



OVERVIEW & SCRUTINY COMMITTEE

Thursday, 10 September 2015

ENVIRONMENTAL ENFORCEMENT (REP1243)

PURPOSE OF REPORT

1. To provide the Overview & Scrutiny Committee with details of the current arrangements, roles and responsibilities for environmental enforcement at Waveney District Council with information on recent performance and a draft improvement plan.
2. The Committee is invited to note the current arrangements and performance information and comment on the draft improvement plan.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Cllr Stephen Ardley Cabinet Member for Operational Partnerships & Lowestoft Rising
Supporting Officer:	Phil Gore Head of Environmental Services & Port Health 01394 444286 phil.gore@eastsoffolk.gov.uk

1 INTRODUCTION

- 1.1 At the January 2014 meeting of Full Council it was recommended that “the Overview & Scrutiny Committee consider whether a team of enforcement staff be employed to keep Waveney clean through the enforcement of litter and dog fouling, with any recommendations being referred to the Cabinet”.
- 1.2 On 4 December 2014 the Overview & Scrutiny Committee received a report (Report REP1131) with details of the current position and arrangements for environmental enforcement at Waveney District Council for the purpose of providing the Committee with the opportunity to discuss the current arrangements and make recommendations on how improvements could be made to the current service provision. That report provided an overview of two areas of activity in this field of work, namely the educational efforts and community clean-ups organised by the Green Print Forum and the “Incident Ticketing Scheme” operated by the Environmental Health Team.
- 1.3 Following lengthy discussions, the Committee recommended that a report setting out the current performance on environmental enforcement, together with an improvement plan, be presented to a future meeting of the Overview and Scrutiny Committee for consideration.
- 1.4 This report is an update on progress in respect of that recommendation.

2 CURRENT RESPONSIBILITIES

- 2.1 It is useful to establish what areas of the Council’s activities we refer to when we use the phrase “Environmental Enforcement” in this context. The areas of environmental enforcement under consideration affect a broad range of “street scene” matters, from fly-tipping, dog fouling and littering to the less high-profile matters such as fly-posting, graffiti, vehicle abandonment and “nuisance parking”.
- 2.2 A list of the statutory provisions relating to the type of environmental enforcement defining the scope of this report is given at Appendix 1. (NB this list is an extract from the documents delegating enforcement powers to officers employed by Waveney Norse).

3 PERFORMANCE ON ENVIRONMENTAL ENFORCEMENT

- 3.1 There has been good progress in relation to the two areas covered in detail by REP1131.
- 3.2 **Litter Picks/Green Print Forum** - So far as educational efforts involving litter-picks and other promotional activities are concerned, litter picks organised by the Environmental Sustainability Officer and the Greenprint Forum at Arnolds Bequest and Pakefield beach (in November 2014 and March 2015 respectively) were promoted through the Council’s “In Touch” magazine, along with encouragement for communities to organise their own litter picks.
- 3.3 **The “Incident Ticketing Scheme”** - Since the last report the Incident Ticketing Scheme operated by the Environmental Protection Team has regained momentum following the replacement of the departed post holder (REP1311 para 2.2 refers) with 29 Fixed Penalty Notices (FPNs) issued since the start of the current financial year.
- 3.4 Total FPNs issued in the WDC area through the Environmental Health “Incident Ticketing Scheme” since its inception are as follows:

TABLE 1 – INCIDENT TICKETING SCHEME FIXED PENALTIES ISSUED

FINANCIAL YEAR	FPNS ISSUED
2007/8	57
2008/9	83
2009/10	112
2010/11	129
2011/12	185
2012/13	67
2013/14	17
2014/15	19
2015/16	29

(to date – 4½ months)

ADDITIONAL INFORMATION FROM WAVENEY NORSE

- 3.5 Environmental Enforcement activities by Waveney Norse employees with delegated authority to undertake the functions listed in Appendix 1 were not included in Report REP1131.
- 3.6 Waveney Norse activities in this area are given in the information supplied as Appendix 2.
- 3.7 Records are not available for the past 5 years due to archiving and decommissioning of the information systems previously employed for management of those functions.

