Executive Summary

1.1 This report seeks approval to implement changes to the Council's approach to tackling environmental crime including littering and flytipping. This includes taking a radically different approach to working with the community to improve quality of life issues. In recognition that an enforcement centred approach will not bring about the sustainable change required the report seeks approval for a reduction in resourcing for the Neighbourhood Operations service which is primarily responsible for tackling environmental crime such as littering and flytipping.

Recommendations

2.1 For the reasons set out in the report and its appendices, Cabinet is recommended to approve a budget reduction of £1.4m for the Neighbourhood Operations service as agreed by full Council in the budget for 2019/20.

2.2 Cabinet are asked to note the approaches developed in conjunction with Keep Britain Tidy and the residents via dedicated Citizen Assemblies aimed at encouraging behavioural change among residents to prevent littering and flytipping.
3 Background

3.1 The Neighbourhood Operations service was created in its primary form in 2009 in order to bring about the compliance of residents and business with a range of environmental legislation. By using statutory powers to investigate and tackle environmental crime it was envisaged that the levels of littering, flytipping and other issues would reduce, raising the quality of life in Newham. For each of the last ten years Newham has conducted resident surveys which consistently place rubbish and litter among the highest concerns for residents. Similarly, Newham has one of the highest levels of reports of flytipping in the country and stubbornly high waste and refuse tonnage.

3.2 Many of these issues are linked to the borough’s high residential churn, fed by the private rented sector which accounts for half of all residential dwellings. The high level of transience creates a challenging context in which to effect the necessary behavioural change. The council’s current approach is based largely around the concept of taking rapid and consistent action by way of either enforcement notice or fixed penalty to deter residents and businesses from engaging in behaviour which impacts on the quality of the local environment. A more recent development was the creation of the flytipping task force to undertake investigations into flytipping hotspots and prosecute offenders acting both independently and as part of a commercial network. Alongside this, the council created the Visiting Team within the Community & Environment Division to undertake educational visits across the borough.

3.3 It is clear from all the evidence available that the enforcement approach has led to a wide range of high quality outputs. These range from significant levels of enforcement notices and fixed penalties to a very high level of prosecutions; all achieved as a result of effective working practices and skilled, well trained staff. Each year the Enforcement & Safety Division has hosted delegations from various Local Authorities in London and further afield looking to replicate Newham’s best practice in this area.

3.4 However, we are yet to see any measurable impact on the major indicators around public attitudes, levels of complaints or collected waste (see appendix 2). This is disappointing but not the result of any failure in the delivery of services. This indicates a different approach is needed which still places a strong emphasis on enforcement, but places greater focus on communication, community education and physical design solutions. Based on the evidence and given the financial constraints the council continues to be under it is not possible to continue investing in environmental enforcement at the current level and a substantial cut in the service’s budget is proposed. As the vast majority of the service budget relates to staffing it is not possible to avoid statutory redundancies as part of this proposal.

4 Key Considerations & Proposals

4.1 Newham currently has one of the largest and most extensively trained environmental crime and ASB enforcement services in London. Over the period 2010 to 2014 the service underwent significant development to enable
officers to use the broadest possible range of powers available to them. This led to Newham being one of the first boroughs to issue Community Protection Notices under the ASB, Crime and Policing Act 2014 and the first borough to issue a fixed penalty notice for flytipping.

4.2 Also during this time the service moved to a full ‘command and control’ operation whereby all officers carried GPS enabled radios and patrols were able, if necessary, to be directed turn by turn. This approach attracts the attention of many boroughs in London and further afield with many visiting Newham to gain best practice in the area of enviro-crime and enforcement.

4.3 The Neighbourhood Operations service can be divided broadly into two areas: (1) Littering, Flytipping and Enviro Crime, and (2) Anti-Social Behaviour Investigations. The latter of the two is concerned with investigating and taking action against the most serious types of anti-social behaviour. This proposal will have no impact on the ASB Investigations part of the service.

4.4 As the vast majority of the Neighbourhood Operations budget relates to staffing it will not be possible to avoid statutory redundancies as part of this proposal. Below is a table outlining the current budget for the service:

<table>
<thead>
<tr>
<th>Neighbourhood Operations 2018/19 Budget</th>
<th>£</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staffing</td>
<td>3,728,014</td>
</tr>
<tr>
<td>Police Contract</td>
<td>1,451,400</td>
</tr>
<tr>
<td>Uniform, transportation, legal costs, training</td>
<td>495,710</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>5,675,124</strong></td>
</tr>
</tbody>
</table>

4.5 While the reductions in staffing will not lead to any current services being entirely removed, the level of the savings will require current service levels to be re-evaluated. A list of current and proposed indicative service levels is included at Appendix 3.

4.6 There will be employment opportunities in other areas of the services which those at risk of redundancy can apply for, for example, in the Private housing and Enforcement team.

