Dinas a Sir Abertawe

Nodiadau'r Gweithgor Craffu – Gorfodi Amgylcheddol

Ystafell Bwyllgor 5 - Neuadd y Ddinas, Abertawe

Dydd Mawrth, 5 Chwefror 2019 am 10.00 am

Yn Bresennol: Y Cynghorydd J W Jones (Cadeirydd) oedd yn llywyddu

Y Cynghorwyr	**Y Cynghorwyr**	**Y Cynghorwyr**
A M Day	P Downing	E W Fitzgerald
D W Helliwell	C A Holley	L James
P K Jones	S Pritchard	W G Thomas

Hefyd yn bresennol

Mark Thomas	Aelod y Cabinet dros yr Amgylchedd a Rheoli Isadeiledd

Swyddogion

Chris Howell	Pennaeth Rheoli Gwastraff
Liz Jordan	Swyddog Craffu
Frances Williams	Arweinydd y Tîm Gorfodi

Ymddiheuriadau am absenoldeb
Y Cynghorwyr: C Anderson, V M Evans, M H Jones, S M Jones a/ac T M White

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1 **Datgeliadau o fuddiannau personol a rhagfarnol**

Ni chafwyd unrhyw ddatganiadau o gysylltiadau.

2 **Adroddiad Gorfodi Amgylcheddol**

Roedd y Cynghorydd Mark Thomas, Aelod y Cabinet dros yr Amgylchedd a Rheoli Isadeiledd, Chris Howell, Pennaeth Rheoli Gwastraff, Parciau a Glanhau, a Frances Williams, Arweinydd y Tîm Gorfodi, yn bresennol i friffio'r gweithgor ac i ateb cwestiynau.

Trafodwyd y prif faterion canlynol:

- Mae'n ardal heriol ar gyfer yr awdurdod.
- Mae atal yn bwysig iawn, rydym am weld nifer yr achosion yn lleihau. Gorfodi yw'r cam olaf.
- Mae tipio anghyfreithlon yn costio arian i'r awdurdod y gellid ei ddefnyddio ar gyfer pethau eraill. Mae angen lledaenu'r neges hon. Mae datganiadau i'r wasg yn cael eu cyhoeddi'n rheolaidd.
- Mae nifer yr achosion o dipio anghyfreithlon ar dir y cyngor wedi lleihau 39% dros y ddwy flynedd ddiwethaf. Mae'r gweithgor yn credu bod hyn yn drawiadol iawn a dylai'r awdurdod gyhoeddi hyn.

