

Management Committee

6 February 2018

Contracted Environmental Enforcement Service

For Decision

Briefholders

Cllr R Nowak – Environment & Sustainability
Cllr F Drake – Community Safety

Senior Leadership Team Contact:

S Hill, Strategic Director

Report Author:

G Duggan, Head of Community Protection

Statutory Authority

Environmental Protection Act 1990; Clean Neighbourhood and Environment Act 2005; Dogs (fouling of land) Act 1996; Anti-Social Behaviour Act 2003; Anti-Social Behaviour, Crime and Policing Act 2014

Purpose of Report

- 1 To report the findings of a review about the contracted environmental enforcement service undertaken by Performance and Scrutiny Committee and for your committee to decide whether to continue such a service.

Recommendations

- 2 (i). That your committee agrees to authorise the Head of Community Protection to procure a contracted environmental enforcement service for the provisions detailed in the report.

(ii). That your committee agrees to nominate a relevant Briefholder(s) to work with officers and develop a customer charter to help govern how the service will operate.

Reason for Decision

- 3 To act upon the recommendations of Scrutiny and Performance Committee and ensure good governance of the council.

Background and Reason Decision Needed

- 4 Scrutiny and Performance Committee has undertaken a review of the pilot contracted environmental enforcement service operated by 3GS Ltd. The report is attached as **Appendix 1**. Since that report there is some updated information as follows;

(Paragraph 8 - Appendix 1) - From February 2017 to 31st December 2017, 824 FPN's have been issued for the following offences;

Offence	Number of FPN's
Litter - cigarette	625
Litter - spitting	25
Litter - waste	22
Litter – food waste	4
Litter – chewing gum	3
Dog fouling	4
Dog in exclusion zone	53
Dog off lead	22
Dog off lead by direction	3
Duty of care	63

(Paragraph 9) - The gender of people issued with FPN's were;

Gender	FPN's issued
Male	506
Female	318

(Paragraph 10) - 561 FPN's were paid at either the discounted or full fine level giving a payment rate of 67%

(Paragraph 11) - 101 appeals/complaints have been made during the period.

- 5 The Duty of Care offence has been introduced since the report to Performance and Scrutiny Committee and relates to commercial waste control. The fixed penalty notice is withdrawn if the business operator produces the necessary information within 14 days. The number of appeals/complaints to 3GS Ltd has increased. 3GS Ltd report that this is mainly due to repeat complaints from a few customers and this is being investigated with the company. It is not considered that this revised information (which updates the reporting period to the end of December 2017), makes significant difference to the information reported to Scrutiny and Performance Committee.
- 6 The recommendations made by Scrutiny and Performance Committee to your committee are;
- (a) That a contracted environmental enforcement service should continue after the 12-month pilot period has finished;

- (b) That clear information about the service, policy, relevant legislation and awareness of relevant complaints processes be made available to elected members so that they can assist constituents where appropriate;
 - (c) That consideration be given to increasing the remit of offences and the area covered by the service and increasing the number of officers undertaking this work;
 - (d) That the council undertakes a review of its signage and published information to ensure its accuracy;
 - (e) That consideration be given to setting aside an amount within the budget for education around litter prevention and environmental protection.
- 7 In relation to the above recommendations, should your committee accept them, an information pack will be supplied to all councilors providing details about how the service operates including appeal and complaint procedures. The range of offences will be reviewed with the appointed service provider to help ensure that the service meets the expectations of elected members and that it helps to maintain a clean and pleasant environment. The number of patrol officers will also be reviewed but the service provider and your officers will need to take account of what resourcing is financially viable. The provision of signage and its clarity will also be reviewed and subject to the financial performance of the service, surplus income will be committed to environmental education activities focused around schools and young people.
- 8 To help address some of the issues experienced through the pilot project phase it is proposed to develop a customer charter in conjunction with the appointed service provider. The aim will be to provide clear information about the service and what can be expected of enforcement officers on patrol undertaking their duties. Liaison will take place with the council's equalities officer and it would be helpful to have input from relevant Briefholders including Social Inclusion; Environment & Sustainability and Community Safety.
- 9 Dorset Waste Partnership is considering the merits of supplementing their in-house enforcement service with a contracted approach for fixed penalty notice offences. A single procurement may be considered subject to the best interests of the Borough Council.

Implications

Corporate Plan

- 10 Priority '*Enhancing the quality of life of people living and working in the Borough*'. Providing a clean and pleasant environment is important for health and wellbeing and for the economy of the Borough and resort.

Financial

- 11 A procurement process will need to be undertaken to appoint a suitable service provider.

Equalities

- 12 The development of a service charter referred to in paragraph 8 will emphasise the importance of providing a fair and responsive service with good access to service information and the appeals and complaints procedure.

Environmental

- 13 Addressed in Appendix 1 to this report.

Economic Development

- 14 A pleasant and attractive environment is beneficial to businesses and investment potential in the Borough.

Risk Management (including Health & Safety)

- 15 As a high profile enforcement service there has been local media coverage and exposure on social media, usually around complaint. There has been less coverage about helping to keep our Borough clean and pleasant and encouraging social responsibility. The service is either seen positively as helping keep the Borough clean or, over burdensome and punitive. Whatever the views, the council has been seen to take action over litter and other health and environmental matters.

Human Resources

- 16 No comment.

Consultation and Engagement

With elected members, 3GS Ltd, relevant council service providers and Dorset Waste Partnership.

Appendices

Appendix 1 – Report to Scrutiny & Performance Committee, 23 November 2017, Review of 3GS Environmental Enforcement Project.

Background Papers

Reports to Management Committee and Performance & Scrutiny Committee.

Footnote

Issues relating to financial, environmental, economic and equalities implications have been considered and any information relevant to the decision is included within the report.

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