

Corporate Overview and Scrutiny

Date of Meeting: 07 June 2018

Report Title: Environmental Enforcement Contract

Senior Officer: Fiona Reynolds, Director of Public Health

1. Report Summary

- 1.1. In October 2016, we started a pilot contract with a private company to support the work of our own community enforcement officers and further tackle offences of littering and dog fouling. Kingdom Security Ltd, who specialise in environmental enforcement and working in local communities, won the contract and made a significant impact across the borough during the pilot. In March 2017, Informal Cabinet agreed to procure the Environmental Enforcement Service for a further 1-2 years and Kingdom Security Ltd, were also successful in securing this contract. Their officers patrol locations based on local intelligence, including reports received from the public and local councillors, and there has been a noticeable difference in the amount of litter being deposited in Cheshire East. Currently their officers are continuing to increase engagement with residents, educating residents about waste management and dog fouling working alongside our internal Community Enforcement Team.
- 1.2. In 2018/19, the Communities budget has an annual income target of £118k, to be achieved through income from Fixed Penalty Notices for environmental crime. This income target cannot be achieved in 2018/19 without extending the contract with Kingdom Services Ltd. The income target will be reviewed annually as the forward trend would be a reduction in littering fines as behaviour changes.
- 1.3. This report provides a brief for the Committee, and recommends support for the extension of the contract for environmental enforcement services.

2. Recommendation/s

- 2.1. To support the option available within the current contract to extend the Environmental Enforcement Service until the 31st August 2019.
- 2.2. As agreed in March 2017, at least 6 months prior to contract expiry, support the proposal to undertake an option appraisal exercise to determine the preferred service delivery model and prepare a briefing paper for Informal Cabinet.

3. Reasons for Recommendation/s

- 3.1. The Service is having a significant impact on littering across the borough, and is contributing to a wider waste management programme around behaviour change, as outlined in Appendix 1.
- 3.2. The service is required to achieve the Medium Term Financial Strategy savings target of £118k set for 2018/19. This will be achieved through implementing a revenue income budget for the Kingdom fine income.

4. Other Options Considered

- 4.1. The Council could decide not to extend the contract. This would have a detrimental impact on the work underway to engage, educate and enforce on waste management.
- 4.2. The Council could consider other delivery models for delivering the service from 2019, but these would not be in place by the end of Year 1 of this contract which is the end of August 2018.

5. Background

- 5.1. Fly-tipping and littering is totally unacceptable behaviour and we take our enforcement duties seriously. Our Community Enforcement Team, targets those who choose to ignore the environmental laws which the rest of us abide by, and that work is as much about educating and engaging with residents as it is about enforcement.
- 5.2. Since October 2016, Kingdom Security Ltd have worked alongside our internal Community Enforcement Team and together they have had a significant impact on addressing issues around fly tipping, littering and dog fouling.
- 5.3. Cheshire East Council (CEC) has a small Community Enforcement Team which has a wide range of responsibilities including: Anti-Social Behaviour (ASB), abandoned vehicles, fly and side tipping, littering and dog fouling. The Kingdom contract complements the work of our internal team, with Kingdom prosecuting against *witnessed* crimes, and our internal team respond to complaints from residents, conducting investigations into offences already committed, such as fly tipping. The focus for the Kingdom service is to carry out patrols across the borough, providing a visible deterrent and enforcement presence and to issue Fixed Penalty Notices (FPNs) to individuals *observed* committing environmental crimes.

- 5.4. Kingdom officers issue FPNs to individuals they witness offending and for every £80 FPN issued, Kingdom charge CEC £41. In 2017/18 the income to CEC from this contract was £120k and this historic income is currently held in a separate reserve by the council, a report with recommendations for spending this income on environmental services is being considered.
- 5.5. Between October 2016 and March 2018, Kingdom have issued 10,116 Fixed Penalty Notices (FPN):
- 9642 for cigarette litter
 - 158 for food items
 - 253 for other litter types (e.g. pram, bag full of waste, wrappers, papers)
 - 54 for dog fouling.
- 5.6. The current payment rate is 75%.
- 5.7. Where FPNs are unpaid, we take prosecutions to Court and since March 2017, we have had
- 1037 successful prosecutions at Crewe Magistrates for non-payment of FPN.
 - Fines issued at court equal £363,109, on average a fine of £350 (the majority going to the courts and some to CEC Legal Services to cover legal costs).
- 5.8. The contract has targets within it, to measure added value from the work of Kingdom. These include:
- Dog Foul PSPO enforcement - A minimum target of 5 FPNs per month since adoption of the PSPO
 - Sponsorship of equipment for local community litter picking groups
 - Kingdom's "Bin it to Win it" recognition scheme - linking into current 'Keep Cheshire East Clean' campaign
 - Commitment to provide presentations in schools
 - 1 day per quarter on community initiatives e.g. Dog Watch campaigns, Fly Tipping initiatives in hotspots etc.
- 5.9. Kingdom have also recently been successful in recruiting local people to work as Enforcement Officers. This is unusual and does not happen in most areas.
- 5.10. Weekly meetings are held between Kingdom and the Council to discuss issues, including patrolling areas and hot spots. Any disputed or contentious issues are discussed and actions put in place. Quarterly monitoring meetings also take place with Kingdom's Area/National Managers.

