

Report for: Cabinet Member for Communities and Environment Signing

Item number:

Title: Report seeking agreement to engage Kingdom Security Services to provide a litter enforcement service.

Report  
Authorised by: Stephen McDonnell – AD Commercial & Operations

Lead Officer: Eubert Malcolm Head of Community Safety and Regulatory Services

Ward(s) affected: All

Report for Key/  
Non Key Decision: Key Decision

### **1. Describe the issue under consideration**

- 1.1. This report seeks approval for the proposal to engage the services of Kingdom Security Ltd ("Kingdom") on a 9 month trial basis to tackle the increase in fly tipping and littering as part of our priority to deliver a clean, well maintained and safe borough where people are proud to live and work. Provision will be included in the contract for Kingdom to have the function of giving, and for it and its employees to be authorised to give fixed penalty notices ("FPN"s) for littering.
- 1.2. The report also seeks approval to waive the Contract Standing Orders 9.01 requiring advertisement (tender) of contracts over £100k.

### **2. Cabinet Member Introduction**

- 2.1. Perception of how safe a neighbourhood is can be negatively affected by low level anti-social behaviour such as fly tipping and littering. It also has a negative impact on the economic growth and regeneration of an area. This proposal is an integral part of our strategy to tackle littering and waste issues through a stronger enforcement presence aligned with an emphasis on residents taking responsibility for their own street environment.

### **3. Recommendations**

For the Cabinet Member for Communities and Environment to approve the following recommendations:

- 3.1. That CSO 9.01 is waived in accordance with CSO 10.01.1(a) on the basis set out in CSO 10.01.2(d)(ii);
- 3.2. That a contract with an estimated value of £120,000 is awarded to Kingdom Security Limited ("Kingdom") to provide a litter enforcement team for a nine month trial period, commencing in December 2016, including a provision whereby Kingdom have the function of giving, and for it and its employees to be authorised to give fixed penalty

notices ("FPN"s) for littering. The arrangement with Kingdom is designed to be cost neutral and possibly income generating.

3.3. That Kingdom be thereby given the function pursuant to s88(10)(b) of the Environmental Protection Act 1990 ("the Act") of giving FPNs under s88(1) of the Act, and authorised to do so.

3.4. That Kingdom be thereby given the function pursuant to s59(11) of the Clean Neighbourhoods and Environment Act 2005 ("CNEA") of giving FPNs under s59(2) of CNEA, and authorised to do so.

#### 4. Reasons for decision

4.1. The latest residents' survey shows that litter and dog mess are the main concerns for residents when considering environmental issues.

4.2. The Tidy Britain Group has confirmed that enforcement has an important role to play in reducing litter and altering behaviour.

4.3. Kingdom will provide a uniformed warden service providing a visible deterrent against littering and an enforcement function through the issuing of Fixed Penalty Notices (FPNs) for contravention of the Environment Protection Act 1990 and the Fouling of Land by Dogs (London Borough of Haringey) Order 2013.

4.4. The wardens will offer a highly visible uniformed presence on the street, providing additional reassurance to the public and can assist the police, retail security staff and the public with curtailing and reducing low level crime. A dedicated enforcement team will enable the council's officers to focus on strategic enforcement and together they will deliver the following outcomes:

- a more efficient and effective service by adopting a targeted intelligence led approach;
- cleaner streets;
- less fly tipping and dumped trade waste;
- less litter on our streets and front gardens;
- an increase in the perception of the risk of being caught, resulting in changing behaviours;
- improved enforcement levels; and
- improved public confidence, increasing resident and trader satisfaction and greater civic pride.

4.5. It will significantly increase the amount of FPNs issued in the borough providing a real noticeable deterrent. In 15/16 we issued 586 litter related FPNs, Kingdom estimate that they would issue 3440 annually.

4.6. A high profile litter enforcement team will play a key role, alongside education, in behaviour change - raising the profile of littering as an anti-social behaviour and increasing the perception of risk to those who drop litter. This will be particularly key in the context of the reductions in the street cleansing service in the past 2-3 years as a result of successive phases of savings. Intelligence on poor street cleansing performance within specific categories of roads will be used to target the litter enforcement resource to deliver improvements in cleanliness.

