

Report to: Communities Scrutiny Committee

Date of Meeting: 6th March 2014

Lead Member: Lead Member for Public Realm

Report Author: Head of Planning & Public Protection and
Public Protection Manager

Title: An update report on the use of Kingdom Security Ltd
for the enforcement of environmental crime

1. What is the report about?

1.1 The report is intended to provide Members with a comprehensive update on the environmental crime enforcement activities of Kingdom Security Ltd, how they are managed by the Service, how the service has developed over the last 12 month period, and associated costs.

2. What is the reason for making this report?

2.1 The report is intended to provide Members with an update on the environmental crime enforcement activities of Kingdom Security Ltd across the County.

3. What are the Recommendations?

3.1 That Members note the content of the report and support the continued approach and partnership with Kingdom Security Ltd for the enforcement of environmental crime.

4. Report details.

4.1 In October 2012 the Council appointed Kingdom Security Ltd (previously known as X-for) to undertake enforcement of environmental crime across the County.

4.2 Kingdom provides 1 Team Leader and 5 enforcement officers. They are based at Russell House, Rhyl, although they work across the County. The Council's Senior Community Safety Enforcement Officer (Tim Wynne-Evans) oversees the work that is done.

4.3 The Officers are responsible for enforcing against a variety of environmental crime including littering, dog fouling, fly posting, smoking in an enclosed space and graffiti. Dog fouling is the most persistent source of complaints and littering is the source of the greatest number of Fixed Penalty Notices (FPN) served.

4.4 The Officers are deployed in an intelligence led approach. This means they are routinely sent to areas where the highest levels of complaints are received or where the highest level of offending has been identified. Information is received from a variety of sources including members of the public, Members, Environmental Services, North Wales Police, etc. Following an annual review

of the contract and following comments and feedback from Members we are also directing officers to all villages across the County on a proactive basis to undertake patrols, providing high visibility deterrence and also talking to the community about any areas of concern or potential hot spots. We are also contacting Members directly to ask for information about dog fouling 'hot spots' in their wards. Free dog poo bags are provided to dog owners and advice provided as and when required.

- 4.5 Member briefings are sent to all Members and City, Town and Community Councils on a quarterly basis. This is to keep all Members up to date on where Officers have been and how many FPNs have been served. The latest Member briefing is attached as Appendix 1.
- 4.6 Special operations have also been undertaken during the year to tackle problematic or 'hot spot' areas for dog fouling. These have included early morning and weekend operations at Marine Lake (Rhyl), East Parade (Rhyl), Llangollen, Cae Ddol (Ruthin) and Brickfield Ponds (Rhyl). CCTV has been used to support these operations.
- 4.7 A week long educational event was also undertaken during the summer months on Rhyl High Street, where Officers provided advice sheets; free dog poo bags etc to the public warnings during this week were given to the public that dropped litter instead of serving FPNs. This was a very successful week and positive comments were received from the public and businesses of Rhyl.
- 4.8 We have also very recently launched a 'bin it to win it' scheme in partnership with Kingdom Security to provide further incentive to the public to dispose of their litter and dog poo in a responsible manner.
- 4.9 Fixed Penalty Notices (FPNs)
- 4.10 If an environmental crime is committed, then the Officer will serve a FPN against the offender. Officers also use their discretion where the person in question is particularly vulnerable or where there are exceptional circumstances. There are several examples of this and a total of 66 warnings/cautions have been issued since December 2013. The total number of patrols undertaken across the county and number of warnings/cautions issued can be seen as Appendix 2.
- 4.11 If a FPN is served then the offender is required by law to pay a sum of £75 within 28 days for the majority of offences. If the offender pays the £75, then the matter is closed and no further action will be taken. For every £75 FPN paid, Kingdom Security Ltd receives £45 and the Council gets £30. The total number of FPNs served the type of offence and the locality of the offence can be seen as Appendix 3. It is clear that smoking related littering remains the most prevalent offence and the one that most FPNs are served upon.
- 4.12 If unpaid in the 28 days two reminders are sent to the offender to pay their FPN. If we still do not receive payment then officers from Kingdom will put together a prosecution file to take the offender to Court. This file is reviewed by DCC Management and if we agree, the file is submitted to Legal Services

to progress. We have prosecuted over 200 offenders since October 2012. If successful, the Court issue a fine to the offender and in most cases award costs. The fine is paid to Central Government; the Council receive the Court's awards of costs. This award of costs is 'split' between this Service and Legal Services.

