

PARTNERSHIP SCRUTINY TASK AND FINISH GROUP

Partnership Enviro Crime Enforcement Contract Final Report

Acknowledgements

Councillors ELDC:

- Edward Mossop (Chairman)
- Daniel Simpson
- Robert Watson (Vice Chairman)

Councillors BBC:

- Stuart Evans
- Ralph Pryke
- David Scoot

Councillors SHDC:

- Andrew Woolf
- Paul Barnes
- David Wilkinson

Officers:

- Christian Allen (Assistant Director, Regulatory)
- Donna Hall (Group Manager, Public Protection)
- Rebecca James (Scrutiny & Policy Officer)

Guest Witnesses:

- John Roberts (Senior Operating Officer, Kingdom LAS)
- Jason Washington (Contract Manager Kingdom LAS)
- Councillor A. Casson (Portfolio Holder Public Protection, SHDC)
- Councillor C. Butler (Portfolio Holder Environmental, BBC)
- Councillor M. Foster (Portfolio Holder Operational Services, ELDC)
- Mindi Read (Operations Manager, Boston Borough Council)
- Matt Fisher (Head of Environmental Services, South Holland District Council)

Introduction

In February 2022, an Enviro-Crime Enforcement contract for the Partnership was agreed. The contract included provision of foot patrols to proactively detect enviro-crimes and take appropriate action and camera surveillance of fly tipping hotspots. There is also some provision for education and awareness work with the public, with additional educational aspects to be discussed further once KPI's have been implemented. The Partnership Enviro-Crime contract expires on the 28/02/2026. There is a clause in the contract stating that at the Councils discretion an extension of a further 2 years can be applied/negotiated.

The Task & Finish group were asked to review the operation and to look at performance and the benefits being delivered/achieved. The Key Lines of Enquiry were agreed as:

1. Review the key objectives of the enviro crime contract;
2. Review any performance monitoring that has taken place;
3. Review benefits and achievements to date across the Partnership;
4. Consider any areas for improvement;

Background and context

The sub-regional strategy for the Partnership has the following aims relevant to this piece of work:

- Efficiency and Effectiveness: - Meet the financial challenges facing the sector; To deliver good quality value for money services;
- Safe and Resilient Communities: - Work with the local community to promote cohesion, community confidence and pride of place;
- Environment: - Discourage fly-tipping and environmental crime through deterrence, education, and enforcement; Maintain and seek to improve street cleanliness.

The overarching objective for the Partnership is to reduce fly- tipping and littering. Plans to achieve this include:

- Educating and engaging with the public and businesses to ensure enviro crime is seen as socially unacceptable;
- Ensuring enforcement is used effectively and appropriately.

Methods of achieving this include:

- Collecting data and intelligence to understand problem areas;
- Working in partnership with others, including other agencies and community groups;

- Using effective communications to ensure the public and businesses understand their legal requirements.

Contract - key facts and information

In securing this contract, there was a competitive procurement process with two Lots tendered – foot patrols and overt surveillance capability. Kingdom LAS won the competition for both Lots. The contract was mobilised on 1st March 2023. The contract term was 3 years +1 +1-year extension by mutual agreement.

The contract includes:

- foot patrols – 3x Officers SHDC (487.5 hours), 3x Officers BBC (487.5 hours), 4x Officers ELDC (650 hours)
- 10% return on income for each Council;
- 2x Surveillance installations per authority, free of charge where electrical supply is available.

Offences in scope:

- PSPO offences;
- Dog Fouling;
- Littering;
- Fly-tipping;
- Flyposting;
- Graffiti;
- Abandoned Vehicles;
- Domestic and commercial waste duty of care.

Kingdom Officers are responsible for the quality of Fixed Penalty Notices (FPN's) issued. Kingdom back-office activity includes taking payments, reviewing representations, determining extensions, issuing reminders, writing off FPN's and producing prosecution reports for consideration by each Council.

Income reconciled each month:

- 100% income received by Kingdom transferred to sovereign Council;
- Kingdom issue invoice for 90% of value;
- Council retains 10%.

Where valid FPN's are not paid:

- Kingdom prepares evidence bundle;
- Bundle reviewed by Liaison Officer;
- Decision to issue proceedings assigned to AD Regulatory;
- Legal Services Lincolnshire provide legal advocacy;
- Prosecution through Courts or Single Justice Procedure.

Research and Evidence Gathering

The Task Group researched how the contract was being managed, how performance was being monitored, including financial performance and key performance indicators. They also gathered evidence on the achievements so far and possible improvements. Key evidence gathered is below.