- 4.7. This proposal will align with the Team Noel park project. That project aims to take an innovative approach to delivering neighbourhood improvements, led and sustained by the community. The aim is to transform the relationship between the community and Council so that residents assume an element of responsibility toward their neighbourhood rather than seeing it as solely the Council's responsibility. The proposed launch of the new team in July will coincide with a number of activities within Noel Park which will include a resident led poster campaign against fly tipping and a number of community initiatives based around a waste amnesty day.
- 4.8. The launch of the pilot will be accompanied by a communications campaign which highlights how the vast majority of people are proud of where they live, hence will no longer tolerate the tiny minority of people who fly-tip or litter. The message will be carried forward in posters, a press release, on social media and in positioning pieces. It will be backed up with ongoing communications which shows what the council is doing on enforcement and how the community can help, for example by reporting problems and sharing intelligence.

## **5. Alternative options considered**

- 5.1. We have explored the option of providing the service in-house but this could not be achieved within the current staffing structure. We do not have the officers nor the management structure and experience to deliver the littering "swot team" that Kingdom can provide. Not only will current resources not allow us to offer the service, we are seeking to make savings as part of the MTFs from that service.
- 5.2. We researched enforcement models at the London Boroughs of Enfield, Hackney and Newham. The London Borough of Enfield uses Kingdom. The previous Cabinet member for Communities and Environment met with officers from Enfield. Enfield, similar to a number of other local authorities, has recognised the benefits of utilising a private contractor:
- Contributes to clean streets which is a key council and resident priority
  - Contributes to improvement of street scene
  - Uniformed visible presence
  - Reassurance and deterrent
  - Cost neutral service
  - Reduction in Council administrative support needed

## **6. Background information**

- 6.1. In considering how Haringey can respond to the challenges of ASB enforcement, officers looked at the enforcement models used by other London boroughs. The London Borough of Enfield use Kingdom to support their litter enforcement activities. The Cabinet Member for Communities and Environment and officers met with officers from Enfield who recommended the benefits of this approach.
- 6.2. The team will predominately deliver enforcement in high footfall areas such as Town Centres and Transport hubs. It will also provide a responsive service to deal with the following issues:
- Litter enforcement
  - Fouling of Land by Dogs
  - Timed Collections enforcement
  - Fly tipping/Trade enforcement

- 6.3. Kingdom Security Limited will provide 240 hours coverage per week. Shifts will vary to include covering evenings and weekends as requested, staffing will entail: 4 patrolling wardens, 1 administrator and 1 Team leader.
- 6.4. The arrangement with Kingdom is designed to be cost-neutral and possibly income generating. Appendix A sets out the pricing structure.

## **7. Contribution to strategic outcomes**

7.1. This approach directly supports the Priority 3 vision: A clean, well maintained and safe borough where people are proud to live and work. Underpinning this overarching priority are specific objectives that are also supported by this proposal:

- Objective 1 – *Strengthening Communities and partnerships to improve our environment and reduce crime, enabling residents and traders to feel safe and proud of where they live.*
- Objective 2 - *Make our streets, parks and estates clean, well maintained and safe*
- Objective 5 – *To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity.*

7.2. This proposal also supports Priority 5: Create homes and communities where people choose to live and are able to thrive.

## **8. Statutory Officers comments (Chief Finance Officer (including procurement), Assistant Director of Corporate Governance, Equalities)**

### **8.1. Finance and Procurement**

8.1.1 As outlined in section 6.3, the initiative is designed to be cost neutral, and possibly income generating, dependent on the achieved recovery rate. As such it should be met within existing budgets, and Finance should be updated during the 9 month trial with monthly monitoring on the costs and income.

