Local Authority Environmental Performance Assessment Report

2014 - 2016 Report

Laois County Council

Environmental Protection Agency

An Ghníomhaireacht um Chaomhnú Comhshaoil
P.O. Box 3000, Johnstown Castle Estate, County Wexford, Ireland

Telephone: +353 53 9160600 Fax: +353 53 9160699
E-mail: info@epa.ie Website: www.epa.ie

LoCall: 1890 335599

© Environmental Protection Agency 2017

Although every effort has been made to ensure the accuracy of the material contained in this report, complete accuracy cannot be guaranteed. Neither the Environmental Protection Agency nor the authors accept any responsibility whatsoever for loss or damage occasioned or claimed to have been occasioned, in part or in full, as a consequence of any person acting, or refraining from acting, as a result of a matter contained in this report.

All or part of this report may be reproduced without further permission, provided the source is acknowledged.

Introduction

Introduction

The Environmental Protection Agency (EPA) has designed a Performance Framework to measure the performance of local authorities in delivering their environmental enforcement activities. Local authorities have provided data annually and the EPA has reported on the Framework since 2014.

The purpose of the Framework is to assist local authorities in implementing programmes of continual improvement in the areas of environmental enforcement and inspection. By providing local and national comparative data, a local authority can benchmark their own enforcement processes and plan for making performance improvements.

The EPA has published two previous reports, in 2015 and 2016, on Local Authority Environmental Enforcement Performance. These reports summarise and grade the performance of local authorities' enforcement activities compared to a baseline performance level. Most recently, the EPA published the 2017 report that looks at trends over the three-year cycle (2014 to 2016).

A series of individual local authority Environmental Performance Assessment Reports have now been prepared for the three-year timeframe.

Further details regarding the Framework and copies of the annual reports and individual local authority Assessment Reports are available on the EPA website at http://www.epa.ie/enforcement/pa/performanceframework/

Purpose of this Report

This report presents the overall environmental enforcement assessment for Laois County Council. It also includes the contextual and source data upon which the assessment is based and provides a comparison with the assessments from 2014 and 2015.

In addition, summary information regarding the assessment methodology is also included.

Environmental Performance Assessment - Laois County Council

2016 Assessment

This report contains the overall environmental enforcement assessment for your local authority (along with a more detailed breakdown of constituent assessments). It also includes the contextual and source data upon which this assessment was based and a comparison with the assessments from 2014 and 2015.

2016 Overall Grade for Laois County Council:

'Above Target'

This indicates generally very good performance, with particular areas of strength. 'Above Target' is the 2016 national average assessment.

Laois County Council's result in 2015 was 'Target' and in 2014 was 'Minimum'

Enforcement Area Summary Assessments:

	Enforcement systems	Waste	Water	PRI & Food Waste	Air
2016	Target	Excellent	Outstanding	Unacceptable	Minimum
2015	Above Target	Outstanding	Outstanding	Unacceptable	Unacceptable
2014	Target	Excellent	Unsatisfactory	Unacceptable	Unacceptable
Highest Achievable Grade[1]	Outstanding	Outstanding	Outstanding	Above Target	Exceptional

The National Average Grade achieved in 2016 is 'Above Target'

*The **2015 National Average Grade** achieved was **'Target'***

*The **2014 National Average Grade** achieved was **'Target'***

[1] An overview of the grading system is presented in Appendix II below, with a detailed explanation published in the *Local Authority Environmental Enforcement, Guidance Booklet B*, available at: http://www.epa.ie/pubs/reports/enforcement/performanceframework/laperformanceindicatorworkbookguidanceb.html

Enforcement Activities - Context

This outlines relevant data that forms a context for the indicator assessments along with notable milestones reported by **Laois County Council in 2016**.