Contract Management

- Monthly contract performance meetings
- (Formal) Quarterly Contract Review Meetings, with PSPS Procurement
- Liaison Officer at each Council
- Monthly PFH performance reports
- Regular PFH Meetings with Kingdom
- Engagement with local Police Inspectors and Community Safety Partnership
- Practitioner meetings/Lincolnshire Environmental Crime Partnership
- Partnership Enviro-crime liaison Officer meetings held monthly.

Performance and Key Performance Indicators

1. Monthly Hours allocated to each council – target of 97% consistent coverage.
 - i. South Holland District Council – Staffed hours 487.5
 - ii. East Lindsey District Council – Staffed hours 650
 - iii. Boston Borough Council – Staffed hours 487.5
2. Fly Tipping Investigation efficiency:
 - a. Response time within 3 working days once the task has been added to the portal. Target 90%.
 - b. Fly tipping investigations to be completed and closed within 30 working days. Target 90%.
3. Timely delivery of KPI and performance reports: To be added to the portal within 10 working days of the end of the month with a copy to be provided by email to Donna Hall – target 100%
4. Prosecution File Production:
 - a. All complete prosecution files to be passed forward to the respective Council for prosecution. Target 100%
 - b. Less than 10% of prosecution files to be returned to Kingdom for further work.
5. PSPO Restricting Consumption of Alcohol Enforcement – all interventions to be added to the monthly KPI and Performance report.
6. Meetings to be held monthly between Kingdom, engineer, and liaison officers to deploy and manage installation of surveillance equipment.

Task Group Review and Analysis

Officer Feedback (Regulatory, Public Protection and Waste)

The Task Group spoke to officers from a number of areas across the Partnership to ascertain their views on the Kingdom contract, both in terms of performance and their thoughts for the future. They asked a number of questions to gauge their thoughts and elicit additional information on various aspects of the contract and the work done by Kingdom and the Council.

Officers from regulatory and public protection advised that the Partnership Waste Strategy and associated action plan support the delivery of the contract. The financial model is that Kingdom retains 90% and the Council retain 10% of the revenue. Government stipulates that any income received by the Council must be reinvested back into Enviro Crime work and clarified this does not necessarily need to be with Kingdom.

They acknowledged that FPN rates are not aligned, nor is the way waste and enforcement teams work together. In addition, each Council has identified different priorities and areas of focus.

Officers receive good intelligence but have limited capacity to follow it up. Grant funding received by Boston- has allowed an 'operation clean streets' project to take place.

It was confirmed that officers do feed positive stories to the media, but they are not always taken on and published. The task group were keen to look at ways this could be improved as public awareness and engagement are key criteria for success.

Officers from waste services also indicated that due to Boston's prior contract with Kingdom, the waste and enforcement teams are better at engaging with each other. It was indicated that this is also down to the way their teams are set up. SHDC and ELDC need to clarify responsibilities and look to learn from Boston colleagues.

Waste officers also agreed that better education for the public would assist in tackling enviro crime. Kingdom provides capacity and expertise, although there is a need to be aware of the risk that not enough income is generated to meet the threshold for sustainability of the contract.

Kingdom Feedback

Kingdom explained that they tackle offences under the anti-social behaviour Crime and Policing Act and the Environmental Protection Act covering a variety of offences including littering and fly-tipping that is part of the contract they have with the Partnership.

Different areas are visited as part of a patrol matrix that is created from the intelligence they are provided with and also through speaking to the community.

They can work on a warning or zero tolerance basis – for this contract they have been asked to deal with everything they see. This is not always reflected in reports as it only sees the outcome in relation to FPNs issued, not every interaction they have with the public such as education / awareness advice.

Sometimes officers are sent to certain areas in pairs as part of their current risk assessment due to a lack of understanding and support from the local police. There was concern expressed

They are confident the balance is right between fly-tipping and littering. It takes more resources to deal with each fly-tip – 4 hours compared with 5 minutes for littering. This is due to the difficulty of proving who has carried out the fly tip.

They indicated that work is being undertaken to harmonise some processes, each Council currently has different priorities and can even provide differing legal advice. If such processes and advice were to be the same across the partnership, this would provide consistency for Kingdom staff and enable to share staff across the areas.

Portfolio Holder Feedback

All three portfolio holders attended a meeting and answered a number of questions, as well as providing their views on the contract. Differences between the three areas were highlighted, with Boston being seen to lead the way, both in terms of how it was structured internally, and also how Kingdom worked with the community and with the police on enviro crime enforcement. Both East Lindsey and South Holland Portfolio Holders indicated they would like to see things work in their area in the way they were already working in Boston.