8.1.3 Procurement has been in consultation with the service in respect of this proposal and supports the recommendations contained within this report, including the intention to waive the Contract Standing Order 9.01 (requirement to advertise). Depending upon the performance and effectiveness of the pilot, Procurement will seek to put in place a long term contractual arrangement during the next 12 months.

### **8.2. Legal**

8.2.1 The Assistant Director Corporate Governance has been consulted in the preparation of this report and comments as follows

8.2.2 The Enforcement functions of the Council relating to Litter derive from the regulatory framework of the Environment Protection Act 1990 ("the Act").

The Council is a principal Litter Authority under s86(2) of the Act and responsible for enforcement of relevant provisions of the Act within its area. By s87(1) of the Act it is an offence to (broadly) drop litter on land open to the air to which the public has access ("littering").

8.2.3 By s88(1) of the Act an authorised person can issue an FPN for littering. S88(10) defines authorised persons as including persons (and their employees) authorised in writing by the Council with whom the Council has made arrangements to give FPNs and such person's employees. The Council therefore has the power to authorise Kingdom Security Limited and its employees to issue FPN on its behalf under a contractual arrangement with the Council.

8.2.4 On 8 March 2013, pursuant to s55 of CNEA, the Council made the Fouling of Land by Dogs (London Borough of Haringey) Order 2013 ("the Order"), coming into effect on 1 April 2013. While the relevant provisions of CNEA were repealed for new Dog Orders with effect from 20 October 2014 by the Anti-social Behaviour, Crime and Policing Act 2014, s75 of that Act maintained those provisions in force for existing Dog Orders until 20 October 2017, at which point they will continue in effect as if made as Public Space Protection Orders under that Act.

8.2.5 By s59(2) of CNEA an authorised person can issue an FPN for dog-fouling contrary to the Order. S59(11) defines authorised person in identical terms to s88(10) of the Act.

8.2.6 An FPN is a notice offering a person believed to have committed the relevant offence an opportunity to discharge any liability for conviction for that offence by payment of a fixed penalty.

8.2.7 Any authorisation must be in writing and comply with the Council's procedures. The authorisation of employees of Kingdom Security Limited is to the individual. The Council will ensure that appropriate background checks for such employees are carried out and ensure that they receive adequate training and have a full understanding of any locally set procedures or Council policies before issuing fixed penalties.

8.2.8 This is a key decision and must therefore be made by the Leader, Cabinet, or the Cabinet Member with the Leader's agreement.

8.2.9 This decision is on the Forward Plan.

8.2.10 The Assistant Director of Corporate Governance confirms there are no legal reasons preventing the Cabinet Member for Communities and Environment from approving the recommendations in the report.

### **8.3. Equality**

The Council has a public sector equality duty under the Equality Act (2010) to have due regard to; tackle discrimination and victimisation of persons that share the characteristics protected under S4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation); advance equality of opportunity

between people who share those protected characteristics and people who do not; and foster good relations between people who share those characteristics and people who do not.

The proposal for the team to predominately deliver enforcement in high footfall areas such as town centres and transport hubs will benefit all sections of the community.

A number of measures have been put in place to mitigate any concerns that FPNs might be issued to residents with mental health issues and minors as follows:

- a) Provide fully trained, Security Industry Authority (SIA) licence holding or fully vetted to DBS standard Enforcements Officers and a senior officer for supervision.
- b) Officers will carry out enquiries to ensure accurate identity details have been obtained from offenders by using Kingdom's Tracesmart facility before issue of FPN
- c) FPNs will not be issued to a person under the age of 18 or those suspected of suffering mental ill health. Names and addresses of persons under 18 found committing littering offences will be forwarded to Haringey Council.
- d) Written statements will be provided according to PACE requirements for each FPN issued or when required.
- e) Staff will wear real time body cameras

## **9. Use of Appendices**

APPENDIX A – Pricing structure

## **10. Local Government (Access to Information) Act 1985**

Appendix A is not for publication as it contains information classified as exempt under Schedule 12A of the Local Government Act 1972 in that it contains information relating to the financial or business affairs of Kingdom Litter Enforcement.