

Environmental Crime Enforcement: Service Delivery**Report by Kevin Anderson, Executive Director - Place****Report for Decision****1 Recommendations**

Council is recommended to approve the pilot service delivery for 12 months of a dedicated Environmental Crime Team, utilising the current service provider for parking enforcement, to complement the implementation of the Environmental Crime Enforcement Strategy.

2 Purpose of Report

The purpose of this report is to provide Council with options and solution to implementing the Environmental Crime Enforcement Strategy, with the resource to undertake engagement, education and robust enforcement of environmental crime incidents, including fly-tipping, littering, dog fouling and other associated offences.

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3 Background

- 3.1 Midlothian Council Labour Group tabled a Notice of Motion on 29th June 2021 with regards to working with local groups and individuals to improve open spaces; provision of public space bins; and environmental enforcement using private companies; and requested that a report be presented. A report was presented at August 2021 Council meeting, where Council approved Officers to develop a Midlothian Environmental Crime Strategy, led by Protective Services; and report to Council.

4 Environmental Enforcement

- 4.1 Currently, environmental offences are investigated and actioned by the Environmental Health Service. With the range of statutory functions and, most recently the Covid pandemic, to regulate and enforce, the priority of response is targeted towards the higher public health and safety risks.
- 4.2 The Environmental Health Service and Police Scotland's Midlothian Community Action Team have worked effectively together over the past year with regards to fly-tipping offences, with three individuals charged with associated offences. The reports have been submitted to the Procurator Fiscal.
- 4.3 With the stretch on resource within Environmental Health, an alternative model to pursue offenders for littering, dog fouling etc is required to robustly deal with perpetrators and serve as a deterrent. An approved Environmental Crime Enforcement Strategy provides the framework for all associated offences to be tackled and improve the visual amenity and environment of Midlothian.

5 Midlothian Environmental Crime Enforcement Strategy

- 5.1 The Strategy implements a visible enforcement service to tackle environmental crime.

6 Environmental Crime Enforcement Service Options

- 6.1 Options for the delivery of service are:
- i) A newly created internal Environmental Crime Team, comprising a Team Leader and Enforcement Officers, embedded within the Protective Services staffing establishment.
 - ii) External Environmental Crime Team authorised by Midlothian Council, contracted on an agency basis.
 - iii) Parking Attendants service to be augmented with additional officers and authorised with relevant powers to tackle on street parking offences and/or environmental crimes.

- 6.2 Internal Environmental Crime Team: a team structure would be created through service review and fixed term jobs created and evaluated for the specific role of undertaking environmental crime enforcement. Midlothian Council would authorise members of staff with the relevant powers under environmental protection, and associated, legislation. This would require a team leader and 4 officers. Indicatively, this structure would equate to approximately £192,000 of staffing costs. Additional capital and revenue resource would be necessary for transport and operational devices, together with means to issue fixed penalty notices and administrative support. Non-staff costs have been estimated at £31,000. Additional back office support for fine payments would also be required, which would require specific software, requiring further analysis.
- 6.3 External Environmental Crime Team authorised by Midlothian Council, contracted on an agency basis: given the legislative limitations, external agencies are unable to be directly appointed by the authority to undertake environmental crime enforcement. Persons can be appointed by the authority on an agency/contractor basis. This would be charged at an hourly rate. Indicatively, a Team Leader and two enforcement officers, working 5 days from 7 (40 hours per week) would cost £187,200.
- 6.4 Additionality to the current Parking Attendants service contract: this comprises two options augmenting the existing 3.8 FTE Parking Attendants:
- a) **a holistic team of 5.8 FTE Enforcement Officers who can enforce both parking and environmental offences.** Main points of this option would include:
- More coverage with less resource. i.e an increase of 2 staff members would enable a presence in each council ward focussed on both areas of enforcement.
 - Cost effective from the point that there would be less down time if the area is quiet from one area of responsibility.
 - A negative could potentially be a lack of focus on Environmental issues, especially at the beginning where compliance was being encouraged; and Officers could selectively decide to concentrate on offences which are less likely to lead to conflict.
- Increasing the headcount by 2 members of staff as well as the associated equipment, would increase the annual fixed Charge of the existing contract to the council by approximately £55,000. Back office notice issuance support would be delivered at a cost of £2,500 and £5 per each Fixed Penalty Notice served.

b) **A dedicated Environmental Enforcement team of 4 FTE (in addition to the existing 3.8 FTE Parking Attendants).**

- This option consists of a team of staff fully focussed on enforcing environmental offences. This would be especially relevant at the commencement of the service.