4 IMPROVEMENT PLAN

- 4.1 Opportunities are actively being sought to broaden the “Incident Ticketing Scheme”. There will be an opportunity for Members to participate and receive relevant training when the Member Training Programme permits.
- 4.2 Possibilities will be explored for providing further encouragement or incentives for similar community-led litter pick events similar to those held at Arnold’s Bequest and Pakefield beach.
- 4.3 The Anti Social Behaviour, Crime and Policing Act 2014 introduced measures replacing existing powers relating to the control of dogs (including fouling). The existing Waveney Dog Control Orders are currently under review with a view to replacing them with “Public Space Protection Orders” tailored to meet the needs of specific areas across the district. Discussions are underway with Southwold Town Council about proposals in respect of Southwold beach and also with Suffolk Wildlife Trust in relation to the specific dog control needs on land under their control which is open to the public. These discussions have included the possibilities for third-party enforcement through partner agencies or the Incident Ticketing Scheme.

4.4 Discussions have been held with Waveney Norse on the subject of capturing data about demand and performance in relation to these services with the aim of making better use of demand and performance data for prioritising and planning future work and providing objective and meaningful performance data.

5 FINANCIAL AND GOVERNANCE IMPLICATIONS

5.1 There are no immediate financial implications from this report other than existing budgets. Further work is required with Waveney Norse on options for how environmental enforcement services could be delivered in the future and these options will need to be costed as part of a business case.

6 CONSULTATION

6.1 Waveney Norse has been consulted and has provided performance data contained in this report.

7 OTHER OPTIONS CONSIDERED

7.1 No other options have been considered.

8 REASON FOR RECOMMENDATION

8.1 To provide the Overview & Scrutiny Committee with information about current arrangements and performance on environmental enforcement and how that might be improved in the future.

RECOMMENDATION

That the Overview & Scrutiny Committee notes the current arrangements for environmental enforcement and recent performance in this area of activity, and comments on the draft improvement plan set out in Section 4 of the report, prior to its consideration by Cabinet.

BACKGROUND PAPERS

Date	Type	Available From
None		

Appendix 1 - Norse Delegated Powers

Anti-Social Behaviour Act 2003	43 authority to issue a Fixed Penalty Notice for graffiti and fly-posting
Anti-social Behaviour Act 2003 (as amended by Clean Neighbourhoods & Environment Act 2005)	43B authority to require name and address in connection with graffiti and fly-posting offences
Anti-Social Behaviour, Crime and Policing Act 2014	52 authority to issue a Fixed Penalty Notice in respect of offences committed under s.48 (failure to comply with a CPN)
Clean Neighbourhoods and Environment Act 2005	4,5 & 6 authority to issue Fixed Penalty Notices in respect of repairing and selling vehicles on a highway
Clean Neighbourhoods and Environment Act 2005	59(2) authority to issue fixed penalty notices for breaches of dog control orders
Clean Neighbourhoods and Environment Act 2005	61 authority to require name and address in connection with offences relating to Dog Control Orders
Clean Neighbourhoods and Environment Act 2005	7 authority to require name and address in connection with nuisance parking offences
Control of Dogs Order 1992	2 power to act in respect of dogs in public place not wearing collar and tag
Control of Pollution (Amendment) Act 1989	5/5B(2) authority to issue Fixed Penalty Notice in respect of failure to produce authority to transport waste
Control of Pollution (amendment) Act 1989 (as amended by ASBA 2003)	5 authority to stop and examine vehicles, contents and relevant waste transportation documentation for purposes of the act
Control of Pollution (Amendment) Act 1989 (as amended by Clean Neighbourhoods & Environment Act 2005)	5 authority to require production of authority, carry out tests, seize, stop and search vehicles & enter premises etc
Dangerous Dogs Act 1991	5 authority to seize proscribed dangerous dog and dogs dangerously out of control in public place
Dogs (Fouling of Land) Act 1996	4 authority to issue fixed penalty notices for failing to clean up after a dog
Environment Act 1995	108 authority to enter for the purpose, examine, inspect, dismantle, etc. in respect of the enforcement functions of a local authority under part 2 of the Environmental Protection Act 1990 (Waste on Land)
Environmental Protection Act 1990	34A(2) authority to issue a Fixed Penalty Notice in respect of failure to produce waste documents
Environmental Protection Act 1990	46 authority to serve notice requiring occupier of building to provide waste receptacle/s for the storage of household waste

