

Public Document Pack

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Pennaeth Gwasanaethau Cyfreithiol a Democraataidd



To: Cllr Matt Wright (Chairman)

CS/NG

Councillors: Haydn Bateman, Derek Butler,
Peter Curtis, Chris Dolphin, David Evans,
Veronica Gay, Cindy Hinds, Ray Hughes,
Joe Johnson, Colin Legg, Nancy Matthews,
Ann Minshull, Paul Shotton and Carolyn Thomas

12 September 2013

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Dear Sir / Madam

A meeting of the **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE** will be held in the **DELYN COMMITTEE ROOM, COUNTY HALL, MOLD CH7 6NA** on **WEDNESDAY, 18TH SEPTEMBER, 2013** at **10.00 AM** to consider the following items.

Yours faithfully

Democracy & Governance Manager

A G E N D A

- 1 **APOLOGIES**
- 2 **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**
- 3 **MINUTES** (Pages 1 - 10)
To confirm as a correct record the minutes of the last meeting

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The Council welcomes correspondence in Welsh or English
Mae'r Cyngor yn croesawau gohebiaeth yn y Cymraeg neu'r Saesneg

- 4 **ENERGY SWITCHING SCHEME - UPDATE AND REVISED RECOMMENDATIONS** (Pages 11 - 22)
Report of Director of Environment enclosed

- 5 **ENVIRONMENTAL ENFORCEMENT POLICY** (Pages 23 - 58)
Report of Director of Environment enclosed

- 6 **PERFORMANCE REPORTING** (Pages 59 - 66)
Report of Chief Executive enclosed

- 7 **ENVIRONMENT FORWARD WORK PROGRAMME** (Pages 67 - 74)
Report of Member Engagement Manager enclosed

Agenda Item 3

ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE **23 JULY 2013**

Minutes of the meeting of the Environment Overview & Scrutiny Committee of Flintshire County Council held at Delyn Committee Room, County Hall, Mold on Tuesday, 23 July 2013

PRESENT: Councillor Matt Wright (Chairman)

Councillors: Haydn Bateman, Derek Butler, Peter Curtis, Chris Dolphin, David Evans, Cindy Hinds, Ray Hughes, Joe Johnson, Colin Legg, Nancy Matthews, Paul Shotton and Carolyn Thomas

SUBSTITUTES: Councillors: Ian Dunbar (for Ann Minshull) and Dave Mackie (for Veronica Gay)

CONTRIBUTORS: Deputy Leader and Cabinet Member for Environment, Cabinet Member for Public Protection, Waste & Recycling and Director of Environment

Transportation Manager and Rural Transport Project Officer (for minute number 20)

Head of Planning (for minute number 21)

Leader of the Council (for minute number 23)

Head of Regeneration (for minute number 23)

IN ATTENDANCE: Environment & Social Care Overview & Scrutiny Facilitator and Committee Officer

18. **DECLARATIONS OF INTEREST (INCLUDING WHIPPING DECLARATIONS)**

Councillor C.A. Thomas declared a personal interest in Agenda Item 4 'Review of Subsidised Bus Services' due to her involvement with Cadwyn Clwyd.

19. **MINUTES**

The minutes of the meeting held on 26 June 2013 had been circulated with the agenda.

Accuracy

Councillor C.A. Thomas asked that it be noted that she had been in attendance in the public gallery at the meeting.

Matters Arising

Copies of the action sheet from the meeting were circulated to those present.

Councillor C.J. Dolphin said that despite the Head of Streetscene having stated that contractors were not cleaning gullies, he was aware of cases in his ward where strong jet cleaners were being used to do this. The Director of

Environment would check with the Head of Streetscene and provide a response on locations and frequency of cleaning.

RESOLVED:

That, subject to one amendment, the minutes be approved as a correct record and signed by the Chairman.

20. REVIEW OF SUBSIDISED BUS SERVICES

The Transportation Manager introduced a report to outline draft proposals of the County's subsidised bus and related services and introduced Ceri Lloyd who had been appointed as the new Rural Transport Project Officer on a 12 month fixed-term basis.

A full list of bus services in Flintshire was attached to the report indicating Red, Amber and Green status to show levels of cost, demand and sustainability. In correcting an error in the report, it was noted that the review had highlighted 8 Red services, 10 Amber services and 13 Green services. Changes to the management of bus services following the reduction in funding across Wales were reported, along with details on the full consultation process.

The Deputy Leader and Cabinet Member for Environment stressed that this would involve a meaningful consultation process providing the opportunity for relevant stakeholders such as Overview & Scrutiny, Town and Community Councils and all Council Members to feedback their views prior to reaching a decision at Cabinet in December 2013. In echoing these comments, the Director of Environment reminded Members that a further report would be brought back to the Committee on 13 November 2013.

Councillor A.I. Dunbar expressed concern about notice given to withdraw commercial bus services 9 and X9 whose route included a steep hill and which many elderly people were reliant upon to access essential services. The Director said it was important to distinguish between the services provided and to bear in mind that the Council had no influence over those run commercially by bus operators and also could not run subsidised services in competition with them. In addition, operators were within their rights to give 56 days' notice to the Traffic Commissioner to withdraw services. The Transportation Manager explained a tendering process was due to commence for replacement bus services to start on 8 September 2013 although these may not be at the same level. Information would be shared with Members. Councillor D. Evans had previously raised concerns about the same issue and welcomed the response.

Councillor W.P. Shotton highlighted the importance of detailed consultation with Town and Community Councils, in view of the cuts to bus grant funding across Wales and the Regional Transport Consortia, and suggested that the newly appointed Rural Transport Project Officer could undertake visits to discuss fully. He also commented on the importance of concessionary bus passes to those in rural and deprived areas of the county.

In response to queries raised by Councillor C.A. Thomas, the Transportation Manager confirmed that Iwan Prys-Jones could present the TAITH

Regional Bus Network Strategy to Overview & Scrutiny and that TAITH had taken over the management of the budget for community transport from 1 April 2013 and community transport operators appeared to be satisfied with the funding received. Following Councillor Thomas' comments on the D42 'on demand' service to rural communities which helped to transport evening workers, it was explained that this currently operated as part of the Deeside Shuttle and was to be re-tendered. The Transportation Manager said that detail such as this was required as part of the consultation process and that improvements would be made where feasible. She noted the suggestion that consultation with Town and Community Councils include information on specific routes which affected them.

The Chair agreed with the suggestion for the Rural Transport Project Officer to visit Town and Community Councils and provide explanation on the proposals, particularly in regard to 'red' services. The Transportation Manager commented that these visits may be needed in September as the new appointment did not start until mid August. Councillor Thomas urged awareness of timeliness of Town and Community Council meetings within the consultation period as some would not be due to meet until the end of September. The Deputy Leader and Cabinet Member for Environment suggested that Town and Community Councils may wish to convene special meetings during August to look at this topic but gave assurance that their involvement was paramount in the consultation process.

Councillor C.J. Dolphin requested that the 22 and 22A services be extended to enable residents in Carmel and Gorsedd to access Holywell town centre shops and leisure facilities.

Councillor P.J. Curtis hoped that the consultation process would involve visits along routes to expand knowledge about areas, rather than a desk exercise, and that the Council could work with commercial operators on usage to avoid wastage from empty buses, particularly during peak periods. He commented on there being no buses from his area to Mold on Sundays and the inconsistent timing of buses travelling from Chester to Holywell and Rhyl. In response to a further comment, the Director acknowledged that some commercial bus operators were competing by running services behind each other. Whilst the Council had been unable to do anything about this in the past, the Regional Bus Network Strategy would provide a quality framework where the Council was better placed to raise this problem.

In response to comments made by Councillor N.M. Matthews, the Transportation Manager explained that priorities were outlined in the policy and that home to school transport for eligible school children was statutory. Contributions were received from Education for some journeys, based on the number of pupils travelling on those routes, and some public service buses on school routes also accommodated fare-paying passengers. She went on to explain that funding for the Clwydian Ranger, which was a seasonal service, had ceased.

Councillor D. Butler felt that a good service was being provided by the Council in view of mileage covered and that transport by local bus companies should be encouraged. He said it was essential that the Deeside Shuttle

continued as it was the only one to serve the Deeside Industrial Park and spoke of the potential for the 7 and 28 services to be extended to this area.

Councillor D.I. Mackie spoke in support of the bus users' surgeries events held on 23 May 2013 at Connah's Quay and Flint, which had been most informative and brought together Council officer expertise with representatives from bus companies and national organisations. He asked for the 'unknown' figures in Appendix 3 to be addressed, where possible, to provide clarity and had been made aware of some routes where roads were not easily accessible for buses, for example York Road in Connah's Quay. On subsidised bus services for students, he referred to the potential for a significant increase in demand for bus services arising from the sixth form hub.

The Transportation Manager said it was intended to arrange a further consultation event in October/November 2013 and asked Members to contact her with suggestions on possible venues. She explained that the role of the Bus Compliance Officer, who had been present at the last event, worked on behalf of the Welsh Government/Bus Users' UK to monitor bus routes across North Wales for their punctuality and reliability and report back to the Transport Commissioner. Unknown figures for routes which were part of the Deeside Shuttle were complex to calculate but would be resolved when the relevant officer had returned from absence. Other unknown figures were for commercial services where operators had opted not to provide this commercially sensitive information. Officers were aware of concerns relating to York Road and concerns had been raised with Arriva regarding this No. 10 service during the daytime when the service was operated commercially (during the evenings, when the service was subsidised, the bus did not operate via York Road), however the Council had no control over commercial journeys. Councillor Shotton said that this issue had been addressed last year where an amicable arrangement had been reached between Arriva and local residents.

Following a question from the Chairman on the size and width of some buses used for rural routes, the Transportation Manager explained that often they needed to accommodate the number of pupils travelling to and from schools in the morning and afternoon; consequently the same buses were also used throughout the day as it was not financially viable to have vehicles sitting idle. She added that viable alternative solutions would be considered as part of the consultation process.

Councillor C. Hinds spoke of the need for residents in Penyffordd to access services to Deeside Industrial Park and for a service to transport pupils from Dobshill to schools in Hawarden (due to capacity issues at Castell Alun) to avoid the need for taxis. The Transportation Manager advised that the latter point had recently been raised with commercial operators, however school selection was down to parental choice and problems with capacity at local schools should be raised with Education.

In response to a query raised by Councillor Curtis on evidence to show that subsidised services were running to the required frequency, the Transportation Manager explained that back-office ticket machine data was available. She also gave an example where an operator had produced GPS data to respond to a challenge on the punctuality of a particular service.

In summing up, the Chairman welcomed the report in view of the cuts made to bus grant funding across Wales and said that innovative thinking would be needed on re-tendering services with meaningful proposals brought back for consideration on 13 November 2013. On the intention to provide a further bus users' event, he suggested that an early evening slot be arranged to accommodate individuals at work or school during the day. The Transportation Manager agreed that this could be considered.

RESOLVED:

That the comments made by the Committee on the draft proposals be considered as part of the consultation.

21. PLANNING SERVICE PERFORMANCE

The Head of Planning introduced a report to further analyse the performance of the Planning Service, particularly in Quarters 2 and 3 of 2012/13, which had been reported to Cabinet in March 2013. Copies of updated information on performance indicators for Quarter 1 of 2013/14 were circulated to compare to 2012/13 year outturns. An update was also provided on the role of the Conservation Officer, enforcement of planning conditions and inter-departmental consultations.

Councillor A.I. Dunbar welcomed the report which showed excellent progress in all aspects of planning applications. Responding to queries on applications with Section 106 Agreements, the Head of Planning acknowledged the time needed by the Planning Committee to clear the backlog and said that the majority of planning applications with Section 106 Agreements must be considered by the Committee.

With respect to enforcement issues and the time taken to take formal action, it was recognised that some applicants were exploiting the system through the submission of retrospective applications which would need to be determined prior to Formal notices being served.. When asked about direct action, he gave an example of the outcome of the unauthorised gypsy encampment in Essex.

The Chairman asked about the effectiveness of liaison between Legal and Planning in dealing with problems. The Head of Planning felt that there was a good relationship between the two sections with advice efficiently given but suggested that there may be issues with the availability of resources on more complex cases. He added that officers were endeavouring to simplify the process on Section 106 Agreements to speed up the process.

