

Portfolio holder decision – Portfolio holder for Environment & Sustainability – 11 February 2026

Enforcement Policy

Purpose	For Decision
Classification	Public
Executive Summary	<p>A review of the environmental enforcement policy was necessitated by amendments to relevant legislation and the need to enhance enforcement activities when considered appropriate. The policy establishes the principles, objectives, and operational framework for enforcement activities.</p> <p>It sets out New Forest District Council’s approach to environmental enforcement and explains how the council applies legislation and statutory powers to deliver an effective, consistent, and transparent enforcement process.</p>
Recommendation(s)	1. Following review of the enforcement policy by EMT and Legal Services, the policy be approved
Reasons for recommendation(s)	<p>The current enforcement policy has not been reviewed for several years and no longer aligns with prevailing legislation or national guidance.</p> <p>Environmental offences such as fly-tipping, littering, and waste mismanagement pose risks to health, safety, and biodiversity. A clear enforcement policy ensures these risks are addressed promptly and effectively.</p> <p>The documented policy demonstrates adherence to principles in the regulators code, ensuring enforcement is proportionate, consistent, and transparent. This builds trust with residents and businesses.</p> <p>Clear enforcement measures deter repeat offences and encourage compliance through education and proportionate sanctions.</p>

	The enforcement policy supports the Corporate Plan 2024/28. Priority 2 - Place, caring for our facilities, neighbourhoods and open spaces in a modern and responsive way. Robustly tackling issues that affect the quality of place such as fly tipping and environmental crime.
Ward(s)	All
Portfolio Holder(s)	Councillor Geoffrey Blunden
Strategic Director(s)	Peter Matthew – Housing & Communities (interim)
Officer Contact	Brian Byrne Service Manager – Community Safety & Support 023 8028 5089 brian.byrne@nfdc.gov.uk

Introduction and background

1. The purpose of this report is to outline the principles, objectives, and operational framework of the environmental enforcement policy. This policy provides a clear and consistent approach to tackling environmental offences within the New Forest local authority area, ensuring compliance with relevant legislation while promoting a clean, safe, and sustainable environment for residents, businesses, and visitors.
2. Environmental crime such as fly-tipping, littering, abandoned vehicles, and breaches of waste management regulations pose significant risks to the environment and public safety. The council is committed to addressing these issues promptly and proportionately, using a combination of education, advice, and enforcement action. This approach aligns with national guidance, the Regulators' Code, and best practice principles, ensuring fairness, transparency, and accountability in all enforcement activities.
3. This report sets out the enforcement policy of New Forest District Council and how the council uses legislation and powers to ensure an effective, consistent and clear approach to environmental enforcement. It covers offences including the following:
 - Littering waste

- Failure to produce authority (certificate of registration) to transport controlled waste
- Failure to produce waste transfer notices
- Abandoned vehicles

The principles of enforcement

4. New Forest District Council is committed to enforcing environmental legislation in a firm but fair manner. This approach is guided by key principles and aligns with the core principles of the Regulators' Code:

- proportionality in applying the law and achieving compliance
- consistency in enforcement practices
- targeted action based on risk and impact
- transparency in how enforcement is carried out
- what regulated parties can expect
- accountability for the council's decisions and actions.

These principles underpin both individual enforcement decisions and the overall management of enforcement activities.

5. The updated enforcement policy reflects best practice and incorporates statutory tools and powers available to the council for addressing environmental crime. It establishes a structured, graduated response framework, ensuring that actions are proportionate to the severity and impact of each incident. This approach is designed to balance effective deterrence with fairness, promoting compliance while maintaining public confidence in enforcement processes.

Corporate plan priorities

6. The enforcement policy supports the Corporate Plan 2024-28. Priority 2 - Place, caring for our facilities, neighbourhoods and open spaces in a modern and responsive way. Robustly tackling issues that affect the quality of place such as fly tipping and environmental crime.

Options appraisal

7. The policy requirements have been considered, and it is deemed appropriate and proportionate for NFDC to publish the policy required by best practice and in accordance with the Regulators' Code. The Policy includes the intention to utilise additional tools such as CCTV and cameras to prevent and take enforcement action where appropriate. These measures will be carried out in accordance with other council policies.

