

REPORT TO EXECUTIVE

Date of Meeting: 14 January 2020

REPORT TO COUNCIL

Date of Meeting: 21 January 2020

Report of: Waterways, Parking and Enforcement Service Manager
Title: Environmental Enforcement Pilot Scheme Results and Future Options

Is this a Key Decision? *

No

**One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.*

Is this an Executive or Council Function?

Council

1. What is the report about?

To provide a summary of the results from the recent year-long environmental enforcement pilot project.

To explore options available for a more permanent enforcement solution.

2. Recommendations:

Executive recommend to Council approval of the following:-

- 2.1 To recruit to an additional Civil Enforcement Officer (Response) post (1 x FTE) at Grade F).
- 2.2 To involve the existing Civil Enforcement Officer (Response) team (3 x FTEs) in environmental enforcement work alongside their existing duties.

3. Reasons for the recommendations:

- 3.1 To provide a flexible enforcement resource that is able to undertake not just environmental enforcement but also take action on parking, illegal camping and dog issues.

4. What are the resource implications including non financial resources.

- 4.1 The salary for this post is expected to be funded by Fixed Penalty Notice income based on the findings of the pilot scheme.
- 4.2 Although there is likely to be an additional income associated with undertaking enforcement work the ultimate aim is to ensure compliance rather than deliver income.

5. Section 151 Officer comments:

- 5.1 The expectation is that the cost of the additional post will be covered by income generated from fines. The budget will reflect this, if approved. This will be monitored throughout the year and any variation reported to management for corrective action to be taken.

6. What are the legal aspects?

- 6.1 Councils have the power to issue Fixed Penalties under the Environmental Protection Act 1990.

7. Monitoring Officer's comments:

- 7.1 Any issues of concern will be raised at the meeting.

8. Report Details:

- 8.1 During 2018/19 an external provider has undertaken environmental enforcement on behalf of the Council.

- 8.2 This was done on a twelve month pilot scheme basis (ending in September 2019) with the Council paying nothing for the service but the provider keeping income from Fixed Penalty Notices (FPNs) issued.

- 8.3 The provider deployed two full time staff across five days per week.

- 8.4 Their patrols were focused around the city centre and the officers provided additional value 'on the ground' by liaising closely with both CCTV and Exeter Business Against Crime (EBAC) staff.

- 8.5 Any complaints about the service were dealt with by the provider and none were subsequently escalated to the Council to review.

- 8.6 A total of 1,557 FPNs were issued, resulting in the collection of £82,700 to date.

- 8.7 The overwhelming majority of FPNs were issued to people throwing down cigarette butts:-

Cigarette butts	1,525
Litter	15
Spitting	14
Chewing Gum	3

- 8.8 The vast majority of FPNs were issued in the High Street:-

High Street	1,125
Sidwell Street	135
Queen Street	85

- 8.9 Street Cleansing Management were able to identify an improvement in the city centre environment. However, this improvement was not to a level which enabled a reduction in city centre resource to then allow redeployment of cleansing staff to other areas.

8.10 Only thirteen people received an FPN on more than one occasion, indicating that receiving an FPN did alter future behaviour for the vast majority.

9. How does the decision contribute to the Council's Corporate Plan?

9.1 Environmental enforcement contributes towards providing value for money services by helping reduce unnecessary demand on front-line cleansing staff.

10. What risks are there and how can they be reduced?

10.1 Potential risk to reputation if enforcement is perceived to be disproportionate or heavy-handed.

10.2 Staff involved will be fully trained and complaints dealt with in a fair and consistent manner via existing procedures.

10.3 Improvement in compliance, or additional duties being expected of the role, could lead to the post not being self-funded through FPN income.

11. Equality Act 2010 (The Act)

11.1 Under the Act's Public Sector Equalities Duty, decision makers are required to consider the need to:

- eliminate discrimination, harassment, victimisation and any other prohibited conduct;
- advance equality by encouraging participation, removing disadvantage, taking account of disabilities and meeting people's needs; and
- foster good relations between people by tackling prejudice and promoting understanding.

11.2 In order to comply with the general duty authorities must assess the impact on equality of decisions, policies and practices. These duties do not prevent the authority from reducing services where necessary, but they offer a way of developing proposals that consider the impacts on all members of the community.

11.3 In making decisions the authority must take into account the potential impact of that decision in relation to age, disability, race/ethnicity (includes Gypsies and Travellers), sex and gender, gender identity, religion and belief, sexual orientation, pregnant women and new and breastfeeding mothers, marriage and civil partnership status in coming to a decision.

11.4 In recommending this proposal potential impact has been identified on people with protected characteristics as determined by the Act and an Equalities Impact Assessment has been included in the background papers for Member's attention.

12. Are there any other options?

12.1 Appoint an external provider on a fixed term basis via the Council's tender and procurement process.

12.2 Decide not to provide any on-going environmental enforcement or deterrent, as has been the case since 2012.

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Local Government (Access to Information) Act 1972 (as amended)

Background papers used in compiling this report:-

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