

THE VALE OF GLAMORGAN COUNCIL

ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE: 7TH MARCH, 2019

REFERENCE FROM CABINET: 18TH FEBRUARY, 2019

**“C591 RESHAPING SERVICES – ENFORCEMENT SERVICES (NST)
(ENVIRONMENT AND REGENERATION SCRUTINY COMMITTEE) –**

The Cabinet Member for Neighbourhood Services and Transport presented the report, the purpose of which was to advise Cabinet of the annual performance of the environmental enforcement contract between the Council and 3GS (UK) Limited, to present Cabinet with proposals for the creation of an in-house enforcement team and to consider revising Fixed Penalty Notice values for certain environmental offences.

The report outlined that the Council currently provided enforcement services for both environmental and Civil Parking Enforcement (CPE) via partnership arrangements with 3GS (UK) Limited and Bridgend County Borough Council respectively. In addition, educational enforcement was provided by two in-house Council officers whose job roles encompassed both education enforcement and Highways inspections.

Enforcement services had been identified as a Reshaping Services project under the Council's Income Generation and Commercial Opportunities Strategy due to there being the potential to operate more proactively in this area, and in doing so work towards a cost neutral model. This involved a review of performance of the 3GS contract and in line with the principles contained in the Council's Income Generation and Commercial Opportunities Strategy. The outcome of this review, including proposals for the future of the Council's enforcement service were contained within the report which recommended the creation of a centralised in-house enforcement team that provided more flexibility and control to the Council.

The report suggested that a new in-house enforcement service be created with the focus on environmental and highway enforcement initially, followed by integrating CPE following the development of a Corporate Parking Policy. As such, it was proposed that CPE would be introduced at a later stage to allow time until the Parking Strategy was finalised and for the required notice period to be service to Bridgend Council. At such time it was recommended that a further report be brought to Cabinet outlining the future intentions for CPE. Additionally, the report recommended a review of certain Fixed Penalty Notices where limits could be set by the Council and presented for consideration, revised amounts from April 2019.

This was a matter for Executive decision.

Cabinet, having considered the report and all of the issues and implications contained therein,

RESOLVED –

- (1) T H A T the report be referred to the Environment and Regeneration Scrutiny Committee for its consideration.
- (2) T H A T the annual performance of the environmental enforcement contract between the Council and 3GS (UK) Limited be noted.
- (3) T H A T subject to consideration by the Environment and Regeneration Scrutiny Committee, the full implementation of the proposals contained in the report to create a centralised enforcement team be approved, and the creation of five new environmental enforcement permanent posts, namely one Enforcement Supervisor and four Enforcement Officers, be initially approved.
- (4) T H A T, subject to consideration by the Environment and Regeneration Scrutiny Committee and in pursuance of Recommendation (3) above, delegated authority be granted to the Director of Environment and Housing in consultation with the Monitoring Officer / Head of Legal and Democratic Services, and the Cabinet Member for Neighbourhood Services and Transport to arrange the Transfer Undertaking for the Protection of Employment (TUPE) arrangements for the existing 3GS staff to allow direct transfer into three of the newly created posts (one Supervisor and two Enforcement Officers).
- (5) T H A T, subject to consideration by the Environment and Regeneration Scrutiny Committee, delegated authority be granted to the Director of Environment and Housing in consultation with the Monitoring Officer / Head of Legal and Democratic Services, and the Cabinet Member for Neighbourhood Services and Transport to vary the existing Enforcement Policy to include a zero tolerance approach to Environmental and Highway offences and to refine the policy accordingly.
- (6) T H A T subject to consideration by the Environment and Regeneration Scrutiny Committee, the Council to give formal notice to Bridgend County Borough Council to exit the current Civil Parking Enforcement arrangement.
- (7) T H A T a further report be presented to Cabinet later this year during the notice period outlining the details of the integration of Civil Parking Enforcement into the newly created centralised enforcement team.
- (8) T H A T subject to consideration by Environment and Regeneration Scrutiny Committee, the proposals to amend the level of Fixed Penalty Notices issued by the Council, which are contained within the report be approved.
- (9) T H A T subject to consideration by Environment and Regeneration Scrutiny Committee, the proposals contained in the report to introduce a Fixed Penalty Notice in respect of small scale fly tipping as suggested within the report be approved.
- (10) T H A T a further report be presented to Cabinet within 12 months of the implementation of the new arrangements providing an update of the service.

Reasons for decisions

- (1) To provide the Environment and Regeneration Scrutiny Committee with an opportunity to consider the details of this report.
- (2) To update Cabinet and to provide an opportunity to review the performance of the contract to date.
- (3) To allow the service to form a centralised enforcement team.
- (4) To ensure that the Council complies with current employment legislation.
- (5) To ensure the Council has a defined policy in terms of Environmental and Highway offences.
- (6) To allow the Council to control enforcement activities in-house and work towards a cost-neutral enforcement model in line with the Council's Income Generation and Commercial Opportunities strategy and to improve resilience of the service.
- (7) To ensure a robust and value for money Civil Parking Enforcement service and to further strengthen the proposed central enforcement team.
- (8) To ensure Fixed Penalty Notices are being issued where required which are proportionate to the offence.
- (9) To ensure the Council are issuing appropriate penalties in respect of small scale fly tipping in line with new legislation.
- (10) To ensure Cabinet are kept up to date following implementation of the proposals contained in the report."

Attached as Appendix - Report to Cabinet: 18th February, 2019

Name of Committee:	Cabinet
Date of Meeting:	18/02/2019
Relevant Scrutiny Committee:	Environment and Regeneration
Report Title:	Reshaping Services - Enforcement Services
Purpose of Report:	To advise Cabinet of the annual performance of the environmental enforcement contract between the Council and 3GS (UK) Limited, to present Cabinet with proposals for the creation of an in-house enforcement team and to consider revising fixed penalty notice values for certain environmental offences.
Report Owner:	Cabinet Member for Neighbourhood Services and Transport
Responsible Officer:	Miles Punter - Director of Environment and Housing Services
Elected Member and Officer Consultation:	As this is a Council wide matter no individual ward member consultation has been undertaken. Legal Services Neighbourhood Services and Building - Accountant Operational Manager - Performance and Policy Operational Manager - Engineering Councillor Cox - Cabinet Member
Policy Framework:	This is a matter for Executive decision by Cabinet.
Executive Summary:	<ol style="list-style-type: none"> 1. The Council currently provides enforcement services for both environmental and Civil Parking Enforcement (CPE) via partnership arrangements with 3GS (UK) Limited and Bridgend Council respectively. In addition, educational enforcement is provided by two in-house Council Officers whose job roles encompass both educational enforcement and Highways inspections. 2. Enforcement services has been identified as a Reshaping Services Project under the Council's Income Generation and Commercial Opportunities Strategy due to there being the potential to operate more proactively in this area and in doing so work towards a cost neutral model. This involved a review of performance of the 3GS contract and in line with the principles contained in the Council's Income Generation and Commercial Opportunities Strategy. The outcome of this review, including proposals for the future of the Council's enforcement service are contained within this report and recommends the creation of a centralised in-house enforcement team that provides more flexibility and control to the Council. 3. This report suggests that a new in-house enforcement service is created with the focus on environmental and highway enforcement initially, followed by integrating CPE following the development of a Corporate Parking Policy. As such it is proposed that CPE will be introduced at a later stage to allow time until the parking strategy is finalised and for the required notice period to be served to Bridgend Council At such a time it is recommended that a further report is brought to

Cabinet outlining the future intentions for CPE. Additionally this report recommends a review of certain fixed penalty notices where limits can be set by the Council and presents for consideration, revised amounts from April 2019.

1. Recommendation

- 1.1** That Cabinet refers this report to Scrutiny Committee (Environment and Regeneration) for their consideration.
- 1.2** That Cabinet notes the annual performance of the environmental enforcement contract between the Council and 3GS (UK) Limited.
- 1.3** That subject to consideration by Scrutiny Committee (Environment and Regeneration), Cabinet approves the full implementation of the proposals contained in this report to create a centralised enforcement team and that Cabinet initially approves the creation of 5 new environmental enforcement permanent posts, namely 1 Enforcement Supervisor and 4 Enforcement Officers.
- 1.4** That subject to consideration by Scrutiny Committee (Environment and Regeneration) and in pursuance of recommendation 1.3, authority is delegated to the Director of Environment and Housing Services in consultation with the Monitoring Officer/Head of Legal and Democratic Services, and the Cabinet Member for Neighbourhood Services and Transport to arrange the Transfer Undertaking for the Protection of Employment (TUPE) arrangements for the existing 3GS staff to allow direct transfer into 3 of the newly created posts (1 Supervisor and 2 Enforcement Officers).
- 1.5** That subject to consideration by Scrutiny Committee (Environment and Regeneration), authority is delegated to the Director of Environment and Housing Services in consultation with the Monitoring Officer/Head of Legal and Democratic Services, and the Cabinet Member for Neighbourhood Services and Transport to vary the existing Enforcement Policy to include a zero tolerance approach to Environmental and Highway offences and to refine the policy accordingly.
- 1.6** That subject to consideration by Scrutiny Committee (Environment and Regeneration), the Council give formal notice to Bridgend Council to exit the current Civil Parking Enforcement arrangement.
- 1.7** That a further report be presented to Cabinet later this year during the notice period outlining the details of the integration of Civil Parking Enforcement into the newly created centralised enforcement team.

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- 1.8** That subject to consideration by Scrutiny Committee (Environment and Regeneration), Cabinet approves the proposals to amend the level of Fixed Penalty Notices issued by the Council, which are contained within this report.
- 1.9** That subject to consideration by Scrutiny Committee (Environment and Regeneration), Cabinet approves the proposals contained in this report to introduce a fixed penalty notice in respect of small scale fly tipping as suggested within the report.
- 1.10** That a further report be presented to Cabinet within 12 months of the implementation of the new arrangements providing an update of the service.

