

**Committee Name and Date of Committee Meeting**  
Improving Places Select Commission – 25 July 2019

**Report Title**  
Evaluation of the Time For Action Initiative

**Is this a Key Decision and has it been included on the Forward Plan?**  
No

**Strategic Director Approving Submission of the Report**  
Paul Woodcock, Strategic Director of Regeneration and Environment

**Report Author(s)**  
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**Ward(s) Affected**  
Borough-Wide

### **Report Summary**

The 'Time for Action' initiative provided for a mechanism to deliver enhanced enforcement around enviro-crime, particularly littering offences, and parking offences.

Joint arrangements with Doncaster Council have been operational since mobilisation in September 2018 and have delivered enhanced enforcement across a range of locations in Rotherham.

This report provides an updated position in relation to the service delivery performance, together with a number of challenges that are currently being addressed.

### **Recommendations**

1. To note the contents of the update report
2. To note the levels of performance and agree the importance of enhanced enforcement and visibility

### **List of Appendices Included**

Appendix 1 Litter and Dog Fouling Fines and Patrols by Location

Appendix 2: Parking Charge Notices Issued by Location

Appendix 3: Equalities Screening Assessment

**Background Papers**

Improving Places Select Commission 29<sup>th</sup> November 2017, item 96

Cabinet and Commissioners' Decision Making Meeting 11<sup>th</sup> December 2017, item 91

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

Improving Places Select Commission 29<sup>th</sup> November 2017

Cabinet and Commissioners' Decision Making Meeting 11<sup>th</sup> December 2017

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## Evaluation of the Time For Action Initiative

### 1. Background

- 1.1 During the initial pilot project to test out the Time for Action initiative, an evaluation report was considered by Improving Places Select Commission on 29<sup>th</sup> November 2017, at which a number of recommendations were made in relation to future arrangements.
- 1.2 Following the pilot project, a shared delivery mechanism through a Service Level Agreement with Doncaster Metropolitan Borough Council (DMBC) was developed which became effective on 13<sup>th</sup> September 2018. The Service Level Agreement details performance and financial monitoring, along with expected delivery targets.
- 1.3 The joint mechanism to deliver enhanced enforcement, around littering in particular, contributes significantly to the Council's priority of delivering a cleaner greener Rotherham through taking effective enforcement against enviro-crime offences.
- 1.4 The project has resulted in a number of key achievements, including:
  - Additional resources, at no cost to the Council, to undertake enhanced enforcement of littering and dog fouling across the Borough;
  - The increased visibility of enforcement resources across wards;
  - An increased number of parking and littering offences dealt with and Fixed Penalty Notices issued;
  - Additional hotspot intelligence being provided by ward members and resources being directed to address issues;
  - The inclusion of enhanced parking enforcement outside of the town centre, at no additional cost to the Council.

### 2. Key Issues

#### ***Service Delivery***

- 2.1 Contract management arrangements are different for the delivery of enviro-crime and parking enforcement:
  - For littering and dog fouling, the contract is wholly managed by DMBC, including the processing of all enviro-crime fines and reminders, debt recovery and prosecution. In addition, DMBC undertake the review of all representations or appeals against fines and responses to formal stage one complaints relating to process or conduct. Delivery includes clear and consistent processes and information throughout, from the initial issue of the fine, through to reminder letters, debt recovery and prosecution.
  - For parking enforcement additional resources are provided through the contract, however the processing of Parking Penalty Charge Notices (PCNs) and payments is managed within Rotherham Metropolitan Borough Council's (RMBC's) existing provisions.

- 2.2 The Service Level Agreement details both the performance targets and reporting mechanisms, along with the financial arrangements for revenue distribution, which is driven through:
- Automated and bespoke monthly reports
  - Relaying of hotspot and intelligence to inform contract delivery
  - Monthly performance meetings with DMBC and the contractor
- 2.3 Key elements of the implementation of the joint arrangements, included:
- A joint communications plan between RMBC, DMBC and the contractor.
  - Information provided to ward members through a Member's briefing
  - All staff working within the contract received formal training (across a number of areas, including legislation, tools and powers, expected standards of conduct, safeguarding and operational procedures and protocols.
  - Structured standards checks by supervisors and administrative control at Doncaster to ensure consistency and appropriate conduct.
  - Clearly identifiable branding, with uniforms in keeping with those of the RMBC Wardens and badged jointly with RMBC and contractor logos
- 2.4 Whilst legislation allows fines for littering to be issued on land open to the public, including private land, commercial provision of the service to private landowners has been explored however, to date, there has been no interest.

