Dear Sir/Madam,

The Cabinet Member for Health and Environment (Councillor B.J. Longden) is to consider the following report and make a decision on Thursday 24th November, 2016 at 1.00p.m in Committee Room D, Town Hall, Nuneaton.

Yours faithfully,

ALAN FRANKS
Managing Director

AGENDA
PART 1
PUBLIC BUSINESS

1. EVACUATION PROCEDURE
A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.
Please also make sure all your mobile phones are turned off or set to silent.

2. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

3. **DECLARATIONS OF INTEREST** - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members’ Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (Page 4). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Democratic Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.
Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council’s Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. **NSL ENFORCEMENT PARTNERSHIP AGREEMENT** – report of the Director – Assets and Street Services attached *(Page 5)*
### Individual Cabinet Member (Health and Environment) (Councillor B.J. Longden) Schedule of Declarations of Interests

<table>
<thead>
<tr>
<th>Name of Councillor</th>
<th>Disclosable Pecuniary Interest</th>
<th>Other Personal Interest</th>
<th>Dispensation</th>
</tr>
</thead>
<tbody>
<tr>
<td>General dispensations granted to all members under s.33 of the Localism Act 2011</td>
<td></td>
<td></td>
<td>Granted to all members of the Council in the areas of:</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>- Housing matters</td>
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<td></td>
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<td>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</td>
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<td>- An allowance, payment given to members</td>
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<td>- An indemnity given to members</td>
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<td>- Any ceremonial honour given to members</td>
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<td>- Setting council tax or a precept under the Local Government Finance Act 1992</td>
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<td>- Planning and Licensing matters</td>
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<td>- Allotments</td>
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</tbody>
</table>
**Report Summary Sheet**

<table>
<thead>
<tr>
<th>Date:</th>
<th>24th November 2016</th>
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</thead>
<tbody>
<tr>
<td>Subject:</td>
<td>NSL Enforcement Partnership Agreement</td>
</tr>
<tr>
<td>Portfolio:</td>
<td>Health and Environment [Councillor Barry Longden]</td>
</tr>
<tr>
<td>From:</td>
<td>Glen McGrandle Head of Waste and Transport</td>
</tr>
</tbody>
</table>

**Summary:**
This report seeks approval to undertake an enforcement partnership agreement with NSL to provide resources to issue fixed penalty fines for littering, fly posting, graffiti, and low level fly tipping incidents, to offenders.

NSL managers and staff will work closely with NBBC enforcement officers to establish a strategic schedule of hot spot areas and target areas that cause most environmental concern with residents.

**Recommendations:**
That the proposal to enter into an enforcement Partnership agreement is supported

**Reasons:**
To comply fully with our duty to enforce statutory enforcement legislation, efficiently and effectively. To respond to increased concern from residents and visitors with growing incidents of littering, fly tipping and dog fouling incidents.

**Options:**
Agree the recommendation.
Do not agree the recommendation.

<table>
<thead>
<tr>
<th>Subject to call-in:</th>
<th>Yes.</th>
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</thead>
<tbody>
<tr>
<td>Forward plan:</td>
<td>No</td>
</tr>
<tr>
<td>Corporate priorities:</td>
<td>Aim 3</td>
</tr>
<tr>
<td>Relevant statutes or policy:</td>
<td>Environmental Protection Act 1990.</td>
</tr>
</tbody>
</table>

<p>| Equal opportunity implications: | No direct equal opportunity implications. |
| Human resources implications:   | No resource implications |
| Financial implications:         | The agreement would allow NSL to enforce relevant legislation on behalf of NBBC with receipts being retained by NSL to offset operational costs. Any relevant income generation would be shared between NSL and NBBC as appropriate |
| Health inequalities implications: | No direct health inequality implications. |
| Risk management implications:   | Legislative implications |
| Environmental implications:     | Enhancement of the public real. |
| Legal implications:             | The main legal implication is the requirement for the Borough Council to operate in accordance with the requirements of the Environmental Protection Act 1990 |</p>
<table>
<thead>
<tr>
<th>Contact details:</th>
<th>Glen McGrandle</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Head of Waste and Transport</td>
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<td></td>
<td>024 7637 6049</td>
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<tr>
<td>Or</td>
<td>Brent Davis</td>
</tr>
<tr>
<td></td>
<td>Director – Assets and Street Services.</td>
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<td></td>
<td>024 7637 6347</td>
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</tbody>
</table>
1. Purpose of Report

1.1 To seek approval. To implement an enforcement partnership with NSL enforcement

2. Recommendations

That the proposal to enter into and environmental enforcement agreement to issue relevant Fixed Penalty Notices (FPN’s) for littering, fly-posting and graffiti be supported.