6. Implications of the Recommendations

6.1. Legal Implications

6.1.1. Fixed Penalty Notices for Environmental offences can be issued as follows:

- Under section 88 of the Environmental Protection Act 1990 (as amended) for offences committed under section 33(1)(a) for depositing small amounts of controlled waste on any land unless in accordance with the appropriate licence;
- Under section 88 of the Environmental Protection Act 1990 (as amended) for offences committed under section 87, to include the dropping of litter, chewing gum and cigarette butts; and
- Under section 59 of the Clean Neighbourhoods and Environment Act 2005 where a dog control order has been made in accordance with sections 55 -67 of the Act.

6.1.2. The Council is empowered to issue FPNs through the authorisation of designated employees. Kingdom Security Ltd. are authorised to issue FPNs on behalf of the Council. Both the Environmental Protection Act 1990 and the Clean Neighbourhoods & Environmental Act 2005 give the Council the ability to authorise any person who in pursuance of arrangements made with the authority has the function of giving such notices and is authorised in writing by the authority to perform that function.

6.1.3. The Council ensures that any enforcement action is undertaken in accordance with our enforcement policy and that all authorised officers or authorised organisations are clearly identified as enforcement officers to residents when issuing any FPNs.

6.1.4. The contract has provision within it to extend for a further period of 12 months. Notice has to be given to Kingdom of the Council's intention to extend the contract of three months. Therefore, this notice will have to be served on or before 31st May 2018. An extension request form will need to be completed and approved by Procurement in accordance with the Council's Contract Procedure Rules.

6.2. Finance Implications

6.2.1. The Kingdom contract provides an income for the Council through the net fine income that they collect. In 2017/18 the level of fine income that CEC received was £120k, the fine income to the end of 2017/18 has been held in a separate reserve in the Councils accounts, and there are

some proposals being explored for the use of this one off reserved funding

6.2.2. Through the MTFS process an income target has been put in place for this contract from 2018/19 and onwards. This means that the service will now have an income target of £118k of fine income to be received in 2018/19. This target will be reviewed annually to reflect the forward trend of reducing littering fines as the work continues to impact. The 2018/19 income target cannot be met without extending the contract.

6.3. Equality Implications

6.3.1. The Council aims to be consistent and even handed in all regards.

6.3.2. Taking enforcement action to deal with environmental crime is not intended to have either a positive or negative impact upon equality and diversity or apply differently to any particular group.

6.4. Human Resources Implications

6.4.1. Kingdom have a team of officers recruited specifically to work on this contract.

6.5. Risk Management Implications

6.5.1. The Council has legislative powers available to deal with environmental crime. Failure to make best use of these powers to improve the local environment may lead to criticism of the Council thereby damaging its reputation.

6.6. Rural Communities Implications

6.6.1. There are no specific implications on the rural community.

6.7. Implications for Children & Young People

6.7.1. FPNs can be issued to anyone over the age of 16.

6.8. Public Health Implications

6.8.1. Litter, fly tipping and dog fouling have a negative impact on public health and so this work makes a significant contribution to improving public health.

7. Ward Members Affected

7.1. All wards and all ward members

8. Consultation & Engagement

- 8.1. The contract was originally procured as an outcome of a Scrutiny Task and Finish Group. Engagement work shows residents support the service and want to see the Council do as much as possible to tackle fly tipping, littering and dog fouling.

9. Access to Information

- 9.1.1. Access to more information can be made by contacting the report writer. Contact details for this report are provided in Section **Error! Reference source not found.** below.

10. Contact Information

- 10.1. Any questions relating to this report should be directed to the following officer:

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