

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

## Consultation report

**Date of issue:** September 2019

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## 1. OVERVIEW

This report outlines the responses made to the amendments to the existing 2007 enforcement policy. The amendments proposed aimed to make the policy fit for purpose and incorporate current legislation. The amended policy:

- Includes additional penalty offences of:
  - failure to comply with a public space protection order
  - failure to comply with the duty of care in respect of household waste
- Outlines guidance relating to entering into arrangements with contractors/third parties to issue FPNs
- Incorporates an early payment discount scheme

A public consultation outlining the strategy was undertaken over a 12 week period following the presentation of the strategy to Cabinet on 16 April 2019. The draft strategy was available alongside the consultation document. The consultation received 18 (online) responses. This paper details the analysis associated with the consultation.

## 2. INTRODUCTION

A public consultation based on Bridgend County Borough Council's enforcement policy for the issuing of fixed penalty notices for environmental offences was conducted over a 12 week period between 17 June 2019 and the 8 September 2019. The survey was available to complete online on the consultation page of the council's website and residents could also request a paper copy or another alternative format by telephone or email. The survey was available in Welsh and English as standard and accessible versions.

In total, there were 12 questions which required a reply from respondents; all questions in the survey were optional. All survey responses offered the option of anonymity. The council's standard set of equalities monitoring questions were also included with the survey, as is now recommended good practice for all public facing surveys carried out by the council.

The content of the consultation remains available online in closed consultations.

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

## 3. PROMOTIONAL TOOLS AND ENGAGEMENT METHODS

This section details the specific communications and engagement methods used to reach people and encourage them to share their views during the consultation period.

### 3.1 Local press

A press release entitled **Views wanted on changes to enforcement scheme** was issued on 11 June 2019, a further press release entitled **Council takes action against dog fouling and anti-social behaviour** was issued on 29 April 2019 and a final press release entitled **Don't miss your chance to have your say** was issued on 18 June 2019.

## 4. RESPONSE RATE

In total, there were 18 survey completions, representing 0.01 per cent of the Bridgend County Borough population.

## 5. HOW EFFECTIVE WAS THE CONSULTATION?

The enforcement policy for the issuing of fixed penalty notices for environmental offences consultation was conducted over a 12 week period during which a range of marketing methods were used to create awareness of the consultation and encourage members of the public to engage with the council.

The social demographic data reflects a good cross section of the county borough's population.

The data collection methods, which include the online survey, a paper survey and an accessible survey, were all developed using plain English to maximise understanding. These response methods were designed to give a consistency to the survey across multiple platforms.

## 6. HEADLINE FIGURES

- 18 respondents completed the survey;
- 94% (17) respondents were residents of Bridgend County Borough;
- 50% (9) respondents were male;
- 23% (4) respondents were aged 46-54 ;
- 11% (2) respondents identified as being disabled;
- 100% (18) respondents said the strategy is clear and easy to understand;
- 94% (17) respondents said the strategy clearly outlines the offences;
- 90% (16) respondents said the strategy clearly outlines the new early payment discounts;
- 90% (16) respondents agreed with the early payment discounts.

## 7. QUESTION AND ANALYSIS - CONSULTATION SURVEY

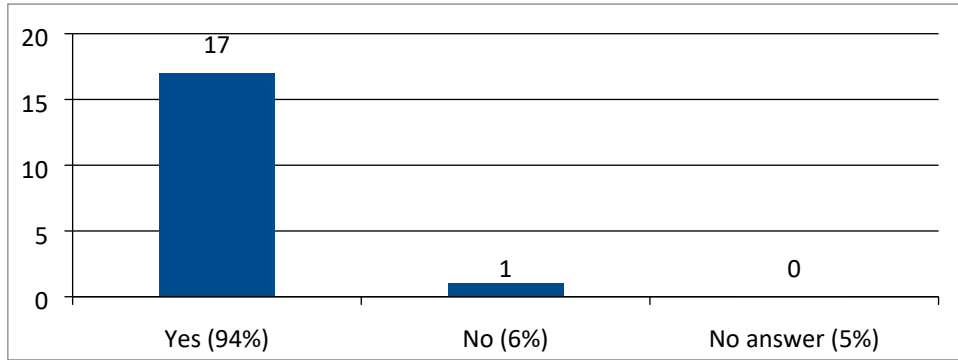
Section seven of the report looks at the questions asked in the consultation survey – with 18 respondents in total.

