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AGENDA

Committee	ENVIRONMENTAL SCRUTINY COMMITTEE
Date and Time of Meeting	TUESDAY, 10 NOVEMBER 2015, 4.30 PM
Venue	COMMITTEE ROOM 3 - COUNTY HALL
Membership	Councillor Mitchell (Chairperson) Councillors Aubrey, Clark, Chris Davis, Hill-John, Keith Jones, Lomax and Darren Williams

Time approx.

1 **Apologies for Absence**

To receive apologies for absence.

2 **Minutes** (*Pages 1 - 8*)

To approve as a correct record the minutes of the meeting held on 13 October 2015.

3 **Litter Management and Enforcement In Cardiff** (*Pages 9 - 52*)

4.40 pm

- (a) Councillor Bob Derbyshire, Cabinet Member for the Environment to make a statement if he wishes on the 'Litter Management & Enforcement in Cardiff'.
- (b) As a part of a pilot of public questions for scrutiny Sheila Hendrickson–Brown, Chief Executive Officer of Cardiff Third Sector Council has been invited to the meeting to ask a question which relates to the item on 'Litter Management & Enforcement in Cardiff'.
- (c) Councillor Bob Derbyshire will have the opportunity to respond to the public question made by Sheila Hendrickson–Brown, Chief Executive Officer of Cardiff Third Sector Council.
- (d) An officer from the City Operations Directorate to deliver a brief presentation based on 'Litter Management & Enforcement in Cardiff'.

(e) Councillor Derbyshire and officers from the City Operations Directorate will be available to answer Member questions.

4 Modified In-House Neighbourhood Services Project (Pages 53 - 76) 5.40 pm

(a) Councillor Bob Derbyshire, Cabinet Member for the Environment to make a statement if he wishes on the 'Modified In House – Neighbourhood Services Project'.

(b) An officer from the City Operations Directorate to deliver a brief presentation based the 'Modified In House – Neighbourhood Services Project'.

(c) Councillor Bob Derbyshire, Cabinet Member for the Environment and officers from the City Operations Directorate will be available to answer Member questions.

5 Cardiff's Future Waste Facilities - Member Update (Pages 77 - 92) 6.30 pm

(a) Councillor Bob Derbyshire, Cabinet Member for the Environment to make a statement if he wishes on the 'Cardiff's Future Waste Facilities – Member Update'.

(b) An officer from the City Operations Directorate to deliver a brief presentation based the 'Cardiff's Future Waste Facilities – Member Update'.

(c) Councillor Bob Derbyshire, Cabinet Member for the Environment and officers from the City Operations Directorate will be available to answer Member questions.

6 Correspondence (Pages 93 - 128) 7.00 pm

7 Date of next meeting

8 Declarations of Interest

To be made at the start of the agenda item in question, in accordance with the Members' Code of Conduct.

David Marr

Interim Monitoring Officer

Date: Wednesday, 4 November 2015

Contact: Graham Porter, 029 2087 3401, g.porter@cardiff.gov.uk

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ENVIRONMENTAL SCRUTINY COMMITTEE

13 OCTOBER 2015

Present: County Councillor Mitchell(Chairperson)
County Councillors Clark, Hill-John, Keith Jones, Lomax and
Darren Williams

33 : APOLOGIES FOR ABSENCE

Apologies were received from Councillor Chris Davis and Councillor Gareth Aubrey.

34 : DECLARATIONS OF INTEREST

No declarations of interest were received.

35 : MINUTES

The minutes of the meeting held on 15 September 2015 were approved by the Committee as a correct record and were signed by the Chairperson.

36 : RECYCLING & WASTE RESTRICTING PROGRAMME - UPDATE ON IMPLEMENTATION OF PHASE 1

The Committee received a report providing Members with an opportunity to review the implementation of Phase 1 of the Recycling and Waste Restricting Programme. A report on the programme was received by the Cabinet on 2 April 2015. The main aims of the programme were:

- Meeting the recycling targets and saving requirements for 2015/16 through restricting general waste and delivering the approved Household Waste Recycling Centre changes;
- Outlining the future position on the recycling collections methodology;
- Seeking cost reductions and delivering the most cost effective recycling approach for Cardiff;
- Securing high quality recycling;
- Securing long-term regional working and partnerships for recycling;
- Reducing Cardiff's carbon footprint.

Members were advised that the need to drive operational efficiencies and reduce service costs was evident and was captured in the 2015/16 budget. There was also a need to avoid the Welsh Government's Statutory Recycling Target fines which carry a £200 per tonne penalty for failing to meet the recycling targets. The authority could have received fines in excess of £800k in 2013/14. The outline recycling strategy highlighted that Cardiff faces fines in excess of £2 million by 2015/16 as the recycling target increases from 52% to 58%. Fines could potentially increase to £21 million by 2020 if the collection of waste in the City remains unchanged.

The report focused on the implementation phase of the programme which was introduced in the summer of 2015. The programme aimed to provide an additional 5,000 tonnes of recycling and £622k of budget savings. The main aims of the programme were to move to a smaller capacity bin (140 ltr) or the equivalent volume of bags; the expansion of the number of properties using wheeled bins; and to further control the issuing of green bags and food bin liners and to only provide these to Cardiff residents.

Members were advised that the need to restrict residual waste was recognised in the 2011 Waste Strategy. Analysis of the waste stream had shown that a high proportion of recycling and food waste is not being recycled. If the authority is to achieve its 58% recycling target and change citizens' habits towards waste minimisation and recycling, a consistent waste restriction programme would be required. The 140 litre bins were identified by the Welsh Government as best practice and formed part of their preferred collection blueprint.

The Committee heard that further research and public consultation identified that the preferred method of restricting waste in Cardiff was by reducing the size of the bin (or an equivalent number of bags). The report provided further details of the main changes to collection methods under Phase 1 of the Recycling and Waste Restriction Programme.

In terms of stakeholder engagement, Members were advised that in parallel with the Council's 2015/16 budget stakeholder consultation, a separate consultation took place regarding recycling and waste services. The consultation included a number of key stakeholders such as community groups, waste collection staff, Councillors, contractors and a postal survey of 3000 residents. A total of 1443 responses were received. A summary of the responses received and the headline results were set out in the report.

Phase 1 of the programme was allocated revenue funding of £500k for 2015/16 and capital funding of £2.4 million, mainly for expenditure on the new 140 litre bins. However, the procurement exercise managed to deliver the new bins at a cost of £1.3 million. It was estimated that the proposals would create a saving of £622k in 2015/16. Beyond that it was estimated that savings of £318k would be generated over the life of the Medium Term Financial Plan.

The Committee also received details of the delivery timeline for the project and the communication plan exercise to be undertaken.

The Chairperson welcomed Councillor Bob Derbyshire, Cabinet Member for the Environment and officers from the City Operations Directors. The Chairperson also welcomed Councillor Joe Boyle, Ward Member for the Penylan electoral division and Lee Fisher, a local resident representing a group of residents from Penylan.

Councillor Boyle and Mr Fisher were invited to address the Committee.

Councillor Boyle thanked the Committee for the opportunity to address them. However, the Councillor considered that it was a shame that only now were local residents' voices being heard. Councillor Boyle voiced concerns that the consultation exercise undertaken and referred to in the report was not comprehensive enough.

No Penylan residents had had an opportunity to comment on the proposed changes. Councillor Boyle questioned why the report before the Committee did not give an accurate assessment of the public engagement that had taken place. He also asked how Members of the Committee can be expected to undertake effective scrutiny of the issues without being provided with all the relevant information. Councillor Boyle stated that the authority's own Corporate Plan gave a commitment to 'enhance citizen engagement and widen opportunities for people and communities to shape services around their needs'. Councillor Boyle also drew attention to the Committee's cover report, which made no reference to the consultation undertaken by ward Councillors and local campaign groups.

Mr Lee Fisher addressed the Committee. Mr Fisher advised that he was representing a group of residents in South Penylan. Members were provided with copies of a report submitted by Mr Fisher. Mr Fisher highlighted the key points within the report, namely that the overwhelming majority of residents rejected the 140 litre bins in favour of a return to bags. Members were advised that residents support recycling and understand the initiative to increase recycling by restricting waste. However, local residents considered that wheeled bins were not appropriate in this area, as the majority of the houses had small forecourts and limited access to rear lanes. Therefore, the bins were being stored at the front of the properties, which residents consider to be unsightly and this is detracting from the visual amenity of the area.

Mr Fisher stated that residents appreciate that there can be no bespoke waste collection service, but nobody had bothered to make contact with the Penylan residents to ask them what service they would want and they have not had an opportunity to comment on the changes. Therefore, consultation was lacking and the report considered by the Cabinet was incorrect. The consultation referred to in paragraph 13 formed part of a consultation exercise conducted in 2013/14 which indicated that there was general support for more wheeled bins. The question in the more recent survey referred to smaller bins or an equivalent number of bags in areas which were presenting waste in bags already. In the earlier survey over 70% of people indicated that they did not want smaller bins, but in the more recent survey this question was not asked. Again, residents did not have an opportunity to comment on the proposals.

Mr Fisher advised the Committee that residents in Penylan care about their area. The storage of bins on the forecourts of their properties was now a permanent feature, a feature which is unsightly and which residents face every day. It was suggested that residents were led to believe that the waste collection service was to be unchanged in 'bag areas'. The Council has tried to hide the changes from residents and there has been no meaningful consultation.

Mr Fisher stated that some streets, and in some circumstances, houses within the same street, were being treated differently. Since the initial rollout the Council has agreed to remove green bins from some streets in Penylan and Canton. This amounted to the authority making concessions in some streets, and this has added to the confusion. Mr Fisher considered that these issues could have been addressed from the outset by engaging with residents. However, the lack of consultation has had the opposite effect. Residents now feel disengaged.

Mr Fisher closed by stating that residents did not accept that using bins instead of bags had anything to do with increasing recycling. High levels of recycling were just as easy to achieve with bag collection. Residents were not against minimising waste and were happy to reduce the number of black bags presented. Mr Fisher considered that there were errors in the reports considered by the Cabinet and residents would ask the Public Service Ombudsman to investigate the matter if necessary.

Councillor Bob Derbyshire responded to the points made. Councillor Derbyshire advised the Committee that he has met with Penylan residents on two occasions to discuss their concerns and therefore to suggest that the authority didn't engage with residents was disingenuous. Some amendments to the waste collection services provided in Penylan were made as a result of those meetings.

Councillor Derbyshire stated that the Recycling and Waste Restriction Programme was a City-wide strategy. Changes were not always popular. It was accepted that the bins were not aesthetically pleasing but they were the most practical solution for the health and safety of waste management operatives. Lifting bags of waste was known to present risks to staff. Bags also split or are torn creating litter on the streets. Bins are also more easily identifiable in terms of ownership.

Members were advised that Councillor Derbyshire had consulted with the Council's Conservation Area Officer. As a result, no bins were provided in streets where the conservation area officer considered bins to be unsuitable. The Cabinet Member stated that the authority was unable to survey every household affected by the changes and comply with the preferences of individual households, due to the intricacies of waste collection. The Cabinet Members has sought advice from officers to see what can be done to accommodate residents. Green bins were removed from 2 streets as a result. However, Councillor Derbyshire could see no other reason to make further changes to the programme.

Councillor Derbyshire closed by stating that the Penylan ward was 10th from bottom in terms of recycling for 2012/13, but was near the top in terms of the total tonnage of waste produced. The bin collection method was considered to be the best way forward for the City. Early indications suggested that Cardiff's residents were already recycling more.

Jane Cherrington, Operational Manager, Strategy and Enforcement, addressed the Committee. It was accepted that the Cabinet report had presented the findings from two separate consultation exercises. These findings were also bolstered by questions in the Ask Cardiff survey, which indicated that residents preferred bins over bags.

Jane Cherrington was invited to deliver a presentation to update the Committee on the recycling and waste collection changes. The Chairperson asked Members to comment, raise questions or seek clarification on the information received. Those discussions are summarised as follows:

- Members noted that the consultation exercise conducted by residents in Penylan demonstrated that an overwhelming majority of residents preferred bag collections. The Cabinet Member was asked whether it would have been better to ask the Penylan residents what their preferred collection method was.

The Cabinet Member stated that the authority could not survey all residents. It was also important to be mindful of the wider consultation. There were also operational issues to consider. In total, 10,000 black bins have been provided to areas that formerly received bag collections. Only a few hundred households had complained. The Cabinet Member was sorry that residents were inconvenienced but he was prepared to stand by his decision based on what was best for the City as a whole.

- Member asked what problems were being experienced during the roll out of the new 140 ltr bins, and why it was that some residents were being left with black bins of both sizes. Officers stated that some residents had not presented their 240 ltr bins as they did not want them removed. There were two teams collecting and removing the 240 ltr bins. Officers were logging these sorts of issues and responding to them. A number of applications to retain the 240 ltr bin had been received from larger families, those with 6 or more members, following a campaign on social media and in the local press. These applications are currently being processed.
- Members asked if the Education and Enforcement Team were being used to support the programme. Officers stated that before the new system 40 enforcement notices were issued, compared to 3,000 notices under the revised scheme. Members asked for further details of the ratio between enforcement notices issued and fines. Officers agreed to provide this data.
- Members asked how the cost of bin bags compared with the costs of providing bins over the life expectancy of the bin. Officers stated that bags were more expensive.
- Members questioned how the service approached education and enforcement in wards with large transient populations. Officers stated that addressing these sorts of issues were part of their normal activities. Teams on the ground were aware of the problem properties. Literature was available in 16 languages and workshops were regularly held with community leaders.
- Members noted that large parts of Penylan are conservation areas. Members asked for clarification of how conservation areas were treated across the City and what rationale was used when deciding to provide wheeled bins in conservation areas or not. Officers stated that conservations areas were graded and service delivery was balanced with the requirements of the service. Waste collection rounds were constructed around vehicles collecting a 'full load'.
- In terms of health and safety, officers indicated recycling within green bags was lighter than the general waste within black bags, the contents were visible and there were fewer lifting injuries and cuts from broken glass.
- The Committee considered that a key issue emerging from the representations received was that the wheeled bins were creating architectural/visual complaints from residents. Members asked whether the service delivery provided in conservation areas would be reviewed as some point in the future. The Cabinet Member stated that wheeled bins were temporary structures. They were not provided in areas where the Council's Conservation Area Officer considered them

to be inappropriate.

- The Committee requested that the Cabinet Member endeavour to make future consultation exercises more comprehensive. The Cabinet Member agreed to look at what could be done to improve consultation. However, the needs of the City as a whole needs to be considered. The Committee suggested that officers consider a tailored approach to consultation in specific areas.
- The Committee welcomed the allowances given to residents with large families or medical waste requirements.

AGREED – That the Chairperson writes on the Committee's behalf to the Cabinet Member to convey their comments and observations.

37 : PLANNING SERVICE - MEMBER UPDATE

The Committee received a report providing them with an opportunity to consider the current challenges facing the Planning service and review the work being undertaken to address these challenges. The Committee was asked to consider the impact of the Planning Wales Act 2015 and the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits)(Wales) Regulations 2016.

Members were advised that the Planning Wales Act 2015 became law on 6 July 2015. The Act aims to deliver a planning system which is fair, resilient and enables development by putting in place delivery structures, processes and procedures to make Wales' planning system fit for the 21st Century.

The Planning Wales Act 2015 would create a number of changes, including:

- Providing a modern delivery framework for the preparation of development plans and planning decisions, including allowing Welsh Ministers to decide a limited number of planning applications in defined circumstances;
- Strengthening the plan-led approach to decisions on planning applications by providing a legal framework for the preparation of a National Development Framework and Strategic Development Plans;
- Improving collaboration by allowing the Welsh Ministers to direct local planning authorities to work together and for local planning authorities to be merged;
- Improving engagement with communities by introducing a statutory pre-application consultation process for significant planning applications;
- Modernising the planning enforcement system so that breaches of planning control can be dealt with quickly.

The changes brought about by the Planning Wales Act 2015 would also have implications for the planning fees which can be levied by the authority. The report highlighted these implications.

The Chairperson welcomed Councillor Patel, Cabinet Member for Transport, Planning and Sustainability; Councillor Michael Michael, Chairperson of the Planning

Committee; Andrew Gregory, Corporate Director and James Clemence, Head of Planning to the meeting. Councillors Patel and Michael were invited to make brief statements.

Councillor Patel stated that the authority was hopeful of securing its LDP in the coming months. Councillor Michael stated that planning played a key role in growth and was an important indicator for the economy. The new regulations would enable planning authorities to work more efficiently. However, it would present challenges in terms of meeting the time constraints for determining applications.

James Clemence was invited to deliver a presentation of the changes to the planning system. The Committee were invited to comment, seek clarification or raise questions on the information received. Those discussions are summarised as follows:

- The Committee asked whether the 'refund clause' would result in planning applications being rushed through the application process. Officers advised that the service would seek to remain flexible and work with developers in order to maintain high standards.
- Members asked whether the high number of applications received would affect the quality of the decisions being taken. The Chair of Planning Committee stated that the authority were happy to discuss and engage with developers in order to inform applications. Cardiff Council has a record of listening to all parties. The Cabinet Member advised that developers were aware what the authority would and would not accept and therefore, planning applications are well-prepared.
- Members asked what, in terms of customer engagement, the authority was doing to simplify the planning application process. Officers stated that a simplistic guide to completing the application form was available. The Chair of Planning Committee stated that there was an advisory role here for Ward Members.
- The Committee asked for an update on the Task and Finish Group into Section 106 funding. The Chair of Planning stated that this was an important area. It was suggested that Members could prioritise schemes within their wards for s106 to be allocated towards. The Task and Finish Group were looking at this and Ward Members would have an opportunity to contribute. The Cabinet Member considered that there must be clarity on what s106 (and C.I.L.) can and cannot be used for. It was anticipated that the Task and Finish inquiry report would provide a greater understanding of these issues.
- The Committee asked what the witness thought were the drivers for changing the planning application regime. Members were advised that the Welsh Government was looking at way to improve the process and provide the best service possible to the customer.
- Members asked whether the new regulations would broaden the scope for issuing penalties for breaches of planning conditions. Officers stated that the regulations would remove some loopholes and provide clarification on retrospective application and enforcement.

AGREED – That the Chairperson writes on the Committee’s behalf to the Cabinet Member to convey their comments and observations.

38 : ENVIRONMENTAL SCRUTINY COMMITTEE - WORK PROGRAMME ITEM

The Committee was asked to consider some amendments to the Committee’s Work Programme for 2015/16. The Principal Scrutiny Officer outlined a number of minor amendments to the Work Programme during November and December.

The Principal Scrutiny Officer also provided an update on the s106 Task and Finish Group and sought expressions of interest for Members to attend a series of lectures in Swansea.

AGREED – That the Work Programme be amended as proposed.

39 : CORRESPONDENCE REPORT

The Committee received copies of correspondence sent and received in relation to matters previously scrutinised by this Committee.

AGREED – That the correspondence report and attached documentation be noted.

40 : ANY OTHER BUSINESS

Members expressed their concerns that the agenda and reports pack for this meeting were 306 pages in length. Members stated that they understood the rationale for providing background papers such as the Cabinet Report on the Recycling and Waste Restriction Programme and its appendices, but questioned whether Members of the Committee could be signposted to this information instead in the future by way of a hyperlink.

The Principal Scrutiny Officer advised that a hyperlink to the Cabinet report was provided in the report.

41 : DATE OF NEXT MEETING

Members were advised that the next Environmental Scrutiny Committee will take place on 10 November 2015.

The meeting terminated at 8.15 pm

CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD

ENVIRONMENTAL SCRUTINY COMMITTEE

10 NOVEMBER 2015

LITTER MANAGEMENT & ENFORCEMENT IN CARDIFF

Reason for the Report

1. A report titled 'City Operations – Broadening Enforcement Powers to Improve the Public Realm' is due to be received at the Cabinet meeting on the 12th November 2015. This report provides Members with an opportunity to conduct pre decision scrutiny of the Cabinet report titled 'City Operations – Broadening Enforcement Powers to Improve the Public Realm' and consider the Council's overall approach to litter management and enforcement. The key items for review will include:
 - The current resources and approach for dealing with litter;
 - Education & enforcement; and,
 - Future options being proposed in a November Cabinet paper titled 'City Operations – Broadening Enforcement Powers to Improve the Public Realm'.

Background

2. The Council is faced with the task of managing litter in Cardiff. The majority of this responsibility is applied to public spaces; however, in some instances the Council has to take responsibility for cleaning private land. The main functions of litter management are carried out by the Street Cleansing Service and Waste Education & Enforcement.

