

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

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| Date of Meeting | Tuesday 12 June 2018 |
| Report Subject | Environmental Enforcement in Flintshire |
| Cabinet Member | Cabinet Member for Streetscene & Countryside |
| Report Author | Chief Officer – Streetscene & Transportation |
| Type of Report | Strategic |

EXECUTIVE SUMMARY

This report is intended to provide the Environment Overview and Scrutiny with an update on environmental enforcement activities within the Streetscene and Transportation portfolio, including the current performance of the contract with Kingdom Ltd.

This report outlines the approach to all environmental enforcement issues including littering, fly-tipping, side waste enforcement, and the impact this work is having on street cleanliness and other performance indicators.

This report is provided at the request of the Committee and builds on the original enforcement policy, considered by this Committee in September 2013 and the 'Revised Environmental Enforcement and Car Parking Arrangements' report present to the Committee in September 2017.

RECOMMENDATIONS

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| 1 | That Scrutiny notes the information contained within this report. |
| 2. | That Scrutiny recommends their preferred operating model for low level environmental enforcement within the County to Cabinet. |

REPORT DETAILS

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| 1.00 | BACKGROUND OF ENVIRONMENTAL ENFORCEMENT |
| 1.01 | In 2013 Flintshire County Council adopted its Environmental Enforcement Policy – 'Managing the Local Environment' which stated the Councils approach to all aspects of environment enforcement. (Appendix 1) |

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| 1.02 | <p>Littering Offences</p> <p>Littering is a problem that faces every town and community in the Country and the cost of street and open space litter collections in Flintshire prior to January 2016 was in excess of £300k per year. In addition to the cost and the visual impact littering has on the environment, there is growing evidence to suggest that it has a much far reaching impact on the local economy and increases anti-social behaviour.</p> |
| 1.03 | <p>Littering can take many forms from discarded crisp packets, plastic bottles or chewing gum, but the majority of instances, particularly in the town centres, involve discarded cigarette ends.</p> |
| 1.04 | <p>From January 2016, a zero tolerance policy was adopted by Flintshire County Council for all littering offences, with the perpetrators being held to account for their actions. The outcome was intended to improve the cleanliness of all the communities in Flintshire for everyone who live and work in the County.</p> |
| 1.05 | <p>Flintshire County Council currently enforces littering offences by issuing Fixed Penalty Notices (FPN's) to those people who have been witnessed committing an offence. The cost of discharging an FPN is £75 and those choosing not to pay the fine could face further prosecution via a Magistrates Court referral.</p> |
| 1.06 | <p>To assist in the roll-out of the zero tolerance policy, the Authority undertook a publicity campaign to explain the impacts and the benefits of the policy. Visits were undertaken to Town and Community Councils to explain the implications of the new arrangements. Businesses, such as public houses, betting shops, cafes, take-away facilities and any other sites where people congregate and where littering was evident were visited and information provided on the Council's intentions. Additional street furniture was installed in every town centre e.g. additional bins and wall-mounted ashtrays, to assist with the proper disposal of litter.</p> |
| 1.07 | <p>Cigarette 'stub out' plates were placed on all bins and known 'problem' premises were provided with 'stub out' plates, which were fixed directly onto the building. Patrols by environmental enforcement officers were increased in known problem areas to provide a physical presence and engage with public, with 'stub-it' disposal pockets being handed out when engaging with the public. Signs and stickers were also placed in known hot spots, informing the public that there should be no littering and that FPN's would be issued to those caught dropping litter in the County.</p> |
| 1.08 | <p>The Council also provided educational information and visited schools and community groups to promote a positive approach and to provide a 'prevention is better than cure' message.</p> |
| 1.09 | <p>Kingdom were introduced to support the enforcement of environmental crime on 4th July 2016 to support the in-house enforcement team. The Council maintained a small team of enforcement officers to undertake other duties such as fly tipping investigations and to undertake the enforcement of side waste which commenced in 2018.</p> |

