

<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>	Operations
<b>Key Decision:</b>	<input checked="" type="checkbox"/> Forward Plan <input checked="" 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
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1.	<b>RECOMMENDATION</b>
1.1	<p>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;</p> <p>a. The contract is at zero cost to the council.</p> <p>b. The contract is flexible to include additional enforcement activity as deemed appropriate.</p> <p>c. The providers take a proportionate approach in accordance with the legislation.</p> <p>d. That education and awareness raising of the consequences of environmental crime are included.</p> <p>e. That if successful, proposals for a more permanent arrangement are developed.</p>

## 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 council’s 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 trial 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.

**COMMENTS FROM STATUTORY OFFICERS:**

**6. SECTION 151 OFFICER**

6.1 Financial implications are noted within the report.

**7. MONITORING OFFICER**

7.1 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.

**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 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