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## NOTICE OF MEETING

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# COMMUNITIES OVERVIEW & SCRUTINY PANEL

will meet on

**TUESDAY, 10TH NOVEMBER, 2020**

**At 6.15 pm**

in the

**VIRTUAL MEETING - ONLINE ACCESS**

**THE MEETING WILL BE AVAILABLE ON OUR WEBSITE PRIOR TO THE MEETING  
TO VIEW THE MEETING PLEASE GO TO OUR RBWM YOUTUBE PAGE –  
[HTTPS://WWW.YOUTUBE.COM/CHANNEL/UCZNP1KMF3YNABN6ENZLYELQ](https://www.youtube.com/channel/UCZNP1KMF3YNABN6ENZLYELQ)**

TO: MEMBERS OF THE COMMUNITIES OVERVIEW & SCRUTINY PANEL

COUNCILLORS JOHN BOWDEN (CHAIRMAN), GREG JONES (VICE-CHAIRMAN),  
GURPREET BHANGRA, HELEN PRICE, CATHERINE DEL CAMPO, PARISH  
COUNCILLOR MARGARET LENTON (WRAYSBURY PARISH COUNCIL) AND  
PARISH COUNCILLOR PAT MCDONALD (WHITE WALTHAM PARISH COUNCIL)

SUBSTITUTE MEMBERS

COUNCILLORS CLIVE BASKERVILLE, MAUREEN HUNT, GARY MUIR, LEO WALTERS  
AND JON DAVEY

Karen Shepherd - Democratic Services Manager - Issued: 2 November 2020

Members of the Press and Public are welcome to attend Part I of this meeting. The agenda is available on the Council's web site at [www.rbwm.gov.uk](http://www.rbwm.gov.uk) or contact the Panel Administrator **Shilpa Manek** 01628 796310

**Recording of Meetings –In line with the council's commitment to transparency the Part I (public) section of the virtual meeting will be streamed live and recorded via Zoom. By participating in the meeting by audio and/or video, you are giving consent to being recorded and acknowledge that the recording will be in the public domain.**

**If you have any questions regarding the council's policy, please speak to Democratic Services or Legal representative at the meeting.**

## AGENDA

### PART I

<u>ITEM</u>	<u>SUBJECT</u>	<u>PAGE NO</u>
1.	<u>WELCOME FROM THE CHAIRMAN</u>	
2.	<u>APOLOGIES FOR ABSENCE</u> To receive any apologies for absence.	
3.	<u>DECLARATIONS OF INTEREST</u> To receive any declarations of interest.	5 - 6
4.	<u>UPDATE ON THE ENVIRONMENTAL ENFORCEMENT CONTRACT</u> To receive an update on the Environmental Enforcement Contract.	7 - 10

## MEMBERS' GUIDE TO DECLARING INTERESTS IN MEETINGS

### Disclosure at Meetings

If a Member has not disclosed an interest in their Register of Interests, they **must make** the declaration of interest at the beginning of the meeting, or as soon as they are aware that they have a DPI or Prejudicial Interest. If a Member has already disclosed the interest in their Register of Interests they are still required to disclose this in the meeting if it relates to the matter being discussed.

A member with a DPI or Prejudicial Interest **may make representations at the start of the item but must not take part in the discussion or vote at a meeting.** The speaking time allocated for Members to make representations is at the discretion of the Chairman of the meeting. In order to avoid any accusations of taking part in the discussion or vote, after speaking, Members should move away from the panel table to a public area or, if they wish, leave the room. If the interest declared has not been entered on to a Members' Register of Interests, they must notify the Monitoring Officer in writing within the next 28 days following the meeting.

### Disclosable Pecuniary Interests (DPIs) (relating to the Member or their partner) include:

- Any employment, office, trade, profession or vocation carried on for profit or gain.
- Any payment or provision of any other financial benefit made in respect of any expenses occurred in carrying out member duties or election expenses.
- Any contract under which goods and services are to be provided/works to be executed which has not been fully discharged.
- Any beneficial interest in land within the area of the relevant authority.
- Any licence to occupy land in the area of the relevant authority for a month or longer.
- Any tenancy where the landlord is the relevant authority, and the tenant is a body in which the relevant person has a beneficial interest.
- Any beneficial interest in securities of a body where:
  - a) that body has a piece of business or land in the area of the relevant authority, and
  - b) either (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body **or** (ii) the total nominal value of the shares of any one class belonging to the relevant person exceeds one hundredth of the total issued share capital of that class.