2. Reasons for Recommendations

- 2.1** To provide the Environment and Regeneration Scrutiny Committee with an opportunity to consider the details of this report.
- 2.2** To update Cabinet and to provide an opportunity to review the performance of the contract to date.
- 2.3** To allow the service to form a centralised enforcement team.
- 2.4** To ensure that the Council complies with current employment legislation.
- 2.5** To ensure the Council has a defined policy in terms of Environmental and Highway offences.
- 2.6** To allow the Council to control enforcement activities in-house and work towards a cost-neutral enforcement model in line with the Council's Income Generation and Commercial Opportunities strategy and to improve resilience of the service.
- 2.7** To ensure a robust and value for money Civil Parking Enforcement service and to further strengthen the proposed central enforcement team.
- 2.8** To ensure fixed penalty notices are being issued where required which are proportionate to the offence.
- 2.9** To ensure the Council are issuing appropriate penalties in respect of small scale fly tipping in line with new legislation.
- 2.10** To ensure Cabinet are kept up to date following implementation of the proposals contained in this report.

3. Background

- 3.1** The Council currently provides enforcement services for both environmental and Civil Parking Enforcement (CPE) via partnership arrangements with 3GS (UK) Limited and Bridgend Council respectively. In addition, educational enforcement has historically been provided in-house by Council Officers whose job roles encompass both educational enforcement and Highways inspections.
- 3.2** Enforcement services has been identified as a Reshaping Services Project under the Council's Income Generation and Commercial Opportunities Strategy due to there being the potential to operate more proactively in this area and in doing so work towards a cost neutral model.
- 3.3** This supports the above strategy as one of its strategic objectives is to aim towards achieving full cost recovery where it is appropriate to do so and to have a positive impact on the local environment.
- 3.4** A review of the way in which environmental enforcement is currently undertaken has taken place. This has involved a review of performance of the 3GS contract and a review of the services which are currently enforced within the Vale of Glamorgan.
- 3.5** The review has been undertaken in line with the principles contained in the Council's Income Generation and Commercial Opportunities Strategy. The outcome of this review, including proposals for the future of the Council's Enforcement service are contained within this report.
- 3.6** The Council is currently developing a Corporate Parking Policy and as such it is proposed the outcome of that strategy be included within the remit of the new centralised enforcement team.
- 3.7** The current CPE agreement with Bridgend is terminable on one year's written notice to terminate on 31st March in the succeeding year. This report proposes that notice is served and a further report is brought to Cabinet outlining the future details of the service later this year and prior to commencing a revised service from 1st April 2020.
- 3.8** It is considered essential to the proposed model that officers have a wide range of areas that require enforcing and CPE managed in-house will provide additional options to maintain a cost neutral service as well as giving full control of this service area to the Council.
- 3.9** Additionally, as part of this review of enforcement services, consideration has been given to the level of fixed penalty notices issued by the Council for environmental offences, and proposals to amend these in line with relevant legislation are contained within this report.

4. Key Issues for Consideration

- 4.1** The Council entered into an agreement with 3GS (UK) Limited for predominantly environmental enforcement on 7th October 2016 for an initial period of 2 years, with an option to extend for a further 12 months thereafter. The optional 12 month extension was invoked in October 2018 and therefore the contract is now expected to run until October 2019.
- 4.2** Prior to establishing the contract with 3GS, the Council had historically undertaken an educational approach to environmental offences with limited written warnings and Fixed Penalty Notices (FPNs) issued. However the agreement with 3GS focuses more towards a 'zero-tolerance' approach, recognising the strong views of the majority of our residents towards environmental crimes and the fact that the current costs of street cleansing are unsustainable going forward.
- 4.3** The contract with 3GS includes both the enforcement of environmental offences, which include primarily litter, dog fouling and commercial waste offences and the enforcement of Bye-Laws which prohibit activities such as camping, fishing, swimming and include certain dog controls.
- 4.4** Ultimately the aim of the 3GS contract is to assist in providing environmental improvements for local communities and this can be judged in a number of ways. Public perception of the cleanliness of an area is most important and there are many factors that could affect this such as the poor management or the inappropriate containment of commercial waste and other environmental crimes such as littering, dog fouling, graffiti and fly-tipping.
- 4.5** There is also an independent inspection of street cleanliness undertaken annually by Keep Wales Tidy which provides the standards of areas which are benchmarked nationally.
- 4.6** The Local Environment Audit and Management Systems (LEAMS) is a street cleaning validation process undertaken across Wales annually by Keep Wales Tidy, and this measures the cleanliness of the local environments in each local authority area by sampling the cleanliness standards of 6% of a range of street types in each local authority area. The assessment is only a snapshot in time and whilst relevant, should be considered alongside the other measures mentioned above.
- 4.7** Through the above process in 2018/19, 102 streets were surveyed, of which 96.1% were graded B and above (that is streets considered by members of the public to have an acceptable level of cleanliness). This is above the current all Wales figure of 95.8% but below the Vale of Glamorgan's figure of 98% recorded in 2017-18.
- 4.8** The Cleanliness Indicator (CI) reported by LEAMS shows the cleanliness of an area, with higher figures representing cleaner environments. The CI achieved by

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the Vale of Glamorgan from the 2017/18 survey is 69.4. This is above the CI of 69.2 recorded across Wales in 2017/18 but below the CI of 70.3 recorded for the Vale of Glamorgan in the corresponding survey the previous year.

- 4.9** The following table and figure show the number and percentage of streets achieving each grade during the survey.

Grade	Grade A (Highest level of cleanliness)	Grade B+ (Acceptable level of cleanliness)	Grade B (Acceptable level of cleanliness)	Grade C (requires attention)	Grade D (unacceptable level of cleanliness)
Count of Streets	4	17	77	4	0
Percentage of Streets	3.9%	16.7%	75.5%	3.9%	0%

- 4.10** The agreement with 3GS (UK) Limited is cost neutral as 3GS generate their own income by retaining the full value of any fixed penalty notice (FPN) that is issued.

- 4.11** The following table shows a summary of the performance of 3GS over the past 12 months.

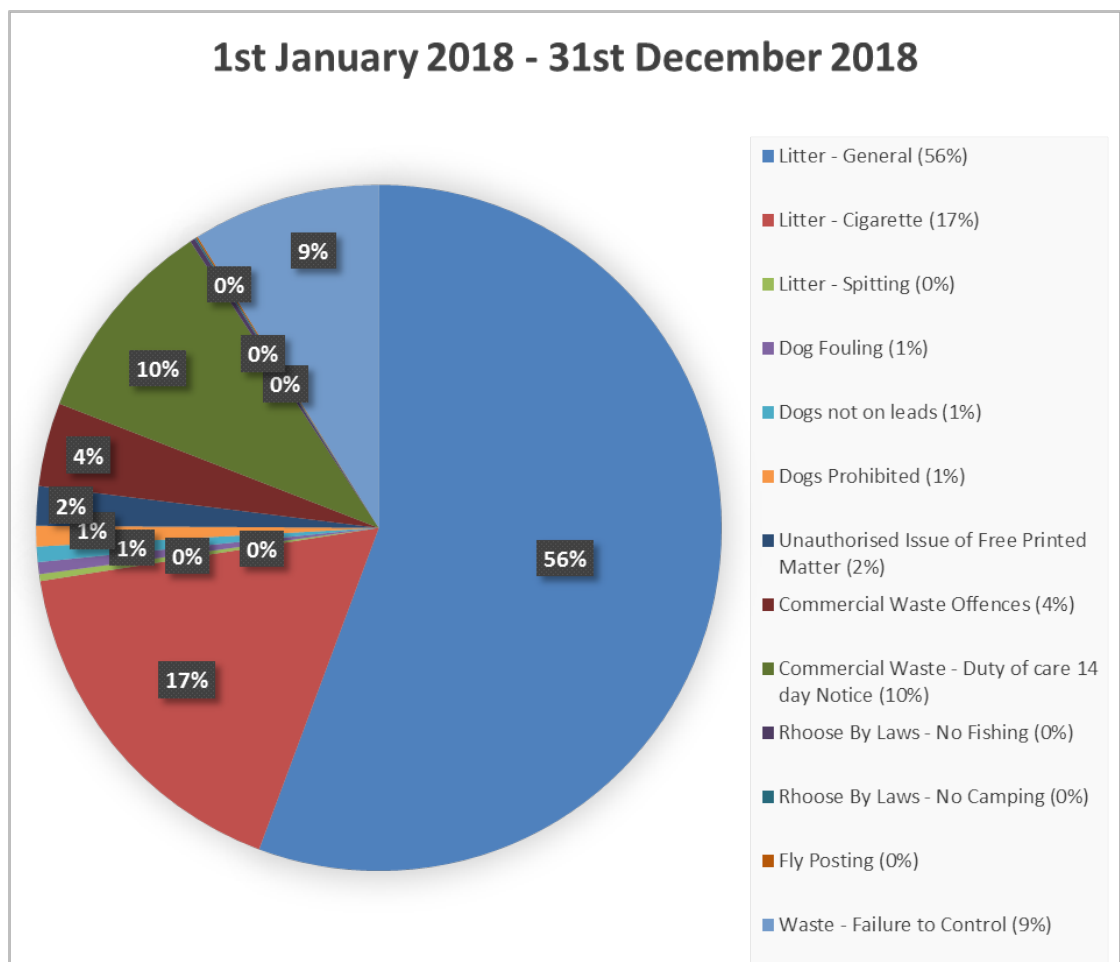
Type of Offence	Paid	Awaiting Payment	Awaiting Prosecution	Total
Litter - General	114	25	552	691
Litter - Cigarette	137	1	71	209
Litter - Spitting	2	0	2	4
Litter - Urination	0	0	0	0
Dog Fouling	6	0	1	7
Dogs not on Leads	7	0	2	9
Dogs Prohibited	9	0	3	12
Unauthorised Issue of Free Printed Matter	10	0	13	23
Commercial Waste Offences	33	0	16	49

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Commercial Waste - Duty of care 14 day Notice	78	0	44	122
Rhoose By Laws - No Fishing	2	0	1	3
Rhoose by Laws - No Camping	0	1	0	1
Anti-Social Behaviour	0	0	1	1
Waste - Failure to Control	21	14	75	110
				1241

4.12 Only a ratio of 17% relate to smoking litter over the whole year which demonstrates that the service continues to cover a wider range of environmental offences ensuring that all offences are equally enforced, that they reflect local needs and environment and that they are fair and proportionate.

