following meeting. He informed those present that the Task Group had conducted a worthwhile visit to a landfill facility, composting facility and a visit to the depot to take a look at recycled waste. He explained that at the depot, the Task Group saw first hand the amount of contaminated recycling which had been collected, hence the Task Groups proposal to set aside funds to educate and promote the service to residents. Councillor Long continued to explain that the Task Group had also raised concerns about the amount of batteries being sent to landfill and subsequently officers investigated the issue and reported back to the Task Group on the possible options available to increase the amount of batteries that could be recycled. Councillor Long explained that each of the Task Group's meetings were lengthy, some over two and a half hours, and felt that sufficient time and thought had been put into the recommendations that would be presented to Cabinet. He reminded the Panel that the Task Group did not have the scope to alter the contract with Kier as this had already been finalised, their remit was to discuss the feasibility of additional services to increase recycling rates. Councillor Long explained that the final meeting of the Task Group, which unfortunately Councillor White was unable to attend, put forward the Task Group's consensus in the form of recommendations to be considered by the Cabinet. Councillor Long explained that the Task Group could have looked at the issue over a longer period, but Kier needed a lead in period to prepare the vehicles required to deliver the service requested by the Council. He referred to the previous refuse and recycling contract, and reminded those present of the costly change when the Council decided to switch from green boxes to green bins half way through, and

explained the importance of getting the arrangements correct in the first instance so that this did not happen again. Councillor Long apologised to Councillor White if the work of the Recycling Task Group did not meet his expectations.

Councillor White commented that he felt the Task Group had just 'rubberstamped' the proposals put forward by officers.

Councillor Long informed the Panel that the Council would still need to carry out a procurement exercise relating to who would receive the recycling and waste once it had been collected by Kier and the Panel would be informed and consulted on arrangements as they were taken forward.

The Chief Executive explained that the refuse and recycling contract had been awarded to Kier under the last political administration, before the elections in 2011. The then Administration had decided not to make a decision on the configuration of the service delivery until after the election when the new political make up of the Council was known which was why the timescale for taking this forward had been constrained. He reiterated Councillor Long's comment in that Kier had to have sufficient notification of the service required by the Council so that the necessary arrangements could be put in place regarding the vehicles required etc.

Councillor Langwade asked if the Task Group had been provided with any evidence from other Councils regarding the success of putting in money and effort into educating residents and promoting the service. The Waste and Recycling Manager explained that research showed that the use of service when education and promotion was provided ranged from 50% to 70% dependant on the demographic profile of the area. Reasons for the varied range of take up were linked to areas of deprivation and geographical locations.

In response to a further question from Councillor Langwade, the Waste and Recycling Manager explained that the figures used in the report were those provided by Kier and were the costs as set out in the contract.

Councillor Pitcher referred to the amount of collected recycled waste which was contaminated and highlighted that the amount of contaminated waste outweighed the amount of recycled waste collected from the green bins. The Waste and Recycling Manager informed those present that approximately 14% of recycled waste was contaminated, which equated to approximately 1,000 tonnes per a year. Approximately 6,000 tonnes of garden waste was collected and recycled by the Council per year. The Waste and Recycling Manager hoped that as more options for recycling were made available, more people would be encouraged to recycle and become

more aware of what could be recycled, which would hopefully reduce the amount of non target items placed within recycling.

Councillor Pitcher referred to the recent Waste and Recycling seminar which he had attended. He explained that at the seminar attendees were provided with information on alternatives to incineration and he asked if further information was available on the alternative technologies. The Waste and Recycling Manager explained that a procurement process would have to be carried out on where waste and recycling would be diverted to once collected. The Chief Executive explained that Council had already taken the decision to procure alternative technologies of this type to divert waste from incineration. The procurement specification was currently being worked on and once available would be presented to this panel prior to consideration by the Cabinet. The Chief Executive explained that he had recently seen a copy of a Cabinet report from Northamptonshire Council, who were also looking at alternative technologies for the disposal of waste, which detailed soft market testing that they had carried out which had identified that a number of firms could potentially provide alternative technology.

Councillor Long explained that members of the Recycling Task Group were invited to the seminar mentioned by Councillor Pitcher so that they were well informed on what the Council was investigating. He also explained that the Cabinet had decided to waive the proportionality rule with regards to the Recycling Task Group so that all Political Parties were represented as the life span of the contract would last beyond the current administration period.

Councillor D J Collis informed those present that obviously the Task Group needed to be well informed about the decision to procure alternative technologies, but the Task Group's scope was to clarify the terms of the Kier contract. He informed the Panel that the contract stated that the Council could deposit waste wherever it deemed it most beneficial. The Waste and Recycling Manager confirmed that the contract did not state where waste should be deposited, it could be deposited at any point within the Borough.

