

# ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY COMMITTEE

## 3<sup>RD</sup> MARCH 2017

### ENVIRONMENTAL ENFORCEMENT UPDATE

#### To consider and comment on the following issues:

1. Implementation of Public Space Protection Orders, Community Protection Orders.
2. Tackling Fly tipping.
3. Update on enforcement operational matters.

#### Reasons:

#### For the committee's Information

To be referred to the Executive Board / Council for decision: NO

EXECUTIVE BOARD MEMBER PORTFOLIO HOLDER:- Cllr T James Jones (Environment& Public Protection)

Directorate

Environment

Name of Head of Service:

Ainsley Williams

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# EXECUTIVE SUMMARY

## ENVIRONMENTAL & PUBLIC PROTECTION SCRUTINY 3<sup>RD</sup> MARCH 2017

### ENVIRONMENTAL ENFORCEMENT UPDATE

To provide Scrutiny Committee with an update of enforcement matters including Public Space Protection Orders, Community Protection Notices, tackling Fly tipping and a general update on Enforcement issues.

#### 1. Public Space Protection Order

The Anti-social Behaviour, Crime and Policing Act 2014 introduced several new tools and powers for use by local authorities and partners to address anti-social behaviour (ASB) in their local areas. These tools, which replaced and streamlined a number of previous measures, were brought in as part of a government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly for those who may be most vulnerable.

Public Spaces Protection Orders (PSPOs) are one of the tools available under the 2014 Act. These are wide-ranging and flexible powers for local authorities, which recognise that councils are often best placed to identify the broad and cumulative impact that ASB can have. The Act gives councils the authority to draft and implement PSPOs in response to the particular issues affecting their communities, provided certain criteria are met.

Councils can use PSPOs to prohibit specified activities, and/or require certain things to be done by people engaged in particular activities, within a defined public area. PSPOs differ from other tools introduced under the Act as they are council-led, and rather than targeting specific individuals or problem properties, they focus on the identified problem behaviour in a specific location. The legislation provides for restrictions to be placed on behaviour which apply to everyone in that locality (or people in certain categories). Breach of a PSPO without a reasonable excuse is an offence.

A Public Space Protection Order was implemented on the 1<sup>st</sup> of September 2015 following a public consultation. That order enables the officers to issue fixed penalty tickets to persons who let their dogs foul anywhere in Carmarthenshire where the public have access. In addition, other powers included requesting persons to put their dog on a lead, and a ban of dogs from enclosed children's play areas. The penalty had been increased from £75 to £100. An early repayment was introduced reducing the amount from £100 to £50 if paid within 10 days.

Officers were trained, given amended penalty ticket books and have issued 13 fixed penalty tickets to date.

A letter has recently been sent from the Chairman of the Council requesting that Police Support Officers and Police Officers be designated for the purpose of issuing fixed penalty tickets in accordance with the Public Space Protection Orders. If agreeable, it would help in alleviating the high expectations placed on the Environment Enforcement section to enforce.

A number of similar conversations are occurring with colleagues in Leisure to scope the possibility of their staff issue fixed penalty tickets.

A joint initiative between the Police, Fire Service and Carmarthenshire County Council that allows for community groups to report anti-social behaviour issues directly. The initiative is called "Paws on patrol". Funding has been provided jointly and will go towards arranging events, literature and raise the awareness of the ASB issues in their community.

In other circumstances it may be more appropriate to use tools such as community protection notices (CPNs). CPNs are used against specific individuals responsible for causing harm, or for tackling particular problem premises, unlike PSPOs which create a broader ban covering a whole area. Similarly, in many cases existing legislation covering various forms of anti-social behaviour or public order may be adequate.

As a result Officers have issued a CPN letter and two further CPN's are presently under consideration.

## 2. Fly Tipping

Statistics from the Welsh Government have shown that Carmarthenshire is in the top 5 authorities in Wales in relation to fly tipping. The success is mainly due to an intelligence led approach collecting information, analysing and targeting incidents where the officers have a variety of techniques to apprehend offenders.

The section utilises Fly mapper which is a GIS mapping feature allowing staff to analyse data and take the appropriate action. (See Appendices A and B attached)

The cases are published thereby providing a deterrent to any future offenders. In 2016, 40 prosecutions have been undertaken.

Other approaches are also utilised to tackle fly tipping for example education and awareness, engaging the community in clean ups which hopefully deter further repeats.

## 3. Enforcement Operational Matters

Following an enforcement review on the 1<sup>st</sup> February, 2017 the officers were given new areas and boundary changes were made to balance workloads across the 4 teams. The County has been split in to four areas - teams now cover the North West, North East, South East and South West.

A review of the effectiveness of this arrangement will be undertaken after 6 weeks of operation.

<b>DETAILED REPORT ATTACHED?</b>	<b>NO</b>
<b>APPENDICES ATTACHED?</b>	<b>YES</b>  <b>Appendix A – Fly tipping - Map of Incidents</b> <b>Appendix B – Fly tipping – Incidents by waste category and size</b>

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: Ainsley Williams

Head of Waste & Environmental Services

Policy, Crime & Disorder and Equalities	Legal	Finance	ICT	Risk Management Issues	Staffing Implications	Physical Assets
NONE	NONE	NONE	NONE	NONE	NONE	NONE

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: Ainsley Williams

Head of Waste & Environmental Services

**(Please specify the outcomes of consultations undertaken where they arise against the following headings)**

1. Local Member(s) - N/A

2. Community / Town Council – N/A

3. Relevant Partners - N/A

4. Staff Side Representatives and other Organisations - N/A

**Section 100D Local Government Act, 1972 – Access to Information**  
List of Background Papers used in the preparation of this report:

THERE ARE NONE