

**IMPROVING PLACES SELECT COMMISSION
Wednesday, 29th November, 2017**

Present:- Councillor Mallinder (in the Chair); Councillors Allen, Atkin, Elliot, Jepson, Jones, McNeely, Reeder, Taylor, Vjestica and Walsh.

Apologies for absence were received from Councillors Buckley, B. Cutts, Price, Sheppard and Wyatt.

1. DECLARATIONS OF INTEREST

There are no questions from members of the public or the press.

2. QUESTIONS FROM MEMBERS OF THE PUBLIC AND THE PRESS

There are no declarations of interest.

3. COMMUNICATIONS

There are no items to be considered.

4. EVALUATION OF THE 'TIME FOR ACTION' ENHANCED ENFORCEMENT PILOT

Cabinet Member for Waste, Roads and Community Safety, Councillor Hoddinott introduced the report

Tackling environmental crime is a corporate and public priority: fly-tipping, litter and dog fouling blight communities and are a strain on public resources. Removal and disposal of fly-tipping alone costs the Council in excess of £250,000 per year. Street cleansing, litter picking, environmental enforcement activity, and engagement increases the annual cost of dealing with environmental crime significantly to around £1.7 million.

Over the past few years, the focus on tackling littering and dog-fouling has declined through re-engineering of the function. Whilst Wardens continued to issue fines where offences were witnessed whilst carrying out statutory work around nuisances, this role was supplementary rather than a priority. Subsequently, the Council only issued 344 fines for littering and dog fouling during the three years prior to the 'Time for Action' initiative

On 12th September 2016, the Cabinet and Commissioners' Decision Making Meeting adopted a 'Time for Action' initiative to deal with the problem, demonstrating a desire to strengthen enforcement activity around littering, dog fouling and fly-tipping.

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Following this at the Cabinet and Commissioners' Decision Making Meeting of 9th January 2017, a number of options were considered to deliver enhanced enforcement and it was agreed that a shared service with Doncaster Metropolitan Borough Council is progressed, to deliver enhanced environmental crime and parking enforcement within Rotherham.

A pilot exercise in Rotherham has been underway since 26th April 2017 to test the effectiveness of any potential future contractual arrangements to enhance the Council's enforcement approach to environmental crime. This pilot is to end on 24th January 2018 with the formal termination of the agreement.

The pilot has proven to be successful having delivered an unprecedented number of environmental offences being dealt with by the Council. Moreover, patrols and actions to tackle littering and dog fouling offences have been delivered across all wards in the Borough.

Up until 19th November 2017, 4,716 environmental crimes had been dealt with: 99.40% were littering offences; 0.60% was for dog fouling. In addition, some 164 parking offences were tackled. Of the littering offences identified, 54.26% were in the town centre and 45.74% across other wards.

The desire to deliver shared service arrangements is to ensure that enforcement of environmental crime offences is enhanced, which in turn will provide a deterrent and in the long term influence behavioural change. Shared service will provide for increased flexibility, with staff from other areas being drawn on to enhance project and hot spot work, along with ensuring effective and immediate cover for leave and sickness issues. Additionally, shared service arrangements ensure synergy of enforcement across Borough boundaries and consistency of approach, administration, and tolerances.

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. Consequently, it is considered appropriate to ensure that further progress is made to deliver enhanced enforcement.

It was considered that this initiative was probably not the most appropriate way of dealing with fly tipping.

Councillor Hoddinott sought the views of the Improving Places Select Commission on the pilot project and to identify any suggestions for taking the initiative forward.

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Councillor Walsh questioned the need to enter into a shared service agreement with Doncaster Metropolitan Borough Council, when the information provided on the pilot project showed that contracting directly with Kingdom provided the required results.

The decision was made after exploring different options of delivering this service; the “do nothing option”, in house delivery, and contract direct with Kingdom or enter into a shared service with Doncaster Metropolitan Borough Council. The preferred option being to agree to a shared service contract with Doncaster MBC, mainly as it will assist with the management of the contract utilise existing support services and provide an element of economy of scale.

