

Appendix 1 – Background

1. Over the past 18 months there has been a high profile education campaign to encourage people to dispose of litter responsibly and to encourage everyone to get involved. For example, children and young people and many Bristol schools have been at the forefront of the 'clean streets' campaign. There are now regular community-led clear ups and litter picks in many communities across Bristol.
2. Building on the education campaign, in autumn of 2017 the council agreed to pilot a new, tougher, approach to enforcement by entering into an agreement with a third party to deliver high volume litter and waste enforcement via fixed penalty notices. Thus, extending the capacity of the City Councils own internal enforcement team.
3. The pilot project (extended from 9 to 12 months) started on 6 November 2017 and is due to finish on 5 November 2018. The project is showing some clear successes, including evidence that behaviour around littering is changing in the city.
4. The enhanced enforcement pilot project has met its objectives, enabled learning and provides a bridge to a longer term enforcement service tender scaled to take into account Bristol's enforcement needs and aspirations:
 - a) Between 6 November 2017 and 30 June 2018, 8,100 fixed penalty notices were issued to people committing environmental crimes in Bristol - an increase of 5,100%.
 - b) Enforcement operations have extended to the weekend
 - c) Fixed Penalty Notices (FPN's) have been issued in 29 wards.
 - d) In addition to litter fly posting, dog control orders and commercial waste are also being targeted for joint or targeted enforcement.
 - e) Between November 2017 and the end of May 2018 BCC received a share of FPN receipts of £77,785.00 with a FPN payment rate that sits close to 80%. The value of receipts has been reinvested in the Clean Streets Campaign and the City Councils own Neighbourhood Enforcement Team which deals with more complex environmental crime.
 - f) Since the start of littering prosecutions in court in April 2018 136 people have been found guilty of littering offences and fined a total of £63,997.76, with BCC Legal receiving £27,028.41 in court costs.
 - g) The service provides access to real time performance data using technology significantly better than what BCC currently has access to.
 - h) The number of fines has gone down over time. This is expected. It suggests people are changing their behaviour.
 - i) Contractual arrangements and effective working relationship has meant we have been able to contribute to problem resolution and make operational changes in response to requests.
 - j) The pilot has operated with 8 staff members, access to two vehicles, an office on the ground floor of City Hall, and a weekend office in the College Street Car Park.
 - k) Delivery has been backed by significant amounts of publicity through all media channels, both positive and negative, which, linked to the number of people who have been fined means knowledge of the service within the general population is high.
 - l) Fixed penalty rates have risen in line with new government guidance. The Environmental Offences (Fixed Penalties) (England) Regulations 2017 came into effect on 1 April 2018 and Bristol agreed that for the period beginning 4 April 2018 and ending with 31 March 2019, the early payment rate for these offences is set at the lowest rate of £50.00, and from 1 April

2019, the early payment rate for these offences is recommended to be set at the lowest rate of £65.00. The early payment rate for commercial waste receptacles was also removed.

Learning and considerations for a future service

- A contracted enforcement service needs to be part of a strategic approach where the third party supplier is able to complement, support and extend the councils own enforcement capacity to address priority issues.
- The pilot project has helped us to understand better how we can align resources to tackle hot spots. Going forward we will be looking to ensure a contracted service is an integral part of a work group. This will ensure we make best use of available resources.
- 97% of fines were for dropping cigarette butts. This reflects a nationwide, indeed global problem. Contrary to popular belief cigarette filters are not biodegradable but are made of plastic and are full of toxins. If not disposed of responsibly they cause serious environmental problems, harm wildlife, contaminate water supplies and can cause fires. This is a problem that cities all over the world are grappling with and needs to be part of Bristol's strategy. Issuing FPN's to people who litter cigarette butts is an important part of changing the behaviour of smokers so that they dispose of their rubbish responsibly. However, cigarette butts are not the only littering or waste issue. A future strategy will need to continue to build on the achievements to date and ensure that what we enforce reflects the problems the city is facing.
- A future service needs to extend across the city and be part of a strategic approach to reduce the gap between the wards that experience the greatest inequality and the rest (as reflected by the Quality of Life survey).
- Contract arrangements together with multi agency operational delivery and strategic planning will underpin an effective and responsive service for Bristol.

5. Options appraisal

Three options have been considered:

Do nothing

The momentum gained through the pilot project in terms of enforcement action and crucially the behaviour change the city needs would be lost. As would the opportunity to build on this and make a significant impact towards cleaner streets.

Expand the BCC in-house enforcement team

To set up an in-house service with a comparable size and access to similar technology to a contractor would have an annual cost of £730,365k. As well as personnel this service would require significant digital infrastructure which is a recurring cost. Our estimates suggest BCC would not see a return on this investment unless it was able to significantly and consistently exceed the performance of the pilot.

In addition, the main aim for the local authority is to bring about a change in the way people behave leading to a reduction in environmental crime. This will be demonstrated by a fall in FPN's and a fall in receipts, resulting in costs having to be met by the local authority.

Procure a concession arrangement with a third party organisation

Procure and enter into an arrangement with an external enforcement company. With this option significantly more enforcement could take place in Bristol with any additional sums produced by the arrangement contributing to making environmental improvements as demonstrated in the pilot.

This is the recommended option.

6. Proposed service

a) It is proposed that a new 4 year contract valued at £1,680,000.00 (£35k/month*4 years) be tendered and be entered into for delivering on-the-spot Fixed Penalty Notices (FPNs) which would include the employment of patrol officers and the necessary infrastructure in order to provide environmental enforcement services within Bristol. This contract will be delivered at no cost or risk to the council with an agreed percentage surplus being returned to the council.

b) The contractor shall issue on behalf of the Council, FPNs for environmental crime which may include, but not be limited to, offences relating to:

Littering.

Public Space Protection Order - Dog fouling/Dogs off leads/Dog Exclusion.

Graffiti.

Fly posting.

Fly tipping.

Commercial waste

c) Proposed performance Indicators:

Monthly management reports will address the following as a minimum:

Number issued per month/total in progress by nature of offence

Analysis by age, gender and type of offence

Number issued by postcode (First four letters, e.g. BSx x)

Number successfully concluded with fines paid in full

Number successfully challenged/cancelled

Number of court proceedings instigated/total in progress

Analysis by successful, unsuccessful and withdrawn

Number of court proceedings attended by provider patrol officers