

Overview

This standard deals with the need to enforce compliance with regulations and/or legislation (including bylaws) to protect the environment. Enforcement should be necessary only where other means of resolving problems and disputes have failed e.g. negotiation, warnings, etc. It covers the activities associated with identifying and confirming the need for enforcement, and initiating the enforcement procedures themselves.

This standard is likely to be of relevance to Public Rights of Way Officers (particularly in England and Wales), Ecologists, Rangers in rural, coastal and urban situations, Lifeguards and others who need to enforce legislation connected with their area of work.

Performance criteria

You must be able to:

- P1 identify and investigate cases of alleged non-compliance with regulations or legislation in an appropriate manner
- P2 time your investigations correctly in accordance with the degree of danger or inconvenience to users of the environment
- P3 collect and record evidence of non-compliance from the appropriate sources, record it accurately, legibly and comprehensively, and store it securely
- P4 accurately identify those responsible for the breach of regulations or legislation
- P5 evaluate the feasibility of solutions other than enforcement, and implement alternative action where possible
- P6 seek advice on the enforcement process and its implications from the relevant specialist advisors, where necessary
- P7 establish the need for enforcement where other action has failed or is inappropriate
- P8 assess risks associated with the site and the proposed activity
- P9 promptly identify circumstances constituting a hazard or risk to users of the environment, bring them to the attention of the relevant people, and arrange to safeguard users as appropriate
- P10 gather evidence from witnesses courteously and without prejudice in accordance with legal requirements, produce accurate records, and agree them with witnesses
- P11 prepare for legal action thoroughly and in consultation with the relevant legal advisors
- P12 initiate legal actions at the appropriate time and support them with complete and accurate evidence
- P13 monitor compliance with legal action at the appropriate time, and review the need for further action
- P14 identify and arrange default action to resolve problems where appropriate
- P15 adhere to all relevant legal requirements, codes of practice, strategy and policy throughout
- P16 arrange appropriate support where action might involve contact with aggressive or abusive people
- P17 suspend activities where the safety of yourself or others is threatened, and review further action
- P18 review the need for enforcement where the appropriate remedial action has been taken by any party

Knowledge and understanding

You need to know and understand:

- K1 the weight to be attributed to the different forms of information or evidence about alleged non-compliance
- K2 the correct interpretation of relevant aspects of regulations and legislation in different circumstances
- K3 methods of recording cases of non-compliance, and the reasons why records should be accurate, legible and comprehensive
- K4 alternatives to enforcement and how to assess their effectiveness
- K5 circumstances which would merit seeking the advice of specialist advisors
- K6 circumstances which would merit reinforcement where other action has failed or is inappropriate
- K7 reasoning for judgement that other action has failed or is inappropriate
- K8 how to identify hazards and assess risks
- K9 your responsibilities under current environmental and health and safety legislation and codes of practice
- K10 appropriate types and quantities of evidence for different circumstances
- K11 the legal enforcement processes for different circumstances
- K12 how to monitor compliance and the importance of correct and timely monitoring
- K13 permissible default action for different circumstances, and reasons for choice, where appropriate
- K14 relevant legal requirements, codes of practice, strategy and policy for different circumstances and the implications of not adhering to them
- K15 appropriate support in circumstances involving aggression or abuse
- K16 circumstances in which it would be sensible to withdraw

Glossary

The following types of non-compliance - obstructions and encroachments, interferences and nuisances, inadequate access, illegal activities on sites, wildlife persecution

The following types of investigations - review of information received, site visit and observation, other investigations

Format - written, graphic, photographic, recorded, documented

Default action - carrying out remedial work, arranging for the charging of costs to those responsible, legal enforcement

Developed by Lantra

Version number 1

Date Approved March 2012

Indicative review date March 2017

Validity Current

Status Original

Originating organisation Lantra

Original URN LANEC29

Relevant occupations Environmental Management Officer; Ranger; Access Officer; Conservation Officer; Ecologist

Suite Environmental Conservation

Keywords law; conservation; site; wildlife; access
