

SLOUGH BOROUGH COUNCIL

REPORT TO: Neighbourhood and Community Services Scrutiny Panel

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WARD(S): All

PART I **FOR COMMENT AND DISCUSSION**

LITTERING ENFORCEMENT PROJECT

1 Purpose of Report

To provide the Panel with an update on Neighbourhood Services activities in relation to tackling littering by the issuing of fixed penalty notices (FPNs) by authorised enforcement officers upon witnessing an offence.

This report covers the period June 2015 to December 2015.

2 Recommendation(s)/Proposed Action

The Panel is requested to note and give support to either:

a. terminating the project

or:

b. supporting the extension of the pilot in to Phase 2 for a further 6 months from the 1st April 16.

3 The Slough Wellbeing Strategy, JSNA and the 5 Year Plan

3a. 5 Year Plan

The work of the team contributes to several of the Outcomes within the 5 Year Plan. These include:

- **Outcome 1:** Slough will be the premier location in the south east for businesses of all sizes to locate, start, grow and stay
 - **Key action** - Ensure that all gateways to the town, prominent places and green spaces are clean and well-maintained
- **Outcome 2:** There will be more homes in the borough, with quality improving across all tenures to support our ambition for Slough
 - **Key action** - Ensure that gateways to the town, prominent places and green spaces are clean and well-maintained
- **Outcome 3:** The centre of Slough will be vibrant, providing business, living and cultural opportunities
 - **Key action** - Define and establish the centre of the town as a destination
 - **Key action** - Cultivate a vibrant town centre
 - **Key action** - Expand the evening economy
- **Outcome 4:** Slough will be one of the safest places in the Thames Valley
 - **Key action** - Build on success in tackling anti-social behaviour
- **Outcome 7:** The councils income and the value of its assets will be maximised
 - **Key action** - Invest in technology to enable staff to work smartly wherever they are located.

4 **Other Implications**

- 4.1 This area of work is currently being resourced from self generated funds and from within existing budgets. Resources have not been agreed, nor permission to fund the ongoing pilot, therefore the current project is under notice to terminate at the end of March 2016.
- 4.2 Longer term we are considering service models that could income generate or support costings for further service delivery for Slough Borough Council, whilst providing an improved service for the community and a greater positive impact in line with our priorities and the 5 Year Plan.

(a) **Risk Management**

Risk	Mitigating action	Opportunities
Legal	Adaption of working practices to incorporate changes in the new ASB legislation	Greater emphasis on enforcement activity. Additional tools to address issues

Property	Visual improvements to areas, so improving community confidence	Greater community involvement and longer term engagement
Human Rights	None	Greater transparency. Allows a more proportionate response in certain areas
Health and Safety	Risk assessments will be carried out for all activities	None
Employment Issues	None	None
Equalities Issues	None	None
Community Support	Feedback from residents and businesses indicates local support.	Greater community involvement and longer term engagement
Communications	A communications plan will be developed for this area of work	Raise awareness of how Neighbourhood Services operate and tackle this issue Promote community responsibility and engaged enforcement
Community Safety	Project activity will assist with designing out crime and impact positively on the 'broken windows' theory, and so reduce the fear of crime	Increase the speed of response and resolution of litter concerns, including fly-tipping, graffiti removal and other safety hazards. Greater enforcement activity against perpetrators
Financial	This is a pilot project and will need permission to be extended pending procurement. The financial savings necessary within the five year may not allow the project to progress. It is anticipated that implementation of this work will be dependent on budget approval sufficient to resource this service area	Without the approval to extend the pilot project until a time in the next financial year to properly tender and procure the project then as of the end of this financial year in march the pilot will cease. Longer term we are considering combining externalised services that could income generate for Slough Borough Council.

Timetable for delivery	Short term focused activity Unless approval for extension of the pilot and funding. The project will terminated as of the 31 st March or as close to this date the notice period allows.	Defining and promoting our longer term working practices, both internally and externally, in consultation with key community groups and partners, so not presuming to set priorities without consultation
Project Capacity	The permission for the project to run as a pilot is at appoint expiry. The project is therefore permitted to extend or brought to closure. The lessons to date are that a joint approach has been pulled together from Neighbourhood Services, Waste & Environment and Police.	Develop and improve working relationships and increased co-ordination of activities so as to combine externalised enforcement which combined with internal teams enable a cross cutting approach to street enforcement
Other	None	None

(b) Human Rights Act and Other Legal Implications

All of the legislation used gives due consideration to human rights in terms of reinforcing the councils duties and that of its partners to respect and support the rights of individuals to private and family life.

