

Agenda Item No:	8	
Committee:	Overview and Scrutiny	
Date:	11 November 2019	
Report Title:	Environmental Enforcement Contract- progress update	

1 Purpose / Summary

To review the first eight months of the contract working with Peterborough City Council and a private environmental enforcement partner, Kingdom / LA Support.

Key issues

- In January 2017 Cabinet approved a pilot environmental enforcement project which was delivered between June 2017 and February 2019. Following the success of the pilot Cabinet approved a tender process to secure a contracted private enforcement partner. In February 2019 Kingdom / LA Support were appointed as the Council's private enforcement partner. The current contract is for 2 years with the option to extend for a further two. LA Support is part of the wider Kingdom Group.
- The procurement of LA Support was undertaken jointly with Peterborough City Council however both councils have separate arrangements with LA Support delivering slightly different bespoke services. Close working between the two councils continues.
- The contract itself may be accessed by any other local authority in Cambridgeshire, should they wish to use the service.
- The contract operates on a potential cost neutral model. For each Fixed Penalty Notice (FPN) served the Council pays LA Support £45.00. This cost covers the service, processing, follow up and payment collection of the FPN.
- In Fenland the LA Support officers undertake town centre street patrols to support the Council's Tidy Fenland Campaign serving Fixed Penalty Notices (FPNs) when offences are witnessed.
- The contract also offers 10% of patrol time to be devoted to non- income generating activities such as; patrols outside of hotspot areas, support for community issues such as dog fouling and the option of supporting community groups and campaigns that support the prevention and intervention agenda set out by the council.
- The pilot has released capacity within the Council's Streetscene team to enable officers to tackle environmental issues in rural areas, such as fly tipping and dog fouling. There was a saving of £17,000 in 2018 from the flexible retirement of one streetscene officer.
- Since the contract commenced in February 2019 more than 600 hours of additional patrols have been undertaken by LA Support officers and 263 FPNs have been served.
- The contract is based on a model which will 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 is being achieved.

- Where appropriate, offences not settled through the fixed penalty are referred for prosecution through the court's single justice procedure. To date approximately 50 cases have been or are being processed for the period February to September 2019.
- Peterborough City Council has made a decision to cease working with LA Support from February 2020 and deliver a similar enforcement service 'in house'. This will impact on the ability of LA Support to deliver in Fenland under the current arrangements and we are therefore assessing options of how to continue the service.

2 Recommendations

- Members to note the outcomes of the enforcement contract to date.

Wards Affected	All
Forward Plan Reference	
Portfolio Holder(s)	Councillor Peter Murphy - Portfolio Holder for Environment
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Background Paper(s)	Cabinet 17 May 2018; Environmental enforcement; procurement of a private sector partner with Peterborough City Council www.fenland.gov.uk/localgov/Data/Cabinet/201805171400/Agenda/att7050.pdf

Background

- 2.1 Tackling environmental issues is a priority for the council. Street cleansing staff work 7 days a week to keep our streets clean, remove litter, dog fouling and fly tipping. Cleansing staff report levels of littering as being an issue even though bins are available and regularly emptied.
- 2.2 Environmental standards are also a priority to the majority of Fenland residents and the success of the Council's street pride project is testament to the commitment made by volunteers each year to protect and enhance their communities. Unfortunately littering

still blights our towns and rural areas. Enforcement remains high on the list of priorities for our volunteers and the wider community, who support the Council's work.

- 2.3 The contract with LA Support is for a wide variety of environmental enforcement activity where fixed penalty notices (FPN's) are the appropriate sanction. The offences dealt with by our contractors are; littering, spitting, breach of public space protection orders for dog fouling, dogs off leads or in play areas and nuisance dogs.
- 2.4 In addition to the LA Support enforcement work the Council's Streetscene officers, as part of their wider work programme, also serve some fixed penalty notices for offences they witness and in particular those which require further investigation prior to enforcement action. These include; fly tipping, parking order in March, abandoned and nuisance vehicles and waste management offences. Streetscene officers investigate many serious offences of fly tipping and the Council has a good record of successfully prosecuting offenders where appropriate.
- 2.5 The following table sets out the different fixed penalty notice values by offence. These fines are benchmarked regularly and are in keeping with the level of fines in similar market towns.

