

EXECUTIVE MEMBER DECISION FORM

DECISION TO BE TAKEN BY: CLLR ANITA LEECH

KEY DECISION: NO

PORTFOLIO AREA: ENVIRONMENT

PORTFOLIOS AFFECTED: ENVIRONMENT

WARDS AFFECTED: ALL

**SUBJECT: ENVIRONMENTAL ENFORCEMENT CONTRACT – REQUEST
TO TERMINATE CONTRACT**

1. RECOMMENDATIONS:

It is recommended that the Cabinet Member:

- (a) the Director of Governance and Assurance, in consultation with the Interim Director Highways and Streetscene, be authorised to agree a termination of the Council's Contract with Kingdom Services Group Limited for the delivery of environmental enforcement; and
- (b) a further report be brought to the Cabinet and/or the Cabinet Member concerning an interim position with regard to environmental enforcement and education; and
- (c) following extensive consultation with the public, Members and Overview and Scrutiny a further report be brought to the Cabinet to recommend a policy of environmental enforcement and education; and
- (d) following consideration of the PSPO proposals by Overview and Scrutiny Committee on 15th January 2019, the Committee be asked to do a further piece of work to consider the way forward in this regard.

2. REASON/S FOR RECOMMENDATIONS:

- 2.1 In August 2018, Wirral Council entered into a three-year contract (with the option to extend for a further three years) with Kingdom Services Group Limited (Kingdom) for the delivery of specified environmental enforcement including littering, dog fouling and other environmental offences.
- 2.2 The Council has robust contract management arrangements in place and has closely monitored Kingdom's performance since the start of

the contract. During this time, the Council has been required to investigate numerous allegations against Kingdom and its operatives in relation to conduct, on the ground tactics used, and pursuit of vulnerable persons. These allegations have in the vast majority of cases proved to be unfounded, however there have been a comparatively low number of instances where the Council has been disappointed with officer behaviour. Kingdom have been very proactive and efficient in dealing with these instances, however this has resulted in significant adverse media attention involving highly-motivated campaign groups which has resulted in criticism and reputational damage for Kingdom and the Council.

- 2.3 Following internal conversations within the Council, approaches have been made to Kingdom regarding the future of the contract and the desirability of the current approach taken. As an outcome, several meetings have been held with officers of Kingdom which explored a number of options for future provision, including the rebranding of the service and termination. As a result of these discussions, it was agreed the best way forward was to terminate the contract by mutual consent.
- 2.4 There have been a number of cases where their operatives have been the subject of personal attack, intimidation and ridicule. The Council and Police have been working with Kingdom to investigate these matters and take appropriate action. Kingdom state that the fundamental reason for mutual termination for them is that they feel that they are no longer able to provide assurances as to the safety and security of their operatives whilst social media and press campaigns may become even more hostile.
- 2.5 Upon receipt of this letter and taking account of the factors outlined in this report, officers recommend that this contract should be terminated by mutual agreement. Subject to this decision, delegated authority is sought by the Director of Governance and Assurance to conclude the commercial process in order to achieve this.
- 2.6 The Council adopted the current policy on environmental enforcement and education on 6 March 2016 (Cabinet minute of 112 refers). It is this policy that Kingdom was contracted to enforce, on an open 'zero tolerance' approach. These contracts delivered by Kingdom until now will be terminated. For at least an interim period, therefore there will be no enforcement of these Council's policies previously allocated to them. It is proposed that the Council desists from re-introducing enforcement of the policy until it has been fully and completely reviewed
- 2.7 The Council's approach to driving behaviour change is part of the strategy to achieve the 'attractive local environment' Wirral Plan Pledge. This will be the subject of a further review and engagement exercise in due course. It is proposed that any future policy under this

pledge is only introduced following a process that ensures strong cross-community and Member support.

- 2.8 The proposed PSPO was subject to an Overview and Scrutiny recommendation, made at the meeting on 15th January 2019. Any resulting PSPO was to be enforced as part of the contract by Kingdom. Given the Committee's recommendation and these events, it is proposed that the PSPO is returned to Overview and Scrutiny and forms part of the above review.

3. DECLARATION OF INTEREST

There are no conflicts of interest.

4. FINANCIAL IMPLICATIONS

The Council do not pay Kingdom an annual sum to operate their contract. The contract is funded through a shared mechanism driven by the receipt of income from the issuing of Fixed Penalty Notices for environmental offences. The Council has projected an income of approximately £300,000 per year from this contract and therefore this decision will result in a budget pressure for 2019/20 of this amount which will need to be covered by compensatory efficiency savings from other service areas within the Council

5. LEGAL IMPLICATIONS

The current contract is a fixed term service contract, entered into following a procurement exercise. The termination clauses are subject to fixed breach events. Termination by mutual consent will involve entering a side-agreement to manage issues that may cause loss, harm or risk to either party.

6. RISK MANAGEMENT

The implications of the decision to terminate this contract are that there will be no further environmental enforcement (for the offences specified in the contract) until further notice. This ceasing of enforcement, without alternative measures in place, raising risks of increased anti-social behaviour particularly in relation to littering and dog fouling.

<p>Signed: </p> <p>Executive Member:</p> <p>Date: 7/3/2019</p> <p>Also present: N. Bullerworth P. Sator.</p>	<p>Signed: </p> <p>Chief Officer: Philip McCourt</p> <p>Date: 7th March 2019.</p>
<p>Date of Senior Policy Team Meeting(s):</p>	

A list of background papers on this issue is held with:

Contact Officer: Mike Cockburn
Date: 6th March 2019

Date of Publication:

Date of Expiry of Call-In Period: Not applicable

Form Reference: Executive Member Decision Form May 2012 v 1.0