Appendix 1 (cont'd) – Norse Delegated Powers

Environmental Protection Act 1990	47 authority to serve notice requiring occupier of building to provide waste receptacle/s for the storage of commercial waste
Environmental Protection Act 1990	47ZA(2) authority to issue fixed penalty notice for offences relating to waste receptacles
Environmental Protection Act 1990	60 authority to sort over or disturb refuse and/or containers associated with the functions of a waste collection or waste disposal authority
Environmental Protection Act 1990	88 authority to issue a "fixed penalty notice" for leaving litter
Environmental Protection Act 1990 (as amended by Clean Neighbourhoods & Environment Act 2005)	88 authority to require name and address in connection with litter offences
Environmental Protection Act 1990 (as amended by the Anti-Social Behaviour Act 2003)	71 authority to issue a notice requiring any person to furnish information about waste
Environmental Protection Act 1990 (as amended by the Clean Neighbourhoods and Environment Act 2005)	34B authority to search and seize vehicles etc.
Prevention of Damage by Pests Act 1949	22 authority to enter, inspect and execute works in default for the purposes of the Act
Refuse Disposal Amenity Act 1978	2A(1) authority to issue Fixed Penalty Notice in respect of vehicle abandonment
Refuse Disposal Amenity Act 1978	3 authority to issue & affix notice to & remove abandoned vehicles
Refuse Disposal Amenity Act 1978	4 authority to dispose of removed vehicles
Refuse Disposal Amenity Act 1978	8 authority to enter to ascertain and act for the purposes of section 3 & 6 of Act
Refuse Disposal Amenity Act 1978 (as amended by Clean Neighbourhoods & Environment Act 2005)	2B authority to require name and address in connection with abandoned vehicle offences
Refuse Disposal Amenity Act 1978	authority to execute works in default

Strategic Waste and Environmental Enforcement Team Support to Suffolk Waste Partnership on behalf of WDC & SCDC

Officers of the WN/SCN SWEET team supports the projects and activities of the Suffolk Waste Partnership by representing both District Councils at the following SWP officer groups:

- **Waste Reduction Officers Group (WROG)** delivers education, communication, event management, and public engagement and awareness raising of the waste hierarchy including waste reduction, reuse, home composting, and recycling messages, promotes recycling services provided by the member authorities of the SWP, and assists SWMG with the formulation of campaigns. WROG officers are also responsible for conducting community tours of the Materials Recycling Facility in Great Blakenham. DPW usually represents SCDC/WDC at this group.
- **Suffolk fly-Tipping Action Group (STAG)** delivers education, communication, and public engagement and awareness raising of waste crime and its prevention, coordinates county-wide stop-and-search crackdowns, and assists SWMG with the formulation of campaigns. DPW represents SCDC/WDC at, and also chairs, this group.
- **Suffolk Waste Managers Group (SWMG)** is responsible for overseeing the implementation of waste policy and delivery of campaigns by WROG and STAG and provides technical waste expertise. SG + JS usually represent SCDC/WDC at this group.

In recent years the officer groups of the SWP have been responsible for formulating and implementing a number of successful, high-profile waste campaigns, including:

- **Plastics – Know Your Place** – education campaign raising awareness of how to recycle plastics;
- **Textiles recycling campaign** – campaign to launch new textile recycling scheme;
- **Tip-Off – campaign** to raise awareness of fly tipping and how to prevent it (winner of 2014 CIWM communications award);
- **Making Food Waste History** – campaign to improve awareness of food waste avoidance techniques;
- **You Can Now Recycle Even More** – campaign to launch expanded county-wide dry recyclables collection scheme.

