

## Summary Sheet

### **Name of Committee and Date of Committee Meeting**

Cabinet and Commissioners' Decision Making Meeting – 11 December 2017

### **Report Title**

The 'Time for Action' initiative

### **Is this a Key Decision and has it been included on the Forward Plan?**

Yes

### **Strategic Director Approving Submission of the Report**

Damien Wilson, Strategic Director of Regeneration and Environment

### **Report Author(s)**

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### **Ward(s) Affected**

All

### **Summary**

The report sets out the work that has been done in Rotherham to strengthen enforcement activity around environmental crime issues such as littering, dog fouling and fly-tipping following the approval by Cabinet and Commissioners of the 'Time for Action' approach on 9<sup>th</sup> January 2017 and to progress discussions with Doncaster Council to develop shared service provision.

A pilot exercise in Rotherham has been underway since 26<sup>th</sup> April 2017 to test the effectiveness of an alternative approach to deliver enhanced environmental crime and parking enforcement within the Borough.

The pilot has proven to be successful as can be evidenced by the increased level of fixed penalty fines and patrols undertaken to tackle littering and dog fouling and whilst it is difficult to measure any long term effects in relation to deterrent or reducing street cleansing costs, the short term aim of increasing enforcement against environmental crime offences can clearly be demonstrated.

Discussions with Doncaster Council have continued throughout with consideration of options, potential timescales, likely specifications and potential service level agreement items.

## **Recommendations**

1. That the exercise of the functions detailed within this report (at paragraph 8.1) be delegated to Doncaster MBC, with such delegation to commence in accordance with the shared service arrangement referred to below.
2. That the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services and Cabinet Member for Waste, Roads and Community Safety, be authorised to conclude negotiations to enter into a shared service arrangement with Doncaster MBC.
3. That such negotiations be informed by the recommendations of the Improving Places Select Commission.

## **List of Appendices Included**

None

## **Background Papers**

None

## **Consideration by any other Council Committee, Scrutiny or Advisory Panel Council Approval Required**

Improving Places Select Commission – 29 November 2017

## **Exempt from the Press and Public**

No

## **The 'Time for Action' initiative**

### **1. Recommendations**

- 1.1 That the exercise of the functions detailed within this report (at paragraph 8.1) be delegated to Doncaster MBC, with such delegation to commence in accordance with the shared service arrangement referred to below.
- 1.2 That the Strategic Director of Regeneration and Environment, in consultation with the Strategic Director of Finance and Customer Services and Cabinet Member for Waste, Roads and Community Safety, be authorised to conclude negotiations to enter into a shared service arrangement with Doncaster MBC.
3. That such negotiations be informed by the recommendations of the Improving Places Select Commission.

### **2. Background**

- 2.1 On 12<sup>th</sup> September 2016, the Cabinet and Commissioners' Decision Making Meeting considered and approved a report detailing future options for enhanced environmental enforcement.
- 2.2 The report described the Council's desire to strengthen enforcement activity around environmental crime issues such as littering, dog fouling and fly-tipping. In particular, Cabinet adopted a 'Time for Action' approach which outlined a stronger, more robust response to environmental crime leading ultimately to improvements in the quality of life and environment for the residents of Rotherham to enjoy. Street cleansing, litter picking, removal of fly tipping, environmental enforcement activity and engagement is a significant cost to the Council.
- 2.3 Following this, at the Cabinet and Commissioners' Decision Making Meeting of 9<sup>th</sup> January 2017, a number of options were considered and it was agreed that discussions with Doncaster Council should be commenced to explore the options and feasibility of a shared service, utilising their existing contract with an external provider to deliver enhanced environmental crime and parking enforcement within Rotherham on the basis of a twelve month pilot, with an initial evaluation after 6 months.
- 2.4 A pilot exercise in Rotherham has been underway since 26<sup>th</sup> April 2017 to test the effectiveness of any potential future contractual arrangements to enhance the Council's enforcement approach to environmental crime.
- 2.5 The pilot has proven to be successful as can be evidenced by the increased level of fixed penalty fines and patrols undertaken to tackle littering and dog fouling. Additionally, work has been undertaken to provide additional resources around parking enforcement, particularly outside of the town centre.
- 2.6 Whilst it is difficult to measure whether there is any long term effects in relation to deterrent or reducing street cleansing costs, the short term aim of increasing enforcement against environmental crime offences can clearly be demonstrated.

### **3. Key outcomes**

- 3.1 A significant increase in the number of fixed penalty fines for environmental crimes has been achieved through the pilot initiative with 4,716 having been issued from 26<sup>th</sup> April 2017 to 19<sup>th</sup> November 2017 across the Borough. Furthermore, additional capacity has been provided to the Council's work to tackle parking offences with 164 of parking fines issued in 2 short pilots. This has provided substantial enhancement to the Council's enforcement capabilities.
- 3.2 The pilot has importantly delivered an increase in both the number of offenders caught littering, and the locations where offences are dealt with. Patrols, although initially focused on the town centre and adjoining areas, have progressively covered all Wards across the Borough.
- 3.3 For comparison, over the past three complete financial years, the Council has issued some 344 fines. Although this is not comparing like for like in that the officers tasked with issuing fines do so as part of their other extensive duties, it provides a baseline to demonstrate the increased activity brought about by the pilot.

