

Agenda Item No:	7	
Committee:	Overview and Scrutiny	
Date:	28 November 2017	
Report Title:	Environmental Enforcement - Pilot service with Kingdom	

Cover sheet:

1 Purpose / Summary

To review the first six months of a trial with Peterborough City Council for commercial environmental enforcement services provided by Kingdom.

Key issues

- The Council's Comprehensive Spending Review identified a work stream to raise the levels of environmental enforcement and help reduce the overall street cleansing burden. As a result, Cabinet approved a 12-month pilot project from June 2017 for Kingdom to support the Council's Tidy Fenland Campaign, undertaking town centre street patrols and serving Fixed Penalty Notices (FPNs) when offences were witnessed.
- The pilot also intends to release capacity within the Council's Streetscene team to enable officers to tackle environmental issues in rural areas, such as fly tipping and dog fouling.
- A number of hotspot areas were identified, following consultation with local stakeholders and the enforcement pilot was introduced alongside a number of other measures; to publicise the cost of littering, raise awareness of environmental offences, work with partners and local businesses to improve the streetscene and ultimately reduce littering levels.
- During the first 5 months of the pilot, almost 1000 hours of additional patrols have been undertaken by Kingdom officers and more than 900 FPNs have been served, predominately smoking related.
- The pilot was established to provide a cost neutral enforcement service, funded through the revenue gained from the issuing of FPNs. Current payment rates indicate that a cost neutral financial model can be achieved.
- Where appropriate, offences not settled through the fixed penalty are referred for prosecution to the Council's solicitor. To date, approximately 60 cases are being processed.
- It is intended to report the findings of the pilot to Cabinet early in the New Year, in order to consider the procurement of a commercial environmental enforcement provider. Therefore, comments are sought from the Overview and Scrutiny Panel to help develop proposals.

2 Recommendations

- Members note the outcomes of the enforcement pilot to date and provide overview feedback that will assist with the development of a future service proposal to Cabinet.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Peter Murphy - Portfolio Holder for Environment
Report Originator(s)	Annabel Tighe, Environmental Health Manager. atighe@fenland.gov.uk
Contact Officer(s)	Richard Cassidy, Corporate Director. richardcassidy@fenland.gov.uk
Background Paper(s)	Cabinet 19th January 2017 - Environmental Enforcement - pilot service. http://www.fenland.gov.uk/aksfenland/images/att6527.pdf

3 Background

- 3.1 Tackling environmental issues is a priority for the Council and for the Fenland community. Street cleansing staff work 7 days a week to keep our streets clean, to remove dog fouling and fly tipping. Cleansing staff report high levels of littering as being an issue even though bins are available and regularly emptied. Therefore, cleansing services cost the Council in the region of £700,000 a year.
- 3.2 Environmental enforcement also remains high on the list of priorities for our volunteers and the wider community who have requested more enforcement to be carried out.
- 3.3 The Council delivers many enforcement sanctions for environmental crimes and also a parking order in March. These include FPNs or prosecution for littering, breach of a Public Space Protection Orders such as dog fouling, waste management issues and fly tipping offences. FPNs have a value of £75 (£65 if paid within 21 days) and £400 for fly tipping (£300 if paid within 14 days).
- 3.4 Streetscene officers undertake this work as part of their daily patrols, as well as proactive inspections of public toilets, cleansing and memorials. Each month they tackle approximately 150 service requests in addition to their proactive work programmes.
- 3.5 During 2016-2017, 98 FPNs were issued, and more than 50 incidents of fly tipping investigated.

4 Progress of the Pilot

- 4.1 The enforcement service pilot was launched at the same time as a refreshed Tidy Fenland Campaign in mid-May 2017. The first three weeks' activities included; awareness raising through press and media coverage, public consultation, identification of hot spot locations, implementation of a new Public Space Protection Order (PSPO) for the control of dog fouling and nuisance dogs, litter counts and increased signage.
- 4.2 In mid-June a team of two Kingdom enforcement officers started patrols in identified hot spot areas. The Kingdom officers are a shared resource with Peterborough City Council. The total pool of officers is eight with a Team Leader present to cover both areas.
- 4.3 Patrol hours are generally between 9am and 5pm, six days a week plus early morning patrols to engage with dog walkers.
- 4.4 Between 12 June and 31 October 2017 nearly 1000 patrols hours were achieved and 922 FPNs served; 885 were smoking related, five food related, three for dog fouling and 31 for other types of litter such as food wrappings and containers.

