

Report to: Performance Scrutiny Committee

Date of Meeting: 7th June 2018

Lead Member/Officer: Lead Member for Housing, Regulation and Environment

Report Author: Head of Planning and Public Protection

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 an update on the environmental crime enforcement activities of the Council which is contracted to Kingdom Security Ltd. It outlines how the Council manages the contract, how performance is managed, is it value for money and the conduct of Kingdom officers having regard to the reputation of the Council.

2. What is the reason for making this report?

- 2.1 Members have requested an update on the environmental crime enforcement activities of Kingdom Security Ltd and what controls are in place to ensure the contract is managed appropriately.

3. What are the Recommendations?

That the Committee:

- 3.1 discusses the content of the report; supports the continued strategy and partnership with Kingdom Security Ltd. for the enforcement of environmental crime; and
- 3.2 in line with the instruction from County Council provides Cabinet with recommendations in relation to the future provision of environmental crime enforcement services.

4. Report details

- 4.1 In October 2012 the Council appointed Kingdom Security Ltd to undertake enforcement of environmental crime across the County, accomplish a change of public behaviour and contribute towards the Council's 'clean and tidy streets' priority.
- 4.2 Kingdom provides 1 Team Leader, 4 enforcement officers and 1 administration officer. They are based at Denbighshire County Council's (DCC) Caledfryn Offices, Denbigh and are deployed throughout the County. There is written contract in place that is reviewed annually.
- 4.3 The contract is managed by the Planning and Public Protection service. The Senior

Community Safety Enforcement Officer (Tim Wynne-Evans) is the DCC responsible officer responsible for managing the relationship and oversees Kingdom's performance on a day to day basis. Kingdom officers are regulated by strict evidential and standard operating procedures. Their conduct whilst dealing with all members of the public is documented through the use of body cameras and constantly vetted.

- 4.4 The Kingdom Officers are responsible for enforcing against a variety of environmental crimes including littering, dog fouling, fly posting, smoking in enclosed areas, graffiti and breaches of Public Space Protection Orders. Dog fouling is the most persistent source of complaints and smoking related littering is the most habitual offence that results in Fixed Penalty Notices (FPN) served. Appendix A provides details of all FPN's served over the last 12 months including type of offence and locations.
- 4.5 The Kingdom Officers are deployed on an intelligence led approach. This means they are routinely sent to areas where the highest levels of complaints originate from or where there is evidence of individuals disregarding legislation and committing offences. In accordance with contractual agreements officers' attendance throughout the county has become far more proportionate providing a service to even the smallest of communities. Hot spots receive a greater, more determined enforcement attention. We are also making determined efforts to persuade members of the public to take a more positive stance against offending dog owners. Free dog poo bags and cigarette stubby pouches are provided to the public with appropriate advice.
- 4.6 Personal contact with Members and Town Councillors has become a frequent practice. Personal invitations are commonly made to Members to accompany enforcement officers on patrols within their wards and on environmental audits.
- 4.7 Dedicated patrolling is regularly undertaken to tackle problematic or hot spot areas for dog fouling. These have included early morning and weekend operations at locations such as Marine Lake (Rhyl), East Parade (Rhyl), the Riverside Park and canal path at Llangollen, Cae Ddol Park (Ruthin), Moel Famau (Ruthin) and Nova and Barkby beach, Prestatyn just to mention a few. The dog fouling complaint trend is downwards in Denbighshire. This is reflected nationally in Keep Wales Tidy surveys which shows a decrease in dog foul on the streets. The number of fixed penalty notices served for dog fouling by Kingdom officers in Denbighshire has been consistently amongst the best in Wales. (Appendix C) In 2011/12 prior to Kingdom coming to Denbighshire, the Council served 18 FPNs for dog fouling.
- 4.8 Education is also a significant part of the work undertaken by Kingdom Officers. They routinely provide advice to dog owners and provide free dog poo bags etc. and have attended publicity events at Rhyl Promenade and Moel Famau which were designed to educate the public about environmental crime. The involvement of enforcement officers in such events has proved to be a big success.
- 4.9 Collaboration with Environmental Services provides a joined up approach to prevention and detection of offenders by transferring information and identifying fouling hot spots with the use of pavement chalk spray. The chalk spray and use of stencil messages easily identifies foul for clearance and is confirmed as a warning to offenders that officers are patrolling the area. A significant number of documented complimentary comments have been made by Members concerning

the proactive performance of Kingdom officers and the quality of the management of the resource. Officers have recently presented update reports to all Member Area Groups (MAGs).