Context data for the Council in 2016

Context	Reported Result	Comment
Total enforcement staff reported as available	**7.5**	-
Staff/5,000 population	**0.50**	National reported average in 2016 was 0.5**/5,000**
Reported capacity of enforcement staff[2]	**75%**	National reported average in 2016 was 88**%**
Total Environmental Complaints Received	**856**	-
Total No. Licences /Certs/Permits	**89.0**	-
Total inspections	**3,657**	-
Total enforcement actions	**167**	-
Total number of prosecutions	**25**	-
National litter rank of 31 counties (1 is first, 31 is last)[3]	**tbc**	-

Milestones reported for Laois County Council

A Food Waste Prevention Demo and Stop Food Waste Training / Capacity Building programme was undertaken.
Abbeyleix Tidy Towns engaged their local community to help in the first ever community Battery Recycling Drive.
During the Q3 2016, Laois County Council ran two double page advertorials in local papers focusing on how to slim your bin (with an emphasis on correct segregation using a 3 bin system) as well as ensuring people dispose of their waste correctly.
Following on from the success of Laois's longest running anti litter initiative, Clean Up Laois Week, Portlaoise Tidy Towns hosted quarterly community clean ups across the town.

Other Areas of note:

Prosecution by EPA[4] Was the LA prosecuted by the EPA in 2016?

No

Is the Complaints Coordinator registered on the 'Complaints Coordinator Network' on NIECE website?

Yes

[2] Available at end of 2016 compared to beginning of 2016 (%) as reported by Laois County Council
[3] National Litter Survey will not be available until later in the year (NOAC Performance Indicators)
[4] This is not scored as part of the indicators

Enforcement Area – Assessment Breakdown for 2014 to 2016

			Highest Achievable Grade[5]	2014:	2015:	2016:
Overall Local Authority Grade for:		***Laois County Council***	Exceptional	**Minimum**	**Target**	**Above Target**
1. Enforcement Systems	**21% weighting**	**Enforcement Systems Grade**	Outstanding	**Target**	**Above Target**	**Target**
		1.1. Complaints Contact	Target	**Target**	**Target**	**Target**
		1.2. RMCEI Contact	Target	**Target**	**Target**	**Target**
		1.3. Enforcement Plan Evaluation	Exceptional	**Outstanding**	**Above Target**	**Target**
		1.4. Enforcement Plan Return	Above Target	**Unacceptable**	**Target**	**Target**
		1.5. Annual Statistical Return	Above Target	**Unacceptable**	**Target**	**Target**
		1.6. S63 Notices Issued	Target	**Below Target**	**Target**	**Below Target**
		1.7. S63 Directions Issued	Target	**Target**	**Target**	**Target**
2. Waste	**22% weighting**	**Waste Grade**	Outstanding	**Excellent**	**Outstanding**	**Excellent**
		2.1. Waste Inspection Completion	Above Target	**Above Target**	**Above Target**	**Above Target**
		2.2. Litter Inspection	Above Target	**Above Target**	**Above Target**	**Above Target**
		2.3. EPA Waste Licences	Exceptional	**Outstanding**	**Outstanding**	**Outstanding**
		2.4. NWCPO Audit Completion %	Above Target	**Above Target**	**Above Target**	**Above Target**[6]
		2.5. EPA National Waste Survey Returns	Exceptional	**Target**	**Exceptional**	**Above Target**
3. Water	**32% weighting**	**Water Grade**	Outstanding	**Unsatisfactory**	**Outstanding**	**Outstanding**
		3.1. WFD Investigative Assessments	Above Target	**Unacceptable**	**Above Target**	**Above Target**
		3.2 & 3.3. Farm Inspections & Enforcement	Excellent	**Minimum**	**Target**	**Excellent**
		3.4. DWWTS NIP % Completion	Above Target	**Above Target**	**Target**[7]	**Target**
		3.5. Section 4 Waste Discharge Licences	Above Target	**Unacceptable**	**Above Target**	**Above Target**
		3.6. Groundwater and Hydrometric Activities	Exceptional	**Exceptional**	**Exceptional**	**Exceptional**
4. PRI & Food Waste	**10% weighting**	**PRI & Food Waste Grade**	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
		4.1. WEEE	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
		4.2. Tyres Inspections	Above Target	**Unacceptable**	**Unacceptable**	**Above Target**
		4.3. Food Waste Inspections	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
		4.4. Battery Inspections	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
5. Air	**15% weighting**	**Air Grade**	Exceptional	**Unacceptable**	**Unacceptable**	**Minimum**
		5.1. Decorative Paints Regulations	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
		5.2. Solvent Regulations	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
		5.3. Petroleum Vapours Regulations	Above Target	**Unacceptable**	**Unacceptable**	**Unacceptable**
		5.4. Solid Fuel Regulations (Smoky Coal)	Above Target	**Unacceptable**	**Unacceptable**	**Above Target**