- Dyfarnwyd contract i 3GS yn 2013 i leihau sbwriel yng nghanol y ddinas. Mae 3GS yn gyfrifol am orfodi atal sbwriel a baw cŵn. Ni ddarparwyd y gwasanaeth hwn yn flaenorol. Mae'n gost niwtral i'r awdurdod. Mae 3GS yn derbyn canran y derbynebau o hysbysiadau o gosb benodol. Hoffai'r gweithgor gael gwybodaeth ariannol fanwl - sawl hysbysiad o gosb benodol a gyflwynir, cost yr erlyniadau, etc. a hoffai weld meini prawf y contract gyda 3GS.
- Mae perchnogion tir yn gyfrifol am gael gwared ar dipio anghyfreithlon ar dir preifat. Mae'r awdurdod yn cefnogi hyn ond nid yw'n cael gwared arno.
- Pan fydd aelodau'n adrodd am broblem, maent am gael gwybod yr hyn sydd wedi digwydd o ganlyniad. Dylai fod yn rhan o'r broses i roi gwybod i aelodau/y cyhoedd am yr hyn sy'n cael ei wneud.
- Gall yr awdurdod wneud 2 fath o oruchwyliaeth - CCTV a gwyliadwriaeth gudd. Maent yn destun deddfwriaethau gwahanol. Mae'n dibynnu ar gyfranogiad cymunedol i adnabod pobl.
- Gellir defnyddio ffilm camerâu borden flaen fel tystiolaeth ar gyfer erlyniadau taflu sbwriel ond efallai bydd angen i'r person sy'n rhoi'r dystiolaeth fynd i'r llys.
- Gall tystiolaeth ffotograffig ar y cyfryngau cymdeithasol fod yn ddefnyddiol ond bydd angen bod yn ofalus oherwydd ei bod yn destun sawl deddf.
- Hysbysiadau o gosb benodol yw'r ffordd fwyaf effeithiol o fynd i'r afael â'r troseddwyr sbwriel mwyaf parhaus.
- Mae angen atgyfnerthu'r neges i dimau bod angen iddynt godi unrhyw sbwriel sydd wedi cwympo allan o'r sachau ar yr un pryd pan fyddant yn casglu sachau du sydd wedi cael eu tipio fel nad oes angen iddynt ddychwelyd, am fod hyn yn wastraff o adnoddau.
- Mae bandiau elastig yn cael eu gollwng ar y ffyrdd a'r palmentydd gan swyddogion y post. Cytunodd Aelod y Cabinet i anfon llythyr i Swyddfa'r Post i ofyn i swyddogion y post beidio â'u gollwng.
- Bydd angen monitro gwm cnoi sy'n cael ei ollwng ar y palmentydd yn ofalus, yn enwedig ar balmentydd newydd yng nghanol y ddinas. Gellir gofyn i 3GS newid ei ffocws i ganolbwyntio ar balmentydd newydd ar Ffordd y Brenin, etc.
- Os adroddir am faw cŵn, bydd yr awdurdod yn dod ac yn cael gwared arno ond nid yw'n flaenoriaeth, felly bydd angen aros nes bod tîm glanhau yn yr ardal.
- Bydd angen i'r cyhoedd wybod y gallant gael gwared ar faw cŵn yn eu sachau du gartref. Bydd rhaid cyhoeddi hyn.
- Gwaherddir cŵn yn llwyr ar y traethau yn ystod yr haf. Mae cosb benodol amdano ac os na fydd perchnogion yn ei dalu ac yn mynd i'r llys, bydd angen iddynt dalu £2,000. Byddai'n braf gweld ffigurau sy'n dangos sawl gwaith y gorfodir y gwaharddiad cŵn ar draethau.
- Os adroddir am faw ceffylau ar balmentydd, bydd yr awdurdod yn ceisio ei lanhau pan fydd tîm glanhau yn yr ardal.
- Mae map o'r holl finiau gwastraff/finiau gwastraff cŵn ar gael. Byddai'n ddefnyddiol petai hwn yn cael ei ddosbarthu i'r holl aelodau. Hoffai'r gweithgor fod yr awdurdod yn ail-drafod lleoliadau biniau gwastraff cŵn.
- Mae'r gweithgor wedi'i siomi â nifer yr erlyniadau ar gyfer baw cŵn yn Abertawe. Mae'n isel iawn o'i gymharu ag awdurdodau eraill. Nodwyd bod hyn yn dibynnu ar ffocws yr awdurdodau.
- Mae 3GS yn gyfrifol am orfodi atal baw cŵn. Gall yr awdurdod ofyn i'r cwmni ganolbwyntio ar ardaloedd penodol wrth i achosion gael eu hadrodd. Mae'r gweithgor yn teimlo y dylai baw cŵn fod yn fwy o flaenoriaeth.

- Mae parcio ar balmentydd yn fater pwysig i bawb. Os nad oes llinellau melyn yno, cyfrifoldeb yr heddlu ydyw. Mae'r gweithgor yn teimlo bod problem sylweddol oherwydd bod palmentydd yno at ddefnydd pobl. Nid yw parcio ar balmentydd yn drosedd oni bai ei fod yn creu rhwystr ac mae'n rhaid i'r heddlu weld y weithred o rwystro wrth iddi ddigwydd. Yr unig ddatrysiad yw cydweithio rhwng yr heddlu a'r awdurdod lleol.
- Awgrymodd y gweithgor ymchwilio i sut y defnyddir y wardeniaid cymunedol yn ardaloedd Abertawe, a fyddai'n gyfrifol am dynnu sylw at yr holl faterion gorfodi yn yr ardal.
- Yr hyn sy'n denu sylw'r gweithgor yw'r dryswch ynghylch y ddeddfwriaeth. Dylai'r awdurdod ystyried rhoi pwysau ar bwy bynnag sy'n gyfrifol - Llywodraeth Cymru neu'r llywodraeth genedlaethol - i adolygu ac egluro'r ddeddfwriaeth.
- Ychwanegiad arfaethedig i'r is-ddeddf (pwynt 18.2 yr adroddiad) - hoffai'r gweithgor dderbyn eglurhad ar yr hyn y gallai hyn alluogi'r awdurdod i'w wneud.
- Mae dryswch ynghylch yr is-ddeddfau sy'n gysylltiedig â phriffyrdd a llwybrau a'r hyn mae'r awdurdod yn ei orfodi. Mae angen egluro'r hyn y gall yr awdurdod ei wneud/yr hyn na nall yr awdurdod ei wneud ynghylch gorfodi, er mwyn i'r cyhoedd gael gwybod am yr hyn rydym yn gyfrifol amdano a phwy i gysylltu ag ef os nad ydym yn gyfrifol am rywbeth.
- Nid yw'r aelodau wedi cael profiad da o'r awdurdod yn mynd i'r afael ag adroddiadau am ganghennau bargodol. Ni dderbyniwyd ymateb i nifer ohonynt ac nid ydynt wedi derbyn adborth.
- Cynghorodd Aelod y Cabinet yr aelodau i gysylltu â'u goruchwyliwr ardal lleol os oes mannau poblogaidd penodol yn eu wardiau - ar gyfer tipio anghyfreithlon, taflu sbwriel, etc. - oherwydd mai'r goruchwyliwr sydd yn y sefyllfa orau i fynd i'r afael â'r materion.

