

Decision Pathway – Report



PURPOSE: Key decision
MEETING: Cabinet
DATE: 04 September 2018

TITLE	Towards a Clean Streets Strategy: Environmental Enforcement Concession Procurement		
Ward(s)	Citywide		
Author: Penny Germon	Job title: Neighbourhoods and Communities Manager		
Cabinet lead: Cllr Kye Dudd	Executive Director lead: Patsy Mellor		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member			
Decision forum: Cabinet			
Purpose of Report:			
Agree to procure an Environmental Enforcement Service for a period of four years that will patrol, educate and issue Fixed Penalty Notices for specified environmental offences as part of city strategy of zero tolerance towards environmental crime.			
Evidence Base:			
<p>Bristol's Quality of Life Survey tells us 80% of Bristolians think street litter is a problem. In neighbourhoods which face the greatest inequality this rises to 94%. Only 34% of people are satisfied public land is kept clear of litter and refuse. This drops to 16% for neighbourhoods facing the greatest inequality. Environmental issues are often a key topic for resident groups and cause people to contact their ward councillors.</p> <p>Addressing this is a key priority for the city council. The Mayor has made a pledge that Bristol will be measurably cleaner by 2020. The 'Clean Streets' plan underpins the pledge and is designed to change the behaviour of people in Bristol in order to reduce litter, dog fouling, fly tipping, graffiti and other environmental crimes by:</p> <ul style="list-style-type: none"> • Sending a clear message; • Cleaning up the city; and • Introducing a robust, zero tolerance approach to enforcement. <p>The impact and learning from the pilot is set out in Appendix A.</p> <p>Real progress has been made over the past 18 months on 'Clean Streets' and we have learned from the approach. We are now looking to make a greater impact through better alignment of resources and 'one city approach' to the development of a strategic plan for zero tolerance to environmental crime.</p> <p>Citizen and community action underpins the whole initiative. The council cannot make the change needed on its own. Many people and communities care passionately about the local environment which is evidenced by the huge amounts of time and energy given to social action. We do not take this for granted. We will continue to work with partners and communities to encourage social action and reporting. To support and maximise this activity we will continue to improve our systems and procedures to improve our collective impact.</p> <p>Part of the strategy will be to procure an Environmental Enforcement Service for a period of four years that will patrol, educate and issue Fixed Penalty Notices for specified environmental offences. The service specification will reflect the learning from the pilot.</p> <p>It is proposed that a four (4) year agreement is tendered this year, which has the potential of returns for the Council.</p>			

The financial value of this agreement to a third party organisation is estimated at approximately £1,680,000.00.

- Any returns generated from the arrangement and due to the Council will resource environmental improvements as part of the clean streets strategy and in agreement with the Executive Member.
- The service will contribute to a strategic approach to tackling environmental crime hotspots across the city, including media campaigns.
- Get behind and reinforce councillor, community –driven and business-led initiatives across the city to improve the local environment with clear routes for referral.

Success measures for the overall strategy and the contribution of the third party contract will include a reduction in litter and fly-tipped waste. Ultimately, the overall strategy would contribute to the Councils ambition to reduce the amount we spend on the management of waste and tackling environmental crime.

Recommendations:

1. To agree that a clean streets strategy building on the achievements and learning to date be developed by the Neighbourhood Services Team and approved by the Executive Director for Communities in consultation with the Cabinet Member with responsibility for Energy, Waste and Regulatory Services.
2. To approve a procurement process for an environmental enforcement concession service.
3. To delegate to the Executive Director for Communities in consultation with the Cabinet Member with responsibility for Energy, Waste and Regulatory Services the decision as to whether to pursue a multi-authority approach or Bristol City Council procuring the service on its own.
4. To delegate to the Executive Director for Communities in consultation with the Cabinet Member with responsibility for Energy, Waste and Regulatory Services the authority to enter into a contract for an environmental enforcement concession for a period of four years.

Corporate Strategy alignment:

Wellbeing Key Commitment 2 - Keep Bristol on course to be run entirely on clean energy by 2050 whilst improving our environment to ensure people enjoy cleaner air, cleaner streets and access to parks and green spaces.

Run the Clean Streets campaign which will tackle litter, fly-tipping and other forms of environmental crime through a mix of education and community engagement. Actions will also include a more robust approach to enforcement against offenders. The Clean Streets campaign sits alongside our Waste and Resource Management Strategy, which outlines our commitment to prevent or minimise waste generation and maximising the repair, re-use, recycling and recovery of resources.

Our Principles:

The BCC principles are at the heart of the Clean Streets approach which we are looking to build on. The aim is to work together towards a one city approach where we all do the things we are best placed to do.