(c) Equalities Impact Assessment

Assessments will be completed for all amended and new policies that may result from this project work.

(d) Workforce

The two enforcement officers working primarily for this project are supplied via an external contractor. 100% of their time is spent working on this project.

5 **Neighbourhood Services Litter Enforcement Project**

Introduction

- 5.1 On the 29th October 2014 a report was presented to the Neighbourhoods and Community Services Scrutiny Panel (NCS Scrutiny Panel) with regards to the creation of the Resilience and Enforcement Team within Neighbourhood Services. One of the main issues members wanted this newly created team to tackle was littering and dog fouling specifically in and around the Slough High Street area.
- 5.2 NCS Scrutiny Panel made the decision to allow Neighbourhood Services to proceed with this project and this decision is confirmed in the minutes of that meeting.
- 5.3 Previous experience of tackling these types of offences shows that it is extremely labour intensive and requires officers to spend a comparatively long amount of time in a specific area on a very regular basis. This is a drain on existing resources and is not really an efficient use of an officer's time when there is a raft of other more serious issues that the team has to deal with. The staffing resources do not exist elsewhere to provide this service within the other Neighbourhood Services teams.
- 5.4 Therefore this project was presented to the NCS Scrutiny Panel at its meeting of the 2nd December 2014. This project was designed to provide the council with patrolling officers provided by an external contractor who are authorised to serve fixed penalty notices for Environmental Protection Act 1990 offences with regards to waste and litter and also to serve fixed penalty notices for Clean Neighbourhood and Environment Act 2005 offences with regards to Dog Control Orders which will be superseded by Anti Social Behaviour Crime and Policing Act 2014, Public Spaces Protection Orders in 2018.
- 5.5 The external contractor, in this trial provided two patrolling officers to patrol a designated area around the Slough High Street area and other hotspot areas in the borough patrolling five days a week 7.5 hours a day. The officers gather the necessary evidence to serve the applicable fixed penalty notices to offenders on the street at the time the offence is committed. Offenders then have the option to pay the fixed penalty notice to discharge their liability for prosecution or face prosecution in the Magistrates Court if payment is not made.
- 5.6 In Phase 1 of the project payments made for issued fixed penalty notices are split between the council and the contractor to cover the costs of the service. This means that the project would be in theory, self funding. This approach has been trialled for the period from the date of commencement of the project.
- 5.7 As the project progressed over time a far better understanding of FPNs issued to FPNS paid was realised for Slough and Phase 1 was found to be not a self funding model. Therefore Phase 2 of the project has been submitted based on the findings in Phase 1. A full report of findings and recommendations can be seen in the Financial Effects section of this report.

Littering

5.8 Our focus has been on:

- Carrying out intelligence led high profile operations with the focus being upon Slough High Street and associated hotspot areas
- The review and evaluation of the use of contracted litter enforcement officers

The pilot project commenced on 1st June 2015 to date and has achieved the following results in the first 7 months from and inclusive of June to December 2015:

Results

Phase 1

5.9 June to December 2015 model based on costs of £45 per FPN issued going to the contractor with a further £5 admin / payment handling charge going to Parking Shop. Between June and November FPN payment options were available at £50 within the first 10 days of issue and £75 between 10 days and 14 days of issue. From December onwards the early payment option was withdrawn and a fixed rate of £75 per FPN for littering was set.

Actual Outcome

Month	No FPNs Issued	No FPNs Paid	Amount Paid	Recovery %
June 2015	361	183	£9,570	51
July 2015	238	178	£9,485	75
August 2015	209	139	£7,125	66
Sept 2015	188	136	£7,280	72
Oct 2015	203	143	£7,370	70
Nov 2015	211	130	£8,145	61
Dec 2015	165	135	£10,340	81
TOTAL	1575	1044	£59,315	66%

Based on June to December period recovery average is 66%.

The pilot model based on £45 per FPN issued and a further £5 admin / payment handling charge does not achieve cost neutrality.

For example –

- 1044 FPNs paid = £5220 admin / payment handling charge
- 1575 FPNs Issued = £70875 at £45 per FPN issued
- Total = £76095
- Amount recovered through FPN Payment = £59315
- Deficit = £16780 (or an overall 21% loss / cost to the council over the 7 months)

At this point Phase 1 of the project is not self funding.