Being part of a shared service arrangement does result in some loss of control over service provision, however, the longer term focus of this issue is about changing behaviours and attitudes to environmental crimes which are not acceptable in Rotherham and therefore once this message has been received the need to issue fixed penalty notices to such an extent may not be required. Being part of a shared service agreement is the best option. An overall aim is through changing behaviours is to reduce the amount spent by the Council on environmental crime which is currently estimated at £1.7 million. Penalising initially is a solution to the issue.

Councillor Walsh questioned the IT cloud based provision as part of the current contract with Kingdom in that it appears to be better. Damien Wilson, the Strategic Director for Regeneration and Environment was unable to comment on the IT provision. The risk attached to this does include an element of people who will not pay the fines issued to them. Under a shared service arrangement this risk will be shared with the partner who has, in this instance got procedures in place.

Councillor Jones noted that Doncaster has recently been seen as one of the authorities with the highest rate of fines been issued for littering, in particular cigarette ends. This could be seen by the public as them being overzealous.

Has there been any benchmarking against other authorities.

Damien Wilson, the Strategic Director for Regeneration and Environment, replied that over a period time, it is expected that the rate of fines will decrease as the behaviour changes once the public realise that littering is not appropriate behaviour.

Councillor Hoddinott noted that already as part of the pilot the number of fixed penalty notices issued are decreasing as behaviour changes. This has been noted by the officers working in Rotherham Town Centre and is also reflective of what has happened in Doncaster Town Centre.

Councillor Jepson questioned whether the outlying areas of the borough would be part of this initiative as these areas experience a high level of littering, fly tipping and parking offences-including parking on grass

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verges, which is another big issue. Councillor Jepson welcomed a high visible presence of wardens in the outlying areas to help combat environmental crimes. Councillor Jepson suggested that the initiative is promoted widely and not just through the local press.

Councillor Hoddinott no fixed penalty notices have been issued for fly tipping and this is not the most appropriate way to deal with this issue as it is usually carried out by organised groups. Fly tipping is being dealt with as a priority by the Council and outlined some of the actions undertaken.

Councillor Hoddinott welcomed the opportunity to include car parking as part of any future contract and highlighted existing ways that the Council are currently dealing with car parking nuisance.

Lewis Coates confirmed that fly tipping such as localised littering of bags of rubbish is being dealt with under the existing contract, however the more serious issue of organised fly tipping along with cross authority border investigation is underway. At the half year point in 2017, the Council were involved in 20 prosecutions for fly tipping.

Damien Wilson confirmed that enhanced car parking actions have already been started by the Council for example in Wellgate, where vehicles have been removed. Notification of other hotspots in relation to vehicle nuisance were welcomed.

Councillor Jepson outlined some of the environmental issues outlined in his and neighbouring wards.

Councillor Reeder raised concerns regarding entering into a shared service arrangement with Doncaster in particular around the possibility of income targets not being met and that an adequate number of staff would be working in the Rotherham area.

Assurances were given by Damien Wilson that these were points that would be considered as part of the contract negotiations. With regard to income levels. This is uncertain and based on assumptions. The idea is to reduce the number of fixed penalty notices issued as the changes in behaviour are adapted. The term of the contract needs to be addressed as too long a time period may result in paying for a service that is no longer required.

Councillor Hoddinott pointed out that if the Council were to provide the service in house there are a whole host of support services required to deliver this project, all of which would be funded from the income from the project. However with a shared service Doncaster Council would provide these as part of the contract.

Following a question from Councillor Reeder, information was provided around the Public Spaces Protection Order which is currently in operation. Fixed Penalty Notices have been issued but PSPO, deals with slightly different issues such as street drinking and foul and abusive behaviour rather than environmental enforcements. At present Kingdom are not part

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of the PSPO but expectations are that they would become part of any future contract.

