Additional Litter and Dog Fouling Enforcement

To: Communities Cabinet Advisory Board

Date: 15 July 2015

Main Portfolio Area: Sustainability

Author of report: Gary Stevenson Head of Environment and Street Scene

Classification: Part Exempt (Exempt Appendix B)

Wards: All

SUMMARY

The report proposes that the current arrangement of employing a private company to increase litter and dog fouling enforcement activity continues following the trial period that has been in place. Continuing with the scheme will:

- Help keep the borough clean and tidy
- Be intelligence led and target littering/dog fouling hotspots
- Lead to an increase in the number of fixed penalty notices issued. Only those breaking the law and littering will receive a fixed penalty notice
- Cover its costs so there will be no additional cost to local residents
- Lead to a reduction in littering and a reduce the amount of money needed to clean up after littering

This report provides an update on enforcement activity and proposes that the current temporary arrangement to provide additional resources continues through a preferred contractor identified via a joint procurement process with Maidstone Borough Council.

LINK TO STRATEGIC COMPASS

Running a high profile enforcement campaign for litter and dog owners not cleaning up after themselves was a community project for 2014/15 and this report recommends a continuation

The Litter and Dog fouling enforcement contract will contribute to the corporate priorities as summarised below:

Value The Litter and Dog fouling enforcement contract will greatly enhance the resources that are available to the Council, therefore maximising the opportunity for all.

Community The community will benefit from cleaner streets.

Customers Our customers will have greatly improved standards of street enforcement, especially aiming to educate and consulting when appropriate.
People

Staff and Community motivation will be particularly enhanced, as the street enforcement will enforce the required standards, expected by local people.

Report status

For decision with respect to entering into a two year contract for additional enforcement officers with the same supplier appointed by Maidstone Borough Council following a joint procurement process.

Route to Implementation/Timetable:

Subject to consideration by Cabinet, the contract documents will be prepared by Legal Services, to enter into a two year agreement to provide additional enforcement officer capacity for litter and dog fouling enforcement with a preferred supplier identified by joint procurement process with Maidstone Borough Council.

BACKGROUND/INTRODUCTION

1. Protecting the quality of the local environment was identified as the second highest priority (92%) in the 2012 resident survey. 86 per cent of residents also said that a high profile campaign for littering with fixed penalty notices was a medium or high priority for them. During 2013 an anti-littering campaign was launched as part of Tunbridge Wells in Bloom. The campaign worked with the borough’s primary schools and local community groups to raise awareness about the costs of littering.

2. At present the Council spends approximately £1.3 million keeping the borough clean and tidy through its contract with Cory Environmental Services. Litter enforcement is carried out by the three Street Scene Enforcement Officers from the Waste and Street Care Team.

3. The Street Scene Enforcement Officers carry out a wide range of duties which includes: investigation of fly tipping and abandoned vehicles, checking waste transfer documentation and carriers’ licences, fly posting, dog fouling, stray dogs and working closely with other agencies like the Police. As they undertake a broad number of tasks the time dedicated towards litter enforcement patrols is limited and on average as few as 50 fixed penalty notices are issued per year.

Enforcement Trial

4. Following the decision by Cabinet, additional resources for enforcement have been provided on a trial basis by Kingdom Security since September 2014. The officer patrol areas known to susceptible to littering based on their experience and that of officers in the service, reports from Councillors and street cleansing staff. The main concentration of patrols has been in the Royal Tunbridge Wells town centre.

5. From September 2014 to 31st January 2015 Kingdom Security issued 752 Fixed Penalty Notices of which 750 were for the dropping of discarded cigarette ends.

6. A Fixed Penalty Notice offers the recipient the opportunity to discharge their liability for prosecution for littering under Section 87 of Environmental Protection Act. Which in effect means that the recipient does not have to pay the Fixed Penalty Notice
issued, they could elect to have their case heard in a Magistrates’ Court if they so wish.

7. The payment rate of 87.7% has been higher than anticipated; generating an income of £39,000. We then actively pursue any offender failing to pay their Fixed Penalty Notice which may then result in prosecution proceedings being brought by MKS Legal Service.

8. On 17th March 2015, 8 people were prosecuted at Sevenoaks Magistrates Court for non-payment of their fixed penalty notices; each was fined and costs were awarded to the Council.

