

TITLE OF REPORT: **Provision of an In House On-Street Environmental Enforcement Service**

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

Purpose of the Report

1. The report seeks approval to establish an in house on street environmental enforcement service. It is envisaged that delivery of this service will encompass provision of a team of on-street Environmental Enforcement Officers, complementary back office staff and associated IT support. The state of the environment has been identified as a major concern in recent public surveys and it is considered that an in house team with on street patrols would act as a deterrent as well as directly addressing current environmental concerns.

Background

2. Proposals for an on – street environmental enforcement service were the subject of a report to Cabinet on 18 July 2017. Four potential options were outlined therein. The report asked Cabinet to consider the introduction of a team of on street Environmental Enforcement Officers (EEO's) to patrol the Borough and where necessary issue Fixed Penalty Notices (FPN's) for environmental crime incidents including littering and dog fouling.
3. Following consideration Cabinet resolved to explore/ develop an in house model for an on – street environmental enforcement service, including the recruitment of additional staff. Cabinet requested that a further report be submitted with a recommendation proposal. (Minute C44) Alternative options which were discounted included development of a pilot using a contractor , carrying out the work using existing, already over extended resources of the Enforcement team and appointing a neighbouring authority to undertake the work on the Council's behalf.

Proposal

4. A proposal has been developed in accordance with the requirements of the approved minute. This proposal sets out a model structure and identifies the implications of recruiting additional staff and utilising an associated IT platform to ensure that an effective service can be delivered. The proposal is considered in more detail in appendix 2 to this report.
5. It is suggested that the proposal is delivered by the Communities and Environment's Development, Transport and Public Protection Service. Parking Services would be the responsible team. The existing notice processing system was procured on the basis that environmental enforcement (such as dog fouling) could be added to the system and is therefore capable of being expanded to provide the various notices and correspondence that would be generated in relation to such environmental enforcement.

6. It is envisaged in the first instance that the operation would primarily focus on routine littering and dog fouling offences which lend themselves more easily to a process driven approach, and in particular where the on the spot FPNs may be issued by an enforcement officer. It is not intended that the operation would relate to offences such as fly tipping or placing of unauthorised signs on the highway. This responsibility would continue to require the specialist skills of the Licensing and Highway Enforcement officers. The new team would, however, provide additional 'eyes and ears' throughout the borough thereby complementing the work of other areas of the Council and also acting as a deterrent due to high visibility of patrols throughout the borough.
7. The approach outlined is considered capable of delivering the sort of enforcement and complementary education and guidance that the Council desires ensuring that responsible officers have direct control over both strategy and day to day operations. In turn, this will help minimise any reputational risk that could be associated with this new enforcement initiative. The risks, issues and benefits of the proposed in house solution are contrasted with an alternative outsourcing solution in appendix 3 to this report. The total annual cost of service delivery is estimated to be £300,000. It is anticipated that sufficient revenue would be accrued so that there would be no consequent net revenue cost to the Council. Non cashable benefits associated with an improved environment would also result.

Recommendations

8. It is recommended that:
 - i) An on-street Environmental Enforcement service is set up as proposed in the delivery model set out in appendix 2 to this report.
 - ii) The mini restructure as set out in appendix 2, figure 1 be approved.
 - 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.

Policy Context

1. The work of the Environmental Enforcement Team will link directly to Vision 2030, Gateshead Strategic Partnerships vision for Gateshead. In particular it will contribute to the goals of having residents and businesses that are environmentally aware and responsible and people who care for and look after their local area.
2. The work of the Environmental Enforcement Team will also contribute 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 Environmental Enforcement Team will assist in ensuring that the public realm is safe, attractive and usable. It will help to dissuade people from doing the wrong thing and as a consequence they will be more likely to enjoy their local area.
4. In addition the improved environment will help to encourage investment in the borough helping to support economic growth.

Background

5. The Council's current approach to environmental enforcement is predominantly reactive. This does not lend itself to the more traditional approach of deploying visible officers on the street which is the most effective means of dealing with issues such as littering and dog fouling.
6. The proposals in the report offer an opportunity to introduce on-street environmental enforcement to address these issues.
7. Proposals for an on – street environmental enforcement service were the subject of a report to Cabinet on 18 July 2017. Four potential options were outlined therein. The report asked Cabinet to consider the introduction of a team of on street Environmental Enforcement Officers (EEO's) to patrol the Borough and where necessary issue Fixed Penalty Notices (FPN's) for environmental crime incidents including littering and dog fouling.
8. Following consideration Cabinet resolved to explore/ develop an in house model for an on – street environmental enforcement service, including the recruitment of additional staff. Cabinet requested that a further report be submitted with a recommendation proposal. Alternative options which were discounted included development of a pilot using a contractor , carrying out the work using existing, already over extended resources of the Enforcement team and appointing a neighbouring authority to undertake the work on the Council's behalf.

