



## Environment Committee

8 March 2016

<b>Title</b>	<b>Streetscene Enforcement</b>
<b>Report of</b>	Commissioning Director - Environment
<b>Wards</b>	All
<b>On Forward Plan</b>	Yes
<b>Status</b>	Public
<b>Enclosures</b>	Appendix 1 – Streetscene Enforcement Policy and Procedure Appendix 2 –DRS Enforcement Policy
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### Summary

This report looks to align the proposed Streetscene enforcement policy with the Corporate Enforcement Policy that will be considered by the Policy and Resources Committee on 17<sup>th</sup> May 2016.

This report also outlines a pilot project to use a specialist third party supplier to increase the level of Streetscene enforcement, to tackle those committing environmental crime and reduce the burden and impact on law abiding residents and businesses in the borough

### Recommendations

1. That the Environment Committee approves the Streetscene enforcement policy and procedure in Appendix 1
2. That the Environment Committee approve that authority be delegated to the Commissioning Director - Environment to make minor amendments to the Street scene Enforcement Policy to ensure it remains fit for purpose
3. That the Environment Committee approves the trial of Streetscene enforcement through a third party specialist supplier
4. That the Environment Committee approves the procurement of Streetscene enforcement services through a third party specialist supplier, utilising the data from the trial period to inform the contract and specification documentation.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 The Council is taking steps to address the demands of a developing Borough and the impacts on its built and natural environments through developing a number of strategies, frameworks and policies. These include strategies for parks and open spaces, recycling and waste, commercial waste transformation, as well as a new cleansing framework. These will ensure that we are well placed to respond to these challenges now, and are prepared to be able to manage the issues in the future.
- 1.2 Officers have reviewed areas where Demand Management can support/reduce pressures on services. Greater enforcement of Streetscene related crimes was highlighted as an area which if implemented could reduce the cleansing of litter, and the clearance of flytipping. It could also have a positive impact on town centres, making them cleaner, less cluttered and more inviting.
- 1.3 Members have asked for increase enforcement against streetscene crime, to tackle those causing the issues and reduce the burden and impact on law abiding residents and businesses in the borough.

### **Current Environmental Enforcement**

- 1.4 The Council provides a small “in-house” streetscene enforcement unit which investigates fly tipping, and enforces against littering, and waste duty of care issues.

### **Barnet’s Corporate Enforcement Policy**

- 1.5 On 17<sup>th</sup> May 2016 the Corporate Enforcement Policy will be considered by the Policy and Resources Committee. The report brings together the current Council policy approach in an overarching document. The Street scene enforcement Policy will sit under this policy.
- 1.6 One of the Community Leadership Committee report recommendations is that service specific policies and procedures will be referred to the appropriate theme committee; as such the Streetscene policy and procedure have been referred to the Environment Committee.
- 1.7 The current Development and Regulatory Services (DRS) Enforcement Policy is attached as Appendix 2. Appendix G of that document covers Highways enforcement.

### **Streetscene Enforcement Policy**

- 1.8 The Streetscene Enforcement Policy and procedures have been updated to ensure they are in line with the corporate enforcement policy, and fit for purpose. They can be seen in Appendix 1.
- 1.9 The Policy sets out the framework within which Streetscene enforcement will work including:
  - Areas of focus
  - Legislation which may be used

- Rationale for enforcement
  - Key areas for enforcement
  - Education and communication
  - Types of enforcement possible
  - Best practice which will be followed
- 1.10 The Policy looks to use a wide range of legislation to tackle streetscene crime. This will ensure that the most suitable route for enforcement will be available.
- 1.11 Enforcement action may target an area where problems have occurred, such as waste accumulations in back alleyways. Businesses will be checked to ensure they have the correct waste contracts in place. Those who do not will be given a week to ensure they obtain the correct contract. Information on the Council's service will be provided, although it will be clear that any licensed waste contractor can be used. The Council will look to take enforcement action against those who dump waste in back alleyways and areas behind shops. This will apply to businesses residents, and visitors to the borough.
- 1.12 Enforcement against businesses that fly-tip within our borough will be increased, and any warnings or convictions will be made public.
- 1.13 Enforcement may also be used to tackle problems which in isolation may not appear to be a significant issue, but mount up to cause a problem for example, dropping of cigarette butts. Cigarette butts are the most commonly discarded piece of waste. They create an enormous environmental burden, as contrary to popular belief, cigarette butts are not biodegradable, thus littering streets and block drains.

