

REPORT TO:		Cabinet	
DATE:		6 November 2019	
PORTFOLIO:		Cllr Paul Cox - Deputy Leader - Environmental Services	
REPORT AUTHOR:		Steve Riley – Executive Director (Environment)	
TITLE OF REPORT:		Littering and Dog Fouling Enforcement - 12 month update	
EXEMPT REPORT (Local Government Act 1972, Schedule 12A)	No	Not applicable	
KEY DECISION:	No	If yes, date of publication:	

1. **Purpose of Report**

- 1.1 To provide an update on the 12 month pilot agreement approved by Cabinet on 18th July 2018 and which commenced on 5th November 2018.

2. **Recommendations**

- 2.1 Cabinet approve the continued use of external enforcement services to tackle littering and dog fouling offenders and;
- 2.2 Cabinet agrees to waive the Council's contract procedures rules and approve an extension to the existing 12 month service level agreement with LA Services up to 31st March 2020 and;
- 2.3 Cabinet request the Executive Director (Environment) to undertake a tendering exercise and delegate authority to him, following consultation with the Portfolio Holder, to agree terms with and appoint a suitably experienced external enforcement contractor as set out in paragraphs 3.12 and 3.13 of the report.

3. **Reasons for Recommendations and Background**

- 3.1 Following a review of the Council's litter and dog fouling enforcement action, Cabinet requested officers to submit a proposal to tackle those irresponsible residents whose actions blemish the local environment.
- 3.2 As there were insufficient resources in-house to undertake a major drive in tackling litter and dog fouling and in line with a wish to have enforcement officers on the ground for the opening of Accrington's new Town Square, Kingdom Services Group was

appointed on a pilot 12 month service level agreement, (a subsequent review of its structure saw the enforcement side of Kingdom changed to 'LA Support Ltd').

- 3.3 Enforcement staff were authorised by the Council to issue 'on the spot fines' through the use of Fixed Penalty Notices, (FPN's) at an agreed value of £75, with 14 days to make the payment. Cabinet members requested a 2 week period of public education prior to the first FPN's being issued, to raise public awareness of the need to dispose of litter responsibly and clean up after dogs.
- 3.4 The 12 month pilot agreement would enable the Council to gain a better picture of its long-term operational and resource requirements for a service of this type and allow the Council to procure a service that meets its needs over the longer term.

Results

- 3.5 During the two week education period, four officers undertook 314 hours patrolling the town centre handing out around 500 letters advising offenders they could be issued with a FPN in future.
- 3.6 The table below shows how many PFN's were issued for each of the 11 months of the pilot. The reasons for the variances can be partly answered by; fluctuating staffing levels, FPN's only starting to be issued from 19th November and no patrols over the Public Holiday periods.

2018		2019								
Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	July	Aug	Sep
128	178	184	230	284	160	159	217	177	208	219

Under the agreement, the Council has access to view 'live' information on LA Services recording system and over the pilot period the following statistical information is available;

Gender/Age

61% of FPN's were issued to males and 39% to females. Of these;

- 4% - under 20 years old
- 43% - 20 to 39
- 33% - 40 to 59
- 13% - 60+
- 7% - unknown

Ethnicity

- 88% - White North/South European
- 3.5% - Asian
- 0.5% - Chinese
- 0.5% - Arabic or North African
- 0.5% - Black
- 7% - unknown

Number and Location of all PFN's Issued

2,138 FPN's have been issued over the pilot period and the locations are below;

- 990 - Accrington Town Centre
- 768 - Accrington
- 6 - Altham
- 1 - Baxenden
- 31 - Church
- 56 - Clayton Le Moors
- 139 - Great Harwood
- 22 - Huncoat
- 68 – Oswaldtwistle
- 57 – Rishton

FPN Status

Of the 2,138;

- 1,163 have been paid.
- 315 are still within the payment window period.
- 330 have been 'written off' (e.g. mental health reasons, incorrect details, unable/uneconomical to pursue).
- 60 were cancelled (e.g. age of offender, evidence shortfall, officer misconduct).
- 270 have been referred to the Council's legal section for non-payment.

