

REPORT TO: CABINET

DATE: 1 DECEMBER 2022

TITLE: ENVIRONMENTAL ENFORCEMENT CONTRACT -
TENDER PROCESS OUTCOME

PORTFOLIO HOLDER: COUNCILLOR ALASTAIR GUNN, PORTFOLIO
HOLDER FOR GOVERNANCE

LEAD OFFICER: JANE GREER, DIRECTOR OF COMMUNITIES
AND ENVIRONMENT (01279) 446406

CONTRIBUTING OFFICER: MICHAEL PITT, ASSISTANT DIRECTOR –
ENVIRONMENT (01279) 446114

This is a Key Decision
It is on the Forward Plan as Decision Number I014350
Call-in Procedures may apply
This decision will affect no ward specifically.

RECOMMENDED that:

- A** The most advantageous bid submitted by Contractor A, National Enforcement Solutions Limited, be accepted.
- B** Authority be delegated to the Director of Communities and Environment in consultation with the Portfolio Holder for Governance to enter into contract with the successful bidder on the terms of the tender.

REASON FOR DECISION

- A** Awarding a contract will ensure ongoing capacity to investigate and take enforcement action in relation to fly-tipping littering and similar offences, and to carry out educational activities to reduce their likelihood.

BACKGROUND

1. A number of environmental offences including littering, fly tipping, and failure to comply with the duty of care to manage waste may be discharged by the offender paying a Fixed Penalty Notice. While there is always the choice to have the matter heard in court, the opportunity to pay a Fixed Penalty Notice is often taken as it is generally more straightforward and less costly than going to court, and results in no criminal record.

2. While it is not entitled to generate a surplus, the Council is entitled to use receipts from Fixed Penalty Notices to offset the costs of ensuring compliance with the relevant law, including costs of investigation, enforcement, litigation, information, education, and overheads.
3. Receipts from Fixed Penalty Notices may then legitimately support the cost of a suitable contractor to carry out work in this area to the Council's specification.
4. The Council invited tenders for a three-year concessions contract for the provision of environmental enforcement services, and the outcome of the procurement exercise is here reported.

PROCUREMENT

5. The specification issued to the market was for a suitably selected, trained, and equipped enforcement team to patrol the district and respond to intelligence to deter detect and enforce environmental offences specified by the Council in accord with prevailing legislation, Council enforcement policy, and relevant codes of practice. Required equipment included body-worn camera equipment and suitable uniform. Required support included a team leader, back-office support and a suitable secure case management system.
6. Minimum team size, duty hours, proportion of officer hours to be devoted to fly-tipping offence enforcement, and proportion of time to be devoted to educational activities regarding environmental offences were specified.
7. The Council required bidders to note that when investigating cases in which residents deposited materials on public land adjacent to their home, and there was a reasonable case that the resident was not aware that an offence had been committed, a period of grace reasonable in the circumstances should be provided to remove the materials.
8. Four compliant tenders were received by the deadline.

EVALUATION

9. Tenders were evaluated against a pre-determined evaluation model split between 70 percent quality and 30 percent financial offer. The quality submissions were evaluated separately without knowledge of financial offers made. Method statements setting out proposals for Operations, Customer Care, Monitoring Management and Supervision, Mobilisation, Innovation and Added Value, Case Management System, KPIs and Performance Management, and Business Continuity and Constraints were scored to generate the quality score.
10. Financial offers were then combined with quality scores to provide overall scores as shown below:

| | Weighted Quality Score | Weighted Financial Score | Financial Offer | Total Weighted Score |
|--------------|------------------------|--------------------------|-----------------|----------------------|
| Contractor A | 7000 | 1620 | £72,102.00 | 8620 |
| Contractor B | 4830 | 3000 | £133,522.00 | 7830 |
| Contractor C | 5040 | 2370 | £105,927.00 | 7410 |
| Contractor D | 6090 | 1740 | £77,888.00 | 7830 |