| 1.10 | The contract with Kingdom provides enforcement officers to patrol and issue Fixed Penalty Notices (FPN's) to members of the public who are witnessed committing offences under Environmental Crime Act. These fines are processed as income to the Authority, and each month the value of the FPN's issued is circa £20k. The total amount is paid to Flintshire County Council by those committing the offences, Kingdom then invoice us for the 85% of the total amount and the Council retain 15%. | | | | | | | | | | | | | | | | | | | | |
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| 1.11 | A full history of the number of FPN's issued since the arrangement commenced and the individual characteristic build-up of the FPN's issued by Kingdom since 2016 will be presented to the Committee on the day. | | | | | | | | | | | | | | | | | | | | |
| 1.12 | Staff from Kingdom and the Council's own enforcement officers meet regularly with Streetscene staff to discuss matters arising from Environmental Visual Audits (EVAs), Town & Community Council meetings, Inspections and area based KPIs. These meetings are also carried out on-site with Area Coordinators and the cleansing teams to gain the most effective local knowledge and intelligence available on littering and dog fouling 'hot spots'. | | | | | | | | | | | | | | | | | | | | |
| 1.13 | Experience from the town centres has shown that a more robust approach to enforcement has benefited the town centres in terms of cleanliness. For example, where twice weekly town centre bin collections were previously sufficient in Buckley Town centre, daily collections are now required as the public utilises the bins more frequently as opposed to littering the streets. Anecdotal evidence regarding the cleanliness of the street in our major towns also supports the impact of a zero tolerance and the continued presence of enforcement officers in our towns. | | | | | | | | | | | | | | | | | | | | |
| 1.14 | <p>Keep Wales Tidy carries out yearly random inspections in all of the Councils in Wales. Since the introduction of zero tolerance there has been an improvement in streets graded at 'B' and above in Flintshire and whilst the overall cleanliness indicator improved in 2015/16 and 2016/17, it slipped back again in 2017/18 indicating that there is still much work to do to educate residents and visitors against wilfully littering our streets.</p> <p>LEAMS Welsh Street Cleanliness Rankings:</p> <table><tr><th></th><th>Cleanliness Indicator Score</th><th>Percentage of Streets Graded B and Above</th><th>Position in Wales</th></tr><tr><td>14/15</td><td>64.7</td><td>93.1</td><td>21st</td></tr><tr><td>15/16</td><td>69.8</td><td>95.9</td><td>7th</td></tr><tr><td>16/17</td><td>72.4</td><td>97.2</td><td>5th</td></tr><tr><td>17/18</td><td>67.9</td><td>97.2</td><td>11th</td></tr></table> | | Cleanliness Indicator Score | Percentage of Streets Graded B and Above | Position in Wales | 14/15 | 64.7 | 93.1 | 21st | 15/16 | 69.8 | 95.9 | 7th | 16/17 | 72.4 | 97.2 | 5th | 17/18 | 67.9 | 97.2 | 11th |
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| 1.15 | An appeals process was introduced following the September Scrutiny recommendation. The appeals are considered by an independent legal officer of the Council. | | | | | | | | | | | | | | | | | | | | |
| 1.16 | <p>The arrangement with Kingdom is coming to an end and needs formalising and there are a number of options now available to us:</p> <p>1. Advertise and award a single contract for all low level environment</p> | | | | | | | | | | | | | | | | | | | | |

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| | <p>enforcement - including car parking.</p> <ol style="list-style-type: none"> 2. Remove the current arrangement and provide all enforcement activities through the in-house service at the current staffing levels. 3. Extend the in-house provision through recruitment or regional working to provide the same level of coverage as provided by the existing contractor. |
| 1.17 | <p>Option 1 - Advertise and award a single contract for all environment enforcement (including car parking enforcement).</p> <p>This was the option recommended by Environment Overview and Scrutiny Committee in September 2017. (Appendix 2). The proposal included an independent appeals process to be undertaken by a Senior Officer within the Council.</p> <p>Main benefits – Maintains the deterrent against littering and dog fouling without creating a financial pressure.</p> <p>Disadvantages – Public perception of the enforcement service provision sitting outside of Council service.</p> |
| 1.18 | <p>Option 2 - Remove the current arrangement and provide all enforcement activities through the in-house service at the current staffing levels.</p> <p>Main Benefits – All enforcement activity undertaken by Council staff.</p> <p>Disadvantages – The lack of resources to cover all service areas.</p> |
| 1.19 | <p>Option 3 - Extend the in-house provision, through recruitment or regional working to provide the same level of enforcement coverage as provided by the existing contractor.</p> <p>Main Benefits – All enforcement activity undertaken by Council staff. There are opportunities to explore a regional service or consider an employee owned Teckal option.</p> <p>Disadvantages – There would be 2 options available to the new service</p> <p>Maintain a zero tolerance approach – In these circumstances the same number of tickets would be need to be issued each year to cover the costs of the service</p> <p>or</p> <p>Create a significant budget pressure if a more lenient and educational approach were to be taken to enforcement. (The cost of 5 officers plus back office support team would be approx. £200k per annum although this would be offset by combining managerial posts and the income from the FPN's issued by the in-house team. The overall pressure would be in the region of £100k)</p> |
| 1.20 | Dog Fouling |

