

Report for: Cabinet 15 November 2024

Title: Award of Contract for Environmental Enforcement Services

Report authorised by: Barry Francis

Lead Officer: Beth Waltzer, Head of Recycling, Waste and Enforcement

Ward(s) affected: All

Report for Key / Non Key Decision: Key Decision

1. Describe the issue under consideration

- 1.1 This report seeks approval to award an Environmental Enforcement Services contract, following a competitive open procurement process, to issue fixed penalty notices under the relevant legislation for fly-tipping and littering, anti-social behaviour and other offences.
- 1.2 The successful service provider will provide a fully managed and cost neutral service across the borough to tackle issues of fly-tipping and littering. The provider will provide staff to manage the service including uniformed officers to patrol and issue fixed penalty notices (FPNs), and a back-office team to manage payments, complaints and where necessary develop prosecution files. The provider will also carry out behaviour change through Social Value deliverables and education.
- 1.3 The contract will be awarded for a period of 1 year, with the option to extend for an additional year subject to terms and conditions.

2. Cabinet Member Introduction

- 2.1 Haringey's Approach to keeping our streets clean from litter and fly tips is recognised by the council taxpayer as one of the most important duties we have. We know from our Resident Satisfaction Surveys that cleanliness, reducing littering and fly tipping are top priorities for residents, second only to safety and this is recognised in the Council's Corporate Delivery Plan; (2023- 2024) "A safer Borough" and "Reducing dumping and Environmental Crime"
- 2.2 If our streets are clean, free from litter and dumped rubbish, people will more likely feel safer walking them – reinforcing positive perceptions of their area, gaining civic pride and easing congestion on our roads. Businesses are more likely to want to locate in the borough, growing our economy and providing futures for our young. Our duty is to

provide and maintain this; our aim is that while we do, our people will be naturally inclined to play their role as joint custodians of their communities.

- 2.3 Our enforcement services should complement our cleansing services by adopting a zero tolerance approach to litter and fly tipping offences in the first instance. The Council has an opportunity to enhance the Council's current in house waste enforcement service with this contract which will provide a cost neutral arrangement of additional enforcement resources.
- 2.4 This will allow the council's internal waste enforcement officers to concentrate on more preventative measures including prosecutions as well as other environmental enforcement issues which we know matter so much to our residents.

3. Recommendations

It is recommended that Cabinet:

- 3.1 approve the award of an Environmental Enforcement Contract to Bidder C for a value as set out in Exempt Part B of this report for a 1 year contract plus 1 year extension in line with CSO 9.07.1(d).
- 3.2 notes that the cost of the services should be cost neutral, as the income generated through FPNs will offset the cost to deliver the services.
- 3.3 provide Bidder C the function and authorisation to issue FPNs pursuant to:
 - a. s88(10)(b) of the Environmental Protection Act 1990 (EPA 1990), to issue FPNs under s87(1), s88, s33, s34, s34 (2A), s46 and s47 of the EPA 1990;
 - b. s53(1)(c) of the Anti-Social Behaviour, Crime and Policing Act 2014 (ABCPA 2014), to issue FPNs under s43, s48, s63 and s67 of ABCPA 2014; and
 - c. The Highways Act 1980, to issue FPNs under s139(3) of the Highways Act 1980.

4. Reasons for decision

- 4.1 Litter and fly-tipping are amongst the biggest concerns for the residents of Haringey, and the issues are noticeable across the borough. Education and enforcement have a significant role to play in reducing the amount of litter and fly-tipping on our streets and changing people's behaviours and attitude.
- 4.2 Under the 'A cleaner, low waste Haringey' theme of the Council's Corporate Delivery Plan 2024 -2026, the Council has set an activity for 'Enhanced environmental enforcement, including targeted deployment (Monday – Sunday) of proactive litter & waste enforcement patrols in Town Centres and hot spot locations across the borough'.
- 4.3 A procurement process was undertaken to find a suitably qualified organisation to provide environmental enforcement services. It is recommended that a Contract is awarded to the bidder who submitted the highest scoring tender.

5. Alternative options considered

- 5.1 The Council could **do nothing** and continue to deliver the service in-house only. This service has been delivered by Haringey officers since 2018. However, the service is currently unable to meet its full potential due to the volume of demand. Furthermore, an MTFS saving of £100k for 2024/25 requires additional enforcement support. By enhancing the level of enforcement with a third-party specialist operator on a cost neutral basis, it is expected that the Council will meet its MTFS target, whilst allowing in house officers to focus on other preventative measures (including prosecutions) of fly tipping and environmental enforcement issues.
- 5.2 The Council could **stop undertaking enforcement** action against those who are purposefully dropping litter and dumping waste across the borough. Without education and a deterrent, this could lead to an increase in instances of littering and dumping waste across the borough. This would have impacts on other services, such as the street cleansing, but also impact on the satisfaction of residents, businesses and visitors. This would mean that the Council does not complete an activity as set out within the Corporate Delivery Plan 2024 – 2026. Therefore, this is not recommended.