Street Cleansing Service

3. The main functions of the Street Cleansing Service is the cleansing of adopted highway areas across the city and removal of fly tipping. The service provides a

number of statutory tasks including street cleansing, public bin emptying and removal of fly-tipping.

4. The service carries out street cleansing for approximately 1088 km of carriageway and 1900 km of footway, it has the responsibility of emptying approximately 1,700 bins on a regular basis and in 2013/14 it dealt with 6,700 fly tipping incidents. The service employs 177 full time equivalent members of staff. For 2015/16 it has a gross budget of £5.53 million and a net budget of £5.02 million.

Waste Education & Enforcement

5. As the title suggests the Waste Education & Enforcement service is responsible for the provision of waste management related education and enforcement activities. The service is tasked with delivering the statutory enforcement activities associated with fly tipping along with a wider range of non statutory tasks which include education in respect of waste presentation and recycling; assessment of assisted lift requests and enforcement of waste-related environmental crime including incorrect waste presentation, littering, abandoned trollies and dog fouling.
6. The service deals with approximately 1,200 requests per month including 400 calls for littering, dog fouling & fly-tipping and 100 assisted lift requests. They also remove 1,000 abandoned trollies each year and in 2014/15 they issued 522 fixed penalty notices.
7. The service employs 18 full time equivalent members of staff. For 2015/16 it has a gross budget of £1.28 million and a net budget of £0.57 million. It should be noted that the 2014/15 gross budget for the service was £2.84 million and that the net budget was £1.87 million; this represents a significant reduction in resources for the Waste Education & Enforcement service.

Main Types of Litter

8. Previous presentations to scrutiny have identified the main types of litter which can be seen in Cardiff as:
 - Sweets and food litter ('on the go litter');

- Dog fouling;
 - Chewing gum;
 - Smoking related litter;
 - Fast food;
 - Split bags, over filled bins;
 - Incorrectly presented bags;
 - Fly tipping.
9. The main sources of litter are frequently generated in or by high footfall areas; discarded from vehicles; takeaways & public houses; schools; areas of transient populations; parks; private land and events.
10. The general approach taken for “Improving Local Environmental Quality” is by using the three E’s, i.e. Education, Engineering and enforcement. Education and awareness is extensively used in Cardiff to reduce littering, for example, the Council has in the past used:
- Targeted campaigns;
 - Preventative measures;
 - Dog fouling bags;
 - Get it out – Students;
 - Waste presentation education & bin provision;
 - Awareness raising;
 - Schools – Really Rubbish;
 - Literature was promoted in fifteen languages;
 - Multi media channels were used, for example, twitter;
 - Tidy Text – as system used to remind people when to put out their rubbish;
 - Participation Monitoring (soon to be replaced by a new app);
 - Compositional analysis, i.e. identify the type of litter generated and then raise specific awareness.
11. Beyond the educational and awareness approach the enforcement options available to the Council include:

- Fly tipping investigations and prosecutions;
- Action against those who incorrectly present domestic and commercial waste;
- Waste Controls – transfer notes and carrier licenses are required for the removal and disposal of waste;
- Proactive and reactive waste enforcement patrols;
- Littering – action is taken against people who litter from vehicles and against dog fouling;
- Accumulations on land – Council can take action against individuals who allow litter to get out of hand on their land;
- Frontages – action to ensure frontages are kept clear;
- Street Litter Control Notices;
- Shopping trolleys – the Council is now creating an “Abandoned Shopping Trolley Policy”.

12. The main litter challenges identified in Cardiff are:

- Raising awareness of litter issues across the city;
- Dealing with dog fouling problems;
- Flats – predominantly the presentation of litter for collection from flats;
- Litter in areas of transient populations, for example, student areas. Because of the transient nature of these areas new education initiatives constantly have to be repeated;
- Frontages – ensuring that people take responsibility for keeping frontages clear of litter and the difficulty in enforcing against this;
- Increasing active/eating on the go culture.

13. The main performance indicators used by the Council to measure street cleanliness are:

- Use of bi-monthly LEAMS (Local Environmental Audit & Management System) surveys – these measure street cleanliness, not performance of cleansing teams;
- Two established performance indicators - the Cleanliness Index and the percentage of Highways to a High or Acceptable Standard of Cleanliness.

14. The recent 'Local Government Data Unit Wales Report – 2014/15' considered two key performance indicators which relate to litter and cleanliness. These were:
- **'Percentage of land of a high or acceptable of cleanliness'** - when compared against the other Welsh local authorities Cardiff came 22nd out of 22 with a score of 86.8%.
 - **'Percentage of reported fly tipping incidents cleared within 5 working days'** - when compared against the other Welsh local authorities Cardiff came 21st out of 22 with a score of approximately 82%.

Future options being proposed in a November Cabinet Report

15. As previously explained a report titled 'City Operations – Broadening Enforcement Powers to Improve the Public Realm' is due to be received at the Cabinet meeting on the 12th November 2015. A draft copy of this document has been attached to this report as **Appendix 1**. The reasons for the report are described as:
- To delegate the authority to the Director of City Operations, in consultation with the Environment Cabinet member and Transport, Planning & Sustainability Cabinet member as appropriate to make use of the new powers and set fine levels in order to tackle environmental crime in our city.
 - To invite the Cabinet to endorse the consultation work for the introduction of wider enforcement powers in relation to controlling distribution of free literature (such as flyers and posters) and also the consideration of dog controls across Cardiff.
 - To provide policy and operational guidance on Fixed Penalty Notices for Highway and Environmental Offences, so our approach is clear and transparent.
 - To delegate the authority to the Director of City Operations, in consultation with the Environment Cabinet Member to explore a 12 month commission based trial with an external partner for the issuing such as littering, highways and dog fouling fines, so internal staff can focus on waste presentation and increasing recycling.

16. This item will provide Members with the opportunity to consider the range of powers that the Council has to issue Fixed Penalty Notices (FPNs) via the Environmental Protection Act 1990, Dogs (Fouling of Land) Act 1996, Control of Pollution Act 1989, the Highways Act 1980 and the Anti-Social Behaviour, Crime and Policing Act 2014 (supersedes Anti-Social Behaviour Act 2003). It will also consider the work which has been undertaken by the City Operations Directorate to review existing and new legislation (including different approaches) that can be used to protect and enhance street scene and open spaces. By adopting existing and new legislative powers and delivering alternative approaches to enforcement the Council hopes to improve working practice to enhance the controls on our environment.
17. It is felt that the wider powers outlined in the Cabinet report can be used to improve the control which the Council has over the following areas:
 - Dog fouling and control of dogs;
 - Litter and nuisance from litter;
 - Control of printer literature (fly posting and flyers);
 - Skips on the highway, A-frames, tables and chairs.
18. These are all issues that repeatedly appear as priorities in Cardiff's public consultation surveys. Dog fouling, fly posters and litter can quickly spoil an area, while street clutter and uncontrolled placement of items such as skips and a-frames can cause the obstruction of our pavements and roads.
19. The Anti-social Behaviour, Crime and Policing Act 2014 that came in to force recently could help the Council deliver greener and safer communities. The new Act was passed in March 2014, with most of the powers under the Act coming into force in October 2014. However, some elements of the Act relating to prevention of nuisance and annoyance were delayed to 2015 – this has meant the Council is only now in a position to consider new powers such as 'Community Protection Notices' (CPNs) and 'Public Space Protection Orders' (PSPOs).
20. The Cabinet report focuses on the development of five key areas for improved litter management and enforcement, these are a) Community Protection Notices; b) Public Space Protection Orders; c) Control of Printer Literature (Fly Posting & Flyers); d)

Issuing of Fixed Penalty Notices by Highways Services and e) Litter Enforcement Support.

Community Protection Notices

21. The adoption of Community Protection Notices will increase our powers to tackle non-branded takeaway litter, poor control of properties and land that lead to fly tipping or litter and also waste accumulations on private land which can have a negative impact on the surrounding community. Section 43(6) of the Act requires any person issuing a notice, before doing so, to inform any individual or body that is felt to be appropriate. Therefore, the Council will undertake consultation exercises with the targeted communities such as landlords; city centre business, appropriate landowners and also the South Wales Police.
22. The notice can only be issued if the individual or body has been given a written warning to cease the conduct and provided with enough time to deal with the matter. However, failure to take action will result in a formal notice. Failure to comply with this notice will result in prosecution, or the option of a Fixed Penalty Notice that cannot exceed £100. Alternatively, the Council also has the option of carrying out remedial work where the requirements of a Community Protection Notices are not carried out provided that the land is open to the air. The local authority can then reclaim the costs from the “defaulter”.

Public Space Protection Orders

23. The Council does not currently have any dog controls in place across the city to control where dogs can go, whether they need to be on a lead or how many dogs a person can control at any one time. The authority does, however, enforce dog fouling on the public highway and council land. This results in a fine of £80 for those irresponsible dog owners that let their dog foul and fail to remove it.
24. These types of orders are designed to stop individuals or groups committing anti-social behaviour in a public space. The Public Space Protection Order replaces dog control orders and allows the authority to designate public places for restrictions. Prohibition notices can be used for specific areas and/ or times, for example

stopping dogs from entering playgrounds, schools grounds or restricting how many dogs could be taken through a public area by one person. By adopting the Public Space Protection Order the fine for any breach, including dog fouling would be £100.

25. It should be noted that there are growing concerns across the United Kingdom on attacks by dogs. By September 2015 thirty one people had been killed by dog attacks in the United Kingdom. The aim of using the Public Space Protection Order is to encourage responsible dog ownership and reduce other incidents involving dogs such as straying; dog bites and attacks; fouling on sports pitches and the dog fouling on our streets and green spaces. Such controls in play areas could also prevent problems becoming more serious and thus reduce the number of dog bites. Warnings can also be given to individuals who allow their dogs to roam freely without control causing nuisance. The Council will also should look to provide suitable dog walking areas in the locality, where other restrictions are in place.
26. Once in place an order can last for up to three years but can be extended (and more than once). It is also good practice to put up signage in the controlled areas.
27. The issues of fixed penalty notices for the offences of littering under the Environmental Protection Act 1990 and failure to comply with a Dog Control Order as introduced under the Clean Neighbourhoods and Environment Act 2005, will continue until the new notice is in effect.

Control of Printed Literature (Fly Posting & Flyers)

28. One area of growing environmental concern that impacts on Cardiff's street scene is the distribution of literature. When this material is discarded, it can blight public spaces; have a negative visual impact on an area; increase litter in an area and contribute to antisocial behaviour. This also impacts on the cleansing services by requiring additional time, resources and money to remove the excess litter.
29. If "control zones" were declared, any business or organisation wishing to distribute free materials within them would first need to gain a licence. The cost of the license would cover the administration and consent of the application fee; contribute to cleansing cost of any potential litter created; prescribe the rules distributors must

follow and also how they will support the removal of any waste created from their activities.

30. Under section 94B and Schedule 3A of The Environmental Protection Act 1990 (brought in by the Clean Neighbourhoods And Environment Act 2005, inserted by Section 23), gives the Principal Litter Authority the power to control the free distribution of printed matter where areas are being defaced by litter arising from such activities. This includes any newspaper, document, card, leaflet, pamphlet, poster, sticker or other literature for which no charge is made to the recipient. Designate land can include relevant land of the authority, and/or highway. A consultation exercise will be undertaken to determine suitable areas of designated land. Anyone wishing to distribute free literature within designated zone in the city would have to first apply for a licence. Failure to adhere to or not having appropriate approval will result in a £100 fine.
31. There is no need to obtain consent to distribute leaflets by or on behalf of a charity, for political or religious purposes. All other non-commercial organisations are required to obtain consent within the declared zones. Those failing to obtain or follow the terms of their license can be fined £80.

Issuing of Fixed Penalty Notices by Highways Services

32. The Highway service issues a significant number of licenses for permissions relating to the highway. They deal with approximately 1,300 licensing and enforcement enquiries per year. The issuing of a Fixed Penalty Notices for failure to adhere to license conditions or not seeking the appropriate permissions is deemed to be a quick way to resolve matters.
33. The current requirements to obtain a license to place various items on the public highway remain unchanged, but any future breach would be dealt with by a Fixed Penalty Notice rather than a prosecution. These changes will be communicated to the current license holders and all new applicants.

Litter Enforcement Support

34. The enforcement of littering and dog fouling can be time consuming and not always cost effective for enforcement officers and rangers to undertake, however, it remains a constant high priority in the annual Ask Cardiff surveys. The enforcement officers cover a wide range of activities with the primary focus on fly tipping investigations and waste presentation. Undertaking patrols for those dropping litter or dog fouling takes their time away from waste presentation issues.
35. The number of fines issued for littering by pedestrian ranges from 550 to 700 fines per annum and contributes to less than 5% of all the activity undertaken by the Enforcement Team. With the recent recycling collection changes and pressure to meet the statutory recycling target the Council has decided to prioritise waste presentation issues and recycling education.
36. The report proposes a 12 month trial with a third party company to take on the aspects of littering, dog fouling and other Fixed Penalty Notice patrols in order to maximise activity in these areas. This it is hoped will free up existing officer time and allow them to support the recent collection changes and recycling education support. It is anticipated that the trial would be commission based and so incur no set up costs for the Council. The provider would take a percentage of the fine income generated with the remainder being passed onto the Council. A trial would provide the Council with flexibility to explore this alternative approach of working. The trial could either be formally procured or a business plan developed for an in house model.

Way Forward

37. Councillor Bob Derbyshire, Cabinet Member for the Environment has been invited to attend for this item. He will be supported by officers from the City Operations Directorate.

Legal Implications

38. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to

consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

39. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- i. Note the contents of the attached report;
- ii. Consider whether they wish to pass on any comments to the Cabinet following scrutiny of 'Litter Management & Enforcement in Cardiff'.

MARIE ROSENTHAL
Director of Governance & Legal Services
4 November 2015

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***THIS REPORT MUST BE ACCOMPANIED BY THE
REPORT AUTHORISATION FORM 4.C.214***

**CITY OF CARDIFF COUNCIL
CYNGOR DINAS CAERDYDD**

CABINET MEETING DATE: 12th November 2015

**CITY OPERATIONS – BROADENING ENFORCEMENT POWERS
TO IMPROVE THE PUBLIC REALM**

REPORT OF DIRECTOR

AGENDA ITEM:

PORTFOLIO: Environment

Reason for this Report

1. To delegate the authority to the Director of City Operations, in consultation with the Cabinet Member for Environment and Cabinet Member for Transport, Planning and Sustainability as appropriate to make use of the new powers and set fine levels in order to tackle environmental crime in Cardiff.
2. To invite the Cabinet to endorse the consultation work for the introduction of wider enforcement powers in relation to controlling distribution of free literature (such as flyers and posters) and also the consideration of dog controls across Cardiff.
3. To provide policy and operational guidance on Fixed Penalty Notices for Highway and Environmental Offences and confirm a clear and transparent approach within Neighbourhood Services.
4. To delegate the authority to the Director of City Operations, in consultation with the Cabinet Member for Environment to explore a 12 month commission based trial with an external partner for the issuing of fixed penalties such as littering, highways and dog fouling fines, such that staff can focus on waste presentation and increasing recycling.

Background

5. City Operations is committed to delivering on the Councils Corporate Plan commitment to have green flag parks and open spaces, as well as delivering new ways of working across the Directorate. Designed to ensure that a high quality City environment includes an attractive public realm, having clean and well managed streets as well as challenging poor social responsibility in neighbourhoods.

6. The Council has powers to issue Fixed Penalty Notices (FPNs) via a wide range of environmental legislation which the Council use to ensure the streets and open spaces are kept clean and free from litter and nuisance.
7. The Directorate has undertaken a review of the existing and new legislation, plus the approaches that can be used to protect and enhance the street scene and open spaces. By adopting existing and new legislative powers and delivering alternative approaches to enforcement, this will help transform ways of working, so therefore improve controls on the environment and enable swifter action against those that offend.
8. The wider powers (detailed in Appendix 1,2 & 3) outlined in this paper can be used to improve the control over the following areas, but not limited too;
 - i. Dog fouling and control of dogs
 - ii. Litter and nuisance from litter
 - iii. Control of Printed literature (Fly posting and flyers)
 - iv. Skips on the highway, A-frames, Table and chairs
9. These are all issues that repeatedly appear as priorities in public consultation surveys. Dog fouling, fly posters and litter can quickly spoil an area. Additionally, street clutter and uncontrolled placement of items such as skips and A-frames can cause obstructions to pavements and roads.
10. Within City Operations there are a range of teams that are currently authorised to undertake enforcement activities around the city. These teams (Waste Enforcement, Park Rangers and Highways Enforcement Officers) will work closely together redefined as an integrated part of Neighbourhood Services to jointly deliver these new powers, as well as ensuring a efficient, fair and consistent approach to environmental crimes.
11. However, with the growing work demands for environmental crime enforcement, it should be noted that some activities such as littering and dog fouling fines can be undertaken by the Council or delegated to a third party. Often Councils delegate this work to third parties in order to tackle the problem of littering, while maintaining their own teams to manage more complex processes.

Issues

12. The street scene and open spaces of Cardiff is impacted when certain activities are not controlled;
 - i. Skips on the highway can cause obstructions and waste issues;

- ii. A-frames advertising or table and chairs on the pavements and walkways can be a positive to local businesses, but if uncontrolled cause an obstruction to pedestrians;
 - iii. Flyers and posters can cause litter and make an area look untidy;
 - iv. Dog fouling and litter can be a health concern and spoil open spaces and the general environment.
13. The issue of dog fouling and litter, in particular smoking litter still remain a problem on Cardiff's streets. The percentage of dog fouling on the streets of Cardiff has increased since last year. In 2014-15 dog fouling was recorded on 8.1% of streets while a part year 2015-16 survey found dog fouling to be 11.6% present. Smoking litter was the most common litter problem identified (predominantly cigarette ends). This litter was encountered on 90.7% of the streets surveyed at that time.

Community Protection Notices

14. As a result of the adoption of new powers (Appendix 1), the Council will increase enforcement powers to tackle non-branded takeaway litter, poor control of properties and land that lead to fly tipping or litter and also waste accumulations on private land which can have a negative impact on the surrounding community.
15. Consultation will be undertaken with key stakeholders such as landlords; City Centre businesses, appropriate landowners and also the Chief of Police prior to implementation. Once in place, a breach of a notice would result in a £100 fine, or the Council can undertake remedial works and reclaim the costs from the offender.

Public Space Protection Orders (PSPO)

16. The Council does not currently have any dog controls in place across the City to control where dogs can go, whether they need to be on a lead or how many dogs a person can control at any one time. The Council does however enforce dog fouling on the public highway and Council land. This results in a fine of £80 for irresponsible dog owners that let their dogs foul without removing it. By adopting the order, the Council will have wider controls and any breach, including dog fouling, would result in a £100 fine.
17. It should be noted that there are growing concerns across the UK regarding attacks by dogs. As at September 2015, 31 people have been killed by dog attacks. The aim is to encourage responsible dog ownership and reduce other incidents involving dogs such as; straying, dog bites, attacks, dog fouling on sports pitches, streets and green spaces. Such controls in play areas could also prevent problems becoming more serious and thus reduce the number of dog bites. Warnings can also be given to individuals who allow their dogs to roam freely without control causing nuisance in the communities. The Council will also seek to provide suitable dog walking areas in the locality, where other restrictions are in place.

18. Prior to the introduction of these Orders, the Council will consult relevant representatives in the local community.

Control of Printed literature (Fly posting and flyers)

19. One area of growing environmental concern that impacts on Cardiff's street scene is the distribution of literature. When they are discarded, they; blight public spaces, have a negative visual impact on an area, increase litter in an area and contribute to antisocial behaviour. This also impacts on the cleansing services by requiring additional time, resources and money to remove the excess litter.
20. Particular areas of concern are the City Centre, student areas, including halls of residence and local community centres. Often businesses and community leaders raise their frustrations about the mess and litter that free literature can produce. By declaring control zones, any business or organisation wishing to distribute free materials must gain a licence. The cost of the license will cover;
- i. the administration and consent of the application fee
 - ii. contribute to cleansing costs of any potential litter created
 - iii. prescribe the rules they must follow and;
 - iv. how they will support the removal of any waste created from their activities.
21. The Enforcement Team has engaged with several of the commercial businesses whose flyers and leaflets (printed matter) have been regularly causing additional litter. There have been varying responses from these businesses on their responsibilities towards the litter they create and to date the problem is growing rather than reducing.
22. Following a consultation exercise the Council can designate zones. Anyone wishing to distribute free literature within designated zones in the City would have to first apply for a licence. Failure to adhere to, or not having appropriate approval, will result in a £100 fine. Further details can be found in Appendix 2.
23. There is no need to obtain consent to distribute leaflets by, or on behalf of a charity, for political or religious purposes. All other non-commercial organisations are required to obtain consent within the declared zones. Those failing to obtain or follow the terms of their license can be fined £100.