### **4. Proposal**

- 4.1 The pilot has demonstrated that the Doncaster model is effective in tackling environmental crime and further joint working would enable potential efficiencies to be gained as a result of greater economies of scale from both Councils using the same approach. Therefore, to move the 'Time for Action' initiative forward and ensure that the foundations are there to allow the development of potential shared service arrangements, it is vital that through the Council's constitution, Rotherham formally delegates appropriate powers to Doncaster Council. This will ensure that Doncaster Council has authorisation to enforce legislation in Rotherham should the initiative be progressed and also to use a joint external provider to deliver enforcement services which Doncaster Council will procure on behalf of both Councils.
- 4.2 Doncaster Council would need to formally accept delegated powers at their Cabinet decision making meeting to progress the arrangements. It is likely that the earliest opportunity for the decision to be made by Doncaster Council would be at their Cabinet meeting on 9<sup>th</sup> January 2018.
- 4.3 A new specification and contract documentation for OJEU (Official Journal of the European Union) procurement has been developed jointly with Doncaster Council and will be subject to further review. Rotherham Council will develop a separate service level agreement that will allow engagement with the arrangements in place between Doncaster Council and the preferred service provider. It is expected that the tendering process would be started in February 2018 or sooner if possible, with anticipated completion and award of contract in May or June 2018.
- 4.4 Making sure that delegations are already in place, will ensure that if the service level agreement is approved and negotiations concluded, then mobilisation of service delivery can be achieved immediately once the tendering process is fully completed.

- 4.5 The decision to take advantage of shared services with Doncaster will be made once the Strategic Directors of Regeneration and Environment and Finance and Customer Services are fully satisfied that the initiative will add value to the Council's delivery of Corporate Priorities.

## **5. Consultation**

- 5.1 Consultation has taken place with the Lead Cabinet Member and Doncaster Council and Improving Places Select Commission are considering an evaluation of the pilot on 29<sup>th</sup> November and their recommendations will inform the Council's approach.

## **6. Timetable and Accountability for Implementing this Decision**

- 6.1 It is anticipated that Doncaster Council would be in position to engage in shared service arrangements from late May to June 2018 following the acceptance of delegated powers from Rotherham and procurement of a contract with an appropriate service provider.
- 6.2 The Assistant Director for Community Safety and Street Scene will be responsible for the delivery and implementation of the proposal.

## **7. Financial Implications (including procurement)**

- 7.1 The Budget approved by Council on 8<sup>th</sup> March 2018 included savings for 2017/18 of £100,000 in relation to enhanced enforcement of environmental crime.
- 7.2 Until the procurement process has been completed and details of the arrangements with Doncaster have been finalised it is not possible to report on what the final financial position will be although it is expected to achieve a saving. Should there be any budget shortfall this would need to be met from savings elsewhere in the Directorate and would require the approval of Cabinet due to the fact that the currently approved savings would be being delivered by a different means.

## **8. Legal Implications**

- 8.1 The Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 enable arrangements to be made for the discharge of functions, which are the responsibility of a local authority executive, by another local authority or an executive of another local authority. The Council's Constitution at Article 13 (Joint Arrangements) provides:

*Delegation to and from other councils  
(10) [not applicable]*

*(11) The Cabinet may delegate executive functions to another council or, in certain circumstances, the executive of another council.*

Accordingly the Cabinet may delegate executive functions to the executive of another local authority. For the purposes of the “Time for Action” initiative proposed in this report, the enforcement functions set out in the Environmental Protection Act 1990, Traffic Management Act 2004, Road Traffic Regulation Act 1984, Road Traffic Act 1991, Anti-Social Behaviour, Crime and Policing Act 2014, Clean Neighbourhoods and Environment Act 2005 and Health Act 2006 are executive functions.

- 8.2 The 2012 Regulations provide that any arrangements made for the discharge of an executive's functions by another relevant authority or another relevant executive are not to prevent the person who made the arrangements from exercising the functions to which they relate and are to be made with the other relevant authority concerned.
- 8.3 There is European case law to suggest that such delegation arrangements are not caught by the EU Procurement Regulations as they are in essence a delegation of functions rather than a contract for the provision of goods and services.
- 8.4 Careful and timely consideration of the replacement of Dog Control Orders with Public Spaces Protection Orders within the provisions of the Anti-Social Behaviour, Crime and Policing Act 2014, will be essential to ensure that enforcement against dog fouling remains effective in the future. It is desirable that Rotherham's future Public Space Protection Order in relation to dog fouling is consistent with Doncaster's, to support uniformity of enforcement across both Councils

## **9. Human Resources Implications**

- 9.1 There are no direct human resource implications arising from this report.

## **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 There are no direct implications for Children and Young People and Vulnerable Adults arising from this report.

## **11 Equalities and Human Rights Implications**

- 11.1 There are no equalities and/or human rights implications anticipated arising from this report.

## **12. Implications for Partners and Other Directorates**

- 12.1 There are no direct implications for partners or other Directorates arising from this report. Consultation has taken place with Doncaster Council regarding proposed arrangements.

### 13. Risks and Mitigation

13.1 Failure to strengthen enforcement and ensure a strategic focus will expose the Council to frontline weaknesses in tackling environmental crime, with the consequent negative effects on the quality of life and environment for residents and reputational risk to the Council. The provisions within the report will minimise the exposure of the Council to criticisms around consistency, fairness and proportionality. Until the procurement process has been completed and details of the arrangements with Doncaster finalised, it is not possible to report on what the final financial position will be although it is expected to achieve a saving. However, until the service has been procured, it will not be able to determine with certainty whether this will be achieved or not. If the contract does not deliver the savings, then any budget shortfall will need to be met from within the Directorate.

### 14. Accountable Officer(s)

Damien Wilson Strategic Director, Regeneration and Environment  
Ajman Ali, Interim Assistant Director, Community Safety and Street Scene

Approvals Obtained from:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Judith Badger	27.11.2017
Assistant Director of Legal Services	Dermot Pearson	27.11.2017
Head of Procurement (if appropriate)	N/A	
Head of Human Resources (if appropriate)	N/A	

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