The Deputy Leader and Cabinet Member for Environment was aware of issues on Section 106 Agreements and gave assurance that he received regular updates on cases. He felt that the situation had improved and agreed that there were issues about resources on complex cases which was being addressed corporately.

Councillor C.A. Thomas said that pre-planning discussion was required to provide guidance to applicants and would pursue this with the Head of Planning outside the meeting. The Chairman said that the Committee had previously stressed the importance of pre-planning discussion to avoid problems further down the line. On a further query, the Head of Planning said that officers were working with Town and Community Councils to provide information on key applications with Section 106 Agreements within their areas and that further information could be sought from Claire Leaney.

On the downturn in the determination of minor planning applications within 8 weeks, Councillor G.H. Bateman sought clarity on the 'increased emphasis on negotiating quality'. The Head of Planning explained that this was about finding solutions before submission of the application thus avoiding delays arising from negotiations later in the process. Following a further query, he advised that the statement made by Carl Sargeant AM had reflected changes to extend permitted development rights leading to greater flexibility on planning permissions and the potential for a reduction in householder planning applications. He added that guidance and criteria had been issued by the Welsh Government (WG) on the changes and that workshops had been arranged to help understanding. Information on the changes would be included on the Council's website and circulated to the Committee.

Following a comment from Councillor C.J. Dolphin on ongoing cases, the Head of Planning said that complex planning applications may encounter delays due to viability issues, further information being requested or the need for monitoring, for example from ecology reports.

Councillor W.P. Shotton was pleased to note the improvements in performance and positive changes made to the role of the Conservation Officer and praised the excellent training sessions which had been provided.

Councillor D. Butler asked whether the changes to planning rights would provide the opportunity for major developers to renegotiate new applications to reduce their obligations. The Head of Planning said that this was becoming more common in Flintshire and cited a recent case where there had been a refusal to make the necessary community benefits which led to difficult decisions by officers and the Planning Committee. Councillor Butler asked if the Planning Strategy Group could consider this. As Chair of the Planning Strategy Group, the Deputy Leader and Cabinet Member for Environment agreed to ensure that this was included on the work programme.

In response to a query raised by Councillor C. Hinds on the building of schools, the Head of Planning said that there was little that could be done in the planning process. The Chairman asked if the Facilitator could explore the degree of liaison between Planning and Lifelong Learning Overview & Scrutiny Committees.

In summing up, the Chairman noted the marked improvement in performance which had been noted by Members and said that the Committee would take a keen interest in the sustainability of these improvements.

Councillor N.M. Matthews said it was important that the Conservation Officer took account of views from the community and possessed adequate historical knowledge of the areas covered. The Head of Planning hoped that this was the case and said that other resources were available with a knowledge of areas. He confirmed that this was a full-time post and added that the involvement of a second officer to provide support would help to ease the burden in what was a subjective area of work.

RESOLVED:

That the further analysis of the Planning Service's performance for 2012/13 and update on Quarter 1 for 2013/14 be noted, acknowledging the improvements that had begun to take hold in Quarter 4 and those planned for 2013/14.

22. UPDATE ON THE NORTH WALES RESIDUAL WASTE TREATMENT PROJECT AND THE SUB-REGIONAL FOOD WASTE PROJECT

The Director of Environment introduced a report to update Members on the procurement process of the North Wales Residual Waste Treatment Project (NWRWTP) and progress on the Sub-Regional Food Waste Project.

On the NWRWTP, discussions had been ongoing with Wheelabrator Technologies Inc (WTI) following Sita's withdrawal from the procurement process earlier in the year and the outcome of finalising commercial aspects of the solution was due to be considered by the Joint Committee (made up of the five partner Authorities) in early Autumn 2013.

On the Sub-Regional Food Waste Project, positive feedback had been received on the 'interim' service and construction had begun on the treatment facility. The Cabinet Member for Public Protection, Waste & Recycling reported that there had been a slight delay to construction due to the repositioning of a transformer, which it was hoped would soon be resolved by Scottish Power. Approval had been granted to a planning application submitted by WG to develop the western portion of the site as a strategic contingency salt store.

In response to a query raised by Councillor A.I. Dunbar on the NWRWTP, the Cabinet Member for Public Protection, Waste & Recycling explained that fines from the Welsh Government (WG) would apply to Flintshire and the other partner Authorities upon failure to meet statutory waste targets whereas potential knock-on costs would apply to any Authority withdrawing from the project.

Councillor G.H. Bateman sought clarity on the withdrawal of Sita from the process. The Director said that the involvement of Sita for so long in the process had enabled benchmarking to take place with the proposals from WTI. Although Sita had cited commercial reasons for its withdrawal, further explanation had not been divulged to the partnership.

Responding to a question from the Chairman, the Director advised that WTL was an American company whose business plan had been based on creating facilities to further develop opportunities in the UK.

RESOLVED:

That the content of the report be noted.

23. DEESIDE ENTERPRISE ZONE PROGRESS REPORT

Prior to the item, the Chairman stated that he understood the Leader of the Council would be assuming responsibility for regeneration which had previously been under the remit of the late Councillor Peter Macfarlane.

The Head of Regeneration introduced a report to inform Members of progress on the Deeside Enterprise Zone (DEZ) which had been officially launched as Wales' designated area for Manufacturing and Advanced Manufacturing. He detailed the background and consideration of the report including key points within the response from the Welsh Government (WG) to the business plan. It was noted that progress in Year 1 had resulted in the creation of 431 new jobs and 1,300 existing jobs safeguarded, despite physical work on DEZ not yet having started.

The Leader of the Council stressed that the DEZ was a WG led initiative and was one of seven across Wales. He said that the achievement in economic development in Flintshire was recognised and despite previous concern around submission of the business case, subsequent meetings had been held with the Minister and the business case approved. He referred to concerns about competition with two Enterprise Zones in England within a 20 mile radius of Deeside in terms of attracting investment and growing businesses. In providing an update on the North Wales Economic Ambition Board (NWEAB), he highlighted work in enabling access across the region, a key strand of which would be the electrification of the North Wales Coast lines. He remarked that there appeared to be a clear drive for North Wales Authorities to focus on tourism and energy and called on support from Overview & Scrutiny to ensure that views were heard on manufacturing. He welcomed the skills agenda in North Wales which would benefit the region and hoped that links would be developed with China following the visit by the Chinese delegation, to benefit the whole of Flintshire.

Councillor W.P. Shotton welcomed the approval given to commence the Flood Alleviation Scheme and the exciting concept of the North Wales Advanced Manufacturing Skills and Technology Centre to sustain the manufacturing base and safeguard skills. Whilst being mindful of the WG led initiative on the DEZ, he said that more would be expected.

Councillor D. Butler said that the WG should note that Flintshire worked under a certain demographic and spoke of the need for close working between the six Local Authorities and the NWEAB. The interest expressed by the Chinese delegation had been generated through work internally and would benefit people in Flintshire and across North Wales.

Councillor A.I. Dunbar spoke in support of progress made which was starting to come to fruition and of the need to work together to achieve fundamental changes.

The Director thanked the Leader for his comments and spoke of positive progress in approval of the business case, increasing confidence in investment opportunities and benefits for the whole of North Wales. He referred to the six Local Authorities working together and the need to prioritise manufacturing jobs.

The Chairman said that it should be the responsibility of the Council to engage at a local level and suggested that he discuss the best way to take this forward with the Leader of the Council. As this was a quarterly update report, he suggested that a six monthly update be received in future.

The Leader of the Council welcomed this discussion with the Chairman and said that the NWEAB was supportive of manufacturing and that the importance of advanced manufacturing to the whole of North Wales could be reinforced, especially in light of the Ministerial guidance.

In response to a question from Councillor N.M. Matthews on whether the Council or WG dealt with companies investing in the DEZ, the Head of Regeneration explained that this was dependent on the project and proposals involved, but there was generally a shared approach with WG colleagues.

RESOLVED:

- (a) That the progress report be noted;
- (b) That the Chairman liaise with the Leader of the Council on a localised approach; and
- (c) That the progress report on Deeside Enterprise Zone be received by the Committee on a six-monthly basis.

Deeside Enterprise Zone marketing document

24. MEMBERS OF THE PRESS AND PUBLIC IN ATTENDANCE

There was one member of the press in attendance.

(The meeting started at 10.00 am and ended at 12.23 pm)

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Chairman

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FLINTSHIRE COUNTY COUNCIL

REPORT TO: **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**
DATE: **WEDNESDAY 18TH SEPTEMBER 2013**
REPORT BY: **DIRECTOR OF ENVIRONMENT**
SUBJECT: **ENERGY SWITCHING SCHEME – UPDATE AND REVISED RECOMMENDATIONS**

1.00 PURPOSE OF REPORT

1.01 Following an earlier request to advise Environment Overview & Scrutiny Committee on opportunities relating to energy switching and energy advice, colleagues were invited to attend a National Energy Action, Consumer Focus, and Welsh Government event focussing on the various models of collective energy switching. This report contains the knowledge and recommendations from that event and further discussion with other organisations.

2.00 BACKGROUND

2.01 In March 2013, the Director of Environment brought a report on Energy Switching schemes to the Environment Overview and Scrutiny Committee.

2.02 425,000 households (1 in 3) in Wales are estimated to be in fuel poverty, and 1 in 5 in severe fuel poverty. With average energy bills now over £1,300 a year, the average household energy bill has increased by around £730 since 2004 and by around £90 in the last 12 months.

2.03 The Department for Energy and Climate Change funded several pilot projects in England on Collective Energy Switching between December 2012 and March 2013. Most of these projects promoted a reverse auction energy switching service run by Belgian company ichoosr.

3.00 CONSIDERATIONS

3.01 Some savings can be made by households who do not understand their energy bills, are not on the correct tariff for their circumstances or who may be eligible for Warm Homes Discount. However, Energy Switching schemes do not take these additional tariffs or circumstances into account, and therefore do not offer the best deal to the majority of people who express an interest in the scheme.

3.02 Consumer Futures, formerly Consumer Focus, a statutory organisation set up by the government to represent consumers of regulated

markets) reports that 50% of households have never switched energy tariffs, 40% have, but the majority of these switches involve moving to a dual fuel deal, 96% of the non-switchers say they would never switch, leaving 3% of the population who might be influenced by an energy switching campaign.

- 3.03 Barriers to switching tariff include perceived hassle, trust or mistrust of the companies involved, misconception and out of date information on the effect debt might have on ability to switch (up to £200 in debt can be carried over to a new supplier). Lack of access to internet comparison sites, and a sense of comfort with the company with links to the former local electricity network also have an impact. Some non-switchers are therefore likely to be on older tariffs that may no longer be suitable or cost-effective for their needs.
- 3.04 A council-run scheme gives the residents trust in switching. The council are important in reaching out to those customers who need to switch but are afraid, mistrusting, or have no internet access. A number of local authorities and other organisations were consulted during the development of this report, including South Lakeland District Council who were the first in the UK to pilot a collective switching scheme with ichoosr, and Cheshire East (as part of the Big Community Switch) and Birmingham & Solihull Together (as part of UK Together) who ran schemes as part of a Department for Energy and Climate Change English Local Authority pilot scheme.
- 3.05 Welsh Government and WLGA are now working on a pilot with Cardiff and Vale of Glamorgan Councils which is intended to form the basis for a Wales-wide collective energy switching programme. The aim is for the first switch through that programme to take place around November. More information on this is available in Appendix 2.
- 3.06 Estimated average savings from the local authority-supported schemes we have consulted with is just over £100 a year. These estimated savings are based on the usage information that residents provide, and are not guaranteed savings. The critical amount that seems to entice people to switch is between £150 and £200 estimated savings, although other factors can entice householders to switch at lower levels, for example, poor customer service or lack of a fixed price offer with their current supplier.
- 3.07 Prepayment meters were not included in early community switching campaigns. They can now be included in schemes, however average savings predictions average £30 for single fuel and £50 for dual fuel, and actual switch number have been low (a handful per scheme), reflecting a need for more nuanced advice for people on prepayment meters, which could be offered through the in-person marketing suggested.

