



Report for:	<b>Strategic Planning &amp; Environment Overview and Scrutiny Committee</b>
Date of meeting:	<b>10<sup>th</sup> November 2020</b>
Part:	<b>1</b>
If Part II, reason:	

Title of report:	<b>Review of the first year of PSPO enforcement and its effectiveness 2019-20</b>
Contact:	Cllr Julie Banks, Portfolio Holder for Community & Regulatory Services Emma Walker – Group Manager ECP Dawn Rhoden – Team Leader Operations Ben Stevens – Lead Officer Environmental Enforcement Author/Responsible Officer Rachel Smith - Lead Officer Animal Welfare & Public Health
Purpose of report:	1. The purpose of this report is to give Members a general summary of the work carried out by the Environmental Enforcement Team in relation to the town centre PSPO and the dog control PSPO  2. To set out the future management and enforcement of the Boroughs PSPOs by piloting external enforcement.
Recommendations	Provided to committee for information, who are invited to consider/comment on the effectiveness of PSPO enforcement to date and its ongoing management. Any comments should be passed to the Portfolio Holder for Community & Regulatory Services
Corporate objectives:	Enhanced consistency in service delivery across all operations services.  Safe and Clean Environment  Maintain a clean and safe environment
Implications:	Financial  Ongoing maintenance costs to replace any damaged signage.  Additional income from fixed penalty notices issued and prosecutions, which could partially offset the costs of enforcing

<p>'Value for money' implications</p>	<p>the order which has depended on the availability of existing resources to carry out enforcement activities.</p> <p>Environmental Enforcement Team supports the Council in achieving Value for Money for its citizens.</p>
<p>Risk implications</p>	<p>Risks associated with Council enforcement officers who will be tasked with enforcing the PSPO. Individual risk assessments completed for the enforcement activity to minimise any risk.</p> <p>Reputational risks in terms of the Council being perceived as enforcing against vulnerable persons and seeking to criminalise certain behaviours which wouldn't normally attract fixed penalty notices or prosecution for non-payment.</p> <p>Limited existing resources available for enforcement. Therefore, enforcement has been targeted with education/awareness with residents, members of the public and by organising 4 enforcement days. The PSPO will raise expectations that prohibited behaviours will be eliminated entirely. However due to difficulties in identifying some of the contraventions and taking a proportionate approach to enforcement, there will not always be immediate results which will be noticeable to the public.</p>
<p>Community Impact Assessment</p>	<p>N/A</p>
<p>Health and safety Implications</p>	<p>Aware of H&amp;S implications that may arise from the enforcement of the Order which is incorporated within individual service risk assessments for authorised enforcing officers.</p>
<p>Consultees:</p>	<p>None</p>
<p>Background papers:</p>	<p>None</p>
<p>Historical background <i>(please give a brief background to this report to enable it to be considered in the right context).</i></p>	<p>To give members a general summary of the work carried out by the Environmental Enforcement Team in 2019-20</p> <p>(Please note there are no comparisons available to previous years or other LA's)</p>
<p>Glossary of acronyms and any other abbreviations used in this report:</p>	<p>EEO – Environmental Enforcement Officer  PCO – Pest Control Officer  ECP – Environmental &amp; Community Protection  OP's – Operations Team  PSPO – Public Space Protection Order  FPN – Fixed penalty notice  LA – Local authority</p>

## **1. Purpose of Report**

The purpose of this report is to provide Members with a general summary of the work carried out by the Environmental Enforcement Team & Operations Team in relation to the Town Centre & Dog Control Public Space Protection Order 2019-20, associated enforcement costs and future management of this service.

## **2. Background**

The Town Centre Public Spaces Protection Order came into force on 29<sup>th</sup> July 2019. The prohibited activities named in the order are;

- i) Not to spit (including the discharge of chewing gum), urinate or defecate.
- ii) Not to cycle or skateboard.

The prohibitions are included in 2 restricted areas within the Hemel Hempstead town centre.

No dedicated resource was made available for enforcing the PSPO and therefore the decision was made that enforcement was to sit across a numbers of different Council services with the support of working alongside the Police.

Due to this decision on PSPO resources, a commitment was made for a number of public awareness/publicity activities to be undertaken followed by 4 town centre enforcement days and the additional processing of stops made by Police throughout the year. Initially responsibility for enforcement was coordinated by the ASB team (ECP) and enforcement utilised accredited officers from ASB, Enforcement & Housing. Following a departmental restructure in December 2019, the responsibility for the PSPO transferred to the Environmental Enforcement Team (ECP) and is currently enforced by Environmental Enforcement Officers with the assistance of the Safer Neighbourhoods Team (Police).

## **3. PSPO Enforcement Protocol**

Enforcement has been achieved through joint operations with the Police that were conducted at quarterly intervals throughout the year with the processing by the environmental enforcement team, of any stops made by the Police for breaches outside of the joint operations.