3. Background

3.1 Environmental enforcement and environmental issues causing concern and detriment to the amenity is high on most residents and visitors agenda’s. Because of the high profile aspect of littering, fly-tipping, graffiti, and fly-posting it is vital to deal with not only the clean-up but the identification and prosecution of offenders.

Because local authorities are having to streamline services in an attempt to work within revised budget levels, and difficulties recruiting to vacant positions, it was deemed prudent to explore the possibilities of entering into an enforcement agreement with a proven enforcement provider (NSL) to share the functions of enforcement and utilise their resource, knowledge and expertise.

Following discussions between senior council officers and NSL representatives and responding to the ever increasing pressure to tackle the increasing concerns created by environmental offences, it is recommended that NBBC enter into an enforcement Partnership agreement.

3.2 NSL are a leading provider within the enforcement field and are partners with over 62 local authorities and have just won a large tender to partner the DVLA with their vehicle recovery undertakings.
NSL also undertake Warwickshire County Councils on street parking provision.

4.0 Enforcement function

4.1 NSL will initially recruit to 4 environmental enforcement officer (EEO) positions, one of the positions will be that of team leader to oversee the day to day running of the EEO’s and will be delegated to enforce on behalf of NBBC via its delegated authorisation powers.

Once EEO’s have been appointed they will be sent to attend NSL’s accredited training sessions to ensure they are up to date with current legislation, proficient in face to face liaison with the general public and skilled in dealing with potentially volatile situations.

Initially NSL EEO’s will be designated to enforce littering, fly-posting and graffiti through NBBC assets and street scene services sections. It is envisaged that Dog control order offences will be included (subsequent to the Public Space Protection Order (PSPO) taking place.

NSL will manage the whole FPN process with regard to issuing, tracking, complaints resolution and financial management. Where it appears that an offender has failed to pay an FPN issued, NSL will compile a prosecution case file for the use of NBBC legal team.

4.2 NSL officers and managers will liaise with NBBC enforcement employees to establish, a service level agreement (SLA) key working requirements, hot spot areas, patrolling schedules, education packages etc.

4.3 Once the Partnership Service Level Agreement is reviewed and effectiveness established, it is the intention of the Partnership to increase the number of EEO’s undertaking enforcement within the Nuneaton and Bedworth Borough Councils administrative area and to increase the number of offences NSL are able to enforce on behalf of NSL.

5.0 Service Level Agreement

Environmental Enforcement Service

5.1 NSLs proposal is as follows:
1. A 24 month trial with a break review period after 12 months.

2. A revenue share model – profits shared 50/50 once the service costs have been met by NSL.

3. Deployment will be area based to allow the teams to work in areas identified by Nuneaton and Bedworth BC that need attention with specific offences and objectives but will also allow NSL to issue FPNs to generate revenue to cover operational costs.

4. Deployed staff will work in partnership with the Enviro Enforcement Officer to support Council initiatives.

5. Staff will be based at the existing Nuneaton NSL base opposite Nuneaton and Bedworth BC Town Hall.

6. Staff will carry out patrols at times and days as agreed by Nuneaton and Bedworth, with an initial suggestion of Monday to Saturday 8am – 6pm range. These periods however can be adjusted based upon the service need as it develops. Staff numbers also to be increased when necessary and with prior agreement with Nuneaton and Bedworth BC.

7. Staff will target the offences outlined below but this list is not exhaustive and as the service evolves, it is has been agreed that both parties wish to include more activities to improve the Environment and maximise the workforce. Initially, FPNs will be issued for these agreed offences in line with Council policy:
   - Littering
   - Fly posting
   - Graffiti
   - Dog fouling
   - Fly-tipping Low level (witness functions for prescribed offences)

8. NSL will manage all payments from offenders and provide the shared payment to Nuneaton and Bedworth for all paid FPNs (currently around 75% are paid) once NSLs costs have been covered under the revenue share agreement on a monthly basis. As with all NSL contracts, this will be fully auditable.

