

Appendix A

ENVIRONMENTAL CRIME ENFORCEMENT

Prospective Contract Specifications

This contract sets out the working arrangements between Denbighshire County Council and “NEWCO” for the enforcement of Environmental Crime and Anti - Social Behaviour in Denbighshire.

To specifically, but not exclusively, tackle dog fouling and dog control whilst having regard to all other environmental crimes referred to in this specification.

To challenge irresponsible behaviour through intelligence led enforcement, education and dedication in dealing effectively with problematic areas/issues (Dog Fouling) of Denbighshire County Council.

To provide consistent officer cover in all wards of DCC irrespective of the demographics and rather than simply in the most high volume areas.

To support anti-litter campaigns and projects through community engagement, media and public events.

Consistently measuring such methods to enable necessary changes to support prevention and reduction of Environmental Crime and Anti-Social Behaviour throughout DCC

To ensure a consistent and regular monitoring method achieving success for future customer records management (CRM'S)

To engage a reputable and skilled service provider ensuring

- No upfront costs to the council.

- A guaranteed cost neutral contract.
- High quality provision of enforcement through proven, professionally trained, skilled operatives
- Set percentage of officer hours engaged in working with and providing education to schools, organizations environmental groups and participating in hi-profile public events. (Appendix B)
- Compliance with DCC Standard Operating Procedures and operational priorities
- Both parties will discuss and agree strategic and operational issues as and when required.
- The administration of operations and administrative responsibilities to be conducted from “NEWCO” offices/control centre accessible to DCC between 7am and 7pm daily.

General

1. “NEWCO” will, on behalf of Denbighshire County Council, issue Fixed Penalty Notices for offences relating to:
 - Section 87 Environmental Protection Act 1990, under the powers provided by Section 88.
 - Fouling of Land Act and Section 59 Clean Neighbourhood and Environment Act 2005
 - Section 43 Anti-Social Behaviour Act 2003 (Fly Posting and Graffiti)
 - Section 6; 7 and 8 Health Act 2006 {Smoke Free offences}
 - Section 59 and 43 Anti-Social Behaviour and Policing Act 2014 (Public Space Protection Orders and Community Protection Notices)
2. The contract will commence for a period of X... months from the date of the commencement of the contract

3. Either party can terminate the arrangement by giving X... days' notice if not satisfied for any reason. (to be agreed)
4. Day to day management of the Service will be through nominated Council and "NEWCO" representatives
5. Regular press and media releases concerning the service will be agreed between both parties before release.
6. Both parties will discuss and agree strategic and operational Issues as and when required.

Denbighshire County Council will:

1. Develop a Communication Strategy in relation to the enforcement of environmental crime in the County.
2. Provide identity cards and relevant authorisations for all NEWCO Enforcement Officers and Team Leader working to the direction of Denbighshire County Council.
3. Provide the necessary office facilities and IT for the “NEWCO” officer supervisor/Team Leader
4. Provide the necessary office equipment in respect of the service.
5. Provide relevant equipment needed to enable the proper enforcement and the promotion to the public of good practice in clearing litter/ dog foul (e.g. signs, dog foul bags).
6. Supply serial numbered evidence pocket note books.
7. Give direction as to the areas to be patrolled which may be between 6.00 am and 8.00 pm any day of the week. This will include weekend deployments, every Saturday and Sundays. Bank holidays as directed.
8. Consideration of supplementary transport provisions for Enforcement Officers in order that all areas of Denbighshire County Council can be patrolled effectively
9. Provide induction information for enforcement officers and annual refresher training as appropriate. Provide all Enforcement Officers with advice and additional training in evidence gathering and the presentation of written evidence.
10. Ensure that all Stage One formal complaints made against Enforcement Officers are brought to the attention of the relevant Team Leader and that the provision of required

information is made available in all cases. Ensure that the matters are investigated appropriately and in a timely manner.

11. All complaints made against Enforcement Officers will be investigated in a fair and appropriate, transparent manner by DCC's Principal Public Protection Officer or other appropriate Denbighshire Officers. "NEWCO" will be informed of the progress of such investigations and immediately informed of the result at its completion.
12. Provide payment for a valid and justified Fixed Penalty Notices at a rate to be agreed subject to tender process.
13. Provide "NEWCO" with £100 per officer per full day in court and £50 per half day. There will not be any charge for officer attendance in the event that proceedings fail to commence.
14. Comply fully with the Denbighshire County Council Welsh Language Statement/Strategy

"NEWCO" will:

1. Provide sufficient staff resources including a Team Leader and Senior Enforcement Officer capable delivering this specification and capable of being operational between 6.00 am and 8.00 pm. In the event of extractions ensure that the provision of 6 officers is immediately supplemented
2. Provide an administration office facility accessible between 7.00 am and 7.00 pm daily.
3. In accordance with seasonal restrictions ensure that officer coverage is maximized daily between the 6 am and 8 pm
4. Ensure the provision of a Team Leader who has a documented high level of operational legislative knowledge and experience

in managing a team of enforcement officers. Be competent in directing operational procedures in a professional and accountable manner.

