

Appendices: 0



NORTHAMPTON
BOROUGH COUNCIL

CABINET REPORT

Report Title	ENVIRONMENTAL ENFORCMENT – EXTENSION OF POWERS
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AGENDA STATUS: PUBLIC

Cabinet Meeting Date:	9 May 2018
Key Decision:	YES
Within Policy:	YES
Policy Document:	No
Directorate:	Customers and Communities
Accountable Cabinet Member:	Cllr Mike Hallam
Ward(s)	All Wards

1. Purpose

- 1.1 To secure Cabinet agreement to the authorisation of third party staff acting on behalf of the Council to issue fixed penalty notices in respect of breaches of the Public Spaces Protection Orders.

2. Recommendations

- 2.1 That Cabinet approve the authorisation of relevant staff employed by the Council's appointed contractor, The Kingdom Services Group Limited to act on behalf of the Council to issue fixed penalty notices in respect of breaches of Public Spaces Protection Orders. On condition that such staff will have had a full training programmes and are competent to so act before being authorised to issue fixed penalty notices on behalf of the Council.
- 2.2 That Cabinet agrees that the procurement of this service should progress and authorises the Cabinet Member for Environment in consultation with the Director of Customers and Communities to award a contract for this work with the service to be funded from the receipts of fixed penalty notices.

3. Issues and Choices

3.1 Report Background

- 3.1.1 The Council recently entered into a contract with Kingdom Services Group Ltd to deliver environmental enforcement services in the Borough.
- 3.1.2 The Cabinet report in June 2017 approving the principle of the service, allowed for the authorisation of the contractor's staff to issue fixed penalty notices for littering, waste and fly tipping offences.
- 3.1.3 Members have requested that the contractor's staff be authorised to issue fixed penalty notices for dog fouling and other offences relating to breaches of Public Spaces Protection Orders.
- 3.1.4 The Public Spaces Protection Order April 2017 (PSPO) contains provisions in relation to a range of activities. These include a requirement to remove dog faeces from land forthwith, a requirement to keep dogs on leads in certain specified locations and a prohibition of urination and defecation in any public place. The PSPO allows for the issue of fixed penalty notices for a range of breaches.
- 3.1.5 When the PSPO was approved, it was agreed that receipts from fixed penalty notices should be directed back into the management of the PSPO process. This would allow for the receipts to be used to fund service delivery by a contractor.

3.2 Issues

- 3.2.1 PSPOs are legally required to be reviewed every three years. This review process must demonstrate that the powers included within the order are still required.
- 3.2.2 Significant numbers of complaints are received about dog fouling in Northampton. Between March 2015 and April 2018 288 complaints about the matter were logged. Neighbourhood Wardens and Park Rangers are authorised to issue fixed penalty notices for dog fouling offences, in the period mentioned a total of 6 Fixed Penalty Notices were issued.
- 3.2.3 Neighbourhood Wardens and Park Rangers undertake a wide range of duties which mean that they are not able to devote significant time to enforcement of the PSPO.
- 3.2.4 Staff undertaking the environmental enforcement contract work exclusively on this task and, as a result, issue significant numbers of Fixed Penalty Notices have been issued since it commenced. In February and March 2018 over 1900 FPNs were issued for littering in Northampton.
- 3.2.5 Since the existing contract only allows enforcement of the offences specified in the Appendix to the earlier report, an additional tendering process would be required to secure a contractor to deliver PSPO enforcement.

3.3 Choices (Options)

- 3.3.1 Members can decide to agree to the authorisation of third party staff to undertake enforcement duties under the PSPO. This would be in addition to any enforcement undertaken by Council Staff and the Police.
- 3.3.2 Members can decide not to authorise third party staff to undertake this work and to continue with the current arrangements. Enforcement would continue alongside other duties but it is likely that the number of FPNs served for breaches of the FPN would remain low.

4. Implications (including financial implications)

4.1 Policy

- 4.1.1 None

4.2 Resources and Risk

- 4.2.1 There is no cost to this service. It is entirely funded from the income generated by FPNs. Income generated is expected to be low, at least initially. Income received from FPNs should be directed back into the management of the Public Spaces Protection Order Process.
- 4.2.2 The current contract for environmental enforcement has been established on the basis of delivery at no net cost to the Council.
- 4.2.3 A service for the delivery of this enforcement work should be let on the basis that the revenue from the penalties offsets the cost of service delivery.
- 4.2.4 If Cabinet decide to continue with current arrangements there would be a small income stream from the in house enforcement of the PSPO which will be used to offset some of the cost of service provision, however at current levels of enforcement, this income does not facilitate any expansion of the service.

4.3 Legal

- 4.3.1 Section 68 of the Anti-social Behaviour Crime and Policing Act 2014 allows for an authorised person to issue a FPN for breach of a PSPO. The term “authorised person” means a person authorised by the Council for the purposes of section 68.
- 4.3.2 In authorising any person to issue Fixed Penalty Notices, the Council must ensure that they are competent with suitable knowledge and training to carry out the work.
- 4.3.3 Police constables may also issue FPNs and the police force may also authorise civilian staff who are competent to do so.

4.3.4 Fixed penalty payments made in relation to the offences specified in the Appendix to the earlier report may only be used for specified purposes relating to enforcement of those provisions. There is no express limitation as to the purposes for which fixed penalties for PSPO breaches can be used however, Cabinet should satisfy itself that the use of fixed penalty receipts for provision of the enforcement service is reasonable in all the circumstances. Relevant considerations will include any enhancements to enforcement which may be gained as a result of the proposal.

4.4 Equalities and Health

4.4.1 An equalities impact assessment has been carried out. This indicates that the proposal will apply to all residents of Northampton. There are specific exemptions in the terms of the PSPO which allow for circumstances where there is reasonable excuse for failure to comply with the terms of the PSPO in respect to the removal of dog faeces.

4.5 Consultees (Internal and External)

4.5.1 Legal, Finance, Neighbourhood Warden and Park Ranger Teams
Input from Residents Associations and Park Management Committees who are keen to see an increase in the enforcement of the PSPO.

4.6 How the Proposals deliver Priority Outcomes

4.6.1 The report assists in the implementation of the existing corporate plan priority of zero tolerance on environmental crimes.

5. Background Papers

5.1 Public Spaces Protection Order April 2017.

Julie Seddon
Director of Customers and Communities
julieseddon@northampton.gov.uk