

The Vale of Glamorgan Council

Cabinet Meeting: 25 July, 2016

Report of the Cabinet Member for Visible, Leisure and Regulatory Services

Environmental Enforcement: Award of Contract

Purpose of the Report

1. To seek authority to enter into a formal agreement with a private environmental enforcement company to undertake enforcement duties, aimed at reducing incidences of litter, flytipping, dog fouling and compliance with byelaws.

Recommendation

1. That Cabinet note the contents of the report and deal with the matter under the Part II report later on this agenda.

Reason for the Recommendation

1. Considerations of the tender submissions are detailed under the Part II report.

Background

2. In late 2015 the Council sought requests for quotations via the Sell2Wales website for the supply of environmental enforcement services to incorporate on-street enforcement of littering, dog fouling, fly-tipping and duty of care offences in partnership with the Council's own compliance and Enforcement Officers.

Relevant Issues and Options

3. The Council has a legal duty under Part IV of the Environmental Protection Act (EPA) 1990 to keep relevant land clear of litter and refuse. The Clean Neighbourhoods and Environment Act (CNEA) 2005 provided further powers to individuals and local authorities to enable litter to be cleared from all land open to the air.
4. The Waste Management and Cleansing team in the Visible Services and Transport Division is the main team responsible for ensuring that the Council satisfies its Statutory duties under this legislation, though currently there is also a litter and litter bin clearance resource in the Parks and Grounds Maintenance Team. For both teams the legal duties are primarily discharged by following the Code of Practice on Litter and Refuse and Associated Guidance (2007).

5. Current standards of cleanliness in the Vale of Glamorgan are fully detailed in the Local environmental Audit and Management (LEAMs) report for 2015/16 entitled "How Clean are your Streets" published by Keep Wales Tidy. The current Cleanliness indicator for the Vale of Glamorgan is 69.6. This is above (better than) the current all Wales figure and an improvement on the Vale's corresponding figure from last year. However, the Council still currently spends over £1m per annum on cleaning our streets, parks, beaches and public open spaces. This cost is unsustainable in the current or indeed any economic climate.
6. Regrettably much of the litter that is collected has been dropped by members of the public who have taken a conscious decision to do so rather than to dispose of their waste responsibly. Litter in this case also includes dog fouling.
7. New anti-litter and dog fouling campaigns are planned but these are likely to have a much greater impact if they are also accompanied by a strong enforcement message. Future funding available for street cleaning (operations) will continue to be squeezed in light of the ongoing budget pressures and therefore more enforcement needs to be considered, by increasing our enforcement resource now via the assistance of a private environmental enforcement company.
8. Should Cabinet decide to enter into a formal agreement with the successful tenderer then the Council's current enforcement policy will need to be updated. The current policy is attached at [Appendix A](#).
9. For data protection reasons the full details of the tender submissions are contained within the Part II report to this agenda.

Resource Implications (Financial and Employment)

10. The fines for littering and dog fouling will be a fixed penalty charge of £75. In addition, the successful tenderer can impose other levels of fines as necessary in line with current guidance and legislation.

Sustainability and Climate Change Implications

11. The robust enforcement of environmental crimes will over time improve the quality of our local environment and this should also reduce the level of street cleaning required which could result in a reduction in carbon emissions.

Legal Implications (to Include Human Rights Implications)

12. Local authorities are empowered under the Environmental Protection Act 1990: Section 88 to operate Fixed Penalty schemes for littering.
13. The Council has the specific power to issue a Fixed Penalty Notice to cover dog fouling under the Dog Fouling (Fixed Penalties) Order 1996. A specific Fixed Penalty Notice will be used for dog fouling and will cite Section 4 of the Dogs (Fouling of Land) Act 1996.
14. The Fixed Penalty fees are at present £75 and all to this is kept by the issuing authority and can be used to supplement further enforcement or alleviate economic issues such as administration, purchasing of equipment, specific software, for recording incidents. A fixed penalty is however, not a fine. Payment of the penalty by the recipient discharges their liability to conviction for the offence for which the FPN was issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a record of criminal conviction.

Crime and Disorder Implications

15. The provision of strong enforcement, focusing on the issue of £75 Fixed Penalty Notices and possible Magistrates Court action, should deter others from committing these offences and reduce similar environmental crimes in the Vale of Glamorgan.
16. Members should note that many local authorities in Wales are now adopting "zero tolerance" approaches to environmental crimes.

Equal Opportunities Implications (to include Welsh Language issues)

17. There are no equal opportunity implications as a result of this Report as the enforcement of environmental crime and offence of littering and failing to clean up dog faeces have no exceptions within the law.

Corporate/Service Objectives

18. The relevant Corporate Plan (2016 to 2020) Well Being Outcome is W02: An Environmentally Responsible and Prosperous Wales and the relevant Objective is O4 Promoting Sustainable development and protecting our environment. The relevant reference is ER16 which states "Develop and implement a waste reduction strategy and remodel our waste infrastructure to increase participation in recycling, reduce the growth of municipal waste and meet national targets".
19. The Visible Services and Transport Service Plan (2016 to 2020) reference ER16 (page 26) seeks to introduce this year a revised enforcement policy to reduce litter, fly tipping and dog fouling offences.

Policy Framework and Budget

20. This is a matter for Executive decision.

Consultation (including Ward Member Consultation)

21. As the matter is to be implemented throughout the Vale no specific consultation has been carried out with Ward Members. However if the initiative is commenced it is proposed to advertise it widely so that all sectors of the community are aware of the implications if they should breach the law. The target groups will vary according to the individual campaign (e.g. different age groups in schools).

Relevant Scrutiny Committee

22. Environment and Regeneration.

Background Papers

LEAMS report 2015/16

Code of Practice on Litter and Refuse and associated Guidance 2007

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