4.13 A breakdown of the offences is represented in the chart that follows and represents FPN's that have been paid, awaiting payment and awaiting prosecution:



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- 4.14** Where there is a zero value it simply demonstrates there were not enough offences, to register a percentage value.
- 4.15** The main offences relate to general litter, cigarettes, a failure to contain waste leading to a littering offence and commercial waste offences.
- 4.16** In terms of future dog control offences, it should be noted that these will no longer be controlled via bye-laws, as the previous legislation has been superseded by Public Space Protection Orders (PSPO's) under the Anti-social Behaviour, Crime and Policing Act 2014 (ABCPA 2014).
- 4.17** Proposals for PSPO's in relation to dog controls will be presented to Cabinet for consideration in a separate report. The only dog related offence Officers will be able to enforce until these are introduced is in respect of dog fouling. This can continue to be enforced under the Dogs (Fouling of Land) Act 1996.
- 4.18** The agreement with 3GS Ltd remains flexible although the 12-month contract extension has been invoked. In consultation with 3GS Ltd they have agreed to an early exit should Cabinet approve the proposal to maintain a good working relationship after exiting the existing agreement.
- 4.19** Therefore, this report proposes for consideration that a centralised in-house enforcement team is created so the Council can have complete control of its Enforcement Officers and decide where and when enforcement provision should be focused.
- 4.20** A cost analysis of a new proposed in-house service has been undertaken. This initially represents Environmental and Highway offences only.
- 4.21** The following tables show the costs and projected income of the proposed structure for the new enforcement model based upon a number of scenarios.

Estimate of Expenditure and income for Proposed Environmental Enforcement Service 2019/20						
		Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost
		2019/20	2019/20	2019/20	2019/20	2019/20
Employee Costs		2 tickets	2.5 tickets	3 tickets	3.5 tickets	4 tickets
Enforcement Manager	Grade H (50% of post)	21924	21924	21924	21924	21924
Enforcement Supervisor x 1	Grade G	33466	33466	33466	33466	33466
Enforcement Officer x 4	Grade F	118352	118352	118352	118352	118352
Overtime (enhanced pay) due to weekend working & Bank Holidays	Assume 2 x officers for 7.5 hours Saturday & Sunday	11220	11220	11220	11220	11220
Vehicle/Pool Car Costs	Assume £2.5k per officer	10000	10000	10000	10000	10000
Mobile Phones/Portable Devices	Assume £500 per officer	2500	2500	2500	2500	2500
Software licence	Assume £10k per annum	10000	10000	10000	10000	10000
PPE	Assume £500 per officer	2500	2500	2500	2500	2500
Body Cameras	Assume £200 per device	1000	1000	1000	1000	1000
Handheld Printer	Assume £200 per device	1000	1000	1000	1000	1000
Admin - Processing fees	Assume £5 per ticket	9720	11880	14040	16200	18360
Total Costs		221682	223842	226002	228162	230322
		Estimated Income	Estimated Income	Estimated Income	Estimated Income	Estimated Income
Income	Assume collection rate of 70%	-180986.4	-221205.6	-261424.8	-301644	-341863.2
	(Surplus)/deficit	£40,695	£2,636	-£35,423	-£73,483	-£111,542

4.22 The income projections outlined in the above table are based upon Enforcement Supervisors/Officers working 18 days per month (to account for sickness, holidays and training and to replicate the current pattern worked by 3GS).

4.23 The projections assume an average FPN charge of £133 (which is an average of the number of FPNs issued by 3GS but taking into account the FPN levels in this report, including the proposed increases). A payment rate of 70% has also been applied to take into consideration tickets issued in error, upheld appeals and non-payment.

4.24 The projected income has been applied to the following five scenarios to illustrate a range of possible income levels:

Scenario One - Each of the four Enforcement Officers issuing 2 FPNs per day and the Enforcement Supervisor issuing 1 FPN per day. This scenario has a projected deficit of £41k.

Scenario Two - Each of the four Enforcement Officers issuing 2.5 FPNs per day and the Enforcement Supervisor issuing 1 FPN per day. This scenario has a projected deficit of £3k.

Scenario Three – Each of the four Enforcement Officers issuing 3 FPNs per day and the Enforcement Supervisor issuing 1 FPN per day. The projected surplus from this scenario is £35k.

Scenario Four – Each of the four Enforcement Officers issuing 3.5 FPNs per day and the Enforcement Supervisor issuing 1 FPN per day. The projected surplus from this scenario is £73k.

Scenario Five - Each of the four Enforcement Officers issuing 4 FPNs per day and the Enforcement Supervisor issuing 1 FPN per day. The projected surplus from this scenario is £112k.

- 4.25** Based upon recent data, the existing 3GS enforcement officers working on behalf of the Council have issued on average 3.1 fixed penalty notices per day.
- 4.26** An in-house team issuing 3 tickets per day would generate a surplus of £35k and 3.5 tickets would generate £73k. However, although enforcement is necessary as regrettably there is evidence to support that these offences occur, in reality, if tickets are not generated the use of an in-house team would need to be financially supported.
- 4.27** It is not lawful or ethical for the Council to set targets for enforcement officers and this should not be the prime focus although it would be intended to have a zero tolerance approach to environmental crime.
- 4.28** The proposed enforcement model outlined in this report recommends bringing additional services into scope which are not currently enforced by 3GS. This includes currently charged for Council car parks e.g. Barry Island, Ogmores by Sea, Southerndown. These are already enforced via the CPE partnership, and in accordance with the current agreement, we would need to consult with Bridgend if we were looking to increase the level of enforcement in the initial stage in these areas.
- 4.29** Additionally in the longer term, Enforcement Officers would need a greater scope of service areas where enforcement is required.
- 4.30** This report suggests for consideration bringing in-house the CPE function and centralising it with Environmental and Highway enforcement and structuring it into one team although Officers will mainly work in their designated discipline.

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- 4.31** At present CPE is managed by Bridgend Council in partnership with the Council and exiting the existing agreement can only be exercised by giving one year's notice by the 31st March 2019.
- 4.32** To maintain a sustainable service, it is considered that with additional scope for enforcement, Enforcement Officers would more likely achieve a cost neutral service if CPE was included in the remit thus giving Officers greater opportunities
- 4.33** The advantages of a centralised enforcement team are that it would provide the Council with flexible options and added resilience within the team. During peak periods the Council will be able to draw off a flexible workforce to a variety of scenarios such as parking concerns at town centres and across resort areas as well as tackling other environmental crime.
- 4.34** Additionally a centralised enforcement team combining CPE, Environmental Enforcement and Highway Enforcement is able to share supervision and other overhead costs.
- 4.35** The following table provides a detailed cost analysis of the proposed CPE service with partial share of a proposal to appoint an overall Enforcement Manager.

Estimate of Expenditure and income for Proposed Civil Parking Enforcement Service 2019/20							
		Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost	Estimated Cost
		2019/20	2019/20	2019/20	2019/20	2019/20	2019/20
Employee Costs		5 tickets	5.5 tickets	6 tickets	6.5 tickets	7 tickets	7.5 tickets
Enforcement Manager	Grade H (50% of post)	21924	21924	21924	21924	21924	21924
Civil Parking Enforcement Supervisor x 1	Grade G (bottom of grade)	33466	33466	33466	33466	33466	33466
Civil Parking Enforcement Officer x 5	Grade F (bottom of grade)	147940	147940	147940	147940	147940	147940
Overtime (enhanced pay) due to weekend working & Bank Holidays	Assume 2 x officers for 7.5 hours Saturday & Sunday	11220	11220	11220	11220	11220	11220
Vehicle/Pool Car Costs	Assume £2.5k per officer	12500	12500	12500	12500	12500	12500
Mobile Phones/Portable Devices	Assume £250 per officer	1500	1500	1500	1500	1500	1500
Software licence	Assume £5k per annum	5000	5000	5000	5000	5000	5000
PATROL		2400	2400	2400	2400	2400	2400
Parkmap maintenance		3000	3000	3000	3000	3000	3000
PPE	Assume £200 per officer	1200	1200	1200	1200	1200	1200
Body Cameras	Assume £200 per device	1200	1200	1200	1200	1200	1200
Handheld Printer	Assume £200 per device	1200	1200	1200	1200	1200	1200
Tribunal Court Costs		6000	6000	6000	6000	6000	6000
Admin - Processing fees	Assume £5 per ticket	28080	30780	33480	36180	38880	41580
Total Costs		276630	279330	282030	284730	287430	290130
		Estimated Income	Estimated Income	Estimated Income	Estimated Income	Estimated Income	Estimated Income
Income	Assume collection rate	-202737.6	-222231.6	-241725.6	-261219.6	-280713.6	-300764.57
	(Surplus)/deficit	£73,892	£57,098	£40,304	£23,510	£6,716	-£10,635

4.36 In this financial model it suggests that the breakeven point is issuing between 7 & 7.5 tickets per day, per officer. At present the service's breakeven point is issuing on average 6 tickets per day.

4.37 In 2017/18 a total of 6132 tickets were issued with around 1050 days of patrols undertaken in the Vale of Glamorgan. If the service was taken in house the number of tickets issued per day would need to increase to around 7.5 in order to provide a cost neutral service. Therefore there would need to be an increase in tickets issued of around 25% which is over 1500 extra per annum.

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4.38 There is a high proportion of payment for CPE tickets issued due to the fact that a 50% discount is offered if paid within 14 days. The average value received is around £38.