That being said, they all felt it was an improving picture, despite some initial recruitment and retention issues. They receive regular reports and feedback, and this has been refined following their feedback and is now much clearer and easier to understand. They also raised the following points during discussions:

- They are happy this is a cost-effective way of providing enviro crime enforcement across the partnership;
- Key objectives for portfolio holders are around ensuring there is a visible deterrent and supporting more work on education and awareness
- They would like to see more positive promotion of the work being done across various media outlets;
- They would like to see more use of CCTV to help with tackling fly-tipping;
- They also raised the possibility of providing more patrols out of hours – for example in the evening and at weekends.

Task Group Analysis

The task group reviewed the information received from the witnesses to assist them in coming to conclusions and recommendations. They asked relevant and comprehensive questions to everyone attending, in order to get as much evidence as possible to inform their review of the contract.

They were advised of the initial staffing challenges around recruitment and retention. They were reassured that these issues have improved, and systems are in place to provide resilience.

They investigated the issue of CCTV – both in terms of deployment and management, and also the issues surrounding overt and covert cameras and the challenges around this.

It was clear to the Task Group that BBC are leading the way, ELDC and SHDC could learn from their approach and replicate the way things are done there – both in terms of the way officers interact internally, and also the way Kingdom have built relationships with the community and the Police. It was acknowledged that Boston's early success is partly due to them having legacy contract agreements in place with Kingdom, so have had more time to build those key relationships, and also have more resources dedicated to waste and enviro-crime issues.

There was a lot of discussion around behaviour change – the ideal outcome would be that there is no contract needed or just a minimal presence as a deterrent. To do this is possible, but a number of things need to happen to create this outcome.

It was clear to the Task Group that education, awareness and engagement would be key moving forward to ensure that the public are aware of the law and their responsibilities around different types of Enviro Crime. This would in turn help reduce the need for enforcement action.

The Task Group also heard there were inconsistencies in the way Council staff interacted – both between departments and with Kingdom. There is a need to have good working relationships between everyone involved in deploying and managing the contract to ensure the contract continues to run successfully.

Things under consideration for the remainder of the contract and for any new / renewed contract were also discussed. Amongst these were:

- Collaboration with community groups / town and parish councils;
- Alignment of fine levels to be the same across the Partnership;
- Proactive sharing of how to report enviro crimes;
- Increased promotion of the work being done by Kingdom;
- The need to align ways of working to increase efficiency and effectiveness;
- CCTV and how to use this more effectively.

Conclusion

Our indicators of success for this scrutiny review were 1) Check results are being achieved, and 2) Improve future performance.

The 'task group review and analysis' section above show how we have gained assurance of the first indicator, while the recommendations in the section below cover indicator two by identifying the key focus and objectives moving forwards.

Recommendations

1. For each Council's representative on the Police and Crime Panel to push for better support and improved working relationships with Kingdom officers, particularly in South Holland and East Lindsey;
2. To promote better communication and engagement between community groups and town and parish councils, so that these groups are better informed about how to report enviro crimes to the Councils;
3. To add information on the definition of Enviro Crimes and how to report them to each Council's website, so residents are aware of the process for reporting, including how they can provide any valid evidence gathered to support this (for example with a flow chart to explain);
4. Move to shared media releases to showcase the work done in this area across the Partnership and to also encourage residents to help combat the problem by reporting Enviro Crimes to their Councils;
5. Work with Portfolio Holders to better align FPN levels across the Partnership;
6. Work to ensure consistency of legal advice across all 3 Councils;
7. Conduct further work across the Partnership to align processes and ways of working, to ensure Council Officers and Kingdom can work together more efficiently and effectively;
8. SHDC and ELDC to emulate and follow the lead of BBC so all 3 Councils have the same level of service and cooperation between waste teams and enforcement teams, including Kingdom partners;
9. Investigate ways to deploy covert CCTV cameras and how Kingdom can assist the Councils with RIPA applications and the coordination of covert CCTV deployments;
10. Use the intelligence gathered throughout the first part of the contract to make further improvements and create bespoke interventions;
11. As part any contract renewal considerations, a greater emphasis to be placed on education, engagement, and awareness;
12. When it comes to contract renewal, ensure the contract financials are sufficient and the framework for Kingdom to deliver the contract is effective to ensure it continues;
13. As part of regular meetings with Kingdom, discussions to take place on how their officers can undertake individual patrols rather than working in pairs, to ensure maximum coverage of areas.