

Subject:	ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY
Meeting and Date:	Cabinet – 5 March 2018
Report of:	Diane Croucher, Head of Regulatory Services
Portfolio Holder:	Councillor Trevor Bartlett, Portfolio Holder for Property Management and Environmental Health
Decision Type:	Non-Key
Classification:	Unrestricted
Purpose of the report:	To review the current provision for litter and dog fouling enforcement provided by Kingdom Services Group Limited.
Recommendation:	To agree to extend the current contract with Kingdom Services Group Limited by 12 months.

1. Introduction

- 1.1 In November 2016 Cabinet agreed to a trial using contractors to patrol the District and issue fixed penalty notices (FPNs) for offences relating to litter and dog fouling. The initial contract was entered into with Kingdom Services Group Limited for 12 months from 18th April 2017 but allowed two extensions of 12 months each time. There is no direct cost to the Council as the contractors costs are met from monies generated from FPNs. It is proposed the contract is extended for 12 months.

2. Background

- 2.1 The figures below cover quarters 1 to 3, 2017-2018 (01/04/2017-31/12/2017):
- The Council's contractor issued 1472 FPNs. 1368 for depositing litter and 4 for failure to remove dog faeces forthwith.
 - The payment rate is just under 81% providing an income of £8741. This does not include cancelled or withdrawn FPNs.
 - 129 formal representations seeking review of FPNs issued were received. 105 were rejected and 24 accepted.
 - As a result of non-payment of FPNs 40 successful prosecutions were taken. This resulted in court fines totalling £6117 and award of the £4575 to the Council.
- 2.2 As a result of sickness there has been a reduction in patrolling hours since October 2017. However, this has not resulted in any reduction in the number of FPN's issued during this period. Upon review the contractor has advised that whilst they are minded to agree to an extension it is no longer financially viable for them to provide 96 hours patrolling time per week. It is therefore proposed that any extension in the agreement reflects this with the reduction of officers from 3 to 2. There is facility within the agreement to do this.

2.3 The introduction of the contracted Environmental Enforcement Officers (EEOs) enabled the 2 DDC EEOs to focus on other areas of work within the Environmental Crime Teams remit. This includes

- Enforcement of the Council's Public Spaces Protection Order (PSPO) regarding dog control across the district.
- Investigation work relating to:
 - littering from vehicles
 - fly tipping.
 - commercial waste,
 - accumulations on private properties/land,
 - cars for sale on consent streets,

3. Identification of Options

Option 1 Extend the current trial by a period of 12 months with a variation to the current terms reducing the amount of field officers from 3 to 2.

Option 2 Cease working in partnership with external contractor at end of trial period.

Option 3 Undertake a procurement exercise to re-let a contract competitively.

4. Evaluation of Options

4.1 Taking into consideration the flexibility of service focus, statutory requirements, quality of service and contract sustainability, option 1 is the recommended option. .

4.2 Option 1. The benefit of a continuing combined service is:

- no additional cost to the Council.
- additional highly visible uniformed officers on patrol.
- contractors focus on day to day littering issues which occur mainly in the larger urban areas of the District which allows DDC officers to focus on other environmental crime issues such as .
 - dog related issues,
 - commercial waste,
 - fly tipping,
 - accumulations and
 - other envirocrime.
- income generated from FPNs can be used to fund envirocrime initiatives such as seizure of vehicles involved in fly tipping and purchase of equipment like surveillance cameras.

4.3 If Cabinet approves this recommended option it will be necessary to obtain approval for the contract extension from the councils monitoring officer and the Solicitor to the Council in accordance with Contract Standing Order 14

4.4 Option 2 – Dispensing with the services of the contractor would result in

- halving the amount of Environmental Enforcement Officers working within the District.
- likely increase in littering.
- reduced visibility of officers on patrol.
- reduced level of enforcement actions and capabilities.

4.5 Option 3 - Undertake a procurement exercise to re-let a contract competitively

The current contract has provision to extend without the need for further procurement. To date we are satisfied with the way Kingdom carry out their duties and have developed a transparent working relationship with them. To the best of our knowledge there is only one other contractor providing this service. We intend to research this further with other local authorities within the next 12 months.

5. Resource Implications

<u>Option 1</u>	No resource implications as this option can be met within existing budgets.
<u>Option 2</u>	Reduction in staff numbers and income from FPNs estimated to be £12,000 per annum.
<u>Option 3</u>	Reduction in staff numbers and income from FPNs whilst undertaking a procurement exercise., after 17 th April 2018,

6. Corporate Implications

- 6.1 Comment from the Section 151 Officer: 'Finance has been consulted and has nothing further to add (SB).
- 6.2 Comment from the Solicitor to the Council: The Solicitor to the Council has been consulted in the preparation of this report and has no further comments to make".
- 6.3 Comment from the Equalities Officer: 'This report does not specifically highlight any equalities implications, however in discharging their duties members required to comply with the public sector duty as set out in section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15> '

7 Appendices

Appendix 1 – Contractor Performance Statistics Q1-Q3 2017-2018

8 Background Papers

Cabinet Report November 2017 – Environmental Enforcement Service Delivery Options

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