



Overview Scrutiny Committee

Kingdom Enforcement Contract Topic Review

Report – October 2016

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Foreword

Given the high profile nature of the Kingdom Enforcement Contract and the fact that the contract is due for renewal shortly, the Overview Scrutiny Committee felt that it would be prudent to review the way in which the contract has been operating both from a customer point of view but also from a value for money perspective.

There is a general feeling that the contract has been operating well, although topic review has identified a number of potential elements that could be included in the future tender for this contract for further consideration.

I would like to take this opportunity to thank the officers involved in the review for their time and assistance in providing comprehensive information which has enabled Members to discuss, debate and identify potential improvements for consideration.

Cllr John Knight

Chair of the Sub-group

1. Introduction and Summary of Recommendations

- 1.1 In June 2016, the Overview Scrutiny Committee selected the subject of the Kingdom Enforcement Contract for a topic review. The terms of reference for the review focused on :
- A review of the contract the council currently has in place with Kingdom Enforcement, including the review of related performance monitoring information required, as set out in the contract.
 - An assessment of the 'value for money' associated with the contract.
 - An analysis of public opinion with regards to the contract, including a review of any customer complaints received in relation to the activities of Kingdom Enforcement.
- 1.2 Throughout the review, Members of the sub-group have been provided with a significant amount of information to review and analyse, which has prompted the further direction that the review has taken.

Summary of Recommendations

- 1.3 In summary, the Scrutiny Topic review of the Kingdom Enforcement Contract has identified one recommendation for Cabinet consideration:

	RECOMMENDATION	Report page
1.	The specification for the tender of the new contract should be expanded to include additional services and not just littering offences.	- Page 6 -

- 1.4 The detailed information to support these recommendations is held within the body of the report and referenced above.

2. Review Findings

Workstream One – Review of the Kingdom Enforcement Contract

- 2.1 Members undertook a review of the current contract that was in place with Kingdom. The original contract with Kingdom was due to end in February 2016 but a decision was taken at this stage to extend the contract for a further year whilst the new contract is procured.
- 2.2 Kingdom provide a minimum of two officers covering 40 hours each per week patrolling the borough (mainly town centre) for litter and dog fouling offences. Kingdom are responsible for the administration of the tickets issued and provide monthly performance management reports.
- 2.3 A review of the detailed performance reports provided by Kingdom was undertaken, in order to understand how the service was performing. The performance information provided a detailed breakdown of:
- The types of litter that the fixed penalty notices have been issued for showing that the majority is for discarded cigarettes.
 - Payment rates for fixed penalty notices (detailed more in section 2.10).
 - Age and sex of the offenders which showed that the highest number of offenders are in the 40-49 age bracket and the highest number of offenders are male.
 - A summary of the level of interaction with customers, including a summary of the prosecutions passed to the council.

It was generally felt that performance in these areas was good and as such, it was felt that no specific recommendation regarding the performance monitoring element of the contract was required.

- 2.4 As part of the performance monitoring element of the contract, the Assistant Director (Environment) meets with Kingdom to review the previous month's performance and review any complaints that have been received.
- 2.5 In addition to the performance information, Kingdom provided details of the ad hoc activities they had undertaken. Patrols have been out across the borough although they have not been successful in every ward; during July 2016 fixed penalty notices were issued in Gravesend, Central, Northfleet, Pelham and Pepper Hill. Additional dog fouling patrols have also been carried out and officers have also consulted activities with the aim of reducing household waste by targeting areas where household waste is an issue. Both of these latter activities have been carried out in addition to the Kingdom contract currently in place.
- 2.6 Whilst these activities were in addition to the current contract in place, Members felt that it would be beneficial to build these into these type of activities into the tender specification for the new contract so that this work can be continued on a more permanent basis.

