

CABINET

DATE	8 th March 2023
REPORT OF	Councillor Ron Shepherd, Portfolio Holder for Safer and Stronger Communities
RESPONSIBLE OFFICER	Carolina Borgstrom, Director for Economy, Environment and Infrastructure
SUBJECT	Enforcement Review
STATUS	Open
FORWARD PLAN REF NO.	CB/ 03/23/05

CONTRIBUTION TO OUR AIMS

The recommendations within this report contribute to the strategic objectives and priorities of the Council to continue the programme of delivering behaviour change through robust enforcement and targeted communications.

- **Benefit from a green economy and a high-quality environment** – Ensuring we maximise our opportunities to have sustainable communities which local people can be proud of.
- **Benefit from a strong local economy** – Ensuring improvements to an area, safe environments and quality of place encourage investment, bringing with it prosperity and jobs.
- **Living in a safe environment** – Ensuring residents feel safe and are safe

EXECUTIVE SUMMARY

Following a special meeting of the Communities Scrutiny Panel held on 30th June 2020 that ratified the findings of an Enforcement Review working group and supported the recommendations to Cabinet. This report presents progress on those recommendations

RECOMMENDATIONS

It is recommended that Cabinet:

1. Notes the progress on implementation of the April 2020 Scrutiny Recommendations.
2. Agrees to introduce a zero-tolerance approach to parking enforcement and work with portfolio holder of Environment and Transport to review the Council's Civil Enforcement Procedure and agree an implementation date.
3. Agrees to postpone any further consideration of integration between litter and parking enforcement until June 2025, aligning to contract end dates for current contracts.

4. Extend the current contract with Doncaster Council and their delegation of enforcement powers to undertake environmental patrols for a further 2 years with a possible two further 1-year extensions, therefore being a 2 + 1 + 1 contract extension. A full review to inform future service arrangements would be undertaken in June 2025.
5. Authorises the Director for Economy, Environment and Infrastructure, in consultation with the Portfolio Holder for Safer and Stronger Communities, to award any contract extensions or variations.

REASONS FOR DECISION

Approving the decisions will allow the council and partners Equans to deal more effectively with parking issues across the borough. By extending the current litter enforcement arrangements, the Council will continue to deliver effective and cost neutral litter and dog enforcement, until such point a wider review is possible.

1. BACKGROUND AND ISSUES

1.1 Progress on Enforcement Review

1.2 The Communities Scrutiny Panel agreed to review aspects of enforcement activity in its work programme for 2019/20. The Enforcement Scrutiny Working Group met from November 2019 to February 2020 in order to review current enforcement arrangements across the council, including but not limited to planning, car parking, highways, housing, anti-social behaviour, fly tipping, littering, dog fouling, food safety, trading standards; in short, a focus on place-based enforcement functions.

1.3 In July 2020, cabinet were updated on the Enforcement Working Group Review findings and the nine recommendations to be taken forward.

1.4 The following is a progress report in respect to the nine recommendations around modernising services, improve customer journey and increasing enforcement outcomes by improved use of technology and CCTV.

Ref	Recommendation	Status	Progress
1.	That Commercial Regulatory Teams, currently situated at Estuary House and Building Control (planning conditions enforcement) currently as located at New Oxford House should remain separate and grouped by the legislation they enforce.	Complete	Approach in place. Teams to remain grouped by discipline.
2.	That future integration / generic working of street scene-based enforcement activities be considered. Future integration of environmental crime and housing	In progress	See 1.5

	enforcement to be explored.		
3.	That administration and back-office support be developed in line with the amount of enforcement activity.	Complete	Resources in place to support expected demand.
4.	That a single point of access for reporting to enforcement teams be developed, combined with a triage approach and referral to appropriate teams. Longer term there should be a move to improved software allowing more joined up working between disciplines.	In Progress	See 1.8
5.	That elected members training be developed relating to the reporting of complaints, referrals and requests for service. This is to be implemented following the findings of the customer portal review.	Postponed	Postponed until the 2024 introduction of the new Customer Relationship Management System (CRM)
6.	That during the municipal year 2020/2021 the communities scrutiny panel receive a report on the work of the Enforcement Working Group.	Complete	Report taken to Communities Scrutiny Panel. 30 th June 2020
7.	That investment in Automatic Number Plate Recognition (ANPR) technology and utilising road rule enforcement cameras to increase the positive impact of civil enforcement around highways and parking enforcement should be actively explored.	In progress	See 1.11
8.	That future procurement of enforcement technology hardware and software, CCTV systems, rapid deployment cameras, number plate recognition software, IT systems, case management system, data sharing networks etc. should allow fluency between teams, partners and systems.	In progress	See 1.16
9.	That, subject to cabinet approval of a proposed CCTV strategy, the CCTV strategic Group to provide an annual report (or more	Complete	Report taken to Communities Scrutiny Panel. on 5 th January

