



**Meeting:** Council

**Date:** 23 July 2015

**Wards Affected:** All

**Report Title:** Environmental Crime Enforcement Pilot (Mayoral Decision)

**Is the decision a key decision?** Yes

**When does the decision need to be implemented?** As soon as possible

**Executive Lead Contact Details:** Councillor Robert Excell, Executive Lead Community Safety, telephone (01803) 212377, email [robert.excell@torbay.gov.uk](mailto:robert.excell@torbay.gov.uk)

**Supporting Officer Contact Details:** Frances Hughes, Assistant Director (Community and Customer Services), email [frances.hughes@torbay.gov.uk](mailto:frances.hughes@torbay.gov.uk)

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## **1. Purpose and Introduction**

- 1.1 A range of activities are undertaken by Torbay Council in order to maintain the cleanliness of the local environment and street scene throughout Torbay. As a Local Authority we endeavour to adopt a zero tolerance policy with respect to dog fouling and littering. The enforcement of relevant legislation is currently undertaken by Community Safety Staff, and in particular our Dog Wardens and Street Wardens.
- 1.2 The purpose of the Environmental Crime Enforcement Pilot is to build upon, and complement the work already undertaken by our officers by providing additional capacity to issue Fixed Penalty Notices (FPN's) for littering and dog fouling offences. The focus of the proposed pilot scheme will be high footfall areas such as the town centre areas of Torquay, Paignton and Brixham. However, there will be flexibility to target other areas throughout Torbay as and when required. It is intended that the pilot scheme will last for a period of 12 months and will be cost neutral for the Local Authority.

## **2. Proposed Decision**

- 2.1 That the Mayor be recommended:
  - (i) that a preferred bidder be appointed, following the outcome of a competitive tendering process, in order to commence the environmental crime enforcement pilot project outlined in the submitted report; and

- (ii) that the Assistant Director (Community and Customer Services) be given delegated authority, in consultation with the Executive Lead for Community Safety, to progress the appointment of a preferred bidder to undertake the environmental crime enforcement pilot project.

### **3. Reason for Decision**

- 3.1 The community are concerned about the level of dog fouling and littering across Torbay. The public want to see a more visible presence to act as a deterrent for this type of environmental crime. This pilot provides the opportunity to increase visibility, increase enforcement and re-educate the wider public of the negative impact that dog fouling and littering has on the community.
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## **Supporting Information**

### **4. Position**

- 4.1 Currently Torbay Council has two Dog Warden/Civil Enforcement Officers whose primary role involves tackling stray dogs but who also issue fixed penalty notices for dog fouling/dogs off lead at key areas around the Bay such as public parks, children's play areas and beaches or promenades.
- 4.2 Environmental Crime such as littering can adversely affect the quality of the local environment and has an impact on how our town centre areas look and are perceived by both residents and visitors alike. The quality of our street scene can also influence how attractive our towns are to the public, workers, and tourists as well as investors in businesses and their trade.
- 4.3 By undertaking this initiative we can supplement existing resources using an environmental crime enforcement team to tackle problems of litter and dog fouling, and complement the work currently undertaken by our enforcement officers.
- 4.4 This proposal is intended to be cost neutral – the enforcement activities being paid for by the Fixed Penalty Notices (FPN) that are issued. However, it should be borne in mind that payment rates would need to be greater than 60% in order for this to be achieved. Although the project is initially for a 12 month period there is a review clause after the first 6 months with an opportunity to cease the contract if it is deemed not cost effective.
- 4.5 Although a high payment rate is expected there may be some FPN's each month which remain unpaid. Non payment of an FPN means that the offender is liable to prosecution by the Local Authority for the original offence of littering or dog fouling. In such instances the contractor would be responsible for all the administration costs associated with preparing the prosecution files. These are then provided to Torbay Council's Legal Services Department with a view to referring the cases to court.

## **5. Possibilities and Options**

- 5.1 The proposed pilot will be evaluated and may offer future opportunities for the Community Safety Team as an alternative method of delivery of some of their regulatory activities.
- 5.2 If this Enforcement Pilot is not pursued then the current status quo will remain, with no additional enforcement activity being undertaken.

## **6. Fair Decision Making**

- 6.1 This is a pilot project and the aim of the proposal is to decrease the negative visual, and potential public health impacts that environmental crime such as littering and dog fouling have on public spaces in Torbay. The proposals are aimed at improving the quality of life for our communities and protecting vulnerable individuals.

## **7. Public Services (Social Value) Act 2012**

- 7.1 In addition to improving the quality of our urban environment the Enforcement Pilot will help educate and raise public awareness in relation to issues of environmental crime.
- 7.2 Furthermore, it is intended that this pilot scheme will present employment opportunities for local people.

## **8. Risks**

- 8.1 **Financial:**  
The Council could be exposed to a financial risk if payments for FPN's fall below 60% as the Local Authority would be responsible for paying any shortfall to the contractor. However, this risk is mitigated by the fact that there is a 6 month break clause in the contract if it transpires that the Local Authority is being exposed to payment rates are not greater than expected (75%).
- 8.2 **Reputational:**  
The Council could receive negative publicity as a result of inappropriate or unreasonable enforcement action (eg: an FPN being issued to a minor or individual clearly not capable of understanding the nature of the offence). This is mitigated by the use of highly trained enforcement officers following rigorously outlined procedures, and a formal complaints procedure implicated by the contractor.
- 8.3 The Community Safety Team will be closely monitoring the implementation of this pilot and conducting regular reviews with the preferred supplier.