Broken down by town these are:

Town	June	July	August	September	October	Totals
Wisbech	124	77	282	162	83	728
March	42	22	32	15	24	135
Whittlesey	6	1	0	7	13	27
Chatteris	1	0	13	12	6	32
Totals	173	100	327	196	126	922

- 4.5 Kingdom officers are required to follow guidance issued by the Department of Environment, Food and Rural Affairs and supported by 'Keep Britain Tidy'. The guidance sets out the circumstances for issuing FPNs which include, being issued only when a person has dropped litter and not attempted to pick it up, only on people over the age of 18, and where no health issues are raised at the time.
- 4.6 Following the service of the FPN anyone may write and make a representation to Kingdom explaining why they feel the FPN was incorrectly served. Kingdom must consider such representations and provide a written response before continuing with the enforcement process.
- 4.7 Payment of fixed penalties can be made to Kingdom, on-line or by telephone, in FDC shops and hubs or via Paypoint outlets in shops. For the period of the pilot to date, most customers pay using online facilities.
- 4.8 The business model being piloted with Kingdom is one of shared income. For each FPN served FDC pays £46.50 to Kingdom and the Council retains the remainder to help cover administration and legal costs.
- 4.9 All cases where payment has not been made within 35 days, or a payment plan has not been agreed, are referred to FDC for consideration to prosecute. To date approximately 60 cases have been referred to Fenland for prosecution. As is usual for FPNs a small number have also been cancelled due to incorrect information recorded such as names, addresses or dates of birth. Where a case is cancelled FDC are reimbursed £46.50.
- 4.10 As will be expected for a new scheme, due to the time taken to receive payments there will always be a delay between issue of the FPN, payment by FDC to Kingdom for their services and income collected. Therefore, for example the percentage of customers who have paid for FPNs issued in June (68%) will be higher than October (63%). A more detailed payment summary is attached as Appendix A. However, to date it would appear that the service can be provided on a cost neutral basis which requires an overall payment rate of 72% based on each fixed penalty paid at £65.
- 4.11 In order to reduce the financial risk of operating the service at a deficit, a number of Councils have implemented higher fines for littering or removed a discount for early payment.
- 4.12 The pilot service has also released capacity in the Streetscene team to deal with rural fly tipping cases and resulted in the Council issuing 17 FPNs and undertaking six prosecution cases so far this year.

5 Reduction in Street Litter

- 5.1 In early June 2017, chosen hotspot locations were assessed for littering levels in each of the market towns. Litter types of discarded food and drink cartons, fast food take away wrappers and boxes and cigarette related litter were counted. In October 2017 these

areas were reassessed using the same technique. The results of the litter survey have been fed back to Kingdom to inform their enforcement of 'hot spot' areas.

The following results have been recorded:

Green shows a reduction in litter, amber a small increase (0-20%) and red a more than 20% increase in litter counted.

Chatteris	Type of Litter	Results
East Park Street	Cartons and fast food wrappings	No change
	Cigarette related	
High Street	Cartons and fast food wrappings	
	Cigarette related	
Wenny Road	Cartons and fast food wrappings	
	Cigarette related	
March	Type of Litter	Results
Fenland Walk	Cartons and fast food wrappings	
	Cigarette related	
Broad Street	Cartons and fast food wrappings	
	Cigarette related	
High Street	Cartons and fast food wrappings	No change
	Cigarette related	
West End	Cartons and fast food wrappings	
	Cigarette related	
Iceland Footpath	Cartons and fast food wrappings	
	Cigarette related	
Whittlesey	Type of Litter	Results
Manor Field	Cartons and fast food wrappings	
	Cigarette related	
Market Street	Cartons and fast food wrappings	
	Cigarette related	
Causeway	Cartons and fast food wrappings	
	Cigarette related	
Victory Avenue	Cartons and fast food wrappings	
	Cigarette related	