### ***Delivery Targets***

- 2.5 The Service Level Agreement contained a number of specific performance measures, including:
- Number of fixed penalty notices issued, by type (including type of litter, for example cigarette, food wrapper etc.), date and location in the past three months
  - Number, location, date and duration of littering and dog fouling patrols by hot spot/post code area
  - Number of prosecutions put forward for Court and those heard in Court
  - Number of Parking PCNs issued, broken down to higher (£70) and lower levels (£50)
  - Location and number of Parking PCNs issued by ward
  - Number of cancelled and written off fines together with reasons
  - Number of complaints including stage 1, stage 2 and stage 3, by issue and finding
  - Revenue analysis including payments to the Service Provider, money retained by Doncaster and fees provided to Rotherham in accordance with the Financial Allocation Mechanism in Schedule 4; and
  - Gender and age relating to FPNs issued
- 2.6 The Service Level Agreement also contains a number of important targets and principles, including:
- The issue of 5,000 to 10,000 fines, excluding Parking PCNs, each year
  - The issue of up to 1,000 Parking PCNs each year
  - The issue of 60% of fines outside of Rotherham town centre

- DMBC will investigate formal complaints up to and including stage 1
- The level of fees payable to Rotherham through a financial allocation mechanism

### ***Improving Places Select Commission Recommendations***

2.7 Improving Places Select Commission made a number of recommendations in terms of the service, including:

- To extend the service to include issuing of parking fines.
- A communication plan be developed to promote the initiative borough-wide.
- Service provision should be distributed equally across outlying areas and Wards.
- Members are notified when Enforcement Officers are working in their Wards
- Branding is clearly identified and is included as part of the communications plan
- Explore extending service provision to private sector areas.
- Contractors work to RMBC's Code of Conduct.
- When fines are issued that clear and consistent information is provided about the process and what happens next.
- Details of the contract covering the shared service arrangements should be presented to Improving Places Select Commission.

2.8 Delivery against each of these elements has been mixed and has been negatively influenced by software reporting capabilities and contractor staffing turnover.

### ***Staffing***

2.9 Contractor resources for the RMBC element of the contract were initially set at an optimal level of five officers, including a team leader or supervisor, flexibly working across six days. This contractor has unfortunately found this resource level difficult to maintain consistently, due to a number of challenges including:

- Regular turnover with some staff leaving at short notice
- The loss of two team leaders
- The nature of the work affecting staff retention
- The relatively high frequency of recruitment and training of new staff

2.10 The turnover of contractor employees impact on performance in a number of ways including:

- Diversion of staff to train new starters
- Reliance on the town centre for 'live' training
- Reduced capacity to issue fines
- Reduced flexibility both in terms of time and ability to reach locations

2.11 The contractor has subsequently recognised the need to ensure greater consistency of staffing levels, and in June 2019 agreed to recruit a further three

members of staff to be deployed flexibly across Rotherham and Doncaster in order to cover any staff shortages.

- 2.12 The impact of low staffing levels can be clearly seen during periods where fines and numbers of patrols undertaken are particularly low, for example in February 2019, as can be seen from Appendix 1.

### ***Reporting***

- 2.13 It is important to recognise that the software system used by DMBC to record and monitor the contract was new at the point of implementation of the contract. Subsequently, a large amount of work has been required to develop and improve reporting mechanisms. There remain a number of key refinements to further develop, including:
- Demographic information
  - Formatting of the reports
  - Financial reporting detail

