

<b>To:</b>	<b>Cabinet Member for Technical &amp; Waste Services</b>
<b>From:</b>	<b>Darren Lanes, Head of Street Scene &amp; Leisure</b>
<b>Director:</b>	<b>Robert Styles, Director of Street Scene, Leisure &amp; Technical Services</b>

**BRIEFING NOTE: EXECUTIVE - NON-KEY DECISION**

**APPOINTMENT OF NATIONAL ENFORCEMENT SOLUTIONS**

**Summary of Issue:**

**Future approach to enforcement assistance for Tonbridge and Malling Borough Council.**

**Recommendation:**

**Proposed appointment of National Enforcement Solutions (NES) on a 12-month pilot to assess the future feasibility of external enforcement support for Tonbridge and Malling Borough Council.**

**1.0 Background**

- 1.1 Tonbridge and Malling Borough Council does not currently have a dedicated enforcement team to deal with offences such as littering, dog fouling and fly-tipping. Enforcement duties are, however, incorporated into the roles of Officers with broader remits, primarily the three Waste and Enforcement Officers (WEO's). As well as enforcement the WEO's primary function is the management and monitoring of the waste contract including monitoring the health and safety of the contractor and addressing residents' queries and complaints.
- 1.2 Following the introduction of the new contractor and new service provision in 2019, greater focus and priority has been required in managing performance on the contract. This has resulted in a notable reduction in enforcement activity and this situation is not envisaged to alter in the medium-term.

**2.0 Main Issues**

- 2.1 In order to maintain levels of cleanliness standards expected by residents, a range of approaches are adopted that includes education, physical cleansing

and enforcement. Currently it is acknowledged that the latter cannot be prioritised within existing resources. Equally the Council's financial position will not allow the direct employment of additional resources to address this issue.

2.2 External assistance with enforcement is a possible option and an approach adopted by other Local Authorities across the Country with varying degrees of success. In order to assess the feasibility of long-term success within the Borough of Tonbridge and Malling and to help steer any potential longer-term future procurement of external support it is proposed that a 12-month pilot be undertaken with NES. NES has a track record and appropriate experience within this market. The proposal will broadly include littering, fly tipping & dog fouling investigations & enforcement activity, as well as public engagement & educational initiatives. During the pilot, NES will provide, at no financial cost to the Council:

- Staffing, uniforms, and IT systems
- Equipment (Electronic Digital Devices, body worn cameras and mobile phones)
- Company vehicle
- Patrols and hotspot identification
- Issue of FPN's
- Correspondence relating to non-payment
- Witness statements and the provision of evidence
- Call handling and complaint management
- Collecting and reconciling FPN payments
- Prosecution files compilation and management
- Performance report management

2.3 The pilot will allow the Council to review the feasibility of such a service within our Borough and ascertain whether such a service can be provided to meet the specific requirements of this Borough Council. The pilot will also allow the Council to assess the potential parameters for any future longer-term procurement of such a service including any potential costs/income.

### **3.0 Legal Advice**

3.1 Legal advice has been sought and the Director of Central Services has endorsed the recommended 12-month pilot. Specifically, it has been highlighted that the pilot will allow the Council to attain statistical data and evidence to then determine the level of any future tender and route of procurement.

3.2 Legal Services have also reviewed and approved the specific agreement that will be in place between the Borough Council and NES.

#### **4.0 Financial and Value for Money implications**

4.1 The pilot will be undertaken at no cost to the Council and will also allow the Council to assess any potential options for income through a future procurement process.

#### **5.0 Risk Assessment**

5.1 Legal Services have been fully briefed and are supportive of the recommendation brought forward.

5.2 The recommendation is only for a fixed period to assess feasibility and the terms of the agreement allow either party to terminate with one months' notice.

#### **6.0 Public Sector Equality Duty**

6.1 No impact.

#### **7.0 Consideration by Overview and Scrutiny**

7.1 We do not consider that this matter needs to be considered by O&S/ SSC before a decision is made.

#### **8.0 Communications**

8.1 Following the decision details will be passed to the Council's Media Team to assess the potential for any social media/press involvement.

#### **9.0 Conclusion**

9.1 To support the recommendation highlighted above.

#### **10.0 Annexes**

10.1 None