3 **Trafodaeth a Chwestiynau**

Trafododd y gweithgor gynnydd a daeth at y casgliadau canlynol:

1. Hoffem ganmol y tîm am eu gwaith da a'r hyn maent yn ei wneud.
2. Teimlwn fod nifer o faterion y mae angen i'r awdurdod eu cyhoeddi'n fwy er mwyn lledaenu'r neges:
   a) Cost tipio anghyfreithlon i'r awdurdod, sef arian y gellid ei ddefnyddio ar gyfer pethau eraill
   b) Gellir cael gwared ar faw cŵn yn eich sachau du gartref
   c) Straeon cadarnhaol megis lleihau nifer yr achosion o dipio anghyfreithlon ar dir cyngor yn ystod y ddwy flynedd ddiwethaf yn sylweddol
3. Hoffem dderbyn gwybodaeth ariannol fanwl am orfodi, er enghraifft sawl hysbysiad o gosb benodol sy'n cael eu cyflwyno, costau erlyniadau, etc.
4. Byddai'n ddefnyddiol i'r gweithgor weld meini prawf y contract â 3GS.
5. Rydym yn argymell newid gweithrediadau er mwyn i aelodau/y cyhoedd gael gwybod yn awtomatig am yr hyn sy'n digwydd o ganlyniad pan fyddant yn adrodd am broblemau.
6. Hoffem dderbyn cynnig Aelod y Cabinet i anfon llythyr i Swyddfa'r Post i ofyn i swyddogion y post beidio â gollwng bandiau elastig ar y palmentydd pan fyddant yn dosbarthu'r post.

7. Hoffem dderbyn ffigurau sy'n dangos sawl gwaith y gorfodir y gwaharddiad cŵn ar y traethau yn yr haf, oherwydd nad ydym wedi gweld llawer o dystiolaeth o orfodi.
8. Hoffem ofyn i'r map o'r holl finiau gwastraff/gwastraff cŵn gael ei ddosbarthu i'r holl aelodau oherwydd ei bod yn wybodaeth ddefnyddiol iddynt ei dosbarthu yn eu wardiau.
9. Rydym wedi'n siomi â nifer yr euogfarnau am faw cŵn yn Abertawe a theimlwn yn gryf fod angen sicrhau bod gorfodi atal baw cŵn yn fwy o flaenoriaeth.
10. Hoffem i'r awdurdod ymchwilio i sut y defnyddir wardeniaid cymunedol yn ardaloedd Abertawe, a fyddai'n gyfrifol am adnabod yr holl faterion gorfodi yn yr ardal.
11. Hoffem fynegi ein pryder ynghylch y dryswch o ran deddfwriaeth sy'n gysylltiedig â phriffyrdd a llwybrau. Teimlwn y dylai'r awdurdod roi pwysau ar bwy bynnag sy'n gyfrifol - Llywodraeth Cymru neu'r llywodraeth genedlaethol - i adolygu ac egluro'r ddeddfwriaeth.
12. Teimlwn fod angen i'r awdurdod roi gwybod i'r cyhoedd am yr hyn mae'n gyfrifol amdano o ran gorfodi a phwy i gysylltu ag ef os nad yw'r awdurdod yn gyfrifol am rywbeth. Rydym yn awgrymu dangos yr wybodaeth hon ar y wefan.
13. Hoffem dderbyn eglurhad ar yr hyn y gallai ychwanegiad arfaethedig is-ddeddf, o dan Ddeddf Gorllewin Morgannwg, alluogi'r awdurdod i'w wneud o ran cymryd camau gweithredu yn erbyn modurwyr sy'n parcio ar droedffyrdd ac ymylon yn rheolaidd, ac eu rhwystro.

