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TRAFFORD COUNCIL

AGENDA PAPERS FOR SCRUTINY COMMITTEE MEETING

Date: Tuesday, 28 November 2017

Time: 5.00 p.m.

Place: Committee Rooms 2 & 3, Trafford Town Hall,
Talbot Road, Stretford M32 0TH

AGENDA	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers, and any apologies for absence.	
2.	DECLARATIONS OF INTEREST	
	Members to give notice of any interest and the nature of that interest relating to any item on the agenda in accordance with the adopted Code of Conduct.	
3.	CALL IN OF EXECUTIVE DECISION: M/08.11.17/HPES - PILOT FOR ENHANCED LITTERING AND ALLEYWAY DUMPING ENFORCEMENT IN OLD TRAFFORD AND THE WIDER STRETFORD LOCALITY	
	The Committee are requested to consider the call in of the above Executive decision in relation to the Pilot for Enhanced Littering and Alleyway Dumping Enforcement in Old Trafford and the Wider Stretford Locality.	
	(a) Executive Decision Report	1 - 6
	(b) Executive Decision Statement	7 - 8
	(c) Call In Proforma	9 - 12
4.	URGENT BUSINESS (IF ANY)	
	Any other item or items (not likely to disclose "exempt information") which, by reason of special circumstances (to be specified), the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.	

THERESA GRANT

Chief Executive

Membership of the Committee

Councillors M. Young (Chairman), M. Cordingley (Vice-Chairman), R. Bowker, C. Boyes, K. Carter, Mrs. P. Dixon, J. Holden, M. Hyman, A. Mitchell, D. Western, A.M. Whyte and J. Harding (ex-Officio).

Co-opted Members for Education Matters Only: Sister P. Goodstadt and S. Kahn.

Further Information

For help, advice and information about this meeting please contact:

Chris Gaffey, Democratic & Scrutiny Officer

Tel: 0161 912 2019

Email: chris.gaffey@trafford.gov.uk

This agenda was issued on **Tuesday, 21 November 2017** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH.

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TRAFFORD COUNCIL

DELEGATED EXECUTIVE MEMBER DECISION REPORT

Report to: Executive Member for Environment
Date: 30th October 2017
Report for: Decision
Report of: Corporate Director, EGEI

Report Title

Pilot for enhanced littering and alleyway dumping enforcement in Old Trafford and the wider Stretford locality.

Summary

The Old Trafford area has been a focus of enhanced environmental campaigns, including the *#Be Responsible* campaign and door-to-door engagement delivered through Keep Britain Tidy. Despite a positive response by many residents to the Council's education initiatives, the area continues to suffer regularly from low level environmental crimes. Recent Audits of the Old Trafford area have demonstrated that litter, dumped rubbish and contaminated domestic waste containers are still prevalent. The Council therefore propose, to compliment its awareness campaigns with a dedicated team of enforcement officers, commissioned through a specialised Enforcement firm operating to a no-cost model for a trial period not exceeding 12 months.

Recommendations

- I. Subject to agreement of contractual terms and conditions, to approve the appointment of Kingdom to deliver a pilot (for up to 12 months) of enhanced environmental enforcement.**
- II. To approve the proposal to review of the Pilot after 3 months, 6 months and 12 months in order to consider and quantify the benefits of this enforcement model so it may inform any future procurement of similar services.**

Contact person for access to background papers and further information:

Name: Tara Dumas
Mobile: 07760167091

Background Papers: NONE

Implications:

