

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

ENVIRONMENTAL SCRUTINY COMMITTEE

7 MARCH 2017

NEIGHBOURHOOD SERVICES ENFORCEMENT

Reason for the Report

1. To provide Members with the opportunity to consider the enforcement activities undertaken by Neighbourhood Services since it was established in June 2016.

Background

2. On 16 June 2016 the Cabinet approved the Infrastructure Services Full Business Case to support the delivery of the following services through a 'modified in-house' service delivery model:
 - Waste Collections (Commercial & Residential);
 - Street Cleansing;
 - Waste Treatment & Disposal;
 - Waste Education & Enforcement;
 - Pest Control;
 - Parks Management & Development;
 - Highways Operations;
 - Highways Asset Management;
 - Infrastructure Design & Construction Management;
 - Central Transport Services;
 - Hard Facilities Management;
 - Soft Facilities Management – Cleansing;
 - Soft Facilities Management - Security & Building Management;
 - Projects, Design & Development.

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3. The modified in-house approach is split into two separate parts; Neighbourhood Services and Commercial & Collaborative Services. This item will focus on the work of Neighbourhood Services, which is now responsible for delivering Street Cleansing; Parks; Waste Education & Enforcement; Highways Operations; Highways Asset Management; Highways Engineering and Design & Delivery. Specifically the item will consider the enforcement activities delivered by Neighbourhood Services.
4. The range of services offered by Neighbourhood Services is joined together on an area basis. The anticipated benefits of this new approach include:
 - An improvement in service delivery through teams working closer together;
 - The adoption of an 'own-it' ethos to cleansing, enforcement and maintaining public real areas;
 - An improvement of operational efficiencies through the better deployment of front line resources;
 - An improvement in the utilisation of fleet and shared assets.
5. Neighbourhood Services enforcement specifically brings together the waste / environmental, licencing and traffic enforcement suite of powers granted to local government in the City of Cardiff. It is important to note that this item will focus on enforcement activities which relate to waste / environmental and highways licensing contraventions.
6. The total 2016/17 budget within Neighbourhood Services for Cleansing and Enforcement is £4,758,339. From this total £4,024,950 is allocated towards cleansing and £733,389 is used to fund enforcement activities. Neighbourhood Services enforcement currently has 28 full-time equivalent (FTE) posts; this will increase by seven additional posts in 2017/18.
7. During the 2017/18 budget setting process a Financial Resilience Mechanism allocated a one off payment of £150,000 to Neighbourhood Services to support enforcement. The funding is designed to support seven FTE posts within enforcement to enable city centre / city wide waste enforcement teams to work

afternoons and weekends to enable delivery of a high quality 'Total Street Scene' service to the residents of Cardiff'.

Basic Enforcement Activities

8. The three main elements of the enforcement process within Neighbourhood Services are Education Awareness, Enforcement & Prevention, and Processing & Transactions. For the overall enforcement process to work efficiently all of these parts have to effectively complement each other - a failure in any one part of the system will have a direct impact on the other parts.
9. The majority of waste and environment enforcement issues fall under four broad headings, these are:
 - **Waste Presentation** – Ensuring that the public and businesses present waste correctly for collection, for example, placing waste out on the wrong day for collection or using the wrong bag or container.
 - **Local Environment Quality** – This involves dealing with all general types of littering (for example, sweets, chewing gum, smoking related litter & fast food) and dog fouling. As explained at previous scrutiny meetings the Council applies a 'zero tolerance' approach in dealing with litter. By using the Environmental Protection Act 1990 and the Clean Neighbourhoods and Environment Act 2005 the Council can issue Fixed Penalty Notices (FPNs) to the value of £80 for littering.
 - **Fly Tipping** - This is the illegal dumping of waste on to land; this type of activity can pollute the environment, can be harmful to human health and spoils many benefits associated with a clean environment. The courts are now able to impose an unlimited fine against those found guilty of a fly tipping offence.
 - **Highways Licensing Enforcement** – This is the enforcement of Highway Licenses; such as, but not limited to, skips, tables and chairs, A-frames, hoardings, illegal adverts and scaffolding. It allows control (through £100 fixed

penalty notices) of the adopted highway under the Highways Act 1980 in terms of lawful and unlawful interference with highways and streets.