### ***Performance***

- 2.14 At the end of June, 1,691 fines for littering had been issued, at an average of 211 each month. This compares to the average of 416 fines required each month to meet the minimum 5,000 specified in the contract. This level of performance has been raised as a concern consistently throughout the arrangement, and the contractor is working to improve the position.
- 2.15 The breakdown of fines issued shown in Appendix 1 clearly identifies the location of issue, however the software used to record data does not currently have the capability of distinguishing between a fine for a cigarette end being littered and other litter being discarded. However, as with most offences for littering, it is highly likely that the overwhelming majority of fines issued and paid are for littering cigarette ends.
- 2.16 Some 54% of all fines having been issued in the town centre, compared to the expectation that only 40% would be issued in the town centre. This picture is repeated when patrol locations, attached at Appendix 1, are considered, with the town centre accounting for 68% of patrols. There are circumstances that affect this performance including:
- The loss of a patrol vehicle for substantial periods restricting travel by the contractor
  - Staff turnover
  - Training of new starters in the town centre leading to more tickets being issued in that location
  - The operational practicalities of beginning daily patrols in the town centre and then radiating out to other parts of the Borough.
- 2.17 Discussions are ongoing to influence the direction of performance and improve the levels of focus outside of the town centre. However it is worth noting that if patrols were more focused outside of the town centre, then there would likely

be a further reduction in the number of fines issued, given the lower prevalence of offences in outlying areas.

2.18 As might be expected, given the challenges associated with witnesses such offences, Dog fouling fines are relatively low. 17 fines were issued during the period. Interestingly, 4 of those fines issued were in the town centre, away from noted dog walking areas.

2.19 Whilst performance is low compared to the target levels, it is important to remember that the objective of the arrangement is to increase the level of enforcement and ensure that there is a visible presence, in order to change behaviour. It could therefore be anticipated, that if this approach influences changes in behaviour, there would inevitably be a reduction in the number of fines issued as less individuals drop litter.

### ***Cancelled Fines, Representations and Complaints***

2.20 By the end of June 2019, 124 fines had been cancelled, the majority being due to officer or technical errors, health issues, or successful representation by the individual.

2.21 Representations refer to challenges by the individual against the provenance of the fine being served. Each representation is considered by officers at DMBC, who review the circumstances of each challenge including viewing body camera images. From 68 representations made, 31 have been accepted and the fines cancelled. Reasons for acceptance of representations include:

- 10 due to faults with camera recordings
- 9 due to officer errors
- 4 due to the health of the recipient

2.22 Recent improvements to the camera systems are anticipated to reduce the number of accepted representations.

2.23 A much smaller number of formal complaints have been made against alleged behaviour of officers when issuing fines. From September 2018 to the end of June 2019, 7 formal complaints have been made at stage 1, with no stage 2 or stage 3 complaints. Only 2 complaints have been upheld: one due to incorrect actions by the officer; the second, due to a failure of the camera equipment which consequently could not be used to resolve the allegation.

2.24 In addition to the formal complaints, an informal complaint was raised by an RMBC employee in June that an officer wearing a Barnsley Metropolitan Borough Council (BMBC) logo was seen in the town centre. It transpired that an officer had moved over to RMBC from BMBC and wore a jacket with a BMBC logo. The matter was referred directly to DMBC, and the matter was resolved immediately.

### ***Prosecutions***

- 2.25 Where fines remain unpaid, Doncaster Council consider each case for prosecution through the Single Justice System at Magistrate's Court, with a bundle of cases presented during scheduled hearings for consideration.
- 2.26 Since the first prosecution hearings brought by Doncaster held in February 2019, 96 cases have been heard and proven in Court, with fines, costs and victim surcharges awarded, amounting to £24,936. Although it should be noted that the fines and costs data for the period from March to June 2019 is still awaited.

### ***Parking Enforcement***

- 2.27 Since January 2019, Parking enforcement has been undertaken as part of the agreement and has been predominantly focused outside of the town centre to delivery extra capacity into areas of need.
- 2.28 During the 2018/19 third quarter, some 268 Parking PCNs were issued. Similarly, during the first quarter of 2019/20, 234 Notices were served. At this level of performance it can be anticipated that the target of 1,000 stated within the Service Level Agreement will be achieved during the first full financial year of the contract.
- 2.29 Issued Parking PCNs are divided between the higher and lower charges, defined by early payment or not, paid at rates of £28 and £23 respectively to the contractor. During the third quarter of 2018/19 and the first quarter of 2019/20, the overwhelming majority of Charges were paid at the higher rate.
- 2.30 A summary of the location of Parking PCNs being issued is attached at Appendix 2.

### **3. Options considered and recommended proposal**

- 3.1 This is an update report and Members are asked to note and comment on the progress made.

### **4. Consultation on proposal**

- 4.1 No consultation is proposed as this is an update of an existing scheme.

