

Committee: **Executive Committee**
Date of meeting: **18th December 2019**
Report Subject: **Activities Report – Littering and Dog Control
Order Enforcement For The Financial Year
2018/19**
Portfolio Holder: **Cllr G. Collier, Deputy Leader / Executive Member
Environment**
Report Submitted by: **Corporate Director – Regeneration & Community
Services**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
1.10.19	8.10.19	02.12.19			11.11.19	18.12.19		

1. **Purpose of the Report**

- 1.1 To provide performance information in relation to Litter and Dog Control enforcement for the financial year of 2018/19 and to seek agreement to continue to contract out the Service or to model an alternative as part of a wider review of front line enforcement services (as per the Options under Section 3).

2. **Scope and Background**

- 2.1 The report will detail how the partnership with the Kingdom Local Authority Support Service has tackled the community and corporate priority of improving street cleanliness. Against the backdrop of a difficult financial climate, Blaenau Gwent has utilised a cost effective environmental enforcement service that reinforces the Authority's zero-tolerance approach to these Environmental Offences.

- 2.2 For several years Blaenau Gwent has been identified as having some of the dirtiest streets in Wales by annual surveys carried out by Keep Wales Tidy. Street cleanliness is consistently considered to be a priority for both Councillors and constituents.

- 2.3 During 2017/18, Blaenau Gwent CBC was one of the top performing local Authorities in Wales for Litter and Dog Control Order Enforcement. National figures for 2018/19 are yet to be released. In addition to having full-time patrols of our streets and problematic areas for littering and dog control offences by four dedicated Enforcement Officers, the scheme has delivered the following benefits;

- i. 1,111 Fixed Penalty Notices (FPN) have been issued in 2018/19 for Litter and dog control offences;
- ii. There has been a significant increase in the number of fixed penalty notices issued for littering compared to 2017/18 and a slight increase for dog control offences. Complaints/service requests relating to dog fouling have significantly reduced;

- iii. 349 prosecutions were undertaken following non-payment of a fixed penalty notice for littering and dog control order offences;
 - iv. a cost effective enforcement solution in a difficult economic climate;
 - v. Up to 4 full-time jobs for local people.
- 2.3 The Corporate Plan 2018-22 identifies street and environmental cleanliness as a priority and, as such, a zero-tolerance, cost effective, enforcement capability is key to ensure offences such as littering and dog fouling are detected and dealt with appropriately.
- 2.4 The service standards of the existing Kingdom contract provides for 4 full time enforcement officers and administrative support to be provided to the Authority. These officers are provided on the following financial terms.
 - Two officers are provided on an hourly rate. This is currently £20 per hour per officer and the Authority retains all income received from fixed penalty notices issued by these hourly rate officers. Fixed penalty rates are currently £125 for a littering offence, reduced to £100 if paid within 14 days and £100 for dog control offences with no early repayment reduction.
 - Two officers are provided on the basis that Kingdom Security Limited receive £50 for every fixed penalty notice that these officers issue, with the Authority receiving the residual amount from each fixed penalty.
- 2.5 On this basis, with income received from fines and court costs awarded to the Authority following successful prosecutions, the service generated a small net cost in 2018/19 of £14,462 (see Appendix 2). This still represents good value for the number of staff employed to undertake the work. (This does not include internal management and other recharges and imputed costs.)
- 2.6 The current contract is now due for retendering after being extended until December 2019 last year. Discussions have been held with the Executive Member, Environment as to how to move forward with the Environmental Enforcement service. The main options are outlined below:
3. **Options for Recommendation**
 - 3.1 **Option 1** – That Members comment on the performance elements of the report and support the continuation of the contracted out service;
 - 3.2 **Option 2 (Preferred Option)** – That Members comment on the performance elements of the report and agree to the extension of the current contract with Kingdom for a further 12 months (with a 2 month notice period) subject to service and cost information that will need to be modelled as part of a wider review. (Extension of the current contract will be subject to Strategic Procurement Board approval).
- 4 **Recommendation(s)/Endorsements by other Groups**
 - 4.1 Corporate Leadership Team and Regeneration & Community Services Leadership Team have considered this report.