Offence	Fixed penalty value	Early payment option
Littering (including spitting)	£75	£65
Breach of public space protection order	£75	£65
Fly tipping	£400	£300
Parking Order	£60	£40
Waste Duty of Care-Business	£300	£180
Waste Duty of care-Householder	£400	£250

- 2.6 When serving a FPN 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 FPN's which include; being issued only when a person has dropped litter and not attempted to pick it up, only to people over the age of 18 and where no health issues are raised at the time.
- 2.7 Following the service of the FPN anyone may write and make a representation explaining why they feel the FPN was incorrectly served. These representations must be considered and a written response provided before the enforcement process continues.
- 2.8 Payment of these penalties can be made to LA Support or the Council directly.
- 2.9 Cases where payment has not been made within 35 days, or a payment plan has not been agreed, are referred to the Council for consideration to prosecute. In the period of the new contract (February to October) 119 cases have been referred for prosecution, the majority of these cases having been carried forward from the trial period.
- 2.10 To date all cases taken have been found guilty and fined on average £220 with costs awarded to the Council of £196.50. These costs are collected by the court and transferred to the Council once collected.
- 2.11 As is usual for FPNs a small number will have been withdrawn due to incorrect information recorded such as names, addresses or dates of birth or if relevant health

information is provided at a later date (such as a mental health issue). Where a case is withdrawn due to incorrect service the Council are not charged for this FPN.

3 Progress of the contract

- 3.1 The contract commenced in February 2019 alongside a refreshed Tidy Fenland campaign. The Council's enforcement policy sets out the prevention, intervention and enforcement approach and running a campaign alongside any new enforcement activity is recognised as good practice. Activities in early 2019 included; awareness raising through press and media coverage, consultation with town councils and community groups such as Street Pride in order to identify hot spot locations.
- 3.2 Fenland benefits through this contract from a shared resource with Peterborough City Council. The same officer team cover both locations responding to community issues as appropriate. Due to staffing issues, such as sickness and recruitment of staff, the contract has delivered fewer patrol hours than originally envisaged however the number of fixed penalties served remains at a steady level and hot spot areas are being prioritised.
- 3.3 The recent recruitment of a new LA Support team leader for the Peterborough and Fenland area has seen better coverage of all market towns. In addition the team are able to offer free time in support of non-income generating activities.
- 3.4 The contract has created savings in the region of £17,000 due to the flexible retirement of one streetscene officer. Having LA Support as a partner meant the streetscene team could continue to meet their work plan priorities without replacing this part-time officer.
- 3.5 The pilot service has also released capacity in the Streetscene team to deal with rural fly tipping cases and resulted in officers issuing 3 FPNs and undertaking 2 prosecution cases so far this year with other cases pending.
- 3.6 The contract benefits from a suite of performance indicators which are monitored at monthly contract meetings. These indicators include the number of FPN's served, penalties paid, cancelled and the number of complaints received. The table below shows the number of fixed penalty notices served, paid or cancelled for the period February to September.

Offence	Issued	Paid	Written off / cancelled	Outstanding (still within process time)
Litter - cigarette	212	132	34	46
Litter-food	8	4	3	1
Spitting	34	13	9	12
Dog off lead	1	1	0	0
Dog fouling	0	0	0	0
Litter- other (non-food or cigarette related)	8	7	1	0
Total	263	157 (63%)	47	59

- 3.7 Reasons for FPN's being cancelled include; referred for prosecution, incorrect address details being provided, health issues being raised after the FPN is served, officers not following procedure.
- 3.8 80% of the FPN's served were for cigarette related litter, 12% for spitting and the remainder for other littering and dog control offences.
- 3.9 The table below shows the number of FPN's issued by town for the same period February to end of September 2019.

Town	Number FPN's served
Chatteris	9
March	39
Whittlesey	29
Wisbech	186
Total	263

- 3.10 Complaints against the service are monitored by both the council and LA Support. The table below shows there were 5 complaints within the period of the contract so far (February to September 2019).