[5] An overview of the grading system can be found in Appendix 3, with a detailed explanation published in the *Local Authority Environmental Enforcement, Guidance Booklet B, see note 1 above for URL.*

[6] Awaiting 2016 results from NWCPO. Result for 2016 in table is from 2015.

[7] An incorrect weighting of 15% was applied to the 2015 DWWTS score. The correct weighting of 10% was applied to the 2016 data.

Appendix I –Enforcement Activities Data (i.e. source data used for Laois County Council[8])

Enforcement Area	Indicator	2014 Data		2015 Data		2016 Data	
Waste	*Waste Inspections – Total number carried out*	90		66		52	
	Waste Inspections – % Completed Against Planned	450%		300%		236%	
	Litter Inspections/Patrols – Number completed	3216		1838		1,838	
	Litter Inspections – % Completed Against Planned	100%		100%		100%	
	NWCPO audit completion	100%		100%		100%	
Water	*WFD Investigative Assessments completed – Total*	0		477		498	
	WFD Investigative Assessments –Completed/Planned	0%		170%		105%	
	Total Farm Inspections Completed	4		16		19	
	Total Farm Inspections Completed/Planned	7%		100%		119%	
	Total Non-Compliant Farm Inspections	2		3		1	
	Non-compliant Farm Inspections cross-reported	2		1		1	
	NIP Inspection completed - Total	28		23		23	
	NIP % completed	108%		105%		105%	
	Section 4 Discharge Licence Inspections completed - Total	15		44		48	
	Section 4 Discharge Licence Inspections Completed/Planned	31%		100%		100%	
PRI & Food Waste	*WEEE Inspections – Total number carried out*	0		0		0	
	WEEE Inspections – Completed/Planned	0%		0%		0%	
	Tyre Inspections – Total number carried out	0		0		24	
	Tyre Inspections – Completed/Planned	0%		0%		480%	
	Food Waste Inspections – Total number carried out	0		15		0	
	Food Waste Inspections – Completed/Planned	0%		19%		0%	
	Battery Inspections – Total number carried out	0		0		0	
	Battery Inspections – Completed/Planned	0%		0%		0%	
Air	*Deco Paints Regs – Total number carried out & Completed/Planned (%)*	0	0%	0	0%	1	10%
	Solvent Regs– Total number carried out& Completed/Planned (%)	0	0%	0	0%	0	0%
	Smoky Coal – Total number carried out& Completed/Planned (%)	0	0%	0	0%	83	104%
	Petroleum Vapours – Total number carried out& Completed/Planned (%)	0	0%	0	0%	4	52%
Enforcement Actions	*Total No. Licences/Certs/Permits*	57		51		89.0	
	Total inspections	4233		3045		3,657	
	Total enforcement actions	12		49		167	
	Total number of prosecutions	7		0		25	

[8] As reported through RMCEI Annual Statistical returns, other EPA reporting processes, NWCPO, and Agricultural Working Group.

Appendix II – Overview of Assessment Methodology

The environmental enforcement conducted by the local authorities are classified into five 'Enforcement Areas' – Enforcement Systems, Waste, Water, Producer Responsibility Initiatives (PRI) & Food Waste, and Air. Each Enforcement Area is further subdivided into 'Performance Indicators', as per Assessment Breakdown above. There are 26 Performance Indicators. The Performance Indicators are the basis of the scoring and grading system used to assess local authorities' environmental enforcement performance with the Framework.

A summary of the environmental enforcement assessment continual improvement process is presented in Figure 1 and Table 1 below.

