

Subject:	ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY
Meeting and Date:	Cabinet – 11 January 2021
Report of:	Diane Croucher, Head of Regulatory Services
Portfolio Holder:	Councillor Nick Kenton, Portfolio Holder for Planning and Regulatory Services
Decision Type:	Key
Classification:	Unrestricted
Purpose of the report:	To seek approval from Cabinet to continue using external contractors to provide enforcement services for environmental crime offences, e.g. the issue of fixed penalty notices (FPNs) for littering and dog fouling.
Recommendation:	<p>That Cabinet</p> <ol style="list-style-type: none"> 1. Approves the continuation of enforcement services through a private contractor via entering into a 3-year concessionary contract. 2. Authorises the Head of Regulatory Services, in consultation with the Portfolio Holder for Planning and Regulatory Services, to take all necessary steps to award the contract.

1. Summary

- 1.1 The contractor method of service delivery was previously evaluated and approved at the Cabinet meeting of 07th November 2016 – see appendix. This led to a trial with contractors to patrol the District and issue FPNs for environmental crimes, e.g. littering and dog fouling. The initial contract was for 12 months but allowed two extensions of 12 months each time. This was on a concessionary contract basis providing a cost neutral consistent litter enforcement service. These trials were successful but have now ended. Approval is therefore sought to continue to deliver the service in a similar way by entering into a 3-year contract with the possibility of two 12-month extensions.

2. Introduction and Background

- 2.1 The Council used contractors to patrol the District and issue FPNs for environmental offences from 03rd April 2017 to 23rd March 2020. There was a gap between September 2018 and February 2019 as a result of a change in contractors. The period of operation resulted in the issue of 4497 FPNs and 444 successful prosecutions.
- 2.2 The most recent extension ended in April this year due to the impact of the coronavirus pandemic.
- 2.3 Two external contractors, with experience in the field through operating in several local authorities across the country, were approached to discuss the potential of setting up a new longer-term concessionary contract. They advise such a service is viable and officers could be provided to patrol between 7am and 7pm for a minimum of 5 days a week.
- 2.4 Through a tendering process, a formal agreement would be established to set out the level of service and indemnity provided by the Contractor. This would closely mirror the successful previous contracts.

- 2.5 The service would be closely monitored by the officers within the Environmental Protection & Crime Team, carrying out regular checks on FPNs issued and income received. This would be supplemented by meetings with managers from the contractor.
- 2.6 The tender would require contractors to provide
- (a) mobile phones, body worn cameras and electronic digital assistants to issue on the spot fines,
 - (b) uniform with DDC logo
 - (c) electric vehicle
 - (d) back up admin including
 - (i) correspondence on payments
 - (ii) collection of payments,
 - (iii) call handling
 - (iv) complaint management
 - (v) witness statements, .
 - (vi) Contractors would focus on day to day littering issues which occur mainly in the larger urban areas of the District.
- 2.7 Non-payment of FPNs would be dealt with by the Environmental Protection & Crime Team in liaison with the Council's Legal Services Department. .
- 2.8 On completion of the tendering process the aim is to appoint contractors from 05th April 2021.

3. **Identification of Options**

- 3.1 Option 1 – Approve the ongoing use of contractors to deal with low level environmental crime.
- 3.2 Option 2 – Cease using contractors to deal with low level environmental crime.

4. **Evaluation of Options**

- 4.1 Option 1 – the preferred option. On successful completion of a tendering exercise contractors can be appointed at no additional cost to the Council. This would increase the amount of available operatives and hours of highly visible patrols focusing on day to day small scale environmental crime within the District. On that basis the directly employed Environmental Enforcement Officer would have more time to spend on;
- (a) littering from vehicles,
 - (b) stray dogs, microchipping and dangerous dogs in conjunction with Kent Police,
 - (c) patrols in areas where dog bans are in force
 - (d) trade waste inspections
 - (e) accumulations on private properties/land,
 - (f) assisting with fly-tipping complaints,
 - (g) cars for sale on consent streets,

All of the above would take place whilst simultaneously providing a cost neutral consistent litter enforcement service to the public. There is also potential for income which can be used to improve the service further through initiatives like the purchase of equipment e.g. surveillance cameras for use in fly-tipping investigations.

- 4.2 Option 2. Would mean there would be less resources to deal with small scale environmental crime. One officer would cover the whole district. This would negatively impact on the areas listed in 4.1 (a)-(g) above. It is also likely to lead to
- increase in littering.
 - reduced visibility of officers on patrol.

- reduced level of enforcement actions and capabilities.

5. **Resource Implications**

- 5.1 There will be no direct outlay from the Council as the contractor's costs are met from monies generated by FPNs. The existing Environmental Protection & Crime Team will complement the contracted service as detailed above (paragraph 4.1) and will monitor the contract performance.
- 5.2 The contract will also include the retention of an agreed portion of the FPNs, to be determined as part of the contract process. This income will be utilised to improve the service further through new initiatives.

6. **Climate Change and Environmental Implications**

- 6.1 Increasing our resources through the use of external contractors for low level environmental crimes contributes to the Council's corporate priority of a '*cleaner sustainable environment*' and '*protection of our environment and open spaces*'.

7. **Corporate Implications**

- 7.1 Comment from the Director of Finance (linked to the MTFP): Members are reminded that the Council's revenue and capital resources are under pressure and so they will wish to assure themselves that all proposals progress the Council's priorities, are the best option available and will deliver value for money. (HL)
- 7.2 Comment from the Solicitor to the Council: The Head of Governance has been consulted during the preparation of this report and has no further comment to make
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however in discharging their duties members are required to comply with the public sector equality duty as set out in Section 149 of the Equality Act 2010 <http://www.legislation.gov.uk/ukpga/2010/15/section/149>
- 7.4 The Climate Change & Energy Conservation Officer has no further comments to make.

8. **Appendix**

Cabinet report from November 2016.

9. **Background Papers**

None.

Contact Officer: Paul Neagle, Environmental Protection Manager.