

## Appendix A – Background

### Environmental Enforcement Concession Pilot 6 November 2017-5 February 2019

1. 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.
2. Kingdom Environmental Service were awarded the tender to deliver the environmental enforcement concession. The pilot project started on 6 November 2017 and 4 February 2019 and delivered some clear successes, including evidence that behaviour around littering is changing in the city.
3. The pilot was supported by a high-profile education campaign that encouraged people to dispose of litter responsibly and asked residents to do what they could to prevent littering. Residents, and schools embraced this ask with litter picking becoming a popular activity evidenced by regular community-led clear ups and litter picks in many communities across Bristol.
4. The enhanced enforcement pilot project met its objectives, enabled learning, and provided a bridge to a longer-term enforcement service tender scaled to consider Bristol's enforcement needs and aspirations:
  - a) Between 6 November 2017 and 5 February 2019, 12,000 fixed penalty notices were issued to people committing environmental crimes in Bristol.
  - b) Enforcement operations extended to the weekend
  - c) Fixed Penalty Notices (FPN's) were issued in 29 wards.
  - d) In addition to litter fly posting, dog control orders and commercial waste were targeted for enforcement.
  - e) Between November 2017 and the end of February 2019 BCC received a share of FPN receipts of £110,000 with a FPN payment rate of 80%. The receipts were 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 were 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 provided access to real time performance data using technology significantly better than what BCC currently has access to.
  - h) The number of fines went down over time, which was expected, and suggested people were changing their behaviour.
  - i) Contractual arrangements and effective working relationship have meant we were able to contribute to problem resolution and make operational changes in response to requests.
  - j) The pilot 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 was backed by significant amounts of publicity through all media channels, both positive and negative, which, linked to the number of people who were fined meant knowledge of the service within the general population was high.
  - l) BCCs fixed penalty rates for environmental offences were increased 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 was 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.

### **Environmental Enforcement Concession 5 February 2019 onwards**

1. 3GS were awarded the tender to deliver the environmental enforcement concession following BCCs Cabinets decision to retender the service. The service started on 5 February 2019 with a four-year term which included a two-year break clause.
2. Learning from the pilot project was used in the tender process to ensure that the new service was less income focused and able to better support the council's wider enforcement needs.
3. The service had several challenges at contract start which included TUPE issues in the first 9 months, Brexit, and the pandemic:
  - a. The onset of COVID 19 and the subsequent lockdowns meant the service could not be delivered for long periods.
  - b. Reopening and Brexit created significant recruitment and retention challenges for 3GS due to an abundance of competing job opportunities that has persisted.
  - c. Enforcement operations continued to work weekends
4. Between 5 February 2019 and 28 February 2023 3GS issued 19,235 fixed penalty notices, with over 90% being for littering offences.
  - a. Payment rate across this period is 71%.
  - b. Total value of 19,235 FPNs issued over this period was £1,557,000
  - c. Total value of 13,660 FPNs paid over this period was £984,970
  - d. Total potential BCC income £196,994

### **Learning and considerations for a future service**

- We learned from the pilot contract that a concessionary enforcement service needs to be part of a strategic approach where the third-party supplier can complement, support, and extend the councils own enforcement capacity to address priority issues.
- A future service also needed 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 would underpin an effective and responsive service for Bristol.
- Within the pilot contract we found that 97% of fines were for dropping cigarette butts with Kingdom.
- Our aim with the second contract was to reduce that number and with 3GS 84.1% of fines were issued for cigarette butts.
- Unfortunately, post-pandemic issues have seen the percentage of fines issued for cigarette litter grow to 95% bringing a contract to date figure of 90%
- 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.

- The first two contracts 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.

## 5. Options appraisal

Three options have been considered:

### **Do nothing**

The momentum gained through the first two contracts in terms of enforcement action and crucially the behaviour changes 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 exceed the performance of the two contracts significantly and consistently.

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 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 two contracts.

