

# Street Enforcement Scrutiny Investigation Report

## **Investigation Members**

Councillor Annwen Daniels (Chair)  
Councillor Angela Russell  
Councillor Mike Stevens  
Councillor Dilwyn Morgan  
Councillor Annwen Hughes  
Councillor Tudor Owen

## **Officers**

Arwel E. Jones (Lead Officer)  
Peter Simpson (Streetscene Services Manager)  
Lowri Evans (Support Officer)

Gwynedd Council  
Shirehall Street,  
Caernarfon,  
Gwynedd  
LL55 1SH

September 2016

## Contents

<b>The Report</b>	<b>Page</b>
1. Context	3
2. Purpose of the Scrutiny Investigation	4
3. Main Activity of the Investigation	4
4. Main Findings and Recommendations of the Investigation	6
<b>Appendices</b>	
Appendix 1 - Staffing Structure of the Streetscene Services (upon the commencement of the investigation)	12
Appendix 2 - Outline of the questions asked to representatives from other councils	14
Appendix 3 - Outline of the questions asked to representatives from private providers working in the field	15
Appendix 4 - Outline of the questions asked to North Wales Police about their enforcement and policing responsibilities in the street cleaning field	16
Appendix 5 - Enquiry form used with members of the Residents' Panel and community councils within the county	17
Appendix 6 - APSE (Association of Public Service Excellence) Survey – The move towards amalgamating environmental enforcement activities into one service area.	19
Appendix 7 - Outline of the responses received to the questions in Appendix 5.	25
Appendix 8 - Responses provided by the Police in response to the questions regarding its input in dealing with environmental crimes	to follow

## 1. Context

- 1.1 The quality of the local environment and street cleanliness is one of the factors that causes most concern to residents. In all public opinion polls, street cleanliness is amongst the most important issues in terms of resident satisfaction regarding their home area and also in terms of their satisfaction with the Council's services. The Council has recognised this in the past through projects like "A Quality Environment" and through establishing the Street Enforcement Service. In addition, there are a number of measures in this area in the Council's Strategic Plan.
- 1.2 The Communities Scrutiny Committee requested a report from the Cabinet Member regarding the issue in May 2015. The committee decided that the matter required a higher priority on the committee's work programme and that consequently a scrutiny investigation into the field should be commissioned and to give this work priority over other fields that had been identified as potential fields of investigation. The committee accepted the brief for the investigation's work at its meeting in September 2015 and it commenced its work in November 2015.
- 1.3 The Street Enforcement Service is a relatively small team of 8 people working within a net budget, which stood, at the start of the Investigation, at £300,150. However, during the Investigation's work period, decisions were made as part of the Gwynedd Challenge, which meant that the budget would reduce by £64,500 during 2016/17.
- 1.4 The team is responsible for raising awareness and educating the public to ensure a clean and safe environment, the Tidy Towns Initiative, implementing policies regarding graffiti, needles and lanterns, monitoring the performance of street cleanliness and conducting and assisting in a range of relevant campaigns. A copy of the Unit's Staffing Structure at the start of the Investigation's work is attached as Appendix 1a to this report. That situation changed during the Investigation as a result of decisions in Gwynedd Challenge, as mentioned in paragraph 4.2 and in finding number 3 under paragraph 4.9. The revised structure is shown in Appendix 1b.
- 1.5 The Street Service is responsible for ensuring street and waste presentation enforcement including:-
  - dog control, litter, graffiti and posters,
  - fly tipping, introducing waste, commercial waste, waste transfer and duty of care.

The team shoulders a significant workload that is of great public interest. During the 2015/16 financial year, Galw Gwynedd directed 1,775 calls to the Street Enforcement Team regarding various issues such as waste crimes, misuse of bins, fly tipping, dog control, requests for on-street bins, dog fouling bins, graffiti and illegal posters and needles. This is in addition to the 1,522 calls in the field that were directly referred to the Works Unit.