5. Provide a means of transport suitably insured and identifiable to the public for officers to successfully fulfil the requirements of covering all wards within DCC in accordance with the contractual requirements. All officers possess a full driving license and the declaration of new or historical traffic offences is immediately disclosed
6. Ensure that all Enforcement Officers are fully vetted to Disclosure and Barring Service Check level.
7. Produce for DCC an enforcement officer Risk Assessment and ensure the maintenance of such a document
8. Ensure that the officers provided are of good character, polite, confident and possess excellent communicative skills to be able to converse successfully with all sections of society. Possess a high level of discretion and proficient in dealing with potentially confrontational circumstances
9. Produce evidence of officers being trained in conflict management systems
10. Ensure that enforcement officers conduct themselves during their patrols in a fair and reasonable manner when dealing with all members of society with respect for diversity, gender and age
11. Ensure that enforcement officers are fully aware of the contents of the provisions of Welsh Government guidelines in issuing FPN's
12. Ensure that all Enforcement Officers meet a dress code agreed by Denbighshire which is highly presentable, clean and tidy and

officers always appear to the public in a smart and professional manner and their conduct at all times is beyond reproach.

13. Ensure that officers have a distinctive non-black hi visibility uniforms are of a description that present a clear and friendly appearance to all sections of society
14. Ensure that officers are capable of being deployed on dog fouling or specifically identified operations in plain clothes if so required.
15. Ensure that all fixed penalty notices produced by electronic equipment meet the relevant legislative requirements.
16. Ensure that the officers are fully trained in all aspects of the role, including engaging with members of the public and enforcement of the relevant legislation and, in particular, the techniques for issuing Fixed Penalty Notices, including the correct use of evidence pocket books and have a working knowledge of the relevant sections of PACE, R v Turnbull and interview techniques to obtain and record evidence. All officers to provide Section 9 Witness statements as part of prosecution file presentation.
17. Ensure all officers are fully trained and compliant in respect of the Data Protection Act and GDPR.
18. Maintain the competency of Enforcement Officers and review this be able to measure the capabilities regularly and record any development and training completed or planned.
19. Ensure the provision of all relevant training and other relevant record copies relating to operational officers when requested.
20. Officer duties must include a percentage (negotiable) of their patrolling time to the dedication to the Control of Dogs Public Space Protection Order. Undertake dedicated operations to effectively enforce against dog fouling and ensure daily patrols

of repetitively problematic areas of all wards in DCC

21. Respond to Service requests in an effective and timely manner documenting evidence of such activities. Ensure that complainants are advised of activities connected with their complaints
22. Ensure the provision of high performance, secure electronic hand held devices for the issue of Fixed Penalty Notices and capable of documenting the required contemporaneous supporting evidential notes.
23. The provision of an adequate administration support.
24. Provide all Enforcement Officers with fully encrypted, tamperproof, wireless capability body worn cameras and ensure all are familiar with the Home Office Guidelines for their correct use. The footage gained from which is secured and retained for a period until either the fine from a Fixed Penalty Notice is discharged or the matter has been dealt with and concluded by a Court
25. Ensure that all Enforcement Officers employ every measure possible to confirm the identity of persons who are to be issued with Fixed Penalty Notices and record evidence of such. Sufficient back office support is to be provided so as to carry out identity checks on those persons who are being issued with Fixed Penalty Notices to reduce the risk of unsuccessful enforcement.
26. Ensure that all Enforcement Officers seek the assistance of public space CCTV where available and the North Wales Police in cases of potential threats to the safety of officers by the public to officers with whom they engage during the course of their duties.
27. Ensure that all Enforcement Officers are trained in court presentation and proficient of attending court and give oral evidence if required to do so. Reasonable efforts to be made to

ensure attendance at court of staff no longer employed.

