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<b>Subject:</b>	<b>ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY OPTIONS</b>
<b>Meeting and Date:</b>	<b>Cabinet - 16 January 2023</b>
<b>Report of:</b>	<b>Louise May, Strategic Director (Corporate and Regulatory)</b>
<b>Portfolio Holder:</b>	<b>Councillor Martin Bates, Portfolio Holder for Transport, Licensing and Regulatory Services</b>
<b>Decision Type:</b>	<b>Key Decision</b>
<b>Classification:</b>	<b>Unrestricted</b>

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<b>Purpose of the report:</b>	To review the current provision for litter and dog fouling enforcement.
<b>Recommendation:</b>	To utilise external contractors to provide an environmental enforcement service in relation to litter and dog fouling offences.

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## **1. Summary**

- 1.1 Local authorities have various powers under environmental legislation to tackle environmental crime, including the use of fixed penalty notices as an alternative to prosecution, for a number of offences including dog fouling and littering. The Environmental Crime Team have utilised various 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 This report seeks a decision from Cabinet regarding the future direction of service delivery of litter enforcement across the district.

## **2. Introduction and Background**

- 2.1 Litter and dog fouling are continually raised and remain key concerns for communities and residents across the District and there is understandably an expectation for our Council to address these issues.
- 2.2 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 notice enforcement powers available under the Clean Neighbourhoods and Environment Act 2005.
- 2.3 Since 2012, Dover District has used different methodology to deliver this service and utilise these powers. This has included working with three external separate contractors to provide uniformed Environmental Enforcement Patrol Officers or directly employing staff to these roles.
- 2.4 In June 2022 Cabinet agreed to directly employ three Environmental Enforcement Officers (EEOs) following the mutual termination of an agreement with an external contractor in January 2022.

- 2.5 Recruitment for these positions began further to this Cabinet decision, however despite numerous recruitment campaigns and advertisements there has been no success in employing into these roles.
- 2.6 In order to try to supplement this gap in recruitment, the Environmental Crime Team have re-launched the Incident Report Book Scheme whereby Dover District Council (DDC) 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. Historically incidents reported have predominately been litter deposited from vehicles.
- 2.7 Consideration has previously been given to service delivery options. 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 sustainability and effectiveness of this approach due costs associated with the provision of officers on an hourly rate in addition to the limited number of agencies able to supply suitable specialist officers.
  - Operating a shared service with another Local Authority – 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 EEO 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 discourages the use of staff in dual roles of this nature.
- 2.8 Due to the difficulties faced by the Council in directly employing staff to deliver this service, it is necessary to clarify the position on service delivery for the future. The below options have been identified.

### **3. Identification of Options**

**Option 1** – Continue with the recruitment campaign to employ a team of 3 EEOs directly into the Environmental Crime Team and to fill any vacancies arising.

**Option 2** – To utilise external contractors to provide an enforcement service in relation to litter and dog fouling offences only.

**Option 3** – Do not provide service and rely solely on existing staff and the Incident Report Book Scheme.

### **4. Evaluation of Options**

4.1.1 Option 1 – Continue with the recruitment campaign to employ a team of 3 EEOs directly into the Environmental Crime Team and to fill any vacancies arising.

4.1.2 This would mean continuing with the current recruitment process which has currently failed to fill the 3 vacancies. The time-consuming recruitment process requires advertising, shortlisting and interviewing prior to appointment. This impacts on the

level of service provided due to protracted vacancies and adds a level of inconsistency to the service. In addition, having tested the market a number of times in recent months, there is a very low likelihood of success.

Option 2 – To utilise external contractors to provide an enforcement service in relation to litter and dog fouling offences only (RECOMMENDED OPTION).

4.1.3 The benefits of utilising contractors are that:

- Contractors would focus on day-to-day littering issues which mainly occur in the larger urban areas of the district.
- In-house staff would be able to continue investigating other more serious environmental crime offences, without having to also find time to proactively patrol areas where littering offences are occurring.

4.1.4 The current recruitment of 3 in-house EEOs would cease which would provide a financial saving to the Council.

4.1.5 The majority of contractors who work in this field provide a service that is based on the contractor retaining a fixed rate for each successfully issued FPN and the Council being provided with the remaining amount. This may then provide an income which could be utilised for projects to deter environmental crime.

4.1.6 Having previously utilised contractors in the past, it is known that enforcement levels for littering have increased.

4.1.7 A full competitive procurement exercise would be carried out for the provision of the service. A formal agreement would be established to set out the level of service and indemnity provided by the contractor. In addition to which the service would be closely monitored by the Environmental Crime Team Leader, with support from the Environmental Protection and Crime Manager, carrying out regular checks on FPNs issued and any potential income received. This would be supplemented by meeting with managers from the contractor.

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

4.1.8 This option does not incur a significant financial cost to the Council, due to the investigation of these offences being completed by in-house staff within the Environmental Crime Team. However, it is likely to be the least effective in terms of achieving the aims of the service. In addition, use of the existing Environmental Crime Team in this way would also divert resources away from investigation of the more serious environmental crime matters such as fly-tipping. Therefore, this approach is not recommended in isolation, although it will continue to remain a fundamental part of the overall strategy in targeting environmental crimes across the district and will be used to enhance and supplement any of the other options.

**5. Resource Implications**

Option 1	No resource implications for the remainder of the financial year 2022/23 as this can be met within existing finances approved by Cabinet in June 2022. However ongoing there will be a financial implication of approximately £83k per annum.
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Option 2	This option can be implemented at no additional cost to the Council and provides an opportunity to generate income to aid in funding the service as detailed in the above report. There would also be a prospective salary saving of approximately £83k together with a reduction in costs associated with equipment maintenance, uniform etc.
Option 3	No resource implications as this option can be met within existing staff budgets.

## 6. Climate Change and Environmental Implications

- 6.1 Should the recommended option be agreed then it would be established with the contractor that their staff would utilise an electric vehicle to travel from one patrolling location to another. The Environmental Crime Team already utilise two electric vehicles and have another electric vehicle on order, which could be utilised by the contractors.

## 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 will wish to assure themselves that the proposal progresses the Council's priorities, is the best option available, is affordable and will deliver value for money.' (Shane Kempster - Accountancy Technician (Revenue))
- 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 relating to the review of the current provision for litter and dog fouling enforcement 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>'

## 8. Appendices

None.

## 9. Background Papers

- June 2022 Cabinet Report

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