



Portfolio Holder Decisions

Environmental Enforcement Services Specialist – Extension, Lancashire County Council – Public Realm Services

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Resources Portfolio** (Pages 3 - 6)

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Report of the Corporate Director Environment

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Portfolio Holder Report

The portfolio holder will make a decision on this item after seven days have elapsed (including the date of publication).

Report of:	Portfolio Holder	Date of publication
Mark Billington, Corporate Director Environment	Councillor Alan Vincent, Resources Portfolio Holder	25 February 2021

Environmental Enforcement Services Specialist – Extension

1. Purpose of report

- 1.1 To seek approval to extend the current pilot agreement with District Enforcement to continue undertaking specialist enforcement services to address environmental crime issues such as dog fouling, littering and other dog control measures under the Public Space Protection Orders on behalf of Wyre Council until March 2022.

2. Outcomes

- 2.1 Extending the pilot will provide further data to determine or measure the effectiveness and efficiency of the service and capture recommendations from the Overview and Scrutiny Task Group whose work has been delayed due to the pandemic.
- 2.2 Ensure Wyre retains a prime driver in moving towards the improved health and wellbeing of our communities and Cleaner Greener Wyre by addressing residents' concerns related to the quality of their physical environment.
- 2.3 Ensures continuity in service provision and flexibility to support the council's covid response.

3. Recommendations

- 3.1 That the pilot with District Enforcement is extended until March 2022 with an optional one year extension, based on the current model which is cost neutral and carries no financial risk. The contract will retain the existing three month termination period for both parties to allow any recommendations of the Overview and Scrutiny Task Group, supported by Cabinet, to be reflected.

- 3.2** That the agreement contains a variation to enable the council to utilise District personnel to support the council's Covid-19 Marshaling Service and/or other needs in response to the pandemic at an agreed rate.
- 3.3** Subject to 3.1 and 3.2 to authorise the Legal Services Manager to sign the renegotiated agreement and any other required legal documentation to action the proposals on behalf of the council.
- 3.4** That the agreement is dealt with under the exemptions to Contract Procedures contained within the Financial Regulations and Financial Procedure Rules on the grounds that the services constitute an extension or variation of an existing contract.

4. Background

- 4.1** As previously reported the council has significantly improved cleanliness levels by introducing the in-house street cleansing service which delivers a high standards of cleanliness throughout the borough.
- 4.2** Although the council has campaigned, educated and enforced both on littering and dog fouling, it continues to be a concern for communities as reflected through the Life in Wyre surveys. The labour intensive nature of the task has meant that the council has not been able to meet customer expectation within existing staffing levels and so chose to pilot the current arrangement.
- 4.3** The emphasis remains on retaining an active and effective enforcement approach alongside engagement to encourage a culture change which reduces these types of anti-social behaviour in Wyre.
- 4.4** Since the introduction of the pilot with District Enforcement it has been recognised that the work they undertake on Wyre's behalf has complemented the services already delivered by the council's in-house Environmental Enforcement Officers (EEO) and given them greater capacity to undertake a wider community liaison role. This would not have been possible without the introduction of the external resource.

5. Key issues and proposals

- 5.1** It was agreed to extend the pilot on 12 March 2020. This extension was to allow further consideration of data covering a greater period and to enable the findings of the Overview and Scrutiny Committee to be considered (expected in June 2020) along with the Life In Wyre Survey – both of which have been delayed. To enable these to be considered whilst maintaining the service; it is felt a further extension is appropriate.
- 5.2** The enforcement service was negatively impacted during the national lockdowns and District personnel have more recently been utilised to support the council to help people have confidence to get back to

supporting their local high street shops. They have also been deployed to provide guidance to businesses as part of new Covid Marshaling duties through a separate arrangement.

- 5.3 The deployment structure and payment model currently offered by District will remain in place for enforcement practices and is cost neutral to the council; with a percentage of income received from Fix Penalty Notices (FPN's) retained by the council to support Environmental Projects based in Wyre.

6. Delegated functions

- 6.1 The matters referred to in this report are considered under the following executive function delegated to the Resources Portfolio Holder (as set out in Part 3 Financial Procedures Rules of the Council's Constitution): "To consider departures from Rules relating to financial and contractual matters if appropriate." That the agreement is dealt with under the exemptions to Contract Procedures contained within the Financial Regulations and Financial Procedure Rules on the grounds that the services constitute an extension or variation of an existing contract.

