

Overview

This standard covers protecting the environment through legal enforcement. It deals with the need to enforce compliance with relevant regulations and/or legislation (including by-laws) to protect the environment.

Enforcement should be necessary only where other means of resolving problems and disputes e.g. negotiation, warnings, etc, have failed. 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, Rangers in rural, coastal and urban situations and others who need to enforce legislation connected with their area of work.

Performance criteria

You must be able to:

1. identify and investigate cases of alleged non-compliance with regulations or legislation to protect the environment
2. time your investigations in accordance with the degree of danger or inconvenience to users of the environment
3. collect and record evidence of alleged non-compliance from the relevant sources and corroborate where possible
4. identify those responsible for the breach of regulations or legislation
5. evaluate the feasibility of solutions other than legal enforcement to protect the environment, and implement alternative action where possible
6. seek advice on the legal enforcement process and its implications from relevant specialist advisors, where necessary
7. establish the need for legal enforcement to protect the environment where other action has failed or is inappropriate
8. gather evidence from witnesses, in accordance with legal requirements, produce records, and agree them with witnesses
9. prepare for legal action in consultation with the relevant legal advisors
10. initiate legal actions at the relevant time and support them with evidence
11. monitor compliance with legal action and review the need for further action
12. identify and arrange default action to resolve problems where relevant
13. adhere to all relevant legal requirements, codes of practice, strategy and the policies of your organisation throughout
14. arrange relevant support where action might involve contact with aggressive or abusive people
15. suspend activities where the safety of yourself or others is threatened, and review further action
16. review the need for legal enforcement where the required remedial action has been taken
17. maintain the confidentiality of records as required by the relevant legislation and your organisation

Knowledge and understanding

You need to know and understand:

1. the weight to be attributed to the different forms of information or evidence about alleged non-compliance with regulations or legislation to protect the environment
2. how to interpret the relevant aspects of regulations and legislation in different circumstances
3. the relevant types and quantities of evidence for different circumstances and the importance of corroborating and establishing facts
4. the methods of recording cases of non-compliance with regulations or legislation to protect the environment, and the reasons why records should be accurate and comprehensive
5. the alternatives to legal enforcement to protect the environment and how to assess their feasibility
6. when to seek the advice of specialist advisors
7. the circumstances where legal enforcement to protect the environment should be applied
8. the legal enforcement processes for different circumstances
9. how to gather evidence from witnesses and prepare for legal action
10. the relevant legal requirements, codes of practice, strategy and the policies of your organisation and the implications of not adhering to these
11. how to monitor compliance with legal action and when further action may be required
12. the permissible default action for different circumstances, and the reasons for making such choices, where relevant
13. where to seek support in circumstances involving aggression or abuse
14. the circumstances in which activities should be suspended
15. the legal requirements and those of your organisation for the completion of records, and the implications of current data protection legislation

Glossary