



Briefing 16 - August 2016

## **APSE Survey – The move towards amalgamating environmental enforcement activities into one service area.**

This briefing provides details on the move by a growing number of local authorities to identify all of their environmental enforcement activities, under which departments' responsibility they sit and then deciding whether it would be more effective and economically beneficial to amalgamate them under one service area. APSE carried out the following survey as a result of a number of members asking for information on this particular issue.

The survey was carried out during July and August 2016.

### **Key issues.**

- When considering the amalgamation of environmental enforcement activities the duties chosen by respondents related to criminal activity such as fly-tipping or anti- social behaviour such as littering and dog fouling, all of which are visible and noticed and commented upon negatively by the general public.
- Although there is considerable diversity in the types of environmental enforcement duties carried out, and under which department's responsibility they fall, when amalgamation does occur, it is usually clustered under the Environmental Health Directorate or Waste and Street Management.
- Amalgamation usually requires up-skilling and a more generic role for officers being developed and agreed. There is therefore a need to consider future roles and training requirements before amalgamation occurs in order to ensure staff are capable of undertaking new roles and responsibilities.
- In some authorities, private sector organisations are now carrying out some elements of environmental enforcement, albeit on a trial or short term contract, payment for which can be directly sourced from FPN's they issue, rather than as a direct payment from the employing council.

### **Overview**

Environmental services touch almost every element of peoples' lives, from keeping streets clean and safe to ensuring the food we eat the water we drink and the air we breathe is not prejudicial to health. Ensuring these standards are maintained fall mainly upon the shoulders of local authorities and often the responsibility of enforcing these issues sits within a variety of services within the local authority. Lately there has been a move bring together all environmental enforcement under one service with a view to operating more efficiently and effectively by

maximising resources, avoiding duplication and making it easier for the general public to understand which department of the council is responsible for this area of work.

To gain a clearer picture as to how many local authorities were adopting this approach, and following requests for more information on this trend from members, APSE created a short survey which was sent out to members to find out more information as to the state of play across UK authorities.

APSE asked the question – **‘Which enforcement activities does your local authority carry out in relation to Environmental Services?’** The answers received could be placed in three main areas:

#### Street scene

- Issuing of fixed penalty notices (litter, graffiti, dog fouling)
- Abandoned vehicles, nuisance and untaxed vehicles
- illegal waste carriers, waste carrier licences
- fly-posting
- business waste disposal (Duty of Care)
- waste on private land
- siting of skips
- erection of scaffolding
- refuse in gardens
- domestic bins left out on wrong day

