



City and County of Swansea

Notes of the **Scrutiny Working Group - Environmental Enforcement**

Committee Room 5 - Guildhall, Swansea

Tuesday, 5 February 2019 at 10.00 am

Present: Councillor J W Jones (Chair) Presided

Councillor(s)

A M Day
D W Helliwell
P K Jones

Councillor(s)

P Downing
C A Holley
S Pritchard

Councillor(s)

E W Fitzgerald
L James
W G Thomas

Other Attendees

Mark Thomas Cabinet Member - Environment & Infrastructure Management

Officer(s)

Chris Howell Head of Waste Management
Liz Jordan Scrutiny Officer
Frances Williams Team Leader Enforcement

Apologies for Absence

Councillor(s): C Anderson, V M Evans, M H Jones, S M Jones and T M White

1 Disclosure of Personal and Prejudicial Interests

No disclosures of interest were made.

2 Environmental Enforcement Report

Councillor Mark Thomas, Cabinet Member for Environment and Infrastructure Management, Chris Howell, Head of Waste Management, Parks and Cleansing and Frances Williams, Team Leader Enforcement attended to brief the Working Group and answer questions.

The following main issues were discussed:

- This is a challenging area for the Authority.
- Prevention is very important, want to see instances reduce. Enforcement is the final step.
- Fly tipping costs the Authority money which could be used for other things. Need to get this message out. Press releases are put out periodically.

- Number of fly tipping incidents on council land reduced by 39% over last 2 years. Working Group thinks very impressive and Authority should be publicising this
- 3GS given contract in 2013 to reduce littering in the city centre. 3GS is responsible for enforcement for littering and dog fouling. The service was not previously provided. It is cost neutral to the Authority. 3GS receives a percentage of receipts from issue of FPN's. Working Group would like detailed financial information– how many FPNs issued, costs of prosecutions etc and would like to see the criteria for the contract with 3GS
- Landowners responsible for removal of fly tipping from private land. The Authority supports this but does not remove it.
- When Members report an issue they want to be informed about what has happened as a result. It should be part of the process to notify Members/public of what is being done.
- Authority is allowed to carry out 2 types of surveillance – CCTV and covert surveillance. They are subject to different legislation. Relies on community buy in to identify people.
- Dashcam footage can be used as evidence for littering prosecutions but person providing evidence may have to go to court.
- Photographic evidence on social media can be useful but have to be very careful as subject to a lot of legislation.
- FPNs are most effective way to deal with most persistent offenders of littering.
- Need to reinforce with teams that when collecting black bags that have been dumped, they should pick up litter that has come out of bags at same time so they do not have to come back again, as waste of resource
- Elastic bands are dropped on roads and pavements by post men/women. Cabinet Member agreed to send letter to Post Office to request post me/women do not drop them.
- There needs to be careful monitoring of chewing gum being dropped on pavements, especially new pavements in city centre. 3GS can be requested to change their focus to check new pavements on Kingsway etc
- 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
- Public need to be made aware that they can dispose of dog fouling in their own black bags at home. This needs to be publicised.
- There is a total beach ban for dogs during the summer. There is a fixed penalty for it and if owners do not pay and go to court they will pay £2000. Would be good to see figures on how often beach ban is enforced
- If horse fouling of pavements is reported, the Authority will look to clean it up when a cleansing team is in the area
- A map of all waste bins/dog bins is available. It would be useful for this to be sent out to all Members. Working Group would like the Authority to revisit where dog bins are located
- Working Group disappointed at number of prosecutions for dog fouling in Swansea. It is extremely low compared to other authorities. Informed it depends on the authorities' focus.
- 3GS is responsible for enforcing dog fouling. The Authority can request they focus on certain areas as incidences get reported. Working Group feels enforcement of dog fouling should be more of a priority.

- Pavement parking is a huge issue for everyone. When there are no yellow lines it is a police responsibility. Working Group feels there is a significant issue about pavement being for people. 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. Only way to resolve it is for police and local authority to work together.
- Working Group 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. The Authority should be considering lobbying for review and clarification of legislation with whoever is responsible – Welsh Government or national government.
- Proposed addition to bylaw (point 18.2 of report) – Working Group would like clarification on what this could potentially allow the Authority to do.
- There is confusion over bylaws concerning highways and tracks and what the Authority enforces. 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 not had good experience of Authority dealing with reports of overhanging branches. Many not responded to and have not received feedback
- Cabinet Member advised Members to contact their local area supervisor if have certain hotspots in their wards – fly tipping, littering etc – as they are best placed to deal with the issues.

3 Discussion and Conclusions

The Working Group 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 the Cabinet Member's 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.

Following on from this meeting:

- A letter will be written from the Convener of the Working Group to the Cabinet Member, summarising the discussion and outlining the Working Group's thoughts and recommendations.

The meeting ended at 11.50 am



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

Please ask for: Scrutiny
Gofynnwch am:
Scrutiny Office 01792 637314
Line:
Llinell
Uniongyrchol:
e-Mail scrutiny@swansea.gov.uk
e-Bost:

Date 21 February 2019
Dyddiad:

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.

OVERVIEW & SCRUTINY / TROSOLWG A CHRAFFU

SWANSEA COUNCIL / CYNGOR ABERTAWE

GUILDHALL, SWANSEA, SA1 4PE / NEUADD Y DDINAS, ABERTAWE, SA1 4PE

www.swansea.gov.uk / www.abertawe.gov.uk

I dderbyn yr wybodaeth hon mewn fformat arall neu yn Gymraeg, cysylltwch â'r person uchod
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- 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.
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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