### 7.1 Please select a language to begin the survey.

Respondents to the consultation survey were initially asked in which language they would like to complete the survey. 100% of respondents selected English with 0% selecting Welsh.

Language	#	%
English	18	100
Welsh	0	0
<b>Total</b>	<b>18</b>	<b>100.0</b>

### 7.2 Are you a resident of Bridgend County Borough?

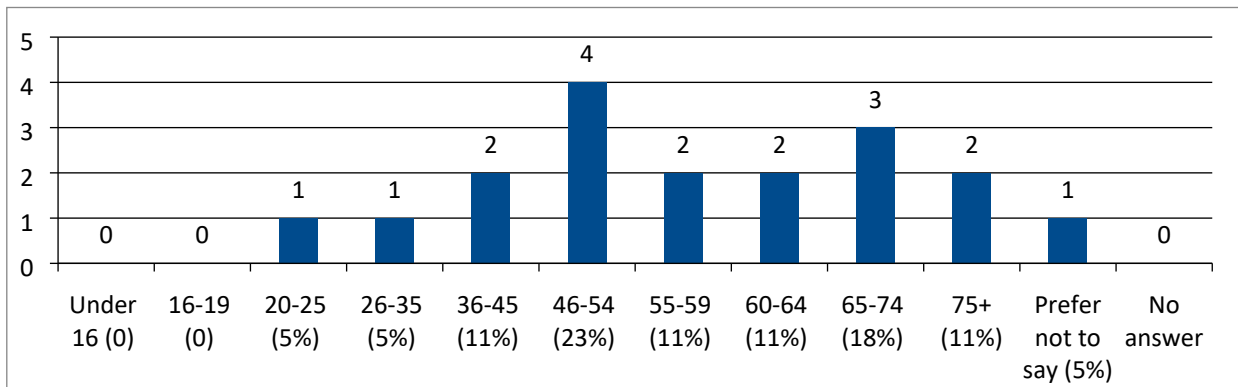


94% (17) respondents were resident of Bridgend County Borough. One respondent said they were not a resident and lived in Rhondda Cynon Taf.

### 7.3 What is your gender?

50% (9) respondents were male, 44% (8) respondents were female and 6% (1) respondent preferred not to disclose their gender.

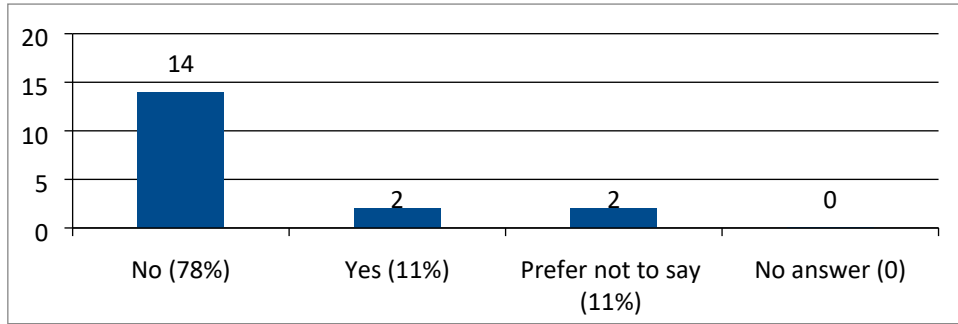
### 7.4 Please select your age category?