- 3.08 Energy switching scheme take-up in the pilot areas has been between 2-10% of the target area registering, with 10-25% of those households switching. Ideally, vulnerable households and those who have not previously switched can be targeted through this scheme. Councillor involvement in spreading the word to enhance the marketing campaign into a powerful word of mouth campaign is crucial to reaching these vulnerable groups.
- 3.09 The fixed rate tariffs offered by the winning energy company may leave some residents in the same quandary or worse off after the initial 12-18 month deal. As one of the pilot project managers explained it, "most people only look at their bills when they are in a crisis" and a single switch without the information to back it up could be detrimental in the long term. Under the terms of the ichoosr contract, individual householders cannot be directly contacted about energy switching for 3 years. Therefore a 12 month follow-up switch with associated marketing and county-wide mail out is recommended to remind people to examine their options and potentially switch again.
- 3.10 It is important to appreciate that such auctions may not necessarily provide the lowest price to the consumer, and that cheaper prices may well be available from the numerous tariff comparison sites. This is dependant on the prevailing market conditions and the circumstances of each household registering.
- 3.11 Each of the models presented at the National Energy Action forum required at least one senior project manager, and had significant funding from a Department for Energy and Climate Change fund. There was a large marketing budget, particularly in the case of the Birmingham scheme, which included adverts on buses, radio, and television. In addition the use of our current call centre facility would need to be carefully considered on the basis that initial enquiries and promotion would be time consuming and detract from the core function of the current call centre operation. On this basis it is anticipated that a separate call centre function would need to be set up to support the period of the promotion.. We would look to maximize synergies with existing schemes where possible and use existing channels through community groups, partnerships, major employers and corporate communications media to build up the word of mouth spread of information.
- 3.12 The next realistic ichoosr community switching auction available for us to sign up for is provisionally the 4th February 2014.
- 3.13 It is important that this kind of scheme is not viewed as something that can be done "instead of" energy efficiency improvements. Fossil fuel-based energy prices are increasing and fuel brokerage can help to mitigate this situation, but people in "hard to heat/hard to treat" properties will still be paying disproportionate sums for their energy. Hence the Council needs to continue its work in partnership with other

local authorities, Registered Social Landlords and other organisations to tackle the causes of fuel poverty in Wales. The information collected at sign-up, particularly at community events, could also be used to signpost and directly refer to energy efficiency improvements and any associated grants or loans.

- 3.14 This collective switching scheme will work best when run together with continuation and enhanced promotion of a bespoke advice service through the Energy Advice Centre for those who require it.

The North Wales Energy Advice Centre is a Mold-based Social Enterprise who has delivered energy advice to the region since 1999. Formerly part of EcoCentre Wales, the Energy Advice Centre offers the following services in Flintshire:

- Free and impartial energy advice on 0800 954 0658
- Energy Advice Roadshow events at community events, markets, shops, etc.
- Training for community leaders and front line staff in helping people reduce their energy bills and reducing the health, economic, and social impacts of fuel poverty
- Referrals and signposting to grants, loans, and other support for heating, insulation, and other domestic energy and related issues as part of Flintshire's Affordable Warmth Partnership and Advice Network.

Also, the scheme must be linked to the Affordable Warmth Action Plan and developing Housing Sustainability Strategy to develop additional support for off-gas areas and other groups at greater risk of fuel poverty.

- 3.15 The costs in Appendix 1 options are total estimated scheme running costs. Whilst there may be an opportunity for some of these costs to be reduced if internal capacity was available, no spare capacity has currently been identified.
- 3.16 In conclusion, we have looked into the possibility of setting up an energy switching project for Flintshire. However no spare resources are available at the moment and costs are likely to be at least £30-60k costs even if the "Bronze" option in Appendix 1 is chosen.
- 3.17 However, we note the Cardiff/Vale of Glamorgan Regional Collaboration Funded Project which they say will give the whole of Wales the opportunity to switch and will therefore monitor the progress of this project very closely, including analysis of the first auction, scheduled for November of this year. In the event that this is deemed successful, the council will consider a marketing campaign to prioritise the next auction run by the two authorities.

4.00 RECOMMENDATIONS

4.01 That Members note and comment on the report.

4.02 In light of the Medium Term Financial Plan and the acute need for the council to reduce costs now and into the future, it is not considered appropriate at this time to run such a project.

5.00 FINANCIAL IMPLICATIONS

5.01 Additional costs spent on this campaign are unlikely to be recovered directly. This additional activity would be additional to the core services of the domestic energy efficiency project.

6.00 ANTI POVERTY IMPACT

6.01 Beneficial to those who switch, enhanced when linked with advice on energy efficiency and support with energy conservation measures.

7.00 ENVIRONMENTAL IMPACT

7.01 Neutral in isolation, or beneficial when linked with advice on energy efficiency and support with energy conservation measures. Although households who have been under-heating their homes previously expected to be warmer, there is still an overall reduction in domestic emissions levels which mitigates the impacts of climate change.

8.00 EQUALITIES IMPACT

8.01 An aim of this scheme should be to reduce inequality specifically relating to access and fuel poverty due to rural location and tenure.

9.00 PERSONNEL IMPLICATIONS

9.01 This programme is likely to cause an increase to telephone enquiries, and will require staff resource to promote and deliver linked advice.

10.00 CONSULTATION REQUIRED

10.01 Research and discussion is needed regarding different models of energy switching programmes with experts and colleagues with experience elsewhere in the UK.

11.00 CONSULTATION UNDERTAKEN

11.01 Discussions ongoing with EcoCentre Wales, North Wales Energy Advice Centre, Welsh Local Government Association, South Lakeland District Council, Cheshire East Council, Birmingham and Solihull Together, Moneysupermarket.com, National Energy Action, Consumer Focus, and other North Wales Local Authorities and Registered Social Landlords which fed into this report.

12.00 APPENDICES

12.01 Appendix 1 - Options for energy switching scheme

12.02 Appendix 2 - Cyd Cymru Welsh Energy Switching Press Release

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 **BACKGROUND DOCUMENTS**

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ENERGY SWITCHING PROPOSAL

Appendix 1: Energy switching proposal options.

Aim:

To promote awareness of the benefits of checking and switching energy tariffs and to provide a mechanism for residents in Flintshire to switch collectively.

Assumptions:

- ◆ Maximum of 2,400 households likely to register
- ◆ 40% (960) applications via phone received over an eight week period
- ◆ Phone call volume will peak in week one and gradually decline
- ◆ Average phone call length 20 minutes
- ◆ 10% (240) applications face to face
- ◆ 50% (1,200) online applications
- ◆ Between 60 and 240 households are likely to switch based on average results of other local authority promoted schemes.
- ◆ The main phase of the project will take around 18 weeks, with an optional follow-up promotion 11 months after the switch.
- ◆ A dedicated full time project manager will need to be appointed
- ◆ A dedicated full time team of project officers will need to be appointed
- ◆ The programme should be reviewed throughout
- ◆ An end of programme review should be submitted to members

Primary project outcome:

Over a period of 12 weeks promote awareness of the benefits of checking and switching energy tariffs and to provide a mechanism for residents in Flintshire to switch collectively and deliver a comprehensive review of the outcomes of the project.

Secondary project outcomes:

- 1) Total number of properties registering
- 2) Number of vulnerable households registering
- 3) Total number of switchers broken down into:
 - a. Dual fuel
 - b. Electric only
 - c. Pre-payment
- 4) Number of new switchers
- 5) Average energy bill saving broken down into:
 - a. Dual fuel
 - b. Electric only
 - c. Pre-payment
- 6) Total accumulative energy bill savings
- 7) Number of households referred for additional support
- 8) Heating bill savings achieved through referrals for additional support
- 9) Carbon emission savings achieved through referrals for additional support

Draft project time line:

Week one

Project manager appointed

ENERGY SWITCHING PROPOSAL

Week five	Promotion begins (reviewed every 2 weeks)
Week eleven	Auction takes place
Week seventeen	Project closes
Week eighteen	Project closedown and review complete
After 11 months	Follow-up switch / reminder

Two options are described below. Each option shows the number of properties that would need to sign up in order for the savings achieved by householders to match the amount invested. Anecdotal evidence suggests that the number of people switching does not increase based on the amount spent on advertising. South Lakeland, who had a particularly high conversion rate compared to other councils, spent the least on advertising, but seemed to have the highest amount of existing resource and councillors devoting their time to the campaign.

ENERGY SWITCHING PROPOSAL

BRONZE (Basic model) £30-60k

Outgoings:

Development costs	£4,278.00
One full time project manager for 12 weeks	£12,835.00
Two full time project support staff	£5,730.00
Associated costs including travel etc	£1,000.00
Marketing strategy and budget	£4,000.00

Communications strategy including a complaints policy	Nil
Office space for four people	included above
ICT infrastructure	
- 0800 hotline and calls cost	£1,000.00
- Computers	nil
- Telephones	unknown
- Website	unknown
Project management	£5044.30

Subtotal **£31,727.30**

12 month follow-up mailing/marketing (optional) £26,000.00
Project manager/support staff to undertake

Total **£57,727.30**

Income

Energy switch fee @ £5 per fuel per household (payable by ichoosr) £300-£1200

Number of properties needed to match costs through savings (based on £100 savings per property) = 577

Proposal to include:

- Project management
- Call handling
- Communication through Affordable Warmth Partnership organisations, councillors, community groups, businesses etc.
- Promotion through council's corporate communications media, website, YCYC, etc.
- Press release
- 1-2 community events
- Leaflets, posters, pop-up banners, e-mail promotion
- Other low cost adverts – potential local radio if they agree joint branding arrangement to bring cost down.

ENERGY SWITCHING PROPOSAL

SILVER (£50-80k)

Outgoings:

Development costs	£4,278.00
One full time project manager for 18 weeks	£12,835.00
Three full time project support staff	£8,595.00
Associated costs including travel etc	£1,500.00
Marketing strategy and budget	£15,000.00
Communications strategy including a complaints policy	Nil
Office space for four people	Nil
ICT infrastructure	
- 0800 hotline and calls cost	£1,000.00
- Computers	Nil
- Telephones	Nil
- Website	Nil
Project management	£4320.80
Subtotal	£47,528.80
12 month follow-up mailing/marketing (optional) Project manager/support staff to undertake	£26,000.00

Total **£73,528.80**

Income

Energy switch fee @ £5 per fuel per household (payable by ichoosr) £300-£1200

Number of properties needed to match costs through savings (based on £100 savings per property) = 713

Proposal to include:

- Project management
- Call handling
- Communication through Affordable Warmth Partnership organisations, councillors, community groups, businesses etc.
- Promotion through council's corporate communications media, website, YCYC, etc.
- Press release
- 3-5 community events
- Leaflets, posters, pop-up banners, e-mail promotion
- Newspaper wrap/insert in local paper
- Paid local radio advert

Cyd Cymru - Collective Energy Buying

A number of local authorities, and their partners, across Wales are responding positively to the opportunities afforded through collective energy buying. Participation means that households could see their energy costs reduced. Given the large numbers of households suffering from fuel poverty there is a significant opportunity to support many of the most vulnerable in our communities.

Recognising the opportunity for residents and businesses, Cardiff and the Vale of Glamorgan applied for Regional Collaboration Funding to pilot a scheme - "Cyd Cymru / Wales Together"- across the Cardiff and Vale of Glamorgan area. With the support of the Welsh Government we are developing a model of working that will ensure the best deal for prospective participants in Wales. Though the immediate focus of the project centres on Cardiff and the Vale, the results of the scheme will be shared with other Councils in Wales so the benefits could be universal.

As local members leading on this agenda, our first responsibility is to ensure that any scheme delivers the best possible opportunity for residents. We want to make sure that we will be offering people the best possible deal whilst also maximising any community benefit.

We also want to make sure that the scheme is not just about cheaper energy, but more sustainable use of energy. That is why we have been working hard to develop a coordinated package of energy advice that will deliver further benefits to residents and also impact the wider sustainability aspirations of Wales.

Because there is no set model for how individual schemes operate, we are committed to getting it right. Not just for Cardiff and the Vale of Glamorgan, but everyone in Wales. We also want to get the best deal for the people who would benefit most. The opportunities collective energy switching might provide for people on lower income are clear so we must ensure that they take advantage of this opportunity. A number of people rarely switch energy suppliers to obtain savings on their bills so getting the communication and engagement right is essential.