Issuing of Fixed Penalty Notices (FPNs) by Highways Services

24. The Highway Service issues a significant number of licenses for permissions relating to the highway and deal with approximately 1300 enquiries with regards to licensing and enforcement issues per year. The issuing of a Fixed Penalty Notice (£100) for failure to adhere to license conditions or not seeking the appropriate permissions will deliver a swift resolution to matters, therefore supporting a clean and tidy street scene.

25. The current requirements to obtain a license to place various items on the public highway remain unchanged, but any breach will be dealt with by a FPN rather than a prosecution. These changes will be communicated to the current license holders and all new applicants.
26. The process of issuing an FPN requires Policy and Operational Guidance to assist Officers (See Appendix 3). Training sessions will be undertaken to develop and train delegated Officers with regards to the Policy and Operational Guidance and to enable consistency with issuing of FPNs across City Operations.

Litter Enforcement support

27. The enforcement of littering and dog fouling can be time consuming and not always cost effective for Enforcement Officers and Park Rangers to undertake, yet remains a constant high priority in the annual Ask Cardiff Surveys. The Enforcement Officers and Park Rangers cover a wide range of activities to keep our public realm clean and attractive. Undertaking patrols for those dropping litter or dog fouling takes their time away from other core duties.
28. The number of fines issued for littering by pedestrians range from 550 to 700 fines per year and contributes to less than 5% of all the activity undertaken by Council teams. This is not a negative reflection on the teams, as they cover a far wider remit of enforcement duties. With the recent recycling collection changes and pressure to meet the statutory recycling target the priorities must remain on waste presentation issues, which prevents litter and recycling education.
29. It is proposed to deliver a 12 month trial, with a third party company to take on the aspects of littering, dog fouling and other FPN patrols in order to maximise the activity and control in these areas. This will then free up existing officer time and allow them to support the recent collection changes, litter prevention and provide recycling education support into Communities. The trial will be commission-only based with no set up costs for the Council. They will take a percentage of the income generated from fines, with the remainder of the income returning to the Council.
30. The use of private security firms to deliver these types of environment enforcement roles is common practice for Councils to adopt a cost neutral basis. They are fully licensed and controlled by strict guidance on vetting and data protection. UK Councils have seen increases in the number of littering FPNs as a result, some as much as ten fold increases. Cities such as Birmingham, Leeds and London have such arrangements in place, along with many other Councils. They are also used in Welsh Authorities such as Swansea, Blaenau Gwent and Denbighshire. Denbighshire Council secured over £300,000 of fines in just 15 months when they secured such an arrangement. At the same time Denbighshire was also rated as having the cleanest streets in Wales by the independent assessments conducted by Keep Wales Tidy and their litter survey.

31. The third party would be trialled on a 12 month basis to deploy a team of trained, licensed and uniformed Enforcement Officers into Cardiff. They could operate seven days a week and evenings, hence covering times when it is less cost effective for staff to cover, for example; supporting the night time economy. A partner would be required to be committed to the living wage and be encouraged to seek the employment of local people. This will not replace existing enforcement staff, but complement existing work and bolster the Councils resources to jointly tackle environmental crime on Cardiff's streets and open spaces.
32. The benefits that such an approach could take will include;
- i. Increased activity and coverage against those dropping litter, breaching licence conditions and letting their dogs foul.
 - ii. No additional costs to the Council.
 - iii. Operate seven days a week and evenings.
 - iv. Provide local jobs, committed to the living wage
 - v. It is expected that the fines income will increase and this can be reinvested back into other enforcement activity.
 - vi. By removing littering patrols from the team's work load this will free up existing enforcement officer time to focus on recycling education and correct waste presentation, other key community issues.
33. This approach is widely used by other Authorities to bolster their littering enforcement activities. It will also assist the Council in developing a detailed business case of the best future option to tackling littering. The current size of the enforcement team and work demand levels prohibit the ability to allocate officers to full time littering patrols and therefore have been unable to determine if the in house approach can be self-financed. This approach will supplement, not replace existing enforcement work and will form an integrated approach to Neighbourhood Services.
34. A trial of this nature is expected to yield a net minimum of £50,000 to the authority next year as part of Neighbourhood Services activities, with any surplus being reinvested back into the enforcement activities that the Council undertake. The other new policies will be resourced and supported from the fines recovered by the Council's enforcement activities and third party commission contributions.

Local Member consultation (where appropriate)

35. All local Members will be provided with opportunity to provide their feedback through the consultation exercises. Where draft zones and proposals impact on specific wards, they will be provided with the initial information to provide comment.

Reason for Recommendations

36. To seek approval for consultation of the various enforcement activities in accordance with the relevant legislation before formal adoption by the Council.
37. To increase the environmental controls in order to tackle issues such as waste accumulations; littering; dog fouling; skips and the licensed street scene within Neighbourhood Services.
38. Seek new opportunities to reduce the Council's expenditure and increase income opportunities to keep Cardiff's streets and open realm clean and controlled to prevent irresponsible approaches to litter and dog fouling.

Financial Implications

39. This report outlines proposals for the extension of enforcement powers including associated fixed penalty notice fine income which will be ring fenced for that specific enforcement area. A trial involving an external third party is proposed for littering and dog fouling enforcement. The report assumption is that this trial will be undertaken at no additional cost to the council with the potential for upside gain-share for additional income. This arrangement has not been market tested and the procurement of the third party operator will confirm if this assumption is achievable.
47. Set-up costs including consultation will be funded from existing resources. If expenditure is to be funded from FPN fine income then timing / matching implications will need to be considered with expenditure likely to be incurred in advance of income being received.
48. Any Third Party operator selected by the Council will need to have adequate insurance arrangements in place. A minimum indemnity limit of £5m is suggested to cover the risk of claims caused by the action of the third party operator including claims if fines have been inappropriately issued as a result of procedures not being followed correctly

Legal Implications (including Equality Impact Assessment where appropriate)

49. The Legal Implications are set out in detail in the body of this report.
50. The procedures (including consultation) for making Public Spaces Protection Orders and designating land for the free distribution of printed matter zones must be followed fully as set out in the legislation.
51. With respect to the proposed 12 months trial, for any procurement the council should comply with its contract procedure rules, EU procurement regulations (as applicable) and the EU treaty principles of transparency, equal treatment and non-discrimination. As to the process and contractual arrangements further advice should be sought from legal and procurement before commencement.

52. The relevant authorisations must be given to the successful company and its staff for issuing FPNs on behalf of the Council, or they will be invalid.
53. Data Protection implications (proposed 12 months trial with external partner) – The Council would be the data controller in that it is the body with the enforcement powers. The external partner, as a data processor operating on behalf of the Council would be required to comply with the principles of the Data Protection Act and would have to act on the authority of the Council. These requirements would either be set out in the contractual terms and conditions (there are currently data protection provisions in the council's standard contracts) or via a separate data processing agreement. Any processing of this nature with a third party would also need to undergo a Privacy Impact Assessment before operational to assess any privacy risks.
54. Enforcement of the various legislation must be in line with the Council's Enforcement Policy.

HR Implications

55. It is not envisaged that these changes will impact on the number of employees required. This additional work may provide protection from future financial cuts through additional income from third parties. The proposals which are included in this report have been initially discussed with the Trade Unions and employees concerned and further consultation will take place following a Cabinet decision, however the basic principles are in line with the work the employees already carry out.

RECOMMENDATIONS

56. To support and delegate the authority to the Director of City Operations, in consultation with the Cabinet Member for Environment and Cabinet Member for Transport, Planning and Sustainability in the development and undertaking of these new wider powers to deliver a cleaner environment across Cardiff, in particular to begin the consultation proposals on the Public Space Protection Order and Distribution of Free Literature controls in accordance with the relevant legislation before presenting for formal adoption by the Council.
57. To agree to set the fixed penalty amount at £100 for failure to comply with a components of the Anti-social Behaviour, Crime and Policing Act and Highways Act.
58. To endorse and delegate the authority to the Director of City Operations, in consultation with the Cabinet Member for Environment to explore a 12 month commission based trial, at no additional cost to the council. The third party will undertake a range of fixed penalty notice activity to supplement existing enforcement activities and pay the Council a proportion of the fines income obtained.

NAME OF DIRECTOR:
Andrew Gregory

Date

The following appendices are attached:

The following background papers have been taken into account

Appendix 1 – Wider enforcement Powers

Appendix 2 – Distribution of Free Literature Policy

Appendix 3 - Fixed Penalty Notices for Highway Offences – Policy and Operational Guidance

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Appendix 1 – Wider enforcement powers

Summary of the Anti-social Behaviour, Crime and Policing Act 2014

This act came in to force recently, can help deliver greener and safer communities across Cardiff. This new act was passed in March 2014, with most of the powers under the act coming into force in October 2014. However, some elements of the act relating to prevention of nuisance and annoyance have been delayed until 2015, which has meant the Council is only now in a position to consider these regulations. Details of what these powers can provide are listed in this appendix

Community Protection Notices

- i. These are designed to stop a person aged 16 or over, a business, or an organisation committing anti-social behaviour which spoils the community's quality of life. The CPN will broaden the Councils powers in tackling accumulations of litter and waste in gardens and also enable enforcement of all litter outside businesses, where previously only branded litter could be enforced.
- ii. Section 43(6) of the Act requires any person issuing a notice, before doing so, to inform any individual or body that is felt to be appropriate. Therefore the Council will undertake consultation exercises with the targeted communities such as landlords; city centre business, appropriate landowners and also the Chief of Police.
- iii. The notice can only be issued if the individual or body has been given a written warning to cease the conduct and provided with enough time to deal with the matter. However, failure to take action will result in a formal notice. Failure to comply with this notice will result in prosecution, or the option of a Fixed Penalty Notice that cannot exceed £100. Alternatively, the Council also has the option of carrying out remedial work where the requirements of a CPN are not carried out provided that the land is open to the air. The local authority can then reclaim the costs from the "defaulter".

Public Space Protection Orders (PSPO).

- iv. A Public Space Protection Order (PSPO) could potentially be used, for example, to restrict parking on grass verges, prevent businesses erecting A-Boards in certain areas, control of problematical behaviour in parks etc. The Authority is currently considering the benefits for dog controls to make Cardiff a safer and cleaner city that supports responsible dog owners.
- v. Once in place an order can last for up to 3 years but can be extended (and more than once). It is also good practice to put up signage in the controlled areas.
- vi. The issues of Fixed Penalty Notices for the offences of littering under the Environmental Protection Act 1990 and failure to comply with a Dog Control Order as introduced under the Clean

Neighbourhoods and Environment Act 2005, will continue until the new notice is in effect.

- vii. These types of orders are designed to stop individuals or groups committing anti-social behaviour in a public space. The PSPO replaces dog control orders and allows the authority to designate public places for restrictions. Prohibition notices can be used for specific areas and/ or times, for example stopping dogs from entering playgrounds, schools grounds or restricting how many dogs could be taken through a public area by one person.

In addition to the above act, the Council could make wider use of existing powers that are utilised under the Highways Act and Environmental Protection Act. The Highways Act use this Act to control skips on highways, A- frames and Table and chairs etc. to ensure they are correctly placed and don't cause a negative impact on the pavement or roads. To date the service has only tackled breaches through prosecutions. This process can be resource intensive and slow to resolve issues. Whilst the Environmental Protection Act can be used to control the issue of free distributed literature, such as fly posters and flyers. If uncontrolled these can cause litter and have a negative impact on the street scene.

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Appendix 2 – Distribution of Free Literature Policy

1. The Aim

Cardiff Council has developed a new policy to remedy the problem of additional litter on the highway from free printed matter which is having an increasing impact upon our local environment. The distribution of flyers and leaflets can make an area look run down; contribute to littering arising from such activities and antisocial behaviour.

With this policy, Cardiff Council aims to ensure that consent is required to distribute free printed matter on designated land which it owns or which is part of the highway for commercial purposes where owners/consent holders take greater ownership, take steps to reduce the number of flyers/leaflets in a designated area which will improve the visual appearance of an area, reduce waste and litter and associated anti social behaviour.

2. Scope

The policy applies to all areas and commercial businesses that will be distributing flyers within the Cardiff Council boundaries.

There is no need to obtain consent to distribute leaflets by or on behalf of a charity or which are political or for religious purposes. All other non-commercial organisations are required to obtain consent.

3. The Law

Section 94B and Schedule 3A of The Environmental Protection Act 1990 as amended by the Clean Neighbourhood and Environment Act 2005 allows a Local Authority to:

Make a charge on the business who appears to be the owner an amount to cover the administration and consent of the application fee and an additional fee for the number of distributors per day for limited period consents;

Every distributor will wear a dated authorisation badge issued by the council;
This badge would show the consent number, the date, time and point at which the printed matter may only be distributed (within 100 metres);

The printed matter will show the name and address of the consent holder;

No free printed matter will be unattended by any distributor or the consent holder at any time;

If the Local Authority grants permission, they can make several conditions:-

Make a charge on the business who appears to be the owner an amount to cover the administration and consent of the application fee and an additional fee for the number of distributors per day for limited period consents;

The consent holder to keep a register of those employed to distribute leaflets on his behalf. This will be made available on request to an authorised officer. This register to be kept for a period of six months;

Every distributor will wear a dated authorisation badge issued by the council; This badge would show the consent number, the date, time and point at which the printed matter may only be distributed (within 100 metres);

The printed matter will show the name and address of the consent holder; No free printed matter will be unattended by any distributor or the consent holder at any time;

All unused leaflets/flyers collected as litter and all associated packaging and any other materials arising from the distribution process shall be removed from site and disposed of at the distributors own personal or trade waste facilities.

Free leaflets or flyers shall not encourage illegal or irresponsible behaviour nor advertise illegal events or activities.

Offences

Any person who distributes free printed matter in a designated place without the consent of the Council is liable on summary conviction to a fine not exceeding level 4 on the standard scale (currently £2500 maximum). An offence is also committed if someone causes another person to distribute free printed matter in a designated area without consent.

Offenders may be issued with a Fixed Penalty Notice as an alternative to prosecution; the default sum has been set at £80. An authorised officer of the Council may also seize any supply of free printed matter which is being distributed without consent. The material may be reclaimed by the owner by way of application to a Magistrates Court.

The County Council may refuse to issue or revoke consent:-

Refuse

The Council may refuse to grant consent if it is not satisfied that conditions have not been met;

Granting consent would be likely to lead to the defacement by Litter of designated land;

If proposed distributor has previously been issued with a fixed penalty notice or has been convicted of, distributing printed matter without consent within the previous five years.

Revoke

Consent may be revoked in writing either following conviction or paying a fixed penalty. It may also be revoked where the consent holder has failed to comply with any condition on the consent form.

Appeals

Any person aggrieved by a decision of the Council to refuse or revoke any consent or to any conditions attached to the consent may appeal to the Magistrates court.

4. Procedure to Implement Schedule 3A

Prior to the commencement date, Cardiff Council must:

- 1) Select designated land for Schedule 3a.
- 2) Issue a notice setting out its proposals. The notice must specify the land proposed to be designated (A map showing the boundary will be included).
- 3) The date on which it is proposed that the order will come into force (Must be at least 28 days from the date of notice)
- 4) Those objections can be made regarding the proposal, how they can do that and the time they can be made. (Must be at least 14 from the date of the notice).
- 5) All objections should be written to explaining the decision.
- 6) The notice to be published in at least one newspaper circulating in an area which includes the land. Post the notice on the land and publish the notice on the council internet.
- 7) If the notice goes ahead the Local Authority must issue a notice announcing the decision.
- 8) Again must circulate it in at least one newspaper
- 9) Place up notice directly on the land
- 10) Publish notice on council internet.
- 11) Resolve to adopt Schedule 3A of the Environmental Protection Act 1990 on a date now less than six weeks from the date of the Resolution.
- 12) Publish details of the policy in at least one local newspaper, indicating the general effect of the adoption of the schedule.
- 13) Review the schedule at least every year and monitor the number of consents and distributors to see if adequate steps are being taken to reduce litter.

4.1 Additional Information

The charges set are required to be sufficient to cover the cost of processing application and numbers of distributors, monitoring compliance. A standard charge within the terms of legislation based on average costs. Including:

- Administrative costs arising from notification requirements(application fee and number of distributors)
- Staff Time-Monitoring compliance;
- Legal support.

The charge that Cardiff Council applies is £250 per consent application and £25 applies per distributor per day for limited period consents.

There is no need to obtain consent to distribute leaflets by or on behalf of a charity or which are political or for religious purposes. All other non-commercial organisations are required to obtain consent.

The appropriate reuse, recycling and disposal conditions are in place to ensure that additional litter discarded is dealt with appropriately and in the most sustainable manor.

All activities involved in the removal of any free printed matter is fully Health and Safety compliant

5. Reporting System

Illegal distribution of flyers can be reported to the Waste Education and Enforcement Team via a number of different channels:

PCSO's –Can send a photograph of the distributors, together with the GPS coordinates (a system which is already in place) to the Waste Education Enforcement Team for action.

Member of the Public/Councillors – Can email/report flyer problems to C2C, specifying the location and quantity.

Waste Education Enforcement Officers – Can GPS/photo the location and log on Enforcer.

Other Council Officers – Can email the location, together with a map (CMAPS) and GIS location where possible.

NB. Where possible, all reports will need to identify if there has been a consent issued to the consent holder responsible. This can be established through our database.

6. Inspection of site/land

Authorised officers will interact with distributors and monitor compliance and take action where appropriate.

7. Flyer Income

The income received from the consent application and distributor's fee will be ring fenced for local enforcement.

Appendix 3 - Fixed Penalty Notices for Highway and Environmental Offences – Policy and Operational Guidance

1. INTRODUCTION

While prosecution remains a last resort, we continue to strive to uphold the law and deal with individuals and businesses as appropriate, in an even-handed way. The expansion of powers to issue FPNs, will give the Service wider scope to stop environmental crime, ensure licensing is in place and maintain clean and safe streets.

The fines do not replace existing methods of dealing with offences but instead, offer an alternative to the prosecution process which can often be costly and time consuming.

If Officers are unable to convince offenders to desist from committing whatever violation of the code they are committing on the spot, Enforcement Officers will be able to deal with problems immediately by issuing a FPN which may in itself, act as a deterrent to would-be offenders.

The full range of highway offences for which fixed penalty notices may be issued are listed below:

Part IX Lawful and Unlawful Interference with Highways and Streets Protection of public rights

130. Protection of public rights.

130A. Notices to enforce duty regarding public paths.

130B. Orders following notice under section 130A.

130C. Section 130B: procedure.

130D. Section 130B: costs.

Damage to highways, streets etc.

131. Penalty for damaging highway etc.

131A. Disturbance of surface of certain highways.

132. Unauthorised marks on highways.

133. Damage to footways of streets by excavations.

134. Ploughing etc. of footpath or bridleway.

135. Authorisation of other works disturbing footpath or bridleway.

135A. Temporary diversion for dangerous works.

135B. Temporary diversion for dangerous works: supplementary.

136. Damage to highway consequent on exclusion of sun and wind.

Obstruction of highways and streets

137. Penalty for willful obstruction.

137ZA. Power to order offender to remove obstruction.

137A. Interference by crops.

138. Penalty for erecting building, etc., in highway.

139. Control of builders' skips.

140. Removal of builders' skips.

140A. Builder's skips: charge for occupation of highway.

- 140B. Builders' skips: charge determined by reference to duration of occupation of highway
- 140C. Regulations under sections 140A and 140B
- 141. Restriction on planting of trees etc. in or near carriageway.
- 142. Licence to plant trees, shrubs, etc., in a highway.
- 143. Power to remove structures from highways.
- 144. Power to erect flagpoles etc. on highways.
- 145. Powers as to gates across highways.
- 146. Duty to maintain stiles etc. on footpaths and bridleways.
- 147. Power to authorise erection of stiles etc. on footpath or bridleway.
- 147ZA. Agreements relating to improvements for benefit of persons with mobility problems.
- 147A. Road-side sales.
- 148. Penalty for depositing things or pitching booths etc. on highway.
- 149. Removal of things so deposited on highways as to be a nuisance etc.
- 150. Duty to remove snow soil etc. from highway.
- 151. Prevention of soil etc. being washed on to street.
- 152. Powers as to removal of projections from buildings.
- 153. Doors etc. in streets not to open outwards.
- 154. Cutting or felling etc. trees etc. that overhang or are a danger to roads or footpaths.
- 155. Penalties in connection with straying animals.
- 156. Restriction on breaking up by undertakers of maintainable highways recently closed or re-surfaced.
- 157—159.
- 160. Powers as respects certain unnecessary obstructions of highways in Greater London.
- 160A. Further powers of highway authorities and district council in relation to highways.