Many of these campaigns involve a range of promotional channels, including:

- Press releases and articles in Council publications (e.g. In Touch & Coastline);
- Leaflets;
- Banners/posters;
- Radio/TV interviews;
- Video clips hosted on internet;
- Public engagement events (including dedicated roadshows, and “piggybacking” wider community or commercial events such as Suffolk Show, Aldeburgh Food Festival, Latitude, Schools Farm Fair);
- Web content (on relevant pages of District Council websites, plus the Suffolk Recycling website).

In addition, team support community led spring clean and litter event's ie community group's, WI, Schools, Cubs and Scout group, (currently supporting 3 events per year in WDC and 52 in SCDC).

WROG also support the annual Home Composting week activities, and STAG coordinate county-wide publicity to promote the annual Suffolk Spring Clean campaign, with Officers being responsible for devising and procuring all campaign materials and organising and attending events.

Table 2 - Number of reports per annum notes

2014/15	Reports received	Investigations conducted	Cases where enforcement actions taken	There may be several enforcement actions per case. Enforcement actions may include advisory action, visits, written communication, notices etc
Dog fouling	36	36	15	All investigated, rare to have good evidence. Round robin letters may be sent where appropriate
Dog Control Orders	12	12	6	Combined b & c. Proactive patrols not included in figures
Fly-tipping	738	120	40	Incidents where there is unlikely to be evidence are not investigated by enforcement team, although Street Cleansing crew are instructed to collect evidence if found
Littering	25	25	20	All investigated.
Graffiti	0	0	0	
Fly-posting	10	10	5	Other incidents may be dealt with by Refuse and Cleansing
Abandoned vehicles	105	105	60	All investigated. Vehicles have sometimes been removed before officer arrives. Likely to be several enforcement actions per case
Nuisance parking	5	5	0	On investigation usually not justified
Use of wheeled bins	40	40	35	Bins left on street etc. may require several actions per case
Waste regulatory offences	10	10	5	All investigated.

Table 3 - SWEET Direct Costs Analysis

Staff Costs	2015/16	2014/15	2013/14	2012/13
Total Labour Costs	£29,637	£27,266	£82,226	£68,896
PPE	£18	£18	£158	£70
Telephony	£500	£500	£500	£500
Training		£0	£100	£100
Total Costs	£30,155	£27,784	£82,984	£69,566
FTE's	0.60	1.40	2.50	2.17
Individuals				
Direct Team	WMO* 20% 12/12	WMO 20% 12/12	WMO 50% 12/12	WMO 50% 12/12
	WMO 20% 12/12	WMO 20% 12/12	WMO 50% 12/12	WMO 50% 12/12
		WMO 100% 12/12	WMO 100% 11/12	
			WMO 100% 1/12	WMO 100% 12/12
Management	Ops Man 20% 12/12		Ops Man 50% 12/12	Ops Man 50% 4/12

NB the % numbers indicate the % of individuals' time spent/worked at Waveney (as opposed to Suffolk Coastal) and the /12 fraction indicates how many months of the year an individual worked in and was costed to SWEET.

*WMO = Waste Management Officer

Table 4 - Percentage of officer time spent by SWEET on tasks

Task	%	Notes
Promotions SWP/WROG/SWMMG etc	15%	
Campaigns support (Spring Clean etc	1%	
Abandoned vehicles	10%	
Travellers	0%	Now carried out by Waveney District Council
Educational tours/talks	2%	
Waste analysis/surveys	2%	Large projects that take up a lot of time when in progress, but only on a occasional/Annual
Secondment	0%	Currently no plans for future arrangements. Daniel was seconded for one day per week for almost a year to the STAG project but funding for this has now ceased.
Environmental enforcement investigations	58%	
Proactive Patrols	10%	We have a schedule of proactive patrols taking place mostly from March to October
Pest control	2%	
Total	100%	