Financial and legal implications	
Finance	The extension will remain cost neutral for enforcement functions (Legal and Waste Officer time is being absorbed within existing budgets) to the council, with any revenue received being invested back into supporting the cleanliness of the borough through frontline or communications initiatives. Any pandemic related expenditure will be at agreed rates and funded from appropriate Covid-19 external grants.
Legal	The extension of the contract complies with the exemptions contained in the Council's contract procedures within the Financial Regulations and Financial Procedure Rules. The contract is below the threshold set out in the Concessions Contract Regulations 2016 as amended and therefore a procurement process does not need to be undertaken at this time.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	✓
equality and diversity	x
sustainability	x
health and safety	✓

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

Processing Personal Data

In addition to considering data protection along with the other risks/ implications, the report author will need to decide if a 'privacy impact assessment (PIA)' is also required. If the decision(s) recommended in this report will result in the collection and processing of personal data for the first time (i.e. purchase of a new system, a new working arrangement with a third party) a PIA will need to have been completed and signed off by Data Protection Officer before the decision is taken in compliance with the Data Protection Act 2018.

report author	telephone no.	email	Date
Ruth Hunter	01253 887478	Ruth.Hunter@Wyre.gov.uk	29/01/2021

List of background papers:		
name of document	date	where available for inspection
None		

List of appendices

None

dems/ph/re/21/0002rh1



Portfolio Holder Report

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Report of:	Portfolio Holder	Date of publication
Mark Billington, Corporate Director Environment	Councillor Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder	25 February 2021

Lancashire County Council – Public Realm Services
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1. Purpose of report

- 1.1 To seek approval for the continuation of the delivery of services within the public realm on behalf of Lancashire County Council.

2. Outcomes

- 2.1 The continued provision of high quality services including grass cutting, leaf sweeping and highway weed spraying on behalf of Lancashire County Council (LCC).

3. Recommendations

- 3.1 That the council continue with the agreement to undertake all services currently provided as referred to under section 4.5 of this report for the financial years 2021/22, 2022/23, 2023/24, 2024/25 and 2025/26.
- 3.2 That any changes to the agreement be the subject of a future report.

4. Background

- 4.1 On the 25 January 2018, Portfolio Holder approval was given to continue to undertake all services currently provided as part of the Public Realm agreement for the financial years 2019/20 and 2020/21 for £95,650 each year, which was a reduced subsidy level of £3,935 per annum.
- 4.2 It was also agreed that any changes to the agreement prior to commencement of year two would be the subject of a future report.
- 4.3 Traditionally Wyre Council has subsidised the delivery of services undertaken under the agreement mainly as a result of cutting the grass on highway verges more frequently than that specified by LCC.

4.4 Following a review, LCC have asked that Wyre Council enter into a new agreement for a five year period from April 2021. As part of the agreement, payments made in respect of Public Realm activities are to be increased annually subject to RPI, base month of September (no negative adjustments). Therefore year one of the new agreement, 2021/22 the payment would increase from £95,650 to £97,896.

4.5 The agreement covers the provision of the following services:

- Highway verge cutting within the urban area.
- Highway verge cutting within the rural area – this agreement does not cover all rural verges as LCC make alternative provisions with some parish councils for service delivery.
- Highway Tree Maintenance - inspection and management of work by private contractors is undertaken by the council's Tree and Woodland Officer.
- Leaf Sweeping – a contribution to leaf sweeping undertaken by the council's Street Cleansing Team.
- Weed Control – the council appoints a private contractor to undertake this work.

5. Key issues and proposals

5.1 Under the proposed five year agreement Wyre will receive £97,896 in year one and this will be uplifted each April linked to RPI, with no further budgetary reduction providing all services listed above are undertaken by the council to the required levels. As such, the income received from LCC will increase slightly each year reflecting increases to the council.

5.2 Whilst the services provided can be accommodated within the proposed budget there would still be an ongoing subsidy provided by Wyre Council which is estimated at £8,395, whilst higher than the previous subsidy is still a significant reduction on pre 2018 rates.

The subsidy reflects the ongoing subsidy from previous years in relation to verges and is projected to rise going forward as a result of an increase in costs associated with the weed control contract.

5.3 The council will require the ability to terminate the agreement or remove the requirement in relation to weed control, should the external contracting prices increase substantially or there be changes in legislative practices.

5.4 The council has a separate agreement in relation to Public Rights of Way; this is outside this remit and the council receive £1,160 per annum as a fixed sum.

6. Delegated functions

- 6.1** The matters referred to in this report are considered under the following executive function delegated to the Street Scene, Parks and Open Spaces Portfolio Holder (as set out in Part 3 of the council's constitution): namely "to consider issues relating to the development and co-ordination of the Council's approach to 'street scene'".

Financial and legal implications	
Finance	LCC will pay a contribution of £97,896 in 2021/22, uplifted each year by RPI in the following four years (five year term) towards the various highways related maintenance activities described in the report above. The value of the subsidy will be increased to £8,395 per annum.
Legal	An agreement with LCC for delivery of the public realm services as outlined in the report will be entered into.

Other risks/implications: checklist

If there are significant implications arising from this report on any issues marked with a ✓ below, the report author will have consulted with the appropriate specialist officers on those implications and addressed them in the body of the report. There are no significant implications arising directly from this report, for those issues marked with a x.

risks/implications	✓ / x
community safety	x
equality and diversity	x
sustainability	x
health and safety	x

risks/implications	✓ / x
asset management	x
climate change	x
ICT	x
data protection	x

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Ruth Hunter	01253 887478	Ruth.Hunter@wyre.gov.uk	

List of background papers:		
name of document	Date	where available for inspection
None.		

List of appendices

None.

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