Danger or annoyance to users of highways and streets

- 161. Penalties for causing certain kinds of danger or annoyance.
- 161A. Danger or annoyance caused by fires lit otherwise than on highways.
- 162. Penalty for placing rope, etc. across highway.
- 163. Prevention of water falling on or flowing on to highway.
- 164. Power to require removal of barbed wire.
- 165. Dangerous land adjoining street.
- 166. Forecourt abutting on streets.
- 167. Powers relating to retaining walls near streets.
- Precautions to be taken in doing certain works in or near streets or highways
- 168. Building operations affecting public safety.
- 169. Control of scaffolding on highways.
- 170. Control of mixing of mortar etc. on highways.
- 171. Control of deposit of building materials and making of excavations in streets.
- 171A. Works under s. 169 or s. 171: charge for occupation of the highway.
- 171B. Scaffolding, building materials and excavations: charge determined by reference to duration of occupation of highway
- 171C. Regulations under sections 171A and 171B
- 172. Hoardings to be set up during building etc.
- 173. Hoardings to be securely erected.
- 174. Precautions to be taken by persons executing works in streets.

175. Liability of certain persons in respect of materials left on highway.
175A. Duty to have regard to needs of disabled and blind in executing works, etc.

Miscellaneous

176. Restriction on construction of bridges over highways.
177. Restriction on construction of buildings over highways.
178. Restriction on placing rails, beams etc. over highways.
179. Control of construction of cellars etc. under street.
180. Control of openings into cellars etc. under streets, and pavement lights and ventilators.
181. Provisions relating to placing, etc. of certain apparatus in or under a highway.
182. Supplementary provisions as to licences under section 181.
183. Appeal against certain decisions of local highway authority under section 181.
184. Vehicle crossings over footways and verges.
185. Power to install refuse or storage bins in streets.

Notices of opportunity to pay a fixed penalty / fixed penalty notices (referred to as FPNs) can be issued by local authority officers for certain offences where the legislation permits and where the officer is authorised to do so. These notices provide a quick, visible and effective way of dealing with low-level straightforward environmental crimes, and an alternative to prosecution.

The process of controlling and managing Fixed Penalty Notices will utilise the ChipSide system that is currently utilised to issue Penalty Charge Notices relating to Parking and Moving Traffic Offences. This system is a process and document management system that allows the process of issuing FPN's to be defined and all information to be documented and stored.

The purpose of this guidance is to establish standardised fixed penalty procedures to be followed by all those with powers to issue fixed penalties, with guidance on the circumstances in which a fixed notice should be issued.

A fixed penalty is not a fine. Payment of the penalty by the recipient discharges their liability to conviction for the offence for which the FPN was issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a record of criminal conviction.

2. GROUNDS FOR ISSUING A FPN

A FPN may only be issued where an officer has reason to believe a person has committed a penalty offence and there is sufficient evidence to support a successful prosecution.

An officer may issue a FPN where the offence is of a nature suitable for being dealt with by a FPN. FPNs are designed to deal with low-level offending.

When considering a case, officers should consider the nature and seriousness of the offence. For example, the use of a FPN is appropriate for most type's offences, but, in the case of graffiti and flyposting, a FPN is only going to be appropriate at the minor end of the scale. The specific offences and the

circumstances in which an FPN is appropriate are discussed at Section 9 of this document.

Normally offences resulting in a FPN will be witnessed directly by the officer. However, an officer may consider it appropriate to issue a FPN to a suspect if they have not directly witnessed the offence, but have reliable witness testimony.

Any interview and questioning must be consistent with the practice and procedures by the Police and Criminal Evidence Act 1984, Code C.

3. THE OFFENDER

A FPN should be issued only where,

- the alleged offender is compliant and able to understand what is going on, and
- there is sufficient evidence as to his/her identity and place of residence.

A FPN will be appropriate for first-time offenders and 'one-off' incidents as it is a low-level disposal and the recipient can avoid obtaining a conviction. Issuing a FPN will also be appropriate because of the extreme improbability that a person once seen committing an offence would be seen on a subsequent occasion, and in such an event, that there would be any accessible record of a previous warning which may have been given by another agency. A FPN is a means of changing offending behaviour and may be an appropriate response where a warning or a caution might have been considered.

Where a suspect is not cooperative, consideration should be given to an alternative disposal (e.g. prosecution and/or police involvement). FPNs must be issued to *and* received by the suspect. If an intended recipient of a FPN refuses, after being warned, to give a correct name and address, and identity can be established through other means, i.e. by the police, (s)he should be reported for prosecution, rather than given a FPN. It is a specific offence for a person to whom an officer proposes to issue a litter or fly-posting FPN, to fail to provide the officer with their name and address, or to give false details (see Section 10 for guidance).

A FPN *will not* be appropriate:

- where a suspect appears to be unable to understand what is being offered to them (for example, where the suspect is deaf), or there is doubt about their ability to understand English. Where such circumstances arise every effort should be made to solicit / impart the required information.
- where the suspect's behaviour suggests they have learning disabilities or mental disorder, or where the suspect is under the influence of drugs. The officer should question whether issuing a FPN and (as it will probably go unpaid) prosecution is in the public interest.
- where no satisfactory address exists for enforcement purposes. This may be where the officer has reason to believe that the suspect is homeless or sleeping rough, or where the suspect is a non-resident foreign national (i.e. not British or Northern Irish).

- where a penalty offence is known to have been committed in association with another non-fixed penalty offence.
- where an offender is **threatening, abusive or violent** to the officer. Where an alleged offender becomes aggressive or violent, the officer should ensure their own safety and seek help from the police. The offender would be dealt with by way of prosecution, either by the police or the Authority. (The officer should refer to corporate guidance on dealing with difficult situations).

A FPN *may not* be appropriate where it is known that the suspect has a previous relevant conviction or caution, or has previously been issued with an FPN (for the offence), particularly if they have not paid. The officer should inform the offender that (s)he will be reported with a view to prosecution.

4. ISSUING THE FPN

The officer will approach the alleged offender, identify him/herself and tell the person, in simple terms, which they have been seen committing an offence. The person will then be spoken with to obtain their name, address and date of birth. These details will be verified as far as practicable, and the FPN will then be issued. Documentary evidence of identity and place of residence will be requested, but not demanded, and will be preferable to non-physical checks such as the electoral register. Failure to identify a suspect prior to issue could invalidate enforcement. Police assistance will be sought where necessary. The officer must record the suspect's forename, surname, address, post-code and date of birth on the FPN. These are required for processing purposes.

When the FPN is issued, the officer should explain that it provides an opportunity to avoid liability to prosecution, and will draw the person's attention to the relevant points about making payment. The officer will advise the recipient of the FPN that in the event of non-payment, they will be prosecuted for the offence.

A person who refuses to accept a FPN from the officer must be informed that (s)he will be reported for the offence in question.

Officers will not accept payment of a fixed penalty anywhere other than the designated Council buildings.

5. DISPUTES ABOUT ENFORCEMENT

Once a FPN has been issued the recipient may decide to phone or write in pleading mitigation or contesting the fact that a FPN was issued. An alleged offender contesting a FPN should be advised that there is no obligation to pay a fixed penalty and there is no formal appeal procedure.

Whilst the Authority should review the facts of a particular case when invited, the opportunity to challenge the allegation and plead not guilty to the alleged offence at an independent hearing is open to the recipient of the FPN. This will be by way of prosecution, on summons, and trial in a magistrates' court. Any person wishing to complain about the FPN should do so in writing. Such letters may help identify any issues that need resolving or investigating before a case

comes to court. Arguments over the law, the amount of the fixed penalty, etc. will not be relevant, but claims that a defence applies will. Only in occasional circumstances will it be appropriate to withdraw a FPN or not proceed to summons on non-payment. This may be when information that was not available at the time the FPN was issued becomes available and it is determined that the offence to which the notice relates was not committed, that it would not be in the public interest to prosecute, or that the notice should not have been issued to the person who is named in the notice.

Payment of a fixed penalty by instalments will be accepted through formal payment plans.

6. ISSUING FIXED PENALTY NOTICES TO YOUNG PERSONS AGED 10 TO 17

In law a local authority FPN can be issued to anyone over the age of 10. Parents and guardians are not responsible in law for paying fixed penalties issued to young offenders (in this respect FPNs differ from police issued penalty notices for disorder (PNDs)). However, a court before which a young person appears can order the parent/guardian to pay any fine it may impose.

Children's service authorities, including local authorities and police, are under a duty under the Children Act 2004 to discharge their functions having regard to the need to safeguard and uphold the welfare of children. In the youth justice system, prosecution is a measure of last resort, and usually follows a reprimand and final warning.

A FPN *will not* be appropriate where a young person's behaviour suggests they have learning disabilities, or they suffer from a vulnerability that impairs his or her understanding of what goes on. In such cases the matter should be referred to Children's Services. Any action in respect of the alleged offence can be decided on later.

The following guidance (6.5 to 6.9) does not extend to criminal damage offences committed by young persons. The disposal in those cases should be determined in conjunction with the police. The following paragraphs do apply to littering, fly-posting, noise and dog fouling/control offences.

The officer will establish the identity of the alleged offender and details of the offender's home and parents or guardians, etc. On further enquiry it will be decided whether to issue a FPN or refer the youth to a Youth Offending Team. The latter may be suitable where the youth and his family have limited means of income and the youth is at risk of getting involved in further anti-social behaviour. A FPN must not be issued to anyone who is under 10 years of age.

If the 10 to 17 year old is a first-time offender a warning letter will be sent to him/her and his/her parent/guardian. If the offence is the youth's second offence, a FPN will be issued.

Sometimes the behaviour of someone under 18 years of age may warrant more than a mere warning. Examples may include being abusive or antagonistic to the authorised officer, smashing a bottle into road, drinking alcohol and

discarding cans into a river, or throwing cans at traffic. Alternatively, the alleged offender may be known (for example following an address check by police) to be involved in other criminal activity and a letter would not effectively challenge their conduct. A FPN, or with police involvement, a Police Reprimand or Final Warning, should be considered instead. Where a FPN is issued and the matter is not referred to the police, the officer should a confidential report to be attached to the FPN explaining why (s)he came to the decision to issue a FPN. This may include details based on local knowledge or aggravating factors, or knowledge of previous offending by an individual.

In the case of a 16 or 17 year old, the FPN may be issued at the scene where it would be in accordance with this policy. FPNs issued to under 16s will be sent to the alleged offender under cover of a letter, which will also be copied to the parent/guardian. FPNs for under 16s will not be issued in the street.

6.9. Only on non-payment of a FPN, on a further occasion being caught littering, etc., or where the offender is identified as a persistent offender, would prosecution of a youth under 18 years of age be considered.

7. UNPAID OR CHALLENGED FIXED PENALTY NOTICES

If the person either refuses to accept a FPN or, having accepted such a notice, does not pay before the end of suspended enforcement period (14 days), a final reminder letter will be issued giving a further seven days' notice. If the fixed penalty remains unpaid, the matter will result in prosecution (unless there is good reason otherwise). To ensure the credibility of a FPN scheme, the assumption will be that all cases involving non-payment will be referred to court.

Where a fixed penalty is refused, not paid, or challenged, the process defaults to a standard prosecution and the officer who issued the FPN will be notified.

It is the responsibility of the officer who issued the FPN to ensure that all witness statements and exhibits, including any record of interview, are sent to the relevant administration officer. This should be done within two weeks of notification.

Each case will be reviewed by senior officers, and if necessary solicitors, applying the evidential and public interest tests before a prosecution is commenced.

8. AMOUNT OF FIXED PENALTY

The FPN for highways offenses will be set at £100 and cannot exceed £200 as listed for level 1 fines, under the Criminal Justice Act 1982.

9. CONDUCT

Dealing with offenders who refuse to give details or who give false details
Offences involving obstruction of officers are normally dealt with by way of prosecution. In terms of fixed penalty offences, officers should note the following guidance:

1. Offender refuses to give details or gives false details, but provides correct details after being warned, or before police arrive – it is considered appropriate to offer and issue an FPN.
2. Offender gives correct details only after being required to do so by a police officer report for summons for the original offence and for the offence of failing to give details or giving false details.
3. Offender gives false/inaccurate details, FPN is issued at time, and is subsequently paid – no further action in respect of giving false details as the offender has not pursued the objective of the offence.
4. Offender gives false/inaccurate details, FPN is issued at time and not paid, and enquiries identify the offender – report for summons for the original offence and for the offence of giving false details.

Rules for Issuing Fixed Penalties

1. Ensure you have all the proof necessary for the offence.
2. Be presentable, in full uniform with name badge (where appropriate).
3. Be alert, active and prepared (i.e. carry a tape measure, black ballpoint pen, camera, etc).
4. Be fair, equitable, courteous and cooperative.
5. Be firm and self confident but not over-officious.
6. Be consistent.
7. Be accurate, ensure your writing is legible and that the notice is complete.
8. Be tactful whilst maintaining a respectful and pleasant attitude.
9. Use discretion and approach each situation on its merits.
10. If you can't resolve any doubts through discussion with a senior officer or lawyer, don't issue a notice.
11. All formal interviews should be in line with the PACE code of guidance.

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Jane Cherrington

Litter Management &
Enforcement

make the
difference | **wahaniaeth**
gwnewch



Approach to litter



- Neighbourhood services
- Enforcement Officers & Waste Officers
- Litter bin policy on placement
- Sponsorship to cover costs
- Annual campaign
- On going schools education programme
- Community Litter Picks (KWT) and Environmental Champion Scheme
- More waste containment e.g wheeled bins
- Nudge theory

Current Littering powers



- Littering
 - Dropping litter
 - Littering from vehicles
- Dog Fouling
- Fly tipping
- Waste Accumulations & frontages
- Street Litter Control Notices

Wider powers



- Highways Act FPNs (£100 Fixed Penalty Notice (FPN))
 - Tables and chairs
 - Skips on highways
 - Parking on grass verges
 - A-Frames
- Anti-Social Behaviour, Crime and Policing Act
 - Community protection orders
 - Waste and litter from land
 - Help tackle fast food litter
 - Public Space Protection Order (PSPO)
 - Dog controls (£80 FPN)
 - Flyers and flyposting (License fee, plus (£80 FPN))

Processes



- Highways FPNs
 - Set the process and communicate
 - Dealt with jointly across waste and highways teams
- PSPO
 - Carry out consultation on areas to zone
 - Flyering
 - not permitted; permitted with a license
 - Dog Controls
 - Number of dogs under an individuals control; dogs permitted but must be on a lead; allowed to be off the lead; banned altogether; dog fouling permitted

Alternative approach



- Litter enforcement partner
 - No risk to the Council
 - Allow existing Council resources to focus on waste presentation
 - Commission based (typically 50%) 12 mth trial
 - Body Cameras and hand held technology
 - Evenings and weekends



Questions

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CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD

ENVIRONMENTAL SCRUTINY COMMITTEE

10 NOVEMBER 2015

“MODIFIED IN HOUSE” – NEIGHBOURHOOD SERVICES PROJECT

Reason for the Report

1. To provide Members with an update on the work being undertaken to develop and deliver the ‘Modified In House – Neighbourhood Services Project’. In doing this the item will review:
 - The initial scope and aims of the ‘Neighbourhood Services Project’;
 - The budget proposals which the ‘Neighbourhood Services Project’ has been tasked to achieve;
 - The outcome of ‘Phase 1’ of the project which was based around a pilot in the South West area of Cardiff;
 - The relationship between the ‘Neighbourhood Services Project’ and the development of the ‘Infrastructure Services Project’;
 - The next phase of the ‘Neighbourhood Services Project’.

Background

2. The ‘Neighbourhood Services Project South West’ was first considered by the Environmental Scrutiny Committee during the task & finish exercise titled ‘Infrastructure Business Model & Alternative Delivery Option’. At a meeting in December 2014 Members were briefed on a new pilot for the South West area of Cardiff. The key elements of the pilot were:
 - **Location** - that it would focus on the South West area of the city, i.e. the Ely, Caerau, Canton and Riverside wards;
 - **Purpose** – to develop and pilot a model for outdoor asset maintenance with the longer term intention of implementing the model across all of Cardiff’s

neighbourhood management areas. In addition to this the project was designed to inform the 'Infrastructure Services Project' and help generate across Directorate savings;

- **Develop Local Knowledge** - to improve the local proactive approach for addressing issues, for example, keeping footpaths clear, not pruning all vegetation. This it was hoped would make the Council more aware, proactive and responsive to local area needs;
- **Multi – Skilled Approach** – to enable an autonomous, multi-skilled, customer focused workforce, for example, where workers make proactive decisions to resolve or report other issues;
- **Review Service Delivery Levels** – to review, challenge and adapt the standard of service. This it was felt would help address budget challenges;
- **Group Functions** – to group similar functions across the city to facilitate efficiency savings and eliminate waste between Directorates. This it was felt would reduce back office and management costs to protect frontline services;
- **Coordination** – to allow for better coordination of services to tackle issues important to customers;
- **Ownership** – to create a sense of ownership of local environmental issues;
- **Services in Scope** – The services within scope were management and operation of grounds maintenance; litter; enforcement (Civil Parking Enforcement, Waste, Parks Rangers) in South West Neighbourhood Management area; fly tipping; small scale graffiti; minor potholes; housing green space; new housing courtyard areas; special garden maintenance; clean and clear teams; highways grounds maintenance (excluding high speed routes); highways enforcement; education & enforcement teams;
- **Services not in Scope** – residential and commercial waste collection; the graffiti team.

3. It was explained that improvements across the areas in scope were required to address a number of issues, these included:

- **People** – to reduce the number of people across direct and support services. This would increase the range of tasks undertaken per employee to deliver key functions; to improve morale / attendance and to increase productivity.

- **Quality** – to publish the frequency and standard for services; to reduce customer complaints and repeat complaints.
- **Cost** – to reduce the resources used in delivering the services; to reduce the level of assets used to deliver the services, for example, vehicles, equipment, supplies & buildings.
- **Time** – to reduce frequency of services and remove duplication and systemic waste.

4. The key principles of the 'Neighbourhood Services Project South West' were described as:

- Designing services based on geographical requirements;
- Designing budgets based on geographical requirements;
- To help the Council behave and deliver as 'One Council';
- To design infrastructure to prevent problems;
- To create the right measures based on geographical requirements for continuous improvement;
- To allow leaders to remove barriers to enable teams to do their jobs;
- To allow teams to be responsible for tasks and their area;
- To support teams to problem solve;
- To build a sense of ownership throughout service teams;
- To ensure that there is clear and relevant dialogue with front line delivery teams;
- To align Council assets to deliver against local requirements;
- To create and support opportunities for Environmental Champions;
- To make decisions on current shared knowledge and expertise;
- To identify what needs to be done and delivered in one step;
- To simplify record keeping of tasks;

- To tailor support services to the geographical requirements whilst maintaining geographical flexibility;
- To engage with local communities and Elected Members to understand 'What Matters' and how they can contribute.

2015/16 Budget Proposals

5. Three budget proposals were made against the 'Neighbourhood Services Project', these were:

- **ENV1** - *Full Year Effect of 2014/15 actions includes efficiencies taken with collections/cleansing and enforcement where they were part completed in 2014/15 and the benefits roll into 2015/16 - reviewing the project support levels required for waste and cleansing. Streamlining cleansing and enforcement operations to deliver neighbourhood services. Multi-functional teams set up to tackle litter and waste presentation issues in specific wards. A neighbourhood service approach informs understanding of local needs and a develop knowledge of historical issues in order to ensure resources are prioritised accordingly. The redesign of the education and enforcement team changes from 2014. Dog fouling issues are now dealt with by ward based teams. Most areas have not seen a difference in the number of teams in their area, but the size of the teams has scaled down slightly in certain areas. In addition, two responsive teams deal with priority issues. Shop fronts have continued to be done daily. A review of commercial prices and expansion into new income areas has been explored.*

This estimated that total savings of £557,000 could be achieved. It includes employee savings of £357,000 and additional income of £200,000. The planning status was described as 'realised' and all risk aspects were categorised as 'Green'.

