

Communities, Housing and Environment Committee

18 October 2016

Is this the final decision on the recommendations?

Yes

Update – Litter Enforcement

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| Final Decision-Maker | Communities, Housing and Environment Committee |
| Lead Director or Head of Service | Head of Environment and Public Realm |
| Lead Officer and Report Author | Head of Environment and Public Realm |
| Classification | Non-exempt |
| Wards affected | All |

This report makes the following recommendations to this Committee:

1. The Committee notes the contents of this report and the rationale for the use of a private contractor for litter enforcement

This report relates to the following corporate priorities:

- Keeping Maidstone Borough an attractive place for all – reducing littering within the Borough through active enforcement

Timetable

| <i>Meeting</i> | <i>Date</i> |
|--|-------------------------|
| Communities, Housing and Environment Committee | Tuesday 18 October 2016 |

Update – Litter Enforcement

1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

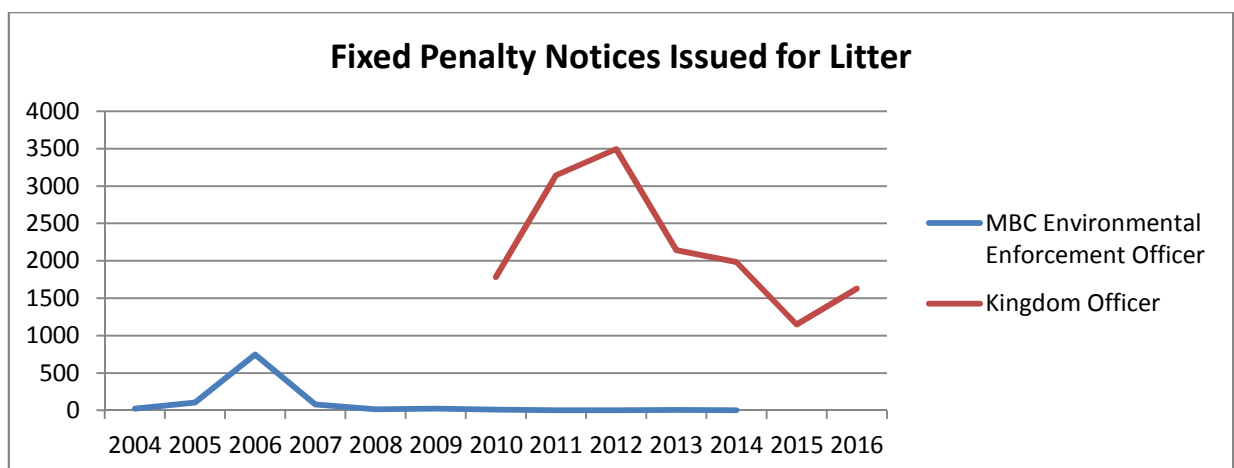
- 1.1 Since 2010, the Council has outsourced litter enforcement to a private company. The current provider of this service is Kingdom Security.
 - 1.2 Since its launch, the Kingdom Litter Enforcement Contract has been successful, and whilst there have been a small number of short term operational issues, these are being addressed and there is commitment from both sides to the contract.
 - 1.3 The purpose of this report is to update the Committee on the service and provide reassurance that the concerns have been addressed.
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2. INTRODUCTION AND BACKGROUND

- 2.1 In 2010, Maidstone Borough Council identified an issue with the number of cigarette ends being littered in the Town Centre which was impacting the level of street cleansing resource required. This had coincided with the Smoke Free Legislation which came into force in 2007.
- 2.2 Whilst the Council has an Environmental Enforcement Team, it took the decision to outsource litter enforcement to a private company to help address these issues and ultimately reduce the level of litter on the street. The current contract runs until June 2017 with the option to extend for a further two one year periods.
- 2.3 The main benefit for outsourcing this as opposed to employing staff directly was that the financial risk was passed to the contractor. The contractual arrangements mean that the value of the fixed penalty notices is split between the contractor and the Council. Therefore if no fixed penalty notices are issued, there is no cost to the Council.
- 2.4 However there is no guarantee of surplus and therefore it is not considered a revenue stream for the Council. The surplus which is achieved is ring-fenced to street cleansing activities including the provision of equipment and educational activities.
- 2.5 The service has operated successfully for over 6 years now and the surplus has contributed to cleansing of un-adopted land, the provision of new commingled litter bins, new cleansing equipment and the “Love where you learn” educational initiative which contributed £12,000 to local schools for litter awareness campaigns. There have also been tens of thousands of “stubbies” given away to smokers to allow them to dispose of their cigarettes safely.
- 2.6 Kingdom’s litter enforcement service currently consists of two officers and a team leader as well as admin support. This has reduced since the service

started in 2009 and is testament to the reduced level of littering being witnessed, particularly in the Town Centre.

