

<b>Subject:</b>	Update on Environmental Crime Enforcement	<b>Status:</b>	For Publication
<b>Report to:</b>	Cabinet	<b>Date:</b>	27 <sup>th</sup> November 2019
<b>Report of:</b>	Public Protection Manager	<b>Portfolio Holder:</b>	Communities and Customers
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input type="checkbox"/>	General Exception <input type="checkbox"/>	Special Urgency <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required: No	Attached:	No
<b>Biodiversity Impact Assessment</b>	Required: No	Attached:	No
<b>Contact Officer:</b>	Phil Morton	<b>Telephone:</b>	01706 252442
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<b>1.</b>	<b>RECOMMENDATION</b>
1.1	That members note the contents of the report and approve an extension of the current trial period to allow further evaluation and full procurement process, subject to a 60 day notice period from both parties

**2. PURPOSE OF REPORT**

2.1 To provide Cabinet with and update of environmental crime enforcement and seek approval to extend the trial period in line with the Service Level Agreement

**3. CORPORATE PRIORITIES**

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale’s residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.

**4. RISK ASSESSMENT IMPLICATIONS**

4.1 All the issues raised and the recommendation(s) in this report involve risk considerations as set out below:

The risk associated with carrying out any enforcement work is the effect on the reputational image of the council, either by over enforcing or not enforcing enough. Either way care needs to be taken to ensure fairness and a balance needs to be reached.

**5. BACKGROUND AND OPTIONS**

5.1 On 10<sup>th</sup> October 2018 Cabinet approved a 12 month trial of a third party company to provide an on street environmental crime enforcement presence to deal with the growing issues of littering, dog fouling etc. A copy of the report considered by members is attached at **Appendix A**.

The trial period commenced in December 2018 for an initial period of 12 months with an option contained within the Service Level Agreement to extend the trial by up to 12 months.

5.2 This was to allow a full assessment by both parties on the effectiveness of the trial and to allow flexibility in the arrangements to accommodate changes in legislation, policies etc.

5.3 Since December 2018, the service has attracted a great deal of positive attention in the media and across the wider community, supporting the efforts of the council to tackle those who blight our environment **Appendix B**.

- 5.4 The introduction of enhanced Public Space Protection Orders (PSPO's) covering a wide range of dog control issues means that the council has further powers available to deal with those irresponsible dog owners who continue to act in an anti-social manner.
- 5.5 Over the last year, the use of District Enforcement Ltd to carry out on street enforcement has been highly effective in raising the profile of the council's efforts to improve our environment, and to draw attention to the ongoing issues of littering and dog fouling.
- 5.6 The number of fixed penalty notices for littering issued monthly has reduced from the initial introduction of the scheme, whilst the number of patrols carried out by officers has remained constant. This suggests that the presence of on street enforcement officers is having a positive effect in changing attitudes to littering. Positive news stories as illustrated at **Appendix B** re-enforce this message.
- 5.7 The aim is to achieve the desired outcomes of reducing the amount of litter and dog fouling in our parks and open spaces and there is some evidence that this is starting to be effective but work is continuing to ensure this is a long term reduction.
- 5.8 A breakdown of performance figures, including ward profiles, demographics etc. is appended at **Appendix C**.
- 5.9 In relation to the total amount of fixed penalty notices issued for littering, the vast majority were in relation to smoking related detritus.

The Clean Neighbourhoods and Environment Act (2005) specifically defined cigarette and smoking related waste as litter.

Over 31bn filtered cigarettes are smoked in England every year and this creates 5225 tonnes of waste annually, resulting in 1202 tonnes of smoking related litter.

Smoking related litter is found on 73% of all streets and is the most common form of litter (Source; Keep Britain Tidy Group. Local Environmental Quality Survey 2015).