Respondents were asked to select their age category. The graph shows that:

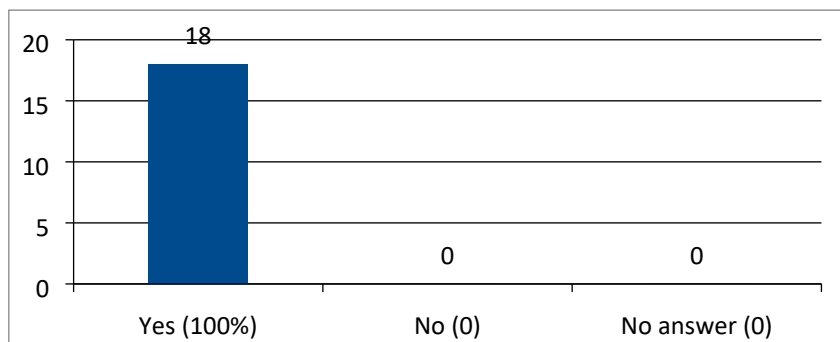
- 10% (2) respondents were aged under 16 to 35 years of age;
- 56% (10) respondents were 36 to 64 years of age;
- 34% (6) respondents were aged 65 and over.

### 7.6 Do you consider yourself to be disabled?



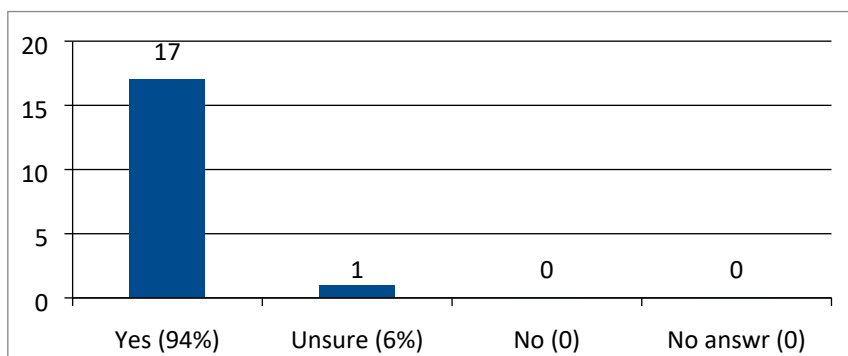
78% (14) respondents said they were not disabled, 11% (2) respondents said they are disabled and 11% (2) respondents chose not to answer the question.

### 7.7 Is the strategy written in plain language that is clear and easy to understand?



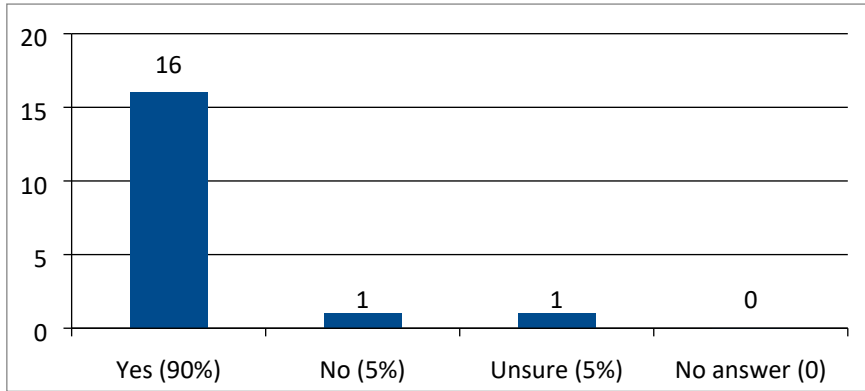
100% (18) respondents agreed that the strategy is written in plain language that is clear and easy to understand.

### 7.8 Does the strategy clearly outline the offences included in the Fixed Penalty Notice scheme and who can issue Fixed Penalty Notices?



94% (17) respondents agreed that the strategy clearly outlined the offences included in the fixed penalty notice scheme and who can issue fixed penalty notices. 6% (1) respondent was unsure.