4.39 There has in recent years been a decline in the amount of tickets issued.

Year	Total Number of Contravention Notices Issued	Formal Appeals	Successful Appeals
2013/14	8547	130	67
2014/15	7128	97	33
2015/16	6903	74	28
2016/17	6317	218	28
2017/18	6132	223	32
2018/19 (1st April to 25th October 2018)	3962	89	12
Total	38989	831	200 (24% Success rate)

4.40 Therefore, in combining the services centrally, there would be a requirement for flexible working to increase performance in this area to maintain a cost neutral service.

4.41 It is considered that a centralised service with a greater enforcement scope is the only model that will be sustainable for the longer term. It is proposed that this will be achieved by including any proposals from the pending Parking Policy, that will require enforcement, whether that is charging or other measures of control, Environmental crime, new fly tipping powers, Highway offences and a more proportionate level of fixed penalty notice for offences that impact on the local environment and add costs to our Neighbourhood Services.

4.42 The Council has the ability to set Fixed Penalty Notice levels locally for some offences. The table below represents environmental offences where there is scope to review the value of FPN's for a certain offence.

4.43 As this report sets out to address environmental crime it is recommended that these values are increased to accompany a zero tolerance policy as highlighted below.

Offence	Fixed penalty rate in accordance with Welsh Government guidance	Current Value	Proposed Value from April 2019
Littering	Can be set locally between £75 and £150. Default £75	£75	£100
Graffiti and Fly Posting	Can be set locally between £75 and £150. Default £75	£75	£100
Dog Fouling	Can be set locally between £75 and £150. Default £75	£75	£100
Small scale Fly Tipping	Can be set between £150 and £400. Default £200	N/A	£400
Offences for waste receptacles	Can be set locally between £75 and £150	£100	£150
Street litter control notices and litter clearing notices	Can be set locally between £100 and £150	£100	£150

- 4.44** Additionally, there are now new powers available to Council's to introduce FPN's for small scale fly tipping. These powers have been introduced under the Unauthorised Deposit of Waste (fixed penalties) (Wales) Regulations 2017. This gives local authorities an opportunity to set a fixed penalty amount between £150 and £400, with a default of £200 where no amount is stated.
- 4.45** These new powers provide a new enforcement tool for small scale fly tipping offences where a prosecution is considered disproportionate. This allows the Council to issue a FPN and for the first time retain the value to help manage the financial impact fly tipping has on the environment.
- 4.46** In addition to this new FPN the service area intends to work in partnership with Fly Tipping Action (Wales) and loan CCTV equipment and install them strategically, in known "hot-spots" with appropriate warning signage to conform to current legislation.

5. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 5.1 This project forms part of the Reshaping Services transformational change programme and as such contributes to the Council's Corporate Plan 2016-2020.
- 5.2 This report links to the Corporate Plan and Well Being Outcome W02: An Environmentally Responsible and Prosperous Wales and the relevant Objective is O4 "Promoting Sustainable development and protecting our environment" with relevant reference to ER16 which states "Develop and implement a waste reduction strategy and remodel our waste infrastructure to increase participation in recycling, reduce the growth of municipal waste and meet national targets".
- 5.3 The Neighbourhood Services and Transport Service Plan (2016 to 2020) reference ER16 seeks to introduce a revised enforcement policy to reduce litter, fly tipping and dog fouling offences.
- 5.4 The proposals outlined in this report evidence the Well-being of Future Generations Act and its Five Ways of Working by ensuring that through enforcement, life in the Vale is improved over the longer term for residents and visitors to the area.
- 5.5 Enforcement should also prevent problems and issues from escalating and have a beneficial impact to the environment. The proposals build upon the current enforcement service and enhance this by bringing extra services into scope e.g. small scale fly tipping using relevant legislative powers.

6. Resources and Legal Considerations

Financial

- 6.1 As indicated in this report, it will be necessary to consider the number of fixed penalty notices that are required to maintain a cost neutral service otherwise financial support will be required to sustain the centralised service.
- 6.2 The table below provides a summary of the estimated costs and income of bringing the environmental enforcement service in house. The current service run by 3GS is issuing around 3 tickets per officer per day. It is estimated that around 2.5 tickets per officer per day would achieve a cost neutral service.

Litter Enforcement					
Tickets per officer per day	2 tickets	2.5 tickets	3 tickets	3.5 tickets	4 tickets
	£	£	£	£	£
Estimated Costs	221,682	223,842	226,002	228,162	230,322
Estimated Income	-180,986	-221,206	-261,425	-301,644	-341,863
6.3 Deficit/(Surplus)	40,695	2,636	-35,423	-73,483	-111,542

- 6.4** The table below provides a summary of the estimated costs and income of bringing the Civil Parking Enforcement service in house. The current service run in partnership with Bridgend is issuing around 6 tickets per officer per day. In order to breakeven it is estimated that between 7 & 7.5 tickets per officer per day would achieve a cost neutral service which is an increase of around 1500 tickets on the level achieved in 2017/18.

Civil Parking Enforcement - Proposed service						
Tickets issued per officer per day	5 tickets	5.5 tickets	6 tickets	6.5 tickets	7 tickets	7.5 tickets
	£	£	£	£	£	
Estimated Costs	276,630	279,330	282,030	284,730	287,430	290,130
Estimated Income	-202,738	-222,232	-241,726	-261,220	-280,714	-300,765
Deficit/(Surplus)	73,892	57,098	40,304	23,510	6,716	-10,635

- 6.5**
- 6.6** It is estimated that the current service with Bridgend will make a slight surplus of around £10k for 2018/19.

Employment

- 6.7** It is proposed the initial enforcement team will comprise of five staff members; an Enforcement Supervisor and four Enforcement Officers. It is intended the Enforcement Supervisor will report into the Team Leader for Enforcement and Inspections in the Council's Neighbourhood Services and Transport team.
- 6.8** When the team expand to include CPE, it is proposed that a Team Leader is appointed on Grade H to manage this service area and that a further report is presented to Cabinet detailing the requirements of the service once information from Bridgend Council relating to existing staff is known in more detail.
- 6.9** It is proposed that the Enforcement Supervisor role will be a Grade F and the Enforcement Officers a Grade G based on existing Vale of Glamorgan staff grades but all roles will be subject to job evaluation.
- 6.10** Staff affected by these proposals both within 3GS and Bridgend Council will be treated in accordance with the principles of the Transfer of Undertakings (Protection of Employment) Regulations (TUPE).

Legal (Including Equalities)

- 6.11** Local authorities are empowered under Acts such as the Environmental Protection Act 1990 (EPA 1990), the Clean Neighbourhoods Act 2005 (CAN 2005) and the Antisocial Behaviour, Crime and Policing Act 2014 (ABCPA 2014) to carry out enforcement of environmental offences.

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- 6.12** The Road Traffic regulation Act 1984 allows highway authorities to make and vary Orders to regulate the movement of vehicular traffic and to improve the amenities of an area.
- 6.13** The Traffic Management ACT 2004 enables Local Authorities, on application to the Welsh Government, to acquire the powers to enforce parking and movement restrictions.

7. Background Papers

- Environmental and Regeneration Scrutiny Committee meeting of 8th November 2018 – Civil Parking Enforcement Update (annual performance).
- Welsh Government Statutory Guidance on Fixed Penalty Notices
- Appendix A - LEAMS report



Vale of Glamorgan Council

How Clean Are Your Streets?
2018-19

Local Environmental Audit and Management System (LEAMS) Report



cadwch keep
gymru'n wales
daclus tidy

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Introduction

The Keep Wales Tidy LEAMS survey for 2018-19 was undertaken on 5 and 9 October 2018. As with last year the survey comprises of a single 6% survey sample. Details of the methodology can be seen on our website:

<https://www.keepwalestidy.cymru/surveys>

This report only contains data from the surveys undertaken by Keep Wales Tidy. It is not a report on the Public Accountability Measure (PAM) for Environmental Services: Clean Streets – Percentage of streets that are clean (ID PAM/010). This PAM was introduced by the Welsh Government last year. The PAM for 2018-19 will be calculated from the six bi-monthly 2% surveys undertaken by the Vale of Glamorgan Council and the results of this 6% survey, undertaken by Keep Wales Tidy. All surveys use the same LEAMS methodology.

Further information on Keep Wales Tidy projects, programmes and policy can be found on our website: www.keepwalestidy.cymru

Key Findings

- 96.1% of streets scored the B grade or above. This is a decrease on last year but compares favourably to the all Wales figure.
- The current CI is 69.4. This is a decrease on last year but compares favourably to the all Wales figure.
- No D grades were awarded in this survey for the second year in succession.

Part 1: Summary of Results

We surveyed 102 streets during the survey, of which **96.1%** were graded B and above (that is streets considered by members of the public to have an acceptable level of cleanliness). This is above the current all Wales figure of 95.8% but below the Vale of Glamorgan's figure of 98% recorded in 2017-18.

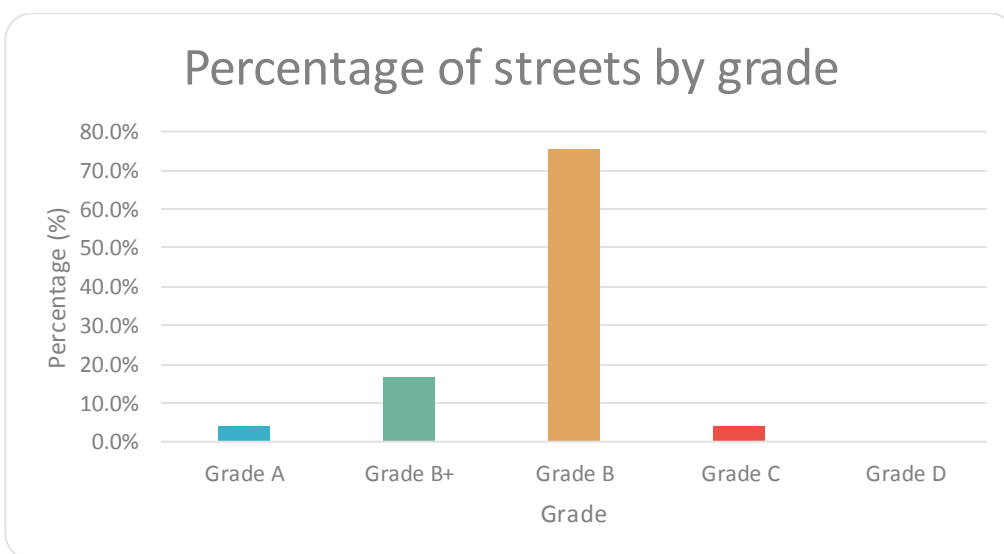
The Cleanliness Indicator (CI) shows the cleanliness of an area, with higher figures representing cleaner environments. The CI achieved by the Vale of Glamorgan from the survey is **69.4**. Again, this is above the CI of 69.2 recorded across Wales in 2017-18 but below the CI of 70.3 recorded for the Vale of Glamorgan in the corresponding survey last year.