4.10 Fixed Penalty Notices (FPNs)

- 4.11 If an environmental crime is committed, then the Officer will serve a FPN against the Offender. Officers exercise their discretion frequently where the person in question is particularly vulnerable or where there are exceptional circumstances. Persons under 18 are not eligible to be served with FPNs. In every set of circumstances officers must consider the full evidence and public interest test. There must be a realistic prospect of a finding of guilt should the case be heard before a Magistrates Court before a FPN is issued.
- 4.12 If a FPN is served then the offender is required by law to discharge the fine imposed (£75 or £100) within 28 days for the majority of offences. If the offender discharges the fine then the matter is closed and no further action will be taken. The total number of FPNs served and the type of offence and the locality of the offence can be seen at Appendix A. It is clear that smoking related littering remains the most prevalent offence and the one that most FPNs are served upon.
- 4.13 If payment is not made after two written reminders within 28 days the Kingdom administrator compiles a Single Justice Procedure to prosecute the offender. This file is reviewed by DCC Management and if we agree, the file is submitted to Legal Services to progress. If successful the Court issue a fine to the offender and in most cases award costs. The fine is paid to Central Government and the Council receive the Court's awards of costs.
- 4.14 Financial information
- 4.15 Regular monitoring of the expenditure and income takes place with the Head of Planning and Public Protection, service managers and colleagues in Finance. The Council has a 'pay as you go' arrangement with Kingdom, whereby we only pay Kingdom for the number of FPNs served. The payment is in effect 60% of the fine. If there are less FPNs served then the Council pay less to Kingdom. This means that the Council has no fixed costs such as salaries etc. Officers believe this provides good value for money i.e. there is no cost to us for the Service and we receive a percentage of the fine from each FPN served, which covers our management cost and "other" related enforcement work.
- 4.16 The current payment rate is 76% before cases are referred to the Magistrates Court.
- 4.17 For 2017/18 the Council paid Kingdom £162,435. This cost is met by the FPN income.
- 4.18 This means that the service of over 4727 FPNs during 2017/18 to tackle environmental crime has not cost the Council anything with visible results in securing cleaner streets.
- 4.19 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.

4.20 Public interaction/Complaints

4.21 Between the periods of 2015/16, 16/17 and 17/18 a total of 15,409 FPNs were issued for environmental crime offences. There is no appeal against an FPN, however members of the public are able to submit a complaint in accordance with the Council's corporate complaint policy. Appendix B details the number of complaints received over recent years. Having regard to the amount of notices issued, the number of complaints received as a % of all FPNs served is very low (1%), which is even lower considering the number actually upheld. In the event that Kingdom officers are considered to be underperforming or failing to comply with operational instructions they are removed from site and are immediately replaced.

4.22 All complaints are thoroughly investigated by the Council's Senior Public Protection Officer which involves interviewing officers, witnesses and viewing body camera and public space video footage taken of each incident. 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 protecting our environment. 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 The costs are covered by the actual income received. Officers work closely with colleagues in other services.

7. What are the main conclusions of the Well-being Impact Assessment?

7.1 This is an update report, therefore no Well-being impact assessment is required.

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

8.1 Previous reports have been presented to Performance Scrutiny. Regular updates are provided to the Lead Member, Member Area Groups and City, Town and Community Councils during the year.

9. Chief Finance Officer Statement

9.1 The current arrangement demonstrates value for money for the council.

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.

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

Section 7.2 of the Council's Constitution stipulates that Scrutiny may review and scrutinise the Council's performance in relation to policy objectives, performance targets and/or particular service areas. It also states that Scrutiny can make reports to the Council or to Cabinet in connection with the discharge of any functions.

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