9. NSL will create all complete prosecution packs that will be delivered/made available to Nuneaton and Bedworth BC in order to progress to prosecution. Any revenue generated from a successful prosecution will fall under the overall revenue profit share agreement.

10. NSL will provide a monthly report to the client which will include:
   - FPNs issued
   - FPNs paid and closed
   - FPNs to progressed to court
   - Court success
• Details of FPNs  
• EEO performance  
• Areas and time of issues  
• Complaints  
• Further items can be added as per Nuneaton and Bedworth BC requirements

11. An agreed short notice period to terminate the arrangement will be agreed within the contract to protect both parties should the service deemed not to be working.

12. It will take approximately 6-8 weeks from the point of agreement on the proposal for staff to be on the ground operating.

13. An agreed communications campaign to commence prior to start up and ongoing throughout the partnership.

NSL will deliver the service through the provision of:

Staff
• 4 Environmental Enforcement Officers (EEO) on the ground – to be expanded when required  
• 1 Team Leader included within the 4 above officers but will spend approximately 30% of their time managing any back office functions, quality control on activities and creation of prosecution packs. The Team Leader will be the main point of contact for the Enviro Enforcement Officer.  
• 8 hour shifts suggested between the hours of 0800 and 1800 Monday to Saturday  
• Sunday, Bank Holiday and evenings as required  
• All EEOs receive NSL’s Industry Leading Training and Introduction to Environmental Enforcement  
• EEOs will wear highly visible Council branded uniform (to be agreed with Nuneaton and Bedworth BC)  
• All staff will have the appropriate insurance  
• EEOs will read a formal caution and issue an FPN to the offender  
• All identification received is counterchecked at The ROC (Regional Operating Centre)  
• All interactions will be recorded on body-worn cameras. These will only remain active during interaction with members of the public. All footage is securely held  
• Non payers will be subject to court action by Nuneaton and Bedworth BC

Equipment
• 1 Enforcement vehicle with public transport to also be utilised if required  
• Body Cams for all Enforcement Staff (Protocols of use to be agreed)  
• Radios for all Enforcement Staff
• Star Traq App based system to record and issue an FPN
• The Dome (Star Traq) will be the digital management system of all FPNs

Back Office Services

• NSL to issue Fixed Penalty Notices (FPN) through an automated system from Hand Held Devices on street
• All FPN payment will be processed through the same system and money collected banked in an NSL Nuneaton and Bedworth EE specific account
• Dedicated EE support from the NSL Oldham Shared Service Centre
• Discount offered for prompt payment as per existing Nuneaton and Bedworth policy
• All correspondence auto generated from The Dome
• Prosecution Bundles for non-payment auto generated, completed and checked by the Team Leader
• Body cam footage available to support non-payment cases.
• Body cam footage to support complaints against officers and Health and Safety risk management

6. Employee Implications

6.1 Because of the proposed structure, NBBC enforcement officers will liaise directly with NSL staff to monitor the above SLA. Aside from these functions NBBC EEO’s will deal with offences not currently covered by the proposed partnership, commercial waste (duty of care requirements) waste carrier details, fly-tipping, waste receptacles etc, therefore there are no direct employee implications connected to these proposals

7.0 Financial Implications

As above NSL will be undertaking the issuing of FPN’s covering the relevant outlined offences. NSL shall retain these receipts to cover their operational and administrative costs of providing the enforcement service on behalf of NBBC. Any legislation or change to operational circumstances via NBBC shall be included within the costs mentioned

All of the financial management for the partnership including FPN PI’s and cost analysis shall be supplied to NBBC for recording purposes.

8.0 Timescales

8.1 Anticipated timescales for the start of the Partnership agreement are as
Follows:

W/C 7th November 2016 – Joint NBBC and NSL communications plan implementation.

W/C 14th November 2016 – Joint NBBC and NSL communications plan implementation.

W/C 21st November 2016 – Soft enforcement launch on:

   Tuesday 22nd November 2016
   Wednesday 23rd November 2016
   Thursday 24th November 2016

Friday 25th November 2016 ‘Enforcement Go Live’ date

Glen McGrandle