The following table and figure show the number and percentage of streets achieving each grade during this survey.

Table 1: Number and Distribution of Grades

Grade	Grade A	Grade B+	Grade B	Grade C	Grade D
Count of Streets	4	17	77	4	0
Percentage of Streets	3.9%	16.7%	75.5%	3.9%	0%

Figure 1: Distribution of Grades Achieved



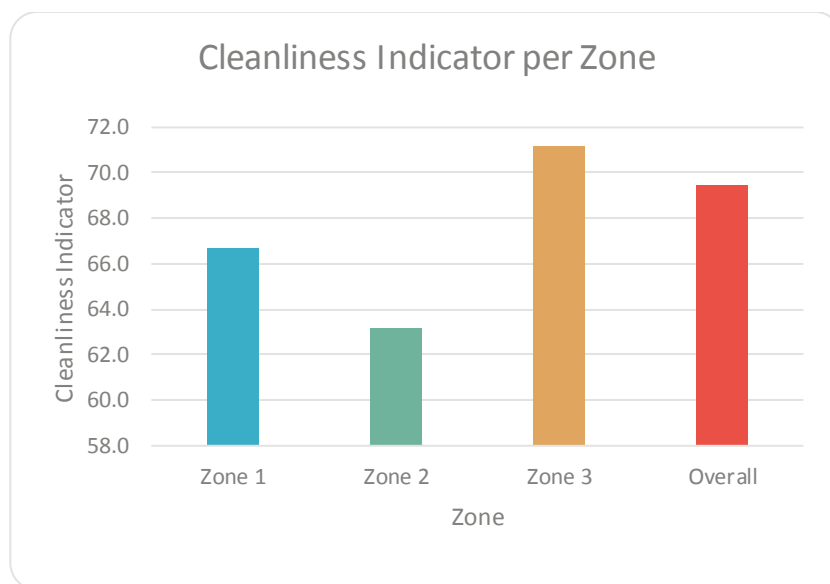
The B grade is the most common grade awarded, making up 75.5% of streets. This is followed by the B+ grade recorded on 16.7% of streets. The proportion of streets awarded A and C grades was 3.9%. No D grade streets were recorded.

The Vale of Glamorgan achieved the following scores in each of the zones in the survey (see also Figure 2).

Zone 1: **66.7** Zone 2: **63.2** Zone 3: **71.2**

The CI for all zones are below the corresponding score at an all Wales level. The average scores by zone, across Wales for 2017-18 were: Zone 1 – 67.0, Zone 2 - 65.5 and Zone 3 - 71.4.

Figure 2: Cleanliness Indicator by Zone



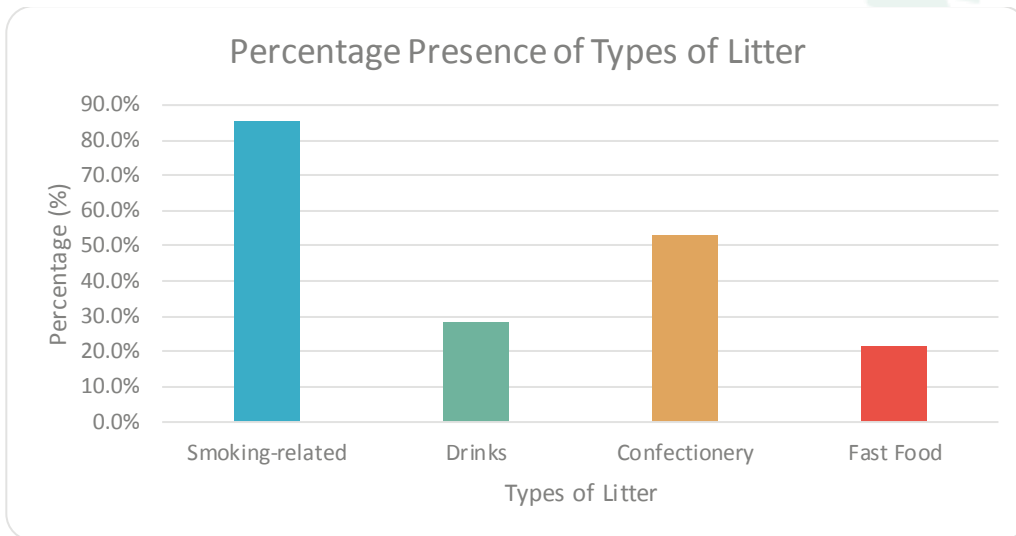
Zone 3 is the largest sample and has the highest grade, containing 22 streets above the B grade and 2 below. Zone 1 is the smallest sample and the 5 streets each scored B grades. Zone 2 scored lowest with 2 streets falling below the B grade and none scoring higher.

Keep Wales Tidy continues to record streets by intensity of use zones, following the guidance as set out in the Code of Practice on Litter and Refuse and Associated Guidance 2007 (COPLAR). The CI figures by intensity of use for the Vale of Glamorgan are as follows:

High: **66.7** Medium: **69.5** Low: **NA**

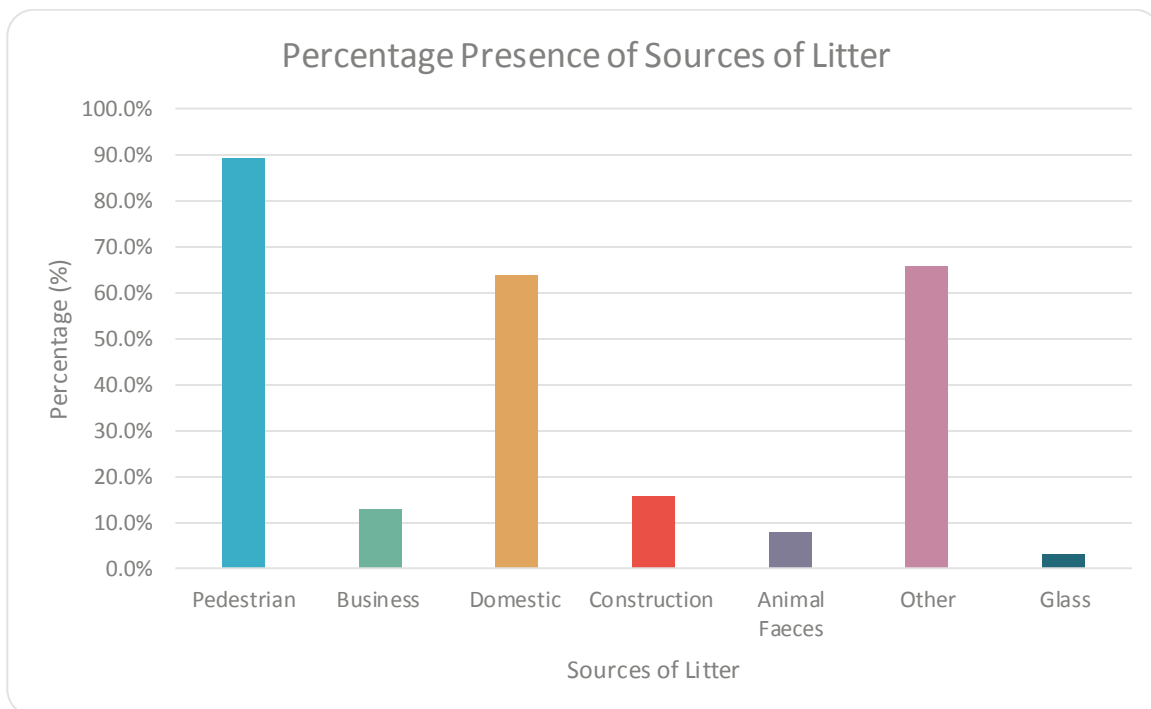
Figures 3, 4 and 5 below summarise the types and sources of litter as well as the Adverse Environmental Quality Indicators (AEQIs) found on the streets of the Vale of Glamorgan.

Figure 3: Types of Litter



The most common litter issue facing the Vale of Glamorgan is the presence of smoking-related litter (predominantly cigarette ends). This litter was encountered on 85.3% of the streets surveyed. Confectionery and drinks litter were found on 52.9% and 28.4%, respectively, while fast food litter was recorded on 21.6% of streets.

