

CABINET

Date of Meeting	Tuesday, 17 th July 2018
Report Subject	Environmental Enforcement
Cabinet Member	Cabinet Member for Streetscene and Countryside
Report Author	Chief Officer (Streetscene & Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

In May 2016 Cabinet approved an agreement with a specialist private partner (Kingdom) to undertake environmental enforcement activities against low level crimes such as dog fouling and littering in the County, on a 12 month trial basis.

In September 2017, following the success of the trial, Cabinet approved that the Council should proceed with a formal contract to undertake the enforcement of both low level environmental crime and car parking offences, following a compliant tender process. Cabinet also approved that the enforcement of fly tipping, side waste and abandoned vehicles should remain with the Council's own enforcement team. The interim arrangement with Kingdom was extended to allow discussions to take place with neighbouring Councils about a potential regional contract and to allow time for the contract procurement arrangements to take place.

Since that date the publicity campaign against the existing supplier has grown and Environment Overview and Scrutiny subsequently requested an update report on the arrangement which was presented to the committee in June 2018. The Scrutiny Committee recommended that the contractual arrangement with Kingdom should end and that all enforcement activity should in future be carried out by a direct delivery service model.

This report seeks Cabinet approval to provide Kingdom with notice that the existing arrangements will end and request a further report on the options available for the future provision of enforcement activities within the Council.

RECOMMENDATIONS

1	That Cabinet supports the Environment Overview and Scrutiny Committees recommendation that the current arrangement with Kingdom for the provision of low level environment enforcement should end once an alternative delivery option can be established.
2.	That a further scoping report is submitted to Cabinet in September 2018 detailing the proposed delivery model for the service, once all of the

	available options have been assessed and a sustainable business model produced. The report should also confirm the timelines for delivering the new operating model and a date for ending the current arrangement.
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REPORT DETAILS

1.00	BACKGROUND TO ENVIRONMENTAL AND PARKING ENFORCEMENT LEGISLATION
1.01	Cabinet approved a report in May 2016 to enter into a formal contract with a specialist private partner (Kingdom) to undertake environmental enforcement activity in the County on a 12 month pilot basis. This contract was introduced to compliment the activity of the Council's own Enforcement Officers who were to continue to carry out environmental enforcement activity alongside their car parking enforcement duties.
1.02	The number and type of tickets issued by Kingdom since the arrangement commenced is shown on Appendix 1
1.03	<p>The pilot clearly showed that by engaging an organisation who specialise in low level environmental enforcement activity (together with the Cabinet approved zero tolerance approach) - there is a direct effect on the number of FPN's issued which also impacts directly on the cleanliness of the County.</p> <p>In order to gain from the expertise of these organisations across a wider enforcement area, Cabinet approved (in September 2017) that a single contract should be procured for all enforcement activities of low level environmental crime and on/off street parking offences on behalf of the Council. The arrangement with Kingdom was extended whilst opportunities for a regional contract were considered and to provide sufficient time for the Council to procure a new contractual arrangement.</p>
1.04	Since that date the publicity campaign against the existing supplier has grown significantly and Environment Overview and Scrutiny subsequently requested an update report on the arrangement, which was presented to the committee in June 2018. The Scrutiny Committee recommended that the contracted arrangement with Kingdom should end and that all enforcement activity should in future be carried out by a direct delivery service model.
1.05	Despite the fact that the vast majority of FPN's issued by the organisation on behalf of the Council have been paid and uncontested, there has been a number of high profile cases recently where the circumstances behind the issuing of tickets has been contentious. These small number of cases are undermining the reputation of the both the company and the Authority and the arrangement is now being seen as 'heavy handed' by many people. A number of Town Councils have also requested that Kingdom are not employed on enforcement activities in their own areas.
1.06	Scrutiny recommended that the current trial arrangement with Kingdom is not extended and that formal notice is provided to the organisation that the interim arrangement will end on 31 st December 2018. This date will be confirmed once an agreement on the form of the new operating model is

	reached and assurances provided that sufficient time is available for an alternative operating model to be put in place. This will ensure continuity of service without a break in enforcement activity - which may result in a reduction in cleansing standards.
1.07	<p>During the period of the notice, officers will review the options available for future service delivery models - which will include regional or sub-regional in-house delivery options and the potential for a 'Teckal' type organisation which would provide the service on behalf of the Council or the wider region with some potential to provide an element of commercial benefit for all of the Councils involved in the arrangement.</p> <p>The option to tender the activities on a regional or Countywide basis will also be considered and during the interim notice period the zero tolerance approach to enforcement will also be reviewed.</p>
1.08	A further report will be presented to the September Cabinet meeting containing an options appraisal and recommendations for the future delivery of the enforcement service which will need to be in place before the existing arrangement ends. The report will also consider the future of the zero tolerance approach to enforcement in the County.

2.00	RESOURCE IMPLICATIONS
2.01	TUPE may apply to those staff currently providing the service if a decision to transfer the work in-house or to tender the work is made. This assumes the existing contractor is not successful in retaining the contract if this option is chosen following the September report to Cabinet.
2.02	During the notice period, the Council enforcement officers will continue to support the contract and also enforce side waste and fly tipping events during the interim period.

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	<p>The Environment Overview and Scrutiny Committee reviewed the current arrangement in June 2018 and made the following recommendation to Cabinet:</p> <p>That the Council extend the in-house provision, through recruitment or regional working to provide the same level of enforcement coverage as the existing contractor without maintaining a zero tolerance approach be recommended to the Cabinet for consideration.</p>
3.02	Further consultation on both the new delivery model and the support for the zero tolerance approach will be required and detailed within the September Cabinet report.

4.00	RISK MANAGEMENT
4.01	The existing enforcement arrangements will remain in place to allow a transition to the new working arrangements. The reputational risk from further FPN appeals is mitigated by the internal appeals process which provides an independent review of any case before the matter is escalated to court proceedings.
5.00	APPENDICES
5.01	Appendix 1 – FPN levels since Kingdom commenced operations.
6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Contact Officer: Stephen O Jones Telephone: 01352 704700 E-mail: stephen.o.jones@flintshire.gov.uk
7.00	GLOSSARY OF TERMS
7.01	FPN - Fixed Penalty Notices PCN - Penalty Charge Notice