- 1.6 The Service is able to penalise by issuing fixed penalties for environmental crimes under various statutory provisions. However, the unit's accounts show that the income received from fines over the past three years has been approximately £5,300 a year, against an income target in the Ledger of £18,500 for the team and others who have enforcement powers in this area.
- 1.7 It is important to note that what the Service does in the field is subject to various pieces of legislation. Since its establishment in 2008, the unit has operated mainly under the Environmental Protection Act 1990 and the Clean Neighbourhoods and the Environment Act 2005. However, from 2016 onwards, it will also operate under the Anti-social Behaviour, Crime and Policing Act 2014.

## **2. Purpose of the Scrutiny Investigation**

- 2.1 The Scrutiny Committee agreed on the scope of the Investigation which noted the following:-

It was noted that the Investigation would initially seek to obtain an understanding regarding:-

- The expectations and statutory requirements associated with the service
- The current performance of enforcement outputs
- The level of resources available for enforcement

The Investigation would then attempt to answer the following questions:-

- Other possibilities that are available to assist with enforcement e.g. police
- What other possibilities are available in terms of using a specialist company/companies to issue fixed penalty notices (as is in operation in some other counties)

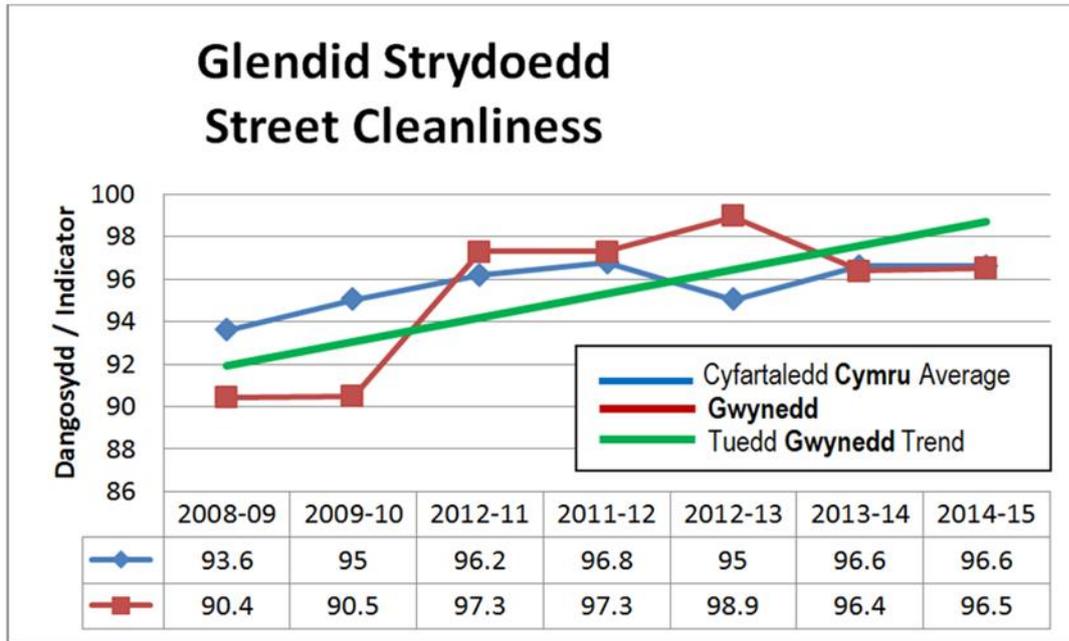
- 2.2 The Investigation aimed to formulate clear evidence-based recommendations to be considered by the Cabinet Member and to give appropriate consideration to any barriers and how to overcome them.

## **3. Main Activity of the Investigation**

- 3.1 The Investigation met with the Cabinet Member, the Head of Service and the Streetscene Service Manager to reach agreement on a detailed work programme actioned over 11 meetings. In addition, the Service Manager made regular contributions towards the Investigation's work and discussions were occasionally held with the Cabinet Member and Head of Service during the work.
- 3.2 The Investigation received very useful information regarding the service's performance in Gwynedd in comparison with other areas. That information showed that the comparative performance in terms of street cleanliness was relatively positive, for example, with Gwynedd awarded a cleanliness score of

71.7 compared with 67.9 across Wales and 67.8 in Gwynedd in the previous year.

