

Committee: **Executive Committee**

Date of meeting: **13th January 2021**

Report Subject: **Activities Report – Littering and Dog Control Order Enforcement for the Financial Year 2019/20**

Portfolio Holder: **Cllr Joanne Wilkins / Executive Member Environment**

Report Submitted by: **Andrew Long – Team Manager, Environmental Protection**

Reporting Pathway								
Directorate Management Team	Corporate Leadership Team	Portfolio Holder / Chair	Audit Committee	Democratic Services Committee	Scrutiny Committee	Executive Committee	Council	Other (please state)
11/11/20	18/11/20	17.12.20			7/12/20	13.01.21		

1. **Purpose of the Report**
 - 1.1 To update Members on the progress of the Litter and Dog Control Order enforcement initiative that has been operating in Blaenau Gwent since October 2011. The report will outline outcomes for the financial year of 2019/20.
2. **Scope and Background**
 - 2.1 The report will detail how the partnership with the LA Support Ltd (previously called Kingdom Security Services) 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 2018/19, Blaenau Gwent CBC was one of the top performing local Authorities in Wales for the issuing of Litter and Dog Control fixed penalty notices, issuing the sixth highest number. National figures for 2019/20 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 dedicated Enforcement Officers, the scheme has delivered the following benefits;
 - i. 842 FPNs have been issued in 2019/20 for Litter and dog control offences;
 - ii. There has been an approximate 25% reduction in the number of fixed penalty notices issued for littering compared to 2018/19 and a slight decrease for dog control offences. Complaints/service requests relating to dog fouling have significantly reduced for the third year;

- iii. 220 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.
- 2.4 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.
- 2.5 The service standards of the LA Support Contract (up to March 2020) provided for 4 full time enforcement officers and administrative support to be provided to the Authority. These officers were provided on the following financial terms.
- Two officers are provided on an hourly rate - £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 LA Support receive £50 for every fixed penalty notice that these officers issue, with the Authority receiving the residual amount from each fixed penalty.
- 2.6 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 2019/20 of £4,235 (see Appendix 2). This obviously represented good value for the number of staff employed (four) to undertake the work. (This figure does not include internal management and other recharges and imputed costs.)
- 2.7 During the third quarter of 2019/20 there was initial concern about the end of year net- cost of the service arising from on-going financial monitoring and as a result the service level agreement (SLA) for 2020/21 was re-negotiated with LA Support Limited. The new SLA provides for a guaranteed zero cost service for the Local Authority with LA Support Limited now retaining all income received from fines generated and not charging the Local Authority for any staff costs.

Unfortunately, as a result of current Coronavirus pandemic the service was suspended in March 2020 because of the need to minimise human to human contact. At the time of writing the service has still not been reinstated for a number of reasons including;

- the fluctuating rate of Coronavirus infection in our community
- new local and National lockdowns
- reduced footfall and therefore offending behavior in our community as a result of Coronavirus restrictions
- the possible perception that the Local Authority is issuing fines to generate income at a time when there is significant financial hardship in our community as a result of the impact of the Coronavirus pandemic

Re-instigating the service is under continuous review and it is anticipated that this will happen when the legal and public health restrictions around the current pandemic enable the service to return in a viable form.

3. Options for Recommendation

3.1 Option 1 – That Members accept the report as presented.

Option 2 - That Members challenge the performance elements of the report.

4 Recommendation(s)/Endorsements by other Groups

4.1 Corporate Leadership Team, Regeneration & Community Services Leadership Team and the Regeneration Scrutiny Committee have considered this report.

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 – Protect and enhance our environment and infrastructure to benefit our 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 With income received from fines and court costs awarded to the Authority following successful prosecutions, the service generated a small adverse variance of £4,235 (see appendix 2). This does not include internal management and other recharges and imputed costs. The service contract has since been renegotiated.

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 LA Support 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 2019/20 and a comparison against outcomes from previous years.

Table 1	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20
FPN Type						
Public Space Protection Order (Fouling)	48	29	11	17	14	6
Public Space Protection Order (Exclusion)	60	3	4	8	5	2
Public Space Protection Order (Lead Only)	37	20	14	10	22	29
Sub-Total	145	52	29	35	41	37
Litter	1,497	1,381	1,631	726	1,070	805
Total	1,642	1,433	1,660	761	1,111	842

- 10.3 842 FPNs were served for the full year for 2019/20. This is a 24% reduction 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 decreased.** This is likely to be due to staff turnover in year on the part of LA Support Ltd, compared to 2018/19, which led to reduced frontline staff while recruitment and training of new staff was conducted and therefore reduced fixed penalty notice numbers. Littering complaints have reduced slightly (see Table 2, below) compared to 2018/19.

- 10.3.2 **The number of fines being issued for Dog Control Order offences has decreased slightly.** While there has been a slight decrease in fines issued for dog control offences, the 10% (4) decrease in numbers is not considered significant given the overall numbers involved (37 for 2019/20 compared with 41 in 2018/19). Complaints about dog fouling decreased significantly during 2019/20, reducing from 352 in 2018/19 to 210 last year. This level of complaint about dog fouling is the lowest recorded since the enforcement initiative began (see Table 2, below).

- 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 the full KWT 2018/19 report visit: <https://www.keepwalestidy.cymru/surveys>.
- 10.3.5 **Comparative Performance.** Based on 2018/19 data Blaenau Gwent served the sixth highest number of fixed penalty notices. Members are directed to the returns made annually to Welsh Government (visit: [Welsh Government Environmental Fixed Penalty Notice Data 2018/19](#)). At the time of writing, the 2019/20 comparative data had not been published.
- 10.3.6 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
- 10.3.7 **Prosecutions.** The payment rate in 2019/20, of 52%, represents a decrease compared to 61% in 2018/19. 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).
- 10.3.8 Non-payment leads to prosecution in most cases. In 2019/20 there were 220 cases subject to prosecution resulting from non-payment of fixed penalty notices (in 2018/19 there were 349 cases prosecuted) representing a 36% reduction. 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 often allows offenders to pay in instalments. Other cases can incur higher fines/costs especially where a not-guilty plea fails.
- 10.3.9 **Service requests.** Table 2, below, shows the number of service requests received from constituents and Members over the last seven years:

Table 2	13/14	14/15	15/16	16/17	17/18	18/19	19/20
Service Requests							
Dog Fouling	841	655	327	348	635	352	210
Litter	325	420	397	335	506	597	570
Total	1166	1075	724	683	1141	949	780

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. **EqlA (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.

Background Documents / Electronic Links

Appendix 1 – Fixed Penalty Notice Geographical Breakdown

Appendix 2 – Financial Breakdown Service Cost

Appendix 3 – Dog Patrol Areas