10. The Council recognises that everyone has a role to play in tackling the environmental issues of waste, litter and fly tipping. It has a vision to create a clean and respected street scene through efficient cleansing provision, citizen engagement, education and enforcement.
11. The two main teams within Neighbourhood Services that issue fines for waste / environmental and highways licensing contraventions are the LEQ Team and Waste Team, they issue fines for the following:
 - **LEQ Team** – FPNs: Litter & Dog Fouling (these include dog fouling; litter from vehicles; general litter; smoking from vehicles; smoking related) and FPNs for Highways Contraventions (these include skips breach of licence; skips no licence; A boards; street cafes; fly posting; free distribution of literature; scaffolding).
 - **Waste Team** – FPNs: Waste – predominantly for incorrectly presented waste (these include Section 46 Notices for breaching the Environmental Protection Act 1990; Section 47 Notices for breaching the Environmental Protection Act 1990; Waste Transfer Note (WTN) Requests; WTN & WCR requests; commercial litter fines and domestic litter fines). The Waste Team also raises income by fining supermarkets for misplaced trollies and ‘pay as you throw’ domestic and commercial schemes.

Improving Enforcement Delivery

12. The Council is continually looking to find savings and improve efficiency across its range of services. Neighbourhood Services is exploring how it can improve enforcement delivery by developing areas including partnership working; digitalisation; uniform & equipment; support for highway licensing enforcement; and education & engagement.

13. **Partnership Working** – Neighbourhood Services has recently established a number of working partnerships with organisations in Cardiff. These include:
- **Cardiff University** – Neighbourhood Services is supporting Cardiff University to work with students in the Cathays and Plasnewydd areas to improve the standard of waste presentation.
 - **Business Improvement District** – Neighbourhood Services has submitted a bid to Cardiff's newly established Business Improvement District asking for the scheme to support additional cleansing and enforcement resources in the city centre.
 - **Cardiff & Vale University Health Board** – Neighbourhood Services is working with Cardiff & Vale University health Board to provide a litter enforcement officer for the Heath Hospital site.
14. **Digitalisation** – In a drive to save money and increase efficiency the City Operations Directorate has launched a series of digitisation projects (these are particularly relevant in terms of enforcement on the highways and for dealing with street works permits and licences). Many of the enforcement services delivered by Neighbourhood Services currently use paper based applications – these are slow, inefficient and ultimately expensive to operate. The plan is to introduce new hand held technology to record / transfer contravention information that in turn would be stored on a suitable database. It is hoped that the new technology will speed up the process, deliver savings and improve customer service.
15. **Uniform & Equipment** – Officers in the LEQ Team and Waste Enforcement Team have recently received new uniforms. These raise the public profile of the officers, which in turn acts as a deterrent against littering. In addition to this, the staff now have access to body cameras which provide support in terms of health & safety and it is anticipated that they will have access to hand held technology for evidence gathering (for example a tablet or other hand held device).
16. **Supporting Highway Licensing Enforcement** – On 14 December 2016 the authority to enforce the Highway functions was effectively transferred to the City

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Operations Directorate. This means that a Neighbourhood Services will for the first time enforce a range of functions from within Part IX of the Highways Act 1980. The functions include:

- Section 130 – protection of public rights;
- Sections 139 – control of builders’ skips;
- Section 140 – removal of builders’ skips;
- Section 140A(1) – builders’ skips: charges for occupation of the highway;
- Section 142 – licence to plant trees, shrubs etc in a highway;
- Section 147 – power to authorise erection of stiles etc on footpath or bridleway;
- Section 147ZA(1) – agreements relating to improvements for benefit of persons with mobility problems;
- Section 149 – removal of things so deposited on highways as to be a nuisance etc;
- Section 169 – control of scaffolding on highways;
- Section 171 – control of deposit of building materials and making of excavations in streets;
- Section 171A(2) and regulations made under that section – works under s169 or s171: charge for occupation of the highway;
- Section 172 – hoardings to be set up during building etc;
- Section 173 – hoardings to be securely erected;
- Section 178 – restriction on placing of rails, beams etc over highways;
- Section 179 – control of construction of cellars etc under street;
- Section 180 – control of openings into cellars etc under streets, and pavement lights and ventilators.

17. **Education & Engagement** – Since it was created in the summer of 2016 Neighbourhood Services has looked to increase education and engagement initiatives through its enforcement function. They have, for example, worked with Communications to publicise the ‘Love Where You Live’ campaign. This involved newspaper articles, using social media and publicising volunteer events. They have worked with local schools to raise litter awareness (for example, through the ‘Love

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Where You Live' poster competition), promoting the work through the websites of the Council and its associated partners, and they have developed links with media outlets like Wales Online.

Outcomes Achieved

18. Since the creation of Neighbourhood Services in the summer of 2016 there has been an increased focus on enforcement activities. Despite having to allocate much of its enforcement resources for dealing with incorrectly presented waste issues the service has managed to significantly increase the number of FPNs issued across a broad range of littering offences; this is clearly illustrated in **Table 1**.
19. The 'zero tolerance' approach to littering and dog fouling has resulted in a 158% increase (425 additional FPNs) in the number of FPNs issued between 2014/15 and 2016/17. The largest increase has in this period has been for smoking related litter – this increased from 15 FPNs in 2014/15 to 249 FPN's in 2016/17. However, during the same period the number of FPNs for dog fouling actually fell – 27 in 2014/15 to 22 in 2016/17.