### **Procedure followed;**

When supported by appropriate evidence that the PSPO has been breached, the Council will usually issue FPNs to the responsible individual as identified by the authorised enforcement officers, and including incidents reported by Hertfordshire Police. At the time when the officer witnesses an offence s/he will ask the person to stop, identify themselves and explain why the individual has been stopped. They will request the name and address of the person committing the offence and once this has been recorded the individual will be informed that they will be receiving a warning or an enforcement letter or Fixed Penalty Notice (FPN). All formal action will be undertaken retrospectively.

Fixed Penalty Notices can be issued to anyone over the age of criminal responsibility. However, when a breach of the PSPO is witnessed, there is an option for those enforcing the PSPO to issue a warning letter to the individual/s dependant on age and any previous breaches. All warning letters will be copied to Hertfordshire Constabulary for inclusion in Project Sorteria. This Project Sorteria is set up to for partners to tackle Anti-Social Behaviour together within the Community Safety Partnership. Members of the partnership include the Local Authority, Police, Fire Brigade, Trading Standards etc. Partners work together to steer individuals away from acting in an anti-social manner and thereby having a negative impact on the community.

## Children

FPNs and warnings are not issued to children under 10, as they are below the age of criminal responsibility. Authorised officers are advised to take a common sense approach and can contact their parents to make them aware of the offence if necessary.

## Juveniles aged 10 to 17

A written warning is issued to all Juveniles for first breach of the PSPO. This is copied to the Parents or Guardians and Hertfordshire Police

When speaking to children/juveniles officers must;

- be in uniform, or accompanied by an officer in uniform.
- never touch a young person
- approach from the front, not from behind
- identify themselves and offer formal identification
- work in pairs

Officers obtain all of the following from the person in breach of the order:

- Name
- Address
- Age
- Date of birth
- Name and address of a parent or legal guardian of the offender.

If an Authorised Officer issues a FPN or interviews a young person under 17 they must do so in pairs and with an appropriate adult present.

In cases where the behaviour of a person has resulted in additional criminal offences being committed, the Police will deal with as necessary, but it will be the responsibility of the Council to issue any Warning, FPN and or prosecute the breach of the PSPO.

Where a juvenile has been dealt with for more than 2 breaches, consideration will be given to an Anti-Social Behaviour Action Meeting (ASBAM referral or

further enforcement action involving the parent/guardian). This could include support/intervention or enforcement options such as a community protection notice warning or an ASB Injunction.

#### Non-payment of a Fixed Penalty Notice

Failure to pay the FPN within 14 days from the date of issue will likely result in prosecution.

#### Training

Enforcement officers issuing the Fixed Penalty Notices have undertaken the appropriate conflict management and health and safety related training. All enforcement officers issuing FPNs have undertaken the required safeguarding training. All officers enforcing the PSPO will do so in line with the Council's general enforcement policy and regulators code, they will in particular have due regard for the Council's public sector equalities duty when interacting with members of the public and enforcing against any breaches of the PSPO.

#### Monitoring and appeals

Administration of any Warnings/FPNs/Appeals/Prosecutions will be undertaken by the Environmental and Community Protection service. The PSPO will be monitored by Dacorum Borough Council on a regular basis with an annual report being produced that will be presented to this Overview & Scrutiny Committee.

### 4. Enforcement Actions 2019 - 2020

There have been 4 joint PSPO action days carried out between October 2019 and October 2020 including 1 in April rescheduled due to COVID. The town centre is also patrolled on a daily basis by the Safer Neighbourhoods Team who have referred a number of breaches for the enforcement team which have been processed. Service statistics are:

<b>Actions</b>	<b>Number</b>
PSPO Warning	<b>47</b>
PSPO Fixed Penalty Notice	<b>14</b>
Community protection warning	<b>1</b>
Community protection notice	<b>1</b>
CPN fixed penalty notice	<b>1</b>
Prosecution	<b>1</b>
Successful Appeal against a warning	<b>1</b>
Pending Prosecutions (non-payment)	<b>4</b>

NB the parent of one repeat juvenile offender receiving a fixed penalty notice for breaching a community protection notice for his behaviour.

PSPO enforcement has been regularly publicised through the Council's communications team with messages, press releases and social media updates following up all action days carried out and the successful prosecution brought.

There has been notable interest in the enforcement of the town centre PSPO including freedom of information requests, MP enquiries and a number of general enquiries and complaints. Contact received regarding the PSPO has been both for and against the enforcement but overall the majority of contact received has been supportive of the action taken.

## 5. Cost of PSPO Enforcement

The cost of enforcement and administration of the PSPO from October 2019 to October 2020 has been calculated at £19,173. This is based on the officer time involving all 3 EEO's, the Lead EEO and ECP processing administration for the 4 action days carried out. It also includes calculation of processing the breaches outside of the action days.

