

Report to: Policy & Performance Improvement Committee Meeting – 30 January 2023

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Report Summary	
Report Title	Activity Report and Future Proposals Relating to the Enviro-Crime Enforcement Pilot Project
Purpose of Report	To provide Members with an update on the enviro –crime activity undertaken by WISE as part of the enforcement pilot and to seek views on the criteria to be included in any future contract specification.
Recommendations	That the Policy & Performance Improvement Committee: (a) note the enforcement activity of the Enviro-crime pilot to date; and (b) identify any areas of service activity or performance to be included in the specification when finalised.

1.0 Background

1.1 In October 2021 an enforcement pilot authorising Waste Investigations Support & Enforcement Limited (WISE) to undertake enforcement activity for a range of environmental crimes, largely under various sections of the Environmental Protection Act 1990 was launched. This would cover littering and dog controls within Public Space Protection Orders

1.2 WISE collect and collate a range of indicators and performance measures that are made available to the Council. Set out below are a number of these that demonstrate their activities to date.

Litter type	Issued	Paid	Outstanding	Cancelled
Alcoholic Drinks	3	3	0	0
Bottle	3	3	0	0
Bottle Top	3	3	0	0
Chewing Gum	93	92	1	1
Cigar	6	6	0	0
Cigarette Butt	2908	2022	530	384
Confectionary Packs	6	5	0	1
Discarded Food	11	10	1	1
Dog Fouling (PSPO)	44	41	1	5

Fast Food Related	26	26	0	0
Food Wrapper	37	37	0	0
Littering (Vehicle)	2	0	2	0
Non-Alcoholic Drinks Related	7	5	1	1
Other Litter	35	28	1	7
Packaging	88	83	3	2
Printed Literature	45	42	0	4
Rolled up cigarette	246	181	27	41
Scratch Card	32	32	0	0
Snack Packs	13	13	0	0
Soft Drink Bottle	6	6	0	0
Soft Drink Can	46	42	0	4
Sweet Wrapper	10	9	1	0
Total:	3680	2692 (73%)	575 (27%)	451 (12%)

- 1.3 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 of environmental enforcement and the impact this has in changing attitudes that is important.
- 1.4 As can be seen from the table 73% of the FPNs issued have been paid. The Council's legal team has been processing the no-payment cases through the court system since June 2022. As of the end of December 2022 there have been 110 cases prepared and sent to court for decision and all of these are still awaiting a court hearing.
- 1.5 The data collected can also be broken down to illustrate the enforcement actions taken in the wards of the Council. The table below shows this.

Ward	Number issued	Patrol Hours
Balderton North & Coddington	146	188
Balderton South	60	98
Beacon	472	586
Bilsthorpe	7	19
Boughton	11	2
Bridge	1167	2091
Castle	855	1715
Collingham	6	55
Devon	236	456
Dover Beck	2	353
Edwinstowe & Clipstone	72	214
Farndon & Fernwood	13	227
Farnsfield	1	4
Lowdham	1	14
Muskham	10	167
Ollerton	564	821
Rainworth North & Rufford	7	1

Rainworth South & Blidworth	12	25
Southwell	6	36
Sutton-on-Trent	9	120
Trent	13	70
Totals	3680	7,276 hours

- 1.6 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.
- 1.7 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.
- 1.8 It is anticipated that the procurement of a three-year concession to undertake enviro-crime enforcement across Newark & Sherwood will be initiated within the next few weeks.

2.0 Proposal/Options Considered

- 2.1 It will be important that any future specification for the delivery of enviro-crime enforcement service sets out the key elements of a professional, cost effective, fully resourced legally operating enforcement service.
- 2.2 The preparation of the specification is still being developed with colleagues from Public Protection, Environmental Services and Legal Services. It is anticipated that the following details will form part of the specification:
- Days and Hours of operation – identify days when the service may not operate (e.g Christmas day) the hours of operation
 - Uniform and authorisation/identification – what officers are expected to wear when on duty and the authorisation they are required to carry.
 - Training - minimum level of training for anyone delivering the service.
 - Staff resource – how many officers will be used on the contract. All staff used will be expected to be of good character, polite, confident and able to converse successfully with all sections of society. Enforcement Officers will be expected to be issued with body worn cameras and be familiar with the protocol for their correct use.
 - Duties- the offences covered by the service. It is considered likely for this to be littering and enforcement of dog control Public Space Protection Orders
 - Revenue Share – this will form part of the evaluation process
 - Operational meetings - regular meetings (1 per quarter) to review practices, performance and to highlight any concerns
 - Tasking meetings – probably weekly to identify and operation issues and provide local intelligence and deployment information.

- Performance – the specification will make it clear that quotas will not be set with regard to the numbers of FPNs to be issued and all enforcement staff are salaried.
- Complaints – All complaints will in the first instance be the responsibility of the contractor to investigate. The Council has the discretionary authority to cancel any FPNs issued.
- Sharing Data – a data sharing and processing agreement will be agreed and signed by both parties.
- Operational data – Performance indicators and performance monitoring data will be required from the contractor. Such as:
 - Investigation Hours
 - Hours spent in each Town / Ward Area
 - Investigations completed by Town / Ward
 - FPN's issued by Town / Ward
 - FPN's broken down by offence
 - FPN paid by offence
 - Payments rates overall and by offence
 - Appeals / Representations
 - FPN withdrawn – reason
 - FPN cancelled by Council
 - FPN – where offender resides
 - Verbal warnings – offence / number / area
 - Complaints Received

3.0 Implications

3.1 Data Protection

A data processing/data sharing agreement will be required to allow personal data to be shared between the council and the contractor.

3.2 Financial Implications

There are no financial implications arising from this report.

3.3 Equality and Diversity

The contractor providing the service will be expected to comply with the council's enforcement policy and the council will retain the ability to cancel any fixed penalty notice issued if it feels the vulnerability of an individual has not been taken into account.

3.4 Once a provider is identified an equalities impact assessment will be undertaken.

3.5 Legal Implications

Legal Services are assisting with the development of the specification and will oversee the wording of any contract agreement.

Background Papers and Published Documents

None