Consultation

9. Initially a Members seminar was held to provide more information in relation to the option to develop a pilot scheme related to the use of an external contractor. At the meeting on 18 July 2017 Cabinet requested that an in house solution be considered and developed. The relevant Cabinet Members have been consulted with regard to this in house proposed solution. Implications of the emerging proposal have also been discussed with local members at a series of ward meetings and a picture of 'hot spots' throughout the Borough is being built up in order that resource can be appropriately deployed as and when this proposal is implemented.

Alternative Options

10. Alternative options under consideration were to develop a pilot using an external contractor, to utilise existing resources, to appoint a neighbouring authority to undertake the work on the Council's behalf and simply to do nothing.
11. In respect of the external contractor option there was concern that a lack of direct Council control could result in negative feedback and a reputational risk. Further concerns are explored in appendix 3 to this report.
12. There was simply not sufficient existing internal resource to take on this extensive brief. Neighbouring authorities did not offer a delivery model that would suit our purpose whilst to do nothing would not be an appropriate response as the state of the environment had been identified as a major public concern.

Implications of Recommended Option

13. **Resources**
 - a. **Financial Implications** – The Strategic Director, Corporate Resources, confirms that in revenue terms the delivery proposal is expected to be cost neutral. The Strategic Director, Corporate Resources confirms that the existing set up costs estimated to be £45000 would be met from the 2018/19 Capital Programme
 - b. **Human Resources Implications** – Within the proposal ten new posts are created. This will provide opportunity for existing staff and local people.
 - c. **Property Implications** - There are no property implications arising directly from this report
14. **Risk Management Implications** – Failure to deliver statutory responsibilities in respect of protecting the public and the environment should the Council not proceed with the delivery of environmental enforcement strategies may ultimately lead to government intervention.
15. **Equality and Diversity Implications** – An assessment of the proposal has indicated a neutral impact.
16. **Crime and Disorder Implications** – The enforcement regime that would be established would reduce criminal and anti-social activity.

17. **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.
18. **Sustainability Implications** – There are no sustainability implications arising directly from this report.
19. **Human Rights Implications** – There are no human resource implications arising directly from this report.
20. **Area and Ward Implications** - This report affects all wards equally

Background material

- PSPO consultation response summary 2016
- Residents survey 2016 results

APPENDIX 2

Internal Delivery Model

1. A proposal has been developed in accordance with the requirements of the approved minute (C44). This proposal sets out a model structure and identifies the implications of recruiting additional staff and establishing an utilising IT platform to ensure that an effective service can be delivered.
2. It is suggested that the proposal is delivered by the Communities and Environment's Development, Transport and Public Protection Service. Parking Services would be the responsible team. The existing notice processing system was procured on the basis that environmental enforcement (such as dog fouling) could be added to the system and is therefore capable of being expanded to provide the various notices and correspondence that would be generated. This will deliver synergies and reduce unnecessary duplication.
3. It is envisaged that in the first instance the operation would primarily focus on routine littering and dog fouling offences which lend themselves more easily to a process driven approach, and in particular where the on the spot FPNs may be issued by an enforcement officer. It is not intended that the operation would relate to offences such as fly tipping or placing of unauthorised signs on the highway. This responsibility would continue to require the specialist skills of the Licensing and Highway Enforcement officers. The new team would however provide additional 'eyes and ears' throughout the borough thereby complementing the work of other teams and delivery functions within the Council.
4. The approach outlined is considered capable of delivering the sort of enforcement and complementary education and guidance that the Council desires ensuring that responsible officers have direct control over both strategy and day to day operations. In turn, this will help minimise any reputational risk that could be associated with this new enforcement initiative. The risks, issues and benefits of the proposed in house solution are contrasted with an alternative outsourcing solution in appendix 3 to this report.
5. The existing structure of the Parking Service team and the proposed new structure to encompass environmental enforcement is set out in figure 1 included below. It locates 6 new Environmental Enforcement Officers operating on street and deployed in a manner that permits both early morning and evening shift patterns as required. The field officers are supported by 3 operational assistants and report to a new senior enforcement officer.
6. The total annual cost of service delivery is estimated to be £300,000. This largely relates to staff costs, but includes IT licenses and the renewal of uniform and equipment. These costs have been confirmed by the Strategic Director, Corporate Services. The IT changes required are minimal and capable of delivery within a fairly short timescale and at a reasonable cost estimated to be £45000.

7. Using the information available, a number of reasoned assumptions have been made as to how an in house model would operate in practice. This includes an assessment of the potential risks as well as the benefits, together with cost and revenue implications.
8. Whilst the overarching purpose of the proposal is to deliver an effective environmental solution for Gateshead it is nevertheless expected that FPN revenue generated will offset the revenue cost. Historical evidence of previous enforcement practice within Gateshead and knowledge of enforcement activities in neighbouring authorities suggests that revenue accrued in relation to in house delivery will meet this expectation and that there would be no consequent net revenue cost to the Council.
9. The Environmental Enforcement Officers would be supervised and managed within the existing Parking Services team. They would be fully trained and conversant with the Council's aspiration regarding environmental enforcement and complementary education and would be expected to adopt a robust though light touch approach. It is anticipated that there would be a three shift pattern (early, middle and late) and that there would normally be two officers on duty at any one time to address the current issues we have of littering and dog fouling taking place outside normal working hours. This would mirror a similar pattern to that adopted by the Council's parking enforcement officers.
10. It is expected that service delivery could begin in the first quarter of the new financial year 18/19. Deployment strategies would be evidence based and would be informed by Ward Member views and concerns.