- **ENV2** - *In House Improvements (council wide) and Neighbourhood Services (council wide) - the saving involves delivering year one modified in- house services through an improved in-house infrastructure services and neighbourhood based approach to service delivery across council functions of*

several directorates. This cost benefit proposal is not confined to the Environment directorate as it is a cross directorate 'One Council' project to bring resilience to services that manage streetscene, parks, bereavement maintenance of land, open landscape, enforcement activities including waste and parking enforcement, highways maintenance, technical design. It will include savings for directorate areas that support them, e.g. fleet services, facilities management and depots.

This estimated that total savings of £600,000 could be achieved; it includes employee savings of £440,000 and 'other' savings of £160,000. The residual risk for achieving this saving was described as 'Amber / Green'; the achievability of delivering the saving was described as 'Amber / Green'; and the Equalities Impact assessment risk rated the proposal as 'Amber / Green'.

- **ENV 4 - Redesign of cleansing as part of Neighbourhood Services (Environment only) - as part of neighbourhood services project and in-house improvements the cleansing of all Council land operational methods across the city would be redesigned. This is an approach taken by other authorities in Britain, which often results in a 'Streetscene' service that not only achieves efficiency in back office support and budgetary savings, but also see the services become more responsive to the needs of the local community and allows staff to have more autonomy in responding and addressing these needs. The service changes will be responding to needs of local communities rather than relying on frequency as a measure of quality, savings will be found by bringing service teams together, removing duplicate work, based on local areas, pooling skills and resources such as enforcement and cleansing activities. This will maintain current quality standards and build resilience in these critical frontline services.**

This estimated that total savings of £450,000 could be achieved; it includes employee savings of £300,000 and 'other' savings of £150,000. The saving was at a stage described as 'detailed planning'. The residual risk for achieving this saving was described as 'Amber / Green'; the achievability of delivering the saving was described as 'Amber / Green'; and the Equalities Impact assessment risk rated the proposal as 'Red / Amber'.

6. The overall budget saving allocated against the 'Neighbourhood Services Project' was £1,607,000. From this 'Employee Savings' accounted for £1,097,000 (68.3%); 'Other' savings accounted for £310,000 (19.2%) and 'Income' accounted for £200,000 (12.5%).
7. The 'City Operations - Quarter 1 Report – 2015/16' which was received by the Environmental Scrutiny Committee on the 15th September commented on the 'Neighbourhood Services Project' savings by stating that, *'the £600k identified saving for Neighbourhood Services (Council Wide) proportioned against respective departments and the restructure will be signed off in order to proceed. Whilst a proportion of the frontline savings have been realised, the remainder is being sought through a range of approaches for Cross directorate; enforcement, fleet, business administration and eland reductions, management and support. A full saving mitigation plan is being put in place'*.
8. Following the Environmental Scrutiny Committee meeting on the 15th September the Chair of the Committee wrote to the Cabinet Member for the Environment asking for a copy of this mitigation plan. A copy of the reply to this letter and mitigation plan has been attached to the report as **Appendix 1**.
9. The 'Budget Monitoring – Month 4 Report' which was received by the Cabinet on the 17th September commented on the 'Neighbourhood Services Project' in the City Operations section of the report. It explained that *'a shortfall of £453,000 is projected against the budgeted saving in relation to Neighbourhood Services. Whilst plans are in place to deliver the full saving of £600,000 it is anticipated that some of the necessary changes will not be fully implemented until later this year'*. The figures seem to suggest that this relates to saving ENV2 which is referenced above; Members may wish to consider progress made against ENV1 and ENV4.

Neighbourhood Services Project – Phase 1 Progress

10. During the meeting officers from City Operations will have the opportunity to explain the progress made in Phase 1 of the Neighbourhood Services Project. For example, the impact that the project has had on customer contact; the changes in cleanliness of the areas reflected by Local Environmental Audit Management System (LEAMS) results; achieved savings; staff and asset productivity; Councillor feedback and lessons learnt.

Impact on the Infrastructure Services Project & Next Steps

11. Much of the work being undertaken in the 'Neighbourhood Services Project' is being used to inform the development of the Full Business Case for the 'Infrastructure Services Project'; two separate models are currently being developed to identify the relative merits of creating a wholly owned arms length company and modified in house option. It is anticipated that lessons learnt from key areas such as area based working and multi skilling will be vital components of a successful alternative delivery model. Officers from the City Operations Directorate will explain in the item how the development of these business cases are progressing, the impact that the 'Neighbourhood Services Project' is having on the Full Business Case for the 'Infrastructure Services Project' and the next steps for Phase 2 of the 'Modified In House Neighbourhood Services Project'.

Way Forward

12. Councillor Bob Derbyshire, Cabinet Member for the Environment has been invited to attend for this item. They will be supported by officers from the City Operations Directorate.

Legal Implications

13. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to

Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

14. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct financial implications at this stage in relation to any of the work programme. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

The Committee is recommended to:

- i. Note the contents of the attached report;
- ii. Consider whether they wish to pass on any comments to the Cabinet following scrutiny of the 'Modified In House Neighbourhood Services Project'.

MARIE ROSENTHAL
Director of Governance & Legal Services
4 November 2015

**SWYDDFA CYMORTH Y CABINET
CABINET SUPPORT OFFICE**

Fy Nghyf / My Ref : CM32381
Eich Cyf / Your Ref : RDB/PM/BD/15.09.15
Dyddiad / Date: 22nd October 2015



County Hall
Cardiff,
CF10 4UW
Tel: (029) 2087 2087

Neuadd y Sir
Caerdydd,
CF10 4UW
Ffôn: (029) 2087 2088

Councillor Paul Mitchell
Cardiff Council
County Hall
Atlantic Wharf
Butetown
Cardiff
CF10 4UW

Annwyl / Dear Paul

Environmental Scrutiny Committee - 15 September 2015

Thank you for your letter dated 17 September 2015 in relation to the Environmental Scrutiny Committee Meeting held on 15 September 2015.

City Operations – Quarter 1 Performance

As requested, please see attached a copy of the Mitigation Plan. To ensure that the 2015/16 budget challenges are properly managed, the current projected shortfall is £666k and I have asked that the Directorate Management Team continue to work hard to achieve a balanced budget.

You requested a list of all current restructures and refreshes which are taking place within the City Operations Directorate. In terms of current proposals for reshaping services, obviously the most pressing work relates to the development of ambitious proposals that deliver successful Alternative Delivery Model (ADM) proposals or in-house comparators. This is taking a considerable amount of effort and engagement across the Directorate at present. The timescale for the outcome of this work will be presented early in 2016. More generally, whatever the outcome of this process, there will need to be a programme of work to take forward the realigning of the Directorate services against more demanding service performance targets, digital integration and ensuring longer term budgetary stability. This work will run in parallel with the ADM/In-house proposals.

I trust the above is of assistance. If you have any further queries, please do not hesitate to contact either myself or my officers direct.

Yn gwyir
Yours sincerely

**Councillor / Y Cynghorydd Bob Derbyshire
Cabinet Member for Environment
Aelod Cabinet Dros Yr Amgylchedd**

Enc:

PLEASE REPLY TO / ATEBWCH I : Cabinet Support Office / Swyddfa Cymorth Y Cabinet,
Room 611, County Hall / Neuadd y Sir,
Atlantic Wharf / Glanfa'r Iwerydd, Cardiff / Caerdydd,
CF10 4UW



**City Operations - Month 6
Position**

Projected Shortfalls/Pressures

2014-15 Unachieved Savings

- income shortfalls	225	st. wks £88k, temp rd £52k; sme/bulky £82k; cons £3k
- expenditure	102	landfill £69k, RTI contract £33k
	327	

2015-16 Unachieved Savings

- neighbourhood services	453	assumes £147k will be delivered
- leisure services	618	adm £435k; inc/eff's £144k, canton £31k, CIWW £8k
- waste post sort	215	(funded from reserves)
- other waste activities	241	cleansing redesign £115k; domestic £96k, APC £30k
- other activities	136	mgt £36k; energy £60k; searches £25k; standby £15k
	1,663	

Other pressures/shortfalls

- car park/pcn income	684	fees £291k; pcn £243k, adverts etc. £150k
- post sort	185	
- other waste activities	535	landfill £134k; hrwc £112k; mrf £108k; depot £70k; white goods £25k; trnsfr stn £69k; o/t £17k
- school transport	169	adl & p2t 16+ £148k; income £21k
- other activities	405	parks £78k; bridge income £51k, temp rd cl £39k
	1,978	

Total Pressures/shortfalls 3,968

Projected Mitigations

- employee vacancies	1,070	waste £400k; play £199k; sphtt £350k, parks £121k
- increased income/recharges	487	waste reserve £215k; mrf £94k; other £178k
- moving traffic offences	684	increased income
- waste activities	468	virridor £185k, supplies £140k
- leisure services	82	insole court
- schools transport	265	route closures
- energy management	104	carbon allowance £88k; other £16k
- highway maintenance	106	maintenance £87k; general £19k
- parks	36	general spend

Total Mitigations 3,302

Net Overspend	666
----------------------	------------

Neighbourhood Services	453
Leisure & Play	350
Waste	66
Management & Support	44
Bereavement/Registration/Animal Services	14
Energy	-63
SPHTT	-88
Parks	-110
Directorate Position	666



Neighbourhood Services Scrutiny Report

10th November 2015

Phase 1 Project Aims & Objectives



- Group similar functions across the city to facilitate efficiency savings and eliminate duplication between departments
- Group similar functions to reduce back office and management costs in order to protect frontline services
- Allow for better coordination of services to tackle issues important to customers
- Zone the city into manageable areas based on geographical requirements
- Build up local knowledge to allow for proactive management
- Create a sense of ownership of local environmental issues (links to corporate competencies)

- **Own it, do it, sort it**

Have we achieved our Objectives?

Obj No	Description	Have we achieved (%)	Current progress and outstanding issues	Est. Completion
NS1	Group similar functions across the city to facilitate efficiency savings and eliminate duplication between departments	70	Cleansing functions across Parks and Cleansing working closely together across the West of the City. Enforcement teams have also been integrated on the West. Grounds maintenance supervisors are working together on various projects to deliver efficiency, but further opportunities for integration will be explored in phase 2.	Will roll out to East from January, then commence phase 2 – further integration with other teams.
NS2	Group similar functions to reduce back office and management costs in order to protect frontline services	25	The Projects teams have started to review back office functions and structures. A proposed structure now needs to be drafted for consultation.	QTR 2 – 2016
NS3	Allow for better coordination of services to tackle issues important to customers	100	Fly tipping is being proactively being removed, and requests are reaching the frontline more swiftly. The trial area shows a reduction in call volume from C2C, and LEAMS performance has also improved in trial areas.	Ongoing improvement measure

Have we achieved our Objectives?

Obj No	Description	Have we achieved (%)	Current progress and outstanding issues	Est. Completion
NS4	Zone the city into manageable areas based on geographical requirements	100	City has now been split into East and West NS areas. Cleansing and enforcement teams have new routes and working in these areas. Further integration required in phase 2 with highways enforcement and Parks Grounds Maintenance needs further work	QTR 4 - 2015
NS5	Build up local knowledge to allow for proactive management	50	Links are being explored via Neighbourhood Partnership Meetings in the trial area. In addition, a pilot campaign has been trialled in the East along with 'Keep Roath Tidy' and planning is underway to undertake a similar campaign in the South.	To be explored further
NS6	Create a sense of ownership of local environmental issues (links to corporate competencies)	60	The west trial has shown this works well, with co-ordinated teams working in the areas. Planning for full roll out across the City is underway, with a target date of January 2016, but roles need to be reevaluated	QTR 1 - 2016

What's gone well?



- **£1.15 million** savings delivered through NS to date, detailed plan in place for the remaining £450K including
 - Back Office and Management Restructure
 - Depot and Asset Review
 - Income Opportunities
- Teams doing things better to improve efficiency, reduce duplication and improve customer service.
- Area based teams = reduced mileage/fuel, better local knowledge of issues and increased productivity.
- Overtime rounds and fleet rationalised.

What's gone well? Cont.d..



- **LEAMS score improved by 11.6% in pilot areas**
- **240 extra pro active flytipping collections per month**
- **Increase in tonnage removed from the environment**
- **Reduced failure demand and improved cleansing efficiencies**
- **Improved attitudes and positive feedback from operatives within Area**
- **Improved response and positive feedback from residents**

What have we learnt?

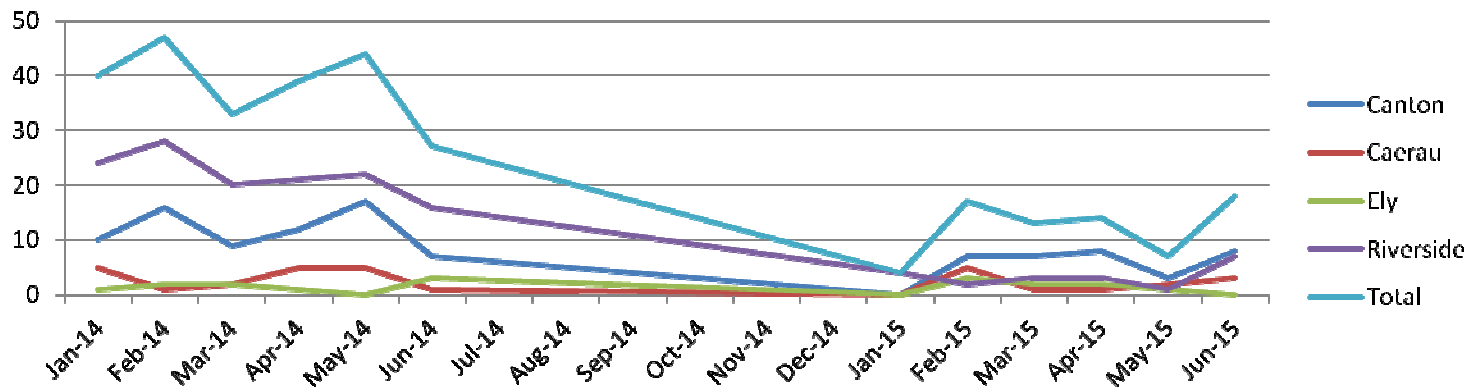


- Operatives can **be multi skilled**, within a set range of tasks
- Further opportunities** to share resources across departments
- Area based teams working together **reduces duplication** and increases efficiency.
- Bringing teams together has **improved employee engagement** and internal partnership working.
- Area based working** and depots is key reducing call/ contact demand
- Structures** must support front line staff i.e. correct back office and supervisory support
- Dedicated senior management support is required - a re-designated management team that would integrate with Infrastructure Services ADM

Councillor Ward Breakdown Requests



Councillor Ward Breakdown Requests	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
Canton	10	16	9	12	17	7	0	7	7	8	3	8
Caerau	5	1	2	5	5	1	0	5	1	1	2	3
Ely	1	2	2	1	0	3	0	3	2	2	1	0
Riverside	24	28	20	21	22	16	4	2	3	3	1	7
	40	47	33	39	44	27	4	17	13	14	7	18



2014-15 Councillor requests (Jan-Jun): 230

2015-16 councillor requests (Jan-Jun): : 73

Reduction year on year: 157 requests

Councillor Requests by Type of Issue

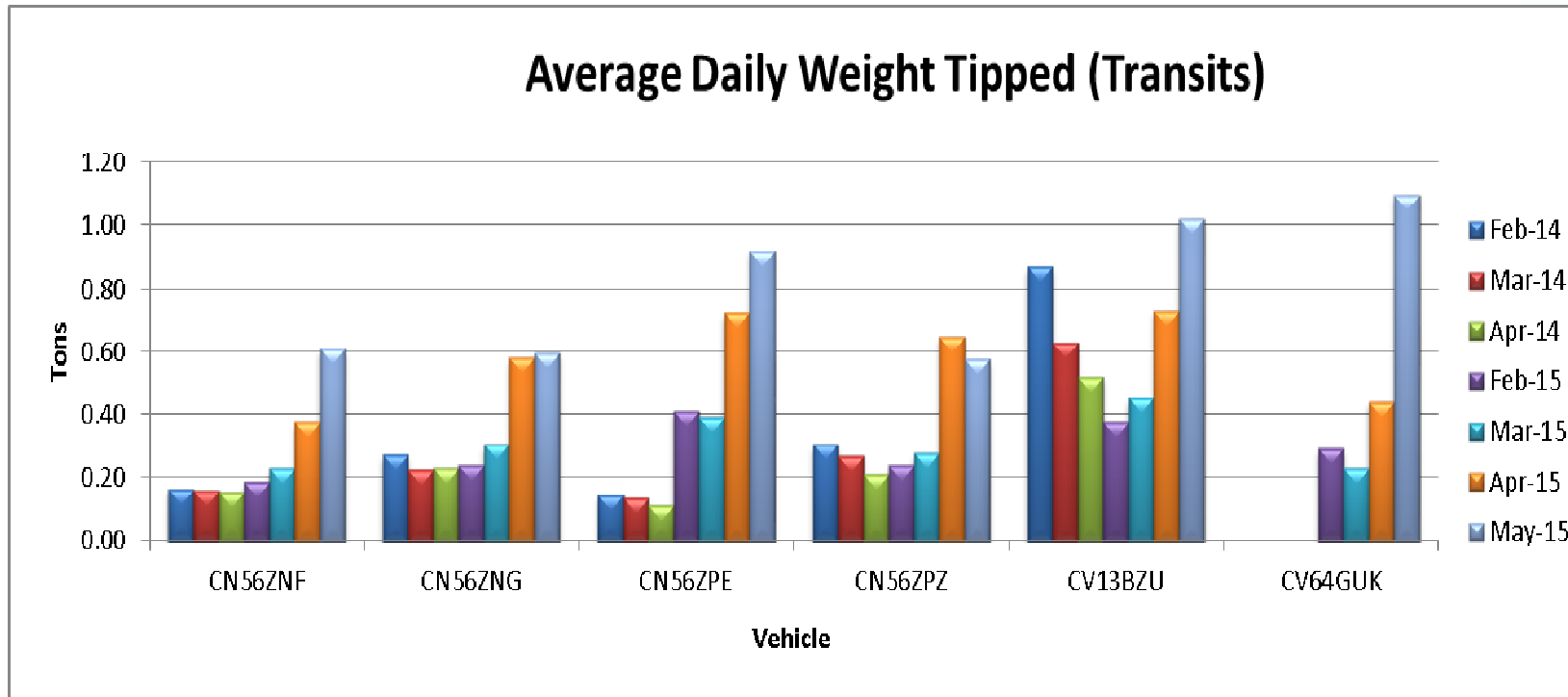
Councillor Requests												
Type of Request	Jan-14	Feb-14	Mar-14	Apr-14	May-14	Jun-14	Jan-15	Feb-15	Mar-15	Apr-15	May-15	Jun-15
Dog Fouling	1	6	4	1	2	3	3	3	5	4	2	3
Dumped Refuse and Fly tipping	51	39	44	74	48	45	38	30	44	64	23	39
Early Late Bags	25	0	22	28	32	0	8	9	30	20	14	17
Education/Enforcement	1	19	1	5	6	46	0	1	3	0	1	5
Fly Poster Removal	0	0	0	0	0	0	0	0	0	0	0	0
Frontages	0	0	0	0	0	0	0	0	0	0	0	0
Graffiti Removal	0	0	0	0	0	0	0	0	0	0	0	0
Leaf Fall	12	3	1	0	0	0	7	10	3	0	0	0
Litter Bins	12	6	10	8	9	14	5	12	10	5	5	6
Poor Sweeping Standard	0	0	0	0	0	0	0	0	0	0	1	0
Removal of Dead Animals	0	0	0	0	0	0	0	0	0	3	0	0
Split Bags	0	1	0	3	0	8	0	0	3	6	2	1
Street Cleansing	25	28	24	20	23	18	10	21	28	25	10	12
Street Litter	8	5	12	7	10	14	8	12	9	6	4	8
	135	107	118	146	130	148	79	98	135	133	62	91

