



Report to: Cabinet Meeting – 12 July 2022

Portfolio Holder: Councillor Roger Jackson, Cleaner, Safer, Greener

Director Lead: Matthew Finch, Director – Communities & Environment

Lead Officer: Alan Batty, Business Manager – Public Protection, Ext. 5467

Report Summary	
Type of Report	Open Key decision
Report Title	Enviro-crime Enforcement
Purpose of Report	For Members to consider the future provision of enviro-crime enforcement using a via third party enforcement company.
Recommendations	<p>That approval be given in principle to commence a procurement exercise for an outsourced environmental enforcement initiative, subject to a further report at the end of the one year pilot.</p> <p>That the current pilot project be extended for a further three months to allow the completion of a procurement exercise if necessary.</p>

1.0 Background

- 1.1 In September 2021 Leisure & Environment Committee agreed to a one year Enviro-crime enforcement pilot with a third party company, Waste Investigations, Support and Enforcement (WISE).
- 1.2 WISE started their contract with Newark & Sherwood in late October 2021 and therefore if the Council is minded to continue with this level of enforcement it will need to formalise a contract building on the lessons learnt from the pilot.
- 1.3 WISE have been undertaking enforcement relating to littering and enforcement of breaches of Public Space Protection Orders rating to dog control. It was originally envisaged that fly tipping would form part of the pilot, however, this was not possible for a number of operational reasons.
- 1.4 The pilot project has been running since late October and the following is a summary of the enforcement actions taken for the first seven months of the contract.

<u>FPN Type</u>	<u>Number Issued</u>
Cigarette Litter	1689
Food/food packaging litter	73
Chewing gum	48
Printed literature	19
Scratch cards	8
Other litter	64
Dog fouling	24
TOTAL	1925

- 1.5 During the period being considered 19 fixed penalty notices were cancelled. Within the same period WISE have recorded a payment success rate of 78% which relates to 1505 FPNs being paid.
- 1.6 WISE have operated across the district but have been led by regular meetings with Council Officers based on local intelligence. Set out in table 1 below is the activity based on Council ward areas.

Fixed Penalty Notices Issued by Ward 26 October 2021 to 31 May 2022

Ward	No. of FPNs issued	FPN percentage
Balderton North & Coddington	66	03.43%
Balderton	15	00.78%
Beacon	303	15.74%
Bilsthorpe	4	00.21%
Boughton	2	00.10%
Bridge	590	30.65%
Castle	350	18.18%
Collingham	2	00.10%
Devon	137	07.12%
Edwinstowe & Clipstone	48	02.49%
Farndon & Fernwood	4	00.21%
Farnsfield	1	00.05%
Muskham	5	00.26%
Ollerton	385	20.00%
Rainworth North & Rufford	3	00.16%
Rainworth South & Blidworth	1	00.05%
Southwell	4	00.21%
Sutton-on-Trent	5	00.26%
Total:		1925

- 1.7 The pilot has been a really useful exercise in identifying the potential benefits and the dis-benefits of such an arrangement. Clearly the increase in environmental enforcement and the raising awareness that this had produced has been a major outcome. Members will see that the majority of FPNs issued have been for cigarette related littering. Whilst this is not always the most obvious form of litter it is the promoting environmental enforcement and the impact this has in changing attitudes that is important. During the

running of the pilot the Council has seen an increase in Customer Comments. The majority of these have been related to the attitude and forthright nature of the enforcement staff. Only a few have actually challenged the issue of the fixed penalty notice. The learning from the pilot will shape the specification for any future agreement.

- 1.8 The agreement with WISE allows the Council to receive a percentage return on the income from FPNs issued. Based on current activity, the estimate is that the Council will receive approximately £10,000 from WISE over the period of the pilot contract.
- 1.9 The numbers of fixed penalty notices issued by WISE have met the expectation of the Council, this despite difficulties in recruiting and retaining enforcement staff. Any agreement for the future would need to set a specified number of staff or patrol hours per week.
- 1.10 The move towards using an outsourced resource has required a review and repurposing of the role of the Councils Community Protection Officers. Whilst these officers were originally recruited to undertake enviro-crime enforcement, their role has developed and changed so that is now has a wider remit. During the pandemic the CPOs were used to support the Humanitarian Assistance scheme and were used extensively to deliver food and carry out health checks. They were also used to provide advice and assistance to local business during easing of lockdown restrictions supporting environmental health staff and the Covid ambassadors throughout this period. More recently they have been supporting the Anti-Social Behaviour Officers on joint patrols, supporting the Police. They also provide training and support for new community speedwatch groups as well as undertaking speedwatch activity in areas where a local group does not exist.
- 1.11 The Policy & Performance Improvement Committee have identified anti-social behaviour as subject they want to look at in more detail and a working group is being put together. It is anticipated that the ongoing role of the CPOs will be galvanised further through this process.

2.0 Proposal/Options Considered and Reasons for Recommendation

- 2.1 The one year pilot agreement with WISE runs up to the 25 October and therefore Members will need to consider whether they want to continue with and externalised enviro-crime enforcement approach.
- 2.2 It is proposed that a procurement process for enviro-crime enforcement is undertaken to secure a third party company to undertake this activity for the council. Any agreement will seek to maximise any benefits to the council whilst maintaining the activity level currently being achieved. Income not primary focus. The littering legislation allows for any income from environmental enforcement to be reinvested in environmental related expenditure such as additional litter bins, fly tipping campaigns etc.
- 2.3 It is anticipated that the procurement is unlikely to be completed before the end date of the current pilot project and therefore to ensure continuity of service it is proposed that a three month contract extension is provided to the current WISE project. Subject to approval by the 151 and monitoring officers.

2.4 The recommendations will allow for the enviro-crime pilot enforcement to continue supporting the council's cleaner safer greener agenda.

3.0 Implications

3.1 Financial Implications (FIN22-23/5688)

During the 2021/22 financial year the Council received income of £4,491 relating to the period October 2021 to March 2022.

There is currently a budget of £8,870 for year 22/23 of which £6,370 related to FPNs to be issued by WISE, with the remaining balance of £2,500 in relation to FPNs issued by the Council.

For the period of April and May 2022 £1,399 is expected from WISE in relation to the FPNs that they have issued. Should this trend continue there would be a surplus of income from WISE of £2,024 for the year over the original budget.

FPNs issued by the Council to date amount to £1,800. Should this trend continue there would be a surplus of income of £8,300 for the year over the original budget.

It is anticipated that where surplus' of income are generated, over the budgeted amount, these would be re-invested into Cleaner, Safer and Greener objectives and not allocated into the General Fund balance at year end outturn.

3.2 Equalities Implications

The specification of the service required will ensure that young and vulnerable people are not adversely affected by the issue of any fixed penalty notices.

3.3 Legal Implications

Any extension to the current pilot project would require the Monitoring Officer and the Section 151 officer to confirm this as it would be outside of the contract procedure policy.

3.4 Data Protection

The third party company employed by the council will hold personal data and therefore a suitable data sharing agreement will need to be put in place.

3.5 Crime and Disorder

The enforcement of enviro-crime has positive implications for the councils Cleaner Safer Greener agenda and is supporting the community plan objectives.

Background Papers and Published Documents

Nil