**% o briffyrdd a thir perthnasol sydd o safon glanweithdra uchel neu dderbyniol**  
**% of highways and relevant land of a high or acceptable standard of cleanliness**



*Arolwg annibynnol Cadwch Cymru'n Daclus / Keep Wales Tidy's independent survey*

- 3.3 Members of the Investigation spent time shadowing the work of the officers in the field in the Bangor and Bala area in order to see the nature of the work they undertook in the community.
- 3.4 It very soon became apparent to the Investigation that the field is receiving attention by a number of councils and that it is important to learn from the experiences of others. Therefore, discussions were held with representatives from Denbighshire and Wrexham Councils and with a field expert from the Association of Public Services Excellence who had just completed a survey on how UK Councils cope with the challenge of providing such services at a time when resources are disappearing. (Copies of the questions asked of the representatives from other councils are attached as Appendix 2)
- 3.5 The Investigation also examined the fact that the Council has a broad range of enforcement powers across various services and numerous different officers implementing those powers across the county. Discussions were held with the officers responsible for enforcing some of those powers in order to ascertain whether or not there is room to rationalise the use made of enforcement powers.
- 3.6 Upon researching the responses of other councils, it became apparent that many now externalised aspects of that work to a private company and a meeting was held with the representatives of a private provider that operated in the field on behalf of other councils in North Wales. (Copies of the questions asked of the representatives are attached as Appendix 3)

- 3.7 Questions were also asked of the representative from North Wales Police in an attempt to establish North Wales Police's level of commitment to be part of the Council's intentions to tackle environmental crimes. (Copies of the questions asked of the Police are attached as Appendix 4)
- 3.8 A consultation was held with members of the Residents' Panel and also with community councils within the county to seek further observations from them on the importance of taking action in the enforcement field as well as their response should the Council take a firmer stance against such crimes. (A copy of the forms for the questionnaire is attached as Appendix 5)

#### **4. Main Findings of the Investigation**

- 4.1 The Investigation has considered the service quite extensively and acknowledges its importance in respect of the community's sense of well-being, including economic well-being. It has also identified the service as a valuable one but also as one that is under pressure to respond to requests and high expectations. Therefore, regardless of what the Council achieved and failed to achieve in the past, it is timely for the Investigation to have taken stock as specific attention needed to be given to the field in order to see further improvement in the future.
- 4.2 In addition, the Service has had to face recent cuts which has meant that the Service is unable to operate as it has done in the past. Therefore, it is necessary to revisit the use made of the remaining resources and consider other solutions for aspects of the work.
- 4.3. It is essential to have resident cooperation in order to have clean streets. The Service has conducted some campaigns to change behaviour in the past and has experienced some success with those campaigns. However, the demand is high and the resources available to address that are dwindling. Therefore, it is essential to have a clear focus on raising awareness and on changing behaviours in the Service in the future.
- 4.4 The Investigation has identified the fact that the Council has enforcement resources in various fields across different departments; undoubtedly each of these teams is under pressure. If it accepts the Ffordd Gwynedd challenge of examining the subject from the customer's perspective, the Council must think of a way to use those resources more flexibly. This is an issue that the Association of Public Service Excellence (APSE) has looked at recently, as can be seen from Appendix 6. This, it seems, is a subject that could take more time to realise, as it could involve a structural change; however, it deserves attention as it could lead to better use being made of scarce resources across the county.
- 4.5 The Council has experienced a degree of success when collaborating with volunteers on specific campaigns, such as Bangor Pride, Balchder Bro Dyffryn Ogwen and Felin Daclus. in the past. However, some are frustrated that we have failed to take full advantage of the desire and willingness amongst some to volunteer in the field. The Investigation's work has clearly identified that

there is room to take full advantage of the willingness of volunteers but that energy must be used in the right way, without placing volunteers in situations that they are not competent to deal with.

- 4.6 There are many examples from other areas where councils take advantage of the fact that there is a desire amongst businesses and companies to show their social conscience by supporting local enterprises. Such enterprise would be most suited for something associated with the work of volunteers and this must be considered.
- 4.7 When re-prioritising the focus of the internal team, the Investigation believes that there is at least some room to experiment with arrangements that would bring an external company in to shoulder some of the enforcement work. The aim would be to address the lack of income from fines to an extent and would also prove to what degree can a firmer approach improve the service's income flow and also make a general impression on street cleanliness within the county. Research undertaken by the Investigation has shown that there is a clear desire amongst the public and community councils for the Council to adopt a harder line towards environmental crime and move towards stricter procedures for issuing fines. The recommendations noted below include the steps to achieve that including a specific recommendation to raise awareness about the change afoot so that residents are prepared for the change.
- 4.8 Of course, it is not the Council alone that has responsibilities in the field and the contributions of other partners such as the Police will be very important in the future if we wish to use all public resources to improve performance in the field.
- 4.9 The main conclusions of the Investigation are noted below along with supporting evidence, followed by the Investigation's subsequent recommendation.