Councillor Collop asked if the Panel would have the chance to discuss the final recommendations, before they were presented to the Cabinet as the recommendations as set out by the Recycling Task Group may not necessarily be the ones that would be considered by the Cabinet. The Chief Executive explained that a report had already been submitted to Cabinet for consideration at its meeting on 1st November. The Panel had been invited to make any comments or recommendations to Cabinet which they would take into account when considering the Cabinet report. He explained that the normal practice for the Panels was to consider Cabinet reports prior to their consideration by Cabinet and for the Panels to forward any comments to the Cabinet who would take the comments into

consideration. Councillor Long reminded those present that the Recycling Task Group had been set up by Cabinet, therefore it reported straight back to Cabinet. He clarified that the recommendations as set out in the Cabinet report for the meeting on 1st November 2011 would be the recommendations considered by the Cabinet, and any subsequent comments or additional recommendations made by the Panels would be taken into consideration by Cabinet.

Councillor Collop requested that the information which had been made available to the Task Group, should be made available to the Panel as he would like to see the justification for the large increase in recycling rates as a result of recycling food waste. He asked if the Task Group had carried out a benchmarking exercise to justify the increase. Councillor Long explained that this information had been requested by the Task Group so that they could make informed recommendations to Cabinet, information had also been provided by officers and research had been made available from WRAP (Waste and Resources Action Programme). The Waste and Recycling Manager explained that he would liaise with Democratic Services to publish an article in the Members Bulletin which would contain links to information which had been referred to by the Task Group.

The Chairman explained that the Panel had considered the report and were requested to make comments or recommendations to Cabinet to assist the Council in making an informed decision with regard to the eight year contract for Refuse and Recycling which would commence in April 2013.

Councillor Langwade wished for it to be recorded that he did not feel he had received enough information about the proposals so would abstain from the vote.

Councillor White and Councillor Collop requested that it be recorded that they had voted against the proposals.

On being put to the vote it was

RESOLVED: That Cabinet be informed that the Regeneration, Environment and Community Panel supports the recommendations of the Recycling Task Group as follows:

- 1) The Council work with Kier (the Council's recently approved new contractor) to increase and improve bring sites, particularly for glass collection when the contract starts in April 2013.
- 2) That the Council introduce an Alternate Weekly Collection (AWC) Service for general waste and recycling including the issue of new 240 litre wheelie bins for general waste to households. Households will have the option to retain their existing 140 litre bin

if they wish. (The Task Group noted that those properties with a black sack collection service would continue to have a weekly, or in case of need, twice weekly collection service).

- 3) That a weekly food waste collection service be introduced with an initial provision of 50 caddy liners per property using a solid walled caddy for kitchen use and a larger sealed caddy for general collection.
- 4) In the first two years of the contract from April 2013, the Council makes a provision from the financial savings of £50,000 per year for additional promotion/marketing/education work for the service changes including starter packs for residents and information both on bins and on the inside of bin lids to help increase recycling levels and reduce contamination.
- 5) That the initial contract for food waste treatment be on a timescale and terms not preclude the use of food waste within technologies that may be introduced as an alternative to incineration.
- 6) That in considering the bin capacity, the Waste Management Team be given delegated authority to adopt a flexible approach to the needs of residents for additional bin capacity if required.
- 7) The Council work with supermarkets to promote the availability of battery recycling facilities.
- 8) That training be provided for Members prior to the service changes to enable them to assist residents.
- 9) That the Council confirms to Kier Street Scene Services Limited that it will be required to provide an Alternate Weekly Refuse Collection Service including weekly food waste. This is set out as Option 3a in the Contract Documents.

REC29: CORPORATE ENFORCEMENT POLICY

The Executive Director, Environmental Health and Housing presented the report which outlined the wide range of regulatory activities carried out by the Council relating to enforcement. The report proposed the adoption of a formal Corporate Enforcement Policy to ensure that the Council was taking a sensible approach to regulation and to demonstrate that any enforcement action required was as a last resort and was applied in a fair and consistent manner to reduce the regulatory burden on businesses and individuals.

Questions were invited by the Chairman, some of which are summarised below:

Councillor Langwade asked if the Corporate Enforcement Policy would cover the arrangements for the decriminalisation of car parking, which would come into effect in November. The Executive Director, Environmental Health and Housing explained that the Policy covered every aspect of formal action undertaken by the Council, including the decriminalisation of car parking.

In response to a question from Councillor White regarding staff capacity to carry out the functions, the Executive Director, Environmental Health and Housing explained that obviously staff cuts had an impact on the ability to undertake all enforcement work and staff in Environmental Health and Housing had to strictly prioritise work, but there was still the capability to take all necessary action.

Councillor Foster explained that he had looked through the report and had a number of amendments to make to the Policy regarding updated Home Office Procedures and amendments to the wording of the Policy. The Executive Director, Environmental Health and Housing agreed to liaise with Councillor Foster separate to the meeting to go through the amendments which would not change the context of the Policy.