<p>Relationship to Corporate Priorities</p>	<p>Low Council Tax and Value for Money – Encouraging responsible waste management reduces the cost of waste disposal.</p> <p>Economic Growth and Development – Businesses and people like to invest in clean areas.</p> <p>Safe place to live – fighting crime – Low level environmental crime is known to lead to other, more serious crimes.</p>
<p>Financial</p>	<p>There are no financial implications from this report as the costs of administering the Pilot are expected to be wholly covered from the revenue generated from the Fixed Penalty Notices (FPN's). Kingdom will only charge the Council for fixed penalties that have been paid.</p> <p>It is the intention to prosecute those who fail to pay an FPN. The legal costs associated with prosecution will be minimal. An application for the legal costs associated with the prosecution can be made to the Magistrates court but, an award may not be made and thus, the recovery of such costs cannot be guaranteed.</p> <p>Trafford will retain a percentage of the FPN revenue to cover any legal costs in the event that an award for the recovery of legal costs by the Council is not awarded by the Magistrates. It is anticipated that a small surplus will also be generated through the targeted match day enforcement days (An EGEI budget saving proposal).</p>
<p>Legal Implications:</p>	<p>The contract value of the proposed arrangement with Kingdom for the initial Pilot does not exceed the relevant EU Threshold and therefore a full procurement exercise is not required. The Council will need to secure an Exemption in accordance with its CPRs. The contract between Kingdom and the Council will allow for early termination of the Pilot should it be deemed necessary to procure similar services within the pilot period (For example, should the value of the services exceed the OJEU threshold).</p> <p>It is anticipated that around 20% of offenders will need to be prosecuted for non-payment of the FPN. Legal Services have been consulted and have confirmed that resources/ expertise are available to assist with this aspect of the Pilot.</p> <p>The deployment of an external enforcement firm does not require any changes to the Council's enforcement policies as Kingdom Officers will be trained in, and follow the Council's procedures and policies in their execution of this service. The Council will be required to formally authorise Kingdom enforcement officers to use relevant legal powers.</p>
<p>Equality/Diversity Implications</p>	<p>An initial EIA has been carried out to inform this Pilot. This decision does not amount to a change in existing policy as Council officers already issue litter and fly tipping fixed penalty notices across the borough. However, the enhanced enforcement presence in an area known to be more culturally diverse than any other part of Trafford means that the proportion of residents and visitors from ethnic minority groups likely to be issued with a fixed penalty notice will increase. The amount of low income households is also high, compared to the borough average. The EIA sets out what actions the Council will put in place in recognition of these two factors, to include targeted awareness campaigns through channels most likely to reach ethnic minorities, and the ability for low income households to pay off their fixed penalty in manageable instalments (Part of the Kingdom offer).</p>
<p>Sustainability Implications</p>	<p>This proposal seeks to improve the local environmental quality of the Pilot area, and encourage the correct use of recycling containers for segregation of domestic waste in terraced housing areas, therefore reducing the carbon footprint of Trafford's waste collection services.</p>

Resource Implications e.g. Staffing / ICT / Assets	There are no staffing implications. Two fixed desks will be required at Trafford Town Hall for Kingdom staff to manage and administer the enforcement work during the Pilot period. They will also require access to certain Trafford Systems.
Risk Management Implications	Upon initial assessment, there are no risks arising from this report that exceed a risk rating of 6 (Green), after reasonable mitigation. During the trial period, Kingdom is only remunerated for the FPN's that are successfully administered AND paid. A full risk assessment will be carried out during the mobilisation phase by Kingdom and the Head of Environmental Services.
Health & Wellbeing Implications	This pilot seeks to improve local environmental quality in the Old Trafford area. There is a growing body of research that links better health and well-being to good quality open space and streetscape.
Health and Safety Implications	The Environmental Improvements Team Leader will manage the Kingdom contact on a day to day basis to ensure the contractor is operating safely. Kingdom's Health and Safety Policy and procedures will form part of the Contract between the Council and Kingdom. Kingdom employees will have undertaken all relevant health and safety training prior to deployment on Trafford's Streets, and will be equipped with appropriate PPE, to include body mounted cameras.

1.0 Background

Over a number of years the Council has given instructions around the presentation of domestic waste for collection to all Trafford residents. A five year #Be Responsible Campaign has also encouraged use of litter bins and other pro-environmental behaviours. As a result of this, the majority of residents in Trafford comply, however, in a number of areas such as terraced housing or areas where there are a large number of rental properties with a transient population, problems persist in respect of waste being dumped in alleyways and litter being dropped (or escaping from poorly contained waste).

This year, the Council is facing an increase in waste disposal costs. Street Cleansing waste has increased considerably as we collect even more dumped waste and litter from our streets and alleyways. It is crucial that we encourage waste to be placed in recycling containers to bring down our waste disposal bill.

Previous approaches to tackling alleyway dumping have been met with limited success despite dedicated and significant marketing campaigns. It is therefore determined that enhanced enforcement should be introduced alongside the #Be Responsible and Right Stuff Right Bin campaigns to ensure that we do take action against those residents who do not respond the calls of the Council and community action groups to manage their rubbish responsibly.

