

CABINET

Date of Meeting	Tuesday 17 May 2016
Report Subject	Environmental Enforcement Arrangements
Cabinet Member	Deputy Leader of the Council and Cabinet Member for the Environment
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Strategic & Operational

EXECUTIVE SUMMARY

Despite the efforts of the in-house Environmental Enforcement Teams, environmental crimes such as dog fouling and littering continues to be a major problem in the County and both issues blight our parks, open spaces and streets. In an attempt to overcome the problem, the Council introduced a zero tolerance enforcement approach as part of the Business Planning process in 2015-16. The initial element of the project was an extensive public engagement and awareness raising exercise, with staff from the Streetscene and Transportation service visiting selected businesses, particularly in town centres, to notify them and their customers of the new more rigorous enforcement arrangements. In addition, visits were made to T&CC's, to inform them and the local community of the changes to enforcement priorities.

In order to provide additional resources to deliver the zero tolerance approach to littering and dog fouling enforcement, it is proposed to enter into an agreement with a private partner with a proven track record in the enforcement of environmental crime. The arrangement will initially be provided through a 12 month pilot arrangement which will allow a full evaluation of the success of the arrangement to undertaken, before a longer term contract and commitment can be organised.

RECOMMENDATIONS

1	To seek Cabinet approval to enter into a formal agreement with a private partner to undertake environmental enforcement duties in the County on a 12 month pilot trial basis.
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REPORT DETAILS

1.00	BACKGROUND TO ENVIRONMENTAL ENFORCEMENT
1.01	Local Authorities are empowered under the Environmental Protection Act 1990 (Section 87/88) to issue Fixed Penalty Notices (FPN's) for dealing quickly and effectively with low level environmental offending, such as littering and failing to remove dog waste. The fixed penalty is set at £75.00 and this is retained by the issuing Local Authority and can be used to supplement further enforcement activities and for the benefit of the service for which the FPN was issued.
1.02	The FPN is not a fine however payment of the penalty discharges a person's liability to conviction for the offence for which the FPN was issued. It does not constitute an admission of guilt, but removes the possibility of the creation of a record of criminal conviction for the indiscretion. It is the current Council policy to institute legal proceedings against an individual, where FPN's are not paid.
1.03	Environmental enforcement activities are currently undertaken by staff from the Streetscene and Transportation portfolio. The team also enforce both on and off street car parking offences (including offences under the Traffic Management Act 2004) and following the roll out of parking charges across the County in 2015, the resources within the service have obviously become stretched.
1.04	Many Local Authorities having entered into partnerships with private companies to help supplement their enforcement activities. In North Wales, Wrexham, Conwy and Denbighshire County Councils currently utilise a private partner for the issuing of FPN's for dog fouling and littering.
1.05	In line with agreements reached with other Local Authorities, it is proposed that a partner will be engaged on the basis of a 'no fee' financial model, with all costs associated with provision of the service met from the income generated by the issuing and collection of FPN's. The organisation will in addition provide the Council with a small fixed percentage of the money raised through the FPN's.
1.06	In March 2016, the Deputy Leader, Cabinet Member for Waste and senior officers from the Streetscene and Transportation service, met with two national organisations, both with suitable experience of providing environmental enforcement services. Subsequently, formal proposals have been received from one of the organisations which will meet the needs of the service on a 12 month trial basis. The proposals will be at zero cost to the Council and will provide a return of 15% on all FPN's served by the company.
1.07	The organisation will also be responsible for all back office systems required to deliver the service, including collecting the payments and building prosecution packs in readiness for formal action against those people who choose not to pay the FPN.
1.08	The agreement with the partner will include clear service level agreements which will specify the principles on which the contract will be managed and

	operated. This will include a requirement for the company to provide a minimum level of service for the enforcement of dog fouling, which will prevent the company concentrating on littering offences which can be seen by some as an 'easy target' for enforcement.
1.08	The proposal will not impact on the work of the existing enforcement team and they will continue to enforce car parking offences and will be available for specific high profile campaigns against environmental crime and its subsequent enforcement. They will also be available to investigate and develop prosecution cases against fly tipping offenders and carry out education and promotional events in schools and local community events across the County.
1.09	Whilst on duty, the Enforcement Officers from the partnering organisation will wear the same uniform as Councils Enforcement Officers and each will carry shoulder mounted CCTV cameras to record all public contact.
1.10	<p>The proposal was discussed at length in the portfolio Programme Board in the presence of the Chief Executive and two Chief Officers. Concerns raised included the following :</p> <p>Negative impact on the Councils reputation from the unreasonable actions of the company– This will be mitigated by the SLA with the private partner and ensuring that a reputable company is chosen to carry out the pilot scheme. In addition all interactions with the public will be captured on CCTV allowing the Council to review any complaints against the officers.</p> <p>The private organisation concentrate their efforts on the alleged 'easy wins' for littering offences within the town centres and provide a reduced service to enforce dog fouling issues – This will be mitigated by the SLA which will specify a minimum coverage on this element of the contract.</p>

2.00	RESOURCE IMPLICATIONS
2.01	There are no negative financial issues relating to this proposal. In line with agreements reached with other local authorities, the partner will be sought on the basis of a 'no fee' financial model with all costs associated with provision of the service met through the issuing and collection of FPN's and at the provider's risk.
2.02	The issuing of FPN's is not intended to be an income generation exercise and the recovery of payments of FPN's levied is required by law to remain within the service area and for the benefit of the service provided.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Consultation on zero tolerance has been undertaken with T&CC's.
3.02	Public Houses and Betting Shops etc. within town centres have been visited

	and posters provided to inform their customers of the new zero tolerance approach.
3.03	With Cabinet Members.
3.04	No equality implications have been identified resulting from this proposal as there are no exceptions made within legislation concerning the enforcement of environmental crime such as offences of littering and dog fouling.

4.00	RISK MANAGEMENT
4.01	The most significant risk to the Council is likely to be public perceptions resulting from a more proactive approach to the enforcement of littering and dog fouling offences
4.02	The service will be monitored and managed through the Streetscene and Transportation Enforcement Manager and her team and a full review and benefit analysis will be undertaken before a full contract arrangements is recommended for consideration

5.00	APPENDICES
5.01	None

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>Insert any hyperlinks to supporting documents if necessary.</p> <p>Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	FPN - Fixed Penalty Notices