4.2 Community Services Scrutiny committee has considered this report (11th November 2019) and supported Option 2, above.

5 **Evidence of how does this topic supports the achievement of the Corporate Plan / Statutory Responsibilities / Blaenau Gwent Well-being Plan**

5.1 Well-being Plan, Objective 2 – Blaenau Gwent wants safe and friendly communities. The use of proactive enforcement to target littering and dog control offences helps to create clean and safe environments. By identifying and issuing financial penalties to those individuals who choose to commit environmental crimes in the Borough, the Authority is taking positive steps to try to create clean and safe streets and open spaces.

5.2 Corporate Plan – Strong and Environmentally Smart Communities Priority objective - To re-invest in environmental services to address the issues created by fly-tipping, dog fouling, littering, grass cutting, street cleansing and pest control. The use of proactive enforcement to target environmental offences will assist in achieving this goal.

5.3 While the Local Authority is not under a statutory duty to enforce litter and dog control legislation, it does receive hundreds of service requests annually in relation to street cleanliness and alleged environmental offences, so by retaining a strong enforcement presence the Authority can respond to service demand and take steps to achieving the goals set out in the Wellbeing and Corporate Plan.

6. **Implications Against Each Option**

6.1 **Impact on Budget (short and long term impact)**

6.2 After income received from fines and court costs awarded to the Authority following successful prosecutions, the net cost of the service was £14,462 (see appendix 2). This does not include internal management and other recharges and imputed costs.

7. **Risk including Mitigating Actions**

7.1 Reputational risk - While litter and dog control enforcement are not a statutory duty the use of fixed penalty enforcement enables the Authority to proactively target environmental offences while also responding to service requests for improvements in street cleanliness and helps in achieving the Authority's corporate goals.

8. **Legal**

8.1 There is no legal duty to provide the environmental enforcement service currently provided by Kingdom Security Limited however the benefits that it provides have been highlighted.

9. **Human Resources**

9.1 There are no implications for Blaenau Gwent staff associated with this report.

10. **Supporting Evidence**

10.1 **Performance Information and Data**

10.2 **Enforcement Activity.** Table 1, below, outlines the number of fixed penalty notices issued for the full year of 2018/19 and a comparison against outcomes from previous years.

Table 1	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19
FPN Type						
Public Space Protection Order (Fouling)	152	48	29	11	17	14
Public Space Protection Order (Exclusion)	92	60	3	4	8	5
Public Space Protection Order (Lead Only)	27	37	20	14	10	22
Sub-Total	271	145	52	29	35	41
Litter	1,288	1,497	1,381	1,631	726	1,070
Total	1,559	1,642	1,433	1,660	761	1,111

10.3 1,111 FPNs were served for the full year for 2018/19. This is a significant increase in the total numbers issued for the previous year. The key issues to point out are as follows:

10.3.1 **The total number of litter fines has increased.** In 2018/19, there was a 47% increase in the number of fixed penalty notices issued for littering offences. This is likely to be due to reduced staff turnover in year on the part of Kingdom, compared to 2017/18, (which led to reduced numbers). Littering complaints also increased by 18% in 2018/19 (see Table 2, below) i. Latest figures Quarter 1 19/20 indicate that 295 FPN's have been issued for litter which is more in line with historical performance where 4 Officers have consistently been in post.

10.3.2 **The number of fines being issued for Dog Control Order offences has increased.** While there has been a slight increase in fines issued for dog control offences, the 16% (6) rise in numbers is not considered significant given the overall numbers involved (41 for 2018/19 compared with 35 in 2017/18). Complaints about dog fouling decreased significantly during 2018/19, reducing from 635 in 2017/18 to 352 last year. Complaints about dog fouling are significantly lower than they were when the enforcement initiative began (see Table 2, below), however, dog fouling remains a significant concern with the public (as confirmed by the recent consultation on the renewal of the Public Space Protection Orders relating to dog controls) and that continued enforcement to target this offence is still a priority.

10.3.3 Enforcement Officers are directed to patrol specific areas based on complaints received from both Councillors and members of the public, particularly in relation to dog control offences. Enforcement Officers work closely with the Authority's dog warden to identify and seize unattended stray dogs, which can be the cause

of significant issues associated with dog fouling. A list of the current hotspot areas for dog fouling patrols has been provided in Appendix 3.