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 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:

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- dropping litter on the street or from your vehicle: this includes chewing gum and cigarette butts
- graffiti: this includes painting or damaging a tree or any road signs
- flyposting
- fly tipping
- nuisance parking
- not putting your domestic or [pdfcommercial waste \(pdf, 164 KB\)](#) out properly
- breach of a Community Protection Notice
- breach of [Public Space Protection Orders](#), such as not clearing up your dogs' mess, not keeping your dog under control, taking a dog into an excluded area, such as an enclosed children's play area, drinking in a no-drinking area

### c) Proposed performance Indicators:

KPI No	KPI Title	KPI Description
KPI 1	<b>KPI statement and comparisons report:</b>	Report on the following: Comparison of Achieved KPIs and Target KPIs in the measurement period(s) in question and measures to be taken to remedy any deficiency in Achieved KPIs
KPI 2	<b>Patrol Officer authorisation:</b>	The Supplier shall ensure: It informs the Authority in writing, promptly and in any event within forty-eight (48) hours of the Supplier becoming aware of any patrol officer seeking to be authorised by, or any patrol officer whose authorisation is to be revoked by, the Authority; and/or Its patrol officers are duly authorised by the Authority before going out on active patrol
KPI 3	<b>FPNs cancellation:</b>	KPI 3.1 FPNs cancelled due to Supplier/Supplier Personnel error – no more than two and a half percent (2.5%) of FPNs issued per month should be cancelled due to Supplier officer error.
		KPI 3.2 FPNs cancelled due to Supplier/Supplier Personnel error by reason of FPN being issued by an unauthorised patrol officer – no more than two and a half percent (2.5%) of FPNs issued per month should be cancelled due to Supplier officer error.
KPI 4	<b>FPN reminder letters:</b>	Percentage of reminder letters and any other related correspondence generated in the following timescales: -Day 1: FPN issued Day 15: First reminder letter Day 23: Final reminder letter Day 42: Prosecution File preparation
KPI 5	<b>The resource, supply, and deployment of enforcement officers on the street:</b>	Resources requirements: - Twenty-four (24) days per month with a required minimum of two (2) officers on patrol between the hours of 0730 and 1930 on contracted days A minimum of two (2) shifts per month starting at 0600 hours A minimum of two (2 shifts per month working to 23:00)

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KPI No	KPI Title	KPI Description
KPI 6	<b>Geographical patrol coverage and spread of environmental crime types</b>	Report on the following: Minimum of twelve (12) days per month with a foot patrol in a ward outside of the Central Ward. Minimum of four (4) operations per month dedicated to addressing environmental crime
KPI 7	<b>Health and Safety reporting</b>	Incidents or dangerous occurrence reports submitted to the Authority's Authorised Representative (i) within forty-eight (48) hours of the incident or dangerous occurrence taking place and/or (ii) in excess of forty-eight (48) hours of the incident or dangerous occurrence taking place.
KPI 8	<b>Communication (including Complaint handling)</b>	All correspondence relating to the performance of the services, including complaints will be dealt with primarily by the provider and responded to within ten (10) days of receipt.

**Bristol City Council Fixed Penalty Notice Rates**

Offence	Full fine	Reduced rate
<a href="#">Dropping litter in the street or from your vehicle</a>	£100	£65
<a href="#">Dropping chewing gum and cigarette butts</a>	£100	£65
<a href="#">Graffiti</a>	£150	
<a href="#">Fly posting</a>	£150	
<a href="#">Fly tipping</a>	£400	
<b><a href="#">Nuisance parking: parking two or more cars for sale on the road, non-emergency repairs to a vehicle on the road</a></b>	£100	
<a href="#">Abandoned vehicle</a>	£200	
<a href="#">Breach of household waste duty of care</a>	£200	
<a href="#">Breach of Community Protection Notice</a>	£100	
<a href="#">Commercial Waste Receptacles</a>	£110	
<a href="#">Fail to produce Waste Transfer Notes</a>	£300	
<a href="#">Fail to produce Waste Carriers Licence</a>	£300	
<a href="#">Public Space Protection Orders (PSPO)</a>	£100	£60

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Offence	Full fine	Reduced rate
- Not clearing up your dog's mess		
- Not keeping your dog under control in a public area		
- Taking a dog into a excluded area: enclosed children's play areas		
- Drinking in a no-drinking area		