

<b>Cabinet Meeting</b>		<b>Agenda Item: 7</b>
<b>Meeting Date</b>	11 <sup>th</sup> March 2015	
<b>Report Title</b>	Tackling litter and dog fouling - a new approach to Fixed Penalty Notices - pilot project	
<b>Cabinet Member</b>	Cllr David Simmons, Cabinet Member for Environment and Rural Affairs	
<b>SMT Lead</b>	Pete Raine	
<b>Head of Service</b>	Emma Wiggins	
<b>Lead Officer</b>	Alister Andrews	
<b>Key Decision</b>	Yes	
<b>Classification</b>	Open	
<b>Forward Plan</b>	Yes	
<b>Recommendations</b>	<ol style="list-style-type: none"> <li>1. To agree to the Fixed Penalty Notice pilot project to tackle littering and dog fouling.</li> <li>2. To agree a waiver of finance and contract standing orders to contract the services of 'Kingdom' for the pilot project.</li> </ol>	

## **1 Purpose of Report and Executive Summary**

- 1.1 This report sets out details of a new approach to tackling litter and dog fouling through a pilot Fixed Penalty Notice (FPN) project.

## **2 Background**

- 2.1 Discussions were held with SMT and Cabinet in late 2014/early 2015 on outline proposals to pilot a new approach to tackling litter and dog fouling.
- 2.2 Since January further details and costings have been developed on the proposed project which now comes to Cabinet for approval.
- 2.3 The pilot will start in March 2015, and run for 6 months with an estimate of around 1800 FPN's being issued. The total value of the contract is estimated at £144K.
- 2.4 This scheme will increase the chances of being caught if committing an environmental offence. It is anticipated that more robust enforcement will '*nudge*' residents into doing the right thing with their litter or dogs mess, consequently creating a healthier and cleaner environment for all.

- 2.5 'Kingdom' is a company based in the southeast of England. Maidstone BC already uses Kingdom for their litter FPN contract, and they have been pleased with the service received. Tunbridge Wells BC have recently undertaken a tender process for their FPN litter contract, and Kingdom was found to be the most viable option for service delivery. Outside the MKIP group, Gravesham BC and Canterbury CC are also part way through piloting schemes with Kingdom. As such a waiver to procurement is sought to enable the council to use Kingdom for the pilot, given their involvement in other boroughs with clear expertise and specialism. A full tender will be undertaken once the pilot is over, and a decision has been made regarding continuing the scheme or not.
- 2.6 'Kingdom' will provide a team of two officers to attend litter hot spot areas and issue FPNs for the first three months. The team will increase to four officers for the final three months of the pilot. It is anticipated that these officers may issue between 80 and 100 FPNs each a month, resulting in an overall estimate of 1800 FPNs during the pilot scheme. The officers will be tasked to patrol any problematic rural areas, as well as the town centres.
- 2.7 After the pilot is completed, if Cabinet decides to continue with the scheme a full tender will take place, potentially in partnership with other authorities in order to keep procurement costs as low as possible.

### **3 Proposals**

- 3.1 To agree to the Fixed Penalty Notice pilot project to tackle littering and dog fouling.
- 3.2 To agree a waiver of finance and contract standing orders to contract the services of 'Kingdom' for the pilot project.

### **4 Alternative Options**

- 4.1 That a full tender is completed for the 6 month litter FPN pilot. This is not recommended as this will mean the council will not be able to introduce the pilot for some months, plus it is clear that Kingdom are the preferred supplier to all other Kent schemes. Where other Kent authorities have already undertaken procurement, the results suggest that Kingdom is the most viable option with demonstrable experience of delivering such schemes. By starting this pilot now, the timescales may allow us to tender in partnership with another local authority after the pilot, which may have cost benefits.

### **5 Consultation Undertaken or Proposed**

- 5.1 More litter penalties appears to be a popular suggestion whilst undertaking environmental customer engagement surgeries. Results from the LAPS survey have also been used to justify the proposals in that cleaner streets are important to local people.

## 6 Implications

Issue	Implications
Corporate Plan Priorities	This project addresses the corporate priority of Healthy Environment as it will tackle litter offences and so improve street cleanliness and ultimately Swale's environment
Financial, Resource and Property	<p>The number of FPN's issued is anticipated at around 1800. Therefore the total value of the contract is estimated at £144K.</p> <p>Assuming a payment rate of between 70% and 75%, and assuming that those who intend to pay, generally pay at the lesser amount (£60), the pilot is estimated to generate between £75K and £81K.</p> <p>Assuming that 95% of all FPNs are issued correctly, and that around 12% of all cases go to court, the contractor and legal costs combined will equate to approx. £100k. This leaves an estimated deficit of between £19K and £25K, for which a bid to the performance fund has been made in order to carry out the pilot.</p> <p>After the pilot, the viability of the project will be reviewed if it is decided to continue, and options for self-financing will be considered.</p> <p>The legal costs and officer costs are all reclaimable if we are successful in court. However, previous experience suggests that these costs are rarely recovered in full, and if they are it can take years.</p>
Legal and Statutory	<p>Swale BC has powers under the Environment Protection Act 1990 to issue FPN's to anyone dropping litter. The Clean Neighbourhoods and Environment Act 2005 allowed local councils to set the financial penalties for these FPNs within specified parameters. SBC have already set these fees at an Executive meeting in November 2006.</p> <p>Local Authorities have a duty to tackle anti-social behaviour.</p>
Crime and Disorder	The recommendations should have a positive impact under section 17 of the Crime and Disorder Act 1998, as this will tackle litter offences and as such reduce anti-social behaviour.
Sustainability	Cleaner streets result in improved environmental sustainability. The contractor scheme can be reviewed and adjusted according to demand and support.
Health and Wellbeing	Cleaner streets make Swale a better place to live and so improves the health and well-being of its residents
Risk Management and Health and Safety	Risk that implementing this may result in some negative press. The role can be confrontational, so sufficient training must be given to officers.

Equality and Diversity	A CIA was carried out initially, and it identified that FPN's will not be issued to anyone under the age of 18 without prior discussion with the youth offending team, and the police. Warnings or supervised reparation will continue to be the favoured option for youth offenders.
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## **7 Appendices**

7.1 None

## **8 Background Papers**

8.1 SMT reports Tackling litter - a new approach to fixed penalty notices - pilot project  
16<sup>th</sup> December 2014