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| | <p>Both the Council's own enforcement team and Kingdoms officers engage in routine patrols to enforce against dog owners who fail to comply with the new Public Space Protection Orders (PSPO's), which were agreed by Cabinet in 2017. Intelligence from the community and Local Members is gathered to target these patrols. Whilst it is obviously more difficult to witness these events (because they often take place in the early morning and evenings and in semi-rural locations) the number of FPN's issued for dog fouling has risen significantly since Kingdom provided the increased number of enforcement officers to support the work. Staff from both Kingdom and the Council will work during overtime periods if intelligence is provided to the Council on individuals who continually allow their dog to foul public land without clearing up afterwards.</p> |
| 1.21 | <p>Side Waste</p> <p>Enforcement officers initially travelled with the refuse crews to identify the location of hot-spots of side waste within the Authority and this resulted in a sticker being attached on bins and a letter being posted to notify the resident of the intention to enforce against side waste if their actions continued. Officers then followed this up with review visits the fortnight later (in line with the refuse collections) and if further side waste was present, a Section 46 notice was served to the property. If side waste was evident after this second notice then an FPN would be served.</p> <p>As of 22nd May 2018, over 1,200 initial letters have been issued to residents to advise them that additional waste has been presented outside of the waste bin but only 22 'Section 46' notices have been necessary, with no FPN's served following receipt of a Section 46 notice.</p> <p>FPN's will only be issued where sufficient evidence exists. Both the Section 46 Notice and the FPN can be appealed and details of the appeal process are included within the notices.</p> |
| 1.22 | <p>Fly-tipping</p> <p>Reported fly-tips are investigated and removed within 24 hours by staff from the Streetscene service although larger accumulations may take longer, dependant on the need for specialist contractors. Upon attending the site the enforcement team will search the deposited waste and attempt to identify evidence to indicate where this waste has come from. If evidence is found then a Fixed Penalty Notices (FPN) could be issued to the offender. If the offender has paid for removal by an unlicensed firm that has subsequently led to the waste being deposited then further investigation would be undertaken to look to identify the person who removed the waste but subsequently the person who has paid to have waste removed could still be liable under the householder's duty of care.</p> |
| 1.23 | <p>Fly-tipping on Private Land</p> <p>As a matter of course, Flintshire County Council does not enforce fly-tipping on private land. Flintshire County Council's policy is to enforce on private land only on receipt of direct authority to do so from the landowner.</p> |
| 1.24 | <p>Fly-tipping Statistics –</p> |

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| | <p style="text-align: center;">No. of Recorded Incidents</p> <table> <tr> <td>14/15</td><td>938</td></tr> <tr> <td>15/16</td><td>898</td></tr> <tr> <td>16/17</td><td>800</td></tr> <tr> <td>17/18</td><td>743</td></tr> </table> | 14/15 | 938 | 15/16 | 898 | 16/17 | 800 | 17/18 | 743 |
| 14/15 | 938 | | | | | | | | |
| 15/16 | 898 | | | | | | | | |
| 16/17 | 800 | | | | | | | | |
| 17/18 | 743 | | | | | | | | |
| 1.25 | FCC will not carry out covert surveillance in respect of littering however FCC does have access to equipment to allow for covert monitoring of fly-tipping and should something be tipped within an area covered by CCTV then this footage could be used as evidence towards a prosecution. | | | | | | | | |
| 1.26 | <p>Abandoned Cars</p> <p>Once The Enforcement Officers are made aware of the abandoned vehicle a Notice is placed on vehicle requesting that it be moved within 7 days. Following this period, if the owner cannot be identified, the removal of vehicle is arranged and the costs are recovered through scrap value of the vehicle.</p> | | | | | | | | |

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| 2.00 | RESOURCE IMPLICATIONS |
| 2.01 | FCC Enforcement Team comprises of 7 Enforcement Officers. |
| 2.02 | Kingdom provide 5 Enforcement Officer to the service. |

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| 3.00 | CONSULTATIONS REQUIRED / CARRIED OUT |
| 3.01 | Not Applicable. |

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| 4.00 | RISK MANAGEMENT |
| 4.01 | Not Applicable. |

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| 5.00 | APPENDICES |
| 5.01 | Appendix 1 - Summary Table from 2013 'Managing the Local Environment' report - Environmental Enforcement Protocols. |
| 5.02 | Appendix 2 – Environment Overview and Scrutiny report September 2017 - Revised Environmental Enforcement and Car Parking Arrangements. |

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| 6.00 | LIST OF ACCESSIBLE BACKGROUND DOCUMENTS |
| 6.01 | <p>Contact Officer: Stephen O Jones – Chief Officer – Streetscene & Transportation</p> <p>Telephone: 01352 704700</p> <p>E-mail: Stephen.o.jones@flintshire.gov.uk</p> |

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| 7.00 | GLOSSARY OF TERMS |
| 7.01 | Financial Year (FY): the period of 12 months commencing on 1 April FPN: Fixed Penalty Notice issued to offenders in relation to Environmental Crime |