However we must be sure about what we want to achieve and we need to be sure that our scheme:

- Maximises community value
- Provides a full assessment of the positive outcomes (i.e. cheaper tariff) as well as negative outcomes (i.e. any exit charges, other fees) for customers
- Identifies existing Warm Homes discount customers and Priority Service Register customers.
- Delivers direct debit, quarterly, and pre-payment options, single fuel, dual fuel, economy 7, green and no standing charge tariffs that can be offered to all residents who have signed up to the auction

Officers have therefore been working closely with partners with specialist knowledge of energy and consumer engagement to develop the best possible approach for Wales. This knowledge is being put into good effect and we will be looking to run our first auction by November 2013.

We are eager to do this as fast as we can, but we also want to do it right. We will focus our engagement activities on those in most need but the message to Wales is clear. We are developing a model that will deliver best value for everyone. Our aim, therefore, is to run an auction that everyone in Wales can not only learn from, but participate in, should they wish to do so.

We will share our experience, knowledge and delivery plans as soon as possible to help get Collective Energy Buying working for every household in Wales. We appreciate the need for urgency and we will issue an update to you again in early August. In the meantime we will continue to shape the best delivery model for Wales.

Cllr Ashley Govier
Cabinet Member for Environment
Cardiff Council



Cllr Rob Curtis
Environment and Visible Services Portfolio
Vale of Glamorgan Council



FLINTSHIRE COUNTY COUNCIL

REPORT TO: **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

DATE: **WEDNESDAY 18 SEPTEMBER 2013**

REPORT BY: **DIRECTOR OF ENVIRONMENT**

SUBJECT: **ENVIRONMENTAL ENFORCEMENT POLICY**

1.00 PURPOSE OF REPORT

- 1.01 To seek approval and adoption of the Environmental Enforcement Policy – Managing the Local Environment Well for implementation within Flintshire.
- 1.02 To seek approval for the adoption of statutory powers to deal with abandoned shopping trolleys under Section 90 and Schedule 4 of the Environmental Protection Act 1990 as amended by the Clean Neighbourhood and Environment Act 2005.

2.00 BACKGROUND

- 2.01 During 2012, the Council's Internal Audit team carried out a review into cleanliness in the public realm.
- 2.02 A key recommendation of this audit was to set out a clear policy direction on enforcement within this area. This has resulted in a number of enforcement policies held within several areas of the Council being brought together to form this single enforcement policy.
- 2.03 The policy also seeks to introduce new powers within the County to address some common environmental enforcement issues such as abandoned supermarket trolleys.
- 2.04 In 2006, amendments made by the Clean Neighbourhoods and Environment Act 2005 have added powers to the Environmental Protection Act 1990 to assist local authorities in reclaiming charges associated with the removal, storage and disposal of trolleys.
- 2.05 The aim of this policy is to improve Flintshire's local environmental quality by reducing environmental crime across the County. This policy will assist in the achievement of *managing the environment well*, which is one of our Council objectives.
- 2.06 To successfully meet this aim, the policy seeks to achieve the following objectives;

- To raise awareness of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues to everyone across the County
- To educate and work in partnership with residents, businesses and visitors around their role and responsibilities in terms of maintaining and improving environmental quality
- To undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner.

2.07 All of the issues highlighted in the policy are of great importance in creating and maintaining a clean and safe Flintshire. There are prevalent issues affecting Flintshire's local environments which we will seek to prioritise collectively with our key partners such as:-

- Domestic refuse bags dumped on streets outside of collection times
- Abandoned supermarket trolleys
- Fly posting in town centres
- Irresponsible dog ownership
- Litter in high street areas
- Fly tipping and illegal dumping of waste

2.08 All age groups will be approached through the work and corrective action of the policy, however Fixed Penalty Notices will only be issued to persons over the age of sixteen. Offenders below this age will have details logged, and parents/guardians will be contacted to tackle unacceptable actions within the community.

2.09 The policy also seeks to take a zero tolerance approach to environmental crime and to apply the maximum penalty appropriate in each case.

2.10 In 2009 the County of Flintshire became an Alcohol Free Zone. The decision to adopt this status was approved by the Council, which gave North Wales Police the power to confiscate alcohol when consumed inappropriately or when officers deem it necessary for the safety of the public. There is currently a lack of understanding over this position, as some people believe that alcohol cannot be consumed in any public open space in the County. Accordingly, it is intended that the Council undertakes a communications exercise to raise understanding of the legislation within the community.

3.00 CONSIDERATIONS

3.01 The Environmental Enforcement Policy explains our approach towards key environmental / Council enforcement issues which our residents and staff face on a daily basis.

3.02 The policy is intended to be a reference point for residents, Members and Officers in this field instead of having to make contact with several

departments or areas of the website to find out information,

- 3.03 The appendix attached to the report demonstrates who is responsible for what enforcement within the Council for this area of work.
- 3.04 Prior to adopting the abandoned supermarket trolley powers, the Council must consult with *the persons or representatives of persons who appear to the authority to be affected by the application of Schedule 4*. This should include retailers known to be providing a trolley service, local residents and community groups, Natural Resources Wales and North Wales Police.
- 3.05 The Council is required to store the trolley for a period of six weeks after seizing or removing it. If it is subsequently claimed, they are then required to deliver the trolley to the owner who will be subject to a charge for the service as the local authority may require. The owner's entitlement to the trolley is lost if he does not pay such a charge or if the trolley is not claimed; the Council is permitted to dispose of it once 'reasonable enquiries' have been made to ascertain who owns it.
- 3.06 The Council can set a standard charge within the legislation, based on the average cost of dealing with an abandoned trolley. The charge would include administrative costs, such as those arising from the notification requirements, staff time for collection and delivery as well as the cost for storage.
- 3.07 The Council may agree a trolley collection scheme with persons who own shopping or luggage trolleys in its area, and where such an agreement is made the Council may not charge costs under the Schedule for any trolleys within the scheme that are recovered. This arrangement would be subject to regular review and removed if the company failed to meet an acceptable standard.
- 3.08 The Public Protection Service structure includes six Enforcement Officers to address issues such as dog fouling, litter, fly tipping and irresponsible dog ownership. Three of these posts will be filled shortly and we will review the operational management arrangements for delivering the remaining enforcement services. The resources available should provide sufficient capacity to effectively carry out the enforcement contained within the report.

4.00 RECOMMENDATIONS

- 4.01 That Members approve the attached policy for implementation in Flintshire.
- 4.02 That Members adopt the statutory powers to deal with abandoned trolleys under Section 99 and Schedule 4 of the Environmental Protection Act 1990.

5.00 FINANCIAL IMPLICATIONS

5.01 Flintshire County Council would seek to recover the costs of collection, storage and disposal of abandoned trolleys from relevant trolley owners by charging £65 per trolley based on the following: collection/delivery; storage costs; administration.

5.02 Licence fees will be charged at a level to cover the administration costs to the Council for handling applications and monitoring their implication.

6.00 ANTI POVERTY IMPACT

6.01 None

7.00 ENVIRONMENTAL IMPACT

7.01 There should be an improved environment within the County based on the interventions and work as per the proposed policy.

8.00 EQUALITIES IMPACT

8.01 None

9.00 PERSONNEL IMPLICATIONS

9.01 None

10.00 CONSULTATION REQUIRED

10.01 Section 99 of the Environmental Protection Act 1990 sets out the procedure for the adoption of Schedule 4 which includes the following:

- Consultation with the persons or representatives of persons who may be affected by the adoption of the Schedule.
- Seek the views of other agencies to include retailers known to be providing a trolley service, local residents, community groups, Natural Resources Wales and North Wales Police
- Make the resolution to adopt the Schedule
- Advertise the Council's intention to adopt the Schedule in the local press.
- Implement after a period of three months from the date of resolution

11.00 CONSULTATION UNDERTAKEN

11.01 Internal departments
External delivery partners – North Wales Police

12.00 APPENDICES

12.01 Appendix 1 - Environmental Enforcement Policy – Managing the Local Environment

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

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Flintshire County Council

Environmental Enforcement Policy

Managing the local Environment Well

Background

Flintshire County Council and its Statutory Partners have a responsibility to keep our streets clean, to collect refuse, maintain and improve the quality of our public spaces and take action against those who act in a way to affect these.

Our environment influences our quality of life and also impacts on our experience whether living, visiting or working within the County.

Whilst Flintshire County Council has a responsibility for maintaining a clean environment for all, our community also has an integral role and this policy recognises the need for partnership working in order to achieve a safer, cleaner and greener County.

Enforcement plays a vital role in maintaining a clean and safe environment by providing information and advice to individuals regarding their rights and citizenship duties. Where individuals and/or businesses fail to recognise and change their negative behaviour, enforcement ensures that they are made accountable for their actions through legislative processes.

The Clean Neighbourhoods and Environment Act 2005 saw the introduction of new powers for Local Authorities to help tackle environmental crime. The Act introduced effective powers and tools to tackle poor environmental quality and antisocial behaviour such as litter, graffiti, waste and dog control. This policy sets out how we will use our powers alongside our current enforcement work to ensure an effective, clearer and consistent approach to environmental crime across Flintshire.

Aim and Objective

Our aim is to improve Flintshire's local environmental quality by reducing environmental crime across the County

To meet this aim, the policy will seek to achieve the following objectives:

- To raise awareness of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues to everyone across the County
- To educate and work in partnership with residents, businesses and visitors around their role and responsibilities in terms of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues
- To undertake any enforcement action as necessary, in a reasonable, equitable and proportionate manner.
- To take all enforcement decisions in a proportionate manner and strive for high standards of consistency.
- To take all enforcement action without education and advice only when the severity of the situation dictates.

These objectives reflect Flintshire County Council enforcement principles, based upon the Enforcement Concordat. The Concordat states that good enforcement practice should have clear standards, be carried out in an open, helpful manner, have a proportionate and consistent approach and deal effectively with any complaints about the service.

This approach will ensure that:

- Enforcement is carried out in a fair and equitable way;
- We assist business and others in meeting their legal obligations;
- We focus on prevention rather than just cure;
- We take firm action against those that flout the law;
- That all allegations of enforceable offences by delegated officers are properly recorded;

- That the policy underpins other National, Regional and Local strategies such as the Flintshire Green Space Framework Strategy.
- The proper investigation of all offences enforceable within the limits of the statutory requirements of the following statues that may have been amended from time to time including:-
 - (i) Environmental Protection Act 1990
 - (ii) Refuse Disposal (Amenity) Act 1978
 - (iii) Highways Act 1980
 - (iv) Town and Country Planning Act 1990
 - (v) Anti Social Behaviour Act 2003
 - (vi) Clean Neighbourhoods and Environment Act 2005
 - (vii) Damage by Pests Act 1949
 - (viii) Education Act 1996
 - (ix) Criminal Justice and Police Act 2001
 - (x) Various other Acts relating to Highways and the Environment

More information on our principles and approach to enforcement within Flintshire can be found in the Flintshire County Council Public Protection Enforcement Policy.

This can be found online www.flintshire.gov.uk/enforcement

SCOPE

This policy sets out the standard and guidance that will be applied by Flintshire Streetscene and Enforcement services acting in their role as regulator and enforcement agency across the range of relevant legal powers and duties.

This policy applies to all waste and local environmental quality issues experienced across Flintshire on both public and private land. These issues affect the environmental, social and economic well being of our County and have a major impact on the quality of life of those who live, work or visit.

All of the issues highlighted in this Policy are of great importance in creating and maintaining a clean and safe Flintshire. We seek, however, to prioritise work on certain issues to approach enforcement work in a structured way, targeting the most prevalent issues affecting Flintshire's environment.

The current priority areas for the Policy driven by the elements described are;

- Domestic refuse bags dumped on streets outside of collection times
- Commercial waste bags left on streets outside of collection times
- Fly tipping and illegal dumping of waste on public and private land
- Litter in high street areas and other highways
- Graffiti on public infrastructure and in footpath areas
- Irresponsible dog ownership
- Sites detrimental to the amenity of a neighbourhood
- Abandoned Vehicles
- Obstacles / Hazards in the highway and on Rights of Way
- Enforcement within public space addressing issues which reduce our living, working and environmental quality.

