

<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

## 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