Town centre PSPO cost calculations Oct 2019 - Oct 2020					
					<b>Daily cost Including Overheads</b>
		<b>4 Enforcement Days</b>			<b>5,865.42</b>
		<b>Lead Officer Admin time</b>	<b>4 hrs pw 52 wpa</b>		<b>12,977.12</b>
		<b>Admin Team processing time</b>			
		<b>Per Case</b>	including overheads		<b>5.33</b>
		<b>Cases (warnings&amp;fpns)</b>	62		<b>330.46</b>
		<b>Total</b>			<b>19,173.00</b>

## 6. Dog Control Orders

The Dog Control Public Spaces Protection Order came into force on 29<sup>th</sup> July 2019. The prohibited activities named in the order are:

- Failure to remove your dog's poo
- Failing to remove your dog's poo at the request of an authorised officer
- Failing to carry a poo bag or other means to clean up after your dog
- Failing to put your dog on a lead at the request of an authorised officer
- Failure to keep your dog out of a fenced-off play area or keep it three metres away from any play equipment.

These cover the majority of the borough with a few exemptions for National Trust land.

The dog control orders have been heavily publicised across the borough and several educational events took place at a variety of locations. This included visits to some of the larger parks, playgrounds and sporting facilities to talk to dog owners and the public and supplying promotional material to relevant shops, organisations and Parish Councils.

Targeted enforcement was planned for 2020, unfortunately the Covid pandemic outbreak, service demand and staffing levels has delayed this. Targeted enforcement is currently being planned over the next few weeks, this will concentrate on the areas where we have received the most reports for on street fouling.

## **7. Future PSPO Enforcement**

The Enforcement team is increasingly more involved in complex environmental crime cases and it has become clear that this doesn't leave sufficient resources for a sustained high visibility presence on PSPO and littering enforcement that is required to support the current PSPOs.

In March this year, the Chief Officer Group (COG) gave unequivocal support and agreed in principle to the option of contracting out the enforcement of these areas to a specialist private sector contractor. Subsequently following due process, the Portfolio Holder delegated approval has been given to use a private contractor to strengthen the Council's enforcement in this area across the borough. This decision is currently going through the decision making process for delegated decisions. ECP will therefore develop a tender for the contract, initially for the period of one year from July 2021. The data from the first year pilot will be used as part of the review of the Public Space Protection Orders which are due to expire in July 2022.

Increasingly, other local authorities are adopting this method to manage and enforce their PSPO's. For example, similar sized authorities such as Bedford Council have been operating in this way for several years, and have seen numbers of Fixed Penalty Notices for such offences increase from 450 to 4,000 pa, being a 70:30 split between littering and PSPO breaches.

There are now a number of nationally recognised companies offering these services. Three of which have been recommended to us by contacts at Bedford Council who have just recently retendered their PSPO contract. For example, such operators are National Enforcement Solutions (NES), Local Authority Support and District Enforcement.

The overarching aim of the pilot will be to deliver a partner service to the Council to include;

- Increase the number of enforcement actions, particularly the service of fixed penalty notices primarily for PSPO breaches, littering but also to expand this to other areas such as simple waste crime offences and alcohol related PSPO breaches.
- To release capacity for officers to tackle more time consuming and complex investigations.
- To consistently challenge irresponsible behaviour within the Borough.

- To encourage positive behaviour and provide a clear deterrent against specific ASB & Environmental Crime.
- To be a high visibility deterrent enabling a safer and cleaner town centre and surrounding neighbourhoods.
- To support Council Anti-Litter Campaigns & Volunteer Projects, through community engagement, education and enforcement.

The short term contract will deliver this service over a 12-month period before any long term contractual considerations are made. The contract would provide local employment of a dedicated Team Leader and four Enforcement Officers, all of which will be suitably vetted, trained and equipped by the contractor.

All issued fixed penalty notices will be processed by the contractor's operational support team already in place and will provide DBC with an administration function 12 hours per day, 7 days per week. The Support Team would provide 100% quality assurance to each evidential element of every Fixed Penalty Notice, from the issuance of the FPN itself, to ID checks, complaint / appeal handling and prosecution management including all elements of the legal process until payment is received or the relevant court action has been taken. The quality of the service will be closely monitored by ECP. There will also be an appeals process for recipients of FPN's and the ECP service will have the overriding judgement.

Based on industry expertise, NES have estimated a 12-month pilot service in Dacorum would generate an annual revenue income in the region of £216k with a running cost of approximately £187k. The contractor collecting all FPN income would retain 95% of this income, guaranteeing a zero cost for the service and a predicted annual revenue to DBC of approximately £11k. This is based on a total of 3,848 Fixed Penalty Notices being issued over the course of the pilot with a minimum payment rate of 75%.

The contract will also offer a number of additional value-added benefits, which will complement the work carried out by the Environmental Enforcement Team to include Environmental Awareness and activities in Schools, Supporting Community Projects, Litter picking days in the community, Educational Literature and participation in neighbourhood action and parish council meetings.

## **Conclusion**

The first year of introducing the PSPO has been successful with the level of enforcement activity given the service demands, the COVID pandemic and the resource base. The four action day events with partners has raised the profile along with general day to day activity. The next stage of developing the service will be to pilot the enforcement by an external contractor which will be evaluated before any further service changes are considered.