	frequent if required) to the Communities Scrutiny Panel to inform of progress and performance around the effectiveness and outcomes of the CCTV strategy and multi-agency working.		2023
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- 1.5 **Future integration / generic working of street scene-based enforcement activities be considered.**
- 1.6 Closer joint working with Equans Parking enforcement and LA Support Litter enforcement through the Doncaster framework commenced and is underway with a trial starting in August 2022.
- 1.7 LA Support officers have received training to issue certain Penalty Charge Notices (PCN) for parking breaches. Both teams work together alongside each other regularly on joint days of action.
- 1.8 **That a single point of access for reporting / combined with a triage approach and referral to appropriate teams.**
- 1.9 Improved triage and first stage response is now in place for noise and waste in garden, with plans to expand further. This is delivered by Business Support who administer the customer contact aspects gathering the relevant information before passing to the enforcement teams when complete. This ensure enforcement officers are only receiving cases when all of the relevant information has been provided therefore, following the principle of the right people, doing the right jobs at the right time.
- 1.10 In addition, procurement of a new Customer Relationship Management system (CRM) which will link up the customer response is now complete, and implementation is underway. The aim is to implement teams within Environment into the system first therefore mirroring the March 2023 implementation of Arcus Global.
- 1.11 **Investment in moving vehicle recognition (ANPR) technology**
- 1.12 Automatic Number Plate Recognition (ANPR) technology is being used to enforce at Schools and bus stops. There is currently ANPR enforcement cameras at two schools with a proposal for six additional schools to have cameras introduced in 2023/24 (Waltham Lease and Queen Mary) and the four schools which are part of the School Street trial (Pilgrim, Ormiston South Parade, Reynolds and Macaulay)

- 1.13 Funding has been allocated in the LTP programme for 2023/24 & 2024/25 which will allow for the purchasing of additional ANPR cameras, with six additional cameras introduced initially as referred above. The Council have the back-office system in place and there will be a need to review capacity in the CCTV control room or introduce additional resource to another team.
- 1.14 In relation to bus stops, we are not currently enforcing bus stops, but we have some funding allocated in the Bus Service Improvement Plan (BSIP), for this purpose and cameras will be introduced in Phase two of the Public Space CCTV project, which will allow enforcement at the bus shelters in George Street, Riverhead and Town Hall street.
- 1.15 An Expression of Interest (EOI) was submitted in 2021 to the DfT regarding introducing further moving violations, but no request to introduce these powers has been progressed to date, due to other commitments being a higher priority.
- 1.16 **Future procurement of enforcement technology hardware and software should allow better fluency between teams, partners and systems.**
- 1.17 Investment in CCTV cameras and Rapid Deployment Cameras (RDC's) is supporting increased fly tipping Fixed penalty Notices (FPN) and prosecutions.
- 1.18 Arcus Global, the system procured which will be used by Regulatory teams and Housing officers is planned to be fully implemented by March 2023. This will improve connections between housing officers and other regulatory teams.
- 1.19 Implementation is now complete of joint enforcement software ZATPARK/Unity 5 to allow environmental crime and parking notices to be issued from the same system.
- 1.20 **Background to Parking Enforcement Services**
- 1.21 Parking Enforcement in North East Lincolnshire is delivered by Equans under the Regeneration partnership agreement.
- 1.22 Such enforcement is undertaken through a civil law regime as opposed to enforcement by police or traffic wardens in a criminal law context.
- 1.23 The aim of parking enforcement is to manage traffic congestion and flow, improve safety for pedestrians and drivers, enable and provide effective enforcement of new and existing on street parking restrictions, improve enforcement of disabled bays in both on and off-street parking places, provide off-street parking enforcement in council owned carparks and allow the council to be responsive to changing priorities, local factors, and the demand for parking.
- 1.24 To enable this, the Civil Enforcement Officers (CEOs) work within a set of guidelines governed by the Traffic Management Act, which is set out in the Council's Civil Parking Enforcement procedures and the CEOs have limited discretion in discharging their duties.