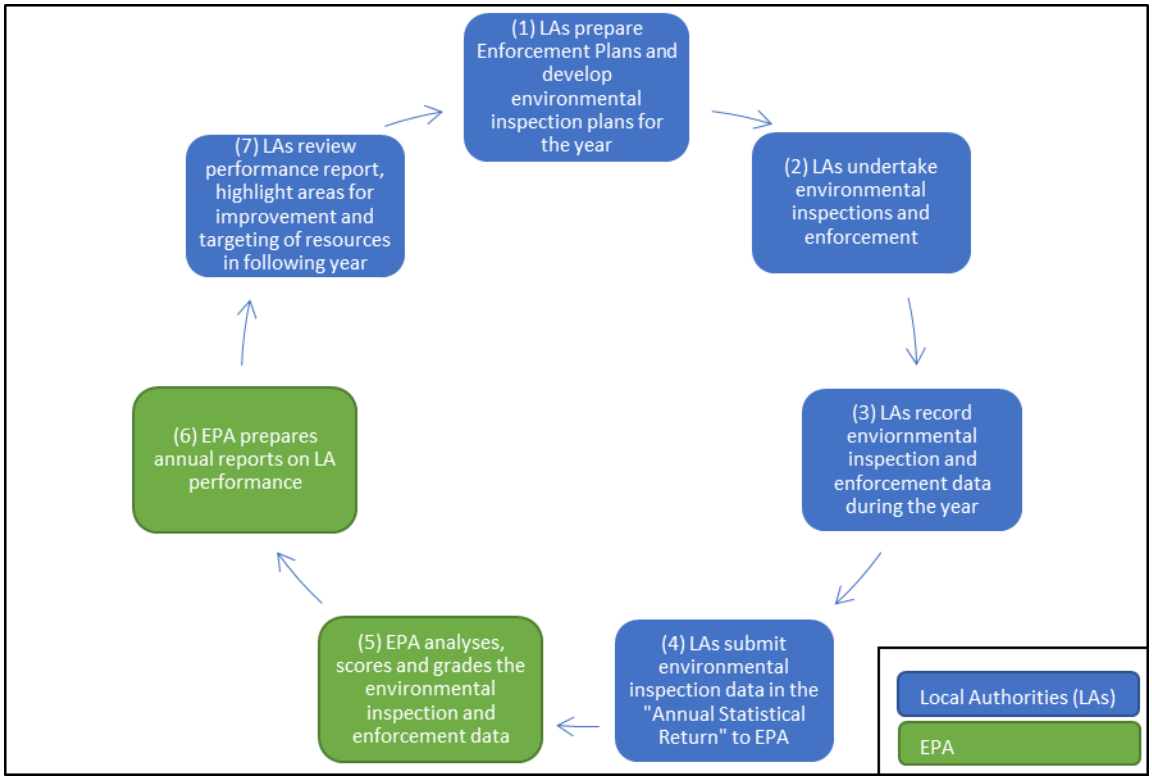

Figure 1: Environmental Enforcement Continual Improvement Process

Table 1: Summary of Environmental Enforcement Assessment Process

1)	Each year, local authorities (LAs) prepare an 'Enforcement Plan'[9] (Performance Indicator 1.3). The Plan sets out the number of inspections that the Local Authorities expect to undertake ('Planned Inspections') across the five Enforcement Areas for that calendar year. The Enforcement Plan is submitted to the EPA at the end of January, along with the previous year's environmental inspection data, which is referred to as the 'Annual Statistical Return'.
2)	Throughout the calendar year, local authorities undertake environmental inspections and enforcement activities across the five Enforcement Areas.
3)	The local authorities record the number of environmental enforcement and inspection activities completed (planned/routine and unplanned/non-routine) during the year.
4)	The local authorities submit the data on environmental inspections to the EPA by the end of January of the following calendar year.
5)	Analysis, Scoring and Grading of Inspection Data by EPA
a)	The EPA collates the data received from the 31 local authorities into a central database.
b)	The EPA calculates a score for each Performance Indicator for all the local authorities. In most cases, the score is based on the environmental inspections percentage completion i.e. the number of completed inspections compared to the number of planned inspections set out by the local authority in their Enforcement Plan, expressed as a percentage. A high score is achieved when the number of completed inspections is equal to or greater than the number of planned inspections, within defined limits.
c)	The score is then translated into a 'grade'. The grades are based around a 9 point grading scale, ranging from the highest, "Exceptional", to the lowest, "Unacceptable (Table 2 above). Not all Performance Indicators are based on the 9 point scale. Figure 15 shows the highest achievable grades for each Performance Indicator, Enforcement Area and Overall Grade.
d)	The Enforcement Plan (Performance Indicator 1.3) prepared by the LA for the following year is reviewed and graded by the EPA along with the other Performance Indicators.
e)	A weighting is applied to the scores from each Performance Indicator. The Performance Indicators are assigned a weighting depending on national enforcement priorities, environmental significance and importance. The Performance Indicators for each Enforcement Area are combined to calculate a score and a corresponding grade for each of the five Enforcement Areas.
f)	A weighting is then applied to each Enforcement Area to give an 'Overall Grade', which is a summary grade for that local authority's overall performance in environmental enforcement for that year. The weightings of the Enforcement Systems, Water and Waste Enforcement Areas constitute the 75% of the weightings, based on their national importance, the significant amount of data reported by local authorities and their strategic importance in the national enforcement context. It is considered that less data and less environmentally significant outcomes are directly under the control of LAs in the areas of PRI and Air, hence they have a lower weighting.
