

Subject:	ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY OPTIONS
Meeting and Date:	Cabinet – 6 June 2022
Report of:	Diane Croucher, Head of Regulatory Services
Portfolio Holder:	Councillor Martin Bates, Portfolio Holder for Transport, Licensing and Regulatory Services
Decision Type:	Key Decision
Classification:	Unrestricted
Purpose of the report:	To seek Cabinet approval to implement a revised approach to the delivery of the Environmental Enforcement service and allocation of the necessary resources.
Recommendation:	To approve the service delivery approach detailed in option 1 involving the direct employment of staff (Environmental Enforcement Officers) and to allocate the funding required.

1. Summary

- 1.1 Under the Clean Neighbourhoods and Environment Act 2005, local authorities have certain powers to tackle environmental crime, including the use of fixed penalty notices as an alternative to prosecution. The Environmental Crime Team have utilised several service delivery methodologies since Cabinet agreed to adopt a more robust approach to environmental crimes such as littering and dog fouling in 2012. This has included the use of both internal resources and external contractors.
- 1.2 However, to date, the delivery of the littering and dog fouling enforcement service has predominantly been through external contractors. Termination of the most recent contract has now provided an opportunity to reconsider alternative service delivery approaches.
- 1.3 Since January 2022, when the latest contract ended, no litter enforcement activities have been undertaken by the council as existing Environmental Crime staff are already fully engaged in other work including dog control, fly tipping, duty of care and waste accumulation investigations across the district.
- 1.4 From a practical, service quality and financial perspective the recommended future approach is to directly recruit a further 3 Environmental Enforcement Officers whilst also further promoting the existing in-house Incident Report Book scheme. This scheme encourages officers from across the Council to report incidents witnessed whilst undertaking their normal duties within the district.

2. Introduction and Background

- 2.1 In June 2012 Cabinet agreed that the Council would introduce a robust system of environmental enforcement within the district and make greater use of the fixed penalty enforcement powers available under the Clean Neighbourhoods and Environment Act 2005. Littering and dog fouling were and continue to be key concerns for residents across the district.

- 2.2 The service delivery method for littering and dog fouling enforcement since the inception of the Environmental Crime function in 2012 has predominantly been by external contractors on a cost neutral basis. This has been supplemented by the Incident Report Book Scheme whereby DDC (Dover District Council) staff from various departments report environmental crime incidents they witness whilst undertaking their normal duties. Such incidents are investigated by the Environmental Crime staff alongside their fly tipping, duty of care, waste accumulations, stray and other dog control activities.
- 2.3 Consideration has previously been given to numerous service delivery. The following approaches have been explored in the past but were not considered viable options.
- Utilising agency staff as enforcement officers – concerns were identified over the effectiveness and service quality through this approach due to the limited number of agencies able to supply suitable specialist officers
 - Operating a shared service with another LA – concerns were identified over the feasibility of a shared service due to differences in approach and the size of geographical areas
 - Utilising Civil Enforcement Officers to undertake environmental enforcement officer duties – concerns were identified over the effectiveness and practicability of using this approach due to differing regime types (e.g., criminal for environmental enforcement and civil for parking). In addition, Traffic Management Guidance discouraging the use of staff in dual roles of this nature.
- 2.4 In determining the viable alternative service delivery options, consideration has been given to the following:
- Service focus
 - Operating hours
 - Staffing levels
- 2.5 Previously, Contractors have provided trained Enforcement Officers to patrol the district and issue fixed penalty notices in relation to littering and dog fouling, for which they would receive a fixed rate for each successfully issued fixed penalty notice. Whilst this approach has been beneficial to a degree, there have also been some drawbacks. Enforcement Officers tended to concentrate on town centre areas or densely populated wards to the detriment of more rural areas. In addition, they concentrated on areas where littering was most likely as opposed to dog fouling which is inherently difficult to witness.
- 2.6 The presence of a uniformed officer patrolling an area can act as a deterrent and help maintain standards. This behaviour change technique is not compatible with the financial arrangements under previous contracts.
- 2.7 Historically there has been some negative press and increase in service complaints associated with the use of external companies. By directly employing enforcement officers, the Council would have greater control and flexibility over how the service is delivered, where resources are targeted in relation to hotspots, and the quality of the service provided. Officers can build up an understanding of the issues within the district and the communities they are working in, which will in turn enable them to contribute more effectively to the development and progression of the service. To achieve this flexible approach, payment by the hour/salary as opposed to payment per fixed penalty notice issued will be necessary.

