

Arun District Council

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| REPORT TO: | Environment Committee 17 November 2022 |
| SUBJECT: | East Hampshire Commercial Services Enforcement Agreement |
| LEAD OFFICER(S): | Oliver Handson – Environmental Services & Strategy Manager and Daniel Cox – Cleansing Operations Manager |
| LEAD MEMBER: | Cllr David Edwards |
| WARDS: | All |
| CORPORATE PRIORITY / POLICY CONTEXT / CORPORATE VISION: Corporate Performance Indicators CP4 Level of Customer Satisfaction with Cleanliness of the District | |
| DIRECTORATE POLICY CONTEXT: Supports delivery of an enhanced street scene, reducing levels of littering and cleaning up high profile areas. | |
| FINANCIAL SUMMARY: The financial model predicts a zero cost to Arun District Council with any revenues reinvested into targeted educational patrols and enforcement. | |

1. PURPOSE OF REPORT

- 1.1. To get the Environment Committees approval to extend the successful partnership agency agreement with East Hampshire Council Commercial Services.

2. RECOMMENDATIONS

- 2.1 That the Environment Committee support an extension to the existing agency agreement with East Hampshire Council Commercial Services for a period of up to 3 years in line with the principles as set out in the report.

3. EXECUTIVE SUMMARY

- 3.1 The report will provide an update on the current East Hampshire Council Commercial Services enforcement agreement and recommendations for how the agreement will operate in the future.

3. DETAIL

- 4.1 Since May 2017, Arun District Council has provided environmental enforcement services through an agency agreement with East Hampshire Council Commercial Services. Previous reports through the Environment and Leisure Working Group have outlined the detail of the services arrangements with recommendations to Cabinet to approve the principles of the agreement. This report provides an update to Members of the Environment Committee and seeks their approval to extend this partnership for up to a further 3 years.
- 4.2 The impact of dropping litter has a significant and detrimental impact on the environment. Even small pieces of litter such as cigarette ends can block drainage systems and find their way into marine environments. The costs for the cleansing of streets to combat this issue is a cost of which is footed by the taxpayer.
- 4.3 The Council has a duty under S89 of Environmental Protection Act 1990 (EPA 1990) to keep relevant land clear of litter.
- 4.4 Delegation of enforcement powers was given to East Hampshire Council to enable their officers to undertake littering enforcement across the district with a focus on hot spot areas such as town centres. Due to its immediate success this was subsequently extended in December 2017 for a further period of two years up until 15th May 2020. The arrangement also allows officers to enforce Arun's Public Space Protection Orders for dog fouling and dog controls.
- 4.5 The scheme was further extended for a period of two years in May 2020 with a revised financial model. However, due to the impact of Covid the new model was not implemented until earlier this year. Delegated Authority from the Group Head of Neighbourhoods was sought for a short-term extension under the new arrangements in May this year.
- 4.6 The scheme operates on a zero-tolerance basis. Generally, two officers are dedicated to the district between two and three days per week and will target areas on an intelligence led basis. Their working times are also determined partly by area issues.
- 4.7 Officers are instructed to issue a Fixed Penalty Notice (FPN) to offenders where there is a breach the EPA 1990 and the issuing of the FPN is in accordance with the Council's own Enforcement Policy. This ensures a consistent and fair approach to all.
- 4.8 A person may appeal the issue of a FPN if they feel this was not justified. The ticket may be cancelled upon consideration if the circumstances warrant such. The contractor will advise each person of the outcome of their appeal in writing.
- 4.9 The service is delivered at zero cost to the taxpayer, through the income generated by the payment of FPN's which is currently retained by EHDC. Any income above the baseline is reinvested within the service in terms of targeted patrol activity.

4.10 Officers are provided with full training which is regularly under review. Part of this review is undertaken by the viewing of footage captured on body worn video which is also reviewed when a FPN is appealed.