FOCUS AREAS

Litter

It is illegal to drop litter. The Environmental Protection Act 1990 (Section 87) states that litter is anything dropped, thrown, left or deposited that causes defacement, in any place open to the air, including litter thrown from the street into a private garden or watercourse. Litter mainly consists of synthetic materials often associated with smoking, eating and drinking, including cigarette butts and chewing gum.

Flintshire County Council provides litter bins at selected busy locations along high streets areas and open spaces across the County. In order to keep Flintshire a clean place, please use these bins for your litter or take it home with you.

We will aim to reduce the level of littering by undertaking general litter education and awareness raising across the County as well as issuing fines.

Where appropriate, authorised officers will use Fixed Penalty Notices (FPNs) to highlight that littering is regarded as unacceptable behaviour in Flintshire and along with other agencies such as North Wales Police, will take a zero tolerance approach.

The distribution of free literature can have a great impact on an area if the printed material is dropped, so creating litter, and by the distribution method leading to possible highway obstructions. Powers in the Clean Neighbourhoods and Environment Act 2005 (CNEA) enable us to introduce a consent system to permit businesses and individuals to distribute free literature in designated areas within the County.

Whilst traders cannot have control over their customers, the items they sell will often end up as litter, or their customers enjoyment of their premises will lead to litter such as cigarette butts at licensed pubs. We aim to work in partnership with business to minimise the impact of litter from shops. The introduction of Street Litter Control Notices will allow us to serve a legal notice on an establishment that contributes to an ongoing litter problem in an area. FPN powers may be used if the conditions of the Notice are breached.

Individuals using commercial premises and contributing to litter (such as smoking outside and discarding cigarette ends on the floor or fast food wrappers) will also be subject to FPN.

Should individuals be witnessed throwing litter from cars, including cigarette ends, officers will note the registration number of the vehicle and the registered keeper of the vehicle will be issued with a FPN for the offence.

A fixed penalty notice may be used as a means of disposing of the offence by means other than prosecution. It is the offender's opportunity to avoid a conviction if they pay in full a penalty instead. Non-payment or partial payment of a penalty notice is generally not an offence in its own right and should a recipient not pay in full the penalty offered within the timescale specified, prosecution may be necessary for the actual offence.

WASTE

Flintshire is a Waste Collection Authority and has a duty to provide a household waste collection service which it does through its Streetscene Service.

Residential Waste

Black rubbish bins will be emptied on the same day of the week every fortnight, alternating with the brown garden waste bin.

Food waste will be collected on the same day every week along with the recycling (blue box, blue bag and white sack).

The only change to collection dates will be around the Christmas period (other bank holidays do not affect collections).

Residents are asked to make sure that the wheeled bins are presented at the kerbside with the bin lid closed by 7am on their collection day, to ensure collection. If necessary and if it is safe to do so, bins can be placed out for collection the night before.

All wheeled bins, food containers and recycling boxes/bags must be placed:

1. At the boundary or curtilage of the property with the public highway, without causing obstruction
- or
2. At a designated collection point in the vicinity of the property which will be notified to the resident in advance.

Containers may be placed on the driveway or footpath leading to the property however they must be reachable by the collection teams without the need for them to enter on the property to collect the container. No containers should be presented behind closed gates.

The collection point for householders with long private drives will be the point where their drive meets the road/highway.

In order to ensure that Recycling Targets are achieved, excess or side waste should not be left on collection day. The crew will note the location of any side waste that is presented and report the occurrence to Recycling Officers in order that a visit to the property can be arranged and the resident provided with advice and guidance to prevent reoccurrence. Should this become an on going issue, the Authority may seek to take enforcement action against the property through the use of a Fixed Penalty Notice.

Bulky household items can be disposed of in several ways.

1. By the specific Bulky collection service (charged)
2. At the Councils Household Recycling Centres

Our roadside collection team will be unable to collect these items as part of the normal domestic waste collection service and residents should refrain from putting these out on collection day.

Information on how these items can be collected, as well as other frequently asked questions in relation to residential waste can be found by contacting;

Streetscene contact centre – 01352 701234
www.flintshire.gov.uk/streetscene

Commercial Waste

Businesses are under a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. This duty states that businesses must take all reasonable steps to keep waste safe.

Businesses must be sure that their waste is transferred to a company authorised to take it and who will transport, recycle or dispose of it safely. This transfer of waste must be officially recorded on a waste transfer note. Businesses will receive a waste transfer note from their authorised waste company and this record must be kept and stored by the business, for 2 years and must be produced if asked by an authorised officer.

If you transport waste as part of your business or otherwise for profit, you must register with Natural Resources Wales (NRW) as a waste carrier, unless you are carrying your own waste and it is not construction or demolition waste. If you are a charity or

voluntary organisation and you collect or transport waste on a professional basis you must also register with the NRW as a waste transporter.

Failure to produce a waste carrier's license can result in a FPN and/or prosecution and seizure of the unregistered vehicle by an authorised enforcement officer.

FLY TIPPING

The mismanagement of waste and waste dumping (fly tipping) degrades the amenity of an area and often attracts further environmental crimes.

Through the action of this Policy, we will educate and advise the community on how to properly manage their waste. We will use all relevant legislation at our disposal to prosecute those who fail to act on this education and advice.

Through linking the illegal disposal of waste (residential or commercial) back to a resident or company, Flintshire County Council will ensure that those dumping their waste on public or private land are prosecuted and that any clean up costs are recovered from the offender.

The Council proactively use CCTV in known problem areas to identify offenders and this will be used in evidence on detection of illegal tipping.

Section 33 of the Environmental Protection Act 1990 provides that:

S33 – (8) ... a person who commits an offence under this section shall be liable

(a) on summary conviction to imprisonment for a term not exceeding six months or a fine not exceeding £20,000 or both; and

(b) on conviction or indictment, to imprisonment for a term not exceeding two years or a fine or both

Should a Flintshire resident be found disposing of their waste illegally (i.e. not at a designated Household Waste Recycling Site), the following actions will be taken;

- The offence will be investigated, and the offender will be invoiced for the cost of removing the waste. They will also be informed of the location of Household Waste Recycling Sites where waste can be disposed of safely and legally.
- An invitation to attend an interview under Caution and subsequent legal proceedings will be considered dependent upon the seriousness of the offence and all related circumstances e.g. persistent offenders
- If the waste is in anyway harmful, then the information related to the case will be passed to Natural Resources Wales for consideration for prosecution

In appropriate cases involving criminal enterprise, an application may be made under the Proceeds of Crime Act for confiscation of assets to recover the financial benefit that the offender has obtained from a criminal conduct. Proceedings are carried out in accordance with the civil standard of proof and applications are made after a conviction has been secured but before the offender has been sentenced.

GRAFFITI

Graffiti is aesthetically unsightly and is criminal damage. In Flintshire, the problem is most prominent in housing and retail areas, and clearing it from public land creates a large cost for the Council.

We will remove any racist or offensive graffiti on public buildings or property within 6 hours of it being reported and all other graffiti on public buildings or property within 48 hours of the report. Council officers do not have the authority to enter private land unless permission is granted by the owner.

Part 6 of the Anti Social Behaviour Act 2003 allows a local authority officer to issue a fixed penalty notice in relation to minor graffiti, to require, by notice, statutory undertakers, such as railways and port authorities, to remove graffiti, and to prevent the sale of paint sprays to anybody under 16.

If any person is found to be damaging any property with any form of graffiti then Flintshire County Council will take the following action;

- A fixed penalty notice will be issued by an authorised enforcement officer.

Where buildings owned by statutory undertakers are subject to graffiti, the Council will;

- Serve a notice requiring the graffiti to be removed within 28 days, after which time we will remove the graffiti and reclaim our costs.

In order to regulate the sale of spray paints to under 16's

- The Council will consider the institution of legal proceedings against anyone selling spray paints to under 16's.

A fixed penalty notice may be used as a means of disposing of the offence by means other than prosecution. It is the offender's opportunity to avoid a conviction if they pay in full a penalty instead. Non-payment or partial payment of a penalty notice is generally not an offence in its own right and should a recipient not pay in full the penalty offered within the timescale specified, prosecution may be necessary for the actual offence.

ADVERTISEMENTS

General:

The display of all types of advertisements can cause commercial and living areas within Flintshire to look cluttered, dirty and unkempt.

All advertisements should be displayed in accordance with the Town and Country Planning (Control of Advertisement) Regulations 1994. These regulations provide the framework for controlling the display of all types of advertisements. Advertisements include: posters and notices; placards and boards; fascia signs and projecting signs; pole signs and canopy signs; models and devices; advance signs and directional signs; estate agent boards; captive balloon advertisements; flag advertisements; price markers and price displays; traffic signs and town and village name signs.

Section 224 of The Town and Country Planning Act 1990 states that;

- (1) Regulations under section 220 may make provisions for Enabling the local planning authority to require –
- (a) The removal of any advertisement which is displayed in contravention of the regulations, or
 - (b) The discontinuance of the use for the display of advertisements of any site which is being used in contravention of the regulations
- (2) For that purpose the regulations may apply any of the provisions of Part VII with respect to enforcement notices or the provision of sections 186 subject to such adaptations and modifications as may be specified in the regulations
- (3) Without prejudice to any provision included in such regulations by virtue of subsections (1) or (2), if any person displays an advertisement in contravention of the regulations he shall be guilty of an offence and liable on conviction to a fine of such amount as may be prescribed, not exceeding level 3 on the standard scale and, in the case of a continuing offence, £100 for each day during which the offence continues after conviction.

The Highways Act 1980 required that all advertisements displayed on the public highway require the consent of the Highway Authority. The display of such advertisements without the appropriate consent is an offence under the Highway Act 1980.

The Anti-social Behaviour Act 2003 allows a local authority officer to issue a fixed penalty notice in relation to fly posting offences.

On Highway Land:

Where advertisements are displayed on highway land, without the appropriate consent and/or licence, the following actions will be taken:

- If an advertisement has a serious detrimental impact on the environment and/or highway safety, the Council will remove it immediately and invoice the person(s) responsible for and/or benefiting from the advertisement for the costs of removal.

- All other advertisements will be investigated and the person(s) responsible for the display of the said advertisement(s) will be requested to remove them within a specified time period days.
- If they are not removed within that period, the Council will remove them and the person(s) responsible for and/or benefiting from the advertisement will be sent an invoice for the cost.
- A fixed penalty notice will be issued and/or legal proceedings instigated where offenders are uncooperative or are persistent offenders

On Private Land and/or Buildings:

Where advertisements are displayed on private land or on a building, without the appropriate consent the following action will be taken:

- If an advertisement has a serious detrimental impact on the environment, affects the character of a listed building or is detrimental to highway safety; the Council will request the removal of the advertisement immediately or within a specified time period.
- All other advertisements will be investigated and the person(s) responsible for the display of the said advertisement(s) will be requested to remove them within a specified time period.
- If they are not removed within that period, the Council will instigate legal proceedings against the person(s) responsible for and/or benefiting from the display of the advertisement where offenders are uncooperative or are persistent offenders
- Legal proceedings will be considered on a case by case basis e.g. consideration of particular circumstances and/or persistent offenders

DOG FOULING

Allowing your dog to foul in Flintshire and to subsequently fail to clean up afterwards is an offence. Not only is dog fouling aesthetically unpleasant, it also has the potential to transmit

diseases particularly to young children. All Dog mess should be bagged and placed in a waste bin.

School Premises

Given the health implications that dog fouling can have on the most vulnerable, the Council will enforce dog fouling offences on school premises as nuisance behaviour under Section 547 of the Education Act 1996;

Any person who without lawful authority is present on school grounds and premises causes or permits nuisance or disturbance may be prosecuted under the Education Act 1996, Section 547.

Flintshire County Council considers dog fouling as a nuisance and therefore offenders will be;

- Cautioned on site by an authorised officer
- Personal details will be taken
- Legal proceedings will be progressed with a summary conviction of up to £500 fine

There is no fixed penalty notice option for dog fouling on education premises and therefore the Council would encourage residents to check which premises this legislation concerns. All affected sites who have requested enforcement against dog fouling have signs at entry/exit points making residents aware that the legislation is in force.

