

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

19 NOVEMBER 2019

REPORT OF THE CHIEF EXECUTIVE

ENVIRONMENTAL ENFORCEMENT POLICY

1. Purpose of Report.

- 1.1 To seek Cabinet to approve the adoption of the revised Enforcement Policy for the issuing of Fixed Penalty Notices for Environmental Offences.

2. Connection to Corporate Improvement Objectives/Other Corporate Priorities

- 2.1 This report assists in the achievement of the following priority/priorities:-

- **Helping people to become more self-reliant** - taking early steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services.
- **Smarter use of resources.** ensuring that all its resources (financial, physical, human and technological) are used as effectively and efficiently as possible and support the development of resources throughout the community that can help deliver the Council's priorities.

3. Background.

- 3.1 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*'.
- 3.2 On 16th April 2019, Cabinet approved a consultation exercise to seek the views of the public in relation to a revised Enforcement Policy. This document included the procedures for issuing Fixed Penalty Notices, the level of fines and an early payment discount.
- 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.

4. Current Situation

- 4.1 A public consultation survey based on Bridgend County Borough Council's amended Enforcement Policy was conducted over a twelve week period between 17th June 2019 and the 8th September 2019. The survey was available to complete online, on the consultation pages of the council's website and residents could also request a paper copy or another alternative format by telephone or email.

Comments regarding the consultation were also invited via letter, email and telephone.

- 4.2 In total, there were twelve questions which required a reply from respondents. All questions in the survey were optional and offered anonymity to the respondent. The council's standard set of equalities monitoring questions were also included with the survey as it is recommended good practice for all public facing surveys carried out by the council.
- 4.3 A press release entitled '**Council takes action against dog fouling and anti-social behaviour**' was issued on 29th April 2019 and a '**Views wanted on changes to enforcement scheme**' was issued on 11th June 2019, a final press release entitled '**Don't miss your chance to have your say**' was issued on 18th June 2019.
- 4.4 In total, there were 18 survey completions, representing 0.01% of the Bridgend County Borough population. This is subject to a maximum standard error of plus/minus 23.10% at the 95% confidence level. Therefore, there is 95% confidence that these responses are representative of those that would be given by the total adult population.
- 4.5 44% (8) of responses were received from females and 50% (9) from males. 6% (1) of respondents preferred not to disclose their gender.
- 4.6 The majority of respondents 23% (4) were aged between 46 and 54, followed by 18% (3) aged 65 to 74.
- 4.7 78% (14) of respondents said they weren't disabled, with 11% (2) saying that they were disabled.
- 4.8 94% (17) agreed that the Enforcement Policy clearly outlined the offences included in the fixed penalty notice scheme but 6% (1) was unsure.
- 4.9 90% (16) of respondents agreed that the Enforcement Policy clearly outlined the new early payment discount with 5% (1) of respondents disagreeing and 5% (1) unsure.
- 4.10 90% (16) agreed with the early payment discounts and 10% (2) disagreed. Comments indicated that "they should be more generous – 50% off for early payment" and another disagreeing saying "it's a bullying tactic to discourage appeals."
- 4.11 50% (9) of respondents said there was nothing missing from the Enforcement Policy but 28% (5) were unsure and 22% (4) respondents said the Enforcement Policy was missing information.
- 4.12 Full details of the public consultation and its findings are attached for consideration by Cabinet at **Appendix A**.
- 4.13 Given the general agreement within the consultation that the Policy and early payment discounts are acceptable, it is recommended that Cabinet adopts the Enforcement Policy. A copy of the Enforcement Policy is attached at **Appendix B**.

4.14 It is important to recognise that issuing each Fixed Penalty Notice will be considered on its individual merits, matters of proportionality, objectivity, fairness and reasonableness. A system is in place to offer an appeal or contest to the notice and to preserve the integrity of the process. No undue external pressure should be brought, by either members of the Council or senior officers, which could be misconstrued to unduly influence the decisions by virtue of their position alone. This is a similar process adopted by the Car Parking Marshals when issuing fines for parking offences.

5. Effect upon Policy Framework & Procedure Rules.

5.1 This report has no effect on the corporate Policy Framework and Procedure Rules.

6. Equality Impact Assessment

6.1 An Equalities Impact Assessment has been carried out and is attached in **Appendix C**.

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

7.1 The Well-being of Future Generations (Wales) Act 2015 Assessment based on the 5 ways of working and any requisite mitigating measures have been set out in **Appendix D**.

Long-term - A consultation sought opinions on changes to the enforcement policies and the level of fines for environmental offences. There was general agreement to the Enforcement Policies and discounts applied. The implementation of the Enforcement Policy allows a greater range of provision in dealing with offenders which will lead to improved local environment.

Prevention - The consultation agreed the revised policies on Environmental Enforcement. These will be reinforced within the service and with the external enforcement contractor. No additional resources are allocated but this strategy offers greater powers for officers to act to resolve issues.

Integration - Clarity on enforcement powers allows a greater means of dealing with offenders and ultimately leads to improved environment.

Collaboration - The service is contracted to 3GS for enforcement of littering and dog fouling and Cleaner Street services will co-ordinate activities on a monthly basis to ensure a combined impact on targeted improvement areas. The service already collaborates with Keep Wales Tidy, Sea Quest and voluntary organisation to reduce littering and fly tipping.

Involvement - The Consultation engaged with the community and the responses are being reported back through Cabinet

8. Financial Implications.

8.1 Whilst the implementation of this policy could increase the number of Fixed Penalty Notices issued, the policy would require education of offenders and it is not intended to create additional income.

9. Recommendations.

- 9.1 It is recommended that Cabinet approves and adopts the revised Enforcement Policy for the issuing of Fixed Penalty Notices for environmental offences.

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Background Documents - None