- 2.8 Directly employed staff can utilise alternative methods to encourage behavioural change in relation to littering and dog fouling in addition to the use of FPN's. In addition, a revised service approach could include monitoring and enforcement of a wider range of environmental crimes, including the dog control aspects of the latest PSPO (Public Spaces Protection Order). Whilst it is recognised that robust enforcement is a key priority, it is also acknowledged that educational activities are also instrumental in creating a cleaner district for all.
- 2.9 It is acknowledged that at this time there is a cost-of-living crisis. Directly employing staff will ensure there can be greater flexibility applied in our enforcement approach, enabling the service to adapt to external factors affecting our communities when necessary. Whilst the zero-tolerance policy will still apply to litter and dog fouling offences, greater emphasis could be given if required to the promotion of other initiatives, such as the Litter Lotto and the use of cigarette disposal pouches, to change behaviour.
- 2.10 Enforcement officers employed by the Council would be expected to monitor and report back to the relevant departments / partners any other street scene related issues they observe whilst patrolling. This could include abandoned vehicles, waste issues, fly tipping, untidy premises, graffiti, fly posting, vandalism etc and would assist in ensuring a speedier response.
- 2.11 It is proposed that with the revised environmental enforcement service would operate between the hours of 7am and 7pm, 7 days a week in line with the (dog control requirements of the latest PSPO / previous service). Additional special operations would also be undertaken on occasions to cover early hours (i.e., before 7am) or late-night joint patrols with partner agencies, such as the police.
- 2.12 To provide the service a core of 3 officers would be required to cover variable shift patterns between the operating hours of 7am and 7pm and leave/sickness etc.
- 2.13 Whilst it is acknowledged that direct employment is a more costly approach than utilisation of a contractor, there is significant added value in terms of service quality, consistency, and flexibility.

3. Identification of Options

- 3.1 Three options have been identified to deliver the littering and dog fouling environmental enforcement function:

Option 1	Direct employment of 3 staff (Environmental Enforcement Officers)
Option 2	Seek to provide the service through an alternative external contractor
Option 3	Rely solely on existing staff and the Incident Report Book Scheme

4. Evaluation of Options

Option 1 – Direct employment of 3 Staff (Environmental Enforcement Officers) (RECOMMENDED) (Estimated cost per annum: £83k)

- 4.1 Whilst it is acknowledged that direct employment of officers is a more costly approach than utilisation of a contractor, there is significant added value in terms of service quality, consistency, and flexibility as indicated in paragraphs 2.5 to 2.11 above

- 4.2 Whilst officers will not be set FPN (Fixed Penalty Notice) targets as the primary service aim is prevention and compliance rather than income generation, nonetheless a modest income stream has been assumed from the service.

Option 2 – Use of External Contractor (Estimated Cost £50k per annum)

- 4.3 The Environmental Crime Team have previously utilised three different contractors over the last five years. Whilst enforcement levels increased, the service provided was not deemed to be of a standard which fell in line with the Council's expectations. In addition, this approach does not provide the same degree of flexibility that direct employment allows.
- 4.4 There is some uncertainty as to the availability of alternative accredited suppliers in the market to deliver this type of work.

Option 3 – Rely solely on existing staff and the Incident Report Scheme

- 4.5 Whilst this option is the most viable from a financial perspective it is also likely to be the least effective in terms of achieving the aims of the service. Therefore, this approach is not recommended in isolation, although it will continue to remain a fundamental part of the overall strategy in targeting litter and dog fouling across the district.

5. Resource Implications

The following table reflects the additional costs of providing the preferred revised service.

<i>Revenue Implications</i>	<i>2022/23 £000</i>	<i>On-Going £000</i>
Expenditure:		
Total Enforcement Officer Costs	80.2	80.2
Total Vehicle Costs (electric vehicle rental)	3.0	3.0
Total Misc Costs (e.g., body worn camera, uniform)	1.8	N/A
Income:		
Revised FPN Income*	35.5	35.5
Additional Budget requirement	49.5	47.7

*This is based on approx. 2 FPNs issued per day with a payment rate of 65% at the lower £75 fixed penalty amount. With a 75% payment rate at the lower £75 amount the FPN income increases to £40,950. From reviewing previous payment rates over the last 5 years, these are between 65% and 75%.

6. Climate Change and Environmental Implications

- 6.1 Should the recommended option be agreed then the officers would utilise electric vehicles to travel from patrolling locations. The Environmental Crime Team already utilise two electric vehicles and it is anticipated that one further electric vehicle would be required to provide the service.

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, with the 2022/23 Budget and Medium Term Financial Plan forecasting a requirement to save in the region of £900k from 2023/24. Members will therefore wish to assure themselves that the budget pressure identified in the proposal progresses the Council's priorities, is the best option available, is affordable and will deliver value for money. (MR)
- 7.2 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.
- 7.3 Comment from the Equalities Officer: This report does not specifically highlight any equality implications, however members are reminded that in discharging their duties, they 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 Other Officers (as appropriate):
- 7.5 Principal Climate Change and Sustainability Officer – no comment
8. **Appendices**
None.
9. **Background Papers**
None.

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