4.11 Neighbouring authorities Chichester District Council and Adur and Worthing Council operate similar arrangements with East Hampshire Council Commercial Services

4.12 The table below sets out the number of correctly issued FPNs each month from May 2021. This shows the grand total of 950 FPNs issued, 33 of which were for Dog Control and Fouling Issues and the remaining 917 for littering.

| | May-21 | Jun-21 | Jul-21 | Aug-21 | Sep-21 | Oct-21 | Nov-21 | Dec-21 | Jan-22 | Feb-22 | Mar-22 | Apr-22 | May-22 | Jun-22 | Jul-22 | Aug-22 | Sep-22 |
|------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|--------|
| FPNS | 26 | 21 | 45 | 51 | 67 | 54 | 43 | 46 | 40 | 32 | 52 | 24 | 86 | 90 | 109 | 78 | 86 |

4.13 The table does show the peak times for issuing FPNs are over the summer months. Due to the Covid 19 Pandemic there is no data for months prior to April 2021 as patrols ceased in line with restrictions.

4.14 When shops re-opened following the easing of Covid 19 restrictions, the Council's partnership with East Hants District Council was used to undertake checks on business compliance in relation to Government policy.

5 CONSULTATION

5.1 Consultation about service arrangements has been sought with East Hampshire Commercial Services.

5.2 Consultation with other service areas for whom patrols are targeted including Parks and Greenspace and Housing has been undertaken

6 OPTIONS / ALTERNATIVES CONSIDERED

6.1 To end the arrangement and provide no direct enforcement patrols to tackle littering and dog controls

7 COMMENTS BY THE INTERIM GROUP HEAD OF FINANCE/SECTION 151 OFFICER

7.1 There is a very low risk that financial arrangements may require a small level of contingency budget to cover costs. If this is required, it will be met by existing service budgets within Greenspace for enforcement. The modelled services should however make £10k to reinvest in targeted coordinated patrols.

8 RISK ASSESSMENT CONSIDERATIONS

8.1 None

9 COMMENTS OF THE GROUP HEAD OF LAW AND GOVERNANCE & MONITORING OFFICER

9.1 The following enforcement functions are delegated to East Hampshire Commercial Services the offence for a person to drop, throw, leave or deposit litter in a public place (sections 87 and 88 of the Environmental Protection Act 1990).

9.2 Authority to deliver the service is delegated under the enforcement agreement referred to in the report (a deed of delegation) under the terms of Section 101 of the Local Government Act 1972 and section 9AE Local Government act 2000 together with regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012. These respective Acts and Regulations allow a Local Authority to arrange for the discharge of certain functions to another Local Authority.

10 HUMAN RESOURCES IMPACT

10.1 None, the service is staffed by East Hampshire Council under an agency agreement

11 HEALTH & SAFETY IMPACT

11.1 Managed by East Hampshire in relation to their own staff and risk assessments.

12 PROPERTY & ESTATES IMPACT

12.1 None

13 EQUALITIES IMPACT ASSESSMENT (EIA) / SOCIAL VALUE

13.1 None

14 CLIMATE CHANGE & ENVIRONMENTAL IMPACT/SOCIAL VALUE

14.1 Support a positive outcome in respect of environmental impact and social value.

15 CRIME AND DISORDER REDUCTION IMPACT

15.1 Work with Sussex Police on joint patrols in hotspot areas in Bognor Town Centre.

16 HUMAN RIGHTS IMPACT

16.1 Enforcement undertaken in line with existing policy and public interest. Statutory powers to enforce relevant legislation given to local authorities to tackle environmental crime committed by the public.

17 FREEDOM OF INFORMATION / DATA PROTECTION CONSIDERATIONS

17.1 Continuation of previous data sharing agreement.

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BACKGROUND DOCUMENTS:

[\(Public Pack\)Agenda Document for Environment & Leisure Working Group, 27/02/2020
18:00 \(arun.gov.uk\)](#)