### **Increased Enforcement**

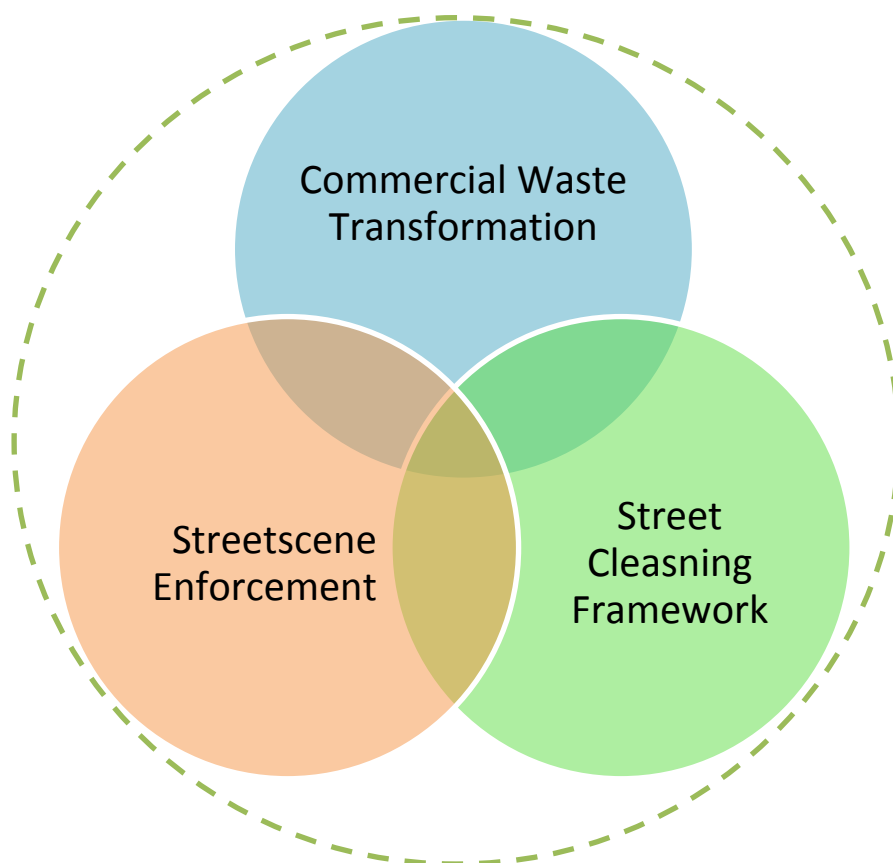
- 1.14 It is proposed that the Council trials the use of a third party specialist supplier to carry out enforcement within the borough.
- 1.15 Such a trial would be expected to be self-funding through the Fixed Penalty Notice's (FPN's) that are generated from the enforcement action. It will provide increased and focussed enforcement capacity on-street as well as impacting areas such as commercial waste and the local streetscene.
- 1.16 The trial would be anticipated to commence in June running for a minimum of six months. If successful during this time the trial will be extended while a procurement exercise for a long term supplier is carried out. Once the procurement is completed and the new contract mobilised the trial would end.
- 1.17 The trial would have the ability to enforce in accordance with the Streetscene enforcement policy in Appendix 1. Enforcement could be targeted anywhere in the Borough but would focus on Town Centres and retail areas including
- Golders Green
  - Temple Fortune
  - Hendon and West Hendon
  - Burnt Oak
  - Collindale