- 10.3.4 **Keep Wales Tidy.** Keep Wales Tidy (KWT) compile an annual report on the street cleanliness of all Local Authorities in Wales. For a number of years Blaenau Gwent's Authority area was considered to have the lowest standard of street cleanliness in Wales. In the 2018/19 report, Blaenau Gwent was placed twenty first in the street cleanliness index with only Newport considered to have a lower level of street cleanliness, highlighting the need for continued enforcement in this area. For the full KWT 2018/19 report visit: <https://www.keepwalestidy.cymru/surveys>.
- 10.3.5 **Comparative Performance.** Based on 2017/18 data, Blaenau Gwent served the ninth highest number of fixed penalty notices. Members are directed to the returns made by each local Authority annually to Welsh Government (see Appendix 4 - also accessed by via: [Welsh Government Environmental Fixed Penalty Notice Data 2017-18-](#)). At the time of writing, the 2018/19 comparative data had not been published.
- 10.3.6 In general, in 2017/18, local authorities reporting the highest numbers of fixed penalty notices had contracted out services compared to those that have much lower numbers who provide services in-house via multidisciplinary teams. Since 2017/18, a number of local authorities have discontinued contracted out services (e.g. most of the north Wales Authorities and Torfaen). Swansea Council has successfully used 3GS for a number of years and is currently preparing to re-tender.
- 10.3.7 Further detailed breakdowns of the FPNs issued can be found in Appendix 1. This shows FPNs served by location, age group, gender etc and there is also a breakdown by outcomes. The three potential outcomes for each FPN issued are:
- - 1. Fixed Penalty Notice paid.
 - 2. No further action, (due to mitigating circumstances or administrative errors etc).
 - 3. Offender faces prosecution for the original offence in the event of non-payment
- 10.3.8 **Prosecutions.** The payment rate in 2018/19, of 61%, represents a decrease compared to 64% in 2017/18, so this has led to an increase in prosecutions. There is an early repayment reduction scheme in place for the offence of littering, which means the fine level is reduced to £100 from £125 if the fixed penalty notice is paid within the first 14 days of receipt. (A full financial breakdown of the service is provided in appendix 2).
- 10.3.9 Non-payment leads to prosecution in most cases. In 2018/19 there were 349 cases subject to prosecution resulting from non-payment of fixed penalty notices (in 2016/17 there were 161 cases prosecuted) representing a 116% increase. Typically, guilty pleas incur a fine of £125 and a £20 victim surcharge with up to

£120 costs awarded to the Authority, although receipt of costs can take several months to come thorough to the Council as the court will allow many offenders to pay in instalments. Other cases can incur higher fines/costs especially where a not-guilty plea fails. Income from Court costs has been increasing as fines/costs from previous prosecutions are being paid in full.

10.3.10 **Service requests.** Table 2, below, shows the number of service requests received from constituents and Members over the last seven years:

Table 2	12/13	13/14	14/15	15/16	16/17	17/18	18/19
Service Requests							
Dog Fouling	789	841	655	327	348	635	352
Litter	323	325	420	397	335	506	597
Total	1112	1166	1075	724	683	1141	949

11. **Expected outcome for the public**

11.1 Improved street cleanliness and the ability to respond to service requests in relation to street cleanliness and environmental offences.

12 **Involvement (consultation, engagement, participation)**

12.1 Relevant internal colleagues in Cleansing have been consulted on the content of this report.

13. **Thinking for the Long term (forward planning)**

13.1 The scheme outlined in this report is necessary to ensure long-term improvements in the Authority's street cleanliness and to create pleasant public open spaces.

14. **Preventative focus**

14.1 The scheme will help to change cultural attitudes to littering and dog control by ensuring offending behaviour is punished appropriately.

15. **Collaboration / partnership working**

15.1 The scheme is run in partnership with a local authority support service.

16 **Integration(across service areas)**

16.1 The scheme contributes to relevant well-being and environment Agendas.

17 **EqIA (screening and identifying if full impact assessment is needed)**

17.1. The proposals will no adverse effects against the protected characteristics.

18. **Monitoring Arrangements**

18.1. The scheme will be monitored by Public Protection Managers and by way of relevant reports to the Corporate Director Regeneration & Community Services, CLT and Scrutiny Committee, as necessary.

19 **Background Documents /Electronic Links**

- Appendix 1 – Fixed Penalty Notice Geographical Breakdown
- Appendix 2 – Financial Breakdown Service Cost
- Appendix 3 – Dog Patrol Areas
- Appendix 4 – Fixed Penalty Notice – National Summary