6. Background information

- 6.1 In July 2016 the Council initiated a trial with Kingdom to provide a dedicated litter enforcement team, on an initial 9-month term. The success of the trial led to the contract with Kingdom being extended for a further 1 year, expiring in March 2018.
- 6.2 Following the expiry of the contract with Kingdom, the Council undertook environmental enforcement in-house, using a small team of enforcement officers. Due to the high level of demand for this service, the current set up requires external enhancement to achieve an MTFS target of £100k for 2024/25.
- 6.3 Following a review, it was decided to procure a contract to deliver the work, the benefits of an outsourced provider include:
- Specialised core business provider of litter, fly tipping and other environmental offences.
 - Cost neutral basis for enhanced resources
 - Access to experts, with years of experience
 - A proven digital solution for recording FPNs, interviews and evidence digitally
 - Ability to undertake identity checks at the point of issuing an FPN
 - A back-office support function, which has expertise using technology developed over multiple contracts which in house officers will also have access to
 - Enables inhouse officers to focus on prosecutions and other environmental enforcement issues

- Enables the council to continue with a zero tolerance to fly tipping and litter

Service requirements

6.4 The requirements for the services have been set out in the Specification, that was issued through HPCS. The key requirements of the service include:

- to deploy a team of 1 manager and 14 officers for 8 hours per day Monday – Sunday, to undertake pro-active patrols across the Borough to identify possible offences,
- where possible issue on the spot FPNs for offences such as dropped litter, and undertake investigative work for offences such as dumped waste and fly-tipping, investigations,
- the service provider should identify hot spots and peak times and implement a strategy to reduce offences during in the identify areas,
- provide flexibility to work any hours as reasonably required by the Council and within areas identified by the Council,
- provide flexibility to respond to requests and carry out effective investigations across the borough as quickly as possible,
- provide ‘court ready’ prosecution files where FPNs are not paid and the Council seeks to prosecute for the substantive offence.

6.5 Additionally, the officer will inspect businesses, enforce in relation to PSPOs and patrol relevant areas during event days such as music festivals within parks.

Procurement process

Overview

6.6 This service was procured through a competitive Open Procedure in line with CSO 9.01.2(a), to allow all interested suppliers to respond to an advertisement.

6.7 An Invitation to Tender (ITT) was issued on 14 June 2024, through the Council’s electronic portal Haringey Procurement and Contract System (HPCS), alongside other procurement documentation including the Specification and Method Statement questions.

6.8 The advert can be view online at: <https://www.find-tender.service.gov.uk/Notice/018519-2024>

6.9 The process consisted of a single stage process, in which Bidders were requested to submit a response to 5 qualitative questions relating to their solution to delivering the services, social value commitments and a financial model.

6.10 Additionally. Bidders were required to set out their proposed income share, the value of income generated that would be passed back to the Authority, leaving the Bidder with the remaining value to cover the costs of operating the services.

6.11 Bidders were requested to submit tenders no later than noon on 15 July 2024.

Evaluation criteria

6.12 Tenders submitted by bidders were scored based on a weighted on 40% quality, 10% social value and 50% price.

6.13 Each method statement response was score out of 5, and was weighted, as set out below:

Method Statement	Weighting
Service Delivery	20%
Performance Management and Key Performance Indicators	5%
Resource and Staff	5%
Technology	5%
Health and Safety	5%

6.14 The social value score was scored by the Council's social value provider, The Social Value Portal (SVP). Bidders completed their submission directly on the SVP page and the evaluation was completed independently.

6.15 The Council set out the Pricing Schedule, in which Bidders set out their proposed income share for Haringey. The Pricing Schedule calculates the evaluation price, based on a set number of FPNs issues, average value of FPNs and assumed recovery rate. The finance was scored by dividing the evaluation price of each tender by the evaluation highest price.

Outcome

6.16 The full details of the outcome of the procurement are set out in Part B of this report.

6.17 Four responses were submitted and evaluated by the Council, with the overall results set out below.

Bidder	Quality	Social Value	Price	Total
A	31.0%	2.43%	30.53%	64.96%
B	27.0%	6.72%	49.62%	83.34%
C	31.0%	8.5%	50.0%	89.5%
D	24.0%	3.3%	34.39%	61.69%

6.18 Bidder C was successful with a total score of 89.5%, scoring the highest, or joint highest, in all three areas.

Social Value

6.19 The Council is required to consider how commissioned and procured services improve the economic, social and environmental wellbeing of the people and communities within Haringey.