- 5.10 The team from District Enforcement are now embedded into the borough and their presence in and around the area is no longer seen as unusual.
- 5.11 In common with all local authorities, Rossendale suffers from the effects of Environmental Crime including littering, dog fouling, fly tipping and other waste issues. Litter includes such items as cigarette butts, chewing gum and food packing which when deposited inappropriately can cause harm to the environment and be hazardous to wildlife
- 5.12 Rossendale is committed to providing a "clean and green" borough and this includes reducing the incidents of environmental crime by carrying out awareness raising campaigns and making the best use of the legislation available to enforce against those who continue to commit offences, including the use of fixed penalty notices.
- 5.13 The Council has adopted the use of fixed penalty notices covering a range of offences, which offer an individual the opportunity to discharge and liability to conviction for the offence to which it relates. When individuals choose not to discharge their liability through payment of a fixed penalty, then prosecution can be taken through the courts.

- 5.14 The formation of the Public Protection Unit and the use of District Enforcement has focused the Council's approach to dealing with a range of issues affecting the environment and is now using a range of proactive approaches in tackling environmental crime.
- 5.15 To enable further evaluation of the impact of the pilot, and to assess the effect of the recently introduced PSPO's, it is suggested that the current arrangement with District Enforcement continues for a further period up to a maximum of 12 months during which time a fuller picture of the impact of the scheme will be available and a full procurement exercise can take place.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

- 6.1 The contract extension and subsequent procurement process will give consideration as to the financial options and/or opportunities available to the Council.

**7. MONITORING OFFICER**

- 7.1 The extension sought will enable Officers to further assess the impact of the introduction of the new PSPOs and ensure that a full tender process is completed in good time for this pilot project drawing to a close. The tender process will be conducted in accordance with the Constitution and public contract regulations.

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 A full consultation exercise took place before the introduction of the recent PSPO's which showed conclusive support for continued enforcement of dog control measures.

**9. CONCLUSION**

- 9.1 The continuation of the current arrangements for a period not exceeding 12 months will allow a full evaluation of the impact of the trial, along with an assessment of the recently introduced Public Space Protection Orders. Further consideration will be given to extending the scope of the service to carry out other duties including the investigation of larger scale fly tipping and other environmental crime.

No background papers

<b>Subject:</b>	Pilot Scheme to increase enforcement activity in relation to Environmental Crime	<b>Status:</b>	For Publication
<b>Report to:</b>	Cabinet	<b>Date:</b>	10 <sup>th</sup> October 2018
<b>Report of:</b>	Public Protection Manager	<b>Portfolio Holder:</b>	Jackie Oakes
<b>Key Decision:</b>	<input type="checkbox"/> Forward Plan <input checked="" type="checkbox"/> x	<b>General Exception</b>	<input type="checkbox"/> <b>Special Urgency</b> <input type="checkbox"/>
<b>Equality Impact Assessment:</b>	Required:	No	Attached:
<b>Biodiversity Impact Assessment</b>	Required:	No	Attached:
<b>Contact Officer:</b>	Phil Morton	<b>Telephone:</b>	<b>01706 252442</b>
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<b>1.</b>	<b>RECOMMENDATION(S)</b>
1.1	That Members approve the 12 month trial of a third party company to provide an on street environmental crime enforcement capability with the following provisions; <ul style="list-style-type: none"> <li>a. The contract is at zero cost to the council</li> <li>b. The contract is flexible to include additional enforcement activity as deemed appropriate.</li> <li>c. The providers take a proportionate approach in accordance with the legislation</li> <li>d. That education and awareness raising of the consequences of environmental crime are included.</li> <li>e. That if successful, proposals for a more permanent arrangement are developed.</li> </ul>

**2. PURPOSE OF REPORT**

2.1 To provide Cabinet with details of a proposed 12 month Environmental Crime Enforcement trial using a third party private service provider

To seek approval to commence the trial and evaluate the impact before carrying out a formal procurement exercise.

