

CABINET

Date of Meeting	Tuesday, 18 th December 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 July 2018, Cabinet resolved that the contractual arrangement, in place with Kingdom for the provision of environmental enforcement, should not be extended beyond December 2018. It also agreed that other business models should be considered and evaluated to allow a preferred option for the future delivery of the enforcement service in the County to be established.

Since that date, Kingdom have taken the decision to withdraw their services from Flintshire with effect from the end of August 2018 and the residual in-house enforcement officer team are currently undertaking all enforcement activities in the County.

This report identifies four possible options for delivering County wide enforcement activities, in line with the Council's approved environmental enforcement policies

RECOMMENDATIONS

1	That Cabinet considers the options presented in Appendix 1 and approves the aspiration to move to Option 2 (an enhanced in-house enforcement provision) for the future delivery of the environmental and car parking enforcement service within the County. The additional cost of the service to be provided from the additional income raised from Fixed Penalty Notices and potential savings accrued from collaborative working opportunities.
2.	That Cabinet approves the request for officers to commence discussions with neighbouring authorities, with the aim of moving towards a collaborative in-house service delivery model - Option 3 of the proposals.

REPORT DETAILS

1.00	EXPLAINING THE ENVIRONMENTAL AND PARKING ENFORCEMENT LEGISLATION
1.01	Local authorities are empowered under the Environmental Protection Act 1990 (Section 87/88), Clean Neighbourhoods and Environmental Act 2005 (Sections 55-60) and the Anti-Social Behaviour, Crime and Policing Act 2014 to issue Fixed Penalty Notices (FPN's) for dealing quickly and effectively with low level environmental offending, such as littering and dog control/fouling offences.
1.02	On the formation of the Streetscene and Transportation portfolio in April 2015, two areas of the service (parking management and environmental crime) were merged to create the Civil Parking and Environmental Enforcement team. There were a total of 7 officers, whose roles were combined to deliver enforcement activity for a wide range of environmental crimes such as littering, dog fouling, abandoned vehicles and fly tipping as well as civil parking enforcement. Currently one of these posts is vacant, due to a staff member leaving the service.
1.03	Following the roll out of the car park strategy across Flintshire, the demand for patrolling and enforcement activities in the wider number of chargeable car parks significantly increased. This was also at a time when the Council had introduced a 'Zero Tolerance' policy on littering, dog fouling and fly tipping, which also required additional enforcement resources with the new side waste enforcement arrangements placing even further pressures on the relatively small service team.
1.04	In May 2016, in order to address this shortfall in resources, Cabinet approved a formal contract with a specialist private partner (Kingdom) to undertake low level environmental enforcement activity in the County on a 12 month pilot basis. This contract was introduced to complement the activities of the Council's own enforcement officers who were employed to continue to carry out all other enforcement activities in Flintshire. The pilot was subsequently extended to allow a full assessment of the future service delivery options to be made.
1.05	Despite the fact that the vast majority of FPN's issued by the organisation on behalf of the Council were paid and uncontested, there were a number of high profile cases where the circumstances behind the issuing of tickets were considered contentious. These small number of cases undermined the reputation of the both the company and the authority and the arrangement was seen as 'heavy handed' by many people. A number of Town Council's also requested that Kingdom were not employed on enforcement activities in their own areas.
1.06	The regional lobby against the company developed significantly and Environment Overview and Scrutiny subsequently requested an update report, 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 the Council's own in-house staff. Cabinet approved the recommendation in July 2018 and subsequently Kingdom made the decision not to continue

	with their operations, serving the required notice period to end the contractual arrangement with the Council. The contract ended on 31 st August 2018.
1.07	Following the recommendation to terminate the contract with Kingdom and explore different service delivery models, all authorities in North Wales have been approached to gauge opinion and determine if a collaborative model service would be feasible. Like Flintshire, neighbouring authorities are also currently undergoing a review of their enforcement services, with all options still open for consideration.
1.08	The options available for the future service delivery models are shown in Appendix 1, together with a brief options appraisal and impact assessment of each.
1.09	Given the current financial position and the likely impact of a further contracted outsourced position, it is proposed that the in-house approach, with the current resource level is taken forward at this time (Option 1). Discussions should commence with neighbouring Council's to explore options for a combined service, delivering the benefits laid out within the Options Appraisal. The benefits from a regional or sub-regional approach, together with the additional income from Fixed Penalty Notices, may provide the funding for additional enforcement officers, which will provide additional resilience to the service currently provided (Option 3).
1.10	The success of any revised approach to enforcement will be measured against the Local Environmental Audit and Management System (LEAMS). This independent survey is undertaken by Keep Wales Tidy and records the cleanliness of streets in Wales. This will enable the authority to establish an accurate indication as to how successful the proposed service is operating.

2.00	RESOURCE IMPLICATIONS
2.01	The impact on service budgets is included in the Options Appraisal (Appendix 1).

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	With Cabinet Member.
3.02	Environment Overview and Scrutiny Committee – November 2018. The Environment Overview and Scrutiny Committee preferred an in-house solution and recommended Option 2 – ‘An enhanced in-house enforcement provision’ however they recommended the discussions with neighbouring authorities should be put on hold to allow the existing arrangement to stabilise after the departure of Kingdom.
3.03	Further consultation will be undertaken with Town and Community Council's regarding the enforcement provision.

4.00	RISK MANAGEMENT
4.01	Street and open space cleanliness levels will be monitored for deterioration following the reduced enforcement levels.
5.00	APPENDICES
5.01	Appendix 1 – Enforcement options appraisal.
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