

**REPORT FROM: CORPORATE DIRECTOR**

**TO: POLICY AND RESOURCES COMMITTEE**

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## **UNIVERSAL ENFORCEMENT**

### **RECOMMENDATIONS**

- (1) That the appointment of District Enforcement on a 12 months pilot be approved.
- (2) That the Corporate Director be authorised to agree the terms of the service level agreement and the final details of the pilot.
- (3) That in respect of the appointment of District Enforcement the exemption from Contract Procedure Rules be noted.
- (4) That an early payment option of £80 on littering and dog fouling FPNs within 10 days be approved.
- (5) That the appointment of Aspen Valley Kennels to undertake the seizure and detention of stray dogs during normal working hours on a 6 month pilot be approved.
- (6) That in respect of the appointment of Aspen Valley Kennels the exemption from Contract Procedure Rules be noted.
- (7) That a further report on the progress of the pilots be submitted to the Committee in 6 months.

### **REASON FOR RECOMMENDATIONS**

To facilitate an increase in enforcement activity, together with improved coordination, whilst achieving savings.

### **ISSUE**

1. At the meeting in July the Committee requested a review of staff undertaking enforcement with the intention of bringing them together to be more effective and also to identify possible savings. The scope of the review was defined to include dog fouling, litter, dog warden service, waste bins and abandoned vehicles; and also parking services.

2. The Committee also requested that the possibility of outsourcing and joint working be explored.
3. The enforcement activities are in Environmental Services and all the staff are based at Fleet Street. The exception is parking services (i.e. off street parking) which is located in Neighbourhood Services and under the recently approved organisational review will move to Housing, Health and Engineering and be located in Nelson Town Hall.

### **Environmental Services Enforcement**

4. Members will be aware that enforcement activities can vary considerably in their complexity and also in the time taken on a particular case. We have identified two potential initiatives which would provide more resource at no additional cost to the Council and also free up staff to deal with more complex work eg. investigation of fly tipping and dealing with dangerous dogs.
5. The first is to employ an external contractor to undertake routine enforcement of dog fouling and littering. The Council does not have sufficient resources in house to undertake a major drive to tackle these within the various town centres, parks and open spaces. At the same time Members will be aware that fouling and littering are high on residents' concerns as evidenced by for example perception surveys.
6. There is a limited number of external contractors but the Council has received an approach from a company called District Enforcement (District) which has just started working for Wyre Council and Rossendale Council. Other councils such as Burnley, Hyndburn and Blackburn with Darwen have also employed such a contractor in the last two years.
7. District gave a presentation on 27<sup>th</sup> November to which all councillors were invited. The basis of their model is:
  - Robust leadership and highly trained staff that are solely employed for environmental enforcement.
  - An agreed deployment strategy ensuring all public/member complaints have been investigated and "hot spot" areas patrolled.
  - All Fixed Penalty Notices (FPNs) are issued on the spot and are accompanied by high definition body worn camera footage.
  - Increased payment rates due to ability of obtaining accurate offender details at the 'point of issue' by contacting their Support Team. The Support Team has access to open source databases e.g. electoral role and credit agency records.
  - Robust processes – ensuring that non-paying offenders receive reminder letters on day 14 and day 21. All representations are investigated and closed in a timely manner and non-paying offenders are prosecuted if the FPN has not been paid.
  - Robust Quality Assurance processes.
  - Clear transparency of all systems giving the Council access to all FPNs issued, letters sent, representations received and responses, prosecution files and officer witness statements and body worn camera footage for all issued FPNs.

8. In delivering the service they will provide:

- Staffing, uniforms and IT
- Equipment (handheld computer, body worn cameras and mobile phones)
- Company vehicle
- Patrols and hotspot identification
- Issue of FPNs
- Correspondence relating to non-payment
- Witness statements and other evidence
- Call handling and complaint management
- Collecting and reconciling FPN payments
- Prosecution files compilation and process
- FOI responses
- Performance reports

9. District are offering a service level agreement based on a staffing structure, fixed penalty issue rate and revenue sharing as follows:

- 1 x Team Leader
- 4 x Enforcement Officers
- Remote administration support.

This equals approximately 200 contracted patrol hours per week providing 7-day coverage. District will be solely responsible for the provision and management of staff even if they do not meet the FPN issue /payment rate.

A minimum of 4 x FPNs issued a day per Officer (a minimum total of 84 per week across the whole borough with targeted hotspots) and a payment rate of 75%. This equates to a payment rate of 63 FPNs per week.

