

Report of:	Meeting	Date	Item no.
Cllr Simon Bridge, Street Scene, Parks and Open Spaces Portfolio Holder and Mark Billington, Service Director People and Places	Cabinet	5 September 2018	5

<p>Environmental Enforcement Services Specialist – Pilot</p>

1. Purpose of report

- 1.1 To seek approval from Members to enter into a pilot agreement with a specialist enforcement provider for a 12 month period to deliver specialist enforcement services to address environmental crime issues such as dog fouling, littering and other dog control measures under the Public Space Protection Orders.

2. Outcomes

- 2.1 To enable the delivery of cost effective, quality services.
- 2.2 To improve the health and wellbeing of our communities.
- 2.3 To promote a cleaner and greener Wyre.

3. Recommendations

- 3.1 That Members approve the 12 month environmental enforcement trial with District Enforcement ('District'), on a cost neutral basis and with no financial risk to the council.
- 3.2 That Members agree to increase the fine for littering fixed penalty notices to £100 and set the early payment option for littering fixed penalty notices at £80 within 10 days.
- 3.3 That delegated authority for fully trained staff of District be given to issue Fixed Penalty Notices (FPNs) on behalf of the council for the duration of the agreement.

- 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 goods, works or services are of a specialised nature carried out by only one or a limited number of firms with no reasonably satisfactory alternatives available.
- 3.5** Delegate the final details of the pilot to the Service Director People and Places in consultation with the Senior Solicitor and Executive Member for Street Scene, Parks and Open Spaces.

4. Background

- 4.1** Within recent years, the council has significantly improved service delivery through its waste and recycling contract and in-house street cleansing service. Collectively, they have sought to implement and maintain high standards of cleanliness throughout the borough. The importance of managing issues of littering, dog fouling and dog control has been supported previously through a revised staffing structure which was implemented in 2012. This enabled officers to deliver campaigns to inform, educate and enforce environmental crime through prevention, intervention and enforcement measures.
- 4.2** Despite our pro-active approach there are continued challenges to delivering a cleaner borough. Cleansing priorities and resident concerns remain high, particularly regarding dog fouling, littering, and chewing gum that cannot be adequately addressed within current resources.
- 4.3** These types of street scene issues have been a common theme causing concerns for residents and businesses alike; with clean streets and irresponsible dog ownership ranking high in the Life in Wyre surveys.
- 4.4** As we know, the council in partnership with other agencies and external funding bodies have invested significantly to improve many parts of the borough, e.g. sea defences / promenades, Euston Park, Memorial Park, and other open spaces. To sustain the impact and legacy of this work and investment, it is recognised that a scheduled programme of targeted enforcement may also be required. It is disappointing to note that areas of the new promenade are heavily fouled and showing signs of requiring additional cleansing to remove chewing gum. These kinds of cleansing treatments are often specialist and outside the routine street cleansing requirement and can result in additional costs to the council.
- 4.5** A 'whole borough' approach and greater sustained enforcement activity is required to build on the existing focus to change the behaviours of those individuals that continue to act in an anti-social manner across our public spaces.

- 4.6** In looking at best practice elsewhere, and talking to other authorities, it is recognised that the private sector can complement the services of Local Authority Officers by offering a more targeted approach. A number of companies have been engaged in Lancashire and a private sector resource has been identified who will work collaboratively with the council on a trial pilot basis. They will undertake to engage with communities whilst patrolling the areas of greatest concern. District Enforcement has the same commitment to addressing environmental issues and crime and want to support the council in creating a cleaner, greener Wyre.

5. Key issues and proposals

- 5.1** The council currently delivers a number of enforcement sanctions for environmental crimes. The work of the Area Officers is wide and varied. They offer a joined up approach to many community matters, liaising with partners, Town and Parish Councils, colleagues and community leaders where appropriate. By utilising a private partner with a focus on enforcement this will enable the Area Officers to engage more with communities and partners to engender pride and concentrate on investigating offences that are often more complex and time consuming such as fly-tipping.
- 5.2** The enforcement models offered by District are based on the issue of 'on the spot' Fixed Penalty Notices (FPN's) for agreed environmental issues. Across all contracts, District average an approximate total of 8,500 FPN/PCN's per annum, with an average 75% payment rate. This is recognised across the industry as an extremely successful benchmark.
- 5.3** The basis for District's FPN successful model is;
- Robust leadership. All teams have a Sector Leader, Team Leader and Senior Enforcement Officer.
 - Highly trained staff that are solely employed for environmental enforcement.
 - An agreed deployment strategy ensuring all public/Member complaints have been investigated and "hot spot" areas patrolled.
 - All FPNs are issued on the spot and are accompanied by high definition body worn camera footage to support the case and safety of officers.
 - Increased payment rates owing to their ability to obtain accurate offender details at the 'point of issue' by contacting the District Ops Support Team. The Ops Support Team has access to the Lexus Nexis System, which can search up to 160 open source databases e.g. electoral role and credit agency records.

- Robust Processes – ensuring that non-paying offenders receive reminder letters on day 14 and day 21. All representations are investigated and closed in a timely manner and non-paying offenders are prosecuted if the FPN has not been paid.
- Robust Quality Assurance processes for every step of the FPN process.
- Clear transparency of all systems giving the Council open access to all FPNs issued, letters sent, representations received and responses, prosecution files and officer witness statements along with body worn camera footage for all issued FPNs.