Councillor Atkin supported the opportunity of working under a shared service contract, along with adding to a point raised earlier in the meeting regarding car parking on grass verges. No Council (other than London Boroughs) have the power to stop this happening, this comes under the remit of the Police. Councillor Hoddinott is aware that other areas have looked into the option of car parking on verges being included in the PSPO and suggested that this may be an issue Improving Places Select Commission may wish to discuss.

The Council has used powers under the Anti-Social Behaviour Order to deal with certain issues of parking offences.

Councillor Atkin asked what is the appetite from RMBC wardens to be trained to the standard of Kingdom officers to undertake some of their duties. Lewis Coates confirmed the involvement of RMBC Wardens to deal with environment offences but their statutory function is around statutory nuisance and housing between 30/40 fixed penalty notices have been issued.

Damien Wilson noted the fact that he had been out on duty with some of the Enforcement Officers from Parking Services and there is an issue of them being assaulted whilst carrying out their duties, hence joint duties with Officers from South Yorkshire Police. The Enforcement Officers do wear body cameras and focus on "hotspot areas"

Councillor Vjestica supported the option of entering into a shared service arrangement, but noted that over 50% of fines are issued in Rotherham Town Centre, which he then required assurances that the outlying wards in the borough receive an equal amount of resources. Damien Wilson agreed to take this into account as part of the contract negotiations if the Cabinet decides a shared service contract is the best way forward.

Councillor J Turner asked for clarification regarding the length of time the contract would run for and if a three contract could be reduced or extended. The term of the contract can be any length of time, however from a cost effective perspective and obtaining the best possible deal a longer term contract would be beneficial.

Councillor Allen asked for clarification over two areas mentioned in Appendix A, Parkgate and Woodall and if these were private areas of land. Woodall does relate to Woodall Service Area and in the initial part of the pilot a high number of Fixed Penalty Notices were issued. Once the fact was realised that it was private land, the service was stopped at this location as it was felt it was not beneficial for the residents of the borough. Parkgate does include Parkgate Retail World. The law does state that the any land that is open to the public if you drop litter it is an offence. The provision of this service could be available to the owners of Woodall Service Station at a cost to them and as part of a separate contract.

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Councillor Allen asked for a further breakdown of the statistics provided to show the social demographic detail to ensure that the most vulnerable people in society are not being targeted. Assurances were given that all fines are reviewed via the body cam by a supervisor. At least 12 fines have been cancelled on grounds of mental health issues. Officers have been made aware not to fine the homeless or people with mental health issues. Statistics show that 60% of fines are issued to males and in the age group covering 20 to 29 year olds 20% of fines were issued to this cohort and 2% to 70 to 79 year olds. Regarding ethnicity the fines issued are proportionate to the different ethnic groups in the town.

Councillor J Elliot asked if more resources could be put into resolving the issue of dog fouling. During the pilot no specification or targets in relation to the different elements were outlined.

There are two Kingdom Officers who patrol between 07:00 and 09:00 specifically target hotspots identified by Members and the public. There have been about 28 fines issued but this does not reflect the commitment of resources applied to this issue. It is reflective of previous experiences in that dog fouling is more difficult to detect as the act of fouling needs to be witnessed and the owner of the dog walk away.

Councillor Jepson asked for details of how the officers from Kingdom operate, in so far as are their operations covert or do they openly advertise their presence and which is the best way to operate. The Kingdom staff approach in an unmarked vehicle. Each day there is a patrol route for the officers to work, which will be across the borough.

Any new hotspots identified will be worked into routes as soon as possible. The patrols are flexible and will respond to any issues or concerns. There is a code of conduct issued for Kingdom Officers which supports them working in an open way and operating as a deterrent. Councillor Hoddinott welcomed the views of the Commission on which way they felt was most appropriate for Kingdom Officers to work.