2014-15 Councillor requests (Jan-Jun): 230

2015-16 councillor requests (Jan-Jun): : 73

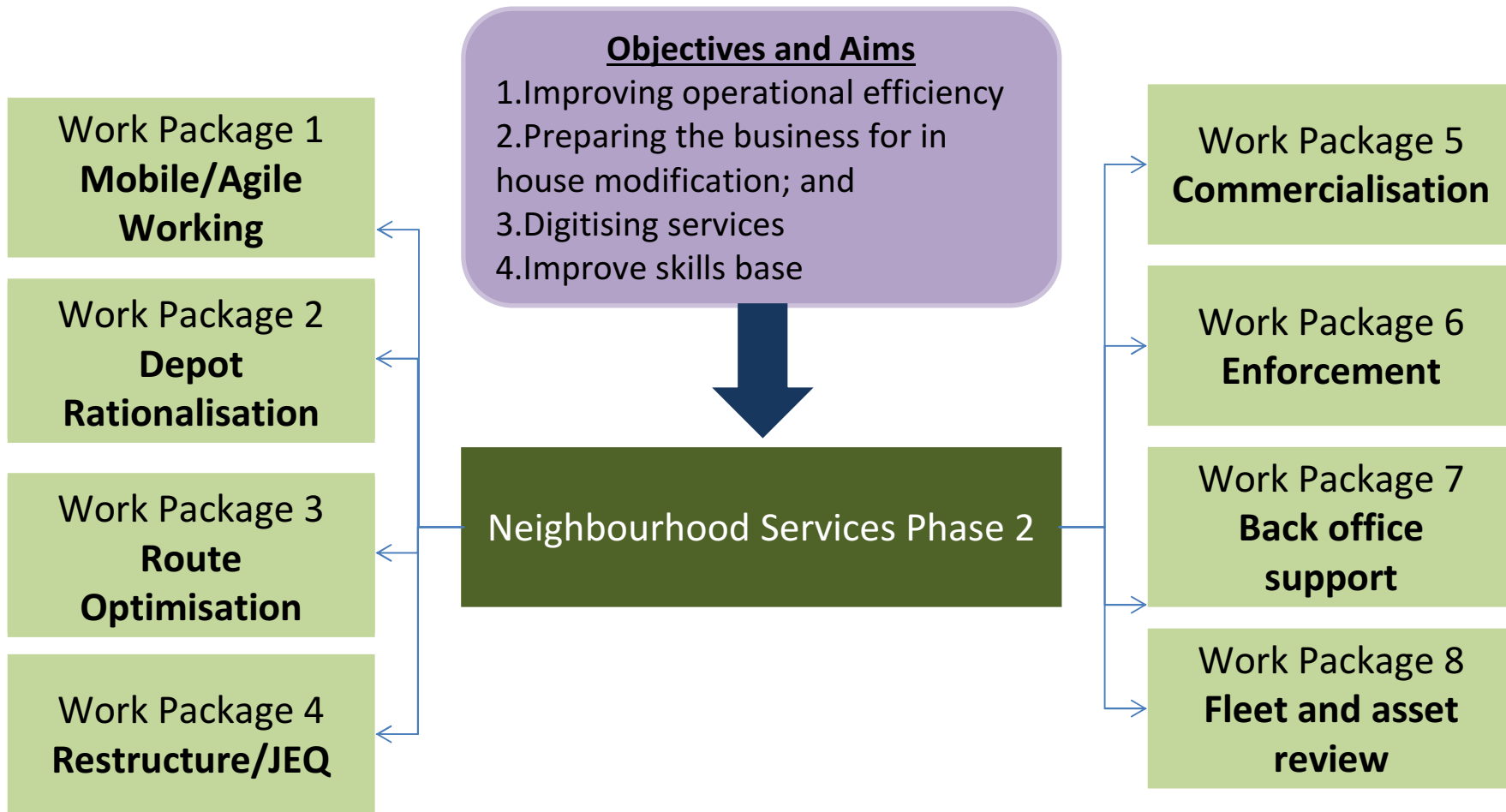
Reduction year on year: 157 requests

Tonnage



- ✓ Average daily weight tipped per mech marginally increased since trial implementation (Not on graph)
- ✓ Average daily weight tipped per vehicle increased since trial implementation
- ✓ Steady downward trend in tonnage collected showing before trial

Overview of Neighbourhood Services Phase 2



Next Steps – Phase 2



Finalise Phase 2 project brief

JEQ's to be agreed and signed off

Expand roll out of current NS model city wide from January.

Develop Neighbourhood Services Structure that will enable expansion of the pilot to further areas e.g. highways enforcement

Technology paper to be agreed

In house modification continue for Infrastructure Services
ADM comparison for Cabinet in February 2016

Back office, enforcement and Highway Redesign integrate into 2016-17

CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD

ENVIRONMENTAL SCRUTINY COMMITTEE

10 NOVEMBER 2015

CARDIFF'S FUTURE WASTE FACILITIES – MEMBER UPDATE

Reason for the Report

1. To provide Members with an update on the work being undertaken to develop future waste infrastructure and facilities for Cardiff. This brief update will consider:
 - A progress update on the Prosiect Gwyrdd contract for processing municipal waste;
 - A progress update on the anaerobic digestion plant currently being built by Kelda Organic for the processing of organic waste;
 - An update on any proposals to develop future waste infrastructure with other local authorities and regional partners;
 - Work currently being undertaken to develop reuse and recycle facilities across Cardiff.

Background

2. At the meeting on the 13th October 2015 Members expressed an interest in receiving a short update on the development of Cardiff's waste infrastructure and facilities. It was felt that in particular the short item should include the detail on the progress of 'Prosiect Gwyrdd' and the construction of an anaerobic digestion plant by Kelda Organic which will process Cardiff's organic waste.

Way Forward

3. Councillor Bob Derbyshire, Cabinet Member for the Environment has been invited to attend for this item. He will be supported by officers from the City Operations Directorate.

Legal Implications

4. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

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RECOMMENDATIONS

The Committee is recommended to:

- i. Consider whether they wish to pass on any comments to the Cabinet following the Member update on the Cardiff's Future Waste Facilities.

MARIE ROSENTHAL
Director of Governance & Legal Services
4 November 2015

Patrick McGrath
Future Waste Facilities

make the
difference | **wahaniaeth**
gwnewch



Prosiect Gwyrdd Overview



The Interim Contract

- Cardiff Council entered into a separate Interim Contract in September 2014
- Benefited from reduced disposal costs compared to landfill
- Diversion of BMW from Landfill

The Main Contract Prosiect Gwyrdd

- Contract signed 10th December 2013
- Construction of merchant plant had Commenced July 2013
- Construction and Commissioning completed February 2015
- Full PG Contract Commences 1st April 2016, 9 month commissioning period commenced 01 September. 2015
- Bottom Ash and Air Pollution control residues (APCR) recycling secured
- Through a further separate contract also Recycling Bottom Ash

P3 Contract



Contract Specific Guarantees:

- To Recycle 100% of the IBA
- Contributing ~ 7% to Partner MSW Recycling
- 100% BMW Diversion
- Secure Waste Disposal for 25 Years
- Secured Opportunity to Recycle APCR
- Delivered an R1 CHP Enabled Facility
 - = Energy Recovery Facility
 - 20MW Thermal Heat Network Opportunity

Stakeholder Communications



Ongoing:

- Provision of a Visitors Centre at the Facility
- Community Liaison Group
- Established Correspondence Protocol
- Established Complaints Protocol
- Established Media Protocol
- Twice Yearly Newsletter

Cardiff Organic Waste Treatment Contract



- Contract Signed with Kelda Organic Energy Ltd 15th April 2015
- Contributes to WG Statutory Recycling Targets
- Guarantees 97% of Food and Green Waste delivered to be recycled
- Recycling or landfill diversion of contaminants (biobags)
- 15 years security of WG funding for recycling and waste treatment
- Planned Services Commencement Date 31st March 2017

Facilities Being Provided



- 35,000 tpa CHP enabled AD facility for food at Tremorfa
- Electricity Output 13,683 Mwh /a, equivalent to 4,000 homes
- Direct wire electricity off take to Welsh Water Treatment Site
- Heat Potential 8,052 Mw/a potential to supply Welsh Water or feed into possible future heat main
- Digestate/soil conditioner output 33,273 tonnes per annum

Facility Design



Page 85

Construction on site commenced July 2015 Capital Cost of Facility c. £13.6 Million

Open Windrow Composting



Provision of 38,000 tpa OWC facility for green waste (reverting asset) based on Lamby Way Council owned asset

Capital Cost of Facility £0.85million

Soil Conditioner output 25,792 tonnes per annum

Construction to commence March 2016

Construction of both facilities will employ 50 people, 15 Permanent

Household Waste Recycling Centers



- 14/15 Budget approved to move to 2 sites only
- Cabinet Oct 2015 approved - New Lamby and existing Bessemer Road as the 2 sites
- New Lamby construction completion for Summer 2016
- Current Wedal and Lamby will close as new site opens.



Pending Changes

- Restrict to Cardiff residents only
 - Proof of address
 - Comms beginning for 1st Jan 2016 start
- Seasonal opening
- Move existing staff so more support for residents
- New markets – carpets and mattresses



Reuse

- Promote existing good networks
- Market testing shows interest
- Procurement routes (3 options)
 - Lease facility (Leeds Council)
 - Profit share (Newport Council)
 - Procure a “cherry pick arrangement” (Common place)
- Containers on HWRCs to place items

Regional Infrastructure

– the next steps



- Had success with PG and organics, so now taking the next step and looking at recycling.
 - Future proof,
 - high quality materials,
 - secure best prices,
 - flexible,
 - economies of scale
- Working with Local Partnerships as linked to how we collect from the Kerbside.
- Strategy phase 4



Questions

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**CITY & COUNTY OF CARDIFF
DINAS A SIR CAERDYDD**

ENVIRONMENTAL SCRUTINY COMMITTEE:

10 NOVEMBER 2015

CORRESPONDENCE UPDATE – INFORMATION REPORT

Background

1. Following most Committee meetings, the Chair writes a letter to the relevant Cabinet Member or officer, summing up the Committee's comments and recommendations regarding the issues considered during that meeting. This cover report provides a record of those letters and any other correspondence received since the previous Committee meeting.

Issues

2. At the Committee meeting on the 13 October Members considered the following items:
 - Recycling & Waste Restricting Programme – Update on Implementation of Phase 1 (this included a public question and statement from Mr Lee Fisher a representative of a group of residents from the Penylan ward);
 - Planning Service – Member Update.
3. After the meeting the following letters were sent by the Chair of the Environmental Scrutiny Committee:
 - A letter to Councillor Bob Derbyshire, Cabinet Member for the Environment following the meeting on the 13 October – attached as **Appendix 1**;
 - A letter to Mr Lee Fisher, the representative of a group of residents from Penylan following the meeting on the 13 October – attached as **Appendix 2**;
 - A letter to Councillor Ramesh Patel, Cabinet Member Transport, Planning & Sustainability following the meeting on the 13 October – attached as **Appendix 3**.

4. Since the last correspondence report the following replies have been provided to letters written on behalf of the Environmental Scrutiny Committee. These are listed below:
- A reply to the letter sent to Councillor Ramesh Patel, Cabinet Member for Transport, Planning & Sustainability following the Environmental Scrutiny Committee meeting on 15 September – attached as **Appendix 4**;
 - A reply to the letter sent to Councillor Bob Derbyshire, Cabinet Member for the Environment following the Environmental Scrutiny Committee meeting on 15 September – attached as **Appendix 5**;
 - A reply to the letter sent to Councillor Bob Derbyshire, Cabinet Member for the Environment following the Joint Environmental and Policy Review & Performance Scrutiny Committee item on the 26 August 2015 – attached as **Appendix 6**.

Legal Implications

5. The Scrutiny Committee is empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

Financial Implications

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financial implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any financial implications arising from those recommendations.

RECOMMENDATIONS

7. The Committee is recommended to note the content of the letter contained in **Appendices 1, 2, 3, 4, 5 & 6.**

Marie Rosenthal

Director of Governance & Legal Services

4 November 2015

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Ref: RDB/PM/BD/13.10.15

26th October 2015

Councillor Bob Derbyshire,
Cabinet Member for the Environment,
County Hall,
Atlantic Wharf,
Cardiff,
CF10 4UW.



Dear Councillor Derbyshire,

Environmental Scrutiny Committee – 14th October 2015

On behalf of the Environmental Scrutiny Committee I would like to thank you and the officers for attending the Committee meeting on Tuesday 13th October 2015. As you are aware the meeting considered an item titled 'Recycling & Waste Restricting Programme – Update on Implementation of Phase 1'. The item provided the Committee with an opportunity to receive a public question regarding the bin roll-out programme. Details of the statement and question provided by Mr Fisher (on behalf of a group of concerned Penylan residents) and your response are recorded in this letter.

Statement & Public Question

Members felt that the trial inclusion of a public question on this Committee's agenda was helpful in developing useful and productive debate on the topic. I wish to thank Mr Fisher and the residents who attended for their research and presentation that bodes well for future public questions at Scrutiny.

Summary of the main points from the Statement

Mr Fisher thanked the Committee for the opportunity of engaging with the Environmental Scrutiny Committee. He stated that, in his opinion, consultation opportunities provided by the Council had been less than adequate during the implementation of Phase 1 of the Recycling & Waste Restricting Programme and he made the following points:

- He explained that the group represented 1,200 houses in south Penylan. A local survey of 800 of the 1,200 houses in Penylan had taken place and the majority of residents indicated that they didn't want the new wheelie bins.
- Mr Fisher explained that they had been told that residents can't have a bespoke waste collection system in Penylan. He added that it wasn't possible to offer them a bespoke waste collection system as no one had actually asked them what they wanted.
- Members were told that residents in Penylan had received less than seven days notice from the Council that their street was going to move from the bag collection scheme to the new wheelie bin system.
- He stated that the residents of south Penylan understand that the Council has to achieve challenging recycling targets and that they actually want to do what they can to help - however, they don't understand why this cannot be achieved by using a bag system. They felt that the bag system has worked in other Welsh local authority areas, for example, Swansea, so why can't it also be made to work in Cardiff?
- He reported that concerned residents had also offered to help by running a local workshop for residents to evaluate the proposals and to make suggestions as to how they can all improve recycling rates.
- Paragraph 13 of the Environmental Scrutiny Committee cover report titled 'Recycling & Waste Restricting Programme – Update on Implementation of Phase 1' dealt with the consultation 'highlights' and stated that 'there was general support for more wheeled bins, reusable sacks and continuation of the green bag scheme'. Mr Fisher felt that this presentation was misleading as the information had been extracted without explanation from an earlier survey (Waste Strategy Survey – a 2025 vision of Cardiff) and not the recent waste consultation report titled 'Consultation Report: Outline Waste Management Strategy – 2015 – 2018'.

- Mr Fisher stated that if Penylan residents had been properly consulted by the Council then they would have provided a far more positive response. He was proud of the fact that most people in Penylan care about the area and that forcing people to place wheelie bins on the small forecourts detracts significantly from the appearance of the neighbourhood.
- The document titled 'Scrutiny Appendices' (attached to this report as Appendix 2) references several independent surveys which were undertaken by local councillors and residents. However, these were not used in the April 2nd 2015 Cabinet report despite being well publicised. Mr Fisher believes that these surveys should have at least been referenced as a part of the decision making process.
- Mr Fisher explained that concessions had been provided only to certain streets, i.e. they were allowed to stay on the bag scheme and not transfer across to a wheelie bin system; this he felt just added to the confusion.
- Mr Fisher explained that residents had been told that wheelie bins were the Council's preferred option for health & safety, cost and operational efficiency reasons.
- Mr Fisher also explained that they were willing to report the matter to the Local Government Ombudsman if it was not satisfactorily resolved.

To support the public question and statement, documents titled 'Recycling and Waste Restricting Programme – Update on Implementation of Phase 1 Submission to the Environmental Scrutiny Committee by Residents of South Penylan' and 'Scrutiny Appendices' were submitted to the Committee in advance of the meeting. The documents provided some useful background information for Members and the content has been noted. The documents are attached as **Appendices 1** and **2** respectively.

The question raised by the group of Penylan residents was:

"Evidentially it is clear that consultation, adequate or otherwise, did not occur and that the information given to Cabinet was incorrect and not complete in

order to allow them the opportunity to make an informed decision. Is it your intention to completely ignore these facts or will you agree to enter into meaningful and good faith discussions with resident groups to find a way forward that is acceptable to all in these architecturally unique small pockets of Cardiff - ensuring that waste is reduced and recycling enhanced, in a manner sympathetic with the local architectural environment?"

In response to the question you explained that:

- You and officers had already attended two separate meetings in Penylan with groups of residents.
- As a consequence of this consultation, two streets had changed from the change to wheelie bins proposals to red and white bags.
- The recycling and restricting programme is a large Cardiff wide change and previous Cabinets have encountered similar problems and significant initial concern surrounding similar scales of change.
- There was no consultation in your ward (Rumney) in 2004 when wheelie bins were first introduced – however, people had accepted them.
- Other local authorities have far more complicated arrangements; for example, Trafford Council has a waste collection scheme which uses four bins whereas Cardiff will strive for a maximum of two bins.
- Bins are the most practical solution, i.e. they are best for the health & safety of operatives as they reduce injuries from hidden sharps or toxic waste; they do not rip or provide access for birds and vermin; they make it easier to pinpoint the ownership of the waste and people don't have the excuse of saying that they haven't been given a bag.
- When considering allocating wheelie bins to conservation areas you stated that consulted with the Council's conservation officers on the appropriateness of providing them in certain streets. In each instance you followed the advice of the Council's conservation officer.

- The Council is ultimately limited by ever-decreasing finances as to how accommodating it can be in terms of the new waste strategy; however, there were certain areas of Penylan and Canton where concessions were made; these changes were only possible because they could be efficiently incorporated into waste collection rounds. You explained that at the time of the meeting that you could see no reasons for making any further changes and added that if you conceded to the residents of Kimberley Road for example then other Cardiff residents would also demand changes that the Council could not possibly accommodate.
- The recycling performance of the Penylan residents isn't actually as good as was believed being tenth from bottom in terms of Cardiff ward performance.
- Initial feedback on Phase 1 of the Recycling & Waste Restricting scheme suggests that across Cardiff significant improvements in recycling performances are already being achieved.
- You explained that at the end of the year you intend to review the implementation of Phase 1 of the scheme. You agreed to communicate as regularly as possible with the Penylan residents and provide them and councillors with progress updates.

Recycling & Waste Restricting Programme – Update on Implementation of Phase 1

During the way forward Members considered the item on 'Recycling & Waste Restricting Programme – Update on Implementation of Phase 1'. They made the following comments and observations:

- The Committee has asked if you could you provide a list of streets which were initially proposed for the new wheelie bin scheme and after consultation allowed to stay on the bag scheme. This list should be supported by the reasons why they were allowed to remain on the bag scheme. Further to this Members have asked if you could provide a

summary of the logistical considerations taken into account when revising the waste collection rounds and how these help improve efficiency. The Committee fully understands how vehicle deployments and capacities can allow one street to be included in a round but not others – nevertheless, a way has to be found to explain this more clearly to residents.

- Members also discussed the idea of publishing ward recycling data on a regular basis. They were very keen on this idea and have asked you to look into creating ward recycling league tables. These they feel might encourage recycling competition between wards or sub-ward areas and in turn help to drive up recycling rates. It was felt that a regular media acknowledgement for a designated area coming top should be considered.
- The Committee noted that there are differences between Cardiff's conservation areas. They agreed with residents that less than one week of notice of implementation was insufficient for a waste collection change of this scale and asked that far more notice be provided in future.
- Members note that all of the waste collection changes will be reviewed in future to monitor the progress. I would be grateful if you could provide us with the outcome of the first review, in particular the details relating to the Penylan ward.
- It was stated during the meeting that paragraph 13 of the scrutiny report was not accurate. This stated that consultation had identified *vaguely* that 'there was general support for more wheeled bins, reusable sacks and continuation of the green bag scheme'. The Penylan residents representatives explained that this was not identified from the 'Consultation Report: Outline Waste Management Strategy, 2015 -2018' and that the most likely source for the statement was a survey titled 'Waste Strategy Survey – a 2025 vision of Cardiff'. Members felt that a report to Cabinet should clearly indicate the source of the information which allowed you to conclude that 'there was general support for more wheeled bins, reusable sacks and continuation of the green bag scheme'. I would be grateful if you could clarify the source used for this assertion.

- A Member asked how many notices have been issued under section 46 of the Environmental Protection Act and how many of these resulted in the payment of fines. I'd be grateful if you could provide a breakdown of the section 46 notices issued in the last three years along with the number of fines resulting from the notices.
- Members were interested in the health and safety impact of collecting an increasing number of green recycling bags and reducing number of black bags, for example, has the type of injury experienced by waste collection operatives changed appreciably in the last three years. In addition to this Members would like a summary of the types of protective clothing issued to waste collection operatives and processes in place to ensure that the actual protective clothing is used.
- It was mentioned during the meeting that deliveries of additional white and red bags would be made in certain areas to support waste collection in areas with higher transient populations. I would be grateful if you could provide the committee with detail of these additional deliveries.

