

TITLE OF REPORT: **Providing an On-Street Environmental Enforcement Service**

REPORT OF: **Paul Dowling, Strategic Director, Communities and Environment**

Purpose of the Report

1. The report asks Cabinet to consider the introduction of a team of on-street Environmental Enforcement Officers, to patrol the borough and where necessary issue Fixed Penalty Notices (FPNs) for environmental crime incidents including littering and dog fouling. The state of the environment has been identified as a major concern in recent public surveys.

Background

2. The environmental enforcement function of the Council transferred from Waste Services & Grounds Maintenance to the Enforcement Team in Development, Transport & Public Protection in April 2016. Prior to this the Enforcement Team already had a wide remit including responsibility for planning and highways enforcement and highway licensing.
3. The limited resources of the team and the high demand of work coming in means that the current approach to environmental enforcement is predominantly reactive and largely focused on the investigation of flytipping complaints, as this issue receives the highest volume of complaints.
4. Since April 2016 the team of four full time staff has responded to over 5000 cases carrying out nearly 700 investigations of flytipping and accumulations of waste and over 800 planning and highway cases since April 2016. The Council previously employed 15 people to undertake this work.
5. The team has taken a new approach to investigations into flytipping and accumulations of waste, adopting an intelligence based and problem solving method which has produced good results. The focus of this approach is to identify and eliminate the underlying root causes of the issue rather than look for short term solutions which inevitably mean that the problem returns or the perpetrator reoffends.
6. While successful, with eleven prosecutions so far and increasing joint work with the police and other partners, this approach is labour intensive and time consuming. The staff involved in carrying this work out are highly skilled investigative officers and the work often involves lengthy and complex investigations to identify those responsible so that they can be issued with fixed penalty notices or prosecuted.
7. The Council has a duty to deal with a whole range of other matters of environmental crime including littering and dog fouling and at the moment these issues are rarely addressed. Complaints are regularly received by the Council

about these issues and the most recent Residents Survey (2016) identified the state of the environment as one of residents' main concerns.

8. Dealing with these issues requires a different style of enforcement to that currently taken with flytipping investigation. A more appropriate way of tackling environmental crimes such as littering and dog fouling is to have highly visible officers carrying out foot patrols across the borough, targeting known problem areas and dealing with contraventions by way of fixed penalty notices as they are identified. This approach is effective at changing behaviours and acting as a deterrent.
9. Whilst measures have been taken to recruit two additional staff in to the Enforcement Team the team is fully occupied with complex planning, highways and environmental enforcement cases. There is no capacity within the team to deliver on-street enforcement and current staff do not have the appropriate skill set to administer this approach
10. Consideration has been given to how the Council can provide the on-street presence required to effectively tackle environmental crime and change behaviour.

Options

11. In order to deal with all aspects of environmental enforcement effectively and provide a flexible on-street enforcement presence there are a number of options that could be pursued. The four main options are as follows.
 - 1) Employ a contractor on a pilot basis for a fixed term to undertake the work on behalf of but under the direction of the Council and review the effectiveness of this approach prior to making a final decision
 - 2) Deliver the service from existing resources in the Enforcement Team
 - 3) Recruit additional staff to create a new team within the Council to provide visible on-street patrols
 - 4) Investigate whether a neighbouring local authority could undertake the work on our behalf

Consideration of Options

Option 1- Pilot using a contractor

12. Discussions have taken place with a contractor who is able to deliver a highly visible on-street enforcement service 6 days a week tackling litter and dog fouling and other environmental issues as required for a fixed term on a trial basis. The contractor will provide four enforcement officers who will be supervised by a team leader and supported by an administrator and they will endeavour to recruit locally. The enforcement staff will have access to a vehicle supplied by the contractor.
13. The set up time for such a service is eight weeks. The service can be set up quickly with ready-made technology and back office support. The contractors' expectation is that 88 £75 FPNs will be issued each week but obviously at this stage it is difficult to quantify.
14. The Council will give strategic direction, ensuring that the service complies with its enforcement policies. It will also identify specific issues to focus on and areas to target but won't have day to day operational control. This approach would enable

the Council to make a significant impact on the cleanliness of the environment in a short space of time whilst monitoring the business case for future capacity needs.

15. Pursuing this option would allow the Council the opportunity to share the experience, knowledge and expertise of the contractor, and have the opportunity to trial their technology to see how this could work for the Council longer term.

16. In this option there are a number of models for consideration:

(a) **Model 1**

In this model Gateshead Council will pay the contractor £45 for each appropriately raised FPN and retain the other £30. Here the financial risk is shared between the Council and the contractor, the contractor relying on the FPN issuance and the Council relying on the payment rate (the national average currently being in the region of 75%). In this case the contractor would charge the Council for the collection of FPN payments but there would still be potential for the Council to make a small surplus each week.

(b) **Model 2**

This model requires Gateshead Council to retain all of the FPN income, then pay an hourly rate of £20 for each of the six members of staff provided by the contractor. This would include the collection of FPN payments. In this case all of the financial risk would be on the Council as it would be relying on both the number of FPNs issued and the rate at which payments are made being high enough to offset the staff costs.

(c) **Model 3**

In this model the contractor will retain the fines from fixed penalty notices issued and collect FPN payments without imposing a charge. The contractor carries the risk of non-payment and there will be no cost at all to the Council. The contractor takes on all of the financial risk as they are relying on income generated which takes into account the quality of notices issued and the payment rate. The model also guarantees that the contractor will pay the Council 10% of all revenue collected on a monthly basis giving potential for a small income.