Councillor Long explained that originally a request had been made to Cabinet to approve an Enforcement Policy relating to Environmental Health and Housing functions, however he had subsequently requested that the Policy be amended to a corporate wide Policy so that there was one overarching uniformed Policy relating to enforcement for the whole Council.

Councillor Chenery of Horsbrugh referred to an illegal rave held in North Creake over the weekend and asked if this was something the Council got involved in. The Executive Director, Environmental Health and Housing explained that this was a matter for the Police, and the Council would only become involved if they were asked to.

Councillor Shorting reminded those present that the Regeneration and Environment Panel had previously received a report on fly tipping and had noted the low amount of prosecutions as a result of fly tipping and were informed that this was because the Legal Services department did not have the available capacity to take prosecutions forward, and he asked if this was still the case. The Executive Director, Environmental Health and Housing explained that the Legal Services Department had recently undergone a Service Review resulting in legal services being commissioned from outside firms, which would hopefully be more effective.

Councillor Collop asked if any problems had been experienced with Houses in Multiple Occupation. The Executive Director, Environmental Health and Housing explained that the Policy covered Houses in Multiple Occupation in the same way as all other

enforcement. He explained that the Council was aware of the types of HMO's that required a licence and which ones required work to get them up to standard.

Councillor D J Collis welcomed the unified Policy which was proposed and asked if a central system would be put in place for Councillors to report problems. The Executive Director, Environmental Health and Housing explained that the procedure for reporting incidents would remain unchanged and if Councillors were unsure of which department to report incidents to they should contact one of the Executive Directors who would put them in touch with the correct department.

In response to a question from Councillor Chenery of Horsbrugh, the Executive Director, Environmental Health and Housing explained that the Corporate Policy would not speed up existing processes, but it ensured compliance.

Councillor White asked what amendments were being proposed by Councillor Foster as he did not want to recommend adoption of the Policy if it was likely to change.

Councillor Foster explained that the amendments were just to the wording and how it related to the Home Office. The Chief Executive explained that if the Policy was amended, a final version would be made available to inspection before it was submitted to full Council for approval.

Councillors Collis, Collop and White voted against the recommendations.

RESOLVED: That Cabinet be informed that the Regeneration, Environment and Community Panel supports the recommendation to Cabinet in principal, subject to any minor amendments that may come forward, as follows:

“That the Corporate Enforcement Policy be adopted by Cabinet and forwarded to Council for approval”.

The proposed amendments to the Policy are attached at Appendix 1

APPENDIX 1

The Corporate Enforcement Policy was presented to the REC Panel on Wednesday 26th October. Following discussions between members and officers the following minor amendments have been recommended to clarify the policy.

1. Insertion of the words “which the Council may take into consideration, as well as other local factors, and includes the following”. This makes it clear that the Council may refer to the CPS guidance when deciding whether to prosecute or not as well as having discretion over the decision for local issues.

Paragraph 7.3.1 now reads:

The CPS guidance gives a number of factors that may lead to a decision not to prosecute **which the Council may take into consideration, as well as other local factors, and includes the following:**

2. Clarification and simplification of the conditions for administering a simple caution in line with the Home Office Circular 016/2008 and insertion of an additional condition.

Paragraph 7.4.2 now reads:

- The offender has made a clear and reliable admission (either verbally or in writing);
- There is a realistic prospect of conviction full Code test;
- It is in the public interest to offer a simple caution; and
- **The offender is 18 years or more at the time that the caution is to be administered**

3. Change of “formal” to “simple” caution.

Paragraph 7.4.3 now reads:

If a person/Company declines the offer of a **simple** caution, the regulator will normally pursue the prosecution action.

4. Deletion of the word “will” and insertion of “may” and deletion of “or subject to, other enforcement action”. This allows for discretion on behalf of the Executive Director as to whether to consider publicising that a person was convicted of an offence and not other enforcement action.

Paragraph 13.3 now reads:

The Executive Director for the service area **may** therefore consider publishing the name and address of each person convicted of an offence together with details of the issues involved.

5. Paragraph 13.3 divided to give an additional paragraph added 13.4:

To reach decision as to whether to publish such information, the Executive Director will consider the following factors:

- The specific details of the offence committed or detrimental activity.
- The public interest in disclosing personal information e.g. the deterrent effect of the publication.
- Whether the publication would be proportionate.
- The personal circumstances of the offender.

This list is not exhaustive and other factors may be relevant in the circumstances of an individual case.

A question was raised in relation to publishing the relevant sanctions for all possible offences in the policy. This would be impracticable given that the policy covers all enforcement action corporately and would result in hundreds of offences being appended to the policy which would need constant updating when legislation changed.