Councillor Allen reported of a recent walkabout with Kingdom Officers along with Councillor McNeely. The Kingdom Officers were badged with the logos of both Rotherham Metropolitan Borough Council and Kingdom. Views of the public are varied about the role of the Kingdom Officers and Councillor Allen suggested that they should patrol more often. Lessons will be learnt from the pilot project and there may be a need to change shift patterns of the officers and the number of times they patrol areas. The statistics from the pilot project will inform any future programme.

Councillor Taylor asked what learning can be taken from the initiative in Doncaster and how they are ensuring they remain efficient/effective in dealing with environmental issues. Doncaster have adapted their ways of working based on data received as to the location, type and frequency of environmental crimes being committed.

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Councillor Allen asked if during the pilot project, had the effectiveness of staff being available in Rotherham been tested.

The flexibility of the staffing arrangements with Kingdom has been tested. Other areas such as Doncaster and Barnsley contract with Kingdom to provide such services and adequate management arrangements are in place. Details of such requirements will form part of any contract regardless of who it is with. Any move away from fulfilling the details in the contract will leave them in breach.

Has there been any training package put in place now to take into account points learnt to date and have Kingdom been approached to see if they would be happy to implement a Rotherham MBC Code of Conduct.

The Code of Conduct presented in the report relates to a public facing code of conduct which is slightly different from the internal RMBC Code of Conduct and outlines what the public can expect from officers working on their behalf. Assurances were given that Kingdom are working to the RMBC Code of Conduct. Specific learning points identified in the report around email communications have been dealt with. Other areas of the project where clarity is needed is around what happens when a fine is issued to you along with the appeals process.

What is the strategy for publicising the latest “hotspots” and where/when patrols will be taking place? One option is to put a press release out confirming where the Kingdom Officers have been working. Damien Wilson outlined his concerns in relation to publicising the areas where the Kingdom Officers were due to work as this seems to defeating the objective of their work.

Clarification was asked for by Councillor Allen in relation to point 3e on Appendix B “Targetted resources will be focused on higher risk enterprises and activities, reflecting local and national priorities. These are targeted areas where you expect to see enhanced littering.

Councillor J Elliot supported the prospect of officers carrying out enforcement duties if they were clearly “badged up” so that members of the public knew who they are and are aware of their remit.

Councillor Reeder noted that the UK Independence Party does support being part of shared services, but the details written in the contract need to ensure all risks to Rotherham Metropolitan Borough Council are mitigated against especially from a financial perspective. Assurances were given that the contract would be worked through diligently by the appropriate officers to ensure the best deal possible.

Councillor Atkin asked if the Kingdom officers are trained in the initiative of “See something say something”. Confirmation of the fact that training is received on this and covers issues wider than child sexual exploitation.

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Councillor McNeely, enquired what happens when a person issued with a fine refuses to pay it and is the consequences of not paying explained to them. All consequences are outlined to individuals and could result in a court appearance.

Reference was made to 8.3 of the report in that the statutory maximum fines that can be levied in relation to littering will increase from £80 to £150 in April 2018. This intimates that there is a minimum figure and what is that figure and are these to be enforced by RMBC staff as item 7.1 in the report says that the shared service wouldn't start until May/June 2018

The Council has decided to levy the maximum fine possible for all environmental crimes. If maximum fine increases another decision will be required as to whether the maximum amount is levied.

The timescale of entering into a contract with Doncaster Council, means there will be a due process to follow and this is anticipated to start in June of next year.

Legislation changes in April 2018 identifying an increase in the maximum amount of fines that can be levied. It is for the Council to decide what level of fines they work to.

9.2 replacement of dog control order with PSPO. The PSPO is under review in March.

Town Centre PSPO is approved for a period of three years and at the recommendation of Overview and Scrutiny Management Board was to look at vehicle nuisance and whether that would need to be included after 6 months. Additional elements can be introduced to the PSPO such as dog fouling.

The borough wide Dog Control Order (DCO) came into operation in 2009, which replaced the Dog Fouling of Land Act.