Some residents still continue to use their alleyways as an additional/alternative means to dispose of their waste all be it to a lesser degree, as a result of the long standing communication campaigns we have operated. The Council now needs to scale up its operations to engender the required behavioural change aspired to through Trafford's 2031 Interventions, backed by a robust enforcement regime which includes face to face interaction with residents through additional authorised enforcement officers.

This proposal will complement the 2017/18 Capital Project to roll out around 300 new "trio" compartment litter bins across the borough, including the Stretford / Old Trafford area, where the bins enable us to recycle "on the go" waste.

2.0 Preferred Option - Pilot geographically restricted to Stretford, with a focus on the Old Trafford area.

A 12 month cost neutral pilot, is prosed to increase litter enforcement presence in the Stretford Locality, with a particular focus on tackling alleyway dumping in the area of Old Trafford.

The additional resources will be deployed through a specialised Enforcement agency. They have the expertise and operational systems to administer the whole process, including the preparation of case files for the Magistrates court and can mobilise quickly (within a 5 week period) due to the contracts they are currently operating in Greater Manchester and the wider region.

Through this tried and tested model, the preferred operator, Kingdom, intends to dedicate an Environmental Enforcement team covering the offences of littering, dog fouling and alley dumping. Alleyway dumping will include the issuing of littering and Fly tipping Fixed Penalty Notices. The service will be provided between 7am and 6pm (6 days per week). Kingdom will also provide support during football and cricket matches and will enhance the team numbers during these events using the mobile team and officers for nearby borough, e.g. Cheshire East and Kirklees Councils. The initial team would be as follows:

- 1 x Team Leader
- 4 x Enforcement Officers
- 1 x Embedded Administrator

For Kingdom to offer a cost neutral model, they need to issue enough FPN's per enforcement officer in a day so that they can spend a proportion of their time on the more challenging task of identifying alley way dumping offenders. It will only be possible to do this if the target population is large enough. Therefore it will be necessary for littering enforcement to be carried out across the whole of the Stretford Locality to sustain a model that aims to dedicate adequate time into investigating other environmental crimes.

The Contract between Kingdom and the Council will be flexible to ensure that enough resources are targeting Old Trafford's biggest issues, as the Pilot evolves. The amount of time that can be invested into targeting alley way dumping will be proportional to the number of litter FPN's issued across the wider area. The more successful Kingdom are at identifying littering offences, the more time they can afford to dedicate to investigating other environmental crimes.

Kingdom will also offer additional enforcement service that can be purchased during the trial period, should the Council decide to deploy more investigation work to support the Right Stuff Right Bin Campaign initiative (for which budgetary provisions have already been approved).

Kingdom officers will work alongside the Council's Be Responsible Team and Amey to maximise opportunities for environmental improvement in the area of Old Trafford. The contract will be managed day to day by the Environmental Improvements Team Leader, and will be monitored through the monthly One Trafford Partnership Operations Board.

It is possible that during the 12 month period the value of the contract value will reach a level, where it becomes necessary that the work be tendered in accordance with the Public Contracts Regulations 2015. The Contract between the Council and Kingdom will include sufficient termination provisions to ensure that the Pilot can be terminated readily by the Council.

The following costs will be incurred throughout the pilot:

- Cost of providing a PC and two fixed desks (Trafford Town Hall) to support Kingdom administration
- Cost of postage
- Legal costs (Trafford officer time): Hourly charging rates range from £52-96 per hour depending on legal officers involved.

All of the above costs are expected to be covered by the Council's share of the FPN income. An application for the legal costs associated with the prosecution can be made to the Magistrates court but, an award may not be made and thus, the recovery of such costs cannot be guaranteed. However, the average typical costs awarded on other Kingdom contracts are £125-£130. (The value of the FPN plus £50 administration.) Usually offenders must also pay a £25 Victim Surcharge and a £125 fine to the court. It is anticipated that multiple cases will be heard in one "sitting", thereby significantly reducing the officer time per case. Kingdom carry out all the administrative

support, including the preparation of the case files and liaison with the court in readiness for the hearings, reducing the Council's resource implications even further.