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

- 5.1 Monthly performance meetings are held with both DMBC and the contractor to drive performance and to mitigate risks.



5.2 Future meetings with the software provider, Chipside are to be arranged by DMBC, to improve the data reporting from the software to meet the needs of RMBC.

5.3 Local performance meetings with the contractor's supervisor at RMBC every fortnight, deliver hotspot and intelligence and direction in relation to delivery. However, there is currently a transitional period of familiarity for the new supervisor, and the local meetings will be arranged again beginning during the last week of July 2019.

## **6. Financial and Procurement Advice and Implications (to be written by the relevant Head of Finance and the Head of Procurement on behalf of s151 Officer)**

6.1 Different financial mechanisms are applied in relation to parking and enviro-crime offences:

- Parking PCN revenue is collected by Rotherham and then a level of £23 and £28 paid to Doncaster Council for each lower and higher payment respectively.
- For enviro-crime offences, Doncaster Council collects payments and then reverts payments to Rotherham Council at a rate of £7, £17, and £42 for each £80, £100, and £150 fine paid respectively.

6.2 Levels of revenue generated in relation to Parking PCNs for the Council is at a low level, with an average of around £2.88 retained for each Notice paid during the last quarter of 2018/19.

6.3 Levels of revenue reflect the relatively low performance in terms of littering fines issued. The financial mechanism for fees payable to Rotherham are contained within schedule 4 of the Service Level Agreement. Although originally a saving of £100,000 was allocated to revenue budgets in respect of the joint working with Doncaster, the Cabinet Meeting of 15<sup>th</sup> April 2019 approved the reduction in this savings target to £22,000 following the agreement of alternative savings proposals. Consequently, against the saving applied to the budget, it is anticipated at this stage that a pressure of around £7,000 will be realised which will need to be accommodated from elsewhere within the Regulatory Services budget.

6.4 It should be noted that these figures are not fully reconciled and may be subject to amendment. In addition, it should be noted that there is a delay between the issuing of fines and fees paid to Rotherham. This delay accommodates the full process from issuing fines through to reminders being sent and the decision to prosecute if not paid.

## **7. Legal Advice and Implications (to be written by Legal Officer on behalf of Assistant Director Legal Services)**

7.1 Further legal implications are not anticipated from this update report.

## **8. Human Resources Advice and Implications**

8.1 There are no direct HR implications arising from this report.

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

9.1 There are no implications for Children and Young People and Vulnerable Adults from this update report.

9.2 Fines are not issued to children, although advice will be given.

9.3 Officers are trained to be conscious of individuals who may be vulnerable or suffer with mental health issues and should not issue fines to those individuals. However, mental health and vulnerability issues are not always apparent to the issuing officer and, where representations are made in respect of mental health or vulnerability, fines can be cancelled.

## **10. Equalities and Human Rights Advice and Implications**

10.1 There are no further equalities or human rights implications from this update report. An equalities screening assessment is attached at Appendix 3

## **11. Implications for Partners**

11.1 There are no further implications for partners from this update report.

## **12. Risks and Mitigation**

12.1 There is some risk that if reports particularly relating to finance are not further refined, that financial scrutiny of the contract arrangements might not be as effective as desired. It is anticipated that the level of detail required can be achieved through discussions with the software provider to better enable bespoke reports based on Rotherham's needs.

12.2 Staffing remains a risk to the performance of the contract both in terms of the numbers and locations of fines issued and the areas patrolled. It is anticipated, that the introduction of three flexibly deployable staff across Rotherham and Doncaster will go some way to mitigate this risk. However, the effect on performance through turnover of staff still remains.

12.3 The impact of staffing in particular upon the required focus outside of town centre is of concern. It is anticipated that through the monthly performance meetings with Doncaster and the contractor, that this situation will be effectively dealt with over the coming months.

## **13. Accountable Officer(s)**

Sam Barstow, Head of Service, Community Safety and Regulatory Services  
Tom Smith, Assistant Director, Community Safety and Street Scene

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive		Click here to enter a date.
Strategic Director of Finance & Customer Services (S.151 Officer)	Named officer	Click here to enter a date.
Assistant Director of Legal Services (Monitoring Officer)	Named officer	Click here to enter a date.
Assistant Director of Human Resources (if appropriate)		Click here to enter a date.
Head of Human Resources (if appropriate)		Click here to enter a date.

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