

THE VALE OF GLAMORGAN COUNCIL

CABINET: 04 DECEMBER, 2017

REFERENCE FROM ENVIRONMENT AND REGENERATION SCRUTINY
COMMITTEE: 9TH NOVEMBER, 2017

“ ENVIRONMENTAL ENFORCEMENT: CONTRACT UPDATE (DEH) –

Committee was apprised of the performance to date of the environmental enforcement contract between the Council and 3GS (UK) Limited (3GS). At its meeting on 25th July, 2016 Cabinet had approved the appointment of 3GS to undertake the enforcement of environmental offences to assist in improving local environment quality (LEQ). The contract with 3GS had been signed on 7th October, 2016 and was for a period of two years with an option to extend for a further year thereafter. The agreement was cost neutral as 3GS generated their own income by retaining the full value of any fixed penalty notices (FPNs) that were issued.

Other than a brief trial period a number of years previous involving a partnership with another environmental enforcement company who had since ceased trading, the Council historically had taken an educational approach to environmental offences with limited written warnings and FPNs issued. However, the agreement with 3GS focused towards a ‘zero-tolerance’ approach, recognising the strong views of the majority of the Vale’s residents towards environmental crimes and the fact that the current costs of street cleansing was unsustainable going forward.

In addition to environmental offences, the remit with 3GS was extended at the start of November 2016 to include the enforcement of new Bye-Laws at Rhoose Point, which prohibited activities such as camping, fishing and swimming.

Since the appointment of 3GS in October 2016 there had been a number of lessons learnt. Initially the officers assigned to the Council had a very different approach to environmental offences than perhaps the Council’s officers had anticipated and there was a lot of emphasis on smoking related offences and also a very robust approach taken to certain commercial waste offences. There had been several meetings with 3GS’s management team in the first six months of the agreement and the Council’s Waste Management team had moved quickly to address concerns associated with the issuing of FPNs, implementing new joint procedures and protocols.

Since May 2017, and in consultation with 3GS, the Council’s own officers now assisted with determining where 3GS’s resources operated and what offences their officers should concentrate on. There remained a focus on zero tolerance but with a fairer, more common sense approach aimed at being proportionate to the level of offence. Additionally, the Operational Manager for Waste Management and

Cleansing had discretion to approach 3GS and request that a FPN be rescinded if there were doubts whether an offence had been committed and whether it was appropriately and / or ethically issued.

The Council's Waste Management Team worked through all these concerns with 3GS's Management Team and an agreement was reached to temporarily suspend the enforcement of commercial waste related offences until the Council had time to undertake dedicated awareness campaigns.

To ensure that commercial businesses were aware of their responsibilities, the Council's Waste Team placed half page advertisements in the local press during December 2016 and letters with advice on commercial waste legislation were distributed to all Vale commercial waste customers reminding them of their duties. The information was also given greater coverage on the Council's website, the Chamber of Commerce was informed and social media messages were sent out through the Council's Communications Office.

Additionally, at the start of the financial year, A5 cards were placed in Council Tax Notices for businesses, further reminding them of their responsibilities, and prior to re-launching the commercial waste enforcement service a further half page commercial waste advertisement was placed in the local press and the internet and social media campaigns were re-run. Unfortunately, even after the awareness campaigns, businesses continued to breach their duty of care requirements and to also place waste out for collection indiscriminately and without having due regard to its containment. The result was unauthorised waste being left on the highway for the Council to manage, collect and clean-up which was a significant burden on diminishing resources in terms of street cleansing staff and waste collection and treatment services.

A Member further referred to the initial problems that had featured with 3GS where a number of commercial premises had been fined extortionate sums and considered that further explanation and consideration should have been given at that time. The Head of Service advised that she did not have a relevant officer to undertake those duties and that the offences were serious because they were a criminal offence.

Following concern by a Member at the increase in fly tipping at Pen y Turnpike Road and at lanes in Leckwith, the Head of Service requested that the details be forwarded to the department, covert operations had previously been arranged at various other sites to address such issues and it was therefore important to pass on the information in order that the department could deal with the matter.

In considering the statistical information presented and noting that 1.5 tickets per day had been issued in some areas, a Member felt that this was not an effective deterrent and suggested the Council needed to have more robust enforcement. Reference was also made to cleanliness issues within the Vale of Glamorgan, with the suggestion that a report be presented to the Scrutiny Committee on the subject to a future meeting.

Having considered the report, it was subsequently

RECOMMENDED –

- (1) T H A T the report and comments made at the meeting be referred to Cabinet for its consideration.
- (2) T H A T a street cleansing report (as requested above) be presented to a future Scrutiny Committee and that the request be added to the Committee's work programme schedule.

Reasons for recommendations

- (1) Having considered the performance to date.
- (2) For Committee's consideration."

[Attached as Appendix – Report to Environment and Regeneration Scrutiny Committee: 9th November, 2017](#)