

## Cabinet

<b>Meeting Date</b>	3 <sup>rd</sup> February 2016
<b>Report Title</b>	Tackling Litter – a new approach to Fixed Penalty Notices
<b>Cabinet Member</b>	Clr David Simmons, Cabinet Member for Environment and Rural Affairs
<b>SMT Lead</b>	Kathryn Carr
<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>	1. To approve the appointment of Company A (Kingdom Security Ltd) to deliver the supplementary environmental enforcement service from 1 <sup>st</sup> April 2016 until 31 <sup>st</sup> March 2019 (with an option to extend for two further years).

### 1 Purpose of Report and Executive Summary

- 1.1 This report provides an update on the performance of the littering and dog fouling pilot project; appraises Members of the process undertaken to procure a supplementary environmental enforcement service when the pilot project ends; and recommends approval of the award of the contract to the preferred supplier.

### 2 Background

- 1.2 A six month pilot project to tackle littering and dog fouling commenced on 24<sup>th</sup> March 2015. The pilot was later extended until 31<sup>st</sup> March 2016. The pilot utilises the services of an external contractor called 'Kingdom Security Ltd' to issue Fixed Penalty Notices (FPNs) to persons caught dropping litter within the borough. The pilot project has been funded through the FPN payments.
- 2.2 The officers on the street are highly visible and the scheme has received strong support from residents and the media. Over 1400 FPNs have been issued since March 2015.
- 2.3 Approximately 70% of the FPNs are paid, with the remainder potentially facing court action. Recently ten cases were taken to court by Swale BC, all of which were successful. It is anticipated that between ten and twenty cases will be taken to court on a monthly basis from January 2016.
- 2.4 Based upon the following factors, the pilot has been a success:
- Litter levels remaining low and within target.

- A highly visible presence on the streets to tackle environmental crime.
- Improved Local Area Perception Survey figures for cleanliness.
- Positive media interest.

2.5 It was agreed at SMT on 11<sup>th</sup> August 2015 and by the Cabinet Member for Environment and Rural Affairs, to carry out a procurement exercise to appoint an external contractor to continue to provide this supplementary service when the pilot project ends on 31<sup>st</sup> March 2016.

Procurement of New Contract

2.6 An OJEU open procurement was undertaken in October 2015 resulting in two companies submitting tenders for the work. These were evaluated and scored according to the procurement process i.e. 40% on price and 60% on quality. The tenders were evaluated on 26<sup>th</sup> October 2015 by the Head of Economy and Community Services, the Environment Response Manager, and the Principal Environment Warden. The tender price and quality scores are shown in table 1 below.

**Table 1: Scores at assessment panel stage**

Organisation	Price Score	Quality Score	Total Score
Company A	40	51	91
Company B	35	35	70

2.7 As two companies applied (whereas three submissions are usually required), a procurement waiver has been agreed on the basis that the opportunity was correctly advertised and it was open to reasonable competition and that nothing more could have been done to secure better value for Swale BC.

**2 Proposal**

3.1 To approve the appointment of Company A to deliver the supplementary environmental enforcement service from 1<sup>st</sup> April 2016 until 31<sup>st</sup> March 2019 (with an option to extend for two further years).

**4 Alternative Options**

4.1 To stop the project. This is not recommended as the pilot has proved to be successful and it shows that Swale BC takes resident feedback seriously. Engagement surveys and the Local Area Perception Surveys show that cleaner streets are a priority for residents, and this project tackles the source of the problem. The withdrawal of the service may have a detrimental effect on street cleanliness and thus perceptions of the area as well as the reputation of Swale BC in tackling customer priorities.

## 5 Consultation Undertaken or Proposed

- 5.1 The most recent 2015 Local Area Perception Survey data (LAPS) showed that 46% of residents felt that more on the spot fines would be the most effective way of tackling litter and dog fouling in Swale. 18% of residents wanted to see more prosecutions for littering and 17.5% felt that more education was the solution.
- 5.2 Since this pilot has been running, the recent LAPS data shows a statistically significant improvement for the category of 'the Council is making the area cleaner'.
- 5.3 Residents are regularly asked their views at Environment Warden engagement sessions. To date, over 90% of residents feel that issuing FPNs will reduce litter and make Swale cleaner. 100% of residents knew that cigarette butts are litter. Over 80% of residents knew that Swale BC are issuing FPNs to anyone caught littering.
- 5.4 NI195 (street cleanliness) data has remained within target since the pilot has been running. To complement this data, the local town street cleaners and cleansing team officers were asked if they felt that the initiative was helping to reduce litter. The views were all positive and in favour of continuing the initiative on a more permanent basis.

## 6 Implications

Issue	Implications
Corporate Plan	This project supports all three of the current corporate priorities. It is an SBC initiative that encourages positive behaviour from communities and enhances the environmental quality of the borough.
Financial, Resource and Property	<p>The revised fees and charges for 2016/17 have kept the fee for littering and dog fouling FPN's at £80 but there is now no reduced payment for paying early. This should ensure that the scheme remains self financing with a small surplus being available for environmental initiatives. This statement is based upon assumptions of a 70% FPN payment rate, and approximately 12% of offenders being taken to court.</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> <p>At the start of the pilot scheme a £25K performance fund bid was approved. Due to the success of the scheme this may no longer be required. The precise project costs will depend upon how many cases go to court in the next few months and whether some offenders pay the FPN when they receive their court summons as</p>

	<p>this will result in an income increase rather than an expenditure.</p> <p>By reducing littering, further savings may be possible when reviewing agreements such as the waste cleansing contract.</p>
Legal and Statutory	<p>Swale BC has powers under the Environmental 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 prescribed limits. Swale BC set these fees at the maximum level of £80.</p> <p>Local Authorities have a duty to tackle anti-social behaviour such as littering and dog fouling.</p>
Crime and Disorder	<p>The recommendations should have a positive impact under section 17 of the Crime and Disorder Act 1998, as this will tackle litter and dog fouling offences and as such reduce anti-social behaviour.</p>
Sustainability	<p>Cleaner streets result in improved environmental sustainability. The scheme can be reviewed and adjusted according to demand and support.</p>
Health and Wellbeing	<p>Cleaner streets make Swale a better place to live and so improves the health and well-being of its residents</p>
Risk Management and Health and Safety	<p>There is a small risk that the scheme may attract negative publicity, but this has not been the experience from the pilot. The role can be confrontational, so sufficient training must be given to officers.</p>
Equality and Diversity	<p>A CIA was carried out initially, and it identified that FPNs 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.</p>

## 7 Appendices

None

## 8 Background Papers

None