

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday 12 th November 2019
Report Subject	Review of the Council's Environmental Enforcement Policy
Cabinet Member	Deputy Leader and Cabinet Member for Streetscene and Countryside; and Cabinet Member for Planning, Environment and Economy
Report Author	Chief Officer (Streetscene and Transportation) Chief Officer (Planning, Environment and Economy).
Type of Report	Operational

EXECUTIVE SUMMARY

In December 2013 Cabinet approved a single policy for all of its Environmental Enforcement activities. Entitled "Managing the Local Environment", the Policy included an explanation of all the Environmental Enforcement arrangements operated by the Council, across all service areas and the powers under which the Enforcement activities are carried out.

Environment Overview and Scrutiny Committee requested a report on Environmental Enforcement and in order that Committee can consider the matter fully, the Policy has been reviewed to reflect the various changes, both to legislation and Portfolio operating arrangements in the period since 2013.

RECOMMENDATIONS

1	That Scrutiny recommends Cabinet approve the proposed revisions to the Council's Environmental Enforcement Policy (Appendix 1).
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REPORT DETAILS

1.00	BACKGROUND TO THE POLICY
1.01	<p>The local environment influences our quality of life and also impacts on our experience whether living, visiting or working within the County. Whilst Flintshire County Council has a responsibility for maintaining a clean environment for all, our communities also has an integral role and the policy recognises the need for partnership working in order to achieve a safer, cleaner and greener County.</p>
1.02	<p>Enforcement plays a vital role in maintaining a clean and safe environment by initially providing information and advice to individuals regarding their rights and citizenship duties and where individuals and/or businesses fail to recognise and change their negative behaviour, enforcement ensures that they are made accountable for their actions, through various legislative processes.</p>
1.03	<p>The Clean Neighbourhoods and Environment Act 2005 enhanced existing powers under the 1990 Environment Protection Act and saw the introduction of new powers for local authorities to help tackle environmental crime. The Antisocial Behaviour, Crime and Policing Act 2014 further enhanced the powers available to deal with anti-social behaviour and introduced the Public Space Protection Orders (PSPO's) across a wide range of environmental areas. All of the Acts provide effective powers and tools to tackle environmental issues and deal quickly with antisocial behaviour which include littering, graffiti, poor waste management and dog control orders.</p> <p>The Council's enforcement policy sets out how we will use these powers, in our current enforcement work, to ensure an effective, clear and consistent approach is taken to all environmental crime across Flintshire.</p>
1.04	<p>The Environmental Enforcement Policy explains our approach towards all of the key environmental issues which our residents and staff face on a daily basis and the policy is intended to be a reference point for residents, members and officers. The table referenced at the end of the document shows clearly who is responsible for individual areas of enforcement within the Council.</p>
1.05	<p>The primary aim and objective of the policy is to improve Flintshire's local environmental quality, by reducing environmental crime across the County.</p> <p>To meet this aim, the policy will seek to achieve the following objectives:</p> <ul style="list-style-type: none">• To raise awareness of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues to everyone across the County• To educate and work in partnership with residents, businesses and visitors around their role and responsibilities in terms of these matters.• To undertake enforcement action only as necessary and in a reasonable, equitable and proportionate manner.

	<p>This approach will ensure that:</p> <ul style="list-style-type: none"> • Enforcement is carried out in a fair and equitable way; • We assist business and others in meeting their legal obligations; • We focus on prevention rather than just cure; • We take firm and consistent action against those that flout the law; • That all allegations of enforceable offences by delegated officers are properly recorded; • The proper investigation of all offences enforceable are undertaken within the limits of the statutory requirements. 																				
1.06	<p>The main focus areas for the policy include:</p> <ul style="list-style-type: none"> • Littering • Waste management – including side waste enforcement, the appropriate use of the waste collection containers and returning bins after collections have been made and the residents duty of care to pass their waste to an approved contractor • Commercial Waste disposal • Fly tipping • Graffiti • Fly posting • Dog Control orders • Stray Dogs • Sites detrimental to the local amenity of an area • Statutory public health notices • Drinking control areas • Abandoned vehicles • Abandoned supermarket trolleys • Obstruction on the public highway and right of way network • Mud or other obstruction on the public highway • On-street and off-street parking offences 																				
1.07	<p>All Streetscene enforcement activities are carried out by the enforcement team based in Alltami depot. The team has 8 full time officers and a working supervisor. Complaints and enquiries are dealt with by the manager and support staff from within the Streetscene and Transportation portfolio.</p>																				
1.08	<p>Keep Wales Tidy undertake annual surveys of the cleanliness of streets in every County in Wales. The results from the past 4 years are as follows:</p> <table border="1" data-bbox="320 1720 1086 1921"> <thead> <tr> <th></th> <th>Flintshire Score</th> <th>All Wales Average</th> <th>Rank</th> </tr> </thead> <tbody> <tr> <td>2015-16</td> <td>69.80</td> <td>68.50</td> <td>7th</td> </tr> <tr> <td>2016-17</td> <td>72.40</td> <td>69.70</td> <td>5th</td> </tr> <tr> <td>2017-18</td> <td>67.90</td> <td>69.00</td> <td>11th</td> </tr> <tr> <td>2018-19</td> <td>70.60</td> <td>70.30</td> <td>8th</td> </tr> </tbody> </table> <p>The surveys shows the percentage of streets Graded B or above in terms of their cleanliness.</p>		Flintshire Score	All Wales Average	Rank	2015-16	69.80	68.50	7th	2016-17	72.40	69.70	5th	2017-18	67.90	69.00	11th	2018-19	70.60	70.30	8th
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1.09	The number of FPN's issued over the same period are shown below:					
	Number of Fixed Penalty Notices Issued					
	Year	Litter	Dog Foul	PSPO	Side Waste	Fly Tipping
	2015-16	92	25			
	2016-17	2905	88			
	2017-18	3788	23			
	2018-19	594	7	3	1	
	2019-20 (to date)	48	1	39	4	11

2.00	RESOURCE IMPLICATIONS
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2.01	The resources to deliver the existing enforcement standards are sufficient, although there are growing demands for additional enforcement activity throughout the County for most of the areas of activity.
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3.00	CONSULTATIONS REQUIRED / CARRIED OUT
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3.01	With Cabinet Members.
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4.00	RISK MANAGEMENT
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4.01	<p>The proposals do not change the current arrangements or standards, all of which were impact assessed at the point of introduction</p> <p>Any changes to existing arrangements will require further work to assess the impact across all protected groups.</p>
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5.00	APPENDICES
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5.01	Appendix 1 – Revised Environmental Enforcement Policy “Managing the Local Environment”.
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6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
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| 6.01 | <ul style="list-style-type: none"> • Environmental Protection Act 1990 • Refuse Disposal and Amenity Act 1978 • Highways Act 1980 • The Traffic Management act 2004 • Civil Enforcement if Road Traffic Contraventions Regulations 2013 • Town and Country Planning Act 1990 • Anti-Social Behaviour Act 2003 • Clean Neighbourhoods and Environment Act 2005 • Damage by Pests Act 1949 |
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	<ul style="list-style-type: none">• Various other Acts relating to Highways and the Environment• Wellbeing of Future Generations Act• The Antisocial Behaviour, Crime and Policing Act 2014 <p>Contact Officer: Stephen Jones Telephone: 01352 704700 E-mail: Stephen.o.jones@flintshire.gov.uk</p>
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7.00	GLOSSARY OF TERMS
7.01	FPN – Fixed Penalty Notice.