2.7 Whilst it was understood by Members that any additions to the contract would result in an increase in the proportion of the overall fine paid to kingdom, they felt that it was important for the tender to include additional areas of work, as detailed in the recommendation below:

RECOMMENDATION 1

The specification for the tender of the new contract should be expanded to also include services relating to:

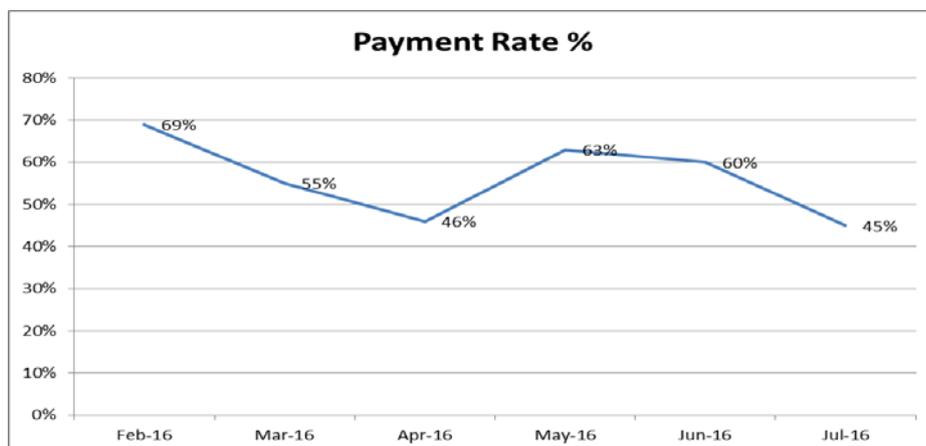
- Identification of dog owners, including the use of DNA testing for dog fouling enforcement activities.
- Issuing enforcement tickets for households who put their rubbish out to early i.e. prior to refuse collection day.
- An expansion of the patrol areas that are covered by the Enforcement Officers to include other high risk, hot spot areas such as Riverview Park and Perry Street.

Workstream Two – ‘Value for Money’ Assessment

2.8 Members were keen to explore the level of value being offered by the contract with Kingdom, in order to determine if this is an area that the council should pursue further (given the contract being due for renegotiation).

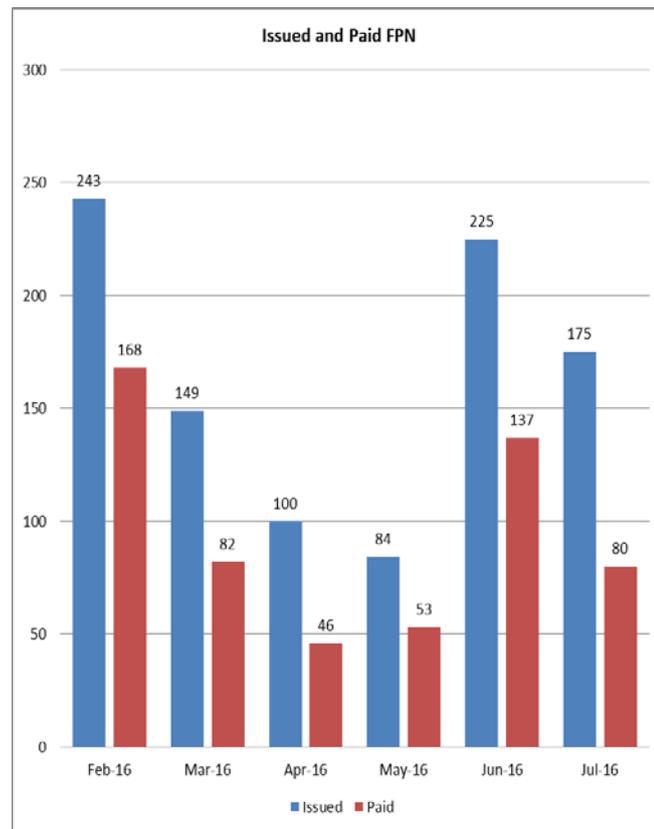
2.9 The charge for all fixed penalty notices issued by Kingdom is £75; Kingdom receives £45 for each FPN issued and as such a 60% collection rate is required in order for the service to break-even. Arrangements exist for the collection rate to be appropriately monitored via an online service that is provided by Kingdom, and the Assistant Director (Environment) carries out regular checks to monitor this collection rate.

2.10 Data provided in the performance reports by Kingdom show the following payment rates:



Whilst this chart shows that payment rates have dropped below the 60% payment rate, it is anticipated that this will pick back up following the issuing of reminders.