Table 1 – FPNs Issued for Littering Offences: 2014/15 to 2016/17

Enforcement Activity	FPNs issued 2014/15	FPNs issued 2015/16	FPNs issues 2016/17 (excluding March)
Dog Fouling	27	49	22
Litter commercial	19	14	14
Litter domestic	108	347	231
Litter from vehicle	3	18	26
Litter general	5	11	19
Litter smoking from car	92	89	133
Litter smoking related	15	31	249

20. The increase in FPNs issued has in turn created in a sharp increase in income for the period 2014/15 to 2016/17 as illustrated in **Table 2** below. It is noticeable that the income rose from £126,420 (based on 1,378 FPNs) in 2014/15 to £337,206

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(based on 3,172 FPNs) in 2016/17; this represents an increase of 167%. Other trends illustrated in **Table 2** shows that:

- The number of cases being referred to court has increased from one in 2014/15 to 155 in 2016/17.
- As the volume of FPNs issued increases so the percentage of fines actually collected reduces (2014/15 – 91.79%; 2015/16 – 80.90% & 2016/17 – 63.57%) – although it should be noted that the 2016/17 figure would be subject to change as there will be a lag between FPNs being issued and actual payment.
- The percentage of FPNs waived has steadily increased between 2014/15 and 2016/17 (2014/15 – 7.85%; 2015/16 – 10.85%; 2016/17 – 12.36%).
- As the volume of FPNs issued increases so the percentage of fines actually collected reduces (2014/15 – 91.79%; 2015/16 – 80.90% & 2016/17 – 63.57%).
- It is also worth noting at this point that the 2016/17 data is only for an eleven month period, i.e. the 2016/17 data does not include any information for March 2017.

Table 2 – FPNs Issued & Fine Income Collected: 2014/15 to 2016/17

Year	Total FPNs Issued	Total Income	Total FPNs Paid	Total FPNs Unpaid	Total FPNs Waived	Unpaid FPNs as with Legal	Total Cases to Court
2014/15	1,378	£126,420	£116,040	£300	£9,920	£80	1
2015/16	2,497	£224,890	£181,925	£14,105	£24,400	£4,460	39
2016/17	3,172	£337,206	£214,354	£54,852	£41,680	£26,960	155

21. For the financial year 2016/17 (year to date excluding March 2017) the LEQ Team has issued 449 FPNs / enforcement actions which has raised an income of £36,060. During the same period the Waste Team has issued 2,723 FPNs / enforcement actions which has raised an income of £301,146.

22. **Table 3** (below) sets out the total number of education and enforcement activities carried out by the Council's enforcement function for the period 2014/15 to 2016/17. It is clear to see that there has been a significant increase in the number of actions taken between 2014/15 and 2016/17. An increase of 5,922 in 2014/15 to 27,338 in 2016/17 suggests an increase of 362%.

Table 3 – Total Education & Enforcement Activities: 2014/15 to 2016/17

Total Education & Enforcement Activities	Actions
2014/15	5,922
2015/16	14,849
2016/17	27,338

23. A review of the underlying data for **Table 3** identifies a large increase in the following education activities:

- Additional Waste Collection Service - an increase from zero in 2014/15 to 238 activities in 2016/17.
- Education Action – an increase from 77 in 2014/15 to 2,050 in 2016/17.
- Distribution of education packs in Cathays - an increase from zero in 2014/15 to 3,723 in 2016/17.
- Flyposting - an increase from zero in 2014/15 to 82 in 2016/17.
- Front / Rear Garden Investigations - an increase from 194 in 2014/15 to 468 in 2016/17.
- Litter Domestic DOC - an increase from 573 in 2014/15 to 2,250 in 2016/17.
- Monitoring Location - an increase from zero in 2014/15 to 435 in 2016/17.
- NEF Domestic - an increase from 388 in 2014/15 to 5,195 in 2016/17.
- NEF Fly tipping - an increase from 93 in 2014/15 to 472 in 2016/17.
- Issuing Section 46 Notice - an increase from 36 in 2014/15 to 3,664 in 2016/17.
- Issuing Section 47 Notice - an increase from 18 in 2014/15 to 132 in 2016/17.
- Skip 139 Notice - an increase from zero in 2014/15 to 231 in 2016/17.
- Statutory Nuisance – Accumulations - an increase from 10 in 2014/15 to 127 in 2016/17.

Way Forward

24. 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

25. 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

26. 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 reports;
- ii. Consider whether Members wish to pass on any comments to the Cabinet following scrutiny of the item titled 'Neighbourhood Services Enforcement'.

DAVINA FIORE

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1 March 2017