Yn dilyn y cyfarfod hwn:

- Caiff llythyr ei ysgrifennu oddi wrth gynullydd y gweithgor i Aelod y Cabinet sy'n crynhoi'r drafodaeth ac yn amlinellu meddyliau ac argymhellion y gweithgor.

Llythyr y cynullydd at Aelod y Cabinet (cyfarfod 5 Chwefror 2019)

Daeth y cyfarfod i ben am 11.50 am

Cyngor Abertawe
Swansea Council

To:
Councillor Mark Thomas
Cabinet Member for Environment and Infrastructure Management

Please ask for: Gofynnwch am:	Scrutiny
Scrutiny Office Line: Llinell Uniongyrochol:	01792 637314
e-Mail e-Bost:	scrutiny@swansea.gov.uk
Date Dyddiad:	21 February 2019

Summary: This is a letter from the Environmental Enforcement Working Group to the Cabinet Member for Environment and Infrastructure Management following the meeting of the Working Group on 5 February 2019. It is about the enforcement / prevention of environmental issues.

Dear Cllr Thomas

The Environmental Enforcement Scrutiny Working Group met on 5 February to look at what is being done in relation to the enforcement / prevention of environmental issues such as fly tipping, dog fouling, litter, pavement parking etc., concerns about which seem to be regularly raised by the public.

This letter provides you with feedback from that meeting.

We would like to thank you, Chris Howell and Frances Williams for attending to present the report and answer questions. We appreciate your engagement and input.

Whilst the Working Group found the meeting informative and interesting, it did have some concerns and we would like to make the following comments.

- You informed us that this is a challenging area for the Authority; that prevention is very important as we want to see instances reduce and that enforcement is the final step.
- We heard that fly tipping costs the Authority money which could be used for other things. We feel there is a need to get this message out. You informed us that press releases are put out periodically.
- We were pleased to hear that the number of fly tipping incidents on council land reduced by 39% over last 2 years. We think this is very impressive and the Authority should be publicising this.

- We heard that 3GS were given a contract in 2013 to reduce littering in the city centre and that they are responsible for enforcement for littering and dog fouling. We also heard that this service was not previously provided and that it is cost neutral to the Authority as 3GS receives a percentage of receipts from issue of FPN's.
- We were informed that landowners are responsible for removal of fly tipping from private land and that the Authority supports this but does not remove it.
- We expressed our frustration that when Members report an issue they want to be informed about what has happened as a result and they are not being informed in many cases. It should be part of the process to notify Members/public of what is being done.
- We were informed the Authority is allowed to carry out 2 types of surveillance – CCTV and covert surveillance - and that they are subject to different legislation and rely on community buy in to identify people. We heard that Dashcam footage can be used as evidence for littering prosecutions but that the person providing evidence may have to go to court and therefore often does not want to be involved. We also heard that photographic evidence on social media can be useful but we have to be very careful as it is subject to a lot of legislation.
- We were informed that the threat of FPNs is the most effective way to deal with the most persistent offenders of littering.
- We raised the issue that when collecting black bags that have been dumped, the cleansing team should pick up litter that has come out of bags at the same time so they do not have to come back again, as it is a waste of resource. It was agreed that this message would be reinforced with teams.
- The issue was raised that elastic bands are dropped on roads and pavements by post men/women. You offered to send a letter to the Post Office requesting post men/women do not drop them.
- We felt that there needs to be careful monitoring of chewing gum being dropped on pavements, especially new pavements in city centre. We were informed that 3GS can be requested to change their focus to check new pavements, on the Kingsway etc
- We heard that if dog fouling is reported, the Authority will come and clear it up but it is not a priority, it will wait until a cleansing crew is in the area
- We were informed that the public can dispose of dog fouling in their own black bags at home. We feel people need to be made aware of this and that it needs to be publicised.
- We heard that there is a total beach ban for dogs during the summer and that there is a fixed penalty for it and if owners do not pay and go to court they will pay £2000. It would be useful to see figures on how often the beach ban is enforced
- We were informed that if horse fouling of pavements is reported, the Authority will look to clean it up when a cleansing team is in the area
- We heard that a map of all waste bins/dog bins is available. It would be useful for this to be sent out to all Members and for the Authority to revisit where dog bins are located
- We were disappointed to hear the number of prosecutions for dog fouling in Swansea. It is extremely low compared to other authorities. We were informed that it depends on the authorities' focus.
- We also heard that 3GS is responsible for enforcing dog fouling. The Authority can request they focus on certain areas as incidents get reported. The Working Group feels enforcement of dog fouling should be more of a priority.