28. Provide patrolling officers with a means of communication and jointly branded bi-lingual PPE equipment identified through risk assessments (e.g. light-weight stab vests, effective wet/hot weather clothing suitable for all descriptions of weather conditions)
29. The provision of recording real time data, enabling clear evidencing of officer activity ensuring maximum quality service to the residents of DCC in preventing and enforcing against environmental crime.
30. Only issue Fixed Penalty Notices in circumstances where the issue of a Fixed Penalty Notice is considered evidentially justified and in the public interest to do so e.g. for a first time offender.
31. Not issue Fixed Penalty Notices to any person who is, or it is not entirely clear is, under the age of 18 years or over 75 years of age, any person who presents as being vulnerable, suffering from any form of obvious mental illness, or in any circumstances that is likely to provoke unnecessary criticism to "NEWCO" or Denbighshire County Council.
32. Fully document the details of any person who is issued a warning or given suitable advice in a Pocket Book in addition to giving that person an Advice / Warning Notice by letter or immediate personal issue.
33. Ensure that the provision of warning letters to parents or appropriate adults responsible for those persons under 18 who have received warnings.
34. Maintain a record of all persons who receive warnings and suitable advice in cases where the issue of a Fixed Penalty Notice is not appropriate.

35. Refund any monies in the case where a Fixed Penalty Notice has not been paid as a result of a failure to comply with the relevant legislation, incorrect data or significant officer error or misconduct. Cancellations due to a failure to adhere to SOP, Instructions delivered by DCC
36. Ensure the compilation of complete (sufficiently detailed to present a Prima Facie case and taking into account the "Evidential Test" and "Public Interest Test" criteria) prosecution files are presented to DCC before the expiration of a period of 93 days after the 28th day has elapsed unless prior consultation has taken place.
37. Bring every case of complaint received as a result of officer conduct, together with all documentation, to the attention of the appropriate DCC Officer responsible for the management of NEWCO in Denbighshire.
38. Ensure the full cooperation of officers is given to allow the proper investigation of any complaints received.
39. Provide calendar monthly accurate up to date statistical information and as and when requested by Denbighshire County Council. Also make all such statistics readily available to the public by means of social media
40. Public access to full data gathered in order that operational and administrative transparency is maintained ensuring the justification of enforcement activities and which can be presented to DCC Members, FOI request preparation is minimized.
41. Allow nominated Denbighshire officers a sufficient level of access to relevant databases to enable adequate auditing/reconciliation.
42. Provide a point of contact between 7 am and 7pm daily for enquiries regarding the payment of fixed penalties and general

enquiries concerning the issue of such notices.

43. Ensure active participation in educational agendas, operations/initiatives of prevention and reduction of environmental crime especially dog fouling in Denbighshire.
44. Ensure maximum coverage (single officer patrols) of Denbighshire unless relevant and current risk assessments dictate otherwise.
45. Ensure that all nominated locations which are Rhyl, Prestatyn, Rhuddlan, Bodelwyddan, Trefnant, Henllan, Dyserth, Meliden St. Asaph, Bodfari, Llandyrnog, Denbigh, Ruthin, Rhewl, Llandegla, Llangollen, Corwen, Cynwyd, Carrog and Gwyddelwern are visited daily in a period of 12 months. All locations must receive adequate foot patrols in accordance with requirements ensuring stipulated activities such as enforcement, reduction and prevention of environmental crime on each occasion at that location. This will not include occasions in response to specific complaints made by the public concerning matters of Environmental Crime that are the responsibility of NEWCO. All such visits must be fully documented and activity evidenced for statistical purposes.
46. Payment methods for justified FPN's will be the responsibility of "NEWCO" Via remote control/administration location. Invoice Denbighshire County Council on a monthly basis.
47. The responsibility for the responses to FOI requests and the production of prosecution files (SJP) will be that of NEWCO and ensure communication is maintained with Single Justice Procedure(SJP) in DCC
48. Invoices will include the number of fixed penalty notices which have been cancelled by Denbighshire County Council and are therefore deemed not payable by Denbighshire.

49. Comply with DCC Welsh Language Statement/Strategy.
Engage with Welsh language operational requirements

Data Sharing

- 1 Both parties will be authorised to share data relevant to the proper enforcement of legislation and administration of this contract. Authorisation and understanding will be outlined in a signed Data Sharing Agreement.

Performance Management Deductions

- 1 Failure to present prosecution files within the agreed time limit will result in a financial penalty of £45 per file.
- 2 Failure to comply with requirements of high quality presentation of officers unauthorised/dirty uniform £100 per breach (rectification time allowed 2 hours)
- 3 Failure to attend and document at listed locations as required in accordance with stipulations in a 12 month period will result in a financial penalty of £100 per failed occasion.
- 4 If without reasonable excuse, the issue of any Fixed Penalty Notice that is not supported by the relevant CCTV footage from the correct operation of officer body cameras and an evidentially accurate Pocket Note Book entry Denbighshire County Council will not be liable for the payment to "NEWCO