g)	A small adjustment to the Overall Grade is applied in instances of reduced staff capacity.
h)	The grades for each of the local authorities are combined to give a 'National Grade' in each of the Performance Indicators, Enforcement Areas and an Overall National Grade.
6)	The EPA prepares annual reports summarising local authorities' performance.
7)	The outcomes of the assessment (i.e. the grades) are reviewed by the local authorities, and areas for improvement are identified which can be targeted in the next year's Enforcement Plan and into the following year's cycle.

[9] For a number of years, local authorities have developed Enforcement Plans to improve the organisation and effectiveness of environmental inspections and enforcement. This arose from an EU Recommendation[1] (Recommended Minimum Criteria for Environmental Inspections (RMCEI) to undertake inspections of regulated installations and to review and report on those site inspections. These plans are risk based and they implement a range of environmental enforcement activities based on local and national priorities.

Enforcement Area grades are calculated from the individual Performance Indicators comprising that Enforcement Area. The Performance Indicators may be on a different, lower scale to the Enforcement Areas. Thus, the Performance Indicator grade may be 'scaled up' to a higher grade for the Enforcement Area grading. For example, to calculate the Air Grade, the scores from four Air Performance Indicators, which are all on a 6 point scale, (highest grade 'Above Target') are used. The Air Grade is on a 9 point scale (highest grade 'Exceptional'). If four 'Above Target' grades from the Air Performance Indicators was achieved, this would result in an Air Grade of 'Exceptional'. The same grading approach also applies to the Enforcement Systems, Waste and Water Grades where Performance Indicator grades on lower scales are scaled up to the higher 9 point scale. The adjustment of Performance Indicators to a lower scale was undertaken to maintain the credibility and integrity of the scoring and grading system. In the testing phase of the Framework, and following feedback from the focus group, it became clear that some potential might exist for grades to be manipulated in certain cases. The possibility could exist that a low planned target might be set and the resulting actual activity might then be inadvertently over rewarded. Thus, it was decided to limit this possibility in 22 of the 26 individual Performance Indicators by removing the grades higher than 'Target' or 'Above Target'.

The weightings of the Performance Indicators and Enforcement Areas as a percentage of the Overall Grade are presented in Figure 2 below.

For further details regarding the assessment methodology and the Framework, please refer to Guidance Booklets A '*How It Works'*[10] and B '*Practitioner's Guide to Indicators'*[11].