Wisbech	Type of Litter	Results
Norfolk Street	Cartons and fast food wrappings	
	Cigarette related	

Oil Mill	Cartons and fast food wrappings	
	Cigarette related	
Wisbech Park	Cartons and fast food wrappings	
	Cigarette related	
Hill Street	Cartons and fast food wrappings	
	Cigarette related	
Crescent	Cartons and fast food wrappings	
	Cigarette related	
High Street	Cartons and fast food wrappings	
	Cigarette related	
New Inn	Cartons and fast food wrappings	
	Cigarette related	

- Each town has seen an improvement in a number of areas.
- In Wisbech, the results show an improvement in all areas measured. There have been more patrol hours in Wisbech than other towns.
- In March, there were large increases of food related litter counted in Broad Street and the Iceland Footpath.
- In Whittlesey, the Manor Field and Causeway saw large increases of cigarette related litter.

6 Customer Feedback

During June and October 2017, 98 1to1 customer surveys were undertaken in the market towns. The surveys' focus was to gauge the level of awareness of the campaign, littering and dog fouling offences, the level of penalty and asked the customer to rate how clean their local area was.

Question	June	October
1. Awareness of the environmental offence and penalty.	79%	83%
2. Awareness of the campaign and patrols	69%	75%
3. Rated cleanliness above 7 out of 10	56%	60%
4. Supportive of the Council's enforcement work	n/a	81%
5. Agree with the level of fine	n/a	73%

- 6.1 Nine complaints have been received about the service. The main theme of these complaints have related to Kingdom officers' uniforms not clearly displaying who the officers are working for and parking in taxi bays in Wisbech. The issues are summarised below with action taken.

7 Stakeholder Feedback

Complaint or correspondent	Location	No of businesses signed up to a voluntary code
Uniforms do not clearly identify staff as enforcement officer working with the Council.	Wisech March	The Kingdom uniform is a purple Fenland polo shirt, black jacket with 'enforcement officer' and 'Fenland Council' displayed on their jacket. In addition staff wear FDC badges on lanyards around their necks.
Parked their vehicle in a taxi bay on two occasions.		A full investigation was completed by the Kingdom Regional manager and an apology written from the company to the complainant.
Why can't officers deal with spitting and urination in public?		The officers can address this issue using littering powers and will be doing so from December 2017 onwards.

- 7.1 Officers have been working closely with key stakeholders such as the police who have generally been complimentary of the pilot and Kingdom officers.
- 7.2 It is intended to undertake a more formal survey of wider stakeholder feedback prior to reporting the findings of the pilot to Cabinet in the New Year.

8 Businesses Signed up to the Tidy Fenland Campaign

- 8.1 84 businesses have signed up to a voluntary code of practice in support of the campaign, the enforcement work and have been reporting issues such as fly tipping or misuse of bins.
- 8.2 Businesses have been displaying posters, tidying areas around their shops and premises and working with streetscene and Kingdom officers to ensure compliance with trade waste issues in their local area.
- 8.3 Press coverage and wider publicity is planned to support and recognise businesses that have joined the campaign early in the New Year. The first presentation will be to Sainsbury's in March, who were the first business to join the campaign in June.

Whittlesey	13
Chatteris	21
Total	84

9 Next Steps

- 9.1 It is intended to present the findings from the pilot to date to an All Member seminar on 30th November 2017.
- 9.2 The pilot has been commissioned until June 2018 and a procurement process will need to be undertaken to continue beyond that date. Therefore, it is intended to report the outcomes from the pilot, along with any recommendations captured from the Overview and Scrutiny Panel to Cabinet early in the New Year, to determine future service options for the enforcement service.

Month	FPN correctly issued	Total Paid	Percentage Paid (target 72%)
June	173	117	68
July	100	67	67
August	327	218	67
Sept	196	117	60
Oct	126	79	63
Total	922	598	Average 65%

Expenditure June - Oct	£41896.50
Income June - Oct	£41810.00