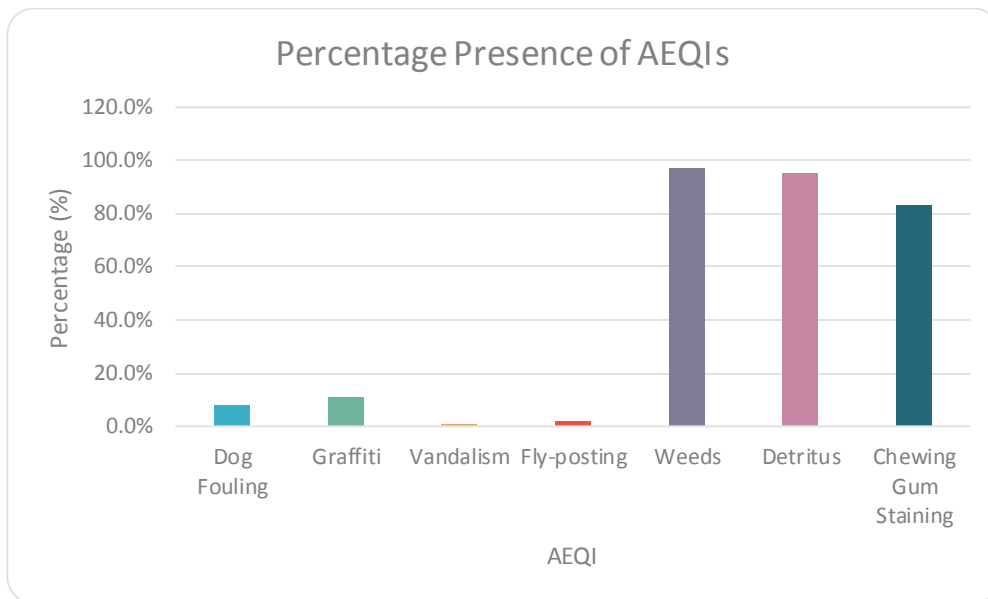
Figure 4: Sources of Litter



As would be expected, litter from a pedestrian source was the most prevalent litter source, found on 89.2% of streets. This was followed by other (unidentifiable) and domestic sources, found on 65.7% and 63.7% of streets, respectively. Construction litter was recorded on 15.7% of streets, while

business litter was encountered on 12.7% of streets. Animal faeces (all of which were dog fouling) was present on 7.8% of streets. Glass was observed on 2.9% of streets.

Figure 5: Adverse Environmental Quality Indicators (AEQIs)



Weeds and detritus were the most prevalent AEQIs recorded in the Vale of Glamorgan, recorded on 97.1% and 95.1% of streets, respectively. This is closely followed by chewing gum staining, observed on 83.3% of streets. Graffiti and dog fouling were present on 10.8% and 7.8% of streets respectively. Fly-posting was present on 2.0% of streets and vandalism on 1%.

Figure 6: Severity of Adverse Environmental Quality Indicators

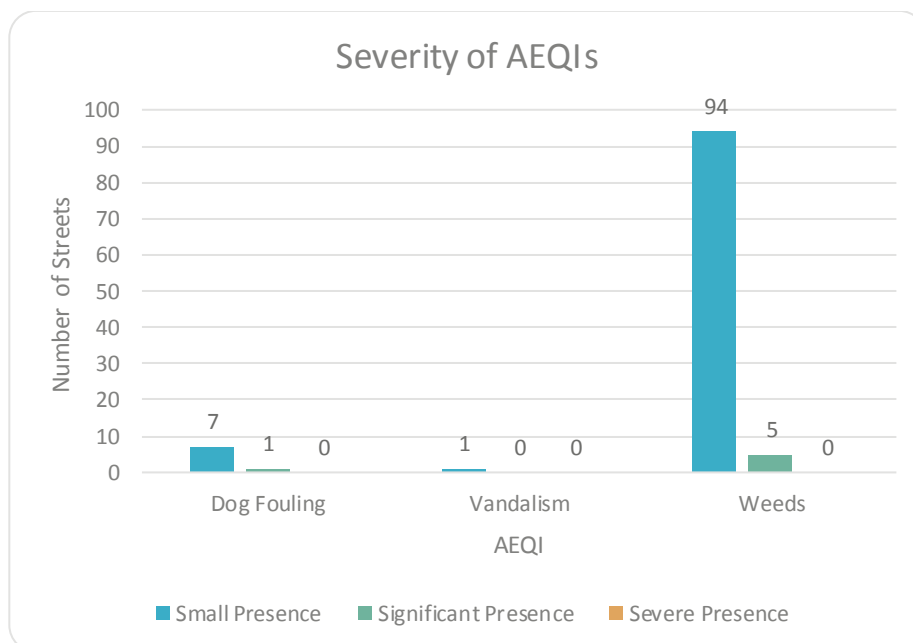


Figure 6, above, shows that 7 streets had a 'small presence' of dog fouling and 1 had a 'significant presence'. Any presence of dog fouling is regrettable, as it means that the street in question can score no higher than a B grade. The significant presence of dog fouling was recorded in Pyke Street Lower in Barry and resulted in the award of a C grade.

One instance of vandalism was encountered, and this was deemed to be a 'small presence'. This related to damaged utility box in Margaret Avenue in Barry.

The clear majority of streets with weeds had a 'small presence' and 5 were deemed to have a 'significant presence'.

Figure 7: Dog Fouling

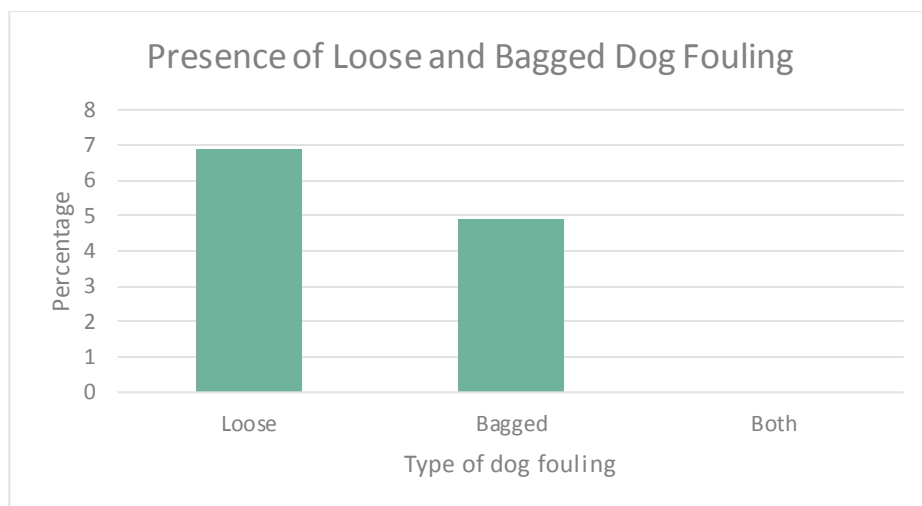
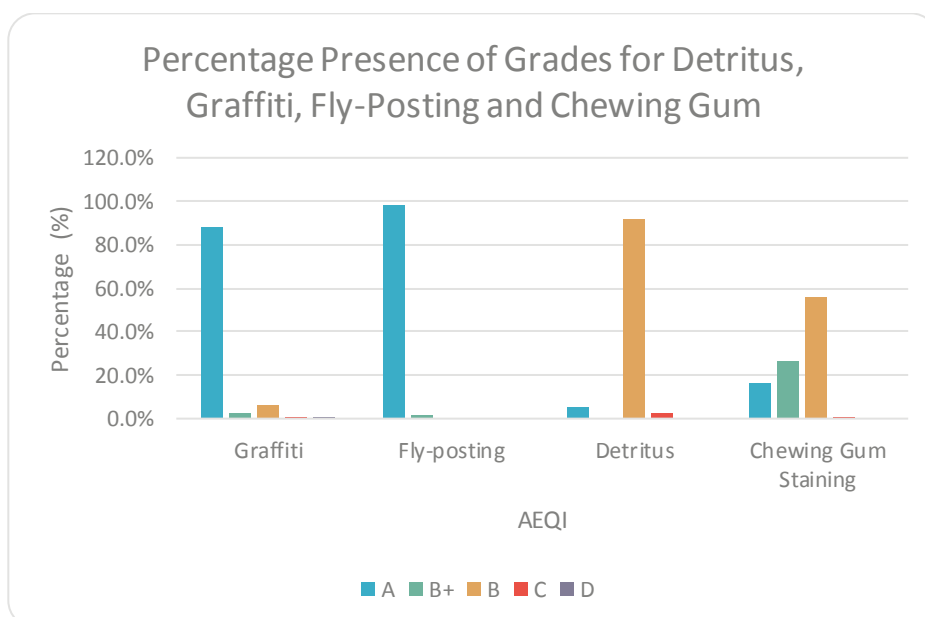


Figure 8: Percentage Presence of Grades for Detritus, Graffiti, Fly-posting and Chewing Gum



