

LEISURE & ENVIRONMENT COMMITTEE

21 SEPTEMBER 2021

ENVIRO CRIME - STRENGTHENING OUR ENFORCEMENT ACTIVITY

1.0 Purpose of Report

1.1 For Members to consider a proposal for increasing the Authority's enforcement capacity through a 1-year pilot arrangement with a private sector company targeting low-level environmental crime.

2.0 Background Information

2.1 In late 2018/early 2019, Newark & Sherwood District Council began the process of recruiting its first Community Protection Officers, as part of the work to make the district Cleaner, Safer and Greener.

2.2 It was envisaged that the four CPOs would work in partnership with Police colleagues and partners, undertaking investigations into environmental crime, providing visible patrols and reassurance in high footfall areas and be able to issue fixed penalty notices when they observed environmental crimes such as littering or dog fouling taking place.

2.3 In the first full year of operating, April 19 to March 20, the CPOs were involved in a range of positive interventions, which included but were not exclusive to:

- Identifying those involved in graffiti, bringing them to justice and disrupting their activities, including the UDC tag which appeared over Newark in particular
- Identifying all items of graffiti across Newark and Sherwood so that the items could be removed in line with the Council's new graffiti policy
- Distributing aqua sacks and supporting communities heavily affected by the floods in November of 2019 and February of 2020, which saw more than 90 properties affected in Lowdham and the evacuation of Tolney Lane
- They supported the Days of Action in Hawtonville, Newark Town Centre and Ollerton and patrol known ASB or enviro crime hotspots, engaging with residents and undertaking interventions where necessary and appropriate to do so
- In addition, they have also issued a total of 69 FPNs for a range of environmental crimes including littering, fly-tipping and dog fouling.

2.4 When the Coronavirus pandemic took hold in March 2020, the CPOs were redeployed to a number of roles, including:

- Supporting humanitarian effort through the Hart Team, delivering food parcels and prescription medicines to those most isolated and vulnerable.
- As lockdown eased they were heavily involved in 'marshalling' activities, to aid non-essential retail with opening safely and provide reassurance to those visiting High Streets, undertaking Covid checks at hospitality venues and responding with police colleagues to ASB hotspot areas which emerged, including Girton, Farndon, Balderton and Hoveringham Lakes

- When Newark became an 'outbreak area' over the summer of 2020, they were once again visible within the town reinforcing the messages around social distancing and provided a similar role through the tiered arrangements and into the new restrictions which began in the New Year
- Most recently they were heavily involved in ensuring the recent County Council and OPCC elections were Covid secure, patrolling several polling stations each in the run up to and during the election day
- Perhaps unsurprisingly as a result, whilst the CPOs have continued to enforce environmental crime when they have witnessed it, progress during 2020/21 was a lot more modest with 32 FPNs being issued.

2.5 The role of the CPOs has developed from that very simple enforcement role that was pictured prior to their recruitment. They are, and will remain, involved in enforcement activities but their flexibility does allow them to respond to developing incidents, support colleagues within the authority on wider enforcement activity and to deliver a wide range of community interventions. They have become the 'first responders' for many incidents and complaints.

2.6 Members will be aware that currently there is a district wide provision of litter bins (post mounted and floor mounted) within the district. In addition to that provision there is also a district wide provision of dog waste bins. Traditionally the litter bin provision and all associated costs with their procurement, emptying and maintenance has been the remit of the district council. The decisions around siting of bins are made by the operational arm of the Environmental Services business unit. This is based on a number of criteria ranging from requests, complaints, street cleansing data, EPO observations, front line operative consultation, foot traffic, are type etc, etc. However should a town or parish council request additional bins, those bins are provided at the cost of the requesting council. It must be said at this point that these requests and subsequent payments are rare. The service is confident that the dog bin provision is now at an acceptable level and that they are correctly situated.

2.7 This has been supported by the increased staff resources to undertake litter picking and seen in the formation of Action Day Team. Despite this and the extensive bin provision across the district there is a section of society that will not use litter or dog bins to dispose of their waste. This will be the focus of the proposed trial.

2.8 Newark & Sherwood is not on its own as enforcement resource has been re-directed to overcoming the challenges of the past year or so. Against this backdrop, Rushcliffe Borough Council and Ashfield District Council have engaged a company called Waste Investigations, Support and Enforcement (WISE) on a one-year pilot with the aim of increasing their enforcement capacity and learning from the experience before taking a decision about whether to pursue and mainstream the activity through a formal procurement process.

2.9 Clearly, this is an opportunity that is also available to Newark & Sherwood and WISE have submitted a proposal to the Council on similar terms to those in place in Rushcliffe and Ashfield.