- 2.11 A graphical representation of the number of tickets issued vs. the number of tickets paid was also provided to Members to provide an alternative representation of this data:



- 2.12 Levels of income for Gravesham Borough Council were also reviewed alongside the payment rates for Kingdom which actually show that since February 2015 (up to July 2016), an average of 66.42% of fines have been paid resulting in total income of £128,775 of which £116,354 was paid to Kingdom resulting in a surplus for the council of £12,421.
- 2.13 Along with the payment rates achieved for fines the level of prosecution was also reviewed by Members in order to ensure that where appropriate, offenders are prosecuted. The relationship between Kingdom and the council's Legal team is good with a robust flow of information between the two teams to ensure prosecution.
- 2.14 Once a prosecution is completed and an offender found guilty, the agreed sum is paid to the council directly by the courts who then chase the offender for the outstanding sum if required. As such, prosecutions are pursued where there is a case to do so.
- 2.15 Following a thorough review of the information provided to Members by officers, it was felt that the contract has provided value for money for the council and as such, no further recommendations were suggested in this area.

Workstream Three – Analysis of public opinion

- 2.16 Members reviewed the complaints that have been made either to the council or directly to kingdom with regards to the Enforcement Officers. Since March 2015, there have only been seven complaints. A summary of the complaints along with details of the actions taken by Gravesham Borough Council and Kingdom is held at appendix one.
- 2.17 In reviewing the detailed information associated with the complaints, it was clear that:
- CCTV footage of the incidents that had received the complaints has proven the complaints to be unsubstantiated. The Enforcement Officers wear body cameras which has proven invaluable in a number of cases in ensuring that customers complaints can be fully investigated.
 - Where it has been felt necessary, Enforcement Officers have been re-trained, particularly if an issue is raised regarding the same officer more than once, or it is felt that the fixed penalty notice has been wrongly issued.
- 2.18 Overall, Members were satisfied with the information analysed and felt that the complaints regarding the Enforcement Officers were handled appropriately and were pleased to understand the level of re-training that is provided to officers when required.

Appendices

Kingdom Enforcement Contract

- Summary of complaints made

Date	Nature of Complaint	GBC Action	Kingdom Action
20.03.15	I was approached by two officers who were very disrespectful and found that me getting upset funny I tried to explain that I was looking for an ash tray to put out my cigarette but they just called me a liar I felt threatened as they kept laughing and calling me a liar I usually use an ash tray but my vision is poor and I couldn't see one it was a nerve racking experience that left me in tears they shouldn't be allowed to talk to people like that it was disgusting	Assistant Director (Environment) responded to the complaints...	CCTV Of the incident reviewed by Kingdom Enforcement who confirmed that the issuing officer was very polite to the complainant and at no time did either officer treat the complainant poorly.
29.04.15	I would like to make a complaint about your litter officers. I was given a fixed fine on Friday 24/4/15 , BUT , I did not walk away I had the boot of my car open, where I put my cigarette down, didn't throw it, and if they had waited until I'd put the baby in the car then I would have picked it up. THIS NO EXCEPTION is a load of crap, I showed them my own small ashtray in my handbag, and said I was returning to pick it up . I did not walk away!!!!as a council you should be about people not targets and commission, and your website to challenge is scary, what's this about understanding the caution, I relay don't understand that if you want to dispute it, you should be allowed to challenge without all this legal jargon to scare people.		CCTV reviewed and officers were polite throughout the process. Offender stated she could not pay so the officer took time to explain the representation process.

Date	Nature of Complaint	GBC Action	Kingdom Action
04.01.16	<p>At approximately 730am this morning I was standing outside Gravesend Train Station (Rathmore Road entrance) when a woman standing next to me dropped a cigarette butt and put her foot on it. I immediately asked her "I hope you are going to pick that up?" which she did. I was then approached by a Kingdom Enforcement Officer who chastised me for warning the women saying that he had a job to do. I pointed out to the officer that no offence had been committed as the woman had not walked away and left the cigarette, but had picked it up and put it in the bin after she had extinguished it. He reiterated his point that he should have issued a fixed penalty notice and that I should not have 'interfered'. I did not inform the officer that I was a Councillor.</p> <p>When I arrived outside the station at 7am the same enforcement officer was standing smoking a cigarette, he was in full uniform and wearing his ID. I understand that GBC officers are not permitted to smoke when on duty in view of the public. Does this rule apply to Kingdom officers as well?</p> <p>I do not consider it appropriate for an enforcement officer to reprimand a member of the public for advising others of the law. I have no idea if the woman would have picked up the cigarette if I had said nothing, but she is now aware of the anti-litter laws.</p>	<p>Assistant Director (Environment) provided a respond to the Councillor who reported the incident following comments back from Kingdom.</p>	<p>The relevant officer was questioned about this incident and did provide a slightly different version of the events that took place. It was also advised that the officer in question had not been smoking and had actually still been in the office at 7am collecting his equipment.</p> <p>However, the enforcement officer in question was provided with re-training following this incident, as it was the second time a concern had been raised about the officer.</p>