I would be grateful if you would consider the above comments and provide a response to the requests made in this letter.

Regards,

A handwritten signature in black ink that reads "P. D. Mitchell". The signature is written in a cursive, slightly slanted style.

Councillor Paul Mitchell
Chairperson Environmental Scrutiny Committee

Cc to:

Andrew Gregory, Director for City Operations
Tara King, Assistant Director for the Environment
Jane Cherrington, Operational Manager, Strategy & Enforcement

Paul Keeping, Operational Manager, Scrutiny Services

Joanne Watkins, Cabinet Office Manager

Members of the Environmental Scrutiny Committee

Councillor Joe Boyle, Elected Member for Penylan

Councillor Bill Kelloway, Elected Member for Penylan

Mr Lee Fisher, Resident of Penylan

Appendix 1

“Recycling and Waste Restricting Programme – Update on Implementation of Phase 1” Submission to the Environmental Scrutiny Committee by Residents of South Penylan

1. Background

- 1.1. We represent a neighbourhood of 1,280 homes in South Penylan who are proud of the local environment and committed to recycling and the stated aim of increasing recycling rates to meet government targets. We are aware that residents of other affected areas, notably Canton and Llandaff North, share these concerns.
- 1.2. Our houses, including the Roath Mill conservation area, have small forecourts (and predominantly small rear gardens or yards with limited lane access or access involving steps). Black wheelie bins have been imposed on 823 households with 503 also receiving green wheelie bins. These often have to be stored at the front of properties detracting significantly from the beauty of the area (Appendix 1). The Council’s Head of Strategy and Enforcement has referred to this as “unsightly”¹.
- 1.3. We believe that the best, and possibly only, way for the Council to engage the community and ensure best recycling practice is the use of a limited number of striped bags.
- 1.4. The council accepts that there is no evidence that the implementation of wheelie bins instead of restricted bags as a collection method will increase recycling (the objective of the strategy); indeed the Council has cited examples of local authorities such as Monmouth and Swansea which have successfully increased their recycling rates using bag collections. There is no technical or operational reason why the streets of inner city Cardiff could not continue to use bags on a restricted basis; in fact this is what 25% of households in South Penylan and other areas of Cardiff are continuing to do.²

2. Summary

We believe that the implementation of Phase 1 by Cardiff Council has been an unmitigated disaster as a result of:

- lack of consultation, poor communication and failure to follow the correct procedures;
- failure to have regard to the correct or any factors when assessing suitability for bins;
- public statements on enforcement relying on an incorrect interpretation of the legislation;
- waste of public funds; and
- operational incompetence, a complete lack of engagement, and a high-handed approach by the Councillor responsible and his department.

3. Public Opposition to the Changes

- 3.1. Properly conducted surveys of Canton (2009) and Penylan (2010) provide clear evidence of resident preferences. Bins were rejected by 66.9% (Canton) and 68.6% (Penylan). Nothing has changed.
- 3.2. More recent resident and local Councillor surveys of Penylan (July-August 2015) indicate an overwhelming majority of residents (89%)³ reject the bins and want a return to bags. A survey of Canton residents indicates a clear majority of residents against black bins⁴
- 3.3. Residents organized a well-supported Change.org petition with over 350 signatures; press coverage has been singularly unsympathetic to the imposed change in policy and highly critical of the flawed consultation (see Appendix 2); a freedom of information request less

¹ Letter from Jane Cherrington to Lee Fisher 21/8/15 – see para 6.1 below

² Extract; Letter from Environment Scrutiny Committee chair to Councillor Derbyshire 22nd October 2014 Ref: RDB/PM/BD/07.10.14: “Members felt that having one standardised waste collection scheme for Cardiff was not the best way forward. They understood that having a simple system that was easy for everyone to follow was important (74% of the consultation participants agreed with this), however, the recycling differences between certain areas are so significant that tailored solutions to meet specific needs are essential.”

³ 310 questionnaires returned out of 828 – 276 rejected bins

⁴ 355 forms returned out of 1400 – 62% against black bins and 70% against green bins

Appendix 1

than one month after the changes revealed 285 complaints about the bins and only 8 “thankyou’s”; protest letters continue to be sent to Councillors and Council officials; a protest song and a separate protest video have gone viral on social media.

3.4. All these views have been ignored by the Council.

4. Lack of consultation, poor communication and failure to follow correct procedures

- 4.1. In paragraph 22 of Appendix 4 Item 4 (the March 2015 report to the scrutiny committee) in relation to household waste collection changes the following was stated: “A *strong communication plan would be proposed to support any potential change as all communities would need to be made aware of alterations to the waste collection system. Existing Equality Impact Assessments’ would be completed and the consultation feedback would need to be built into any proposals. A statutory screening tool would need to be completed to ensure that the changes support all residents.*” **None of these pre-conditions has been met.**

Lack of Consultation

- 4.2. Whilst it is appreciated that the scrutiny committee is considering the implementation of the strategy it needs to be considered in the context of the “consultation” which had taken place and the manner in which the consultation was misrepresented to Cabinet who approved the strategy (see Appendix 3).
- 4.3. **The Scrutiny Committee has been told at previous meetings by Council officers that there would be no changes to the method of collection without consultation. The Committee had also been assured that there had been consultation.**
- 4.4. **The simple fact is that in the consultation process no resident of Cardiff was ever consulted on the specific policy proposals to introduce smaller bins and replace black bags (in the bagged areas) with the new smaller bins. The Cabinet were also informed incorrectly that the most recent “consultation” provided general support for more wheeled bins.**

Poor Communication of Changes

- 4.5. Given the complete failure to consult on the specifics of the policy changes, residents knew nothing about them until they were being rolled-out. Indeed, the ‘consultation’ results were not made public until early July 2015 to coincide with the roll-out of the new scheme. This failure made it even more important to clearly inform the public.
- 4.6. The Council’s primary publicity about the changes is attached at Appendix 4. The Council has confirmed⁵ that the general rule was that all houses which were suitable for wheeled bins would have them save for cases of operational efficiencies. The leaflet at Appendix 4 in fact contained an entirely different message (but identical to the one given in the consultation - that in bagged areas bag collections would remain). It is only the small print in the bottom right corner which gives the correct position.
- 4.7. This publicity was supported by poorly advertised meetings held during the daytime and an individual mailshot (which in Kimberley Road arrived less than a week before the bins themselves).
- 4.8. Even Council staff did not understand the changes with @cityofcardiff twitter account telling people that if they did not want a green bin they could phone C2C and have it replaced with a re-usable sack. C2C knew nothing of this and the statements were incorrect.

Failure to follow the correct procedures

⁵ Answer to public question number 1 (Sarah Jones) dated 23rd July 2015

Appendix 1

- 4.9. **The Council appears to have treated the EIA as a tick-box exercise and conducted no specific inquiries into the differential impact of this policy change on older people or disabled groups.**
- 4.10. Despite the suggestion in March 2015 that the existing Equality Impact Assessments would be completed, the one completed by Jane Cherrington in November 2014 and reviewed and approved by Jane Forshaw in February 2015 has not changed.
- 4.11. The relevant policy change is detailed (paragraph 1) as: *'The proposal is to restrict black residual waste collection to either a smaller wheeled bin or less frequent collection for residual waste from September 2015.'* The document subsequently refers (para 4) to the period of public consultation between November and January. This is the consultation (see Appendix 3) which neither "consults" on the specific policy proposal to introduce smaller bins or even mentions the intention to replace bags with bins (in fact leaving the reader with the impression of exactly the opposite).
- 4.12. With respect to age (para 3.1), the EIA merely observes that the over-65's 'may need further support in understanding the changes'; and (para 3.2) that there will be no differential impact on any of the eight disabled categories whose needs must be considered.
- 4.13. Councils are mandated to collect evidence to ensure all these various categories are not differentially impacted by proposed policy changes. Within the Council's EIA there is no reference to any such 'evidence collecting' having been done. The continued provision of the assisted lift and the hygiene service is not 'evidence' that they have conducted a proper inquiry into the 'differential impact' of the changes (and not just in the bagged areas).

5. Factors/Conservation Areas

- 5.1. It is generally acknowledged that the Edwardian terraces of South Penylan are of architectural importance and heritage value. The area incorporates the Roath Mill Conservation Area. Cardiff Council's own literature on conservation areas states "*The Character of a Conservation Area is not only created by individual buildings, but also by groups of buildings and the relationship and quality of the space between them. Trees, landscape quality, road layout and street scenes all contribute to the character of the area.*". Now the bins (which are permanently on display in forecourts) blight the street scene (see Appendix 1).
- 5.2. In implementing the strategy the Council ignored its own conservation team which, when referring to the Roath Mill Conservation Area (and surrounding streets) stated: "*These late Victorian/Edwardian streets are laid out in a formal grid ... giving the areas their special character. The scale, architectural detailing and high level of preservation of these areas is unique within Wales. It is considered that the storage of wheelie bins within these front gardens and paved forecourts will undermine the special character of each area, harm the architectural composition of individual houses and detract from the distinctive stone bays and porches which define each terrace or building frontage.*". **These are precisely the issues which are now evident.**
- 5.3. Our attempts to understand how the Council implemented the policy in such areas has been met with mixed responses. The response provided at the cabinet meeting to a public question was that "*where properties are suitable for wheeled bins (i.e. they have a frontage and/or rear in which to keep the bins) the only reason why those properties do not have bins is due to operational efficiencies.*" It is clear this is simply not correct and there is evidence of curious compromises being reached. (e.g. Pontcanna, where the forecourts are significantly larger than in our area, has been exempted from bins). Different collection methods apply to neighbouring streets (and even neighbouring houses on the same streets) even though frontages are the same (or in some cases smaller for households with bins).

6. Seeking to use legislation incorrectly

Appendix 1

- 6.1. A number of residents have left their wheelie bin outside the boundary of their property either because there is no room for them or do not want them obstructing their forecourts. Jane Cherrington has referred to this in writing as “unsightly”. Given that boundary walls are normally 18 inches high they remain unsightly whichever side of the wall they are placed.
- 6.2. She has also stated that if residents do not place the bins within the boundaries of their property on days other than collection days they can face a fine of £100 under section 46 of the Environmental Protection Act. This is an incorrect use of the legislation which does not allow the Council to state where the bin will be stored outside collection times (a fact accepted by the Scottish government who have amended the same legislation in Scotland to allow them to do so).
- 6.3. This was first raised with the Council on 11th August and they have still failed to provide an adequate answer whilst continuing to threaten the imposition of fines.

7. Waste of Public Funds

- 7.1. The introduction of bins into our area (which did not require them and could have operated on restricted bags) has undoubtedly incurred significant funds relating to:
 - 7.1.1. The cost of the bins (varying figures from £2.4m to £1.1m are reported);
 - 7.1.2. The increased cost of collection time given the time taken to correctly empty bins as opposed to bags - we would ask the scrutiny committee to investigate the overtime which anecdotally appears to have increased far more than expected;
 - 7.1.3. The costs of replacing 240L green bins with 140L green bins;
 - 7.1.4. The costs of surplus green bins delivered to blocks of flats or other properties without gardens (which have subsequently been removed by the Council).
 - 7.1.5. The costs of delivery collection associated with the above.
- 7.2. It is clear these latter three categories were never considered by the Council until they introduced the larger bins and faced complaints – caused by the complete lack of consultation/engagement and incompetent planning.

**Residents of South Penylan
9th October 2015**

Appendix 1: Photographs

Photographs taken on Balaclava Road and Alma road adjoining the Roath Mill Conservation Area where “unsightly” bins are now a permanent feature 7 days a week.



Before and After



Appendix 2



Bag collection – before...



.....and after collection. No bins!



Collection with bags.....and with bins

Appendix 2

Appendix 2: Summary of news items from July 2015, with key extracts:

01 JULY 2015 BY RUTH MOSALSKI

Cardiff bin changes come into force in less than a month but opponents criticise 'lack of consultation'

The [council's cabinet member for the environment](#), Coun Bob Derbyshire, said: "Leaflets explaining the waste collection changes will be landing on doormats towards the end of the week. "Whilst acknowledging concerns that some people may have, it's important to remember why we're making the changes.

He added: "I can also assure residents that the conservation areas have all been assessed against their criteria."

02 July 2015 By Tyler Mears

Residents begin campaigning against Cardiff council's new bins strategy Some of the new measures being brought in by Cardiff council have been described as 'outrageous'

03 July 2015

Cardiff Newsroom <http://www.cardiffnewsroom.co.uk/index.php/archive/272-public-consultation-on-waste-collection-changes>

Public consultation on Waste Collection Changes

The cabinet member for environment at City of Cardiff Council has rejected suggestions that there was a lack of consultation over the council's waste collection changes.

Cabinet Member for Environment, Cllr. Bob Derbyshire said: 'The claim by some councillors that the public wasn't informed about these changes quite frankly beggars belief. We've had two city-wide consultation programmes, plus a comprehensive Ask Cardiff survey and we are currently embarking on a publicity campaign.'

07 July 2015

Wales Online By Ruth Mosalski

Cardiff council defends wheelie bin scheme saying there has been consultation

<http://www.walesonline.co.uk/news/wales-news/cardiff-council-defends-wheelie-bin-9608403>

Cardiff council has responded to criticism there has not been wide enough consultation about changes to the city's rubbish collections.

Petitions have sprung up across the city as awareness about changes to collection days and types grew.

10 July 2015

Wales Online Joe Boyle Letter

<http://www.walesonline.co.uk/incoming/western-mail-letters-friday-10-9628551>

Residents should have been consulted

22 July 2015

By Ruth Mosalski

<http://www.walesonline.co.uk/news/wales-news/bins-sent-homes-without-gardens-9710118>

While some areas are reporting a 'mixed reaction' to the scheme, others are firmly against the scheme

Bins being sent to homes with steps, garden bins for homes without gardens – the complaint list is growing. But there is some good news – if you don't want a large garden waste bin, a smaller bin is now on offer from Cardiff council.

"Why has our money been wasted on the unnecessary large garden bins? "I thought we were having reusable garden refuse bags, which would definitely be my preference. "I do not need the large garden bin, taking up room in my front garden. It is an eyesore, and needless."

23 July 2015

Appendix 2

By Ruth Mosalski

<http://www.walesonline.co.uk/news/wales-news/protesters-march-cardiffs-city-hall-9717300>

Protesters march on Cardiff's City Hall with their wheelie bins

Protesters banged their bin lids to protest about waste changes which have seen wheelie bins rolled out in terraced areas of the city

23 July 2015

<http://www.bbc.co.uk/news/uk-wales-south-east-wales-33642379>

Cardiff residents return 'waste of money' wheelie bins

Angry residents have returned their new wheelie bins to Cardiff council saying they are a waste of money.

But protesters said the changes - which cost around £1.6m - had "ruined" the look of some areas and bins had been delivered to flats without gardens.

Cardiff council said 74.7% of people in a consultation wanted the new bins, although it would not confirm how many responses it had to the survey.

At a council meeting on Thursday night, members were also told 94,000 black refuse bins would be replaced with smaller ones at a cost of £1.4m

27 July 2015

<http://www.letsrecycle.com/news/latest-news/cardiff-collection-overhaul-underway/>

by Tom Goulding

Cardiff collection overhaul underway

Councillor Bob Derbyshire, cabinet member for the environment, said he was aware that 'a few residents' had not welcomed the service change but argued 75% of those surveyed had agreed to expand the use of wheeled bins on the city.

"The new changes will cost just under £2million but when this is compared to the fines that could be imposed if statutory recycling targets are missed, this is certainly money well spent."

27 July 2015 By WalesOnline

The new rules for Cardiff waste collections come into force TODAY - and residents face fines if they don't follow them

<http://www.walesonline.co.uk/news/wales-news/new-rules-cardiff-waste-collections-9731171#rIabs=7>

Cabinet member for the environment, Councillor Bob Derbyshire said: "I know a few residents haven't welcomed moving to a wheeled bin service.

"But I'd like to point out that when we consulted with the public prior to the changes just under 75% of those surveyed agreed that we should expand the use of wheeled bins in the city."

A press release from Cardiff council states: "The new changes will cost just under £2 million but when this is compared to the fines that could be imposed if statutory recycling targets are missed, this is certainly money well spent."

27 July 2015

Challenging recycling targets lead to bin collection changes

BBC News By Chris Wood

In an effort to meet this target, Cardiff council has spent £1.6 million on waste collection changes that include reducing the size of its black refuse bins and sending out green waste wheelie bins.

Some residents, who don't have gardens, called the new green bins a "waste of money" and protested by taking them to city hall last Thursday, saying they "ruined" the look of the area. Alison Hambury in Llandaff North, Cardiff, said "I'm all for recycling, I just don't really see the point of all the bins and I don't see how we're saving money,"

29 July 2015

RESOURCE magazine

Cardiff begins new waste service

By Annie Kane

Appendix 2

<http://resource.co/article/cardiff-begins-new-waste-service-10335>

A petition has also been launched to 'stop the introduction of wheelie bins to terraced streets in Cardiff'. It has so far gained 320 signatories.

The petition is addressed to cabinet member for the environment, Councillor Bob Derbyshire, who said: "I know a few residents haven't welcomed moving to a wheeled bin service. But I'd like to point out that when we consulted with the public prior to the changes just under 75 per cent of those surveyed agreed that we should expand the use of wheeled bins in the city."

30 JULY 2015

Just 0.5% of Cardiff residents responded to a survey which shaped city's waste changes
BY RUTH MOSALSKI

Campaigners and opposition groups have reacted angrily to news of the size of the consultation

Just 0.5% of Cardiff residents responded to a survey which shaped the city's waste changes. Councillor Bob Derbyshire, who has responsibility for bins, has repeatedly told campaigners that 75% of those questioned in a council survey in 2013/14 agreed that the use of wheelie bins in the city should be expanded.

But the number of people who answered a question asking "Should the council expand the use of wheeled bins instead of black bag collections?" was just 1,881.

The report does not ask for opinions about green garden waste bins – which have been delivered to 4,266 homes. But the survey did ask respondents how many of them used garden waste bins and 27% said they did.

Another question asked "which of these schemes would you prefer?"

Of those who responded, 45% said they wanted green bags for recycling and 29% said they wanted wheelie bins for recycling.

The question did not give an option for a wheelie garden waste bin or a wheelie non-recyclable waste bin. Of those questioned, 69% already used wheelie bins.

A document called Waste Strategy Survey – A 2025 vision for Cardiff was published showing each answer. Campaigners and opposition groups have all responded angrily.

Leader of the [Lib Dem](#) group Judith Woodman said: "The consultation was woefully inadequate.

[Conservative](#) group leader Dianne Rees said she was not surprised by the figures.

She said her group does not believe the proposals will improve recycling rates. "There is always room for some improvement but the hugely expensive changes in bins is not justified," she added.

Penylan resident Ian Layzell said campaigners and their Lib Dem ward councillors had conducted their own survey. They delivered forms to about 500 households and received 310 back. Almost 90% said no to bins and yes to bags.

06 AUGUST 2015

Wales Online BY HUW SILK

Cardiff council branded heavy-handed for issuing hundreds of warnings over bin collections – and threatening £100 fines

The council says people who leave out the wrong bags will be issued with a notice then fined if they do so again

Hundreds of people in Cardiff have been issued with notices in the last week which warn them to leave their bins out for collection correctly – or face a £100 fine.

Many residents have said the changes are unnecessary, with others complaining they were not given enough notice about the move.

Now council warnings to residents over what could happen if they put out the wrong bins have been branded heavy-handed by a city councillor.

A spokesman added that since Swansea council introduced a three bag per fortnight limit for general waste, the recycling level in the city has increased by 5%.

26 AUGUST 2015

Appendix 2

Wales Online BY HUW SILK

'For a bit of short-term pain in terms of politics this is the right thing to do' Councillor in charge of overhauling Cardiff bin system insists there was no option but to make change Bob Derbyshire said he hoped people would 'settle down' to the changes – but condemned personal abuse he has received

The councillor in charge of introducing Cardiff's new bin regime has insisted there was little option but to introduce new smaller bins.

Bob Derbyshire, the city council's cabinet member for environment, also suggested he might have been forced to impose the new system even if people had opposed the plans in a prior consultation.

And with many residents speaking out about the effect the wheelie bins have on Cardiff's streetscape, Coun Derbyshire said: "A lot of people are complaining about the aesthetics of it, saying an ugly bin in my front garden doesn't look nice.

"My answer to that is I would rather have that than being left with the situation we were in, so for me it's the practicalities."