5 **Policy Implications & Corporate Priorities**

5.1 At present the staffing establishment for the service is 78 FTE. One of these posts is the head of service and 15 posts are in the ASB investigations team and will not be affected. The remaining 62 posts are therefore in scope. The proposal is to reduce the establishment by 1 manager post, 3 senior officer positions and 27 Law Enforcement Officers (31 posts in total). Four of these posts are currently vacant meaning 27 occupied posts will be affected. These proposals generate a saving of £1,370,941.

5.2 Once delivered, in addition to the Head of Service post the savings will leave 3 Managers, 4 Seniors and 24 Officers (31 posts) in the uniformed Neighbourhood Operations Service.

5.3 The above is a proposal for how the savings can be achieved. Due to the numbers affected, under the council’s Change Management Policy it will be necessary to present the proposal to staff for consultation for 30 days. The
The proposal may change depending on the input received from staff during the consultation.

5.4 This reduction in staffing will lead to changes in service levels. The anticipated changes are set out in Appendix 2.

5.5 If the above proposal is implemented it should be noted that Newham will still have one of the largest, best equipped and most comprehensively trained Enviro Crime and ASB teams in London.

5.6 As part of developing a new approach, two Citizen Assemblies have been held to co-design flytipping solutions with Newham residents. These meetings were attended by Keep Britain Tidy who have worked with officers in Waste & Refuse to develop a set of proposals entitled the ‘Better Streets’ project. These proposals focus on non-enforcement options to help reduce flytipping sustainably. A summary of actions and timescales for this project are included at appendix 1. The cost of these proposals will be met from existing budgets.

5.7 Following the Council’s investment of £400,000 to re-introduce free bulky waste collections, it is anticipated that levels of domestic flytipping are likely to reduce.

6 Alternatives considered

6.1 Given the level of savings required the only feasible approach is to reduce staffing levels. Other areas for consideration have included vehicle costs, and additional income from fines but these are marginal and would only form part of the overall £1.4m requirement.

6.2 One option to reduce the impact would be to look at utilising the Law Enforcement Officers to undertake an ongoing schedule of compliance and safety checks in Newham’s housing blocks to supplement the work of the Resident Services Team. This would represent a significant undertaking and it would be necessary to explore an appropriate additional re-charge to the HRA.

7 Consultation

7.1 Name of Lead Member consulted: James Beckles Position: Cabinet Member for Crime & Community Safety Date: 12.04.19

8 Implications

8.1 Financial Implications

8.1.1 At the Full Council meeting on 18th February 2019 the Budget Report included a £1.4m savings allocation. The proposal sought to review the way in which we tackle environmental crime and fly tipping by diversifying our approach.

8.1.2 This report seeks approval for the reduction in service funding of Neighbourhood Operations of £1.4m of which majority of the impact is within the staffing establishment as set out in section 5.1.
8.1.3 Income generated by the Law Enforcement Officers has been in excess of £200k in the last 3 years with an average of £247k throughout the 3 years. The worst case scenario is for this income to fall by 50% in line with staffing reductions but as the current service is being delivered with a number of vacant posts it is estimated that the reduction will be around 20% of which can be contained within the existing income targets.

8.1.4 The risk to achieving the saving will be around the timely implementation of the new structure as any delay will impact the level of in year savings that can be delivered which will result in a pressure to the general fund.

8.2 **Legal Implications**

8.2.1 The Council has the power to take enforcement action for environmental offences such as waste illegally deposited on public land without an environmental permit (fly-tipping) set out in Section 33 of the Environmental Protection Act 1990, and for the offence of littering as set out in Section 87 of the Environmental Protection Act 1990. These are criminal offences punishable by way of fine. The Council is not under a duty to take action where fly-tipping takes place on private or Parish owned unless it is considered prejudicial to health or a statutory nuisance. Any decision to prosecute must be in accordance with the Code of Crown Prosecutors and the Council must act reasonably and proportionately. Should Cabinet agree to the reduction in the budget, the service may wish to consider enforcement action of the most serious cases where aggravating factors are apparent (e.g. voluminous persistent fly tipping on a public highway). Failure to act in these circumstances is likely to result in complaints from members of the public and the Council may be perceived to be ineffective. However as set out in the body of the report, the service has implemented alternative measures to deal with the behaviour associated with waste issues which, over the longer term, may prove more effective.

8.2.2 Under the Employment Rights Act 1996 an employer is required to consult with affected staff. This requirement is satisfied as above. Any process that results in redundancy is required to be fair and the Council is required to follow its own Change Management Policy. Failure to do so could result in successful claims in Employment Tribunal.

8.3 **Equalities Implications**

8.3.1 The Neighbourhood Operations service is offered to all sections of the community and the proposal does not involve the removal of any particular aspect of service that may disproportionately impact upon a particular group of residents. Similarly, the geographic impact of the proposal will be equal across all wards.

8.3.2 By not proposing changes to the ASB Investigations team we are removing the possibility of any disproportionate impact on residents
experiencing serious levels anti-social behaviour. This group are by
definition vulnerable and are more likely to be experiencing hate
crime and other associated criminal behaviours. The ASB
Investigations team work closely with the Metropolitan Police to
ensure perpetrators in these cases are brought to justice.