- Mill Hill
- Edgware
- Barnet, East Barnet and High Barnet
- Friern Barnet
- Totteridge & Whetstone
- North, East and Central Finchley including Lambert Way
- Childs Hill
- Cricklewood
- Brent Cross

- 1.18 The trial would include a communications and engagement phase. A full communications and engagement plan will be produced. Awareness raising and education will be fundamental to the operation of the trial. It is important that residents and businesses are provided with clear information regarding their responsibilities, to enable them to comply with the law. We aim to achieve this element of enforcement by providing consistent advice and guidance about relevant duties and responsibilities, via face-to-face operations, leaflets, the Barnet website, press releases, specific campaigning and joint work alongside our partners and stakeholders. Specific engagement will also take place with Members and Council employees to ensure that they understand the trial and how the processes will work.
- 1.19 Those employed by the third party specialist supplier would be highly visible as a Council led service, will wear appropriate uniforms. The uniformed officers will also provide visual reassurance to local residents and businesses. Bodycam footage will be available for all post incident interactions with suspected offenders.
- 1.20 This trial will provide the Council with more robust enforcement capacity for Streetscene. The service provider will be able to focus both on enforcement action, and promotion of schemes such as alley gating. They will be able to engage with and promote the Alley Gating approach which Environment Committee delegated to the Area Committees on 24 September 2015.
- 1.21 All back office functions would be completed by the external supplier until a case goes to court. At this point a prosecutions file would be handed to the Councils legal team.

### **Links to other Streetscene Development**

- 1.22 The increase in Streetscene enforcement sits alongside two other major Street scene projects aimed at improving local environmental quality, while also meeting the objectives of the MTFP. If any of these projects are not implemented then it is likely to have a significant negative impact on the other areas, i.e. not implementing greater Streetscene enforcement would mean that greater resources would still be needed to tackle the clearing fly tipped waste rather than reducing the amount of waste flytipped



## 2. REASONS FOR RECOMMENDATIONS

- 2.1 **Recommendation 1** - It is recommended that Environment Committee approves the Streetscene enforcement policy and procedure in Appendix 1. This will enable the enforcement of the Streetscene to have a clear framework in which to work approved by Members.
- 2.2 **Recommendation 2** - It is recommended that Environment Committee approves that authority be delegated to the Commissioning Director – Environment, to make minor amendments to the Streetscene Enforcement Policy to ensure it remains fit for purpose. This will enable changes in legislation, best practice etc to be updated, where they do not change the intention and spirit of the policy.
- 2.3 **Recommendation 3** - It is recommended that Environment Committee approves the trial of Streetscene enforcement through a third party specialist supplier. This will enable greater enforcement of the Streetscene to be carried out on a trial basis, and at a low cost to enable information to be gathered to procure a long term service which meets the needs of the Council.
- 2.4 **Recommendation 4** - It is recommended that Environment Committee approves the procurement of Streetscene enforcement through a third party specialist supplier, utilising the data from the trial period to inform the contract and specification documentation. This will enable the long term provision of Streetscene enforcement at a low cost or cost neutral basis. Enforcement will

enable the council to more effectively manage demand on its other Streetscene services.

### **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

- 3.1 The council could continue to operate a limited Streetscene enforcement service with no changes. This is not recommended as Members expectations would not be met, and the commitments in the medium term financial plan would not be met in areas such as commercial waste and street cleansing.
- 3.2 The council has the option of scaling back its Streetscene enforcement service. This is not recommended as Members expectations would not be met, and the commitments in the medium term financial plan would not be met in areas such as commercial waste and street cleansing.
- 3.3 The council could look at providing a greater enforcement service internally. This is not recommended at this time as significant investment would be needed in back office services and management, which would involve additional expertise which is currently not within the Council.
- 3.4 The council could look at providing an enforcement service in partnership with a neighbouring authority. This is not recommended at this time as significant changes are need in 2016/17. It would, however, be prudent to continue to explore areas where partnership working maybe possible in the future.