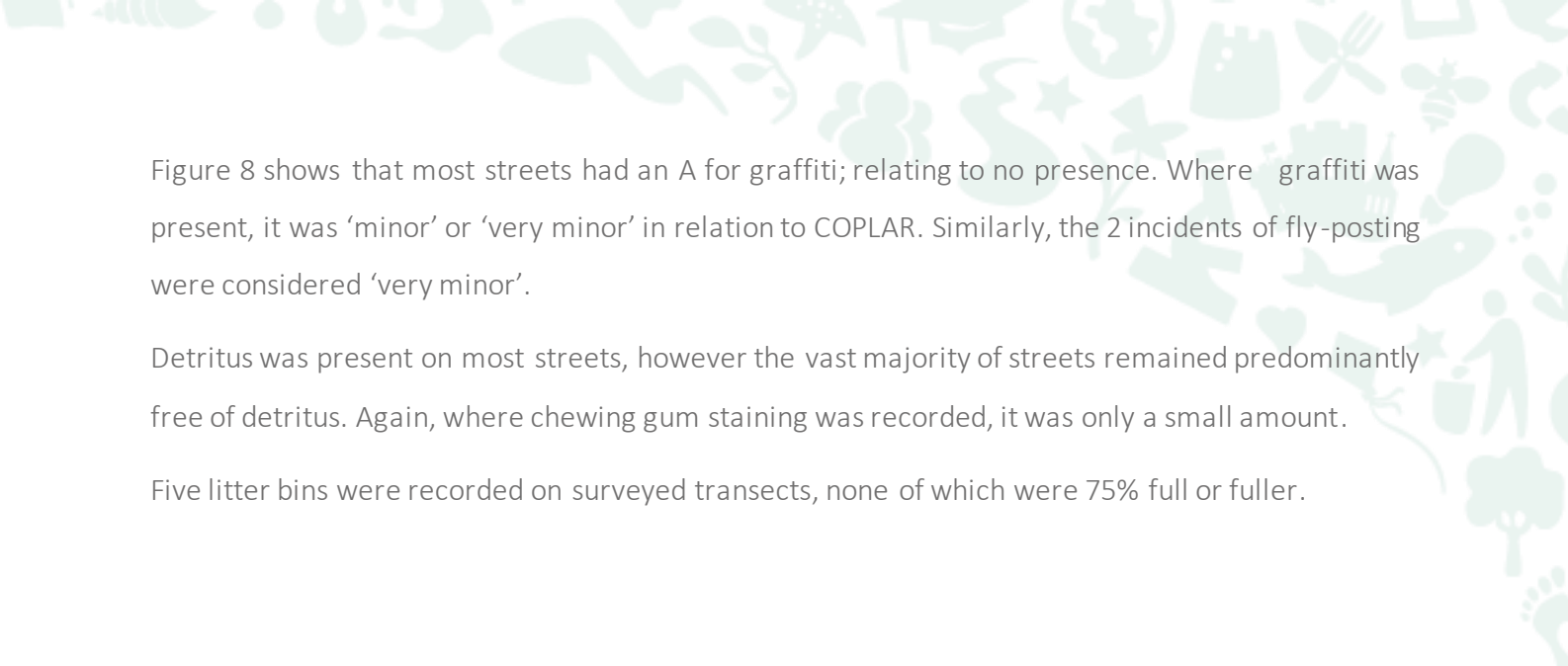


Figure 8 shows that most streets had an A for graffiti; relating to no presence. Where graffiti was present, it was 'minor' or 'very minor' in relation to COPLAR. Similarly, the 2 incidents of fly-posting were considered 'very minor'.

Detritus was present on most streets, however the vast majority of streets remained predominantly free of detritus. Again, where chewing gum staining was recorded, it was only a small amount.

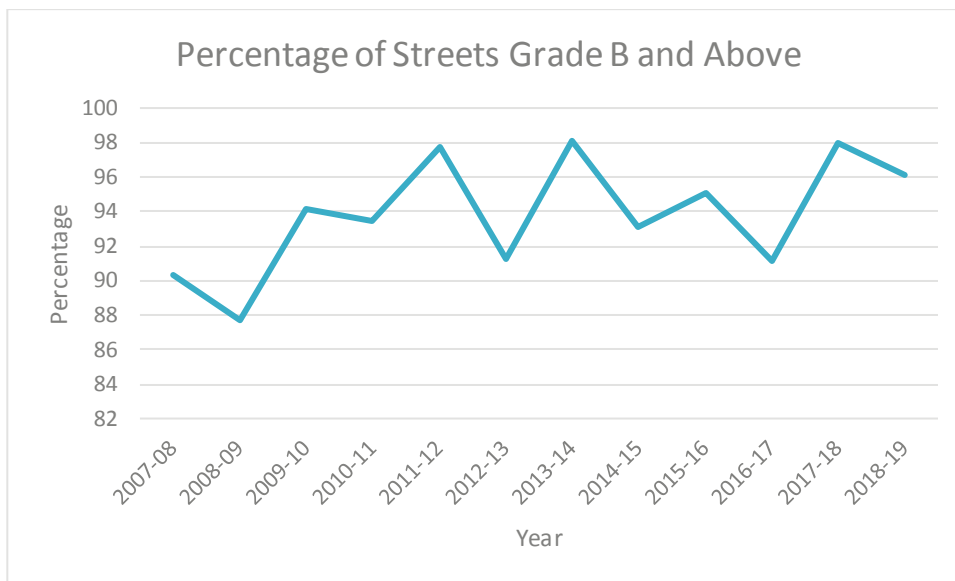
Five litter bins were recorded on surveyed transects, none of which were 75% full or fuller.

Part 2: Comparisons

This is the twelfth survey to have taken place in the Vale of Glamorgan. The comparison section will look at the trends for the percentage of streets awarded a B grade and above, the CI, all types and sources of litter as well as AEQIs since the first survey was undertaken in 2007-08.

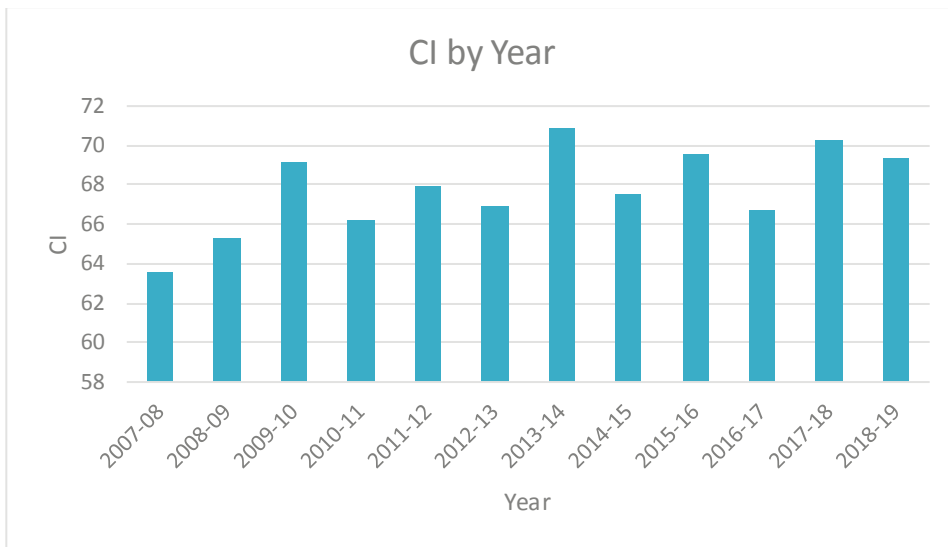
We hope that trends and issues shown in this section will be noted and responded to by the local authority.

Figure 9: Percentage of Streets Awarded a B Grade and Above by Year



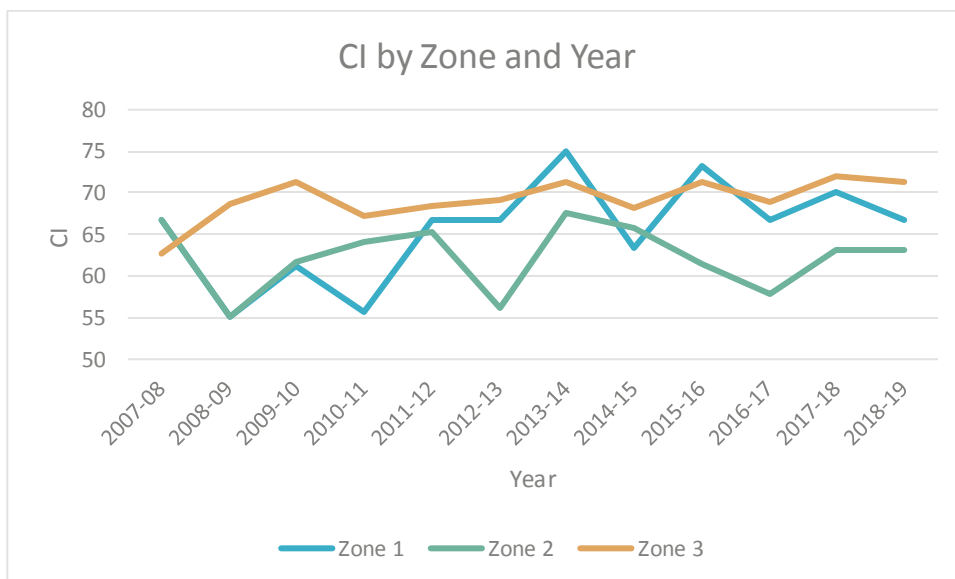
The percentage of streets awarded a B grade and above has fluctuated each year since 2007-08. The current figure is relatively high; indeed it is the fourth highest score over the 12 year period.

Figure 10: Cleanliness Indicator by Year



The CI figure for the Vale of Glamorgan has decreased slightly in the year to 2018-19 but it remains relatively high for the 12-year period.

Figure 11: Comparison of CI by Zone and Year



Throughout the 12-year period, Zone 3 has most often scored the highest of the three zones. Zone 2, meanwhile, has usually scored the lowest. Zone 1 has shown the biggest variation, and this relates to its small sample size. The CI for two of the three zones dropped in the course of the most recent year, however all generally compare favourably to the 12-year period.