6.20 Bidders were required to submit how they would deliver social value through the Contract Term, directly to the SVP site.

6.21 The successful Bidder committed to a range of initiatives, some of which include:

- employment of staff who are local, have been long-term unemployed and are not in Employment, Education or Training;
- providing an apprenticeship and 'support into work' assistance;
- provision of equality, diversity and including training;
- volunteering time to support local community projects, such as litter picking days, and attending food banks;
- use of an electric car and carbon offsetting of CO2 generated through the operations; and,
- engagement with Haringey schools.

Overall Cost

6.22 The cost of providing the service is cost neutral and will generate a monthly income to the Council. The exact income generated each year will depend on the number of FPNs issues and paid.

6.23 The Council will receive a percentage of all income generated monthly, and the service provider takes the risk of any shortfall between the costs of providing the service.

6.24 Full cost details are set out in the Exempt Part B of this report.

7. Contribution to the Corporate Delivery Plan 2024-2026 High level Strategic outcomes?

7.1 This decision relates to the Responding to the Climate Emergency theme of the Corporate Delivery Plan, specifically supporting the outcome areas of A cleaner, low waste Haringey.

7.2 This service is set out as an Activity within the Corporate Delivery Plan, to enhance environmental enforcement, including targeted deployment (Monday – Sunday) of proactive litter & waste enforcement patrols in Town Centres and hot spot locations across the borough.

8. Carbon and Climate Change

- 8.1 Although the decision does not have any direct impact on carbon emissions or a reduction in climate change, it should be considered as being beneficial to responding to the climate emergency.
- 8.2 The services aim to reduce the amount of dropped litter and dumped waste that is on our streets. This in turn will have a positive impact on the local environment.
- 8.3 The team delivering the services will have access to an electric vehicle where they need to respond quickly to investigations. This reduces the local impact of using a diesel vehicle.

9. Statutory Officers comments (Director of Finance (procurement), Head of Legal and Governance, Equalities)

Finance

- 9.1 Finance comments are set out in the Exempt Part B of this report.

Procurement

- 9.2 Strategic Procurement have been consulted in the preparation of this report.
- 9.3 A compliant open tender process was undertaken in accordance with CSO 9.01.2 (a) where an advertisement was placed in the public domain for prospective suppliers to submit their tender proposal.
- 9.4 Strategic Procurement see no reason that the contract is not awarded in accordance with section 3 of this report.

Head of Legal & Governance

- 9.5 The Assistant Director for Legal and Governance has been consulted in the preparation of this report.
- 9.6 The report indicated and Strategic Procurement confirmed that a compliant procurement process was carried out in line the Council's Contract Standing Orders (CSO) and the Public Contracts Regulations 2015.
- 9.7 Pursuant to the Council's CSO 9.07.1(d), Cabinet has the power to approve the award of a contract where the value of the contract is £500,000 and above and as such the recommendation in paragraph 3.1 of the report is in line with the provisions of the CSO.
- 9.8 The Assistant Director for Legal and Governance sees no legal reasons preventing the approval of the recommendations in the report.

Equality

- 9.9 The Council has a Public Sector Equality Duty (PSED) under the Equality Act (2010) to have due regard to the need to:

- 9.9.1 Eliminate discrimination, harassment and victimisation and any other conduct prohibited under the Act.
- 9.9.2 Advance equality of opportunity between people who share protected characteristics and people who do not.
- 9.9.3 Foster good relations between people who share those characteristics and people who do not.
- 9.10 The three parts of the duty apply to the following protected characteristics: age, disability, gender reassignment, pregnancy/maternity, race, religion/faith, sex and sexual orientation. Marriage and civil partnership status applies to the first part of the duty. Although it is not enforced in legislation as a protected characteristic, Haringey Council treats socioeconomic status as a local protected characteristic.
- 9.11 The service has not previously been known to create an equalities issue; however, we know there is the potential for the service to have an impact on vulnerable residents. For example, minors or those with learning disabilities.
- 9.11.1 Therefore, within the specification for the services, we have ensured there are safeguards to protect vulnerable residents. This includes ensuring officers are suitably trained to identify potential vulnerable residents and ensure that these residents are not issued with an FPN. Instead, the officer should try to educate the resident as to why they shouldn't drop litter.
- 9.12 The Council will commit to undertake a full Equalities Impact Assessment in 12 months.

10. Use of Appendices

- 10.1 Exempt Part B

11. Local Government (Access to Information) Act 199

Background papers

- 11.1 n/a