**3. CORPORATE PRIORITIES**

3.1 The matters discussed in this report impact directly on the following corporate priorities:

- **A clean and green Rossendale:** our priority is to keep Rossendale clean and green for all of Rossendale’s residents and visitors, and to take available opportunities to recycle and use energy from renewable sources more efficiently.
- **A connected and successful Rossendale that welcomes sustainable growth:** our priority is to ensure that we are well connected to our residents, key partners and stakeholders. We want to make the most of every pound we spend and we are always looking for new and innovative ways to make the resources we do have, work harder for us.
- **A proud, healthy and vibrant Rossendale:** our priority is to ensure that we are creating and maintaining a healthy and vibrant place for people to live and visit.

**4. RISK ASSESSMENT IMPLICATIONS**

4.1 The risk associated with carrying out any enforcement work is the effect on the reputational image of the council, either by over enforcing or not enforcing enough. Either way care needs to be taken to ensure fairness and a balance needs to be reached between education and enforcement

## 5. BACKGROUND AND OPTIONS

5.1 In common with all local authorities, Rossendale suffers from the effects of Environmental Crime including littering, dog fouling, fly tipping and other waste issues. Litter includes such items as cigarette butts, chewing gum and food packing which when deposited inappropriately can cause harm to the environment and be hazardous to wildlife

Rossendale is committed to providing a “clean and green” borough and this includes reducing the incidents of environmental crime by carrying out awareness raising campaigns and making the best use of the legislation available to enforce against those who continue to commit offences, including the use of fixed penalty notices.

The council has already adopted the use of fixed penalty notices covering a range of offences, which offer an individual the opportunity to discharge and liability to conviction for the offence to which it relates.

When individuals choose not to discharge their liability through payment of a fixed penalty, then prosecution can be taken through the courts.

The formation of the Public Protection Unit has focused the councils approach to dealing with a range of issues affecting the environment and is now using a range of proactive approaches in tackling environmental crime.

However, the capacity of the unit to deal with every day, on street enforcement of littering and dog fouling etc. is limited, and the appointment of a 3<sup>rd</sup> party company to provide this will greatly increase the councils capability in dealing with these issues.

The proposal to enter into a pilot scheme with a private sector enforcement provider will increase the amount of enforcement activity that is undertaken in relation to environmental crime such as littering, dog fouling, fly tipping, and waste duty of care breaches.

This option will be at zero cost to the authority with the service provider covering costs through income achieved from issuing fixed penalty notices.

Fixed penalty notices are a valuable enforcement tool for dealing with the unauthorised deposit of litter, dog fouling, fly tipping and specific duty of care offences. They reinforce the council’s commitment to take action against those who blight our communities by committing environmental crime.

By entering into a contract with a third party provider, the council can significantly increase its enforcement activity in relation to environmental crime.

The proposal will allow a 7 day service to ensure that full coverage is given to all our towns and open spaces and to provide the most effective service possible.

The service provider covers all of the enforcement and administrative support required to ensure successful issue of fixed penalty notices including all of the mobile technology requirements and access to identify verification information, in accordance with statutory requirements.

5.2 Increased admin support would be needed to cope with a significant increase in fixed penalty notices, and to prepare files for prosecution.

5.3 A third party provider will provide all admin and back office support, thus reducing the financial

risk to the council whilst increasing capacity.

- 5.4 The option to enter into a trail with the identified provider is based on the ability to provide a service model which fits the profile of Rossendale and to provide a standalone 7 day service, rather than enter into a shared service with a neighbouring authority.

**6. COMMENTS FROM STATUTORY OFFICERS:**

**6.1 SECTION 151 OFFICER**

This pilot will allow the Council to benchmark the service and formulate the specification for any potential tender to be advertised in the 2019/20 financial year. All legal agreements will need to be completed with the third party provider based on the Council's terms and conditions and at nil cost to the Council.

**7. MONITORING OFFICER**

- 7.1 Financial implications are noted within the report

**8. POLICY IMPLICATIONS AND CONSULTATION CARRIED OUT**

- 8.1 No change to policy is needed as the use of fixed penalty notices to tackle environmental crime and car park enforcement has already been adopted.

