

## ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

<b>Date of Meeting</b>	Tuesday 27 November 2018
<b>Report Subject</b>	Environmental Enforcement
<b>Cabinet Member</b>	Cabinet Member for Streetscene and Countryside
<b>Report Author</b>	Chief Officer (Streetscene & Transportation)
<b>Type of Report</b>	Operational

### **EXECUTIVE SUMMARY**

In July 2018, Cabinet resolved that the contractual arrangement in place with Kingdom for the provision of environmental enforcement should not be extended beyond December 2018. It also agreed that other business models should be considered and evaluated to allow a preferred option for the future delivery of the enforcement service in the County to be established.

Since that date Kingdom have taken the decision to withdraw their services from Flintshire with effect from the end of August 2018 and the residual in-house enforcement officer team are currently undertaking all enforcement activities in the County.

This report identifies four possible options for delivering county wide enforcement of its environmental policies

### **RECOMMENDATIONS**

1	That Scrutiny review and consider the options presented in Appendix 1 and approve Option 2 – ‘An enhanced in-house enforcement provision’ - for the future delivery of the environmental and car parking enforcement service within the County.
2.	That Scrutiny notes the request for officers to commence discussions with neighbouring Authorities with the aim of moving towards Option 3 of the proposals.

### **REPORT DETAILS**

<b>1.00</b>	<b>EXPLAINING THE ENVIRONMENTAL AND PARKING ENFORCEMENT LEGISLATION</b>
1.01	Local Authorities are empowered under the Environmental Protection Act 1990 (Section 87/88), Clean Neighbourhoods and Environmental Act 2005 (Sections 55-60) and the Anti-social Behaviour, Crime and Policing Act 2014

	to issue Fixed Penalty Notices (FPN's) for dealing quickly and effectively with low level environmental offending, such as littering and dog control/fouling offences.
1.02	On the formation of the Streetscene and Transportation portfolio in April 2015, two areas of the service (parking management and environmental crime) were merged to create the Civil Parking and Environmental Enforcement team. There were a total of 7 officers, whose roles were combined to deliver enforcement activity for environmental crimes such as littering, dog fouling, abandoned vehicles and fly tipping as well as civil parking enforcement. Currently 2 of these posts are vacant due to staff members leaving the service.
1.03	Following the roll out of the car park strategy across Flintshire, the demand for patrolling and enforcement activities significantly increased. This was also at a time when the Council had introduced a Zero Tolerance policy on littering, dog fouling and fly tipping, which also required additional enforcement resources.
1.04	In May 2016, in order to address this shortfall in resources, Cabinet approved a formal contract with a specialist private partner (Kingdom) to undertake low level environmental enforcement activity in the County on a 12 month pilot basis. This contract was introduced to complement the activities of the Council's own enforcement officers who were employed to continue to carry out all other enforcement activities in Flintshire. The pilot was subsequently extended to allow a full assessment of the future service delivery options to be made.
1.05	Despite the fact that the vast majority of FPN's issued by the organisation on behalf of the Council were paid and uncontested, there was a number of high profile cases where the circumstances behind the issuing of tickets was considered contentious. These small number of cases undermined the reputation of the both the company and the Authority and the arrangement was seen as 'heavy handed' by many people. A number of Town Councils also requested that Kingdom were not employed on enforcement activities in their own areas.
1.06	The regional lobby against the company developed significantly and Environment Overview and Scrutiny subsequently requested an update report, which was presented to the committee in June 2018. The Scrutiny Committee recommended that the contracted arrangement with Kingdom should end and that all enforcement activity should in future be carried out by the Council's own in-house staff. Cabinet approved the recommendation in July 2018 and subsequently Kingdom made the decision not to continue with their operations, serving the required notice period to end the contractual arrangement with the Council. The contract ended on 31 <sup>st</sup> August 2018.
1.07	Following the recommendation to terminate the contract with Kingdom and explore different service delivery models, all Authorities in North Wales have been approached to gauge opinion and determine if a collaborative model service would be feasible. Like Flintshire, neighbouring Authorities are currently undergoing a review of their enforcement services, with all options still open for consideration.

1.08	The options available for the future service delivery models are shown in Appendix 1, together with a brief options appraisal and impact assessment of each.
1.09	The success of any revised approach to enforcement will be measured against the Local Environmental Audit and Management System (LEAMS). This independent survey takes place by Keep Wales Tidy and records the cleanliness of streets in Wales. This will enable the Authority to establish an accurate indication as to how successful the proposed service operates.

<b>2.00</b>	<b>RESOURCE IMPLICATIONS</b>
2.01	The impact on service budgets is included in the Options Appraisal (Appendix 1)

<b>3.00</b>	<b>CONSULTATIONS REQUIRED / CARRIED OUT</b>
3.01	With Cabinet Member
3.02	Required with – Environment Overview and Scrutiny Committee
3.03	Required with – Town and Community Councils

<b>4.00</b>	<b>RISK MANAGEMENT</b>
4.01	Current arrangements for the enforcement services will remain in place until the new arrangements have been confirmed.
4.02	A full EIA will be completed on the chosen option before introducing the new arrangements

<b>5.00</b>	<b>APPENDICES</b>
5.01	Appendix 1 – Enforcement Options Appraisal

<b>6.00</b>	<b>LIST OF ACCESSIBLE BACKGROUND DOCUMENTS</b>
6.01	<b>Contact Officer:</b> Stephen O Jones <b>Telephone:</b> 01352 704700 <b>E-mail:</b> <a href="mailto:stephen.o.jones@flintshire.gov.uk">stephen.o.jones@flintshire.gov.uk</a>

<b>7.00</b>	<b>GLOSSARY OF TERMS</b>
7.01	FPN - Fixed Penalty Notices PCN- Penalty Charge Notice