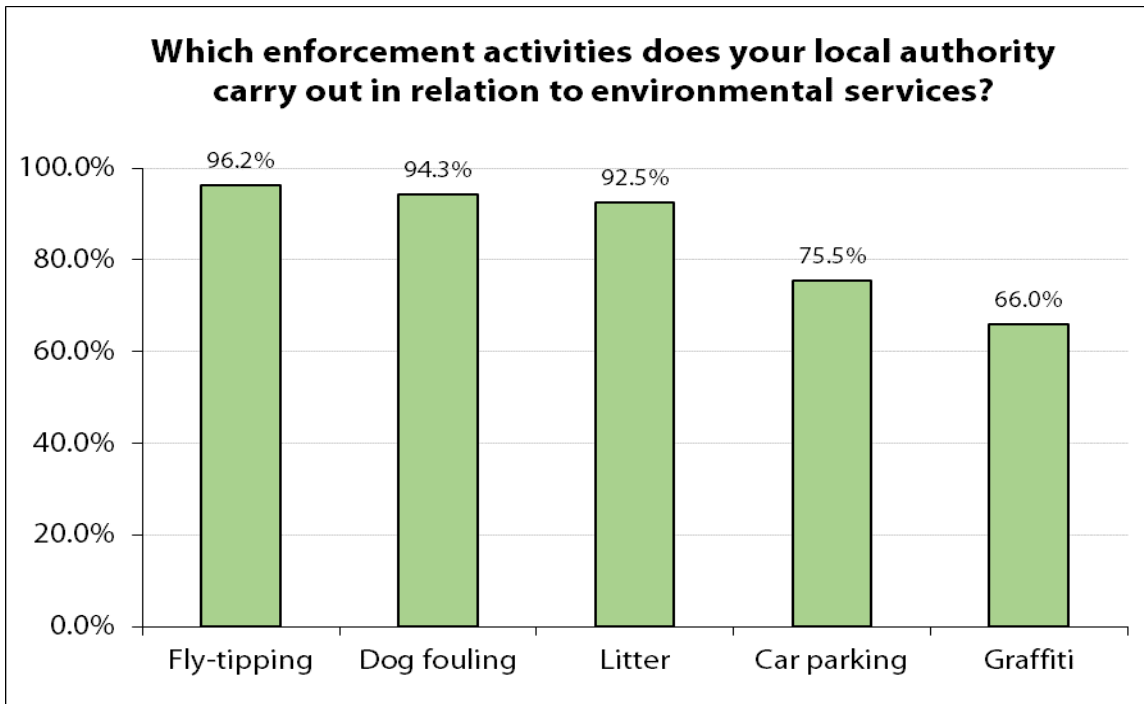
#### Anti-social behaviour

- Alcohol related issues (under-age drinking, alcohol consumption within a Designated Alcohol Free Zone.
- Issuing of Public Space Protection Orders
- Smoking in public places
- Dog Control ( barking, strays, fouling, microchipping and dangerous dogs)
- Public nuisance incidents
- Domestic noise
- Abandonment or mistreatment of horses

#### General enforcement responsibilities

- Pest control
- Planning regulations
- Licensing
- Food and animal health
- Café and alcohol licences
- Taxi licensing
- Private sector housing
- Car parking

The most frequently represented enforcement activities are shown in the graph below.



APSE members were keen to identify where the responsibilities for environmental enforcement lay across local authorities. Therefore the question was asked, '**Are enforcement activities carried out by one service area?**' The responses received showed that responsibilities lay across a wide variety of services however the main responses showed that only 36.5% held all these responsibilities under one service area. Regarding the 63.5% which did not hold environmental enforcement under one service those service areas which were mainly responsible, were as follows:

- Waste Management Services – most street related issues such as graffiti, litter, fly-tipping and other types of environmental street crime.
- Planning – car parking and graffiti removal on council assets
- Community Safety/ Neighbourhood Services - most street related issues such as graffiti, litter, fly-tipping and other types of environmental street crime, but also included anti-social behaviour and dog control

The survey also showed that of those authorities who had not amalgamated environmental enforcement services, approximately 40% were considering the possibility.

As a result of this level of consideration the question was posed: '**If you are considering amalgamating services, which services will be brought together?**' The main services which it was felt would be amalgamated were:

- Environmental enforcement and public protection
- All environmental street scene enforcement responsibilities (e.g. litter, graffiti, fly-tipping, fly-posting, dog control, car parking etc.)
- Waste, street cleansing and highways enforcement
- Anti-social behaviour and environmental protection

APSE then considered whether they had been any discernible benefits to those local authorities which had amalgamated environmental enforcement activities and posed the following question: '**What achievements/benefits have you noticed from amalgamating enforcement activities?**' The three answers received were:

- **Cost savings 73.3%**
- **Reductions in incidents 20.0%**
- **Other achievements or benefits 6.7%**

With reference to the 'other achievements or benefits' mentioned the main comments were in relation to reducing a silo approach to environmental enforcement, improved intelligence sharing greater sense of ownership of the problem and solutions, improved job satisfaction, adopting a more joined-up approach to problem solving, reduced management costs, a more co-ordinated approach and an ability to identify key problem areas and develop a more targeted approach.

To balance the achievements and benefits question, the alternative viewpoint was posed: **'What drawbacks (if any) have you noticed from amalgamating enforcement activities?'** The main responses were as follows: Loss of some expertise as officers had to become more generic, some areas of work were deprioritised, problems with staff over different job descriptions and pay rates, increased training requirements to cover new areas of work, increases in workloads and expectations and inadequate IT systems.

The main point raised by most of the respondents who answered this question was the need to upskill staff.

When asked: **'Have you multi-skilled officers or do they concentrate on a particular specialism?'** the majority of replies indicated that most teams are being multi-skilled with occasional instances of a small number of officers retaining their specialisms. Interestingly one response mentioned that the Police and Fire Service were also working as part of the response to reducing environmental crime.

With the clear need to up-skill officers APSE asked, **'Do your enforcement officers have any mandatory qualification requirements or undertake specific training'**. – The most common responses revolved around, Enforcement Academy training provided by Keep Britain Tidy, providing specific training courses on PACE, and RIPA and also some local authorities sent their staff on the Advanced Professional Certificate in Investigative Practice (Btec Level 7) . A good deal of training was carried out in-house particularly in the areas of issuing FPN's and conflict management and personal safety.

For general information APSE itself holds training sessions which address the use of the Enforcement Management Model when making decisions about appropriate action and may be of use to those authorities which carry out environmental enforcement action.

With this new approach being adopted within councils and their partners, it was deemed a good opportunity to ask, **'Have you included any enforcement functions which may not previously been part of the environmental function?'** The main responses were that the issuing of parking offence tickets which had been included as had some elements of planning enforcement.

