

ENVIRONMENTAL ENFORCEMENT

REPORT TO THE EXECUTIVE



DATE	19th January 2023
PORTFOLIO	Community Services
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PURPOSE

1. To seek approval to;
 - Undertake the re-procurement of the Council's environmental enforcement service for the borough.

RECOMMENDATION

2. That the Executive;
 - Authorise the Head of Streetscene to undertake an open tender procedure in compliance with Standing Orders for Contracts, Public Contract Regulations 2015 and requirements under the Find a Tender Service (FTS) to appoint a suitable provider for environmental enforcement services for the borough from 1st July 2023 for three (3) years and thereafter, at the discretion of the Council, extend the contract for up to two (2) further years.
 - That delegated authority is given to the Head of Streetscene in consultation with the Executive Member for Community & Environmental Services to accept the most advantageous tender to provide this service.
 - That the Head of Streetscene in consultation with the Head of Legal & Democratic Services is granted delegated authority to execute all documents necessary to give effect to the above decision.

REASONS FOR RECOMMENDATION

3. To enable the Council to;

- Provide continuity of service for environmental enforcement services and ensure that a suitable provider is appointed through a tender exercise compliant with the Council's Contract Standing Orders and the Public Contract Regulations 2015
- Continue to deliver its 'Clean Burnley' strategic priorities
- To provide robust enforcement to challenge and change behaviours where these persist, regarding, littering, dog fouling and excess side waste.
- Maintain the cleanliness and enforcement across the whole of the borough

SUMMARY OF KEY POINTS

4. Background

In April 2017, Kingdom Environmental Services were appointed on a pilot basis, on behalf of the Council to undertake enforcement patrols and action to address key environmental issues that included; littering, dog fouling and chewing gum. The pilot was introduced due to the issues outlined above being persistently raised by residents as key priority areas of concern, despite the Council already taking a pro-active approach on these issues. Following the success of the pilot a Contract was awarded in 2018 to Kingdom (Now formerly known as LA Support) on a 3 plus 2 year basis. The additional extension years were satisfactorily executed, and the current Contract is due to expire on the 30th June 2023.

5. Contract Performance

Since the commencement of the pilot and current Contract, the arrangement with the current provider has enabled the Council to maintain and embed a strong enforcement ethos across the borough and its public spaces. Resident, Members and local businesses identify enforcement to be an necessity for the minority that do not act responsibly. During the Contract period strong linkages with community intelligence and residents' reports have enabled us to ensure our enforcement provider targets and provides visibility to residents that have to endure dog fouling, environmental crime and littering. The successful link with the reporting and comms 'Whodunnit' package and more recently the Love Clean Streets App has reinforced our commitment to support communities in tackling environmental crime in their areas.

Over the 5-year contract period LA Support Enforcement Officers have issued approximately 10,000 Fixed Penalty Notices (FPNs) for litter and black bags incorrectly presented & 420 FPNs for dog fouling/dog control. There have also been over 3,000 prosecutions.

Approximately 70% of the FPNs issued are in areas other than the town centre which is inline with the expectation that the enforcement service is borough wide and not just focused on the town centre.

The current Contract for the Council is currently delivering as expected given the National/local Covid lockdowns & current cost of living crisis in terms of:-

- a cleaner street's policy;

- the engagement and education of the public, retailers, and stakeholders.
- provision of a visible presence and deterrent.

The success of the Contract means that the number of fixed penalty notices for environmental offences has decreased over time as the service leads to the desired behaviour change. This has allowed Council officers to work alongside the contractor to establish new ways of working to target other areas of concern i.e., targeted door knocking for dog fouling intel, flytipping and side waste.

From its inception the pilot and current Contract has been successful, having made significant inroads into the reduction of litter, especially cigarette litter, within the day-time economy.

Officers observe that overall the delivery of the Contract has gone extremely well. In the main the general public have been supportive of the Council’s approach. It is important to remember that the overall aim of the initiative has always been to; ‘improve the cleanliness of the town and change / challenge offending behaviour’.

It is fair to acknowledge that forecasted performance during the Pandemic and recovery period has affected the enforcement rates. National / local lockdown, health and safety of staff and furlough / ceasing of the service affected overall issuing performance. *During the Pandemic and when it was safe to do so, the Council in conjunction with the current provider initiated an agreed service temporary change to re-introduce a temporary revised service to reflect the national Pandemic impact. As with many towns nationally the Borough over the Pandemic saw an increase in fly tipping reports. To retain contractor resources, the enforcement service was flexed to support the Council in prioritising the beyond business as usual (BAU) reports of excess side waste, alongside dog fouling. This agility was a great success in retaining contractor resources, enabling the Council to ‘test’ new ways of working to address side waste and responded to resident’s priorities. The ‘learning’ from this period has enabled us to consider the inclusion of side waste for our next procurement.

6. Tender Procurement

On the basis of the current performance and achieved outcomes, it is recommended that the Council re-procure the service to maintain the delivery of service outcomes. The principal requirements for the procurement remain similar to the objectives to the current Contract (with the inclusion of side waste), namely, to deliver and maintain a clean borough.

Table 2 – Indicative Outline of the proposed procurement timetable as follows;

ENVIRONMENTAL ENFORCEMENT PROCUREMENT PROJECT		
Stages	Indicative target dates 2023	Activity
Executive Decision	19 th January 2023	Draft Executive report and consult Members by the end of Dec 2022.
Publish Tender Notices	14 th February 2023	Publish the Invitation To Tender (ITT) and appropriate FTS notices.

ITT Submission Deadline	17 th March 2023	15:00 hrs
Post Submission Clarification meetings with tenderers (As req).	W/C 21 st March 2023	Tender clarification, meetings and evaluation to be completed.
Intention to Award Notification	24 th April 2023	10 Day Standstill prior to confirming award, subject to receiving no legal challenge.
Contract Award	12 th May 2023	Award Notice published not more than 30 days after award.
Contract Mobilisation	May / June 2023	
Contract Implementation	1 st July 2023	

It is recommended that the proposed Contract Term be for 3 years + 2 for service delivery with relevant performance reviews built into the contract.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

- Based on the current financial performance and the total generated income, shown in S.5 it is anticipated that the procurement would exceed the existing above procurement regulations threshold (Find a Tender Service) and to comply with these regulations, it is recommended that an open tender procurement exercise is undertaken to best meet the needs of the Council.

The contract award criteria is based on the most advantageous tender: on the basis of 20% price and 80% quality and technical merit. This is as a means of reinforcing the Council's intention and overarching priority to maintain quality environmental improvements for the town as well as delivering a value for money service.

Previous Contract awards have been made on the operating model basis of the Contractor is responsible for the staffing and operational delivery costs that are recovered from the FPN income, to ensure viability of the service. This area of work for the Council is not and has never been about income generation but about

changing behaviours. The Council currently provides the accommodation for the service, and this has worked extremely well in ensuring the maintaining of linkages with substantive Streetscene priorities. It is anticipated that the new procurement will be progressed in similar terms to the current Contract of income share.

The tender procurement exercise and procurement will be financed via existing revenue budgets.

POLICY IMPLICATIONS

8. Contributes to the Council's Cleaner Strategic Objectives for the Borough.

DETAILS OF CONSULTATION

9. N/A.

BACKGROUND PAPERS

10. None.

FURTHER INFORMATION

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ALSO: Jonathan Jackson & Salvatore
Vita.