

The feasibility of using Parks Staff for Envirocrime Fixed Penalty Enforcement

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Key Decision? YES
Local Ward Members Affects all Wards

REGULATORY AND LICENSING COMMITTEE

1. Executive Summary

- 1.1 Members requested that work be carried out into the feasibility of park staff undertaking fixed penalty enforcement duties at a previous Regulatory and Licensing Committee.
- 1.2 Following consultation with the Parks Manager and Human Resources team, the feasibility of such an approach has been considered.
- 1.3 This report details the findings of this work and recommends that the approach is not considered the most appropriate use of resources at the current time.

2. Recommendations

- 2.1 That the information now provided be noted and that the use of parks staff to issue environmental crime fixed penalty notices is not recommended to the relevant Cabinet Members at the current time for the reasons set out in the report.

3. Background

- 3.1 Powers under the Environmental Protection Act 1990 (as amended) allow the serving of fixed penalty notices for litter, waste and various other offences.
- 3.2 Powers are also available under the Anti-Social Behaviour, Crime and Policing Act 2014 in relation to offences relating to dog control, including fouling, for which fixed penalty notices can be served.
- 3.3 The Council currently employs two part time Enforcement Officers who, amongst other duties, undertake the role of patrolling and serving these fixed penalty notices.
- 3.4 Under normal circumstances, these officers undertake work relating to patrols primarily relating to dog fouling. Whilst a very difficult offence to catch, the team do serve several fixed penalty notices per year. Where these are unpaid, the perpetrator is prosecuted. Members will be aware of one such prosecution recently in relation to dog fouling in Fazeley.
- 3.5 Work in relation to littering is more limited and generally covers hot spot areas where these are highlighted and can be patrolled. Much more work is carried out in relation to litter being present in

areas and taking action on the landowner to remove it. Obviously, where litter is present on Council land our staff clear this.

- 3.6 The Enforcement Officers have carried out less work in these primary areas through 2020 and into 2021 because they have been drawn away to other duties including assistance with food deliveries for the vulnerable as well as Covid enforcement work.
- 3.7 At the Regulatory and Licencing Committee on 25th February 2020, whilst it was considered that the Environmental Protection Team had some notable success in reducing dog fouling in particular, bearing in mind that there was only a 0.6 full time equivalent officer undertaking this range of duties it was resolved that “the feasibility of using parks staff to undertake enforcement be considered”.

4. Using Parks staff for enforcement

- 4.1 When considering this approach, the advantage is obvious– more eyes on the District’s parks meaning, in theory, more offenders would be seen and served with fixed penalties.
- 4.2 In terms of disadvantages, these are numerous and include:
- Lack of enforcement skills for the staff involved
 - Training needs on issues such as criminal justice procedures and enforcement techniques which are time consuming and require resourcing. Whilst such training costs have not been calculated, there would need to be several courses undertaken on matters such as the Police and Criminal Evidence Act, the Regulation of Investigatory Powers Act and fixed penalty notice serving techniques. These are by no means low cost courses.
 - Increased salary costs following a Job Evaluation exercise. Whilst HR advice is that the new roles should have entirely new Job Descriptions and be evaluated accordingly, it is expected that all roles would end up on at least the same pay as an Enforcement Officer usually receives. On the basis of an average salary for Enforcement Officers the increased pay for all the relevant staff based purely on salary costs would total approximately £41,500. On costs would be in addition to this figure. Clearly, given the potential cost, consideration could be given to simply employing a full time Enforcement Officer dedicated to this role.
 - A requirement that the officer is committed to the work of serving fixed penalties. Whilst some park staff may well be enthusiastic about the role, there will be others who are not skilled or have the aptitude to enter into what are confrontational situations. This is true when recruiting enforcement officers so it follows that park staff who didn’t necessarily want this role would be even more reluctant. This is an important consideration and is why the Environmental Protection team has a history of employing ex-police officers to these roles who bring with them the necessary skills, aptitude and training.
 - Much of the work relating to fouling in parks takes place under darkness and this is why winter months show an increase in fouling. Park staff are on a seasonal rota which means they work shorter hours in the winter at the time when this work would be needed most.
 - Time spent carrying out enforcement work is time taken away from normal duties. This may create capacity issues.
 - Finally, Park Staff obviously only work in parks, so they can only see the minority of potential offences which take place across the District.

Alternative Options

1. None explored as the report simply covers the issue of park staff carrying out

	fixed penalty enforcement. Other options, such as employing more staff directly to undertake this work were not part of this proposal.
Consultation	1. Consultation has been undertaken with the Parks Manager and Human Resources.
Financial Implications	1. Should Park Staff take on the enforcement duty, following a Job Evaluation exercise it is expected that their salaries would increase in line with their equivalent within the Envirocrime Enforcement field. Taking an average salary for the equivalent enforcement role based on a number of job advertisements currently available, would see salary increases of £4000 to £7500 depending on the post concerned. Given the staff employed by LDC this would equate to £41,500 in total. A slight increase in income should be achieved from increased FPN income but this would be marginal.
Contribution to the Delivery of the Strategic Plan	1. Shaping Place: to keep it clean, green and safe.
Equality, Diversity and Human Rights Implications	1. No implications directly relevant to this decision.
Crime & Safety Issues	1. Any additional resources for enforcement has the potential to positively impact on crime and safety issues. However, it is considered that this proposal is not the most cost effective or best approach to take.
GDPR/Privacy Impact Assessment	1. No impact identified.

	Risk Description	How We Manage It	Severity of Risk (RYG)
A	None – it is not proposed to change the current state of envirocrime enforcement		
B			
C			
D			
E			