

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY COMMITTEE

Date of Meeting	Tuesday, 16 th July 2024
Report Subject	Update on Environmental Enforcement Activities
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
Report Author	Chief Officer, Streetscene and Transportation
Type of Report	Operational

EXECUTIVE SUMMARY

The Environment and Economy Overview and Scrutiny Committee have requested a report on the operational activities of the Civil Parking and Environmental Enforcement Team for assurance purposes.

The intention of this report is to provide the Committee with an overview of the performance of each area of enforcement activity along with the number of related incidents reported, details of how engagement and educational work is being carried out, as well as outlining plans for the introduction of new powers through Community Protection Notices and Community Protection Warnings, and the challenges and barriers faced by the Service during the last twelve months.

The report details the activities of the team and the various recorded data, which has been captured for each element of the service for the period from 1st April 2023 to 31st March 2024.

RECOMMENDATIONS

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| 1. | That the Environment & Economy Overview & Scrutiny Committee notes the actions of the Civil Parking and Environmental Enforcement team along with the performance data for these activities over a twelve-month period. |
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REPORT DETAILS

1.00	BACKGROUND TO CIVIL PARKING AND ENVIRONMENTAL CRIME ENFORCEMENT
1.01	<p>Civil parking and environmental crime enforcement activities are carried out by the Civil Parking and Environmental Enforcement team based at the Alltami depot. The team comprises nine full time positions (FTEs) and a working supervisor. The team is multifunctional, covering the enforcement of on-street and off-street parking contraventions, environmental crimes (littering; dog fouling; control of dog's in public spaces, Public Space Protection Orders, fly tipping; side waste; household duty of care) and any educational related campaigns on such matters. The team members are contracted to work 37 hours per week over 7 days between the hours of 7am and 7pm.</p> <p>The team's primary focus is on engagement and education of the public, ensuring that, when out on patrol, the residents of Flintshire are understanding of the law and their own personal responsibilities. Where residents then choose to disregard the advice/information given, then enforcement means are necessary.</p>
1.02	<p>Civil Parking Enforcement</p> <p>Officers patrol all areas of Flintshire where parking restrictions exist and which are covered by a Traffic Regulation Order (TRO). This includes double and single yellow lines, loading and unloading areas, disabled bays, limited waiting areas, taxi ranks and any Council controlled off-street parking areas (car parks).</p> <p>Enforcement officers will issue Penalty Charge Notices (PCNs) to drivers who have parked in contravention of any regulations in force at that time. Parking illegally or in the wrong place on the highway network or Council run car parks may result in a Penalty Charge Notice (PCN) being issued.</p> <p>The Wales Penalty Processing Partnership (WPPP), which is hosted by Denbighshire County Council, works on behalf of ten Welsh local authorities to support the enforcement operation by dealing with challenges, payments and processing of all penalty charge notices that are issued.</p>
1.03	<p>Environmental Crime Enforcement</p> <p>Our team's aim is to improve Flintshire's local environmental quality by reducing environmental crime across the county. To meet this aim, the team look to achieve the following objectives: -</p> <ul style="list-style-type: none">• Raise awareness of good waste management, litter control, dog control, highway obstructions and other local environmental quality issues.• To educate and work in partnership with residents, businesses and visitors around their own roles and responsibilities.• 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.

1.04	<p>The team has been successful in working to enforce excess waste (side waste) across Flintshire and we are aware of issues with this remit, especially at communal collection point locations. Our enforcement officers work closely with the waste and recycling collection crews to identify, log and issue Section 46 notices for non-compliance with the side waste policy.</p> <p>Public awareness of the enforcement process has been enhanced and this has proved to be a successful campaign in reducing excess waste at the kerbside. Enforcement officers also support the recycling officers at excess waste 'hotspot' areas by carrying out door-knocking campaigns and letter/leaflet drops.</p> <p>Only by engaging with our residents can we fully understand their barriers to participation or non-compliance when presenting side waste.</p>
1.05	<p>Working alongside the environmental improvement coordinator, the team has also been invited to environmental visual audits and community walkabouts with members or town/community councils and the team has worked collaboratively with internal and external partners, such as the housing team, local members, Keep Wales Tidy, Fly Tipping Action Wales, community groups, volunteers, North Wales Police and local schools.</p> <p>The team has formed active collaborations with the Clwyd Alyn and Wales and West Housing Associations; and this partnership working has been successful in campaigns to address fly tipping issues at their properties.</p> <p>Currently, the team is working on a project with ENI at Talacre in education and enforcement of dog fouling with the objective of enhancing our tourist destinations.</p> <p>During this type of event, typical activities include:</p> <ul style="list-style-type: none"> • Informing residents about our latest initiatives aimed at improving our environment and enhancing the quality of life across Flintshire. • Promotional campaigns on behalf of Fly Tipping Action Wales (Your Duty to Care) and Keep Wales Tidy (Not up my Street and Not a Good Look) • Promotion of national campaigns that drive long term, consistent behavioural change. • Provision of recycling containers to make recycling easier and more convenient for everyone. • Sharing tips and tricks on how to minimise waste in our daily lives and promote responsible waste disposal practices. <p>During the engagement session residents can also: -</p> <ul style="list-style-type: none"> • Sign up for our Green Dog Walkers Campaign and receive complimentary dog waste bags, ensuring our public spaces remain clean for everyone to enjoy. • Get "hands-on" experience by taking part in a litter pick and try to help us make a big difference. • Sign up to become litter picking champions and/or create litter picking hubs. • Engage in fun activities designed to make the subject matter engaging and interesting.