<b>1. The Importance of the Field</b>
<b>Findings</b> - Street cleanliness is of the utmost importance for the economy, health and the sense of well-being in our communities and there is a definitive duty on the Council in the field that it must face. A survey amongst the Residents' Panel and community councils has shown very clearly that the people of Gwynedd have a desire for the Council to take stricter action in this field.
<b>Evidence</b> - <ul style="list-style-type: none"> <li>• Evidence from Keep Wales Tidy and the Association of Public Service Excellence (APSE) that street cleanliness is an incredibly important factor as residents formulate a view about their area.</li> <li>• This has been confirmed locally in Opinion Poll work which showed that street cleanliness is amongst the most important two or three factors that influenced residents' opinion regarding the area.</li> </ul>
<b>Recommendation to the Cabinet Member –</b>
It is recommended that the Cabinet Member accepts that definitive and new

improvement steps must be taken and that they confirm their commitment to prioritising this field and commit to ensure priority for this field in discussions within the Gwynedd Council Cabinet.

## **2. The Nature of the Existing Service**

**Findings** - The service provided by the Unit is exceptionally valuable; the team is committed and works very hard in a difficult and thankless field as it tackles one of the most important fields of work within the Council

### **Evidence -**

- Evidence from members of the Investigation from having spent time with members of the Street Enforcement Team as they went about their daily work.
- Evidence of the success of specific intervention campaigns from the teams in local areas.

### **Recommendation to the Cabinet Member –**

It is recommended that the Cabinet Member expresses the Investigation's appreciation of the team's work.

## **3. The Council's Savings Challenge**

**Findings** - The Council has had to introduce some cuts in the service as part of the Gwynedd Challenge cuts package and this will certainly affect the team's capacity to take action.

### **Evidence –**

- The Unit has had to cope with a cut of £64,500 as a result of the Council's decisions on 3 March, 2016 to approve a package of necessary cuts, which has led to a reduction of two posts in a relatively small team of seven.

### **Recommendation to the Cabinet Member –**

It is recommended that the Cabinet Member responds to the reduction in the Unit's capacity and accepts the challenge of revisiting the service and looks creatively at new solutions when re-prioritising the team's work.

## **4. Raising Awareness and Changing Behaviours**

**Findings** - The team's emphasis on raising awareness and seeking to change behaviours is key and it is important that this work does not suffer as a result of the cuts.

### **Evidence –**

- Confirmation from APSE's work regarding the importance of work to raise awareness and change behaviours.
- Local evidence, through the unit's work (with the assistance of the Tidy Towns grant), of the success of local campaigns to change behaviours.

**Recommendation to the Cabinet Member –**

It is recommended to the Cabinet Member that the work on raising awareness has to continue when revisiting the Unit's duties as it copes with the cuts it is facing.

It is also recommended, specifically, that there is a fresh, thorough and specific awareness raising campaign for a period of about 6 months before any new system is introduced which shows that the Council's attitude towards enforcement in this field will be getting stricter (see Finding 8 below).

**5. Interdepartmental Collaboration**

**Findings** - The different enforcement responsibilities across the Council are very varied and there is room to look in the longer term at rationalising some of them in order to share enforcement powers across a larger number of staff and make better use of officers on the ground.

