

**Agreed Action Plan**

| Report Ref. | Recommendation  | Management Response -  | Implementation Date |
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| 5.2         | DOE should develop and publish a clear statement of intent on enforcement in relation to any breaches and or offences of environmental, planning and road traffic law. This should be incorporated into the DOE and Executive Agency's Corporate and Business Plans.  | The Department accepts this recommendation. Planning Service has prepared a draft Enforcement Strategy which will be implemented this year while EHS has revised its enforcement policy to cover all its technical Directorates. DVA regard compliance as a key strategic business objective and have two key performance measures incorporated within its Business Plan. Future departmental corporate and business plans and all agency plans will incorporate appropriate enforcement statements.   | 31 December 2008    |
| 5.4         | A single enforcement unit should be established within the EHS. This unit should draw together all of the enforcement elements of the EHS as well as those in PS where EHS has licensing authority. In the event of a new Environmental Protection Agency for Northern Ireland, a separate Enforcement Office should be established within this organisation. An integrated enforcement unit should be established within | The Department accepts this recommendation. The DOE Minister announced on 27 May that within the new Environment Agency to be launched on 1 July 2008 a new environmental crime unit would be established. To help enhance enforcement activity and work on the area of Better Regulation some 40 additional staff will be recruited. Following a decision by the Executive to transfer specific planning functions to Local Government the Minister will shortly announce his proposals on planning reform including details of the proposed enforcement role to be undertaken by District Councils. In DVA a single enforcement unit has | Ongoing             |

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|     | the DVA.   | been established that incorporates Compliance, Enforcement and Operator Licensing.  |                  |
| 5.5 | <b>The enforcement of the planning system should remain a central function. Any review of enforcement should be guided by the capacity and resources of central government, district councils or other body (e.g. EPA) to deliver a robust enforcement service.</b>  | As indicated at 5.4 the Executive has decided to transfer specific planning functions to the new District Councils to be established under RPA. The detail of this will be announced in due course by the Minister. | 31 May 2011      |
| 5.6 | <b>A performance management framework should be developed to ensure that enforcement operations meet strategic objectives. The framework should include policies; procedures; risk analysis; and SMART performance targets. Clear procedures must be in place to ensure the independence of the regulatory function so that enforcement staff are not subject to political and other external pressures.</b> | The Department accepts this recommendation. Work is ongoing to develop a performance management framework based on SMART principles.  | 31 December 2008 |
| 5.8 | <b>A single incident and enforcement database should be developed which is shared by all enforcement staff and the DOE family, together with relevant access rights that enable data sharing with other enforcement agencies.</b>  | The Department accepts this recommendation in principle. Work is ongoing to discuss the practicalities and benefits of setting up a shared database across Planning Service EHS and DVA.                            | 31 March 2009    |

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| 5.9  | The DOE, through the proposed new enforcement unit/office, should review the existing administrative systems and processes for compliance and enforcement and develop a set of procedures and processes to produce a more streamlined and efficient service.  | EHS<br>The Department accepts this recommendation. The administrative systems and processes for compliance and enforcement will be reviewed . This will in the case of EHS be undertaken through its new Better Regulation Programme (see action point 5.4). DVA will also review its enforcement section to determine the way forward on this issue.   | 31 March 2008          |
| 5.10 | Enforcement staff should receive training, work experience, job shadowing and skill enhancement to deliver the required standards. It will also require new staff to be selected and recruited to fill gaps in areas such as criminal investigations and the broader strategic management of enforcement. | The Department accepts this recommendation. Training of enforcement staff is an ongoing process to ensure they are equipped with the appropriate skills to fulfil their duties. Recruitment procedures will be kept under review to ensure staff are recruited who have demonstrated they have the competencies required. Recruitment is underway in EHS to appoint additional enforcement staff. | Ongoing<br><br>Ongoing |
| 5.11 | A structured framework of SLAs, MoUs, protocols and bi-   | The Department accepts this recommendation. A number of MoU's are in place with a range of  | Ongoing                |

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|      | <b>lateral agreements should be put in place for the strengthening of partnerships within the DOE family, other LEAs and with similar cross jurisdictional organisations in GB and the ROI.</b>                   | relevant organisations including PSNI, Financial Investigation Unit and draft agreements which will be formally agreed exist with HMRC and Serious Organised Crime Agency. Consideration is underway into the need for additional MoU's . |                  |
| 5.12 | <b>A review of the present arrangements for the provision of legal advice and prosecutorial services should be carried out to determine how best to support successful prosecutions.</b>                          | The Department accepts this recommendation. A review of the present arrangements is underway. DVA is already in the process of developing an SLA with the PPS.  | 31 December 2008 |
| 5.13 | <b>Environment crime / non compliance should be pulled together into a specialist legal jurisdiction with an option to establish an environment court to handle all environment business in Northern Ireland.</b> | The Department notes this recommendation. Responsibility for legal jurisdiction comes under the control Lord Chief Justice as it is a reserved matter and is therefore outside the control of the Department.                             |                  |
| 5.14 | <b>Detailed policies and procedures should be developed by the EHS to implement new powers in relation to recovery of investigation costs and better implementation of the polluter pays principle.</b>           | The Department accepts this recommendation. Polices are already in place to ensure recovery of investigation costs based on the polluter pays principle.  | Achieved         |

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|      |   |   | March 2008 |
| 5.15 | <b>Each of the agencies should establish mechanisms to draw upon and learn from best practice on enforcement.</b> | The Department accepts this recommendation. Internal DOE and external discussions have already been held and are ongoing to share and learn from best practice. | Ongoing –  |