### 7.9 Does the strategy clearly outline the new early payment discounts?



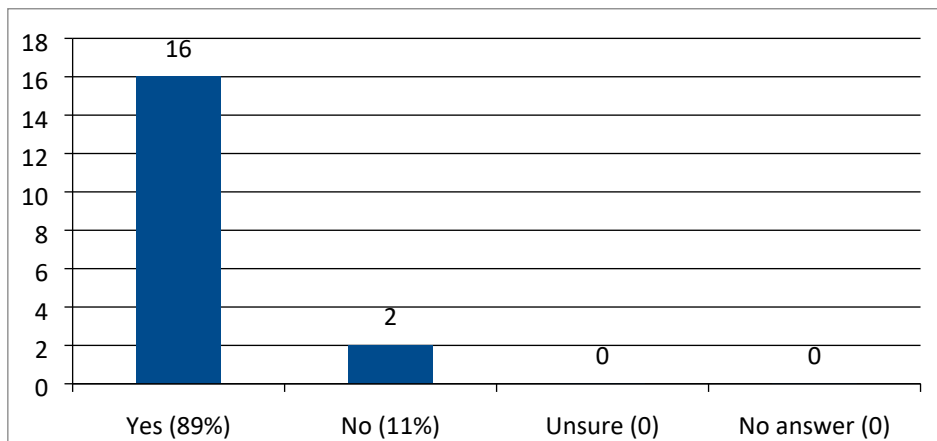
90% (16) respondents agreed that the strategy clearly outlined the new early payment discounts. 5% (1) respondents disagreed and 5% (1) respondent was unsure.

Respondents were asked to specify what was unclear in the strategy. The following comment was made:

- I was issued with an FPN for an amount of £100. I was not made aware of an early payment discount anywhere.

(The council responds – This question relates to the introduction of an Early Payment Discount as it is proposed within the new Enforcement Policy.)

#### 7.10 Do you agree with the early payment discounts?

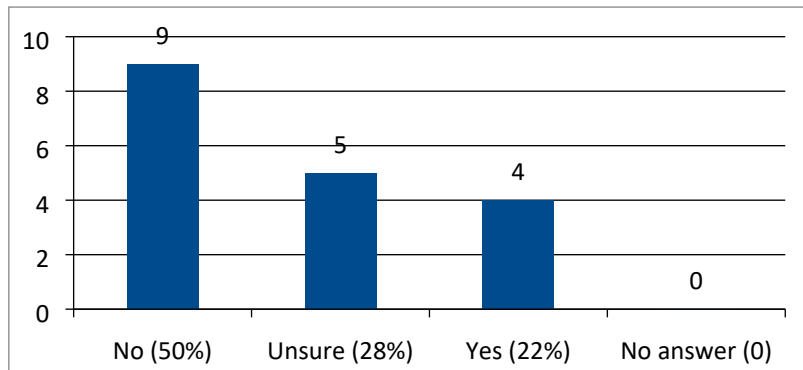


89% (16) respondents agreed with the early payment discounts, 11% (2) respondents did not.

Respondents were asked to tell us why they disagreed or were unsure. The following two comments were made:

- They should be more generous. 50% off for early payment
- Disagree with early payment discounts generally, it's a bullying tactic to discourage appeals

#### 7.11 Is there anything missing from the strategy?



50% (9) respondents said there was nothing missing from the strategy. 28% (5) respondents were unsure and 22% (4) respondents said the strategy was missing information.

Respondents were asked to identify what is missing from the strategy. The following four comments were made:

**Please tell us what you think is missing. (4 comments)**

- As you are intending to pass the duties of enforcement officers onto a 3rd party you have not made provision of a system to prevent the third party issuing financial incentives to officers to induce them to be creative in the way they execute their duties. For instance if I come across some litter and pick it up to drop into a bin an officer could photograph this and then accuse me of dropping the litter. This I obviously would contest but he has got one more issue of a FPN to his list to try and reach a bonus payment.  
 (The council responds – The Enforcement Contract with 3GS focuses on communication, public relations and reduction of offences above pure income generation.)
- A level of detail for the offenses. I may have missed it but are warnings given?  
 (The council responds – Enforcement Officers have discretion and must consider each set of circumstances when reaching a decision as to whether the issue of a FPN is appropriate. Under the proposed new Enforcement Policy, FPNs should only be issued where it is appropriate to do so. In some circumstances, the issuing of a FPN will not be appropriate and, instead, either no further action should be taken or the matter should be considered for prosecution in the court.)
- Explicit guidance on what constitutes an offence, particularly for household waste - it's not clear what you can get fined for doing as a homeowner  
 (The council responds – Offences are covered by legislation and a description is contained under the Acts. Any communication with offenders would provide the appropriate legislation and a description of the offence.)
- Penalties specifically for motorists who discard their unwanted items onto the highway  
 (The council responds – This is covered by littering offences.)