- 2.7 The Kingdom officers now carry out patrols across the Borough and issue fixed penalty notices when they witness members of the public knowingly litter. They are also all required to wear and activate body-worn cameras when questioning the member of the public. This has significantly reduced the number of complaints received regarding officer conduct.
- 2.8 It is a legal requirement for individuals to provide their name and address to an environmental enforcement officer when requested and if they fail to do so, the police are asked to attend to obtain the necessary information.
- 2.9 Failure to pay the fixed penalty notice results in it being passed for prosecution which can result in a higher fine of up to £2,500 as well as a criminal record. Since the introduction of the service, the Council has successfully prosecuted 1,040 offenders via the Magistrates Court to a grand total of £188,336 (including Victim Surcharge) retained by Government with the average award being £162.50 fine and £155.36 costs recovered by legal service.
- 2.10 Over the past 12 months, 2201 fixed penalty notices have been issued for littering. Of these, 2043 were for cigarette ends. On average 73.5% of fixed penalty notices are paid within the required time and so far this year 95 have been referred by Kingdom to Mid Kent Services' Legal Team for prosecution.
- 2.11 Although there is no data to show the impact of litter enforcement on the amount of litter collected in bins compared with that dropped on the ground, there is anecdotal evidence from the cleansing team and local stakeholders that there has been a significant improvement.
- 2.12 The graph below shows the comparison between the number of FPNs issued by Maidstone's own enforcement officers and those employed by Kingdom. In 2006, a greater number of FPNs were issued for litter from cars to the named driver; however this was highlighted by DEFRA as inappropriate use of the DVLA data. .



- 2.13 The use of a private contractor has also enabled the Council's environmental wardens to focus on more complex enforcement work, which in turn has

enabled the technical officers' greater capacity to carry out wider initiatives including the CARES scheme for noise nuisance.

- 2.14 Since the launch of the litter enforcement service, the Council has taken a zero tolerance approach in order to achieve the greatest impact on behaviour change.

Recent Issues

- 2.15 Over the past couple of weeks there have been three incidents which have attracted public interest. The issues arose from slightly over-zealous tactics by the officers involved and poor decision making; however in all cases either a fixed penalty notice was not issued or was cancelled when referred to the Council.
- 2.16 The Council identified a number of concerns about the knowledge and training of the officers following these incidents and temporarily suspended the service to allow a full review to be undertaken. As an outcome of this review, two new officers have been recruited and along with the team leader are going through a rigorous training programme.
- 2.17 Maidstone's Environmental Enforcement Manager is monitoring their performance to ensure that they follow the agreed procedures and achieve the standard of service expected.
- 2.18 The full service will be officially relaunched in November; however officers have already returned to Maidstone and started patrols on Wednesday 12 October.

3. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

- 3.1 The Committee is asked to note the contents of this report and the rationale for the use of a private contractor for litter enforcement.

4. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 4.1 A public consultation will be undertaken towards the end of the current contract in order to inform the decision about the service going forward.

5. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 5.1 The full service will be relaunched at the beginning of November, with publicity regarding the importance of disposing of litter, including cigarette ends, correctly.
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6. CROSS-CUTTING ISSUES AND IMPLICATIONS

| Issue | Implications | Sign-off |
|--|--|--|
| Impact on Corporate Priorities | Keeping Maidstone Borough an attractive place for all – reducing littering within the Borough through active enforcement | Head of Environment and Public Realm |
| Risk Management | <p>There is a reputational risk to the Council of using a private contractor due to the lack of direct management of the staff employed however this is mitigated through agreed protocols and addressing problems swiftly when then arise. There would also be a reputational risk of not enforcing against littering due to the impact this is likely to have on the cleanliness of the Borough, particularly the Town Centre.</p> <p>Operating the service directly would pose a financial risk on the Council should the level of fixed penalty notices not cover the cost of the service.</p> | Head of Environment and Public Realm |
| Financial | The service currently generates a surplus of approximately £30,000 which is ring-fenced to cleansing and educational activities to help tackle littering and fouling. | Head of Environment and Public Realm / |
| Staffing | | |
| Legal | | |
| Equality Impact Needs Assessment | | |
| Environmental/Sustainable Development | | |
| Community Safety | | |
| Human Rights Act | | |
| Procurement | | |
| Asset Management | | |

7. REPORT APPENDICES

None

8. BACKGROUND PAPERS - None