2.1 Other Options

2.1.1 Re-prioritisation of Environmental Improvements Officers time

The existing staffing resources on the Environmental Improvements Team are primarily focused on delivering the *#Be Responsible* campaign across the whole borough. This award winning campaign approach has resulted in a significant fall in reported fly tips and dog fouling since its inception in 2013 and continues to be received positively by residents, successfully reaching out to communities through social media and outreach work. This means the team has limited time to deploy to enforcement matters and this is currently prioritised to investigating larger scale fly tipping. This option was rejected due to the importance of the current initiatives being delivered. National research highlights the need for continued education and engagement of communities, during any enhanced enforcement campaigns.

2.1.2 Delivering the Pilot in-house

This option was rejected due to the costs involved in recruiting, training and equipping new officers and the risks around retention of officers on temporary contracts. There is also a significant risk that in-house delivery would not generate enough income from the payment of fixed penalty notices to cover its costs. Soft Market testing has highlighted that private enforcement teams are able to mobilise quickly and have tried and tested off the shelf solutions that enables the financial risk to the Council to be removed. They also have access to a greater number of employees and potential employees due to the large number of contracts they have operating regionally.

2.1.3 Borough wide pilot

The Council received an alternative proposal from Kingdom to cover the whole of Trafford, including the four main town centres of Altrincham, Sale, Urmston and Stretford. With access to a larger population, Kingdom's would issue a greater rate of fixed penalty notices that would "fund" dedicated resources to be placed in areas like Old Trafford. The Council would also benefit from a greater proportion of the fixed penalty revenue. This option has been rejected as it is expected that the value of such a contract value would be so high that it would be necessary to go out to full tender during the Pilot period. Whilst there are a number of benefits from widening the geographical area for the pilot, officers do not believe such a large scale approach should be undertaken under a procurement waiver. Furthermore, the lessons learnt from a smaller scale pilot will be invaluable in informing a future, more competitive tendering process, should the pilot be successful.

3.0 Consultation

No consultation with the public has taken place as this initiative seeks to aid delivery of existing enforcement policy. Environmental Services will provide feedback and seek input from affected Ward Members and community groups, such as Love Old Trafford throughout the trial period as the Pilot tests a range of approaches.

4.0 Reasons for Recommendation

- I. To supplement the *#Be Responsible* Campaign and Right Stuff Right Bin Campaign with additional temporary enforcement resources in order to improve the environmental quality of the Stretford Locality.
- II. To encourage pro-recycling behaviours amongst Old Trafford residents in order to reduce the burden of waste disposal costs.
- III. Through a Pilot, gain knowledge and experience in operating a cost neutral enforcement model that will provide valuable intelligence for future Commissioning considerations.

Key Decision No

If Key Decision, has 28-day notice been given? N/A

Finance Officer Clearance DA

Legal Officer Clearance PC

A handwritten signature in blue ink, appearing to read "S. Pearson".

[CORPORATE] DIRECTOR'S SIGNATURE *(electronic)*

To confirm that the Financial and Legal Implications have been considered and the Corporate Director has cleared the report prior to issuing to the Executive Member for decision

TRAFFORD BOROUGH COUNCIL

STATEMENT OF EXECUTIVE DECISION

<u>DATE OF DECISION</u>	Wednesday, 8 November 2017	<u>DECISION MAKER</u>
<u>DECISION REFERENCE</u>	M/08.11.17/HPES	Executive Member for Highways, Parks and Environmental Services (Councillor John Reilly)

RECORD OF THE DECISION

Pilot for Enhanced Littering and Alleyway Dumping Enforcement in Old Trafford and the Wider Stretford Locality

1. That, subject to agreement of contractual terms and conditions, approval be given to the appointment of Kingdom to deliver a pilot (for up to 12 months) of enhanced environmental enforcement.
2. That the proposal be approved to review of the Pilot after 3 months, 6 months and 12 months in order to consider and quantify the benefits of this enforcement model so it may inform any future procurement of similar services.

REASONS FOR THE DECISION

To supplement the *#Be Responsible* Campaign and Right Stuff Right Bin Campaign with additional temporary enforcement resources in order to improve the environmental quality of the Stretford Locality; to encourage pro-recycling behaviours amongst Old Trafford residents in order to reduce the burden of waste disposal costs; and, through a Pilot, to gain knowledge and experience in operating a cost neutral enforcement model that will provide valuable intelligence for future Commissioning considerations.

ALTERNATIVE OPTIONS CONSIDERED AND REJECTED AT THE MEETING/BY MEMBERS

Re-prioritisation of Environmental Improvements Officers' time; delivering the Pilot in-house; and a Borough-wide pilot. Further details of these options are set out in s. 2.1 of the report.