Financial and resource implications

8. The council may incur staffing and training costs to ensure that officers are fully equipped with the necessary knowledge and skills to exercise legal powers effectively. This includes comprehensive training on the Police and Criminal Evidence Act (PACE) and adherence to the Regulators' Code, enabling staff to carry out enforcement duties lawfully, proportionately, and in accordance with best practice standards. This can be met within existing budget allocation.
9. The council is committed to ongoing staff development and targeted investment to strengthen its capacity for monitoring and detecting environmental offences. This includes the provision of advanced tools and technologies, such as surveillance cameras, to improve the identification and prevention of fly-tipping and other forms of environmental crime. This can be supported through the existing CCTV services.
10. The recent upgrade and replacement of handheld devices for car parking enforcement officers has enhanced functionality for incident logging and issuing of parking charge notices. Building on this improved capacity, it is proposed that environmental enforcement services transition to the same platform and devices. This integration will deliver greater efficiency, streamlined data recording, and more robust evidence gathering to support enforcement activities.

Legal implications

11. Regulators' Code (2014) and Legislative and Regulatory Reform Act 2006 require enforcement policies to follow principles of proportionality, consistency, targeting, transparency, and accountability. Failure to align with these can lead to judicial review or complaints.
12. The policy provides a structured escalation framework for enforcement activities, thereby reducing the risk of non-compliance penalties and ensuring proportionate, consistent action.
13. It is anticipated that implementation of this policy, alongside targeted actions to address commercial fly-tipping and non-compliant waste management, will lead to an increase in enforcement cases requiring court proceedings. This will have direct implications for resourcing within the council's legal services. In preparation, cross-council collaboration has commenced with neighbouring authorities to strengthen case management and enhance enforcement activities within the judicial system.

Risk assessment

14. The implementation of this policy establishes a clear and structured framework for the operational delivery of enforcement services, thereby reducing legal exposure and mitigating financial risks to the council.
15. The activities as identified within this policy are subject to task-based risk assessments, management oversight and periodic reviews to ensure the safety of staff and members of the public.

Stakeholder and public consultation

16. The policy has been reviewed by Legal Services and where required, amendments have been made to the policy to ensure it meets regulatory and legislative standards.
17. Following the transition of Enforcement Services to Community Safety & Support, increased collaboration has commenced with Forestry England, National Park Authority, Hampshire Constabulary, key land stakeholders and Town & Parish Councils.
18. The policy underpins the framework for the development of a partnership wide operational protocol for the prevention and enforcement of environmental crime.

Environmental / Climate and nature implications

19. Legislation and statutory powers equip New Forest District Council to address matters that adversely affect the quality of life within our communities such as fly-tipping, graffiti, and other environmental degradation, thereby ensuring that the district remains a safe, attractive and desirable place to reside and visit.
20. The absence of an environmental enforcement policy and a dedicated team to implement procedures would result in substantial adverse impacts on both the environment and the wider community. Key consequences include:
 - Escalating environmental degradation, with increased incidents of fly-tipping, littering and abandoned vehicles.
 - Erosion of accountability, as individuals and businesses may disregard regulations, leading to unchecked practices such as improper waste disposal and harmful emissions.
 - Heightened public health risks, as the accumulation of waste and pollutants attracts vermin, spreads disease, and contaminates soil and water sources.
 - Diminished community well-being, as neglected environments reduce quality of life and deter tourism.

- Severe long-term ecological damage, including destruction of wildlife habitats, loss of biodiversity, and destabilisation of ecosystems.

Equalities implications

21. The revised policy strengthens New Forest District Council's approach to addressing environmental degradation. The council recognises the benefits of proactive engagement, education, and clear guidance being an effective means of achieving positive environmental outcomes. To this end, it will provide accessible information and practical advice to those it regulates, encouraging responsible behaviour. The council remains committed to enforcing environmental legislation in a manner that is firm, proportionate, and fair.
22. This policy is designed to strengthen both the response to and prevention of environmental crime, aiming to deliver positive outcomes for local communities, the business sector, key stakeholders, and vulnerable individuals across the district.

Crime and disorder implications

23. Through the implementation of the enforcement policy and collaboration with both communities and partner agencies, it is anticipated there will be potential indirect and direct positive impacts on crime and disorder affecting communities and the environment of the New Forest.

Data protection/ Information governance/ ICT implications

24. The collection, retention and deletion of data is governed by GDPR and associated guidance. All data will be collected and maintained in line with the required legislation.

Portfolio holder endorsement

25. I have agreed to the recommendations of this report.

Signed: Cllr Geoffrey Blunden

Dated: 11 February 2026

Appendices:

Appendix 1 – Environmental Enforcement Policy

Background Papers:

None

Date on which notice given of this Decision – 11 February 2026

Last date for call in – 18 February 2026