Prosecutions

Of the 270;

- 85 cases have been fined by the courts
- 7 have been served at court and are awaiting a hearing date
- The remaining are being processed

- 3.7 LA Support Ltd operates their own procedures and policies for issuing FPN's and responding to complaints/contesting the FPN. Whilst the Council is not aware of those sent direct to LA Support, evidence from the system shows they are writing off/cancelling a number of the FPN's following their own internal investigations.
- 3.8 During the pilot period, eleven people have contacted the Council to complain/contest the use of FPN's, none of which were actually denying the offence. Of these, the Portfolio Holder has watched the video footage in relation to four complaints which alleged inappropriate officer behaviour and he concluded the LA Support officer's acted in a professional manner.
- 3.9 The pilot agreement was based on LA Support retaining 90% of all FPN's paid and the Council receiving the remaining 10%. The value of this income over the pilot period is reduced by the cost of LA Support officers providing the 2 weeks education programme as requested by Members. The Council will receive approximately £3,000 which will be reinvested into the street cleansing service.

- 3.10 Where there is no payment within the initial 14 days period, LA Support will issue two reminder letters. If after these the FPN is still outstanding, the case is passed over to the Council's legal services team to prosecute for non-payment. Any fines issued are retained by the courts with the Council only receiving minimal legal and investigation costs at the sole discretion of the court.
- 3.11 It is difficult to gauge resident support for the enforcement action, other than in the local press/on social media, which have both positive and negative comments. However, officers have seen a reduction in litter complaints and cleansing operatives and Councillors have provided feedback on improvements in the level of street cleanliness.
- 3.12 When approving the 12 month pilot agreement, Cabinet requested a further report to evaluate the success of the pilot before any decision is taken as to the long term continuation of a litter and dog fouling enforcement programme. Due to the timing of the report, and if Cabinet so wishes to continue tackling litter and dog fouling by external enforcement services, it will not possible to undertake a tender exercise before the pilot period expires.
- 3.13 The 12 month pilot agreement expires on 4th November 2019. However, LA Services are in agreement to continue with the current pilot agreement/arrangements until 31 March 2020. Extending the pilot agreement would allow sufficient time for a tender exercise to be undertaken for the provision of Litter and Dog Fouling Enforcement Services and would also include the option for enforcement action against litter being thrown from vehicles following new legislation that allows enforcement action to be taken against the vehicle's registered keeper.

4. Alternative Options considered and Reasons for Rejection

- 4.1 The Council no longer undertakes enforcement action against littering and dog fouling. This option is not recommended and would reverse the improvements seen in street cleansing as people would quickly become aware there was no longer the potential for being issued with a FPN if they dropped litter or did not clean up after their dog.

5. Consultations

- 5.1 The Portfolio Holder and Resources Overview and Scrutiny Committee.

6. Implications

Financial implications (including any future financial commitments for the Council)	The current agreement sees LA Support retaining 90% and the Council 10% of all FPN payments they receive. It is hoped the Council can enter into a similar revenue share/cost neutral service level agreement through the tender exercise.
Legal and human rights	The approval to extend the pilot agreement is

implications	<p>required in order for the Council to undertake and fulfil its legal obligations in relation to the timely procurement of a new contract without a break in the enforcement services.</p> <p>There are no human rights implications other than those addressed in the CFA annexed to the report in July 2018.</p>
Assessment of risk	<p>There is low financial risk as the tender will look to engage enforcement services on a similar revenue share/cost neutral service level agreement.</p> <p>Full Cabinet and cross party member support will ensure there is limited risk to the Council's reputation.</p>
Equality and diversity implications <i>A Customer First Analysis should be completed in relation to policy decisions and should be attached as an appendix to the report.</i>	<p>Provided with original Cabinet report 18th July 2018.</p>

**7. Local Government (Access to Information) Act 1985:
List of Background Papers**

- 7.1 Cabinet meeting 18th July 2018 and 6th June 2019.
Resources Overview and Scrutiny Committee meeting on the 31st October 2019.