



## 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	12 March 2020

### Environmental Enforcement Services Specialist – Pilot 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 December 2020.

#### 2. Outcomes

- 2.1 Extending the pilot will provide two full years of data to determine or measure the effectiveness and efficiency of the service and capture recommendations from the Overview and Scrutiny Task Group anticipated in June if the provision is to continue with an external supplier.
- 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 Ensure continuity in service provision.

#### 3. Recommendations

- 3.1 That the pilot with District Enforcement is extended until the end of March 2021, based on the current model which is cost neutral and carries no financial risk, and retains the existing three month termination period for both parties thereafter taking account recommendations of the task group.

- 3.2** 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 physical resource intensive nature of the task has meant that the council have not been able to meet customer expectation within existing staffing levels and so chose to pilot the current arrangement.
- 4.3** The significant investment in improvements in the borough's infrastructure (Sea Defences/Promenades and Parks) and other aspects of the physical environment means that improved amenities attract a greater footfall from those living within Wyre and visitors from outside the borough.
- 4.4** Increased numbers unfortunately brings greater accumulations of litter and dog fouling, which consequently requires an increased number of enforcement patrols to ensure the cleanliness levels remain high. Additional resources is needed to combat the actions of individuals littering and irresponsible dog owners that have an adverse effect on the appearance of local public areas.
- 4.5** The emphasis remains on retaining an active and effective enforcement approach alongside engagement to encourage culture change which reduces such anti-social behaviour in Wyre.
- 4.6** 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, which would not have been possible without the introduction of the pilot project.

#### **5. Key issues and proposals**

- 5.1** The pilot was initially extended in November 2019 for a further 6 month period until May 2020. If the extension was approved, it will run until the end of March 2021 allowing for a full review alongside the considerations of the Overview and Scrutiny Committee expected in June, the findings of the Life in Wyre Survey expected at the end of the year and the outcome

of the review of Public Space Protection Orders for Dog Control expected in September. The review findings and opportunities will be reported back to Cabinet.

- 5.2** Utilising District Enforcement to target observational crime has allowed EEO's to enhance the already essential links with our communities offering a joined up approach to resolving diverse individual or community concerns by liaising with partners, Town Councils, colleagues and community leaders where appropriate, to engender community pride. This approach also allows them greater capacity to concentrate on investigating offences that are often more complex and time consuming such as fly tipping.
- 5.3** The deployment structure and payment model currently offered by District will remain in place and is based on Wyre receiving 12.5% of the total income received from Fixed Penalty Notices (FPN's) for recognised environmental offences that District issue, and there is currently a 74% payment rate, which remains an extremely successful outcome and is cost neutral to the council, with Wyre receiving in excess of £30,000 pa to support Environmental Projects.
- 5.4** Following Government Guidance, the council considers a FPN to be the most appropriate option for an individual to discharge their liability to prosecution at Magistrates Court, but any unpaid FPN's progress through the Single Justice System (SJS) to prosecution, which allows Wyre to receive costs associated with undertaking such enforcement action. The perpetrator of a proven case usually receives a significantly greater fine than that related to the FPN and it also carries the potential for receiving a criminal record.
- 5.5** Although there is no legal obligation to allow an appeal against a FPN Wyre have adopted an appeals process, which is predominantly undertaken by District Enforcement with council officers only becoming involved at the second stage of the process should an individual wish their representation (appeal) to progress.
- 5.6** District currently provide enforcement in the borough equating to 144 hours per week (over 7 days), but there is a flexible and seasonal approach to resources being increased/decreased wherever necessary.
- 5.7** All areas of the borough are patrolled, and guided by local intelligence provided by council officers and members of the public who identify hot spot areas. As agreed from the on-set of the pilot, a minimum of 25% of officer time is spent within recognised community parks and open space.
- 5.8** No changes to the current pilot which has been in place since October 2018 are anticipated.
- 5.9** As with all enforcement activity, there has been criticism suggesting a confrontational approach had been adopted by District Officers, but all

activity and complaints from offenders have been reviewed against the council's expectations with no significant issues upheld in court. Key outcomes continue to be reported to Members via a briefing session and in the Street Scene, Parks and Open Spaces Portfolio Holder Executive reports at Full Council.

## **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.

<b>Financial and legal implications</b>	
Finance	The extension will remain cost neutral (Legal and Waste Officer time is being absorbed within existing budgets) to the council, with any revenue received being invested back in to supporting the cleanliness of the borough through frontline or communications initiatives.
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 and therefore a EU 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.

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

<b>risks/implications</b>	<b>✓ / x</b>
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.

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### **List of background papers:**

name of document	date	where available for inspection
None		

### **List of appendices**

Appendix 1 – Current Delivery Model

dem/ph/re/20/0003rh1

## Appendix 1

Service Outline	Key Positives	Potential Concerns	Potential Financial Costings / Benefits
<b>All FPN revenue is collected by District with Wyre receiving 12.5% of each paid FPN</b>	<p>No on-going revenue costs to the Council, so offers a cost neutral service</p> <p>All financial risks borne by District who rely on income generation to cover costs</p> <p>A payment rate of 54% required for District Enforcement to break even (latest payment rate being 74%) which creates an income stream for the council to re-invest into further Environmental projects.</p> <p>Quality of FPNs that District produce ensure cost recovery</p> <p>Ensures we drive towards delivering the Cleaner greener agenda</p>	Overall reduction in income if District Enforcement do not cover costs.	Council receives 12.5% of each FPN issued

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