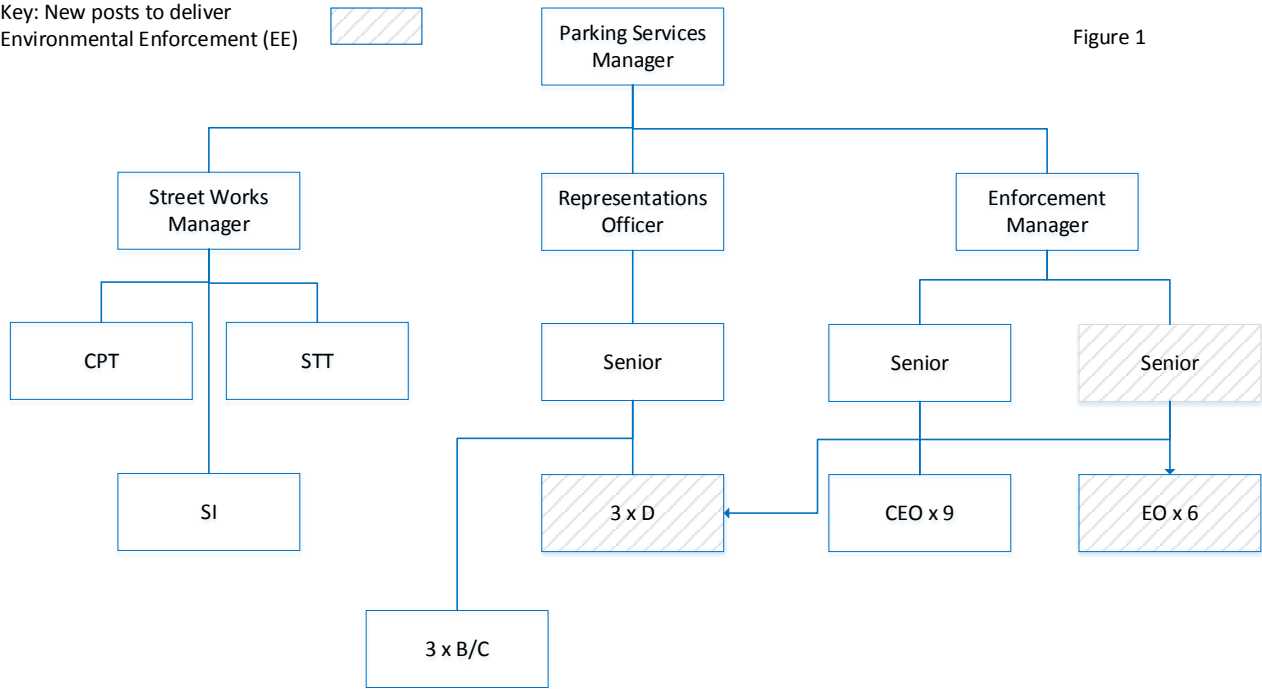
Key: New posts to deliver
Environmental Enforcement (EE) 

Figure 1



Organisational Structure: Communities & Environment
Development, Transport & Public Protection
Parking Services – Augmented Structure to include EE

December 2017

APPENDIX 3

Risks and Benefits

Risks and benefits of the in house proposal when contrasted with outsourcing to an external provider:

Benefits	Risks
<ul style="list-style-type: none">• Delivers statutory responsibilities in respect of protecting the public and the environment.• Allows greater flexibility when deciding the criteria of any serving or appealing FPNs (i.e. warning or education rather than issue)• Allows greater control over the level, intensity and categories of enforcement (and greater flexibility to address any members' concerns)• Allows for more reactive enforcement• Better control of reputational risk• Easier to align the operation with the Council's broader policies• More connectivity and joined up working between all the strands of environmental enforcement within the Authority• Allows a complementary educational element to be introduced into the environmental enforcement process (e.g. school visits).• Creation and management of local employment• Any surplus revenue generated is retained within the Authority• Consistency of approach (the use of the Council's existing notice processing system and overall management overview)• Ability to control how robust the intervention is in relation to each and every particular circumstance.• Allows synergies with existing teams to maximize efficiencies.	<ul style="list-style-type: none">• All Financial risk lies with the Authority.• Requires an initial set up cost.• Requires the identification of a revenue budget going forward (the model used suggests that this will be revenue neutral and may allow a small surplus to be generated for the Council).• All of the staffing risk (filling post, covering absence) lies with the Council• No opportunity to share financial risks with an external partner