**Evidence –**

- Interviews with the service and other services across the Council have highlighted that the Council has many officers involved in enforcement in various fields across the Council and that there is a possibility to make better use of those resources at a time when resources are scarce.
- Evidence from APSE that 36.5% of councils had brought together enforcement powers in the area and that 40% of the remainder were considering it at the moment (See Appendix 6)

**Recommendation to the Cabinet Member –**

It is recommended that the Cabinet Member and the Head of Service hold discussions with their colleagues in order to extend enforcement powers and practices across more services in order to make better use of staff resources. In doing so, the Cabinet Member and the departments should give regard to the recent research by APSE on the possible advantages and risks

**6. The Role of Volunteers**

**Findings** - Whilst there is no role for volunteers in enforcement work, there is room to take advantage of the desire within our communities to take responsibility for street cleanliness by introducing voluntary champions ("Tidy

Gwynedd / Clean Gwynedd Team") who are able to raise awareness and offer advice and assistance and identify problem hot-spots.
<p><b>Evidence –</b></p> <ul style="list-style-type: none"> <li>• Examples of desire and enthusiasm within our communities across the county to act in the field.</li> <li>• Evidence from APSE that it is possible to take advantage of that enthusiasm; however, only in some fields due to the risk elements associated with the work.</li> </ul>
<p><b>Recommendation to the Cabinet Member –</b></p> <p>It is recommended that the Cabinet Member opens discussions with local groups and communities to see how a package of activities that such groups could act upon can be developed.</p>

<b>7. A Contribution from Businesses</b>
<p><b>Findings</b> - There is room to attract assistance and sponsorship from private businesses for this work by linking them with the voluntary development suggested in Finding 6.</p>
<p><b>Evidence –</b></p> <ul style="list-style-type: none"> <li>• Examples of initiatives from other areas, such as "Tidy Towns Ireland"</li> </ul>
<p><b>Recommendation to the Cabinet Member –</b></p> <p>It is recommended that the Cabinet Member collaborates with the Cabinet Member who is responsible for the Economy and Tourism to develop links with local businesses in an attempt to seek sponsorship towards voluntary and community initiatives.</p>

<b>8. Enforcement Work</b>
<p><b>Findings –</b></p> <p>a) The Council should look towards externalising aspects of its enforcement work to work to add to the internal team. That work would focus on swift enforcement and penalties (FPNs) on a zero-cost basis to the Council (This should be trialled for an initial period of 12 months and subsequently reviewed).</p> <p>b) Some aspects will need to be emphasised - e.g. all staff must be able to speak Welsh, local employment and the need to address different sorts of rubbish and dog fouling - as Wrexham Council has done.</p> <p>c) There will be a need to ensure collaboration with the Council's Communications Unit to provide sufficient publicity to this change in good time before it becomes operational.</p>
<p><b>Evidence –</b></p>

- Information that the unit's income is relatively low
- Evidence of the positive impact of externalising enforcement work in other counties.
- Evidence from the Residents' Panel (83.82%) of 1224 of residents who responded to the on-line questionnaire and 95% of the 40 Community Councils that responded said that they wished for the Council to take a hard line through a procedure of issuing on the spot penalties.

NB Even though the majority of the public (51.63%) and the Community Councils (55%) were in favour of enforcement, there was some concern amongst the public and the Community Councils regarding the idea of having an external company undertaking the work due to concerns about the service's language, potential costs and the lack of jobs for local people. (Full details of the responses - Appendix 7)

#### **Recommendation to the Cabinet Member –**

It is recommended that the Cabinet Member and the Head of Service:-

- a) commence a competitive process to hold a trial at zero-cost for the Council of externalising aspects of enforcement for between 12 and 24 months with some specific conditions, including assurance about the use of the Welsh language within the service, local employment and a specific focus on dealing with dog fouling problems.
- b) review the trial's success following the pilot period and then consider the options, be that to continue with the externalised service, or even, internalise the service.
- c) undertake specific work to prepare the public for the new emphasis in the work by raising awareness and noting that the Council is doing this in response to the public's clear opinion.

### **9. Collaboration with the Police**

**Findings** - North Wales Police, as well as local authorities, has legislative responsibilities. However, over the past years, North Wales Police has given higher priorities to different types of crimes.

#### **Evidence –**

- The answers received from the Police to questions sent to them by the Investigation to be included in Appendix 8 – not received yet

#### **Recommendation to the Cabinet Member –**

It is recommended that the Cabinet Member holds discussions with the Police Commissioner soon in order to discuss whether or not there is room to collaborate more closely on environmental crimes and antisocial behaviour, including collaboration on the implementation of the Antisocial Behaviour, Crime and Policing Act 2014.