

SCRUTINY COMMITTEE
10 NOVEMBER 2015

LITTER ENFORCEMENT PILOT

1. Summary

To inform Members regarding the arrangements for the Litter Enforcement pilot.

2. RECOMMENDATION

That Scrutiny Committee consider the report.

3. Background and Discussion

3.1 Cabinet received a report on 7 March 2013 regarding the impact of littering on the regeneration and visual impact of the Town Centre. The report explained that there had been a large increase in the amount of litter, particularly cigarette litter, and that although some enforcement work was undertaken by the Council's uniformed Officers, there was not the resource available to provide a regular dedicated litter enforcement service.

3.2 The report proposed working with a private sector provider for litter enforcement and it was resolved [Min. No. 153]:-

“That the Council conducts a public consultation exercise to reveal attitudes to litter control and its plans for a Cleaner Dartford before entering into an agreement with the X-For Group for a 6 month pilot under the Strategic Director's delegated authority.”

3.3 Other councils in Kent were considering similar action and it was decided to wait to see how the public reacted to the service and to learn any lessons before moving forward in Dartford. Gravesham Borough Council is the latest council to introduce a private litter enforcement team, its pilot having commenced early in 2015. Officers from Enforcement & Regulatory Services have had detailed discussions with other councils, particularly with Gravesham and with Maidstone, the first council in Kent to introduce the scheme.

3.4 The X-For Group have subsequently become part of Kingdom. Kingdom provide litter enforcement services for 22 councils nationally, including Maidstone, Canterbury, Tunbridge Wells, Swale, Thanet and Gravesham.

3.5 At the time of writing this report, the Council's consultation is still in progress, with responses received to date, being overwhelmingly positive. Subject to views at the conclusion of the consultation, the proposal is to commence the litter enforcement pilot mid-January 2016. This gives sufficient time for Kingdom to recruit and train local

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enforcement officers and for the Council to raise public awareness of the initiative. This is important because the Council has no wish to take people by surprise. In the period immediately prior to the pilot commencing, Council Officers will patrol the town centre to engage with and advise members of the public of the scheme and the potential for fines should they be seen to litter once the pilot has commenced.

- 3.6 The purpose of the scheme is to improve the quality and effectiveness of litter and dog fouling enforcement work across the borough, to keep the streets free from litter including cigarette butts and crucially, to help encourage behaviour-change.
- 3.7 It is proposed that Kingdom provide four enforcement officers, plus a team leader and admin support officer. Enforcement officers will be authorised to issue Fixed Penalty Notices (FPNs) on behalf of the Council. The enforcement officers will act as an additional visible presence in the town centre and it is proposed that they are linked into the Dartford Town against Crime (DTAC) network. It is intended that the enforcement officers will start with issuing FPNs within the town centre but that during the pilot, they will visit some of the other shopping areas such as Longfield and Swanscombe and will also look to deal with other issues such as dog fouling in parks and on estates. As well as patrolling, the officers will work on intelligence-led litter enforcement. When required, Kingdom's officers will work a 'late shift' and cover the Night Time Economy.
- 3.8 FPNs for litter will be raised at £75 (the default set by government). For dog fouling, the FPN will be £50 (as set by legislation). Kingdom enforcement officers are salaried and the scheme is funded by Kingdom receiving £42 per FPN. If the payment rate falls below 60% then the Council will incur a cost but if the payment rate is above 60% then the Council will not incur any cost and will potentially receive an income which could be re-invested in the service and the street scene. To date, all of the councils using Kingdom's services have achieved better than a 60% payment rate.
- 3.9 Kingdom will provide all the administration for the service including recovery action relating to the chasing of payments and will provide the Council with the necessary information relating to each non-payment case to enable those cases to be taken to court. Local courts have taken a firm view on non-payment and have imposed significant fines. Gravesham recently prosecuted 19 people who failed to pay the £75 FPN and Medway Magistrates' Court imposed fines and costs totalling £8,075.
- 3.10 The legislation does not provide for any form of appeal or challenge against the issue of a FPN, because littering is a criminal offence and the FPN offers an opportunity for the recipient to 'buy off' their liability to prosecution. Furthermore, there is no concept of 'accidentally'

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littering in law. The Council may consider representations in extenuating circumstances.

- 3.11 The other councils all experienced early challenges and some negative feedback from the public relating to the scheme – however positive the consultation responses, that positivity is unlikely to survive receipt of an FPN. However, councils found that after a 3 month to 6 month bedding in period, public were aware, litter had reduced, complaints had reduced and the enforcement outcomes reported as ‘good news’ by local media.
- 3.12 Weekly monitoring meetings will take place between the CSU Enforcement Manager and Kingdom Contract Manager. Any complaints relating to enforcement officers will be investigated initially by Kingdom and a report produced for the Council in line with the Council’s Corporate Complaints Procedure and in accordance with the procedure set out in the contract.
- 3.13 An evaluation report will be submitted to Cabinet in May 2016. If the pilot is deemed a success and Cabinet decide to continue with a litter enforcement service, a full procurement exercise will be undertaken. If the pilot is not deemed a success, or for any other reason Cabinet determine not to continue, the service will be terminated on two months’ notice.

4. Relationship to the Corporate Plan

Environment and Sustainability ET4 and Safer Communities SC2 and SC3

5. Financial, legal, staffing and other administrative implications and risk assessments*

Financial Implications	As set out in the body of the report
Legal Implications	The Council will enter into a contract with Kingdom with a two month termination clause should either party wish to end the service. Kingdom officers will need to be authorised to issue FPNs on behalf of the Council. FPNs are issued under the Clean Neighbourhoods and Environment Act 2005.
Staffing Implications	As set out in the body of the report
Administrative Implications	As set out in the body of the report
Risk Assessment	There is a risk that the Council will experience negative publicity. This can be mitigated by careful planning, raised public awareness and robust contract monitoring.

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6. Appendices - none

BACKGROUND PAPERS

<u>Documents consulted</u>	<u>Date / File Ref</u>	<u>Report Author</u>	<u>Section and Directorate</u>	<u>Exempt Information Category</u>
		Richard Cherry, Enforcement Manager (01322) 343036	EARS	N/A