Date	Nature of Complaint	GBC Action	Kingdom Action
02.03.16	<p>Hello. I'd like to complain about one of your environmental enforcement officers.</p> <p>I was outside a pub in Gravesend town centre, in stone street, having a cigarette. I extinguished the cigarette and put it in my pocket for later disposal, but an enforcement officer followed me into the pub and told me to come out as he would like to talk to me about a cigarette I dropped on the floor. I produced the cigarette butt from my pocket, and he said that was proof enough. I told him to get out the pub, told him he had no right following me in and launching false accusations at me, especially on my birthday as I was enjoying a birthday drink. He told me not to swear at him, which I hadn't, and I proceeded to tell him to get out the pub and go and do your job, to which he called me a 'PRICK' before leaving the pub. I don't know his name and number, as he failed to follow procedure and furnish me with his name when he entered the pub. I find his false accusations outrageous, and the fact he followed me into the pub also outrageous, and also it was obvious he was making a false accusations against me as he had NOT witnessed me discarding a cigarette butt. I find this behaviour by your enforcement officer utterly disgraceful.</p>	<p>Letter sent to complainant apologising and explaining that action has been taken to rectify the situation.</p>	<p>No FPN was issued in this case. From the evidence obtained from the CCTV camera it appears that the officer should not have approached this gentleman. However there is no evidence that the officer was rude or called the gentleman a 'prick'. Officer in question has been spoken to and sent for retraining.</p>

Date	Nature of Complaint	GBC Action	Kingdom Action
01.04.16	<p>My mother has found herself in receipt of a 'Fixed penalty notice' for 'depositing litter'. My mother admittedly disposed of her cigarette end on the top of the bin by stubbing it out, then continued on shopping. After visiting another store and paying for goods she was then stopped by Mr. Ian Jenkins, who informed her that 'her cigarette end' had blown off by the wind and therefore she would be issued a warning, not a penalty but a warning.</p> <p>Well of course she and we are completely shocked to find that she has been issued with a Fixed Penalty Charge.....almost the cost of her weeks rent!</p> <p>My mother is a law abiding citizen who always adheres to rules and as you will see from the attached had genuinely thought that she had done the correct thing, for want of not setting the bin alight! As well as this there were other cigarette ends in the tray so how on earth can it be claimed that it was even her cigarette end that blew to the ground.....which actually would classes as an act of God. In addition to this, as you will see from the attached, there is no sign to inform smokers of what to do.</p> <p>Even though my mother's letter of appeal was sent to explain what exactly happened, that she cannot be held responsible for doing something that might not have been hers and even if it was, she did not and would not intentionally litter the pavement!</p>	<p>Letter was written to complainant apologising and explaining that the ticket had been cancelled.</p>	<p>Following a review of the evidence relating to this FPN it was decided that an offence had not been committed when the ticket was issued. Training and guidance to officers was updated to ensure tickets are not issued in these circumstances.</p>
26.05.16	<p>I would like you to accept this email as a formal complaint against your employee Daniel Sutherland, Gravesend Town Centre Environmental Enforcement Officer please. If he is not employed by you then I wonder if you are able to forward this to the correct person please.</p> <p>Today, 26/05/2016 at approximately 2.35pm, I walked past Mr Sutherland on my way to Gravesend Station. He was standing propped up against Tesco's chatting on his mobile phone. I queued and bought my ticket at the station then went to</p>	<p>Letter has been sent out by GBC apologising for the incident and explaining the circumstances as to why he was</p>	<p>The officer was on the G safe radio dealing with a potential problem when he spotted the piece of paper being dropped by one of two gentlemen. From the evidence obtained from the complainant it</p>