5.4 A number of model options have been offered by District and evaluated by Officers. The preferred model for Wyre is one that is cost neutral for the authority and offers least risk. This model would see District collecting all the revenue from the FPN's with 12.5% passed back to the Council for each FPN paid, the remainder retained by District to support the operation. For an initial pilot this is considered the most attractive. It illustrates that the driver for the council is not one of income generation but one of challenging behaviour and promoting a cleaner, greener borough. Any income generated will be reinvested within the street scene service.

5.5 District have based their model on a forecasted payment rate of 75%. The council's current FPN fine for littering is £75 or if payment is made within 10 days, the cost is reduced to £50 for littering offences. Dog fouling and other dog control offences were increased to £100 with the introduction of the Public Space Protection Orders in October 2017 with no discount for early payment. To ensure the models remain cost neutral and to take account of the fact that in April of this year the Government increased the maximum fine for littering to £150, it is suggested that the fine be standardised to £100, with a discounted option of £80 if paid within 10 days for littering offences only. The Government recommended the increase based on a national drive to tackle littering and recognition that littering is becoming a blight and the fine should reflect the scale of the problem.

5.6 Whilst the model offered is based on a 75% payment rate, cases of non-payment will be taken for prosecution. This is a route to claiming back costs associated with the enforcement work and the offender would get a criminal record. The FPN option is an option for them to discharge the liability. District would produce the prosecution files and the council would take the cases to Court. Wyre's Senior Solicitor is experienced at this and with the recent introduction of the Single Justice Procedure this process will be more streamlined.

5.7 District officers would undertake the whole process and handle complaints; with council officers undertaking audit reviews and spot checks.

- 5.8** The company will provide a resource of one Sector Leader, one Team Leader, one Senior Enforcement Officer and four Patrolling Officers with remote administration support. The (five) enforcement officers will be solely dedicated to Wyre. This equates to approximately 204 patrol hours per week over a seven day period, capturing early mornings and evenings, including bank holidays.
- 5.9** The officers would patrol all areas of the borough, guided by intelligence from council officers to address hot spot areas, complaints from customers and areas of heavy footfall; with a minimum of 25% of their time spent in parks and open spaces.
- 5.10** District are keen to work with the local community and recognise that in Wyre there are many voluntary and community groups that play an active role in keeping their local areas clean and green. They are therefore willing to implement engagement and education initiatives such as 'Bin it to win it' and the creation of a small social value fund to support local groups.
- 5.11** District will provide additional specialist training support to council officers; offer enforcement training to other frontline officers to widen the offering and undertake joint initiatives to tackle issues in hot spot areas.
- 5.12** District have also committed to offering other back office support to the Area Officers with access to their systems and equipment; which will reduce the admin burden on council officers allowing them to spend more time in the field being proactive and investigating fly tipping in particular.
- 5.13** District would be seeking to work with partner agencies to address offences by young people under the age of 18 years (primarily 16 to 17 year olds) to give them an option of paying the fine or attending an organised litter pick in their community. They would seek consent from their parents in advance through a home visit. The parents of young people aged 15 years and below would receive a letter explaining that their child has dropped litter and the consequences that may follow in the future if their behaviour doesn't change.
- 5.14** The termination notice period for both parties is 60 days.
- 5.15** It is anticipated the pilot could be implemented within six to 10 weeks of approval.
- 5.16** The pilot, if approved, would run for a period of 12 months after which a full review against success criteria would be undertaken including proposals for next steps once additional efficiencies are known. This review would be reported back to Cabinet.
- 5.17** District will recognise the exemptions in place for the Public Space Protection Orders in relation to dog control.

- 5.18** District will meet all requirements of the General Data Protection Regulations and Data Sharing Agreements will be put in place accordingly.
- 5.19** The initiative will be advertised in advance, through social media and campaigns.
- 5.20** As with all enforcement activity, there is the potential for criticism and negative feedback suggesting an overzealous approach to make a profit. This will be closely monitored against the contract expectations and any surplus reinvested into cleaner greener initiatives.

Financial and legal implications	
Finance	<p>The District Pilot will be largely cost neutral to the council, with any revenue received invested back into supporting the cleanliness of the borough through frontline or engagement initiatives.</p> <p>Current budgets for FPN income of £2,500 may not be realised but the overall benefit to the council in creating efficiencies and tackling environmental crime is considered to be more beneficial. Cost recovery income budgets for fly-tipping and fly tipping FPN's may increase as Area Officers are able to focus more resource on this and the budgets will be monitored over the course of the pilot.</p> <p>There is the risk that the number of FPNs enforced will decline over time as the population is gradually made aware that committing environmental offences is not tolerated. If this occurs, then the business case will be re-evaluated and if possible changes will be made to scale down the service so that the 'no cost' model is maintained. If such changes are not possible then a further report will follow to determine the best approach.</p>
Legal	<p>Local Authorities are empowered under the Environmental Protection Act 1990: Section 88 to operate Fixed Penalty Schemes for littering and The Anti-Social Behaviour, Crime and Policing Act 2014 for breaches of Public Space Protection Orders.</p> <p>The council has the power to authorise a Contractor to undertake these duties on their behalf.</p>

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	✓
sustainability	✓
health and safety	x

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

report author	telephone no.	email	date
Ruth Hunter	01253 887478	Ruth.Hunter@Wyre.gov.uk	03/07/2018

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

List of appendices

None.

arm/ex/cab/cr/18/0509rh1