

Report to: Partnerships Scrutiny Committee

Date of Meeting: 14th February 2019

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

Report Author: Built Environment and Public Protection Manager

Title: Environmental Enforcement Provision

1.0 What is the report about?

1.1 The report is intended to consult Members on the draft specification for the provision of environmental crime enforcement contract. It outlines how the Council intends to deliver and manage a new environmental enforcement contract.

2.0 What is the reason for making this report?

2.1 A report was presented to Cabinet on 25th September 2018 to outline the options for the delivery of environmental crime enforcement across the County. Cabinet resolved to proceed with the option to procure an external service provider. Cabinet agreed that the Head of Planning and Public Protection agrees the content of the final specification for the service delivery of environmental enforcement following consideration of the draft specification by a Scrutiny Committee.

3.0 What are the Recommendations?

3.1 That Members consider the content of the report and support the draft specification set out in appendix A and B to enable officers to proceed to the tender stage of procuring an external provider to deliver enforcement of environmental crime in the County.

4.0 Report details

4.1 In October 2012 the Council appointed Kingdom Security Ltd to undertake enforcement of environmental crime across the County, including dog fouling, littering etc. That contract was due to expire on 9th November 2018 however Kingdom Security Ltd exercised their right to terminate the contract early following the relevant notice period. Consequently Kingdom services ceased operations in Denbighshire on the 17th August 2018.

4.2 The Kingdom Officers were previously 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 (PSPOs). 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. Paragraph 4.3 below sets out the number and type of offences in the last full year of available

statistics.

4.3 **January 2017 – 31st December 2017**

Offence type

Litter Cigarette	3600	76.17%
Litter all other	142	3.03%
Smoking in a smoke free	803	17%
Dog fouling	90	1.9%
Begging	6	0.13%
Drinking from an open vessel	70	1.48%
Loitering	3	0.06%
Urinating	11	0.23%

4.4 In September 2018 a report was taken to Cabinet to consider the options for the future delivery of environmental enforcement in the County. Cabinet resolved to procure an external service provider. A draft specification (Appendix A) has been prepared for members to consider. This has been developed with the support of DCC Procurement officers. In drafting the specification officers have considered feedback from members i.e. increased focus on dog fouling and education.

4.5 The new service provider will be responsible for enforcing against the same environmental crimes as previously, however having learned lessons from the previous contract the intention is to make a change in the approach to delivery. The new draft contract specification will have an emphasis on:

- Engagement and education
- Dog fouling
- Dog control

4.6 There will be an expectation that enforcement officers will be specifically targeting dog fouling and dog control, and undertaking specific duties to achieve this. However, whilst undertaking those duties, officers will be able to enforce against other crimes such as littering.

4.7 Officers will be deployed on an intelligence led approach. This means they will be 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.

4.8 Dedicated patrolling will be regularly undertaken to tackle problematic or hot spot areas for dog fouling. These will include early morning and weekend operations at strategic locations. The dog fouling complaint trend was downwards in Denbighshire. This is reflected nationally in Keep Wales Tidy surveys which shows a decrease in dog foul on the streets. Behaviours were beginning to change and it is important that a new service provider is appointed soon to build on this successful trend.

- 4.9 Collaboration with DCC Environmental Services will continue to provide 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.
- 4.10 An integral element of the draft specification is the added emphasis on engagement and education across all sections of the community. Engagement and education will need to form a significant part of the work undertaken by the new service provider. A particular emphasis will be placed on engaging with children. Officers have consulted with colleagues in Education Services to understand how best this can be delivered in schools. Details of the type of provision to be delivered are set out in Appendix B
- 4.11 Whilst education and engagement are an important activity to help keep the streets clean and tidy, warning or advising people that they have offended, with no penalty being attached, is not an effective or sustainable prevention approach. A more commonly used model, is promotional preventative work, coupled with an effective penalty when offences are committed.
- 4.12 The new service provider will be expected to work closely and in partnership with Keep Wales Tidy (KWT) to deliver targeted engagement projects. KWT's position includes that "enforcement cannot work in isolation and must be part of a wider engagement and prevention strategy". Furthermore, KWT "believes that the purpose of enforcement should be to:
- To raise awareness that a particular action is unlawful
 - To promote positive behaviour change in the long term
 - Deter potential offenders
 - Punish offenders
 - To address, along with other strategies, persistent Local Environmental Quality
- 4.13 Our officers have been in discussions with colleagues in other North Wales authorities to explore collaboration opportunities, particularly when the majority of Councils were considering their options for the enforcement of environmental crime. Cabinet also wanted officers to explore regional collaboration opportunities.
- 4.14 Following discussions with other Authorities, we do not believe that formal regional collaboration is possible at this stage. However officers will still be working together on sharing good practice, standardising the enforcement approach where possible etc.

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. 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 from Fixed Penalty Notices. The project will be a cost neutral provision to the Council other than the management of the contract which will be contained within existing budgets.

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

- 7.1 This report is not seeking a decision, therefore no Well-being impact assessment is required at this stage

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

- 8.1 Previous reports have been presented to Performance Scrutiny Committee and Cabinet. Consultation and discussions have taken place with the Lead Member for Housing, Regulation and the Environment as well as officers from DCC Procurement and Education Service.

9. Chief Finance Officer Statement

The balance between education, deterrence and enforcement must be carefully struck to ensure that it is viable for an external provider to deliver the service on a basis that is genuinely cost neutral to the council.

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

- 10.1 The main risks associated with regard to drafting the specification for the provision of a new environmental enforcement provider is that the specification is too prescriptive to be commercially viable for service providers and that we receive limited interest from companies. Officers consider that the draft specification attached in appendices A and B strike a balance between a specification that meets the council's requirements and being commercially viable.

11. Power to make the Decision

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

Scrutiny's powers in relation to this matter are outlined in Section 7.4.2(d) of the Council's Constitution

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