4.13 Financial information

4.14 Regular monitoring of the expenditure and income takes place with the Head of Planning and Public Protection, Public Protection Manager and colleagues in finance. The actual income from the service of FPNs to date just about matches the actual cost of Kingdom Security Ltd. This can be broken down as follows:

2012/13 Income received 77,480, Expenditure to Kingdom 79,068

2013/14 (to date) Income received 107,199, Expenditure to Kingdom 104,860

4.15 Put simply, this means that the service of over 4000 FPNs to tackle environmental crime has been cost neutral for the Council.

4.16 There is however a substantial amount of income still to be received from those that have not yet paid their FPNs or have not paid the costs awarded by the Courts.

4.17 The uncollected income is estimated to be approximately £140k which is to be expected given the time lag between the FPN being issued and the payment to Kingdom and the actual payment to the Council of the FPN fine or Court costs. It is envisaged that any surplus once received will be used to employ, by DCC, an additional, temporary Environment Enforcement Officer who will deal with dog fouling issues as a priority, as well as other environment crime as deemed necessary.

4.18 Following a review of the current agreement with Kingdom, changes have been agreed for the next 12 months period. This includes a reduced rate of £40 per FPN to Kingdom for the period between the 1st of June to the 30th of September with the exception of FPN for Dog Fouling for which they will receive an increased payment of £75.

4.19 Further changes include a financial penalty to be incurred by Kingdom if they do not present completed prosecution cases within the required time periods and a penalty for each occasion that officers are not in agreed uniform when they should be or that they have not been at agreed locations during the year. Not all patrols will be in uniform, particularly dog fouling patrols, but this will be agreed in advance with DCC Management.

4.20 A reduced early payment rate for offenders receiving FPNs has also been introduced of £50 if they pay within 14 days.

4.21 Complaints

4.22 Since October 2012 we have received 36 complaints from the public in relation to Kingdom Officers, this is considered a low number given they have issued over 4,000 FPN in that time.

4.23 All complaints are thoroughly investigated by the Council's Senior Officer which involves viewing video footage taken of each incident. None were found to be upheld. DCC Management also routinely check a random number of video footage to proactively monitor the conduct and professionalism of the Officers.

5. How does the decision contribute to the Corporate Priorities?

5.1 The work contributes to the Corporate Priority of clean and tidy streets. It is also an integral part of the corporate dog fouling strategy.

6. What will it cost and how will it affect other services?

6.1 As explained in the body of the report the fines issued by the Council exceed the cost of employing Kingdom to enforce environmental crime.

7. What are the main conclusions of the Equality Impact Assessment (EqIA) undertaken on the decision? The completed EqIA template should be attached as an appendix to the report.

7.1 A full equality impact assessment is not required at this stage.

8. What consultations have been carried out with Scrutiny and others?

8.1 Previous reports have been presented to Scrutiny and a formal review of the arrangement has already taken place with the Lead Member (Public Realm). Regular updates are provided to Lead Member (Public Realm), all Members and City, Town and Community Councils during the year.

9. Chief Finance Officer Statement

9.1 Currently Kingdom costs are being covered by the actual income received so there are no budget issues. Income levels should improve as the income received from unpaid FPN and prosecutions increases. The impact upon cash flow of the reduced early payment rate and further changes to the FPN needs to be closely monitored.

10. What risks are there and is there anything we can do to reduce them?

10.1 There are risks of negative publicity but this is managed through good, robust management by DCC Officers.

11. Power to make the Decision

11.1 s2 Local Government Act 2000 - power to do anything likely to promote or improve the economic, social or environmental well being of the area

11.2 s111 Local Government Act 1972 - power to anything to facilitate or is incidental to the carrying out of any of the council's functions

11.3 Article 6.3.4(b) of the Council's Constitution sets out Scrutiny's power with respect to scrutinising performance relating to policy objectives.

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