**9. CONCLUSION**

- 9.1 The trial of a third party service provider will give the council increased capability to tackle environmental crime at zero cost.

A full appraisal of the trial can then be carried out to look at the effectiveness of the scheme and carry out a formal procurement exercise.

Background Papers	
Document	Place of Inspection
Service proposal document	Public Protection Unit

**Published October 11, 2018 at 17:01**

**A 12-month trial to tackle people who blight the borough has been approved.**

This will see private enforcement officers from the firm District Enforcement issuing on-the-spot fines for littering, dog fouling and flytipping.

Two dedicated officers will patrol the borough's streets and parks seven days a week, targeting hot-spots identified by the council. Additional patrols could be brought in if necessary.

The trial was approved by the cabinet committee yesterday (October 10) and is due to start in the New Year.

Councillor Jackie Oakes, portfolio holder for operations, said other places had already introduced private enforcement officers.

She added:

We already have the power to issue fixed penalty notices but unfortunately we just do not have the capacity to carry out patrols as often as we would like.

We hope that having enforcement officers on our streets and in our parks, day in and day out, will deter irresponsible people.

Dropping litter, flytipping and dog fouling blights local communities and it costs council taxpayers' money to clear up after those who are responsible.

District Enforcement will retain the income from the fixed penalty notices it issues. It will also carry out the administration and take any court action.

**Published November 29, 2018 at 13:30**

**A 12-month trial to tackle people who blight the borough starts next week.**

This will see private enforcement officers from the firm District Enforcement issuing on-the-spot fines for littering, dog fouling and flytipping from Monday, December 3.

Two dedicated officers will patrol the borough's streets and parks seven days a week, targeting hot-spots identified by the council. Additional patrols could be brought in if necessary.

The trial was approved by the cabinet committee earlier in the year

**Published January 3, 2019 at 11:24**

**People dropping litter, flytipping and dog fouling in Rossendale have been hit by fines following the introduction of a specialist enforcement team.**

The on-the spot-fines have been issued by District Enforcement, which started a 12-month trial across Rossendale on December 3rd.

Dedicated officers will patrol the borough's streets and parks seven days a week, targeting hot-spots identified by the Council. Additional patrols could be brought in if necessary. The trial was approved by the cabinet committee early in the year.

In the first week, enforcement officers issued a total of 177 fixed penalty notices across the borough.

**Published August 16, 2019 at 10:34**

**People allowing their dogs to foul in Rossendale have been hit by fines as a specialist enforcement team continues its work in the borough.**

On-the-spot-fines have been issued by District Enforcement, which started a 12-month trial across Rossendale in December 2018.

Dedicated officers are patrolling the borough's streets and parks seven days-a-week, targeting hot-spots identified by the Council. The trial was approved by the cabinet committee early in 2018.

23 fixed penalty notices were issued during July 2019 to people allowing their dogs to foul and failing to pick it up.

## DISTRICT ENFORCEMENT

## MONTHLY ANALYSIS

MONTH	TOTAL ISSUED	PAID
DEC 2018	321	134
JAN 2019	277	197
FEB 2019	262	223
MARCH 2019	150	125
APRIL 2019	172	158
MAY 2019	174	147
JUNE 2019	119	105
JULY 2019	152	128
AUG 2019	112	70
SEPT 2019	181	118