10. A Partnership arrangement is recommended for the pilot whereby all FPN revenue is collected by District and offset against all of its service costs (costs only, not profit). The remaining revenue is shared 50:50 between the Council and District. This is cost neutral and no budget is needed to start the service. It is estimated that on the above payment rate and after deducting District's running costs there would be a surplus of which the Council would receive around £20,000 in a full year.
11. Such an arrangement together with the freeing up of Council staff for other work would demonstrate that the driver behind the initiative is not one of income generation but one of challenging behaviour and promoting a cleaner Borough.
12. District would work closely with Council staff to identify hot spot areas and assist in directing the enforcement to areas of concern. The model is based on tickets issued so whilst they will spread resources to cover all parts of the Borough the key focus will be on heavier footfall areas and hot spot reports.
13. Council staff would have the opportunity to patrol jointly with District and equally they would have a shared base at Fleet Street which would enable monitoring of their activity on a day to basis.
14. District are keen to engage with local voluntary and community groups who have a common interest in a cleaner Borough and to undertake educational work with schools etc. They will offer an alternative for young offenders of attending a litter pick instead of paying the FPN.

15. It is proposed that the offer be accepted and the appointment be for a trial period of 12 months to help the Council get a full picture and move to a service that meets its longer term needs.
16. The appointment of District will require an exemption from Contract Procedure Rules as competitive tenders have not been sought. The Corporate Director and Chief Financial Officer who are responsible for approving exemptions are satisfied that it is justified in that the service is of a specialised nature with a limited number of suppliers and also the appointment is on a pilot basis.
17. A further issue that the Committee needs to consider is the Council's FPN charge for littering and dog fouling. At the September meeting this was increased to £150 which is the legal maximum with no discount for early payment. As explained above District's model relies on a 75 % payment rate and experience shows that payment is more likely if there is a discount available for a short period. The Committee is asked to consider a discount option of £80 if paid within 10 days.
18. A further advantage of a discount is that there should be fewer cases for prosecution by Legal Services.
19. Whilst it is fair to say that many residents will welcome the implementation of this approach, as with any enforcement action undertaken by the Council we should recognise there may be some adverse reaction. Positive public communication through the press and social media of the reasons for it will be required from the outset.

## **Dealing with Dogs**

20. The second initiative relates to the work of the dog wardens.
21. The statutory duty on the Council in respect of dogs is to deal with strays. The responsibility is to try to seize them and arrange for their detention until claimed by the owner on payment of the costs incurred. The Council deals with around 116 dogs annually. Currently around 50% of dogs are re-united.
22. Aspen Valley Kennels currently undertake this service on the Council's behalf outside normal working hours. The current contract runs until 29<sup>th</sup> September 2019.
23. They have provided a quotation of £11,280, comprising a retainer and expected collection fees, to perform the same service during working hours. If this were accepted it would mean a total saving of c £18,500 in a full year comprising 1 equivalent part time post, fuel and vehicle hire, plus income from collection fees.
24. The dog warden service provided by the Council goes beyond the statutory duty and includes e.g. assisting in obtaining evidence for dangerous dogs and community protection cases, as well as advice and assistance with microchipping. By employing Aspen Valley Kennels staff in the Environmental Crime Team would be freed up to deal with this more complex and time consuming work.
25. It is proposed that the quotation be accepted for a trial period of 6 months.
26. The appointment will require an exemption from Contract Procedure Rules as competitive tenders have not been sought. The Corporate Director and Chief Financial Officer who are responsible for approving exemptions are satisfied that it is justified in that the service is of a specialised nature with a limited number of suppliers and also the appointment is on a pilot basis.

## **Parking Enforcement**

27. The Council currently carries out enforcement on its car parks through NSL with back office support from Chipside.
28. The County Council separately undertakes enforcement of on street parking using the same providers, a situation which is understandably criticised as leading to duplication, lack of coordination and inefficiency.
29. The possibility of Pendle undertaking both activities has been raised with the County Council at member and officer level but so far without any progress. A further report will be submitted once there are any developments.

## **IMPLICATIONS**

- Policy:** The Council's policy is to provide an effective enforcement service.
- Financial:** Estimated additional income of around £20,000 in a full year in respect of dog fouling and littering FPNs.  
An estimated full year saving of around £18,500 from Aspen Valley Kennels undertaking seizure and detention of stray dogs during normal working hours.  
In addition the Council at its last meeting approved the Organisational Review which included a saving of £26,200 through the deletion of a long term vacant Environmental Crime Officer post.
- Legal:** The Council has the legal powers to authorise a contractor to undertake these enforcement duties on its behalf. Formal service level agreements for the pilots will be agreed.
- Risk Management:** None arising from the report.
- Health and Safety:** None arising from the report.
- Sustainability:** None arising from the report.
- Community Safety:** The two pilots and freed up staff resource will help tackle common community safety issues.
- Equality and Diversity:** None arising from the report.