9. We have seen behavioural change since the introduction of this service and Cory Environmental’s Street Cleaners have confirmed a reduction in the amount of litter, especially cigarette ends that they have to pick up on a daily basis within the town centre. Furthermore some commercial premises are now providing portable cigarette end dispensers, for example, Tunbridge Wells Railway Station has deployed a yellow litter bin outside the station in response to the litter enforcement trial.

10. Maidstone Borough Council also undertakes additional environmental enforcement using a contractor to provide officers to patrol for litter and dog fouling. The contract is coming to an end and a procurement process was put in place. An opportunity to work closer together was identified and, in consultation with the Portfolio Holder, the Head of Service shared between the two councils arranged for the tender documentation to identify that Tunbridge Wells Borough Council may also be interested in entering into a new arrangement, subject to the outcome of the trial and consideration by Cabinet.

11. TWBC staff have been involved in tender evaluation process and a preferred bidder identified based on a quality and financial criteria. A detailed report prepared by the MBC Procurement Team is in the exempt appendix. MBC have decided to appoint a preferred bidder to provide their service and this report makes a similar recommendation.

12. Appointing the same contractor would enable a standardisation of systems and administration practices saving officer time through an integrated management system provided by the contractor specifically for processing and administering fixed penalty notices.

WHAT IS THE ISSUE THAT REQUIRES A DECISION AND WHAT DOES THIS MEAN FOR THE PEOPLE OF TUNBRIDGE WELLS?

13. It is proposed that the Council continues to use additional enforcement officers to carry out high profile patrols and deter littering and dog fouling.

14. It is also proposed that the additional enforcement resources are provided by a private contractor, funded by the income from the FPNs.

15. The additional officers will patrol for eight hours per day between the hours of 0600 and midnight. They will target littering hot spots and respond to reports from the public of persistent littering/dog fouling in intelligence led approach to enforcement. There are a number of ways for the public to report littering/dog fouling and the quickest way is to use the ‘report it’ app on the council’s website.
WHO HAVE WE CONSULTED AND HOW? (OR WHO WILL WE CONSULT FOLLOWING THE DECISION?)

16. The 2012 Residents' survey identified protecting the quality of the local environment as the second highest priority and 86 per cent of residents said a high profile campaign for littering was a high or medium priority.

17. The additional enforcement project was also identified in the Council's strategic plan.

HOW WILL THE DECISION BE COMMUNICATED?

18. We will continue the campaign to it make it clear that littering or not cleaning up after your dog is anti social and an offence that could lead to the issuing of a fixed penalty notice.

19. The unsuccessful bidders will be notified and a notice of award of contract will be published in the OJEU Journal.

WHAT ALTERNATIVE ACTION COULD WE TAKE?

20. The Council could revert back to the original approach of a limited deployment of the three Street Scene Enforcement Officers as part of their other duties associated with fly-tipping. This would lead to a significant reduction in patrols and ability to target areas of persistent littering/dog fouling.

CONCLUSIONS

21. The borough is a clean and tidy place and the majority of residents value the local environment and think their local place is a great place to live. Littering and dog fouling has a negative impact on the local environment, generates complaints and costs money to clean it up.

22. The Litter Enforcement trial has been a success, with behavioural change observed, and evidence of less litter being dropped in Tunbridge Wells. The FPN payment rate has been higher than anticipated and the cost of the service has been covered by the income generated.

23. There is now have the opportunity to continue with the enhanced service with a preferred contractor identified through a joint procurement process with Maidstone Borough Council.

24. The solution proposed will continue to cover its own costs and only punish those that are dropping litter or not cleaning up after their dog and breaking the law.

RECOMMENDATIONS

It is recommended that Cabinet:

1. approve the continued use of additional enforcement officers to patrol the borough to deter litter and dog fouling and issue Fixed Penalty Notices for environmental offences;

and
2. Authorise the Head of Environment and Street Scene to enter into a two year contract, with an option of a two year extension, with the preferred bidder identified in the exempt appendix to provide additional enforcement officers.

REASONS FOR RECOMMENDATION

To target those responsible for littering and dog fouling across the borough and award the contract in accordance with Contract Procedure Rules

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Background Papers
‘None’

APPENDICES TO REPORT
APPENDIX A Cross Cutting Issues
APPENDIX B Tender Report (Exempt)