1.06	<p>Civil Parking Enforcement Data</p> <p>The table below details the total number of PCNs issued, including a breakdown of on and off-street contraventions and the income received for the period between 1st April 2023 and 31st March 2024: -</p> <table border="1" data-bbox="288 338 1366 490"> <tr> <td>Total of PCN's Issued</td> <td>4,887</td> </tr> <tr> <td>On-Street Parking</td> <td>1,497</td> </tr> <tr> <td>Off-Street Parking</td> <td>3,330</td> </tr> <tr> <td>PCN Income</td> <td>£157,246.36</td> </tr> </table>	Total of PCN's Issued	4,887	On-Street Parking	1,497	Off-Street Parking	3,330	PCN Income	£157,246.36																																		
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1.07	<p>Environmental Crime Enforcement Data</p> <p>The table below details the total number of recorded activities for each element of environmental crime enforcement from 1st April 2023 to 31st March 2024: -</p> <table border="1" data-bbox="288 730 1383 1632"> <tr> <td colspan="2">Fly tipping</td> </tr> <tr> <td>Fly Tipping Incidents Logged to service</td> <td>1,479</td> </tr> <tr> <td>Fly Tip Investigations (following identification of evidence)</td> <td>33</td> </tr> <tr> <td>Total number of PACE Interviews arranged for environmental crime offences</td> <td>68</td> </tr> <tr> <td>Fixed Penalty Notices issued for Fly Tipping</td> <td>10</td> </tr> <tr> <td>Successful Court Prosecutions for Fly Tipping</td> <td>2</td> </tr> <tr> <td colspan="2">Excess Waste</td> </tr> <tr> <td>Excess waste letters issued to residents (01.06.2023 to 31.03.2024)</td> <td>2,603</td> </tr> <tr> <td>Section 46 Notices Issued to residents for Excess Waste</td> <td>203</td> </tr> <tr> <td>FPNs issued for Excess waste</td> <td>7</td> </tr> <tr> <td colspan="2">Dog Fouling and Dog Control</td> </tr> <tr> <td>Number of days patrolling for PSPOs</td> <td>86</td> </tr> <tr> <td>Number of locations patrolled (over the 86 days)</td> <td>1,159</td> </tr> <tr> <td>Number of people engaged with over (the 86 days) of patrols</td> <td>1,916</td> </tr> <tr> <td>Fixed Penalty Notices issued for Dog Fouling Offences</td> <td>0</td> </tr> <tr> <td colspan="2">Littering</td> </tr> <tr> <td>Fixed Penalty Notices issued for Littering Offences</td> <td>5</td> </tr> <tr> <td colspan="2">Household Duty of Care</td> </tr> <tr> <td>FPNs issued for Duty of Care Offences</td> <td>6</td> </tr> <tr> <td colspan="2">Abandoned Vehicles</td> </tr> <tr> <td>Investigations into reports of abandoned vehicles</td> <td>493</td> </tr> </table>	Fly tipping		Fly Tipping Incidents Logged to service	1,479	Fly Tip Investigations (following identification of evidence)	33	Total number of PACE Interviews arranged for environmental crime offences	68	Fixed Penalty Notices issued for Fly Tipping	10	Successful Court Prosecutions for Fly Tipping	2	Excess Waste		Excess waste letters issued to residents (01.06.2023 to 31.03.2024)	2,603	Section 46 Notices Issued to residents for Excess Waste	203	FPNs issued for Excess waste	7	Dog Fouling and Dog Control		Number of days patrolling for PSPOs	86	Number of locations patrolled (over the 86 days)	1,159	Number of people engaged with over (the 86 days) of patrols	1,916	Fixed Penalty Notices issued for Dog Fouling Offences	0	Littering		Fixed Penalty Notices issued for Littering Offences	5	Household Duty of Care		FPNs issued for Duty of Care Offences	6	Abandoned Vehicles		Investigations into reports of abandoned vehicles	493
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1.08	<p>Within the last two years we have invested in new equipment for the officers on duty to further promote their personal safety and wellbeing, such as new body worn CCTV cameras, new handheld devices for issuing PCNs, new deployable CCTV cameras and new officer uniforms.</p>																																										
1.09	<p>Following concerns raised by elected members regarding a range of environmental issues and anti-social behaviours in their local communities, officers have been exploring the use of community protection warnings (CPWs) and community protection notices (CPNs). The CPWs and CPNs are an enforcement tool we can utilise under the Anti-social Behaviour, Crime and Policing Act 2014.</p>																																										