- 1.25 When Civil Parking enforcement was introduced by the Council in 2010, there was no observation times included in the Council's Civil Parking Enforcement procedure. The Council received a high volume of complaints and challenges because the issuing of the PCNs had been rushed and insufficient evidence had been captured before PCNs were issued. The Traffic Penalty Tribunal (TPT), advised the Council the approach which had been taken was not supported because where drivers are legally permitted to park within the limitation of the parking restriction, the issuing of a PCN before the CEO had sufficient time to evidence there is a breach, was not reasonable and proportionate and as a consequence, an observation time where introduced. An example of this is where enforcement was taken against drivers who had parked on double yellow lines, where they were unloading/loading and or picking up an elderly or vulnerable relative, and the driver had received a PCN, when they were legally permitted to park.
- 1.26 The observation time was introduced to ensure the CEO has sufficient time to record the necessary information for correctly issuing a PCN and a driver who is undertaking an activity which they are legally permitted is not unfairly treated and receives a PCN. Neighbouring authorities have introduced observation times of between 10 to 5 minutes (Lincolnshire County Council) and 5 minutes at North Lincolnshire Council.
- 1.27 Parking enforcement is applied within the limitations of the TMA and the Council's Civil Parking Enforcement procedure. This ensures the Council takes enforcement action in a consistent and fair way, which can be defended if challenged. When undertaking enforcement, the test of reasonableness and knowing that the action taken is necessary and proportionate is to be applied.
- 1.28 Observation times are discretionary on the part of the local authority, and authorities must publish their observation periods and ensure their CEOs follow them. The Council's Civil Parking Enforcement procedure is the document which captures the observations times and provides guidance to CEOs.
- 1.29 The observation times can be reduced if the Council deems appropriate. If the observation time is to be reduced, there will be a requirement to ensure the new observation period is reasonable and proportionate and the CEO has sufficient time to evidence a breach. To enable the change of observation times there would be a requirement to amend the Council's Civil Parking Enforcement procedure.

- 1.30 Alternatively, by amending the existing parking restriction in specific areas would mean if a CEO witnessed a driver parking against the restriction, the CEO would legally be permitted to issue a PCN without applying an observation time, which the Council would be able to defend. Examples of the alternative restrictions are:
- Introduce an urban clearway to prevent parking in certain areas – A road which is designated as an urban clearway has set hours where vehicles are prevented from stopping, unless for dropping off or picking someone up purpose
 - Introduce loading restriction to prevent parking and to minimise loading and unloading times – a road where loading and unloading is prohibited all the time or between designated times (depending on local circumstances) unless for dropping off or picking someone up purpose.
- 1.31 To amend the type of restrictions and introduce urban clearways and loading restrictions, a review of existing TROs to identify priority locations would be required to be completed. When undertaking the review there will be a requirement to consider safety of road users and accessibility to localised amenities, with new TROs required to be introduced on the completion of the review. By amending a restriction, this would provide a more robust approach, supporting zero tolerance.
- 1.32 The purchase of additional ANPR parking enforcement cameras by using LTP funding, will mean more tools are available for parking enforcement. This is specific to schools and will mean more schools will have fixed cameras installed and this will ensure any driver parking during the times of the restrictions, will receive a PCN.
- 1.33 **Integration between litter and parking enforcement**
- 1.34 While some integration between the two services is already underway, it is felt prudent to postpone any further consideration of integration between the two services until June 2025, when the Equans partnership contract is to be reconsidered.
- 1.35 Therefore, as both contracts need to be aligned, the existing contract with City of Doncaster Council to undertake environmental patrols and current delegation of enforcement powers need to be extended.
- 1.36 The current contract expires in September 2023, therefore a 2 year extension to September 2025 with a possible two further 1-year extensions, therefore being a 2 + 1 + 1 contract extension is sought.
- 1.37 A further review will be undertaken in June 2025, when the Equans partnership contract is to be reconsidered.

1.38 **Current arrangements – Value for Money**

- 1.39 Parking Enforcement delivered by Equans is managed through the partnership agreement. Performance of such is regularly discussed and is felt that current arrangements enable to authority to deliver their responsibilities in order manage traffic congestion and flow, improve safety for pedestrians and drivers.
- 1.40 Environmental Patrols conducted by the current delivery agents, LA Support as part of the Doncaster Framework Service Level Agreement will continue to be managed through monthly performance meetings.
- 1.41 Both functions while subject to constant review do provide the authority value for money.