The DCO will change to become a separate PSPO and only relate to this issue. The Anti-Social Behaviour Act 2014 allows this change to take place.

Councillor Shepard submitted a written question to the meeting asking if the option of providing this service in house or contracting directly with Kingdom?

If a shared service is entered into with Doncaster MBC, what powers will be delegated to Doncaster?

What are the implications for RMBC?

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£370,000 worth of fines were collected from the pilot project. £37,240 is the estimated income to be generated as a percentage of the fines issued.

Councillor Hoddinott replied to these questions by explaining that there are other options available to deliver this service, including the ones highlighted in the question.

To operate a shared serviced agreement, changes will need to be made to the Council's Constitution and Scheme of Delegation to give permission to allow Doncaster MBC to issue fines on our behalf.

This year the budget savings to be made of £100,000 is likely to be met from the fines already issued. The £37,240 is an estimated revenue amount likely to be received from a shared service arrangement.

Part of the contract to run a shared service, from any income received by the Council, services provided by Doncaster Council will need to be paid for. These arrangements will be dealt with as part of the contract.

Councillor Allen asked for an explanation of the statement "Any budget shortfall will need to be met from savings in respect of statutory enforcement and regulatory functions"

Where would any potential savings be made from?

The response by Damien Wilson was that at this stage of the budget workings it is not clear to say, however, any shortfall identified within a department will need to be made by the service. It is hoped that when the contract is issued, the same level of exposure will not be seen. This highlights a potential risk which if materialises will need to be discussed with Councillor Hoddinott in order to resolve it.

The Chair asked the meeting for their views after hearing the information provided.

Councillor Vjestica reiterated the (5.3) that the preferred option is to deliver enhanced enforcement of environmental crime is agreed in that direction is given to undertake a shared service with Doncaster Council, of which he supports with the caveat that the learning points from the pilot project is incorporated into any future contract.

Councillor Reeder asked for clarification on why Doncaster Council had been chosen as a partner in this project.

Due to the proximity with Doncaster Council, the Council has worked closely with them and who have a successful model in place to operate this service.

Councillor Walsh noted that it was not clear in the report as to the advantages of entering into a shared service arrangement with Doncaster, this fact only became clear after hearing the discussions at this meeting and could such points be noted when writing future reports.

Damien Wilson replied that previous reports in September 2016 and January 2017 provided details about the shared service option and that

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the report currently under discussion related to the findings of the pilot project.

Councillor McNeely questioned whether it was possible to link into other current contracts with Barnsley and Doncaster Councils around waste services.

There is an existing contract between the three authorities however this proposed enforcement contract is only partnering with Doncaster and it would be difficult to build into an existing contract.

It was suggested that in future years can the tri-partite service be explored.

The reason for working with Doncaster Council for the enforcement contract, relates to the provision required in Rotherham is very similar, whereas the contract provided by Kingdom in Barnsley is on a more localised contract at ward level.

Resolved:- That the outcome of the "Time for Action" trial and proposals for a shared service with Doncaster be noted.

(2) That that Improving Places Select Commission recommend the following

- a) Extend the service to include issuing of parking fines.
- b) A communication plan be developed to promote the initiative borough-wide
- c) Service provision is distributed equally across outlying areas and Wards.
- d) Members are notified when Enforcement Officers are working in their Wards
- e) Branding is clearly identified and is included as part of the communications plan
- f) Explore extending service provision to private sector areas.
- g) Contractors work to Rotherham MBC's Code of Conduct.
- h) When fines are issued that clear and consistent information is provided about the process and what happens next.
- i) Details of the contract covering the shared service arrangements should be presented to Improving Places Select Commission.
- j) Six monthly monitoring and evaluation reports are to be presented to Improving Places Select Commission to include details regarding social demographics.

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5. DATE OF THE NEXT MEETING - WEDNESDAY 3RD JANUARY, 2018

Resolved:- That a further meeting be held on Wednesday, 3rd January, 2018, commencing at