

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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