Any Member who is unsure if their interest falls within any of the above legal definitions should seek advice from the Monitoring Officer in advance of the meeting.

A Member with a DPI should state in the meeting: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations on the item: ***'I declare a Disclosable Pecuniary Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Prejudicial Interests

Any interest which a reasonable, fair minded and informed member of the public would reasonably believe is so significant that it harms or impairs the Member's ability to judge the public interest in the item, i.e. a Member's decision making is influenced by their interest so that they are not able to impartially consider relevant issues.

A Member with a Prejudicial interest should state in the meeting: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

Or, if making representations in the item: ***'I declare a Prejudicial Interest in item x because xxx. As soon as we come to that item, I will make representations, then I will leave the room/ move to the public area for the entire duration of the discussion and not take part in the vote.'***

### Personal interests

Any other connection or association which a member of the public may reasonably think may influence a Member when making a decision on council matters.

Members with a Personal Interest should state at the meeting: ***'I wish to declare a Personal Interest in item x because xxx'. As this is a Personal Interest only, I will take part in the discussion and vote on the matter.***

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# Agenda Item 4

<b>Subject:</b>	Environmental Enforcement Contract (District Enforcement Ltd.)
<b>Reason for briefing note:</b>	To provide the Communities Overview & Scrutiny Panel with an update on the environmental enforcement contract which commenced on 5 <sup>th</sup> October 2020
<b>Responsible officer(s):</b>	Neil Walter, Parking Principal Chris Wheeler, Service Improvement Manager
<b>Senior leader sponsor:</b>	Hilary Hall, Director of Adults, Health & Commissioning Ben Smith, Head of Commissioning – Infrastructure
<b>Date:</b>	30 <sup>th</sup> October 2020

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## SUMMARY

This briefing note provides an update pertaining to the recently implemented environmental enforcement contract with District Enforcement Ltd. The contract delivers a range of enforcement services for highways and waste, including littering, fly-tipping, commercial waste duty of care and dog fouling. The service is designed to reduce environmental crime; improve the local environment; reduce cost and proactively address customer concerns.

The service is delivered through a cost neutral, one year, 'pilot' concession contract which commenced on 5<sup>th</sup> October 2020. Contract performance and impact will be evaluated during the initial year with recommendations made on the way forward in the longer term.

## 1 BACKGROUND

- 1.1. Prior to the implementation of the contract there was very limited highway and waste enforcement activity undertaken within the Royal Borough. Enforcement does not form part of the commissioned service arrangements and is not resourced within the in-house commissioning team. The Royal Borough is therefore not currently enforcing its policies fully and is potentially failing on duties.
- 1.2. Whilst Community Wardens are empowered to issue Fixed Penalty Notices (FPNs) for particular offences, priorities and focus on agreed commitments resulted in very limited environmental enforcement activity,
- 1.3. Fly tipping is an increasing issue with regular failure to achieve Key Performance targets. A number of measures have been undertaken seeking to address this failure (including communications; use of redeployable CCTV and physical changes to 'hotpot' areas). This has delivered some benefit and, if supplemented by proactive enforcement, should deliver further improvements.
- 1.4. In parallel with fly-tipping, there are a number of anti-social behaviour reports and environmental concerns (particularly within town centres) which are received with limited ability to address due to resource constraints and lack of specialist skills.
- 1.5. Financially, there are avoidable costs in street cleansing, waste collection and disposal by reducing environmental crime and it is anticipated that this contract will reduce costs directly incurred.

## 2 PROCUREMENT

- 2.1. A waiver was approved within officer delegations to appoint District Enforcement Ltd. to deliver environment enforcement services in accordance with the contract specification.
- 2.2. The contract is delivered on a cost-neutral concession basis with income received from all fixed penalty notices retained by District Enforcement. Therefore, service and financial risk resides with the contractor.

- 2.3. The contract has been awarded on a one-year 'pilot' basis with the potential to extend for a further six months enabling evaluation in a 'live' environment which will shape the recommendation for any future, long-term contract.