### **4. POST DECISION IMPLEMENTATION**

- 4.1 If the Committee is so minded to approve the recommendations then the trail for Streetscene enforcement will commence in early June 2016 starting with appropriate communication for residents and businesses.

### **5. IMPLICATIONS OF DECISION**

#### **5.1 Corporate Priorities and Performance**

- 5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:
  - Of opportunity, where people can further their quality of life
  - Where people are helped to help themselves, recognising that prevention is better than cure
  - Where responsibility is shared, fairly
  - Where services are delivered efficiently to get value for money for the taxpayer
- 5.1.2 The Corporate Plan 2015-2020 includes the following aims:
  - We will be a Leader in London for recycling
  - Over 50% of waste collected will be reused, recycled or composted in 2020

- 5.1.3 At this stage in the development of the changes to the Streetscene enforcement service, there are no implications relating to the Health and Wellbeing Strategy and its stated priorities, or the future health and wellbeing needs of the local population as identified in Barnet's Joint Strategic Needs Assessment.

## **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

- 5.2.1 It is expected that the Streetscene enforcement service will be self-funding, with the specialist supplier meeting all enforcement costs, retaining all income, and undertaking all back office functions. Any resulting savings would be monitored and reported within the street scene delivery unit service budgets.
- 5.2.2 There are no property implications at this stage
- 5.2.3 The trial will be carried out to inform the procurement of the service for the long term. The trial will be under the OJEU threshold for expeditor, although the procurement of the service for the long term will need to be OJEU compliant
- 5.2.4 There are no staffing implications at this stage
- 5.2.5 There are no IT implications at this stage
- 5.2.6 The vision for the Streetscene enforcement service includes those which are clearly linked to sustainability, including encourage recycling aiming to achieve a 50% recycling rate.

## **5.3 Legal and Constitutional References**

- 5.3.1 Local authorities have a number of different statutory powers in relation Streetscene enforcement, these are set out in the Streetscene Delivery Unit Enforcement Policy at Appendix 1
- 5.3.2 The Council's Constitution (Clause 15A, Responsibility for Functions, Annex A) sets out the terms of reference of the Environment Committee. This includes
- commissioning refuse and recycling, waste minimisation and street cleaning,
  - approve any non-statutory plan or strategy within the remit of the Committee that is not reserved to Full Council or Policy and Resources Committee.
  - approve fees and charges for those areas under the remit of the Committee
- 5.3.3 This matter is not reserved to Full Council or to the Policy and Resources Committee as the Constitution specifically allocates matters of this type to the Environment Committee.

## **5.4 Risk Management**

- 5.4.1 The management of risk is done on a continual basis and reported as part of the Council Quarterly Performance regime and considered as part of the Performance and Contract Management Committee quarterly monitoring report.
- 5.4.2 Risks are managed through the project boards and reviewed and revised at its meeting. The current key risk areas are regarding:

Description	Likelihood	Impact	Risk Level	Mitigation	Likelihood	Impact	Risk Level
If residents and businesses do not know about the new enforcement then they may be unhappy about being fined	2	3	6	Ensure that the a communications campaign on the new trial is in place with easy access to relevant information	2	2	4
If the new trial does not improve the Streetscene Then savings will not be made for the MTFP	3	3	9	Ensure clear targeting of hotspot areas, and close monitoring of results, as well as publicity of good results	2	3	6

## 5.5 Equalities and Diversity

- 5.5.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.
- 5.5.2 Payment of fines from Streetscene enforcement may be more difficult for those on lower incomes. Fines would only be issued for those who brake the law, and thus are easily avoided. An early pavement discount however is being considered.

## 5.6 Consultation and Engagement

- 5.6.1 None in connection with this report