Date	Nature of Complaint	GBC Action	Kingdom Action
	<p>the Tesco ATM to draw some money out. At this point, which was at least ten minutes later, he was still chatting on his phone outside Tesco. I withdrew some money and pressed NO to the question Would you like a receipt? As I walked away from the cashpoint I noticed a man walk right by Mr Sutherland and this man dropped some litter. The man was about 10 feet away from me, so not very close. I looked at Mr Sutherland and shook my head at him as he just ignored the incident and did nothing. He was too busy chatting on his phone still.</p> <p>One minute or so later I entered Tesco to do some shopping and was followed inside by Mr Sutherland. He tapped me on the shoulder and said that he wanted a word outside. He explained to me that he saw me drop some litter and he then started writing me ticket. I said what are you talking about? He said he saw me go the ATM machine and throw the receipt away on the floor. I said you must be joking, I clicked no receipt. He said don't give me that shit, you are LYING. I stood there for a moment in shock before explaining that a man walked right by us and dropped some litter right in front of you and you did nothing and now you think it's me? He said I KNOW it was you, I SAW you with my own eyes, you are LYING.</p> <p>Fortunately the piece of litter in question was still where the man had dropped it, so I went back to it and pointed to it and said is that the bit? Mr Sutherland said yes. I looked down at the litter and it appeared to be an ATM receipt. I said to Mr Sutherland why don't you pick it up and see if the card number on it matches mine. I then emptied my pockets and handed him my ATM card. He refused to pick the litter up to check so we stood there for what seemed like an eternity just looking at each other, which I found was very intimidating as Mr Sutherland is a large man and had been calling me a liar. At this point I was getting very upset so I picked the litter up, straightened it out, and without even looking at the details on it I handed it to Mr Sutherland. He had a look at the ATM receipt..... not only was the card numbers different but it was FOR A DIFFERENT ATM TO THE ONE I</p>	<p>approached.</p>	<p>appears the officer approached the wrong person. No ticket was issued in this case. The officer was professional and polite during the discussion.</p>

Date	Nature of Complaint	GBC Action	Kingdom Action
	<p>HAD USED. Conclusive evidence that Mr Sutherland was paying zero attention. I think that having a keen eye, good customer service, and attention to detail would be essential for such a job? Mr Sutherland failed in all aspects and has let you down.</p> <p>Now the issue would not have been too much of a problem if I was not suffering from mental health problems. I have Social Anxiety and also Anxious Personality Disorder. This incident today with Mr Sutherland has really shaken me and I will probably not be able to leave the house for a few weeks as a direct result. I am happy to give you my GP details and a letter of authority for you to have a summary of my mental health problems if you wish to confirm these details.</p>		
25.08.16	<p>Thursday afternoon a female customer was having a cigarette (stone street side) and she threw her cigarette out on to the road, at the drain, so not to litter the path. Granted, we do not have ash trays at my stone street side entrance as my company will not allow me to put them on the walls anymore since I had that side of my pub painted. Also we have a designated area for smoking at the front of the pub (windmill st side). However we cannot prevent all customers from smoking that side of the pub. Plus we have many customers who smoke as they walk up to the pub (towards our stone st entrance) then come into the pub to socialise. Also being a pub, we do attract people who smoke, as it is a social habit that many people still partake. Not saying that the action of the woman was correct, but the enforcement officer came into the pub and told her to go outside and gave her a £75 fine, which I am now under pressure to pay. This was done without coming up to me or my colleague Sam first to inform us of this. Leaving me to deal with a very angry woman. My concern I raised previously that this could cost me business has become a reality and I am not happy that permission was not sought first. Surely in this instance the enforcement officer should of come up to me and requested that we no longer allow customers to smoke this side of the pub and so we can take action accordingly and if they asked us , as a</p>	<p>GBC have contacted the complainant to explain why tickets are issued and there cannot be exception. It has been explained that the pub has a responsibility to provide relevant bins; however, permission should have been sought before the offender was approached.</p>	<p>Lady is correct; the officer should have asked permission once they had entered the premises. All officers have been reminded that they need to ask permission if they are entering private premises.</p>

Date	Nature of Complaint	GBC Action	Kingdom Action
	<p>business to sweep up the cigarette, then we would of done. They have acted without bearing in mind the type of retail business that we are. Not Showing some discretion taking into account that we are a pub. Also I have spoken to an enforcement officer before and I have requested to them that they see the duty manager first before deciding to take any action. If the council and these enforcement officers no longer want people to smoke that side of my pub then that is fine however I feel in this case some discussion with us instead of outright fining the customer would have been best action all round for everybody. We do hourly sweeps of both of our external areas around the entrances for cigarette butts and so we do our bit as a business to keep our high street areas clean.</p>		