

CABINET

Date of Meeting	Tuesday 17 th December 2019
Report Subject	Review of the Environmental Enforcement Policy
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Countryside Cabinet Member for Planning and Public Protection
Report Author	Chief Officer (Streetscene and Transportation) Chief Officer (Planning, Environment and Economy)
Type of Report	Strategic

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 enforcement arrangements operated by the Council, across all service areas and the powers under which the various enforcement activities are carried out.

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 Cabinet approves the 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>Our 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 this 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. 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 Environment protection Act and saw the introduction of new powers for local authorities to help tackle environmental crime. The Act introduced effective powers and tools to tackle poor environmental quality and antisocial behaviour such as littering, graffiti, poor waste management and improved dog control orders. The Council's enforcement policy sets out how we will use these powers, alongside 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, without the need to make contact with several Portfolio areas to deal with their issues. The table which forms part of the policy, clearly demonstrates who is responsible for individual areas of enforcement within the Council.</p>
1.05	<p>The aim and objective of the policy is to improve Flintshire's local environmental quality, by reducing environmental crime across the County. 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 action against those that flout the law;

	<ul style="list-style-type: none"> • That all allegations of enforceable offences by delegated officers are properly recorded; • The proper investigation of all offences enforceable within the limits of the statutory requirements are undertaken.
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 and the appropriate use of the waste collection containers and returning bins after collections have been made • 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 of the relevant 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 service.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>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.</p>

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT	
3.01	Ways of Working (Sustainable Development) Principles Impact	
	Long-term	Positive impact on the environment by making those accountable for environmental crimes and contraventions accountable, while reducing future incidents
	Prevention	Prevent detrimental impact on the environment by reducing environmental crimes
	Integration	No impact

	Collaboration	Joint working between portfolios to deliver solutions to environmental crimes Work with communities and local Members on education campaigns to promote behavioural change
	Involvement	Request information from the local community to identify problem areas to identify areas for improvement/monitoring
Well-being Goals Impact		
	Prosperous Wales	Positive – Improving the natural environment
	Resilient Wales	No impact
	Healthier Wales	Positive – improved environment leads to improved wellbeing encouraging use of outdoor spaces.
	More equal Wales	No Impact
	Cohesive Wales	No impact
	Vibrant Wales	Positive – Improved environment encourages visitors and businesses to the area.
	Globally responsible Wales	Positive – Reducing the amount of waste disposed of in the environment.
Well-being Objectives		
Positive - Green Council - Enhancing the natural environment and promoting access to open and green space		
Positive - Caring Council - Making communities safe places by working with partners to prevent crime, repeat crime and anti-social behaviour		
3.02	Any changes to existing arrangements will require further work to assess the impact across all groups.	

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Environment Overview and Scrutiny Committee considered the content of the policy at their meeting in November 2019 and recommended Cabinet approves the new policy.

5.00	APPENDICES
5.01	Appendix 1 – Revised Environmental Enforcement Policy “Managing the Local Environment”

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<ul style="list-style-type: none"> • Environmental Protection Act 1990 • Refuse Disposal and Amenity Act 1978 • Highways Act 1980 • Town and Country Planning Act 1990 • Anti-Social Behaviour Act 2003 • Clean Neighbourhoods and Environment Act 2005 • Damage by Pests Act 1949 • Various other Acts relating to Highways and the Environment • Wellbeing of Future Generations Act

7.00	CONTACT OFFICER DETAILS
7.01	<p>Contact Officer: Stephen Jones Telephone: 01352 704700 E-mail: Stephen.o.jones@flintshire.gov.uk</p>

8.00	GLOSSARY OF TERMS
	None.