



Communities Scrutiny Group

Thursday, 22 July 2021

WISE: Environmental Crime Enforcement Update

Report of the Director – Neighbourhoods

1. Purpose of report

- 1.1. To provide an update on the Council's approach to environmental crime enforcement.
- 1.2. Councillors are asked to acknowledge and provide feedback on the report and the supporting presentation.
- 1.3. This item follows previous scrutiny at Communities Scrutiny Group in July 2020 and February 2021.

2. Recommendation

It is RECOMMENDED that the Communities Scrutiny Group considers the information provided in the report and presentation and provides feedback on the Council's approach to tackling environmental crime.

3. Reasons for Recommendation

- 3.1. To update the Group on the Council's approach to environmental crime enforcement which is a key function to support the delivery of the Corporate Priority on 'the Environment' and 'Quality of Life' as a clean Borough enhances how people feel about their local area and the protection of public health
- 3.2. The cleanliness of streets and open spaces is a high priority for local residents particularly with regard to dog fouling, littering and fly tipping.

4. Supporting Information

- 4.1. At its meeting on 23 July 2020, the Communities Scrutiny Group was given information on the level of fly tipping within Rushcliffe. Fly tipping continues to be an increasing problem within the Borough although it is recognised that this is not an issue unique to Rushcliffe and the increase is also reflected nationally.

Reported tips in Rushcliffe

18/19	19/20	20/21	21/22
1266	1070	1391	165

4.2. The Group agreed the following recommendation:

“In light of an increase in fly tipping incidents in the Borough, it is recommended that the Chief Executive be asked in conjunction with the Cabinet Portfolio Holder to review the resources deployed on enviro crime enforcement ahead of 2021/22 budget setting process with a view to providing suitable additional resource to cope with the increased workload”.

- 4.3. In looking at best practice elsewhere, it is recognised that the private sector can complement the services of local authority staff by offering a more targeted and cost-effective approach. Accordingly, the Council commenced a 12-month trial with a private sector partner, WISE, which is providing dedicated resources to undertake environmental crime enforcement on behalf of the Council. WISE staff have delegated authority to issue fixed penalty notices (FPNs) where offences have been detected. The trial is closely monitored including monthly formal review meetings and access to an operational dashboard of cases and their status. As a direct result of this monitoring processes have been changed to ensure the service reflects the needs of Rushcliffe residents and businesses.
- 4.4. Between 5 January and 28 June 2021, a total of 1,526 FPNs have been issued with 1,088 having been paid. The majority of FPNs have been issued in respect of littering simply because it is much easier to witness these offences taking place. However, over 150 FPNs have been issued in respect of fly tipping and/or commercial waste offences.
- 4.5. Inevitably there has been a significant increase in the number of prosecution cases arising from this approach, usually as a result of non-payment of the FPN. It should also be noted that this adds significantly to the workload within both Environmental Health and Legal Services. There are currently 15 prosecution files being reviewed.
- 4.6. The trial has been extensively publicised and public awareness is high. This has also driven an increasing workload as a result of service enquiries and feedback from local ward members which has helped to shape current service delivery arrangements.
- 4.7. WISE have also been used as an important element of the Council’s response to Covid 19 particularly in parks and open spaces which have seen an increase in littering and other unwanted behaviour.
- 4.8. Overall, as a result of the positive impact of the trial it is currently proposed with the support of the relevant portfolio holder that the trial with WISE be extended for an additional 12-months at which time it will be subject to formal procurement.

5. Risks and Uncertainties

As with all enforcement activity, there is the potential for criticism and negative feedback suggesting an overzealous approach to make a profit. This is closely monitored particularly in relation to the new WISE trial by officer's undertaking audit reviews and spot checks where necessary and supported by an appeals process.

6. Implications

6.1. Financial Implications

The cost of officer time spent on prosecutions is recouped from offenders through court proceedings. The income from fixed penalty notices will be collected by WISE which will retain 100% during the first month of the service and 95% from month two. The agreement is based on zero cost to the Council; however, the implications identified in 4.5 and 4.6 could result in increased officer time and subsequently a need for additional resources above what is currently budgeted for.

6.2. Legal Implications

All cases considered for prosecution will be subject to legal review with application of the relevant tests.

6.3 Equalities Implications

None identified

6.4 Section 17 of the Crime and Disorder Act 1998 Implications

As with all regulatory enforcement, the Council works with our Community Safety partners to help support our crime and disorder obligations.

7. Link to Corporate Priorities

Quality of Life	A clean Borough enhances how people feel about their local area and the protection of public health
Efficient Services	Maximising value by utilising private sector partners
Sustainable Growth	n/a
The Environment	Protecting the local environment by minimising environmental crime

8. Recommendation

It is RECOMMENDED that the Communities Scrutiny Group considers the information provided in the report and presentation and provides feedback on the Council's approach to tackling environmental crime.

For more information contact:	Dave Banks Director - Neighbourhoods 0115 9148438 dbanks@rushcliffe.gov.uk
Background papers available for Inspection:	Report to Communities Scrutiny Group 23 July 2020 "Litter, dog fouling and fly tipping (Part One – Fly Tipping)
List of appendices:	Fixed Penalty Levels

Appendix – Fixed Penalty levels

Offence	Adopted full penalty (£)	Adopted discounted penalty (if paid within the discounted period) (£)
Littering	100	75
Graffiti	100	50
Fly posting	150	75
Unauthorised distribution of free literature on designated land	No areas are designated	n/a
Nuisance parking	100	60
Abandoned vehicles	200	120
Fly tipping	400	200
Household duty of care	300	150
Failure to produce a waste transfer note	300	180
Industrial and commercial waste receptacles offences	100	60
Failing to show waste documents	200	120
Littering from vehicles	100	75
Dog fouling	100	75
Community Protection Notice FPN	100	100
Domestic waste Receptacle Offences FPN	60	40