**7.12 Please use the space to provide any further comments on this strategy.**

- I was issued with an FPN of £100 in early May 2019. While I completely agree with the reason for using FPN's as a deterrent and preventative measure to protect the local environment of Bridgend - I feel 3GS have unfairly enforced this to their own discretion. I



have personally witnessed 3GS let someone off a fine for dropping a cigarette butt, but was fined £100 for the same offence. I would also state the attitude of the 3GS Officers is also poor - when offering to remove the litter during my offence I was told "it is the same if someone had robbed your house and returned your belongings the next day, you have still committed an offence". I feel the context of this discussion was extremely poor and was completely against the National Government Guidelines of allowing an offender to remove the litter before an FPN is issued. Furthermore, the lack of opportunity to appeal an offence without it becoming a formal court case immediately is extremely unfair to the residents of Bridgend. Many within the Borough struggle financially and having to fund a court case to appeal these type of offences comes across as a purposely placed barrier to prevent those with low income appealing these fines. The lack of support from the Council itself when contacted was also very poor. I can fully appreciate that 3GS undertake this contract, however the Council should provide some support to those looking to appeal and raise issues with the way the offences are dealt with, I contacted 'Clean up the County' and was simply told to contact 3GS, they were clearly not interested whatsoever in providing any advice, guidance or information. Furthermore, the BCBC page states that FPN's should be £75, so why I was charged £100 is extremely frustrating and disappointing. This needs to be regulated more thoroughly by the Council to ensure that residents are not being unfairly fined.

(The council responds – 3GS do offer a right to contest the issue of the FPN and make every offender aware of the process and the appropriate contact details. The website will be reviewed.)

- Great
- I hope the enforcement is not contracted out to a third party.  
(The council responds – 3GS have been appointed to undertake enforcement of littering and dog fouling but fly tipping and other environmental offences will remain the responsibility of council officers.)
- Enforcement should be carried out. It doesn't seem to be now.  
(The council responds – 3GS were appointed in April 2019 to assist with enforcement operations)
- What about dog fouling?  
(The council responds – Dog Fouling is covered by the Public Spaces Protection Order which was approved in June 2019.)
- By using a 3rd party to employ and govern the enforcement officers the strategy of the third party has little to do with improving the environment or educating dog walkers and potential litter droppers and all to do with maximizing profits. This strategy from a third party view will be how much can I squeeze out of the council coffers before they start to investigate the governance of the enforcement officers  
(The council responds – The Enforcement Contract with 3GS focuses on communication, public relations and reduction of offences above pure income generation.)
- This strategy will have to be robustly enforced if it has any chance of success  
(The council responds – Approval of the proposed policy will provide a current and specific protocol for Enforcement of Environmental offences.)

## 8. EMAILS, SOCIAL MEDIA TELEPHONE AND LETTER COMMENTS

Additional comments were invited by letter, phone call or email as well as via our corporate social media channels during the consultation period.

## 8.1 Social media comments

We received two comments over social media during the live period. One of these comments related to accessing the online survey. The other is outlined below;

- There's derelict and abandoned places in Bridgend. Our tax that you take from our hard earned wages is more than enough to convert these places into hostels or 1 bedroom flats for the homeless! I think it's disgusting that this isn't being done!

## 9. CONCLUSION

A sample of 18 survey completions is subject to a maximum standard error of +23.10% at the 95% confidence level. Therefore, we can be 95% confident that responses are representative of those that would be given by the total adult population, to within  $\pm 23.10\%$  of the percentages reported.

### 9.1 Equality Impact Assessment

The EIA screening informed the development of the consultation questionnaire. This consultation should assist the completion of the Full Equality Impact Assessment and the breakdown of equalities data from those respondents who provided it has been supplied to the service area.