

NON EXEMPT

HAVANT BOROUGH COUNCIL

CABINET

15 March 2017

DELEGATION BY HAVANT BOROUGH COUNCIL OF CERTAIN LITTER ENFORCEMENT FUNCTIONS TO EAST HAMPSHIRE DISTRICT COUNCIL

**Report by Tim Pointer
Neighbourhood Support Team Leader**

FOR DECISION

KEY DECISION: Yes

1.0 Purpose of Report

The Cabinet is requested to authorise the delegation of certain litter enforcement functions to East Hampshire District Council.

2.0 Recommendation

That the Executive Director of Operations, in consultation with the Cabinet Lead for the Environment and Neighbourhood Quality, be authorised to delegate the following enforcement functions to EHDC:

- Littering under section 87 Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environment Act 2005;
- Failure to provide an authorised officer with correct details under section 88 Environment Protection Act 1990 as amended and
- The Havant Dogs (Fouling of Land Act)1997; and
- Orders made under the Antisocial Behaviour Crime and Policing Act 2014

3.0 Subject of Report

In May 2014 Havant Borough Council (HBC), seeking a “zero tolerance” approach to littering, commenced a pilot scheme to engage a private contractor (Kingdom) to provide a uniformed patrol and back office service to enforce the following offences:-

- Littering under section 87 Environmental Protection Act 1990 as amended by the Clean Neighbourhoods and Environment Act 2005.
- Failure to provide an authorised officer with correct details under section 88 Environment Protection Act 1990 as amended and
- The Havant Dogs (Fouling of Land Act)1997 and
- Orders made under the Antisocial Behaviour Crime and Policing Act 2014

- 3.1 The pilot was managed by officers within the Neighbourhood Quality Team to ensure the co-ordinated delivery of services in a manner which complimented the education and partnership strands of the zero tolerance approach agreed with the portfolio holder. The project received considerable publicity at a local and regional level and was well received by the majority of residents and businesses in the area. The work sent a clear message to offenders that littering was not acceptable to the Council.
- 3.2 In November 2015 the pilot having been completed the contract was put out to competitive tender and Kingdom was successful in securing a one year contract. In November 2016 a two year contract was put out to tender, but, despite being subject of European tender processes no suitable application was received.
- 3.3. Discussions have since been held between the respective portfolio holders and officers at HBC and EHDC with a view to EHDC providing a litter enforcement service for HBC. Agreement in principle has been reached and subject to the delegation of authority being agreed, terms and conditions will be drawn up to cover the delivery of the service.

4.0 Implications

- 4.1 **Resources:** The aim of the proposal is to deliver a “cost neutral” option for Havant to support the delivery of a “zero tolerance” approach to littering and dog fouling. The basic principles around the proposed agreement are that EHDC will provide the enforcement officers for an agreed period of time each week and deliver back office support. HBC in turn will pay EHDC a set fee for each correctly issued fixed penalty notice (FPN) and recoup this cost from the monies paid by customers in relation to the FPN and court costs where the FPN is not paid.
- 4.2 **Legal:** Section 101 of the Local Government Act 1972 and section 9EA Local Government Act 2000 together with Regulation 5 of the Local Authorities (Arrangements for the Discharge of Functions) Regulations 2012 allows for a Local Authority to arrange for the discharge of certain functions to another Local Authority.
- 4.3 **Strategy:** Improving and creating a better quality of place.

- 4.4 **Risks:** The financial to HBC is that not enough money would be recouped to cover the monies paid to EHDC. This risk will be mitigated by quality control, set performance indicators and regular contract management meetings.
- 5.5 **Communications:** An internal and external communication strategy will be developed between both authorities.

Agreed and signed off by:

Head of Legal: 1/3/17

Head of Finance: 31/1/17

Head of Service: 7/3/17

Executive Director: 1/3/17

Cabinet Lead: 1/3/17

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