[10] Local Authority Environmental Enforcement - The Performance Measurement Framework: How it Works - Guidance Booklet A
http://www.epa.ie/pubs/reports/enforcement/performanceframework/howitworksguidancebookleta.html
[11] Local Authority Environmental Enforcement - Performance Indicator Workbook: Practitioners Guide to Understanding Indicators - Guidance Booklet B
http://www.epa.ie/pubs/reports/enforcement/performanceframework/laperformanceindicatorworkbookguidanceb.html

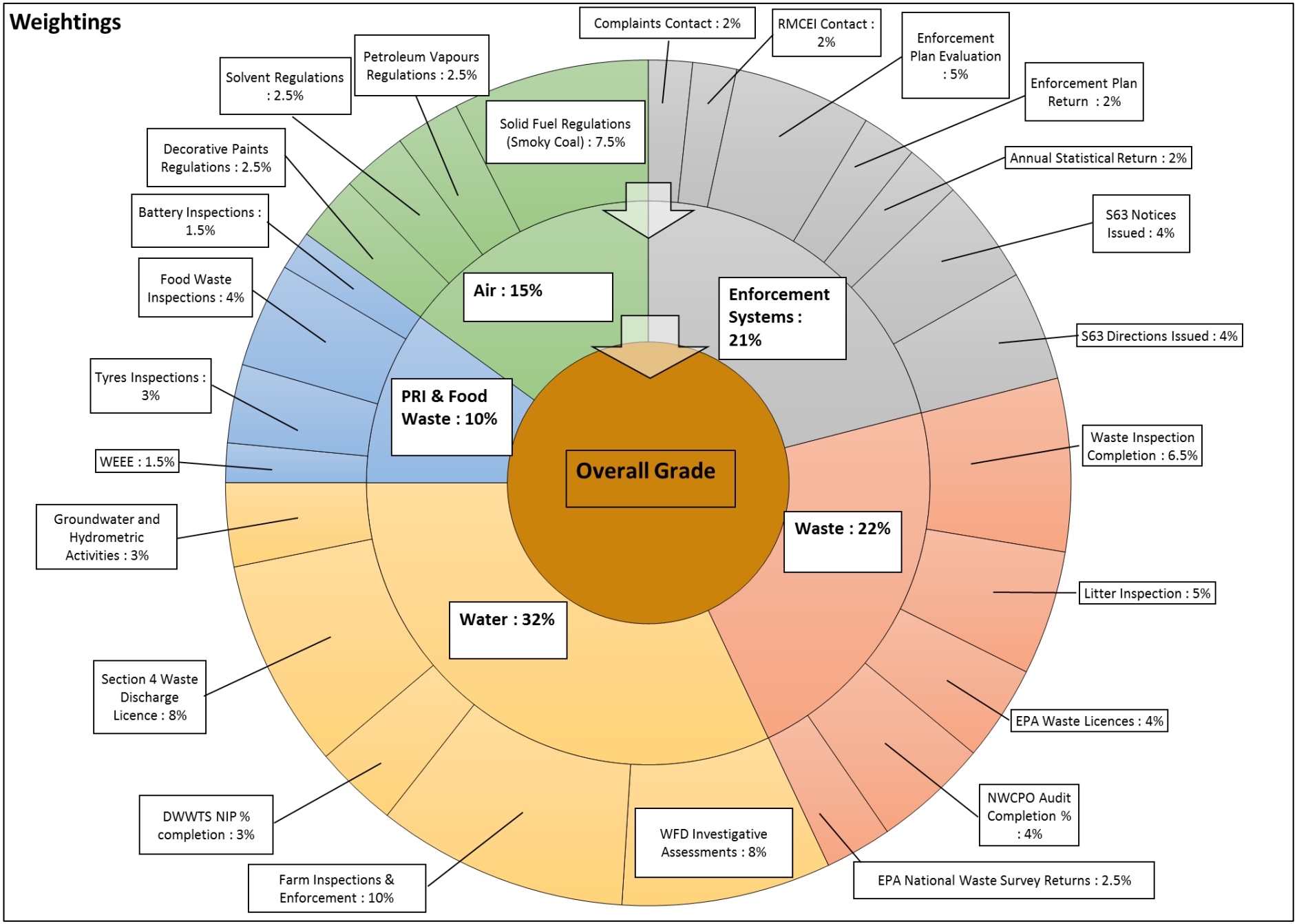

Figure 2: Performance Indicator and Enforcement Area Weightings as a Percentage of the Overall Grade