A full, up to date list of schools whose Governing Bodies have requested enforcement can be found at:

www.flintshire.gov.uk/dogs

Public Space

If a person in charge of a dog is found to be allowing the dog to foul on land which is open to the air and to which the public have access, the following actions will be taken;

- The person in charge of the dog will be issued with a fixed penalty notice by an authorised enforcement officer.
- If the fixed penalty notice is not paid, legal proceedings will be instigated by the Council

- They will also be asked to remove the offending material and given advice on how they should deal with their dog's faeces.
- If a person in charge of a dog is persistently allowing a dog to foul on public land, then they will be investigated further and legal proceedings will be considered.

Anyone in charge of a dog who allows it to foul on land which they believe they have been granted permission to access and permission to allow their dog to foul and not clean it up, will be required to provide proof of such permission from the land owner, following the receipt of a fixed penalty notice from an authorised officer.

STRAY DOGS

A Dog roaming unattended in a public place is deemed to be a 'stray' and the Dog Warden will 'seize' and detain it. Members of the public who find a stray dog are required to either return it to its owner, or take it to the local authority of the area where it was found.

Current legislation requires a dog in a public place to be fitted with a collar and a tag bearing the **name and address of the owner** (Note: a microchip does not meet this statutory requirement). Where a stray dog has a form of identification or the owner of the dog is known, the Dog Warden will serve upon the owner a 'notice of seizure' (ss. 149(3)&(4) EPA). The notice specifies that the dog has been seized, where it is being kept and that it is liable to be disposed of if it is not claimed within seven clear days from the date of the notice. The Council can delegate its duties to collect, detain and dispose of its stray dogs to its kennel operators.

The owner of a stray dog is "not entitled" to the return of the animal until they have paid all the expenses incurred and a further prescribed sum (s.149 (5) EPA). Should the dog not be claimed, or the owner declines to pay the sums outstanding, the ownership of the dog is legally transferred to the Council after seven clear days. The Council is then entitled to sell or re-home the dog (except for the purposes of vivisection) or to have it humanely destroyed.

The Environmental Protection Act specifies that in each case, a dog seized as a stray is required to be detained and a notice of

seizure served upon the owner (where known). In addition, the policy of the Council is that, *on the first occasion* that a dog is seized, the Dog Warden will make all reasonable efforts to identify the owner and return it to them before taking it to kennels; i.e. not incurring any charges. The Dog Warden carries a scanning device to identify dogs fitted with a microchip. If the address of the owner is identified, the Dog Warden will either visit or telephone; if contact is made, the dog will be returned.

A dog will only be returned to an address if there is someone able to receive the dog – it will not be left at an unoccupied property, for example where the owner is out. A dog seized on a second occasion is automatically taken directly to the kennels, thus incurring fees and charges.

Kennelling fees are charged on a daily rate and the cost is subject to review. Fees are payable immediately when the animal is received; therefore a dog held overnight incurs **two** days kennelling costs, plus a Statutory fee. Thus any dog kennelled will **immediately** incur charges (plus any veterinary fees), even if it is only held for a matter of hours and reclaimed the same day.

Stray dogs will only be accepted at the holding kennels during certain pre-agreed times.

Working hours for Dog Wardens will include the period 08.30 hours –17.00 hours (Monday to Fridays). Outside this period all reports of stray dogs and lost dogs should be directed to the Carelink out of hours service, who will contact the Dog Warden on call to arrange collection and transport the dog to the kennels, or advise finder of stray dog of acceptance point where the dog can be taken if the finder so wishes or requests that they take the stray dog, the finder will be told that this is not recommended and should be done at their own risk and free will. The out of hours collection service will operate up to 22.00hrs, after that time advice will be given to the finder of the stray dog. Collection of stray dogs after 22.00hrs will be for emergency calls only.

In circumstances where collection is not possible, finders are advised to either: i) retain the dog until it can be collected (usually next working day), or; ii) return it to the owner if known, iii) take the stray dog to the acceptance point at their own risk and free will. Advice will be given to the finder of the stray dog by the Dog warden on call.

Any reports of stray dogs should be logged with our Streetscene Contact Centre.

SITES DETRIMENTAL TO THE AMENITY OF A NEIGHBOURHOOD

Derelict or unsightly properties can attract acts of anti-social behavior and can be misused. They can also cause neighbourhoods to look unsightly and detrimentally affect property prices in close proximity.

The Town and Country Planning Act 1990 states;

S215 – (1) If it appears to the local planning authority that the amenity of a part of their area, or an adjoining area, is adversely affected by the condition of land in their area, they may serve on the owner or occupier of the land a notice under this section.

If the condition of a site (land or building) is seriously detrimental to the amenity of a neighbourhood then the following action will be taken;

- A letter will be sent to the owner or occupier to request that the land is brought back to an acceptable standard within a specific timescale
- If no action is taken then a notice will be served upon the owner that will give precise steps to be taken and a timescale in which this is to be completed
- If no action is taken, then the offender will be investigated and legal proceedings will be considered. There is no right to appeal against this form of notice.

PUBLIC HEALTH AND STATUTORY NUISANCES

Properties that are not kept clean and free of rubbish have the potential to become a nuisance to neighbours for example, by attracting vermin or causing an odour.

The Environmental Protection Act 1990 states that;

S80 –(1) Where a local authority is satisfied that a statutory nuisance exists, or is likely to occur or recur, in the area of the

authority, the local authority shall serve a notice (“an abatement notice”) imposing all or any of the following requirements –

- (a) requiring the abatement of the nuisance or prohibiting or restricting its occurrence or recurrence;*
- (b) requiring the execution of such works, and the taking of such other steps, as may be necessary for any of those purposes,*

and the notice shall specify the time or times within which the requirements of the notice are to be complied with.

The Prevention of Damage by Pest Act 1949 states that;

4 Power of local authority to require action.

(1) If in the case of any land it appears to the local authority, whether in consequence of a notice given in respect of the land under the last foregoing section or otherwise, that steps should be taken for the destruction of rats or mice on the land or otherwise for keeping the land free from rats and mice, they may serve on the owner or occupier of the land a notice requiring him to take, within such reasonable period as may be specified in the notice, such reasonable steps for the purpose aforesaid as may be so specified and where the owner of any land is not also the occupier thereof separate notices may be served under this section on the owner and on the occupier.

(2) Any such notice may in particular require-

- (a) The application to the land of any form of treatment specified in the notice;*
- (b) The carrying out on the land of any structural repairs or other works so specified, and may prescribe the times at which any treatment required by the notice is to be carried out.*

If a property is thought to be posing a threat public health or a nuisance then the following action will be taken;

- 1) The owner or occupier will be asked to remove the rubbish or clean the area that is creating the problem.

- They will also be informed of the legislation surrounding the enforcement of public health standards and nuisance.
- 2) If the owner or occupier takes no action within a reasonable timescale, then an abatement notice will be served upon them requiring them to remove or clean the area that is creating the nuisance within a specified time.
 - 3) If the owner or occupier takes no action then the nuisance will be removed by the Council and an invoice will be issued for any costs.
 - 4) Consideration will be given to the institution of legal proceedings dependant upon the circumstances of each case.

DRINKING ALCOHOL IN PUBLIC PLACES

The whole of Flintshire is covered by a Designated Public Places Order which restricts anti-social drinking in public places.

Signs relating to this are located in various areas of the County.

It is an offence to drink alcohol after being asked not to do so by a Police Officer whilst in a public place.

The Order does not mean that alcohol is banned in public places. A drinker's behaviour will be considered in any action taken by our enforcement officers. If you are drinking alcohol sensibly in a public place, you will not be affected.

North Wales Police have the power to ask you to stop drinking alcohol in a public place if in their opinion;

- You are creating disorder or behaving in an anti-social manner when drinking or under the influence of alcohol
- You are likely to behave in an anti-social or disorderly way when drinking or under the influence of alcohol

The action the officer takes will depend on your response to his request. This will vary from your alcohol being seized and disposed of to an arrest and conviction of a public order offence.

Flintshire County Council works in partnership with North Wales Police to ensure we reduce the harm of alcohol on those who live, work in, or visit our County.

ABANDONED VEHICLES

Residents and visitors to Flintshire are encouraged to ensure that vehicles are parked correctly on the highway and have an up to date tax disc to avoid them being mistaken for an abandoned vehicle.

The Refuse Disposal (Amenity) Act 1978 states the following on the Removal of Abandoned Vehicles;

[...] where it appears to a local authority that a motor vehicle in their area is abandoned without lawful authority on any land in the open air or on any land forming part of a highway, it shall be the duty of the authority to remove the vehicle.

If a vehicle is reported to be abandoned, then the following actions will be taken;

- DVLA records will be checked in an attempt to find the owner. If this is unsuccessful, then officers are free to enter the vehicle to obtain any documents that may contain details of the owner.
- A 24 hour notice will be served on the vehicle if it is considered to be dangerous. If the owner takes no action, then it will be removed and disposed of or stored dependent upon the circumstances.
- All other vehicles will be served with a 7 day notice requesting the owner to remove it by an authorised enforcement officer.
- If no action has been taken by the owner after 7 days, the vehicle will be removed. A vehicle in good condition can be put forward for sale to reclaim any costs.
- In all circumstances, the previous registered owner (as registered with DVLA) will be issued with an invoice for costs of removal and/or disposal of the vehicle.

ABANDONED SUPERMARKET TROLLEYS

Shopping trolleys, taken from their original site and abandoned in the surrounding communities cause problems in many neighbourhoods in Flintshire. When abandoned, these trolleys have a negative effect on the quality of the local environment and trolleys abandoned in water courses have the further potential to cause blockages which result in a significant flooding risk.

In 2006, amendments made by the Clean Neighbourhoods and Environment Act 2005 have added powers to the Environmental Protection Act 1990 to assist local authorities in reclaiming charges associated with the removal, storage and disposal of trolleys.

The Council has a set standard charge within the legislation, based on the average cost of dealing with abandoned shopping and luggage trolleys in its area. The charge includes administrative costs, such as those arising from the notification requirements, staff time for collection and delivery as well as the cost for storage.

The Council may agree a trolley collection scheme with persons who own shopping or luggage trolleys in its area, and where such an agreement is made, the Council may not charge costs under the Schedule for any trolleys within the scheme that are recovered by it. This arrangement would be subject to regular review and removed if the service failed to meet an acceptable standard.

Should your store provide a trolley for your customers to use and you wish to discuss a trolley collection scheme, please contact the Streetscene Contact Centre.

OBSTRUCTIONS ON THE PUBLIC HIGHWAY

It is illegal to wilfully obstruct the highway as well as any items left in the road, on pavements or overhanging pavements posing a health and safety risk for road users and pedestrians. Examples of obstructions which will be subject to Flintshire County Council enforcement policies are as follows:

Skips, Building Materials and Hoardings

Anyone wishing to place a skip, building materials or a hoarding on the public highway must first obtain a licence. Flintshire County

Council issue licences for these purposes, which are governed by a specific set of conditions depending upon the licence required.

Licenses can be obtained by contacting the Streetscene Contact Centre (01352 701234) – Charge applies

Vegetation Detrimentially Affecting the Public Highway

Where a hedge or tree is, in the opinion of the relevant officer, endangering highway users Flintshire County Council may request the owner, or occupier of the land where the vegetation is growing, to make it safe. This includes vegetation obstructing the carriageway, pavements, signs, street lighting and street furniture as well as vegetation obstructing visibility at junctions or bends over highways authority land.

Owner/occupiers of land adjacent to the public highway are required to maintain their vegetation to ensure adequate highway clearance. A minimum clearance of 2.3m over pedestrian rights of ways and 5.0m over the carriageway must be provided.

In addition Flintshire County Council may require remedial action where trees are considered seriously defective and could potentially fall onto the public highway.

The degree of risk will be carefully assessed before determining what steps, and the timescales involved, are reasonably necessary to remedy vegetation which endangers the safe use of the public highway. In addition when requiring remedial action Flintshire County Council must have regard to protected species (e.g. Birds, Bats) which might make it more appropriate for remedial work to be undertaken at a specific time of the year. To safeguard protected species Flintshire County Council may also recommend that remedial work is carried out in a certain way whilst also fulfilling its statutory obligations under the Highways Act 1980.