With this change in structure and a greater emphasis on pursuing environmental enforcement, APSE enquired whether **'As a result of the amalgamation of environmental enforcement, has there been any public or media reaction to the changes or increased activity?'** Responses received were extremely positive with many saying there had been no negative reaction, in fact the local media had been very supportive as had members of the public who appreciated the visibility of the 'new officers' and the fact they could deal with multiple issues. It was commented by some local authorities that they found it crucial that they communicate widely when they are preparing campaigns to target specific issues such as dog fouling.

With ongoing budget reductions faced by many councils the ability to assign staff to environmental enforcement has been reduced. As a response to this, some local authorities have contracted this type of work to private enforcement agencies, often on short term contracts where a particular problem is prioritised such as dog fouling or littering. In order to gain a better understanding of how widespread this practice is APSE asked, **'Has your council considered the use of private sector organisations to carry out enforcement activities on behalf of the council?'** The answers received were as follows:

- Yes we currently use private sector organisations – 19.5%
- We are considering using private sector organisations – 26.8%
- No we do not or are not considering using private sector organisations – 53.7%

With the possibility that half of those local authorities questioned have, or may use a private sector organisation to carry out environmental enforcement activities APSE on behalf of its members wanted to know, **'Which company have you used and what activities do they carry out and what contract payments do you have?'** The three main companies employed were Kingdom, 3GS and APCOA (car parking related activities). Most of the activities carried out by Kingdom and 3GS related to litter and dog fouling enforcement and most councils were employing them on short-term contracts or for trial periods. In relation to contract payments the only responses received were that FPN's were kept entirely by the private company or they received a percentage of the income from the issuing of an FPN, instead of receiving a direct payment from the employing council.

## **APSE Comment**

As a result of ongoing budget cuts local authorities are looking across all their services in an attempt to increase efficiency, avoid duplication and get the most from the resources they own. APSE supports all its member authorities in this drive towards improved service delivery through providing research, advice, promoting best practice and innovation, benchmarking, training and service review. It is with this in mind that following requests for information on the amalgamation of environmental enforcement services APSE has carried out a survey to identify what is happening in relation to this issue across the UK's local authorities.

It is clear the decision to amalgamate environmental enforcement activities is not purely driven by budgetary pressures. It is also a result of a desire to make more efficient use of resources by identifying key environmental issues and focussing attention on them. These priorities have often been identified by public concerns and complaints. Also many of the environmental issues which need addressing are also key to the delivery of many councils' key aims and objectives, such as improving the economic prospects of the area, health and well-being and creating and sustaining local communities and neighbourhoods.

From the survey results it is apparent that in amalgamating environmental enforcement services, many local authorities are adopting a similar approach, which is the grouping of all their street scene environmental enforcement issues together (litter, dog fouling, fly-tipping, graffiti etc.), and supplementing these with associated environmental enforcement activities such as car parking, highways infringements, housing (insecure buildings), and anti-social behaviour activities such as noise and drinking in the street. This approach is allowing officers to address similar issues in a more holistic way under the direction of one service area. In some instances this has brought savings as management and officer numbers have been reduced.

In making officers more generic this has meant improved training has been required to allow officers to have the knowledge to deal with this wider set of roles and responsibilities and this has resulted in new job descriptions and in some cases pay rates. However, despite some of the initial changes and up-skilling issues, the reaction of the public and perhaps surprisingly, the media has been positive as both have seen the benefits of a higher profile presence on the street and the fact these 'new officers' are able to deal with a variety of issues rather than being restricted to a specific role. In addition several respondents have also reported that they have developed partnership with external organisations such as the Police and Fire Services and now share some of the responsibilities for environmental crime enforcement.

In an attempt to bolster some of the environmental enforcement activities some authorities have employed private sector enforcement agencies to deliver short sharp shock campaigns on issues such as dog fouling and littering, particularly in town and city centres. Again many of these have received public and media support. However there are few examples of where these organisations having taken on all the environmental enforcement roles. Many are still in trial periods so there may be cases in the future where an expansion of their duties could occur, particularly if they continue to use income from FPN'S as payment for their services as opposed to direct payment from the council.

Councils need to consider a potential loss of synergy with wider council values if enforcement is outsourced. Consideration also needs to be given to any potential perverse consequences of payment by results on enforcement and any potential backlash from the public if there is a sudden significant increase in the issuing of FPN's.

The outsourcing of environmental enforcement could prove to be a sensitive issue which would need to be discussed with elected members, the workforce and trade unions, particularly if staff transfers or redundancies are involved.

The aim of the survey was not to say whether amalgamation was the correct choice as different circumstances within different councils will lead to different decisions being made.

What has been shown is that councils are amalgamating environmental enforcement services successfully and making both financial and operational efficiencies.

It is hoped that the findings of the survey will help those local authorities considering amalgamation of environmental enforcements services, to come to a decision where they have had suitable information to justify the course of action they eventually take.

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