- We expressed our concern that pavement parking is a huge issue for everyone. We heard that when there are no yellow lines it is a police responsibility. We feel there is a significant issue about pavements being for people. We also heard that parking on the pavement is not an offence unless it is causing an obstruction and the police have to witness this obstruction as it is happening. We feel the only way to resolve it is for the police and local authority to work together.
- We suggested investigating the use of community wardens in areas of Swansea, who would be responsible for highlighting all enforcement issues in the area.
- What is striking to the Working Group is the legislative confusion. We feel the Authority should be considering lobbying for review and clarification of legislation with whoever is responsible – Welsh Government or national government.
- In respect of the proposed addition of a bylaw (point 18.2 of report), we would like clarification on what this could potentially allow the Authority to do.
- We expressed our concern that there is confusion over byelaws concerning highways and tracks and what the Authority enforces. We feel there is a need to clarify what the Authority can and cannot do with regards enforcement so the public can be informed what we are responsible for and who to contact if we are not.
- Members informed you that they had not had good experiences of the Authority dealing with reports of overhanging branches. Many were not responded to and had not received feedback. You agreed that this was not acceptable.
- You advised Members to contact their local area supervisor if they have certain hotspots in their wards – fly tipping, littering etc – as they are best placed to deal with the issues.

Following the meeting, we discussed progress and made the following conclusions:

1. We would like to commend the team for the good work that they are doing.
2. We feel there are a number of issues the Authority needs to publicise more to get the message out:
   a) How much fly tipping costs the Authority, money which could be used for other things
   b) That dog fouling can be disposed of in own black bags at home
   c) Positive news stories such as the big reduction in the number of fly tipping incidents on council land during last two years.
3. We would like to see detailed financial information on enforcement, for example how many FPN's are issued, costs of prosecutions etc.
4. It would be useful for the Working Group to see the criteria for the contract with 3GS.
5. We recommend a change to procedures so that when Members/Public report issues they are automatically notified of what happens as a result.
6. We would like to take up your offer of sending a letter to the Post Office requesting post men/women do not drop elastic bands on pavements whilst out delivering mail.
7. We would like to see figures on how often the beach ban for dogs during the summer is enforced, as we have not seen much evidence of enforcement.
8. We would like to request that the map of all waste bins/dog bins is sent to all members as this is useful information for them to disseminate in their wards.

9. We are disappointed at the number of convictions for dog fouling in Swansea and feel strongly that the enforcement of dog fouling needs to be made more of a priority.
10. We would like to see the Authority investigate the use of community wardens in areas of Swansea, who would be responsible for highlighting all enforcement issues in the area.
11. We would like to express our concern about the confusion around legislation concerning highways and tracks. We feel the Authority should be lobbying for review and clarification of legislation with whoever is responsible – Welsh Government or national government.
12. We feel the Authority needs to inform the public of what it is responsible for with regards enforcement and who to contact if the Authority is not responsible. We suggest this information is shown on the website.
13. We would like clarification on what the proposed addition of a bylaw, under the West Glamorgan Act, could potentially allow the Authority to do in terms of taking action against motorists who consistently park on and obstruct footways and verges.

Your Response

We hope you find this letter useful and informative. We are interested in hearing your thoughts about the issues raised and would ask that you respond to the points in our conclusions by 14 March 2019.

Yours sincerely

COUNCILLOR JEFF JONES
CONVENER, ENVIRONMENTAL ENFORCEMENT SCRUTINY WORKING GROUP
CLLR.JEFF.JONES@SWANSEA.GOV.UK