### 3 DISTRICT ENFORCEMENT CONTRACT

- 3.1. District Enforcement Ltd specialise in environmental enforcement services and work with a number of local authorities across the country. Their back office is in St Helens and support their on-site teams 12 hours per day 7 days per week. Provider details are available at <https://www.district-enforcement.co.uk/>
- 3.2. District Enforcement Ltd spend 75% of their patrolling resource time working on offences that are subject to FPN's. (i.e. littering, vehicle littering, dog fouling and public space protection orders (PSPOs)). The remaining 25% of their patrolling resource will reactively enforce against fly-posting, graffiti, A-boards, licence infringements (skips and scaffolding, tables and chairs) and obstructions on the Highway.
- 3.3. In addition, their specialist team will enforce against the following waste offences: fly-tipping, business duty of care, residential duty of care, commercial waste and domestic waste.
- 3.4. The charge level for each FPN is £100 reduced to £75 if paid within 14 days. A £400 fine can also be issued for fly-tipping. Charging ranges for each offence are set statutorily with an escalation process whereby the alleged offender can contact District Enforcement Ltd to raise a representation. The process to do this will be on all correspondence, FPN & Reminder Letters. They can also contact 0151 647 0387 to ascertain advice and information.

### 4 PERFORMANCE

- 4.1. The contract commenced on 5<sup>th</sup> October 2020 with uniformed officers who are visible and easily identifiable. 649 FPNs has been issued to date. A breakdown of offences is shown in table one below

**Table 1**

<b>Offence Type</b>	<b>Number of FPNs issued</b>
Duty of Care – Business Duty of Care FPN	29
Duty of Care – Business Duty of Care Notice	16
Fly Tipping – Fly Tipping Business	15
Fly Tipping – Fly Tipping Domestic	10
Littering (Waste) – Black Bag – Business	3
Littering (Waste) – Black Bag – Domestic	6
Littering (Waste) – Black Bag – Other	1
Littering (Waste) – Dumped Waste – Other	1
Littering – Cigarette	8
Littering – Cigarette Butt	476
Littering – Other Litter	9
Littering – Other Offence	2
Littering – Packaging	2
Littering – Rolled up Cigarette	68
Littering – Snack Packs	1
Littering – Soft Drink Can	1
PSPO – Dog Fouling (PSPO)	1

- 4.2. Significant improvements have been seen within town centres in relation to waste left by businesses and residents on the wrong day or not in the correct bag. There have also been issues with businesses who do not have contracts in place for the removal of their waste which in the past

has been found in residential bins and in on street bins. Historically this waste has been collected by council contractors and at the council's cost.

- 4.3 Since the start of the contract the council has been contacted by three private landowners in relation to enforcement taking place on their land. In one case, Windsor Royal Shopping, they have specifically asked that we do not enforce in a marked area of their land. To date we have received four formal complaints on the Councils complaints system; each of these complaints has been dealt with and in all cases, evidence has been reviewed and the allegations made have been shown to be unfounded. However, in one case, it was clear that an issue with distancing was noted and this was raised with District Enforcement.

## **5. ADDITIONAL BENEFITS**

- 5.1 Environmental awareness sessions at schools and colleges, poster competitions, litter picking days in the community, distributing Stubbi pouches (for cigarette butts) and bio-degradable dog poo bags all form part of the contract.
- 5.2 The contract has created local employment opportunities and up to five new posts are available.

## **6. COMMUNICATIONS**

- 6.1 In advance of launching the contract the following communications activity was undertaken:
- Press release was issued
  - Messaging sent out through RBWM social media channels
- 6.2 In addition, direct engagement with 'District Enforcement' is available by phone, web or email about specific cases.
- 6.3 Internally, Neil Walter is the contract lead with operational responsibility for the contract.

## **7. RISKS / BENEFITS**

- 7.1 The following key risks and benefits were identified as part of the contract award process

### **Risks**

- Low financial risk as the concession contract is on a cost neutral basis
- High potential for reputational damage associated with seemingly over-zealous enforcement

### **Benefits**

- reduced environmental crime
- improved environment for residents, business and visitors
- reduced costs
- improved performance against key performance indicators

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