Where an owner/occupier does not comply with a request to carry out works and the vegetation remains a danger to highway users Flintshire County Council may serve a formal notice requiring the remedial work to be undertaken within 14 days.

Failure to comply with a formal notice may result in the Council carrying out the work specified in the notice and recovering the expenses reasonably incurred from the person served with the notice.

Advertising Boards / Signs

Advertising boards are a source of serious obstruction on the public highway as well as being a potential health and safety risk, particularly when these are placed indiscriminately with no pedestrians' concern in mind.

The Council will inspect and approve applications for placing A Boards on the public highway. Any non approved items will be removed and stored for a period of 7 days to allow collection by the owner. This is necessary action to maintain a clutter free, safe, local environment.

The approval will be provided by Streetscene Supervisors and a small charge will apply for the initial application.

Tables and Chairs

Anyone wishing to place tables and chairs on the highway must first obtain a licence. This is to ensure that obstructions to the pavements in our communities are minimised and that we protect the public using them. The licence will state the number of table and chairs permitted the location and during what hours they are allowed to be placed on the highway.

The approval will be provided by Streetscene Supervisors and a small charge will apply for the initial application.

Any individual or business found obstructing the public highway could be served with a Notice under the Highways Act 1980.

OBSTRUCTIONS ON THE HIGHWAY AND RIGHTS OF WAY NETWORK

Rights of Way

Rights of way provide the ability for those who live or visit our County to enjoy and access our great views and walks.

Obstructions to our rights of way networks prevent those who are entitled to access land, as well as at times put their health and safety at risk.

The preferred method of dealing with an obstruction will be by liaison with the person having control over it. Where their co-operation cannot be obtained, a notice under section 143 of the Highways Act 1980 will be served, which will require the removal of the obstruction within one month.

Failure to comply will result in the Council's removing the obstruction and recovering its costs in so doing from the person having control of the obstruction

Mud or other obstruction on the Public Highway

Given Flintshire's rural and industrial locations, there will be instances where agricultural as well as commercial vehicles will cause a nuisance as well as danger to other road users when spills or mud from tyres is left on the highway.

All reports of this nature will be investigated by staff from the Streetscene service. Every site will be assessed to evaluate the immediate risk to road users. Should the incident constitute an immediate risk to the health and safety of the highway immediate action will be taken to remediate the problem and return the highway to its original condition.

The waste carrier or road user found to have caused the problem, will be invoiced for the cost of the additional clean up.

In cases which do not justify immediate intervention the individual or company whose actions have caused the incident will be served notice to make good the highway.

Failure to comply with the timescales within the notice will result in Streetscene undertaking the clean up and recharging for the remediation work.

PARKING

The Council is currently responsible for managing parking within Council owned car parks in Flintshire. If you are found to be in breach of the parking regulations, you will receive a parking fine (Penalty Charge Notice) on the windscreen of your vehicle.

From 1st October 2013, Flintshire will take over responsibility from North Wales Police for managing on and off street car parking across the County.

If you park correctly, this change will not affect you.

The Police will still issue Fixed Penalty Notices to vehicles causing obstructions on the highway. All other parking, loading and waiting offences will come under the remit of the Council's enforcement officers.

The parking enforcement arrangement is not about raising revenue. There are a number of reasons why the new regime has been introduced, all of which benefit people living in, working in and visiting the County.

- Encouraging safe and sensible parking
- Improve safety for pedestrians and drivers
- Improve general flow of traffic and journey times through the County
- Prevent emergency and public service vehicles from finding their routes blocked
- Improve the general environment
- Free the police to concentrate on their resources on issues felt by the public to be more directly their responsibility.

It is your responsibility to park your vehicle correctly. Details of how to pay your Penalty Charge Notice will be shown on the back of the PCN.

The Wales Penalty Processing Partnership is responsible for processing parking fines and you can access their website through the Council's link as well as access details on restrictions and levels of offences:

www.flinthsire.gov.uk/parking

Or via telephone 0845 6056556

APPLICATION OF THE ENFORCEMENT POLICY

- All age groups will be approached through the work and corrective action within this policy; however Fixed Penalty Notices will only be issued to persons aged above the age of sixteen. Offenders below this age will have details logged, and parents/guardians will be contacted to tackle unacceptable actions within the community.
- Payment of FPNs by instalments will not normally be accepted. Instalments will only be allowed where demonstrable hardship can be proven and prosecution is likely to result in a conditional/absolute discharge.
- Non payment of FPNs / invoices for work in default will result in legal proceedings being instigated by the Authority against the named individual.
- If enforcement action results in interference with the human rights of an individual, then the Council must be satisfied that the interference is necessary and proportionate to what it seeks to achieve. Any covert surveillance requires approval through the Regulation of Investigatory Powers Act (RIPA) 2000..
- The standard approach and application of enforcement will be followed in addition to the above point as explained in the Public Protection Enforcement Policy 2012 which covers residents and businesses in Flintshire.
- It is the Council's approach to take a zero tolerance approach to environmental crime and to apply the maximum penalty appropriate in each case.
- The enforcement of the law will be accompanied by an education and information campaign.

Further information and advice should be sought from our Streetscene Contact Centre or via the Flintshire County Council website

01352 701234

www.flintshire.gov.uk

Environment Enforcement Protocols

Type	Action	Escalation	Dept
Littering Offences	Immediate issue of FPN	Prosecution if penalty unpaid	FCC Authorised Officers / North Wales Police
Dog Fouling – Public Open Space	Immediate issue of FPN	Prosecution if penalty unpaid	FCC Authorised Officers / North Wales Police
Dog Fouling – School Premises	PACE interview and court file prepared	Prosecution where sufficient evidence exists	FCC Authorised Officers / North Wales Police
Stray Dogs	Payment of kennelling, vets fees and standard charge before release of dog	Failure to pay, or claim dog within 7 days will result in the dog transferring into the ownership of the Authority	FCC Dog Warden
Fly tipping (Minor incident)	PACE interview followed by issue of FPN	Prosecution if penalty unpaid	FCC Authorised Officers
Fly tipping (significant incident)	PACE interview and court file prepared	Prosecution where sufficient evidence exists	FCC Authorised Officers / Natural Resources Wales
Statutory Public Health Nuisances	Compliance reached to resolve problem	Improvement or abatement notice issued Prosecution where sufficient evidence exists	FCC Authorised Officers
Drinking alcohol in public places	Confiscation of alcohol based on each individual circumstance	You may be arrested and convicted of a public order offence	North Wales Police
Side Waste	Issue warning and education	FPN issued Prosecution where failure to comply with an FPN is demonstrable	FCC Authorised Officers

Type	Action	Escalation	Dept
Commercial Waste	Issue of FPN for failure to produce waste carrier licence and/or prosecution and seizure of vehicle	Prosecution and seizure of vehicle	Natural Resources Wales
Graffiti	Immediate issue of FPN	Prosecution if penalty unpaid	FCC Authorised Officers / North Wales Police
Advertisements	Immediate issue of FPN Removal of posting from Council Buildings	Prosecution if penalty unpaid Removal of posting by Council - Remedial work charged to fly poster.	FCC Authorised Officers - Planning Streetscene
Civil Parking Enforcement	Immediate issue of FPN	Prosecution if penalty unpaid	Parking
Abandoned Vehicles	Notice placed on vehicle requested movement within 7 days	Removal of vehicle – costs of recovery through scrap value	FCC Authorised Officers
Abandoned Trolleys	Collection of trolley and stored for statutory timescale	Trolley owner charged for return	FCC Authorised Officers / Streetscene
Advertising Boards/A Frames and signs	Removed immediately should no licence be in place	Items kept for 7 days before disposal	FCC Authorised Officers / Streetscene / Planning
Skips, building materials and hoarding	Removal as soon as possible should licence not be in place		Streetscene / Planning
Tables and Chairs	Removed immediately should no licence be in place	Items kept for 7 days before disposal	Streetscene / Planning
Overgrown hedges*	Issue request to carry out remedial work to resident or	1.Issue formal warning after 14 days	Streetscene / Planning

Type	Action	Escalation	Dept
	land owner Appendix 2A	2.FCC to complete remedial work and recharge if not carried out within 14 days of the end of the formal warning period	
Street lights obstructed by hedges/trees	Issue request to carry out remedial work to resident or land owner Appendix 2A	1.Issue formal warning after 7 days 2. FCC to complete remedial work and recharge if not carried out within 14 days of the end of the formal warning period	Streetscene
Mud on Road	Immediate verbal warning to person responsible Risk assessment carried out and immediate remedial action taken if necessary. Cost recharged to perpetrator	1.Written warning sent to perpetrator with timescale for remedial action 2. FCC to complete remedial work and recharge if not carried out within appropriate period. (timescale subject to risk assessment)	Streetscene
Dangerous or trees in need of maintenance	Issue request to carry out remedial work to resident or land owner Appendix 2B (subject to risk assessment)	1.Issue formal warning after 7 days 2.FCC to complete remedial work and recharge if not carried out within 14 days of formal warning (or immediate if Risk Assessment requires)	Streetscene / Conservation
Obstruction to public right of way (footpath/bridleway)	Issue request to carry out remedial work to resident or land owner Appendix 2C	1.Issue formal warning after 7 days 2. FCC to complete remedial work and recharge if not	Rights of Way

Type	Action	Escalation	Dept
		carried out within 14 days of formal warning (or immediate if Risk Assessment requires)	

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

DATE: **WEDNESDAY, 18 SEPTEMBER 2013**

REPORT BY: **CHIEF EXECUTIVE**

SUBJECT: **PERFORMANCE REPORTING**

1.00 PURPOSE OF REPORT

1.01 To provide an update on the streamlined and corporate approach to performance reporting.

2.00 BACKGROUND

2.01 The Council adopted the Improvement Plan for 2013/14 on 25 June 2013. The Improvement Priorities of the previous Council have been thoroughly reviewed and challenged to streamline and reset them and to be clearer over the impacts and how performance will be measured.

2.02 The Improvement Plan focuses on the priorities which are going to have the most impact during 2013/14. This helps the organisation to concentrate on the things where sustained corporate attention is needed during 2013/14, with the remaining priorities being managed as more routine performance management.

2.03 The introduction of the new style Improvement Plan has presented the opportunity to review and streamline our current reporting arrangements so that they in turn focus and concentrate on the achievement of our priorities and the impacts which they seek to deliver.

2.04 The alignment of the new three year Outcome Agreement (starting in 2013/14) with the Improvement Plan allows for further streamlined reporting as part of the Improvement Plan monitoring.

3.00 CONSIDERATIONS

3.01 Future reporting arrangements will include:

1. Monitoring of Improvement Plan activity and progress reported each quarter: This will include progress against the achievement measures, risks and the Outcome Agreement. This will start in October with a single report to Cabinet, followed by quarterly updates. The Improvement Priorities are to be monitored by appropriate Overview

and Scrutiny Committees according to the priority area of interest. Most of these are straight forward e.g. the Housing priorities will be reported to Housing Overview and Scrutiny; others are more complex e.g. Social Enterprise is led by the Director of Community Services, but will be reported to the Environment Overview and Scrutiny Committee as the content is mainly regeneration and business related. Appendix 1 is a mapping document showing accountability and reporting lines.

2. Twice annually (at quarters 2 and 4) performance highlight reports will be presented from the Heads of Service: These will be similar to those previously produced for quarterly reporting with a focus on performance exceptions, both good and poor. This ensures that the 'business as usual' is still being monitored and reported against.
- 3.02 The contents of these half yearly Head of Service reports will include:
- Improvement Priorities that do not have an in-year priority
 - Service Plan progress
 - Corporate measures e.g. absence management
 - Reporting against findings from external regulatory bodies e.g. Wales Audit Office, Care and Social Services Inspectorate Wales or Estyn
 - Improvement Targets
 - National Strategic Indicators (NSIs) – as part of the new Outcome Agreement.
- 3.03 This approach is more streamlined and will remove some of the duplication experienced with the previous approach, e.g. separate Improvement Plan and risk register reporting.
- 3.04 The first full Improvement Plan progress report will be presented to Cabinet's October meeting.
- 3.05 Each Overview and Scrutiny Committee will receive this report and will be briefed on the changing arrangements.
- 4.00 RECOMMENDATIONS**
- 4.01 Members support and help develop the new approach to performance reporting.
- 5.00 FINANCIAL IMPLICATIONS**
- 5.01 There are no specific financial implications for this report, however the Council's Medium Term Financial Plan is aligned to resource the priorities of the Improvement Plan.