CONFLICTS OF INTEREST DECLARED AND ANY ASSOCIATED DISPENSATION

None.

CALL-IN DEADLINE DATE

Monday, 20 November 2017
(Decision can be implemented on the next working day, unless called in).

PUBLICATION DATE

Monday, 13 November 2017

RECORDED BY:

Director of Legal & Democratic Services

REQUEST FOR CALL IN OF AN EXECUTIVE DECISION

ON COMPLETION BY CALL-IN MEMBERS THIS PROFORMA SHOULD BE FORWARDED AS SOON AS POSSIBLE DIRECTLY TO DEMOCRATIC SERVICES (2nd Floor, TTH) FOR RECORDING AND REFERRAL TO THE CHAIRMAN OF SCRUTINY COMMITTEE

[N.B. NO EXECUTIVE DECISION MAY BE CALLED IN PRIOR TO PUBLICATION]

TO: CHAIRMAN OF SCRUTINY COMMITTEE

From: COUNCILLORS: Cordingley, Carter, Western, Whyte, Harding

Date: 19/11/2017

- [Notes: (1) Only Overview & Scrutiny Councillors are entitled to request call-in of a decision.
(2) The Chairman or, where appropriate, the Vice-Chairman of the Scrutiny Committee can be asked by any 3 Overview & Scrutiny Members to exercise the right to request that the Chief Executive call in a decision.
(3) The Chairman can exercise the right to request call in of a decision under his / her own authority.]

**EXECUTIVE DECISION TO BE CALLED IN: (Title & Ref. No.)
M/08.11.17/HPES - Pilot for Enhanced Littering and Alleyway Dumping
Enforcement in Old Trafford and the Wider Stretford Locality**

DECISION TAKER: Executive Member for Highways, Parks and Environmental Services (Councillor John Reilly)

DATE OF MEETING / DECISION
Wednesday, 8 November 2017

Decision:

1. That, subject to agreement of contractual terms and conditions, approval be given to the appointment of Kingdom to deliver a pilot (for up to 12 months) of enhanced environmental enforcement.
2. That the proposal be approved to review of the Pilot after 3 months, 6 months and 12 months in order to consider and quantify the benefits of this enforcement model so it may inform any future procurement of similar services.

Criteria checklist (MUST be specified): ✓

- | | |
|---|---|
| a) Inaccurate information of a substantial nature given to decision taker | _____ |
| b) Inadequate consultation was carried out | ___ <input checked="" type="checkbox"/> ___ |
| c) Alternative options were not given sufficient consideration | ___ <input checked="" type="checkbox"/> ___ |
| d) Insufficient information was available | ___ <input checked="" type="checkbox"/> ___ |

Reasons for call-in:

Inadequate consultation was carried out

Whilst this is a fixed period pilot and formal consultation is not a legal requirement we would nevertheless have expected ward councillors in the pilot areas along with community groups to have been advised. The operator 'Kingdom Enforcement' has attracted a degree of notoriety including a BBC undercover Panorama investigation. As such, we would have anticipated a consideration of inclusion and awareness of sensitivities in this locality.

Alternative Options were not given sufficient consideration.

Whilst the pilot will be of nil cost to the council, with the contractor covering their costs through the issue of fixed penalties, we do believe that insufficient consideration was given to an in-house solution for the pilot with the council using funds from Amey Penalties to recruit a team to carry out this pilot and evaluate its effectiveness.

Insufficient information was available

It is not clear from the papers that the decision maker was made aware of Kingdom's notoriety in this field and the potential for the operator to bring reputational risk to the council. We would have expected an equality impact assessment in view of the fact that the project is by its nature increasing fixed penalty notices in one locality compared to others.

I accept accept* that one or more of the above criteria is met in relation to this decision. The criteria accepted, from those specified in the call-in request, are: b and c . I therefore request that the Chief Executive calls in this matter for consideration by the Scrutiny Committee.

A handwritten signature in black ink that reads "Michael Young -". The signature is written in a cursive style.

Signed

Chairman, Scrutiny Committee

Date 20th November 2017

Any additional comments from the Chairman:

[Note for the Chairman: On completion, please forward this form to Democratic Services (2nd Floor, TTH) for immediate attention.]

Last Updated 12.08.14

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