

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

16 APRIL 2019

REPORT OF THE CORPORATE DIRECTOR COMMUNITIES

ENFORCEMENT POLICY FOR THE ISSUING OF FIXED PENALTY NOTICES FOR ENVIRONMENTAL OFFENCES

1. Purpose of Report

- 1.1 To seek Cabinet approval to enter into a public consultation on the proposed changes to the Council's Enforcement Policy for the issuing of Fixed Penalty Notices for Environmental Offences; and
- 1.2 To inform Cabinet of the appointment of a partner Enforcement Contractor.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report is prepared and takes into consideration the following Corporate Improvement Objectives as outlined in the Council's Corporate Plan:
 - **Helping people to become more self-reliant.** Individuals and families that will be more independent and less reliant on traditional Council services.
 - **Smarter use of resources.** A Council that has lean, robust processes.

3. Background

- 3.1 As a consequence of budget cuts over recent years, the Council did not have sufficient resources to effectively police the low level environmental crimes such as littering and dog fouling and it decided to enter into a procurement exercise to identify a suitable education and enforcement services partner, who will assist and work alongside the Council's existing teams and to help educate and where necessary issue fixed penalty notices. The costs of such services are fully covered by the fines recovered by the enforcement officers.
- 3.2 In order to ensure that the Council has a robust policy to deal with waste enforcement that shall be used by the education and enforcement services partner and internal Council officers, it was decided to amend the existing enforcement policy to make the same fit for purpose and in line with current legislation. The existing policy has not been updated since 2007.
- 3.3 Enforcement procedures differ between Local Authorities and this Council has previously taken an approach of educating residents and warning offenders, prior to issuing formal Fixed Penalty Notices. This has proved effective and most incidents have a positive outcome when dealt with in this manner.
- 3.4 Welsh Government guidance specifies that '*Fixed Penalties can provide an effective and visible way of responding to low-level environmental crimes such as*

littering, dog fouling, fly-tipping and some waste issues. They can provide a more proportionate and cost efficient alternative to prosecuting offenders in Court'.

- 3.5 Cabinet approved the engagement of an external enforcement company on 29th November 2016. The successful tenderer was 3GS (UK) Ltd (3GS) and they were appointed in February 2019 and will be fully operational from April 2019. The contract is self-financing and the company already has a presence within South Wales. The company shall be required under the Contract to comply with the amended Enforcement Policy

4. Current Situation

- 4.1 The Council's Enforcement Policy has been updated and is shown in **Appendix A**. It clearly sets out the procedures for issuing Fixed Penalty Notices for Environmental Offences and the appeals process for individuals, which is in keeping with current legislation and guidance from Welsh Government, Keep Wales Tidy and Fly Tipping Action Wales (an arm of Natural Resources Wales).
- 4.2 The fines in relation to Fixed Penalty Notices (FPNs), are included within the amended Enforcement Policy and references to the relevant legislation have been updated. Legislation allows for a reduction in penalties where early payment is made and this is provided for in the fines table in the Enforcement Policy. The level of fine for the failure to comply with a Public Spaces Protection Order cannot be included as yet as this is subject to a separate consultation and will be determined after that consultation exercise has been completed.
- 4.3 It is proposed that the Council undertakes a comprehensive consultation exercise in respect of the amended policy. This consultation will seek the views of the public, Town and Community Councils, citizen's panel, disabled groups and organisations along with any other identified groups or individuals who may have a view on this matter. The outcome of this consultation will form part of a future report to be presented to Cabinet.

5. Effect upon Policy Framework & Procedure Rules.

- 5.1 The council's Enforcement Policy is being updated in order to provide a robust method for dealing with low level environmental offences.

6. Equality Impact Assessment

- 6.1 An Equality Impact Assessment has been carried out and no groups with protected characteristics identified by the Equalities legislation 2010 are considered to be adversely affected by the contents of this report.

7. Well-being of Future Generations (Wales) Act 2015 Assessment

- 7.1 The well-being goals identified in the Act were considered in the preparation of this report and attached at **Appendix B**. A summary is below:-

Long-term - The consultation will seek opinions on changes to the enforcement policies and the level of fines for environmental offences. The appointment of an Enforcement Contractor for Littering and Dog fouling

will allow the council to address environmental concerns and improve the community in the future. The service is renewable annually and will be monitored to identify its performance and ensure that it remains fit for purpose.

- Prevention -** The consultation will seek opinions on introducing appropriate policies. The appointment of an external contractor will act as a deterrent for offenders
- Integration -** The consultation will seek opinions on introducing appropriate policies. The contract is self-financing and is intended to prevent or reduce littering and dog fouling which will improve the environment within the community.
- Collaboration -** The consultation will seek opinions on introducing appropriate policies. The service is contracted to 3GS and Cleaner Street services will co-ordinate activities on a monthly basis to ensure a combined impact on targeted areas for improvement.
- Involvement -** Consultation engages with the community and the responses will be analysed and reported back to Cabinet

8 Financial Implications

- 8.1 There will be no financial implications as a result of the revision to the Enforcement Policy.

9. Recommendation

- 9.1 Cabinet is recommended to:

- i. Approve a consultation exercise as described in paragraph 4.3 above and note that the outcome of the same will be reported back to Cabinet in due course.

- ii. Note the appointment of 3GS (UK) Limited as the partner Enforcement Contractor.

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Background papers:

Cabinet Report: Residual Waste Collection Public Awareness, Information and Enforcement Proposals 29th November 2016