Complaint	Number received	Action taken and outcome
Officer conduct; not correctly showing ID, and explaining their role.	2	Camera footage reviewed by LA Support team leader and / or Streetscene team leader. Retraining of officer. All were upheld and an apology issued.
FPN served on underage person.	1	FPN withdrawn, apology issues and the Council reimbursed.
FPN incorrectly served – on private land	2	FPN withdrawn, apology issued and the Council reimbursed.

4 Cost of the contract and payment rates

- 4.1 The contract operates on a potential cost neutral model. For each FPN served the Council pays LA Support £45.00. This cost covers the service, processing, follow up and payment collection of the FPN.
- 4.2 All fines collected are transferred to the Council. In order for the service to reach a cost-neutral model (the cost of the service is paid for by the fines received) a payment rate of approximately 64% must be achieved. This is an approximate figure due to the two values which may be paid - £65 or £75 as set out in the FPN table above.
- 4.3 Some Councils using the same contract model have raised their fines in order to reduce the risk of the cost neutral model not being achieved. In Fenland our fine level has been benchmarked and is in keeping with other market town districts.
- 4.4 The table below shows the income and expenditure associated with the service.

Month	Income	Expenditure
February	£540	£810
March	£2505	£2205
April	£1220	£1530
May	£730	£ 855
June	£1552	£1575
July	£2405	£2205
August	£950	£945
September	£650	£1035
Total	£10,552	£11,160

- 4.5 As with any payment process such as this there is a lag between issuing the fixed penalty and payments being made. August and September income data is therefore incomplete.
- 4.6 Still being processed by the courts is the region of £7,500 of costs awarded from prosecutions between February and September 2019.

5 Street litter monitoring

- 5.1 As part of the Tidy Fenland Campaign a number of street litter surveys have been undertaken. General litter and cigarette litter were counted separately.
- 5.2 The table below shows survey results for September 2019 compared to 2017 data. Survey locations were the same in both 2017 and 2019.

		2017		2019		
		Average number of items per location sample	Range	Average number of items per location sample	Range	Trend
Chatteris	Litter	2	[0-11]	4	[0-25]	
	Cig Litter	24	[5-51]	67	[34-119]	
March	Litter	5	[0-25]	3	[0-56]	
	Cig Litter	60	[15-200]	66	[6-230]	
Whittlesey	Litter	10	[0-78]	1	[0-8]	
	Cig Litter	38	[7-79]	36	[22-69]	
Wisbech	Litter	14	[0-79]	13	[0-119]	
	Cig litter	112	[25-330]	188	[21-667]	

- Whittlesey has seen overall improvement in litter levels.
- Cigarette litter in March, Chatteris and Wisbech continues to be a problem.
- Litter count data shows the number of cigarette related litter is worse than in 2017.

6 Customer Feedback

- 6.1 During September 2019, 98 one-2-one customer surveys were undertaken in the market towns. The survey's focus was to gauge the level of awareness of the Tidy Fenland campaign, littering and dog fouling offences and ask opinions about the level of penalty. This data is compared to the previous survey in the table below.

Question	June 17	Sept 19
1. Awareness of the environmental offence and penalty.	79%	96%
2.Awareness of the campaign and patrols	69%	66%
4.Supportive of the Council's enforcement work	n/a	92%
5.Agree with the level of fine	n/a	65%

- 6.2 The data shows a continued support for environmental enforcement and an awareness of the campaign and environmental offences.

7 Stakeholder Feedback

- 7.1 Officers have been working closely with key stakeholders such as the police who have generally been complimentary of the pilot and LA Support officers.
- 7.2 Neighbouring local authorities have been kept up to date with the project and its outcomes.

8 Next Steps

- 8.1 Peterborough City Council's plans to cease working with LA Support from February 2019 may impact on the viability of the cost neutral service continuing in Fenland alone.
- 8.2 Discussions are taking place with the LA Support and Peterborough City Council to identify future service delivery options.
- 8.3 Continue to address environmental crime priorities within the identified hot spot areas of Fenland.