

# KENT COUNTY COUNCIL - RECORD OF DECISION

**DECISION TAKEN BY**

Bryan Sweetland,  
Cabinet Member for Environment, Highways and Waste

**DECISION NO.**

11/01658

*If decision is likely to disclose exempt information please specify the relevant paragraph(s) of Part 1 of Schedule 12A of the Local Government Act 1972*

**Subject:**

**Waste Management Legislation**

**Decision:****It is agreed that:-**

- a) Kent County Council duly authorises appropriate officers, as set out in the appendix, for the purpose of issuing fixed monetary penalties and the administration of the fixed monetary penalty scheme under the provisions of the Regulatory and Sanctions Act 2008;
- b) The Enforcement Policy is amended in respect of offences under Section 33 Environmental Protection Act 1990 to include the addition, set out in the appendix, regarding fixed monetary penalties in accordance with the provisions of the Regulatory and Sanctions Act 2008 and subject to compliance with Ministerial Orders and Government guidelines; being consistent with the Environment Agency's administrative arrangements;
- c) It be noted that the County Council, at its meeting on 21 July 2011, will be asked to affirm its acceptance of delegated executive powers to take enforcement action under the provisions of section 33 Environmental Protection Act 1990 and subsequent associated legislation. The Council will put these executive powers into effect either by reaffirming existing agreements or by entering into agreements with other local authorities pursuant to s101 Local Government Act 1972, s2 Local Government Act 2000 and the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2000;
- d) The power to respond to notifications from waste collection authorities under section 48(4) Environmental Protection Act 1990 is delegated to the Executive Director Enterprise and Environment; and
- e) Kent County Council duly authorises appropriate officers, as set out in the appendix, to the report, for the purpose of applying to the Magistrates Courts for authorisation for directed surveillance under the provisions of the Protection of Freedoms Bill, subject to its enactment and relevant commencement orders.

**Any Interest Declared when the Decision was Taken**

None

**Reason(s) for decision, including alternatives considered and any additional information**

The decisions are necessary to ensure that Kent County Council complies with existing and new waste management related legislation. Therefore alternatives are inappropriate.

**Background Documents:**

- Environmental Protection Act 1990**
- Regulatory and Sanctions Act 2008 and BERR Guidance to the Act.**
- KCC Clean Kent Enforcement Policy**
- Protection of Freedoms Bill**



signed

7. 7. 2011

date

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Decision Referred to Cabinet Scrutiny			
YES		NO	

Cabinet Scrutiny Decision to Refer Back for Reconsideration			
YES		NO	

Reconsideration Record Sheet Issued			
YES		NO	

Reconsideration of Decision Published			