City Benefits:

Making the streets of Bristol cleaner is one of the key objectives of the 2017-2022 Corporate Strategy.

The strategy says that we will put Bristol on course to be run entirely on clean energy by 2050 and introduce a safe, clean streets campaign.

Developing a clean streets strategy will improve the cleanliness of the city and help to tackle inequality

Residents will be supported with their identified priorities of tackling litter and fly tipping. Support communities to do things for themselves through targeted investment.

Consultation Details:

Informal consultation has taken place with the following:

Mayor briefings – regular updates on the enforcement pilot and its impact. The Mayor continues to show support for this approach to environmental enforcement.

Cabinet member briefings – regular updates on the enforcement pilot and its impact. The Cabinet Member with responsibility for Energy, Waste and Regulatory Services continues to show support for environmental enforcement and its expansion into more areas of Bristol and other environmental crime types.

Councillor briefings by officers and Kingdom – to share information about the service and its impact and to address issues arising from environmental enforcement.

Bristol Waste Company - regular updates on the enforcement pilot and its impact, opportunities to support behaviour change and joint working.

The police - regular updates on the enforcement pilot and its impact and opportunities for joint working.

Destination Bristol and Business Improvement Districts - regular updates on the enforcement pilot and its impact and to address issues arising from environmental enforcement.

Officer briefings - regular updates on the enforcement pilot, its impact, the future scope of enforcement and integration with the BCC Neighbourhood Enforcement Team.

Revenue Cost	£N/A	Source of Revenue Funding	N/A
Capital Cost	£N/A	Source of Capital Funding	N/A
One off cost <input type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input checked="" type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice: This paper requests approval to procure a litter enforcement concession with a 4 year contract. It is estimated that over this timeframe this will represent c. £1.68m to a third party supplier. A pilot concession has been in operation since November 2017 and has successfully delivered 2017/18 initiative IN17. This procurement request aligns to the current MTFP which includes the assumption that any new litter enforcement contract will continue to deliver to a level consistent with the pilot model.

Finance Business Partner: Jemma Prince 19/7/18

2. Legal Advice:

Whenever the Council procures services under a concession arrangement, and the value is above £4.5m, the Council must procure the services in compliance with the Concession Contract Regulations 2016 (i.e. via a compliant tender process unless an exemption is available).

Where the Council procures a concession arrangement and the value is below £4.5m then treaty principles should be applied where there could be cross-border interest.

If the environmental enforcement concession contract is procured solely on behalf of the Council, the estimated value of the contract is below £4.5m. As such, the second bullet point above will apply. If other authorities are allowed to use the arrangement, the value is likely to be above the £4.5m and so a compliant tender process will need to be carried out. Further, any arrangement that allows other authorities to procure these services will require scoping and detailed consideration.

The relevant officers must ensure they seek advice from legal services with regard to the conduct of the procurement process and the resulting contractual arrangements.

Cabinet must comply with the Public Sector Equality duty to consider the need to promote equality for persons with “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation and have due regard to the need to:

- a) Eliminate discrimination, harassment, and victimisation.
- b) Advance equality of opportunity.
- c) Foster good relations between persons who share a relevant protected characteristic and those who do not share it.

In order to do this Cabinet will need to have sufficient information about the effects of the proposed environment enforcement services on the aims of the Equality Duty. The Equalities impact assessment is designed to assist with compliance with this duty and so Cabinet must take in to consideration the assessment and the Public sector equality duty before taking the decision.

Legal Team Leader: Sinead Willis, Commercial and Governance Team Leader, 14 August 2018

3. Implications on IT:

It is desirable that IT services have the opportunity to input into the specification for the service, to ensure that any IT requirements of the contract are included. This is not to prescribe the IT that should be used by any supplier, but to ensure that suppliers specify any IT requirement that they might expect BCC to provide and/or any intended integrations with BCC systems (such as payment gateways). It is essential that IT Services are able to comment on any such requirements identified in tender responses.

IT Team Leader: Ian Gale, Service Manager: Service Delivery and Integration 10/07/18

4. HR Advice: This report concerns the procurement of an enforcement contract, staffed by the external contractor. No anticipated internal HR implications.

HR Partner: Celia Williams, HR Business Partner 15 August 2018.

EDM Sign-off	Patsy Mellor	11 th July 2018
Cabinet Member sign-off	Kye Dudd	18 th July 2018
CLB Sign-off	Mike Jackson	24 July 2018
For Key Decisions - Mayor's Office sign-off	Mayor's Office	6 August 2018

Appendix A – Further essential background / detail on the proposal	YES
Appendix B – Details of consultation carried out - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	YES
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	YES
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Combined Background papers	NO
Appendix J – Exempt Information	NO
Appendix K – HR advice	NO
Appendix L – ICT	NO