## Offence Type

Offence Type	Offence Type Count	Percentage
Dog Control Orders-Dog Fouling (DCO)	<u>51</u>	<u>2.65</u>
Dog Fouling-Dog Fouling	<u>6</u>	<u>0.31</u>
Littering-Alcoholic Drinks	<u>2</u>	<u>0.10</u>
Littering-Bottle	<u>2</u>	<u>0.10</u>
Littering-Chewing Gum	<u>2</u>	<u>0.10</u>
Littering-Cigar	<u>4</u>	<u>0.21</u>
Littering-Cigarette Butt	<u>1240</u>	<u>64.48</u>
Littering-Discarded Food	<u>2</u>	<u>0.10</u>
Littering-Fast Food Related	<u>2</u>	<u>0.10</u>
Littering-Food Wrapper	<u>6</u>	<u>0.31</u>
Littering-Non-Alcoholic Drinks Related	<u>3</u>	<u>0.16</u>
Littering-Other Litter	<u>17</u>	<u>0.88</u>
Littering-Packaging	<u>13</u>	<u>0.68</u>
Littering-Printed Literature	<u>5</u>	<u>0.26</u>
Littering-Rolled up cigarette	<u>489</u>	<u>25.43</u>
Littering-Scratch Card	<u>1</u>	<u>0.05</u>
Littering-Soft Drink Bottle	<u>1</u>	<u>0.05</u>
Littering-Soft Drink Can	<u>5</u>	<u>0.26</u>
Littering-Sweet Wrapper	<u>3</u>	<u>0.16</u>
Smoke Free (Place)-Cigarette (P)	<u>10</u>	<u>0.52</u>
Smoke Free (Place)-Rolled Up Cigarette (P)	<u>7</u>	<u>0.36</u>
Smoke Free (Place)-Rolled Up Cigarette (V) - Mini Bus	<u>1</u>	<u>0.05</u>
Smoke Free (Premises)-Cigarette (PR)	<u>1</u>	<u>0.05</u>
Smoke Free (Premises)-Rolled Up Cigarette (PR)	<u>2</u>	<u>0.10</u>
Smoke Free (Vehicle)-Cigarette (V) - Company Vehicle	<u>17</u>	<u>0.88</u>
Smoke Free (Vehicle)-Cigarette (V) - heavy goods vehicle	<u>1</u>	<u>0.05</u>
Smoke Free (Vehicle)-Cigarette (V) - Large Good Vehicle	<u>5</u>	<u>0.26</u>
Smoke Free (Vehicle)-Cigarette (V) - Private Hire Taxi	<u>4</u>	<u>0.21</u>
Smoke Free (Vehicle)-Cigarette (V) - Van	<u>4</u>	<u>0.21</u>
<b>Total:</b>	<b>1923</b>	

Age Binding	Age Binding Count	Percentage
17	<u>6</u>	<u>0.31%</u>
18	<u>8</u>	<u>0.42%</u>
19	<u>32</u>	<u>1.66%</u>
20 - 29	<u>373</u>	<u>19.40%</u>
30 - 39	<u>402</u>	<u>20.90%</u>
40 - 49	<u>355</u>	<u>18.46%</u>
50 - 59	<u>381</u>	<u>19.81%</u>
60 - 69	<u>170</u>	<u>8.84%</u>
70 - 79	<u>68</u>	<u>3.54%</u>
Not known	<u>127</u>	<u>6.60%</u>
<b>Total:</b>	<b>1923</b>	

### Issued By Town

Town	Town Count	Percentage
Bacup	<u>260</u>	<u>13.52%</u>
Britannia	<u>2</u>	<u>0.10%</u>
Cloughfold	<u>8</u>	<u>0.42%</u>
Crawshawbooth	<u>4</u>	<u>0.21%</u>
Edenfield	<u>1</u>	<u>0.05%</u>
Haslingden	<u>537</u>	<u>27.93%</u>
Helmshore	<u>7</u>	<u>0.36%</u>
Loveclough	<u>2</u>	<u>0.10%</u>
Newchurch	<u>14</u>	<u>0.73%</u>
Rawtenstall	<u>820</u>	<u>42.64%</u>
Rising Bridge	<u>106</u>	<u>5.51%</u>
Sharneyford	<u>1</u>	<u>0.05%</u>
Shawforth	<u>2</u>	<u>0.10%</u>
Stacksteads	<u>43</u>	<u>2.24%</u>
Waterfoot	<u>64</u>	<u>3.33%</u>
Whitworth	<u>52</u>	<u>2.70%</u>
<b>Total:</b>	<b>1923</b>	