Figure 12: Comparison of Grades by Year

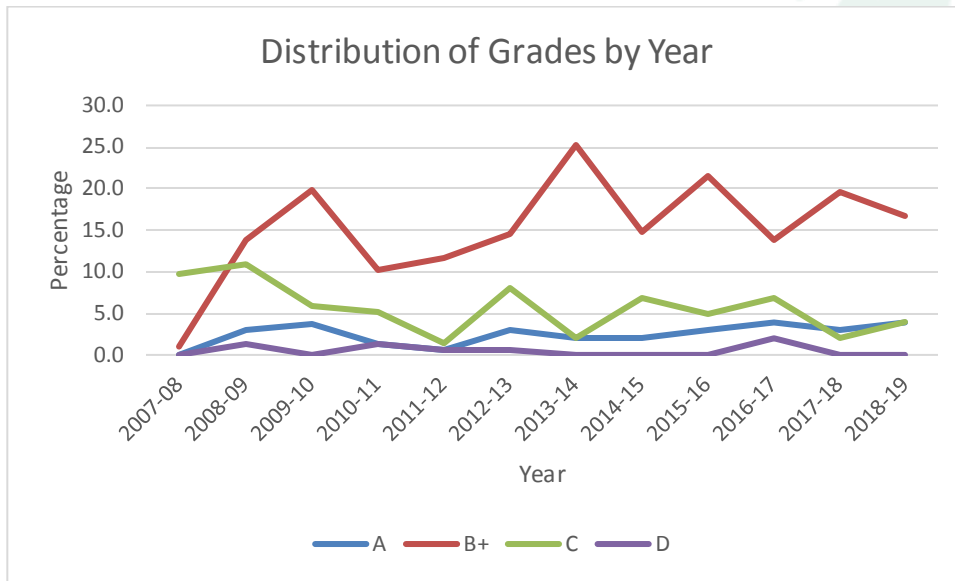
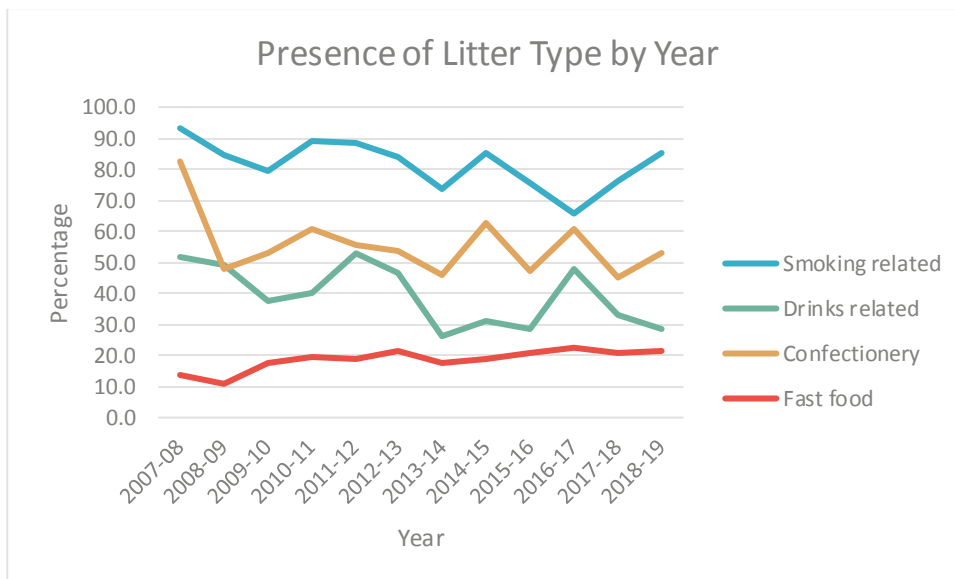


Figure 12 looks at the distribution of grades by year. B grades have consistently formed the highest proportion of grades awarded each year and have therefore been omitted from the graph. The B+ grade has been the next most common grade in all but one year of the 12-year period. Pleasingly, D grades have never represented more than 2% of the sample. There has been a consistent, albeit fairly small, proportion of A grades. The proportion of C grades has varied over the period and is currently notably below its height (worst year) of 2008-09.

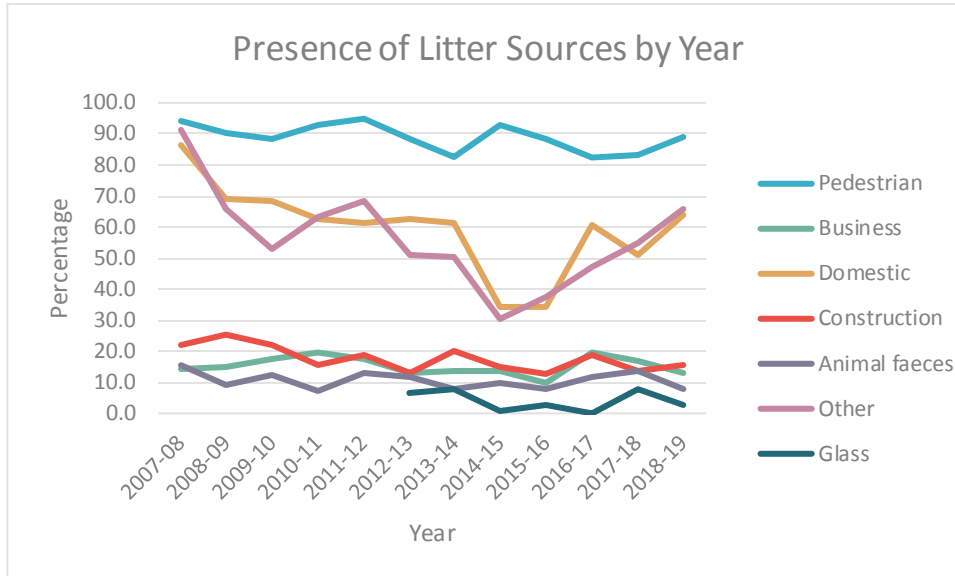
Figure 13: Comparison of Litter Types by Year



There has been a consistent pattern in the prevalence of litter types over the 12 year period. Smoking-related litter has remained the most common of all litter types, and its level has increased in the two most recent surveys. Confectionery has been the second most common litter type for all

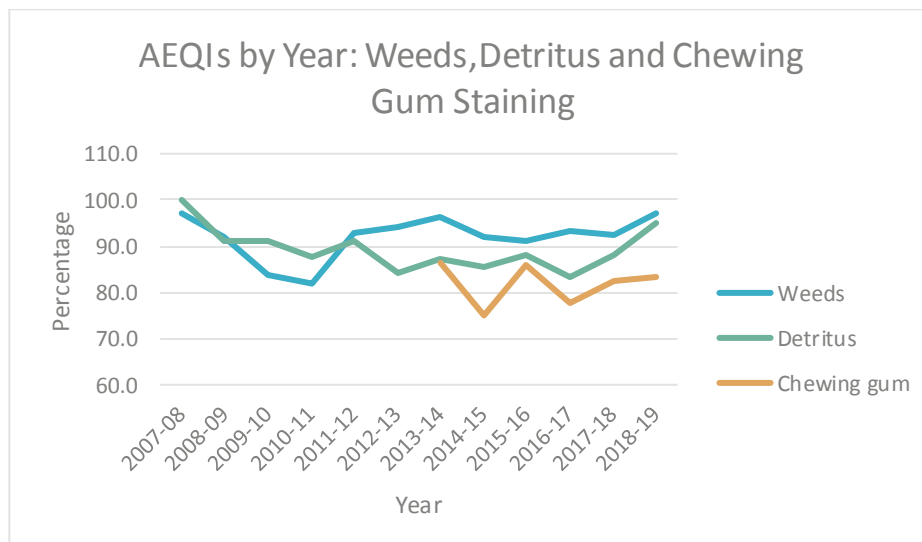
but one year. It has increased in the year to 2018-19 but remains well below the 2007-08 peak. Drinks related litter is shown to have decreased over the last two survey years. Fast food litter has been the least prevalent type but has remained stable at around a 20% presence.

Figure 14: Comparison of Litter Sources by Year



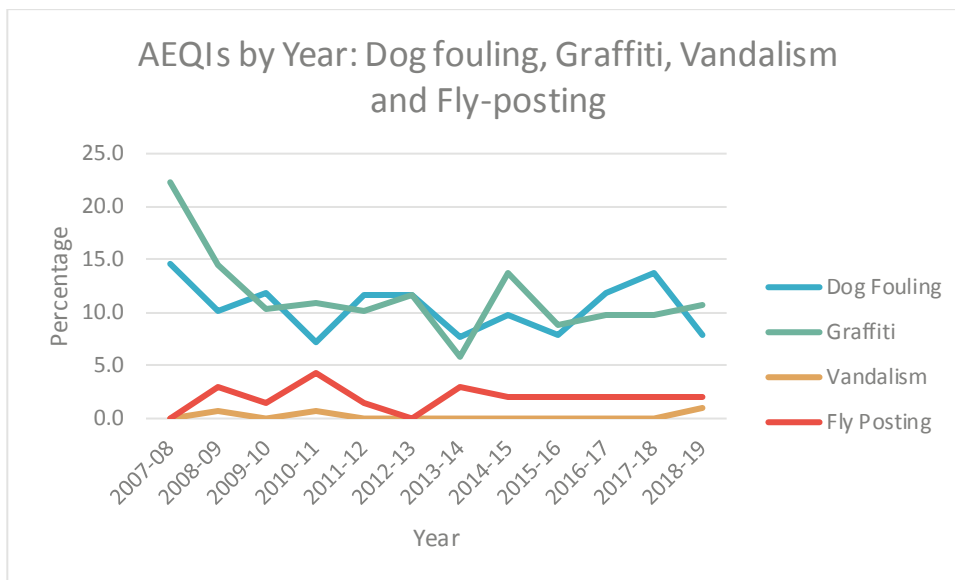
As would be expected, pedestrian litter has consistently remained the most prevalent of all litter sources. Domestic and other litter have broadly followed the same pattern with the most significant fluctuations over the years. Both sources have increased notably from 2015-16. Construction and business litter have broadly followed the same pattern; both present on around 15% of streets for the past two years. The current figure for animal faeces matches the second best figure over the 12 year period. The presence of glass has been monitored from 2012-13 and this has ranged from a 0% presence to 7.8%.

Figures 15: Comparison of AEQIs by Year: Weeds, Detritus, Chewing Gum Staining



Weeds and detritus have consistently been the most common AEQIs in the Vale of Glamorgan. The proportion of streets with weeds has increased in the most recent year and the current figure equals the highest of the 12-year period. Detritus has also increased in the year to 2018 and is now at the second highest figure from the period. The proportion of streets with chewing gum staining has been recorded from 2013-14. It has varied over the period since and currently near the middle of the range.

Figure 16: AEQIs by Year: Dog Fouling, Graffiti, Vandalism and Fly-posting



Graffiti has undergone the largest variation in percentage presence over the period. It is currently at 10.8%; notably below the baseline figure of 22.3%. The presence of dog fouling has also varied year on year. Dog fouling dropped in the year to 2018-19 and is currently at the joint lowest figure of the period. Fly-posting has been consistently low throughout the period and vandalism has only ever peaked at a 1% presence.

Keep Wales Tidy is always keen to hear of initiatives you are running locally to improve LEQ. If you have any good practice examples from the Vale of Glamorgan, then please send them to leq@keepwalestidy.cymru. We hope to see you later in the year at our National Local Environmental Quality event, when there will be an opportunity to discuss good practice with other local authorities.



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