2. **RISK AND OPPURTUNITIES**

- 2.1 There is an opportunity to ensure enforcement is consistently and robustly delivered enabling local people to enjoy the borough and public open spaces and to feel safe in those public spaces contributing to the sense of positive health and well-being.
- 2.2 Introducing new ways of working to benefit the Place and the partnership by focussing on improvements to street scene enforcement to improve and ensure safe environments and quality of place to encourage investment, bringing with it prosperity and jobs.
- 2.3 There is an opportunity to develop and increase activity relating to appropriate and proportionate means of dealing with low-level offending in a swift, simple and cost-effective way is.

3. **OTHER OPTIONS CONSIDERED**

3.1 **Option 1 - Create a cohesive Parking/Litter/Dog Enforcement Team**

Cease Doncaster contract and vary the Equans contract to bring combined litter/dog patrols and parking enforcement including a combined PCN/FPN processing service back into the council. This would involve TUPE of staff and variations which are not contractually deliverable. (Not Recommended)

3.2 **Option 2 – Continue with current arrangements**

Extend existing contract in place with Doncaster/LA support and retain parking enforcement within Equans and review at the end of the Equans partnership contract in June 2025 **(Recommended)**

3.3 Option 3 - Create a cohesive Parking/Litter/Dog Enforcement Team

Cease Doncaster contract and partner with Equans to deliver combined litter/dog patrols and parking enforcement, including a combined PCN/FPN processing service. Due to the current organisation of staff within Equans this would require a staff restructure to provide adequate management arrangements, which is unlikely to deliver value for money. (Not Recommended)

4 REPUTATION AND COMMUNICATIONS CONSIDERATIONS

- 4.1 There is always potential for reputational damage to NELC and the North East Lincolnshire area resulting from taking any enforcement action. Particularly negative publicity from people who believe they have been unfairly treated when enforcement action is taken.
- 4.2 However, there is potential to generate positive publicity from these actions to show the Council is increasing activity to deter those who are intent on committing offences that blight our communities.
- 4.3 There is equally a potential for reputational damage to NELC if the Authority does not use all the legal options available to us to combat environmental crime and other matters which are high priority to our residents.
- 4.4 These Improvements to CCTV, systems and closer working between teams is aimed at greater efficiency and better performance to increase activity relating to tackling environmental crime, housing and parking enforcement.

5 FINANCIAL CONSIDERATIONS

- 5.1 Currently these services are financed through a cost-recovery model. Therefore, they will be financed within existing agreed budgets with no additional impacts on revenue or capital expenditure.
- 5.2 There may be impacts upon charging policies, income generation and collection due to increased activity.

6 CHILDREN AND YOUNG PEOPLE IMPLICATIONS

There are no perceived children and young people issues within this report

7 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

Proposals to reduce environmental crime and improve the environment and street scene recognise the economic and social benefits of a high-quality environment.

8 CONSULTATION WITH SCRUTINY

This will be discussed with Communities Scrutiny on the 23rd February 2023.

9 FINANCIAL IMPLICATIONS

The recommendations are anticipated to be funded through existing approved budgets. Any additional budget investment required would be subject to approval of a business case.

10 LEGAL IMPLICATIONS

- 10.1 For the recommended option, there would be a need to extend the contract in place with City of Doncaster Council. Legal services will support to this regard.
- 10.2 The enforcement functions in relation to dog fouling, littering and PSPOs are set out in the Environmental Protection Act 1990, Anti-Social Behaviour, Crime and Policing Act 2014, Clean Neighbourhoods and Environment Act 2005 and Health Act 2006.
- 10.3 The power to delegate these executive functions to City of Doncaster Council is set out in the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012, which enables arrangements to be made for the discharge of functions, which are the responsibility of a local authority executive, by another local authority or an executive of another local authority.

11 HUMAN RESOURCES IMPLICATIONS

There are no perceived HR issues in this report.

12 WARD IMPLICATIONS

Impacts on all wards

13. BACKGROUND PAPERS

Scrutiny Work Programme 2019/20

<https://www.nelincs.gov.uk/wp-content/uploads/2019/05/8.-Work-Programme-2019-20.pdf>

[Cabinet Paper 8th March 2020](#)

14. CONTACT OFFICER(S)

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