ISSUES/PROPOSALS

11. The highest scoring bidder overall proposed a carefully considered service that met the Council's requirements. In a number of areas requirements were exceeded and added value features were proposed, including resources devoted to fly tipping, education and promotion of environmental issues, offender rehabilitation, and local employment and workforce development. An outline of the tender is given below.
12. A well-resourced and equipped team with strength in depth within the organisation, and sound proposals to attract and retain staff and to cover for absences was proposed.
13. Highly experienced dedicated staff will be assigned to investigation and enforcement of fly tipping offences, exceeding the Council's requirement that 25 percent of team resources be dedicated to fly tipping investigation. Team member deployment to fly tipping work will be monitored as a contract KPI.
14. To back up traditional patrolling activity a range of intelligence resources will be used to target frequently fly-tipped areas and offenders, including liaison with the Council client and Community Safety teams, HTS, police, and Environment Agency. 100 percent of case referrals through Contact Harlow will be investigated, and a dedicated website portal for direct reporting by residents will be developed.
15. Self-contained re-deployable Automatic Number-Plate Recognition capable camera systems will be available to assist with investigation of fly tipping hotspots.
16. High customer care standards were evidenced, backed by appropriate written policies and procedures, recorded in a dedicated case management system, and robust staff training to accredited standards.
17. A secure dedicated case management systems backed by regular auditing and ISO9001-accreditation assured compliance with data security requirements and fair case processing was proposed.
18. Proposals for improving employment opportunities include recruitment of local people, support for 2 practitioner Apprenticeship Level 2 and 3 work experience placements over the life of the contract, CV workshops, career talks, mock

interviews, attendance at job fairs, and providing advice clinics in local schools and colleges.

19. No fewer than 208 person hours per year are to be dedicated to public education and promotion of proper waste management. A programme of educational presentations highlighting the issues around the environmental consequences of litter and tipped waste, and the law and potential outcomes of offending at primary and secondary schools are proposed. Presentations have been developed with partners including the police, community safety, and fire and rescue services, and are welcomed by schools in a nearby authority as a component of a programme aimed at Year 6 pupils highlighting risks and issues that young people need to be aware of as they begin transition to increased independence.
20. As a response to repeat offending particularly amongst young individuals an alternative to Fixed Penalty Notices or prosecution in the form of an environmental crime awareness course, to be delivered within Harlow, initially by experienced trainers, is proposed. An on-line alternative is being developed and would be offered as an alternative should the Council approve. Such courses would be analogous to speed awareness courses for driving offences as an alternative to Fixed Penalty Notices. Penalties would become payable should a course be declined or not attended, and courses would not be offered should offences recur after attending a previous course. Unlike speed awareness courses, no course fee is proposed: however this means that courses must be targeted, and repeat offenders are judged most likely to benefit.

IMPLICATIONS

Strategic Growth and Regeneration

The provision of a robust environmental enforcement service will be an important component of the work to regenerate local neighbourhoods in Harlow. Fly tipping and littering are significant issues to be tackled in creating wider improvements to the area and the service is to be welcomed.

Author: Andrew Bramidge, Director of Strategic Growth and Regeneration

Finance

As contained within the report.

Author: Simon Freeman, Deputy to the Chief Executive and Director of Finance

Housing

As outlined in the report.

Author: Andrew Murray, Director of Housing

Communities and Environment

As contained in the report.

Author: Jane Greer, Director of Communities and Environment

Governance and Corporate Services

The procurement process has been completed in accordance with Standing Orders. Prosecution procedures for both littering and fly tipping offences have been prepared. The supplier will be the data controller for this contract. Correct and robust delegations are required to facilitate lawful enforcement both during the term of the contract and or any prosecution limitation periods.

Author: Simon Hill, Director of Governance and Corporate Services

Appendices

None.

Background Papers

None.

Glossary of terms/abbreviations used

None.