	<p>This is the same legislation that provided local authorities with the powers to create Public Space Protection Orders (PSPOs) to tackle persistent behaviours that spoil communities and their quality of life. Over recent months, officers have engaged with a legal company, Mallard Consultancy, who have been funded by Welsh Government to provide assistance to local authorities in Wales with implementing the use of CPWs and CPNs.</p>
1.10	<p>During November 2023, all civil parking and environmental enforcement officers attended a four-day training course for a WAMITAB Level 2 Award for Parking and Enforcement. The course covered all aspects of the roles and responsibilities for civil parking enforcement, along with managing conflict in parking control and management challenging situations.</p> <p>For further continued professional development, the team undertook PACE (Police and Criminal Evidence) refresher training via Mallard Consultancy, which was provided in collaboration with Fly Tipping Action Wales (FTaW). Officers, supervisors and managers have also been invited to attend or have attended online Local Environmental Quality (LEQ) workshops and meetings organised by FTaW.</p> <p>During April 2024, all officers attended a one-day training event at the Welsh Government offices in Llandudno. The event was an introduction to Blue Badge Enforcement. In collaboration with our Customer Services team, we are now looking to adopt new processes for the team to begin enforcement action for the misuse of the Blue Badge Scheme.</p>
1.11	<p>Barriers, Challenges and Limitations of the Service</p> <p>While the team have worked diligently to deliver the comprehensive requirements of the role, there are several barriers highlighted that prevent successful outcomes in some instances, which are detailed as follows: -</p> <ul style="list-style-type: none"> • People become increasingly aware of our practices and procedures, and these can be used against the Authority in terms of manipulating the outcomes (e.g., not placing identifiable material in a fly-tip) • School parking, when officers are in attendance, the issues generally disappear due to parents warning others via social media groups • Houses of Multiple Occupancies (HMOs) with high a turnover of residents or tenants can present issues with high volumes of waste streams, such as mattresses and white goods, which are items that are often difficult to evidence for enforcement action. As these properties tend to have a high turnover of occupancy and are transient, it is also difficult to maintain education and engagement on a continuous basis. • Uncertainty of land ownership and the ability to undertake enforcement action. • Recruitment of enforcement officers can often be a slow and labour-intensive process. Recent recruitment exercises have demonstrated that the roles attract few applications and/or poor-quality applications, and we find that the contentious nature of the role means there is often low interest in the job adverts when they are circulated. • For similar reasons, the demands of the role mean that sickness absence levels within the team can be higher than in other desk-based roles.

	<ul style="list-style-type: none"> • Since June 2023, the team has been operating with seven officers in work, which has been down to the ongoing vacancies and long-term sickness absence within the team. Consideration has previously been given to cover absences with agency staff; however, due to the investment in specialist training and development of the role, the cost of this cover has not been deemed a viable option • One FTE vacancy was given up for efficiency in the 2024/2025 budget setting, which has reduced the resilience in the team and decreased the number of enforcement officer roles from ten to nine FTE. • There are currently two FTE positions vacant within the team. • With only nine FTEs and the broad range of multifunctional enforcement duties, the team must prioritise its duties to the areas of highest risk to the authority.
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2.00	RESOURCE IMPLICATIONS
2.01	The resources required to deliver the current service standards are based on existing staffing levels and budgets within the service.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	Not required. This is an operational report requested by the Environment and Economy Overview and Scrutiny Committee for assurance purposes.

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Wales Penalty Processing Partnership website: https://www.wppp.org.uk/Welcome

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Vicky Plant, Enforcement Manager Telephone: 01352 704781 E-mail: vicky.plant@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	<p>TRO – Traffic Regulation Order – A legal order, usually made under the Road Traffic Regulation Act 1984</p> <p>PCN – Penalty Charge Notice – Issued for a breach of Traffic Regulations / Contraventions</p> <p>FPN – Fixed Penalty Notice – Issued when an Environmental Crime has been committed and also an offender to discharge their liability to prosecution.</p> <p>CPN – Community Protection Notice – These can be used under the Antisocial Behaviour Crime and Policing Act to tackle persistent detrimental behaviours in communities.</p> <p>CPW – Community Protection Warning (as above Antisocial Behaviour)</p> <p>FtAW – Fly tipping action Wales - Fly-tipping Action Wales is a partnership initiative, sponsored by the Welsh Government & coordinated by Natural Resources Wales to tackle fly-tipping.</p> <p>DOC – Duty of Care - The Duty of Care is a legal requirement for those dealing with certain kinds of waste to take all reasonable steps to keep it safe and is set out in the Environmental Protection Act 1990 (EPA). It applies to anyone who is a holder of household, industrial and commercial waste, known as controlled waste.</p> <p>PACE Interviews – Police and Criminal Evidence Act 1984 – interview under caution to determine circumstance around environmental crime activities.</p> <p>PSPO (Public Space Protection Order) – A set of requirements stipulated under the Antisocial Behaviour Crime and Policing Act to prevent an antisocial activity taking place.</p>