18 SEP 2015

'Cause for concern' about Cardiff council's finances as report reveals £6m projected overspend in four months

BY RUTH MOSALSKI

Four months into the financial year and Cardiff council is £6m overspent

There is "cause for concern" about Cardiff council's finances after it was revealed the authority is projected to be £6m overspent just four months into the financial year.

But councillors are confident they will get back on track by the end of the financial year – despite the estimated average £1.5m-a-month overspend. This year Cardiff council has a budget gap of £48.3m to meet.

17 September 2015

Bill for Cardiff council's new wheelie bins comes in at £1.1m less than expected

By Ruth Mosalski

The controversial scheme was estimated to cost £2.4m, instead the latest estimate is they will cost just £1.3m

In total it is estimated 93,000 homes which had larger bins are having them replaced with smaller bins and another 4,500 are being given to homes which previously used bags.

The Labour-run council had said it would cost £2.1m to roll out 93,000 new bins - with each bin estimated to cost around £23. Another £300,000 was set aside for further roll out of the scheme. But the revised estimate is a total bill of £1.3m - around £13 per bin.

Corporate Director Christine Salter writes: "The budget of £2.4m for restricting residual waste, by changing the current 240L bins to 140L is reported to underspend by £1.1m, which will be used to reduce the council's borrowing requirement. "This is due to prices at tender being lower than expected."

She added that the difference in figures would allow them to borrow less.

Coun Rees asked: "How did we get it so wrong? That's a huge difference.

Councillor Woodman said: "I find it incredible that the response given was down to procurement. "Someone somewhere cannot do their sums. This difference is not down to bulk purchase discount. Once again it shows the incompetence of the administration."

Private Eye Sept 2015: 'Rubbish Plans'

Cardiff Council is making an awful mess of rubbish.

Appendix 2

Appendix 3: The “Consultation”

- 1.1. ‘Consultation’ in a legal sense (and in everyday use) means telling people what is being proposed and then asking for their views on that proposal.
- 1.2. The Council have persistently claimed to have ‘consulted’ over the roll-out of smaller black bins for the collection of residual waste. Indeed, infamously, Councillor Derbyshire claimed *‘It beggars belief* that residents could not know about the changes and stated¹: *“I know a few residents haven’t welcomed moving to a wheeled bin service. But I’d like to point out that when we consulted with the public prior to the changes just under 75 percent of those surveyed agreed that we should expand the use of wheeled bins in the city.”*
- 1.3. Through correspondence with Jane Cherrington originally (and more recently the legal department of Cardiff Council) and separate correspondence with the Cardiff Research Group we have attempted to establish where and when residents were asked: ‘We are proposing to introduce smaller-sized black bins across the whole City (with some minor exceptions). What do you think?’ or “Do you agree with replacing bags with bins?’ and precisely which documents are claimed to be the evidence of such consultation. It has proved extremely difficult to elicit any clear answers from anyone.
- 1.4. The paper before cabinet in April 2015 clearly places reliance only on: *‘Consultation Report: outline waste management strategy, 2015 - 2018’* and states that the findings including *“there was general support for more wheeled bins”*. The survey (open between November ‘14 and January ‘15) in fact contained only one hypothetical question (see p.32) which asked whether to reduce waste respondents preferred **‘A smaller wheeled bin (or equivalent amount of bags for the bagged areas) collected once a fortnight’**.
- 1.5. This wording in fact gives residents the impression that bagged areas will continue to have bags (albeit with restrictions on capacity). Such a wording is, to say the least, obscure, if not deliberately misleading (given that the operational decision to increase bins had already been taken in 2014).
- 1.6. The Council now agree that the cabinet paper is wrong². The Council (and Mr Derbyshire in statements) appear to rely on earlier surveys and in particular *“Waste Strategy Survey - a 2025 vision of Cardiff”* (open between September 2013 and December 2015). The key statistic relied on from this survey is that 74.7% of respondents agreed the Council should ‘expand the use of wheeled bins instead of black bag collections’ (p.30).
- 1.7. This statistic has been interpreted to mean ‘everyone should have bins’. This is utterly mistaken because in the same survey 66.7% of those respondents also agreed that the Council should ‘provide bespoke bags to those living in bag areas to limit the amount of general waste’ (p. 24).
- 1.8. Also, in this survey, **61.6% of respondents were opposed to the introduction of smaller bins** (p. 29) and **82.8% indicated that smaller bins would not encourage them to recycle more** (p.30). These key statistics were not provided to the Cabinet at the time the decision to introduce smaller bins was reached (The only statistic which supported the introduction of more wheeled bins – the 75% allegedly in favour of bins - conveniently stated to have been the result of the later survey). Of even greater concern is that it was not until a public clamour grew around the figure of 75% that this survey was ever actually published by the council in July 2015³, meaning that neither the public nor Councillors knew, or took account of, the results of the survey when making their decision.
- 1.9. Further and despite repeated requests, the Cardiff Research Team have refused to disclose critical details about how the alleged consultations have been conducted. For example they claim to have no data about how many surveys were paper questionnaires returned (surely they are in a box which could be counted?). Lack of this absolutely basic data raises serious questions about the integrity of these alleged consultations, irrespective of their content.

¹ Council Press Release 24/7/15

² Letter from Clive Pursey, Solicitor to Sarah Jones dated 15/9/15

³ The operator of the @cityofcardiff twitter account could not locate a copy until early August ‘15 and then stated it had not been published until 31st July ‘15. The council in subsequent correspondence have said it was published on 5th July but was moved to a “more accessible” part of the website on 31st July.

How recycling changes in Cardiff will affect you

MAIN AIMS

Increase recycling and composting rates by reducing black bag/bin waste to hit Welsh Government's recycling targets. For every 1% we miss we face a **£400k** fine

RECYCLING TARGETS

- 2014/15 recycling target ▶ 52%
- 2015/16 recycling target ▶ 58%
- Welsh Government recycling target by 2025 ▶ 70%

SO WE NEED

LESS OF THESE ▶ & MORE OF THESE

MAIN WASTE COLLECTION CHANGES

To help you do this we are making these changes

In bag areas around the city

HOW WE COLLECT NOW

Reduce waste
Recycle more
Compost more
Compost more

HOW WE WILL COLLECT IN FUTURE

Each household will receive Council issued red-striped bags, twice a year, for general waste. No other types of bag will be collected. You will receive enough bags to put out 3 or less per fortnight.

Green recycling bags will continue to be collected as normal every week

Continue using your brown kerbside caddy for your food waste every week

Biobags for garden waste will be replaced with reusable sacks, collected as normal

Existing black & green bin areas

HOW WE COLLECT NOW

Reduce waste
Recycle more
Compost more
Compost more

HOW WE WILL COLLECT IN FUTURE

Around 90,000 households with 240L black bins will have those exchanged for smaller 140L bins, collected every fortnight

Green recycling bags will continue to be collected as normal every week

Continue using your brown kerbside caddy for your food waste every week

Continue to use your green bins for garden waste as normal

OTHER CHANGES

Around 5,500 households to have a new 140L black bin and reusable garden sacks - this accommodates properties that cannot store a 240L green bin

Around 4,500 households which currently use black bags will receive a new 140L black bin and a 240L green garden waste bin, instead of red-striped bags

Registered larger families will have additional support. The hygiene collection service will continue.

Detailed information will be delivered to households before the changeover www.cardiff.gov.uk/recyclemore

Ref: RDB/PM/LF/13.10.15

26th October 2015

Mr Lee Fisher,
54 Kimberley Road,
Penylan,
Cardiff,
CF23 5DL.



Dear Mr Fisher,

Environmental Scrutiny Committee – 13th October 2015

On behalf of the Environmental Scrutiny Committee thank you for attending the Committee meeting on Tuesday 13th October 2015. Members felt that your statement and public question added real value to the scrutiny process when considering the item titled 'Recycling & Waste Restricting Programme – Update on Implementation of Phase 1'.

As is customary the Committee discussed the 'Recycling & Waste Restricting Programme – Update on Implementation of Phase 1' item during the 'Way Forward' section of the meeting. This resulted in a letter being sent to Councillor Bob Derbyshire setting out the comments, observations and concerns of the Committee. The letter also summarises your statement, Councillor Derbyshire's response and records the public question. For your reference the letter is attached to this letter as **Appendix 1**.

I hope that you found the experience of taking part in the scrutiny meeting worthwhile. I and the other Members of the Committee always welcome public participation and feedback. Once again many thanks for taking part. If you have any further questions please ask,

Regards,

A handwritten signature in black ink that reads 'P. D. Mitchell'.

Councillor Paul Mitchell
Chairperson Environmental Scrutiny Committee

Cc to:

Andrew Gregory, Director for City Operations

Tara King, Assistant Director for the Environment

Jane Cherrington, Operational Manager, Strategy & Enforcement

Paul Keeping, Operational Manager, Scrutiny Services

Joanne Watkins, Cabinet Office Manager

Members of the Environmental Scrutiny Committee

Councillor Joe Boyle, Elected Member for Penylan

Councillor Bill Kelloway, Elected Member for Penylan

Councillor Bob Derbyshire, Cabinet Member for the Environment

Ref: RDB/PM/RP/13.10.15

26th October 2015

Councillor Ramesh Patel,
Cabinet Member for Transport, Planning & Sustainability,
County Hall,
Atlantic Wharf,
Cardiff,
CF10 4UW.



Dear Councillor Patel,

Environmental Scrutiny Committee – 13th October 2015

On behalf of the Environmental Scrutiny Committee I would like to thank the officers for attending the Committee meeting on Tuesday 13th October 2015. As you are aware the meeting considered an item titled 'Planning Service – Member Update'. Members found the update very useful and note the significant planning changes having to be implemented by the Council and other Welsh Local Authorities. They will monitor the changes with interest and review how these impact on service delivery at future meetings.

In addition to this I am pleased to confirm that the Environmental Scrutiny Committee has now agreed to take part in two planning related task & finish exercises. These are:

- Management of Section 106 Funding for Developing Community Projects – run by the Environmental Scrutiny Committee and due to commence in November 2015;
- Community Infrastructure Levy – a cross committee task group which will evaluate future community infrastructure levy options for Cardiff; this will take place in late November 2015.

Please note that this letter does not require a response.

Regards,

A handwritten signature in black ink that reads "P. D. Mitchell". The signature is written in a cursive, slightly slanted style.

Councillor Paul Mitchell
Chairperson Environmental Scrutiny Committee

Cc to:

Andrew Gregory, Director for City Operations
Tara King, Assistant Director for the Environment
James Clemence – Head of Planning
Simon Gilbert – Operational Manager, Development Management (Strategic
& Place Making)
Paul Keeping, Operational Manager, Scrutiny Services
Joanne Watkins, Cabinet Office Manager
Members of the Environmental Scrutiny Committee
Councillor Michael Michael, Chair of Cardiff's Planning Committee

**SWYDDFA CYMORTH Y CABINET
CABINET SUPPORT OFFICE**

Fy Nghyf / My Ref: CM32237
Eich Cyf / Your ref: RDB/PM/RP/15.09.15

Dyddiad / Date: 23 October 2015



Councillor Paul Mitchell
Chair, Environmental Scrutiny Committee
Scrutiny Services
Room 263
County Hall
Cardiff
CF10 4UW

Annwyl / Dear Councillor Mitchell

Environmental Scrutiny Committee 15th September 2015

Thank you for your letter in relation to the Environmental Scrutiny Committee Meeting held on 15 September 2015.

Please see information below on the Draft Parking Strategy, Problem and Nuisance Parking and Quarter 1 performance for City Operations as requested.

Draft Parking Strategy 2015 & Cabinet response to the Environmental Scrutiny Committee report titled 'Problem & Nuisance Parking in Cardiff'

An explanation was given at the meeting in relation to creating parking buffer zones in the areas around the city centre. I welcome the Committee's support for the principle of parking buffer zones and for promoting this flexible approach in conjunction with a review of the existing parking situation in area covered by the Greener Grangetown project. Engagement with residents will be led by the Greener Grangetown project team. Local Members will be consulted in advance of this process to agree the detailed arrangements.

Please see attached information regarding the Civil Parking Enforcement's contribution to revenue budgets as requested. The table shows the level of contribution and the current budgets that this supports. There is no specific allocation to specific areas. It should be noted that on top of this contribution that all CPE activity and equipment is funded including lines and sign improvements for enforcement. The provision and removal of disabled bays for residents in the City is also funded in addition to the contribution.

I can advise that the enforcement of zig zag lines is one of a number of measures being brought in as part of the Moving Traffic Offences Scheme supported by an enforcement car. The car has been patrolling the streets since 14 July issuing warning notices to drivers. Enforcement by the car commenced on 15 September and 103 Penalty Charge Notices have been issued to date on

ATEBWCH I / PLEASE REPLY TO: Swyddfa Cymorth Y Cabinet / Cabinet Support Office,
Ystafell / Room 514, Neuadd y Sir / County Hall,
Glanfa'r Iwerydd / Atlantic Wharf, Caerdydd / Cardiff,
CF10 4UW Ffon / Tel (029) 2087 2479

zig zags up to 09 October 2015. The car is currently targeting schools both in mornings and afternoons during school days.

Outside these hours, the enforcement team are utilising the car to gather information about problem areas to allow enforcement activity to be targeted. It should be noted that only offences that are instant offences, such as parking on zig zags or parking in a bus bay can be processed directly by the enforcement car. Other parking offences need to be witnessed by Civil Enforcement Officers as they need to address aspects such as blue badges, loading / unloading etc.

As requested, I can confirm that the Committee will be kept informed of new applications of camera cars and other technology for the purposes of enforcement.

I am pleased to have the Committee's support in principle for the review of survey requirements for the creation or extension of residential parking schemes. However, it is important that we adopt a case-by-case approach to proposals as conditions and pressures, can vary greatly in different areas of the city. For instance, the uptake of permits in adjacent residential areas may be helpful in providing an indication of the potential demand for a new or extended residents' scheme. For this reason, we feel the criteria for decision-making requires careful thought, and we would welcome the use of focus groups in their development. I will fully involve Members in this process and provide briefing on the procedures which emerge from it. This will help to ensure that a sensible balance can be achieved and that one stakeholder group is not unfairly affected by proposals. For example, in residential areas adjoining district and local retail centres it will be important to strike a balance between meeting residents' needs and making appropriate provision for short stay parking and servicing to support local businesses.

I am aware that Cardiff Bus has developed a promotional initiative with a number of local retail, catering and other business outlets to offer discounts to iff card users. I will write to Cardiff Bus to ask whether promotions of this kind could be extended to other ticket holders. I will also write to other transport operators to ask them to explore the scope for similar promotions for the users of their services.

I am most grateful for the Committee's work in producing the 'Problem & Nuisance Parking in Cardiff' report and the positive impact of its recommendations upon our operations on the ground and the contents of the new Parking Strategy.

City Operations – Quarter 1 Performance

Thank you for your support in working with us on the Bus Station to ensure that scrutiny of the proposals will take place in advance of any decisions being taken.

We can confirm that the Scrutiny meeting on 13 October covered the changes taking place in the planning service, along with how the Planning Service is setting out a new performance improvement agenda in response to all prevailing factors.

As requested, please see attached a copy of the Mitigation Plan. To ensure that the 2015/16 budget challenges are properly managed, the current projected shortfall is £666k and I have asked that the Directorate management Team continue to work hard to achieve a balanced budget.

You requested a list of all current restructures and refreshes which are taking place within the City Operations. In terms of current proposals for reshaping services, obviously the most pressing work relates to the development of ambitious proposals that deliver successful ADM proposals or in-house comparators. This is taking a considerable amount of effort and engagement across the directorate at present. The timescale for the outcome of this work will be presented early in 2016. More generally, whatever the outcome of this process, there will need to be a programme of work to take forward the realigning of the directorate services against more demanding service performance targets, digital integration and ensuring longer term budgetary stability. This work will run in parallel with the ADM / In-house proposals.

Thank you again for your time, advice and support on these matters.

Yn gywir,
Yours sincerely,



Councillor / Y Cynghorydd Ramesh Patel
Cabinet Member for Transport, Planning & Sustainability
Aelod Cabinet dros Drafnidiaeth, Cynllunio a Chynladwyedd

Enclosures

Cc to: Andrew Gregory, Director for City Operations
Tara King, Assistant Director for the Environment
Paul Carter, Head of Transport
Matthew Price, Section Leader - Transport Vision, Policy and Strategy
Paul Keeping, Operational Manager, Scrutiny Services
Joanne Watkins, Cabinet Office Manager
Members of the Environmental Scrutiny Committee

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Civil Parking Enforcement

Contribution to the overall provision for Transport/Environment - £4,655m 2015/16

Contribution to the overall provision for Transport/Environment - £5,255m 2016/17

	Cost Centre	£000's	£000's	£000's
Supporting :				£12,991
Section 55 Road Traffic Regulation Act 1984				
<i>4d(i) meeting costs incurred, whether by the local authority or by some other person, in the provision or operation of, or of facilities for, public passenger transport services,</i>				
Operation of public passenger transport service			£1,048	
Cardiff East Park & Ride	HG122	£34		
Transport Communication	HG111	£9		
Public Transport Team	HG110	£125		
Concessionary Travel - Cardiff Council element	HG102	£880		
<i>4d(ii) the purposes of a highway or road improvement project in the local authority's area</i>				
Highways or Road improvement			£1,428	
Asset/Road Improvement				
Transport Policy (25% of Revenue budget)	CIT12	£138		
Riverwalk Bridge	AN990	£49		
Highway Asset Improvement - (25% revenue budget)	CITG52	£133		
Structure & Tunnels Improvement - (25% revenue budget)	CITG54	£268		
Drainage & Flood Alleviation - (25% revenue budget)	CITG55	£91		
Electrical - (25% revenue budget - excluding electricity)	CITG56	£270		
Road Safety- including School Crossing Patrol	CIT42	£479		
<i>4d(iii) the purposes of maintenance of roads (London only)</i>				
<i>4d(iv) the purposes of environmental improvement in the local authority's area</i>				
a) reduction of environmental pollution			£2,143	
Waste Strategy	CIT1	£1,173		
Energy & Sustainability	CIT7	£970		
b)(i) improving or maintaining the appearance of road or land			£5,292	
Cleaner Cardiff	CIT2	£5,292		
b)(ii) improving or maintaining the appearance of open land or water			£2,273	
Parks Management - including Grounds maintenance, Nursery, litter and Park Keeping	CIT92	£1,792		
Parks Development - Strategy, design, Land mgt	CIT931	£481		
c) Provision of outdoor recreational facilities			£807	
Parks Development - NHLF Development (Bute Park)	CIT932	£95		
Parks Development - playgrounds	CIT933	£169		
Parks - Outdoor Leisure	CIT945	£491		
Flatholm	CIT95	£52		
Total			£12,991	£12,991

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**City Operations - Month 6
Position**

Projected Shortfalls/Pressures

2014-15 Unachieved Savings

- income shortfalls	225	st. wks £88k, temp rd £52k; sme/bulky £82k; cons £3k
- expenditure	102	landfill £69k, RTI contract £33k
	327	

2015-16 Unachieved Savings

- neighbourhood services	453	assumes £147k will be delivered
- leisure services	618	adm £435k; inc/eff's £144k, canton £31k, CIWW £8k
- waste post sort	215	(funded from reserves)
- other waste activities	241	cleansing redesign £115k; domestic £96k, APC £30k
- other activities	136	mgt £36k; energy £60k; searches £25k; standby £15k
	1,663	

Other pressures/shortfalls

- car park/pcn income	684	fees £291k; pcn £243k, adverts etc. £150k
- post sort	185	
- other waste activities	535	landfill £134k; hrwc £112k; mrf £108k; depot £70k; white goods £25k; trnsfr stn £69k; o/t £17k
- school transport	169	adl & p2t 16+ £148k; income £21k
- other activities	405	parks £78k; bridge income £51k, temp rd cl £39k
	1,978	

Total Pressures/shortfalls 3,968

Projected Mitigations

- employee vacancies	1,070	waste £400k; play £199k; sphtt £350k, parks £121k
- increased income/recharges	487	waste reserve £215k; mrf £94k; other £178k
- moving traffic offences	684	increased income
- waste activities	468	virridor £185k, supplies £140k
- leisure services	82	insole court
- schools transport	265	route closures
- energy management	104	carbon allowance £88k; other £16k
- highway maintenance	106	maintenance £87k; general £19k
- parks	36	general spend

Total Mitigations 3,302

Net Overspend 666

Neighbourhood Services	453
Leisure & Play	350
Waste	66
Management & Support	44
Bereavement/Registration/Animal Services	14
Energy	-63
SPHTT	-88
Parks	-110
Directorate Position	666

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