5.02 In addition, the alignment of the Outcome Agreement to the Improvement Plan may have financial implications. These will be detailed in a future report once the Outcome Agreement is more fully developed.

6.00 ANTI POVERTY IMPACT

6.01 There are no specific anti poverty implications for this report, however poverty is a priority within the Improvement Plan 2013/14.

7.00 ENVIRONMENTAL IMPACT

7.01 There are no specific environmental implications for this report, however the environment is a priority within the Improvement Plan 2013/14.

8.00 EQUALITIES IMPACT

8.01 There are no equalities implications for this report.

9.00 PERSONNEL IMPLICATIONS

9.01 There are no personnel implications for this report.

10.00 CONSULTATION REQUIRED

10.01 Each of the Overview and Scrutiny Committees will receive this report as part of their September forward work programme which explains the new approach to performance reporting.

11.00 CONSULTATION UNDERTAKEN

11.01 Corporate Management Team and the Performance Leads from across the Authority have contributed to help shape the new approach to reporting. Cabinet members have been consulted. Wales Audit Office has been advised.

11.02 Informal Cabinet received a copy of this report 3 September 2013.

12.00 APPENDICES

12.01 Appendix 1 – Improvement Priorities Mapping Document

LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985 BACKGROUND DOCUMENTS

Contact Officer: Vicki Robarts
Telephone: 01352 701457
Email: vicki.c.robarts@flintshire.gov.uk

Council Priorities - Accountability Mapping

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Housing	Director of Community Services	Cabinet Member for Housing	Extra Care Housing	Helping more people to live independently and well at home	Head of Housing	Housing
			Modern, Efficient and Adapted Homes	Improving the choice and quality of local housing		
			Achieve the Wales Housing Quality Standard	Improving quality of life for our tenants through improved housing		

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Living Well	Director of Community Services	Cabinet Member for Social Services	Independent Living	Improving people's quality of life	Head of Adult Social Services / Head of Children's Social Services	Social & Health
			Integrated Community Social and Health Services	Helping more people to live independently and well at home	Head of Adult Services	

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Economy and Enterprise	Director of Environment	Council Leader	Business Sector Growth in Deeside	Creating jobs and growing the local economy	Head of Regeneration	Environment
			Town and Rural Regeneration	Making local communities viable		
	Director of Community Services		Social Enterprise	Supporting and creating new forms of local business	Head of Regeneration	Environment

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Skills and Learning	Director of Lifelong Learning	Cabinet Member for Education	Modernised and High Performing Education	Improving standards in schools to get the best learner outcomes	Primary, Secondary and Inclusion Lead Officers	Lifelong Learning
			Places of Modernised Learning	Improving places of learning to get the best learner outcomes	Head of Development & Resources (LLL)	Lifelong Learning
		Council Leader & Cabinet Member for Finance	Apprenticeships and Training	Meeting the skills and employment needs of local employers	Director of Lifelong Learning / Head of Regeneration	Lifelong Learning / Environment

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Safe Communities	Chief Executive / Director of Environment	Cabinet Member for Public Protection, Waste & Recycling	Community Safety	Keeping people and communities safe	Head of Public Protection	Community Profile and Partnerships
		Cabinet Member for Environment	Traffic and Road Management	Improving road safety	Head of Assets and Transportation	Environment

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Poverty	Director of Community Services	Cabinet Members for Social Services / Housing / Leader & Cabinet Member for Finance	Welfare Reform	Protecting people from poverty	Head of Finance / Head of Housing	Housing / Corporate Resources
			Fuel Poverty		Head of Housing	Housing

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Environment	Director of Environment	Deputy Leader & Cabinet Member for Environment / Cabinet Member for Public Protection, Waste & Recycling	Transport Infrastructure and Services	People being able to access employment, local services and facilities	Head of Assets and Transportation	Environment
			Carbon Control and Reduction	Reducing our carbon impact on the natural environment		

Council Priority	Lead Accountability	Portfolio Holder	Sub-Priority	Impact	Lead Accountability	O&S Scrutiny Committee
Modern and Efficient Council	Chief Executive	Cabinet Member for Corporate	Organisational Change	Managing services well to achieve our priorities	Chief Executive / Head of ICT & Customer Services / Head of Housing	Corporate Resources
		Cabinet Member of Finance	Matching Resources to Priorities	Protecting local front-line public services through the best use of our resources	Chief Executive / Head of Finance	
			Achieving Efficiency Targets			
		Cabinet Member for Corporate	Procurement Strategy	Making our money go further through smart procurement	Head of ICT & Customer Services	
			Asset Strategy	Having the right buildings in the right places for the right uses	Head of Assets and Transportation	
			Access to Council Services	Improving Customer Services	Head of ICT & Customer Services	
			Single Status	Achieving a fair and affordable pay and grading structure	Head of HR and OD	

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **ENVIRONMENT OVERVIEW & SCRUTINY COMMITTEE**

DATE: **19TH SEPTEMBER 2013**

REPORT BY: **OVERVIEW & SCRUTINY FACILITATOR**

SUBJECT: **FORWARD WORK PROGRAMME**

1.00 PURPOSE OF REPORT

1.01 To consider the Forward Work Programme of the Environment Overview & Scrutiny Committee.

2.00 BACKGROUND

2.01 Items feed into a Committee's Forward Work Programme from a number of sources. Members can suggest topics for review by Overview & Scrutiny Committees, members of the public can suggest topics, items can be referred by the Cabinet for consultation purposes, or by County Council, or Directors. Other possible items are identified from the Cabinet Work Programme and the Strategic Assessment of Risks & Challenges.

2.02 In identifying topics for future consideration, it is useful or a 'test of significance' to be applied. This can be achieved by asking a range of questions as follows:

1. Will the review contribute to the Council's priorities and/or objectives?
2. Are there issues of weak or poor performance?
3. How, where and why were the issues identified?
4. Do local communities think the issues are important and is there any evidence of this? Is there evidence of public dissatisfaction?
5. Is there new Government guidance or legislation?
6. Have inspections been carried out?
7. Is this area already the subject of an ongoing review?

3.00 CONSIDERATIONS

3.01 Overview & Scrutiny presents a unique opportunity for Members to determine the Forward Work Programme of the Committees of which they are members. By reviewing and prioritising the forward work programme Members are able to ensure it is member-led and includes the right issues. A copy of the draft Forward Work Programme is attached at Appendix 1 for Members' consideration which has been drafted following the forward work programme Planning Session held on the 18th OF July

4.00 RECOMMENDATIONS

4.01 That the Committee considers the draft Forward Work Programme attached as Appendix 1 and approve/amend as necessary.

5.00 FINANCIAL IMPLICATIONS

None as a result of this report.

6.00 ANTI POVERTY IMPACT

None as a result of this report.

7.00 ENVIRONMENTAL IMPACT

None as a result of this report.

8.00 EQUALITIES IMPACT

None as a result of this report.

9.00 PERSONNEL IMPLICATIONS

None as a result of this report.

10.00 CONSULTATION REQUIRED

N/A

11.00 CONSULTATION UNDERTAKEN

Publication of this report constitutes consultation.

12.00 APPENDICES

Appendix 1 – Forward Work Programme

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985
BACKGROUND DOCUMENTS**

None.

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Draft Forward Work Programme

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
Oct	Mini Scrutiny Session – to be confirmed				
13 November 2013 10.00 a.m.	<p>North Wales Residual Waste Treatment Partnership & sub-regional food waste project</p> <p>Rural Development Plan & presentation on Mold Food Festival to include lessons learnt etc</p>	<p>To receive and consider further details on the progress of the project</p> <p>To receive an update on the progress of the Business Plan with particular consideration to any downturns in progress and to receive a presentation on the Mold Food Festival</p>	<p>Strategic (Collaboration)</p> <p>Monitoring Report</p>	<p>Head of Regeneration</p> <p>Director of Environment</p>	

ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
	Bus Services Review Performance Reporting Review of Council's Waste Policy	To consider the bus services review proposals following the consultation period. To enable Members to fulfil their scrutiny role in relation to performance monitoring To seek comments on the revised Waste Collection Policy	Pre decision Scrutiny Performance Monitoring Strategic	Head of Assets and Transportation Facilitator	
16 December (to be confirmed)	Budget Meeting	To consider the budget proposals for 2014/15	Pre decision Scrutiny	Member Engagement Manager	
10 December 2013 10.00 a.m.	Natural Resources Wales (tbc)/ Rights of Way – to include cycle paths Broadband Performance Reporting	To advise Members of new arrangements following the establishment of NRW and to consider Rights of Way, cycle paths etc. To receive an update on the roll out of the Welsh Government/BT Superfast Cymru Broadband initiative in Flintshire To enable Members to fulfil their scrutiny role in relation to performance monitoring	Service Delivery Service Delivery Performance Monitoring	Facilitator Facilitator Facilitator	

ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
22 January 2014 10.00 a.m.	Deeside Enterprise Zone	To receive and consider further details on the progress of the projects	Strategic (Collaboration)	Director of Environment	
	Town Centres & High Streets	Scrutiny method to be agreed		Head of Regeneration	
26 February 2014 10.00 a.m.	C Roads	To receive a report on C roads generally to include speed limits and maintenance	Progress monitoring	Director of Environment	
	Streetscene – next steps	To advise members on the way Streetscene will move forward to include cross-departmental work.		Head of Streetscene	
	North Wales Residual Waste Treatment Partnership & Sub-regional Food Waste Partnership	To provide Members with a progress report		Director of Environment	

ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
19 March 2014 10.00 a.m.	Performance Reporting	To enable Members to fulfil their scrutiny role in relation to performance monitoring	Performance Monitoring	Facilitator	
7 May 2014 10.00 a.m.	North Wales Residual Waste Treatment Project and sub regional food waste partnership	To receive and consider further details on the progress of the projects	Progress monitoring	Director of Environment	
	Rural Development Plan	To receive an update on the progress of the Business Plan with particular consideration to any downturns in progress	Performance Monitoring	Head of Regeneration	
11 June 2014 10.00 a.m.	Performance Reporting	To enable Members to fulfil their scrutiny role in relation to performance monitoring	Performance Monitoring	Facilitator	

ENVIRONMENT OVERVIEW & SCRUTINY FORWARD WORK PROGRAMME

Date of Meeting	Subject	Purpose of Report/Presentation	Scrutiny Focus	Responsible/ Contact Officer	Submission Deadline
9 July 2014 10.00 a.m.	Deeside Enterprise Zone	To provide Members with a progress report	Monitoring	Director of Environment	

ITEMS TO BE SCHEDULED as agreed by Committee

Item	Purpose of Report/Session	Responsible / Contact Officer
Dog fouling	Mini Scrutiny suggested - date to be agreed	Facilitator
Policy for Unadopted Roads		
Policy for the Placement of Highway Street Furniture and other Temporary Obstructions on the Adopted Highway		

REGULAR ITEMS

Month	Item	Purpose of Report	Responsible / Contact Officer
Quarterly/ Annual	Performance Reporting	To consider performance outturns for improvement targets against directorate indicators.	Director of Environment
Quarterly	North Wales Residual Waste Treatment Project & sub regional food waste project	To receive and consider further details on the progress of the project.	Director of Environment
6 monthly	Deeside Enterprise Zone	To receive quarterly progress reports	Head of Regeneration
6 monthly	Rural Development Plan	To receive regular updates on the progress of Business Plan 2 with particular consideration to any downturns in progress.	Head of Regeneration

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Site Visit to be arranged to Alltami when work is completed.

Empty Properties / Self build homes/plots ? – joint meeting with Housing O & S Committee :-

- Current position/ Best practice/ Thoughts from Members on way forward