Option 2 – Carry out the work using existing resources of the Enforcement Team

17. If this option was pursued the highly skilled investigative staff of the Enforcement Team would be diverted away from their current work in planning and highways enforcement, investigation of flytipping and accumulations of waste and highways licensing, and would be reallocated to foot patrols across the borough to issue fixed penalty notices. Investment in training, equipment and IT would be required. The cost of this is expected to be around £50,000.

Option 3 – Recruitment of additional staff to the Council

18. There is potential to create a new team of Enforcement Officers to deliver an on-street enforcement service in-house. The recruitment and training of staff to form a team similar to that proposed by the contractor i.e. four enforcement officers, a team leader and four administrative support would cost the Council in the region of £270,000 per annum. There would be additional set up costs for IT, transport

provision, equipment estimated at around £50,000. Recruitment and training would require the input of existing staff which would impact on the ability to continue to deliver current levels of service at the same time as introducing other new enforcement initiatives. This option would give the Council complete operational control and potential to offset some of the costs of the in-house team with income from FPNs, which is difficult to estimate at this stage but could be c£100,000 per annum. The in-house model would take approximately 5 months to establish.

Option 4 – Appoint a neighbouring authority to undertake the work on the Council's behalf

19. If this option were pursued the Council would enter a service level agreement with another authority to provide the service on our behalf. Whilst this may reduce the set up costs by c£20,000 all the other costs associated with recruitment would remain as the authority would in effect recruit a team to work in Gateshead. With the additional legal agreements entailed it is expected that this would take the longest to establish. To date early discussions with other authorities have found little appetite to provide this service.

Proposal

20. In order for the Council make a greater positive impact on the environment it would be beneficial to provide a physical presence on the streets of the borough to tackle perpetrators and to change behaviours.
21. Four alternative options for delivering this approach are set out in this report.
22. It is proposed that one of the options is selected and its success monitored for a trial period with regular reports provided to portfolio.
23. Should one of the models in option 1 be chosen to be progressed further reports will be brought back to Cabinet to progress and closely monitor this option.

Recommendations

24. It is recommended that:
 - i) An on-street Environmental Enforcement service is set up
 - ii) A delivery model for the service is selected from the options presented in the report with the appropriate associated funding as identified in the report
 - iii) Regular reports on progress and impact are submitted to Portfolio and Cabinet, as necessary.

For the following reason:

In order to make a positive impact on the environment by providing a physical presence of officers on the streets to tackle perpetrators and to change behaviours; and to gather data to inform future plans for delivering this service.

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Policy Context

1. The work of the Enforcement Team is directly linked to Vision 2030, Gateshead Strategic Partnerships vision for Gateshead. In particular it contributes to the goals of having residents and businesses who are environmentally aware and responsible and people who care for and look after their local area.
2. The work of the Enforcement Team also contributes directly to the Council Plan 2015 – 2020 and in particular the two themes of Live Love Gateshead and Live Well Gateshead. The ambition of Live Love Gateshead is to encourage people to care about their local area and share responsibility for making and keeping our environment the best it can be. In order to support them in doing this the Council need to have the capacity available to take robust action against those who pollute and degrade the environment.
3. The ambition of Live Well Gateshead is for Gateshead to be a place where people choose to lead healthy lifestyles. The work of the Enforcement Team in ensuring the public realm is safe, attractive and usable helps to dissuade people from doing the wrong thing and more likely to enjoy their local area.

Background

4. The Council's current approach to environmental enforcement is predominantly reactive and this does not lend itself to the more traditional approach of visible officers on the street which is the most effective means of dealing with issues including littering and dog fouling.
5. The proposals in the report offer an opportunity to introduce on-street environmental enforcement to address these issues.

Consultation

6. A members' seminar has been held to provide more information in respect of option 1. The relevant Cabinet Members have been consulted.

Alternative Options

7. Four options are presented in the report. If none of these options are adopted then the enforcement issues that on-street environmental enforcement targets cannot be addressed within the existing structure of the team and little or no improvement in the environment will result.

Implications of Recommended Option

8. **Resources**
 - a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that the recommended actions can be carried out within existing resources for option 1 but additional costs as outlined within the report would be required were other options to be pursued. Should any of the models outlined in option 1 be pursued then this would need to be for a short pilot period to fall within OJEU limits in

advance of a decision on any permanent procurement and further reports to Cabinet would be progressed.

- b. **Human Resources Implications** - There are no human resource implications arising directly from this report.
 - c. **Property Implications** - There are no property implications arising directly from this report
9. **Risk Management Implications** – Failure to deliver statutory responsibilities may result in government intervention.
 10. **Equality and Diversity Implications** – An Equality Impact and Needs Assessment of these plans has indicated a neutral impact.
 11. **Crime and Disorder Implications** – There are no crime and disorder implications arising directly from this report.
 12. **Health Implications** – It is hoped that by improving the quality and attractiveness of the public realm people will be encouraged to use it for bona fide purposes which include walking, cycling and exercising.
 13. **Sustainability Implications** – There are no sustainability implications arising directly from this report.
 14. **Human Rights Implications** – There are no human resource implications arising directly from this report.
 15. **Area and Ward Implications** - This report affects all wards equally

Background material

- PSPO consultation response summary 2016
- Residents survey 2016 results