

**ENVIRONMENTAL LITTERING - PILOT PROJECT WITH EAST HAMPSHIRE  
DISTRICT COUNCIL**

**Summary and Recommendations:**

Provision of a clean environment is a priority for this Council and in order to better tackle littering and dog fouling at potentially no overall cost to the Council it is proposed we enter a one-year agency agreement with East Hampshire District Council (EHDC).

EHDC will provide a dedicated, experienced and well-equipped team to issue Fixed Penalty Notices (FPN`s) for littering and dog fouling. Rushmoor Borough Council will maintain a close working relationship particularly around operating practices, communications, payment for correctly issued FPN`s to EHDC, prosecutions and overall performance. Towards the end of the pilot, the Council will review the success of the partnership and its ongoing approach.

Cabinet is recommended to:

- authorise the Solicitor to the Council to enter into the Agency Agreement with EHDC for a one year Environmental littering and dog fouling project,
- approve standardising the Environmental Offences Fixed penalty fines for littering and dog fouling on designated land at £75 with no early penalty payment discount (currently £50 if paid within 10 days),and
- approve an initial income and expenditure budget of £65k to be pro rata to cover one month in 2017/18 and 11 months in 2018/19.

**1. Introduction**

- 1.1. To improve the quality of people's lives, ensuring a clean environment is a strategic priority for the Council. Littering and dog fouling is an ongoing concern for our residents.
- 1.2. The Council have three Community Patrol Officers that issue FPNs. However the numbers issued for littering and dog fouling are very low. This is primarily due to the wide remit of work they cover which includes abandoned vehicles, graffiti, fly posting, inspection and removal of fly tipping, Public Space Protection Orders, inspection of the street scene and clearance of ditches and water courses.

- 1.3. The Council have therefore been reviewing options on securing a dedicated team, which would be more effective in tackling littering and dog fouling, without potentially increasing costs. There is an option to partner with EHDC who have experience in developing dedicated teams that issue FPN's for littering and dog fouling on behalf of Local Authorities.

## **2. Proposal**

- 2.1 EHDC through their wholly owned trading company East Hampshire Commercial Services Ltd (EHCS) has gained considerable experience from running its own littering and dog fouling project and through agency agreements are now running pilots for other Local Authorities, which include Havant, Hart, Arun and Chichester. Joining the project is quick and uses the "Discharge of Functions by Other Authorities" powers granted under Section 101 of the Local Government Act 1997.
- 2.2 EHCS will employ the enforcement officers and use former police trainers to train them. The training will cover, issuing the FPN's, evidence gathering, interview techniques, preparing witness statements and the latest legislation including the Police and Criminal Evidence Act. The teams use the latest handheld technology and have body worn cameras.
- 2.3 EHCS will visit high footfall areas on a regular basis and other hotspots identified by the Council. They will handle complaints and provide a monthly report detailing the hours patrolled and number of FPN's issued, including a geographical breakdown. The team have advised that they average an 87% payment rate and there is a 99% success rate for prosecutions.
- 2.4 The process will involve the enforcement officer requesting that the individual concerned pick up either the litter or the dog faeces. If they refuse, they are issued the FPN and have 14 days to pay. They are sent a reminder by EHDC which informs them that if they do not pay, the offence will be referred to the court, where regardless of if they plead guilty or not, if found guilty, they will incur court costs (c £200 to £400) and will have a criminal conviction which will be kept on record.
- 2.5 There will be ongoing communication between the Council and EHDC and shared intelligence will help inform geographical targeting and schedule patrols across the week. In addition to the more targeted approach with EHDC, the Councils Community Patrol team and following their recent accreditation the Civil Parking Enforcement officers, are able to issue FPN's for littering and dog fouling and this will be coordinated with the above work.
- 2.6 The Council will through its communications team be responsible for signage and developing an ongoing media campaign to ensure the public are aware of the Councils enforcement policy, the additional patrols that will be taking place and the success of the project. If the project were approved, we would publicise it in the spring edition of the Arena, which is due for distribution on 12 March.

- 2.7 The Council's new contract for waste collection, street cleansing and grounds maintenance with Serco includes a provision to work with the Council on campaigns such as this. In 2018, Serco will be running two campaigns particularly focussing on dog fouling; one will be outside schools and the other will be in the Council's parks.
- 2.8 Additionally, through the contract, Serco have provided a piece of machinery dedicated to the removal of dog waste, known as the Fido machine. This will be used in conjunction with the campaigns as outlined above. Communications activity and campaigns carried out through the contract with Serco will also be coordinated with the work of EHDC enforcement trial.
- 2.9 The Council will be responsible for paying EDHC for each correctly issued FPN, the collection of payments and in bringing any prosecutions for unpaid fines. Given their enforcement experience, the Council's Parking Manager will lead on this project.
- 2.10 EHCS as a small start-up company are trialling an approach at Hart where they take the full payment for each FPN and include covering the court process. Depending on the outcome of the trial, they may offer this to other partners in due course.
- 2.11 It is proposed that the trial commence on 1 March 2018 and runs for a period of 12 months. Towards the end of the project, the Council will review the success of the partnership and its ongoing approach.

### **Alternative Options**

- 2.12 The Council have explored the option of using a private company. Given the public interest in littering and dog fouling it was considered more prudent at this time to develop this low risk pilot approach with EHDC that share our public sector values.
- 2.13 The Council could employ its own team of dedicated littering and dog fouling enforcement officers but this would increase risk around associated employment and operating costs. This pilot will give us invaluable experience to enable us to take a more informed view on our longer-term approach.

### **Consultation**

- 2.14 From previous resident surveys littering and dog fouling have been significant issues.

## **3. Implications**

### **Legal Implications**

- 3.1 The Solicitor to the Council will enter into the Agency Agreement and will use the "Discharge of Functions by Other Authorities" powers granted under Section 101 of the Local Government Act 1997 for this project.

## **Financial and Resource Implications**

- 3.2 It is anticipated that around 1,000 FPN`s would be issued. Whilst the statutory limit for these fines is £80, this report has been based on the Councils current fixed penalty fine of £75. The Council will pay EHDC £55 for each FPN correctly issued, therefore to assist the Council in recovering its costs it is proposed that the current discounted rate of £50 for payment within 10 days is removed.
- 3.3 An initial income and expenditure budget of £65k (based on an 87% payment of fines) will be required. This to be pro rata to cover one month in 2017/18 and 11 months in 2018/19. Of the £65k expenditure budget, £55k will be paid to EHDC for the issue of 1,000 FPN`s, with the remaining £10k budget required for internal resources and any shortfall in income if the recovery rate of fines falls below the 87%.
- 3.4 There is a low risk that with initial high levels of non-payment the Council may not recover its costs and additional recovery resources will be required. This pilot will enable the Council to assess the longer-term resource implications.

## **Equalities Impact Implications**

- 3.5 FPN`s will be issued fairly and consistently. Whilst they can be issued to anyone over the age of 10 years, it is proposed for this pilot that they will not be issued to under 16`s without the Councils consent, or to offenders who appear to lack capacity to understand the offence due to mental illness, learning difficulties or other conditions

## **4. Conclusions**

- 4.1 The Portfolio Holder for Environment and Service Delivery is keen to see further improvements to the environment particularly where this can potentially be achieved at no overall cost to the Council.
- 4.2 There is an ongoing issue around littering and dog fouling which to date the Council has been unable to dedicate sufficient resource to tackling. Having reviewed options, it is considered prudent at this time to develop this low risk pilot approach with EHDC that share our public sector values.

## **Background Documents: Draft Agency Agreement**

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