Potential future working model

Phase 2

5.10 Should permission to proceed be granted to trial this model it is to be based on an end to end delivery model facilitated by the contractor, meaning the contractor would deal with the entire process cradle to grave. The rates would be, £24 per hour per officer over a 40 hour week with a £1.50 admin / payment handling charge. No reduced payment for the FPN which was agreed by members so FPNs have a flat pay rate of £75.

5.11 Projected Theoretical Outcome –

- Enforcement Officer at £960 each per 40 hour week x 2 = £1920
- Paid FPN will be £75 – £1.50 payment handling charge = £73.50

Estimating an average recovery of 60%, based on the results of June to December average being 66%. The following applies –

- 27 paid FPNs = £1984.50 (inclusive of payment charge)
- Assuming 60% recovery = 44 FPNs will need to be issued for every 27 FPNs paid.

This equates to 22 FPNs per enforcement officer per 5 day week or 5 FPNs per officer per day on average.

5.12 Issuing averages in Phase 1 assume a 22 work day month –

- June – 16 FPNs per day or 8 per officer
- July – 10 FPNs per day or 5 per officer
- Aug – 9 FPNs per day or 4.5 per officer
- Sept – 9 FPNs per day or 4.5 per officer
- Oct - 9 FPNs per day or 4.5 per officer
- Nov – 9.5 FPNs per day or 4.5 per officer
- Dec – 7.5 FPNs per day or 3.5 per officer

Average over the 7 months = 4.9 per officer per day. Therefore it appears that an average of 5 per day is realistic but must be sustained constantly.

5.13 For Phase 2 to be sustained a 60% payment recovery rate must be maintained with an absolute minimum of 5 FPNs on average being issued by each officer per day over a monthly period of 22 working days.

Littering

5.14 For littering, the plan is as follows:

- Roll out of a strategic publicity campaign that aligns with the wider concept of waste management and waste strategies in the borough e.g. stopping littering, encouraging recycling and ensuring correct and appropriate disposal of waste.
- Develop further the concept of a Littering Enforcement pilot using FPNs into a cost neutral model and expand its scope both geographically and in relation to other enforcement activity.
- Consider the content and implications with regards to Enviro-Crime in general and littering specifically as highlighted on the government paper – “Government Response to the Communities and Local Government Select Committees Seventh Report of Session 2014-15 on Litter and Fly tipping in England”, dated December 2015 (attached as Appendix A). In particular having due regard for the section on FPNs – Litter Recommendation 11 and 12, paragraphs 23 and 24. FPNs – Fly tipping Recommendation 14, paragraphs 27 and 28. Further consideration should also be given to Recommendation 18 and paragraphs 41 and 50 with regards to the proposed future National Litter Strategy and the increase use of a wider scope of FPNs for a number of offences with increase fines and penalties.

Challenges

5.15 The main challenge is to determine if we continue with the pilot and to then determine if Phase 2 is a realistic self financing option.

5.16 Also maintaining the momentum of this project in an area as geographically as small as Slough. There has been a decline in the number of FPNs issued lately (performance review January 2016) and the message appears to be getting through to the users of the High Street therefore creating a risk to those who drop litter. However to maintain this situation and ensure a clear message is sent out in the future the project needs to continue.

5.17 Additionally funding of prosecutions for offences where the FPN has not been paid has not been factored into this report. A first hearing, pleading guilty prosecution is likely to cost the council about £1500. A more likely not guilty plea and subsequent trial will cost considerably more and in the region of £3000 plus. In either case the council will be very unlikely to be awarded full cost by the court and will therefore be unable to recover its costs.

6 **Conclusion**

- 6.1 In the Copy of “Government Response to the Communities and Local Government Select Committees Seventh Report of Session 2014-15 on Litter and Fly tipping in England”, dated December 2015 (Appendix 1) it is made clear that littering in the UK is more serious than in the rest of the EU and must be tackled. Slough as a town in growing in size and a considerable investment is being made in the development of new homes and businesses throughout the borough. Slough is also likely to become a transport hub with the development of both the rail and airport networks. The population of Slough will inevitably rise as will the number of visitors to the town.
- 6.2 In the 5 Year Plan it is clear that there is an aspiration for Slough to become a town of prominence and a place to live, work and visit. Ensuring the street scene and street environment is kept clean and that everyone treats the town and its facilities with respect is key to this aspiration.
- 6.3 This project is part of that future in setting out what is expected of people with regards to how they treat their waste and how they take responsibility for disposing of it properly and lawfully

7 **Appendices Attached**

‘A’ - Copy of Government Response to the Communities and Local Government Select Committees Seventh Report of Session 2014-15 on Litter and Fly tipping in England, dated December 2015.

8 **Background Papers**

None