3.0 Proposals

3.1 Under the proposals, the Council would effectively authorise WISE to undertake enforcement activity for a range of environmental crimes, largely under various sections of the Environmental Protection Act 1990. This would cover littering, dog fouling, graffiti, Public Space Protection Orders and fly-tipping.

- 3.2 A team leader and four enforcement officers would rely on intelligence from the Council about known hotspot areas which they would then patrol. This would be a 7 day a week operation, on a shift basis between the hours of 7am to 7pm. This would equate to 9,620 hours per annum or 185 hours per week in environmental enforcement.
- 3.3 WISE forecast that they will be able to issue 74 FPNs a week and achieve a 75% payment rate, equating to 55 FPNs per week. Over 12 months, on the 75% payment rate, this would equate to 2,860 FPNs, yielding £218,400 in revenue.
- 3.4 On a similar concession contract with both Rushcliffe and Ashfield, WISE are proposing a 95%/5% split with the Council, so based on the annual forecasted revenue that would equate to £207,480 to WISE and £10,920 to NSDC.
- 3.5 Under the proposals, NSDC would have 24/7 access to the company's case management system as well as monthly data showing where the officers have spent their time as well as the location of FPNs that are issued. Their pledge is to visit every ward in the district over the course of the month.
- 3.6 In relation to complaints, the arrangement would again be what has been adopted at the two authorities in Nottinghamshire, with complaints at stage 1 being handled by WISE through a portal that would be made available on the NSDC website, with only complaints that can't be resolved coming back to the Council. As for prosecution management, WISE would take responsibility for all prosecution files until payment is received or relevant action is taken in court. Any decision to prosecute would be a Council decision.
- 3.7 Payments can be made in cash at Post Offices and Payzones, online, through an automated and manual telephone payment or through cheque and postal payments.
- 3.8 In practice, WISE predict that 80% of the FPNs would be issued for littering offences, of which 75% would be for cigarette butts. The remaining 20% would be made largely of dog fouling, flytipping and business duty of care.

4.0 The Rushcliffe Experience

- 4.1 Officers have spoken to colleagues at Rushcliffe about the experience to date. WISE commenced the pilot with Rushcliffe in January of this year and to date have issues 1813 FPNs, of which over 80 were for flytipping, 17 for dog fouling, 7 for dumping a bag containing dog faeces, 27 failing to provide waste transfer notices and the vast majority of the remainder for littering.
- 4.2 The view from Rushcliffe is that the pilot is going well and whilst there have been some complaints from residents, the experience of the WISE complaints process has been robust. There has been some negative PR where residents have been fined and complained to the media, but, interestingly, most of the comments that then appear online on social media are sympathetic and supportive of the stance the Council is taking.
- 4.3 At the end of the one year pilot, Rushcliffe plan to formally tender the opportunity, learning from the experiences of the past year.

4.4 In Ashfield, 547 FPNs have been issued since April 5, with ten for flytipping, 6 for dog fouling, 5 discarded face masks, and the remainder for littering.

5.0 Equalities Implications

5.1 A full Equalities Impact Assessment would have to be undertaken if the proposal was to be implemented. There are age restrictions below which FPNs cannot be issued, whilst WISE have made a point of stating that they would not issue a notice to anyone they considered vulnerable.

6.0 Financial Implications (FIN21-22/2004)

6.1 The pilot, which would be underpinned by a SLA, would be considered a concession contract due to the Council not needing to pay the service. The Council would have to agree to a contract procedure exemption to award the one-year pilot to WISE, with the aim being that this would be formally tendered at the end of that period if there was a desire to continue with the enhanced enforcement activity.

6.2 The contract will bring extra revenue to the Council. The level of income depends on the FPN's issued, and the payment rate, but the current estimate based on the figures in 3.3 and 3.4 above, is £10,920. There are no additional costs to the Council.

7.0 Digital Implications

7.1 A portal to the WISE complaints module would have to be contained on the NSDC website. Similarly, the Council would have to be satisfied with all the arrangements from a GDPR perspective.

8.0 Community Plan – Alignment to Objectives

8.1 This proposal would align with the following Community Plan Objectives:

- Continue to maintain the high standard of cleanliness and appearance of the local environment
- Reduce crime and anti-social behaviour, and increase feelings of safety in our communities
- Enhance and protect the district's natural environment

9.0 RECOMMENDATION

That Members consider the proposals and recommend to Policy & Finance Committee the implementation of a one year Enviro- Crime Enforcement Pilot Project with WISE.

Reason for Recommendation

To consider enhancing enforcement capacity to enable delivery of the Council's objectives, recognising the challenges that have been brought to this objective with responding to the pandemic

Background Papers

Nil

For further information please contact Alan Batty on Ext 5467

Matthew Finch

Director – Communities & Environment