Increasing the headcount by 4 members of staff as well as the associated equipment, would increase the annual fixed Charge of the existing contract to the council by approximately £85,191. Back office notice issuance support would be delivered at a cost of £2,500 and £5 per each Fixed Penalty Notice served.

The current front-line system used by the Parking Attendants has the functionality to produce Charge notices for environmental offences. This use of the system has been tried and tested in another local authority in England.

6.5 In all options, the Council would retain all income derived from Fixed Penalty Notices, which would offset costs. It is expected that income will decrease over time as engagement and education, together with deterrence, increases, and there is a positive behaviour change.

6.6 The below is an estimate provided by the current Parking Attendant provider on the potential Income and costs based on increasing the current headcount by 4 full time operatives.

	Contract Running Costs	Parking PCN Income	Parking Income	Environmental FPN Income	Total (Income Minus Cost)
Current	180,179	183,500	48,500	N/A	51,821
Projected	285,370	183,500	48,500	105,000	51,630

Please note the following:

- The above Parking Income is based on year 2019/20.
- Costs are estimated figures based on current run rates. There could potentially be other associated costs that are unseen at this time.
- Forecasted Environmental Crime FPN income is based on an estimated successful payment rate of 60%.
- Forecasted costs have been based on back office costs of £5 per FPN on an average issuance rate of 3500 FPN per annum and an initial start-up cost of £2,500.

7 Performance Reporting

- 7.1 With the significant partnership working with both Police Scotland and the Scottish Fire and Rescue Service, with regards to environmental crime, reporting performance regularly to the Police and Fire & Rescue Board would provide the necessary governance structure, robust process and scrutiny to the operations and management of this regulatory function going forward.

8 Report Implications

8.1 Resource

The assessment and options appraisal for the creation of a dedicated environmental crime enforcement resource is detailed within the report. The option of utilising the current parking attendant provider on a pilot basis will require additional revenue budget. However, this cost will be offset by the income generated by the issuance and payment of fixed penalty notices. There is a potential for Midlothian Council to fully cover costs, with a potential surplus for reinvestment into strategy actions. As behaviour changes within the communities, income is likely to fall.

6.2 Digital

Not applicable at this stage.

6.3 Risk

Additional resource is required to target environmental crime. This will have a reputational and financial implication on the Council for environmental crime. Utilising an external provider to undertake environmental crime enforcement will require considered construct owing to legislative provision and constraints applicable in Scotland.

6.4 Ensuring Equalities

Having a robust response to environmental crime and the ongoing partnership working with communities is vital to Midlothian's community safety. The subject of this report has a positive impact in the environment and as such does not affect the wellbeing of the community or have a significant detrimental impact on equality, the environment or economy.

6.5 Additional Report Implications

See Appendix A

APPENDIX A – Report Implications

A.1 Key Priorities within the Single Midlothian Plan

The route map outlines the phases of service recovery and transformation which will underpin the Single Midlothian Plan.

A.2 Key Drivers for Change

Key drivers addressed in this report:

- ☐ Holistic Working
- ☐ Hub and Spoke
- ☐ Modern
- ☒ Sustainable
- ☐ Transformational
- ☒ Preventative
- ☒ Asset-based
- ☒ Continuous Improvement
- ☐ One size fits one
- ☐ None of the above

A.3 Key Delivery Streams

Key delivery streams addressed in this report:

- ☒ One Council Working with you, for you
- ☒ Preventative and Sustainable
- ☒ Efficient and Modern
- ☒ Innovative and Ambitious
- ☐ None of the above

A.4 Delivering Best Value

The report aims to deliver best value.

A.5 Involving Communities and Other Stakeholders

Consultation with communities, local groups, Police Scotland and SFRS will be imperative.

A.6 Impact on Performance and Outcomes

The report aims to measure progress through outcomes.

A.7 Adopting a Preventative Approach

The report is based on the creation of a wellbeing economy which prioritises prevention, fairness for people, the economy and the environment.

A.8 Supporting Sustainable Development

The improvement and enhancement of our environment.