



## Natural Resources Wales Board Meeting 18 March 2013

<b>Paper Title</b>	<b>Natural Resources Wales Enforcement and Prosecution Policy and Guidance, and Civil Sanctions.</b>
<b>Paper Reference:</b>	<b>Paper 7 (03/13)</b>
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<b>Purpose of Paper:</b>	<b>To present a revised policy following public consultation.</b>
<b>Recommendation:</b>	<b>To approve the policy</b>
<b>Decision Required:</b>	<b>Yes</b>

<b>Impact:</b> To note – all headings might not be applicable to the topic	<p><b>Impact on the Environment:</b> For less serious environmental offences civil sanctions can secure work to remediate the damage.</p> <p><b>Impact on the Economy:</b> Costly and time consuming court cases can be avoided.</p> <p><b>Impact on Community:</b> The public should see benefits as money is spent on restoration of the environment instead of punishment.</p> <p><b>Impact on Knowledge:</b> N/A</p>
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## **Issue**

1. Natural Resources Wales is legally required as a regulator to publish an enforcement policy to demonstrate that it is acting in a proportionate, transparent, consistent, accountable and targeted manner when undertaking enforcement work.

## **Summary**

2. Our draft Enforcement and Prosecution Policy and guidance has undergone public consultation. This has now closed and a summary response is being prepared to reply to the respondents.
3. The policy and revised guidance are provided in Annex 1 of this paper.

## **Background**

4. The background to this policy was provided in the December paper to the Board.
5. In total there were twenty respondents, including conservation trusts and charities, public sector organisations and regulated industry.

## **Issues**

6. Most of the responses were positive and supportive of our approach, with many taking the opportunity to air historic concerns of having a weak enforcement record based on previous experience. Comments from the regulated encouraged the continued use of advice and guidance as an enforcement response.
7. Two technical errors were identified in the covering consultation document in relation to i) Civil Sanctions are not available for the CRC energy efficiency scheme, ii) Transfrontier Shipment regulations –will not apply in Wales for day1. We will refer to these in our summary of responses, however as these were not part of the actual policy documents no amendments are required. We have amended Annex 1 of the Guidance to state that there is no limit on variable monetary penalties in Wales.

## **Next Steps**

8. A summary of the responses will be produced and made available via the Welsh Government website prior to 1<sup>st</sup> April.

## **Risks**

N/A

## **Financial Implications**

N/A

## **Communications**

9. Subject to Board approval we will make the policy and associated guidance available on the Natural Resources Wales website. Staff will be made aware of the new policy via the Day one Essential Guides.