

Decision Pathway – Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 04 July 2023

TITLE	Environmental Enforcement Concession Procurement	
Ward(s)	Citywide	
Author: Kurt James	Job title: Neighbourhood Enforcement and Street Scene Manager	
Cabinet lead: Cllr Kye Dudd, Cabinet Member for Climate, Ecology, Waste and Energy and Cllr Craig Cheney, Deputy Mayor with responsibility for Finance, Governance and Performance	Executive Director lead: John Smith, Interim Executive Director Growth and Regeneration	
Proposal origin: BCC Staff		
Decision maker: Cabinet Member Decision forum: Cabinet		
Purpose of Report:		
<ol style="list-style-type: none"> To seek approval to procure and award the contract for an environmental enforcement concession service. 		
Evidence Base:		
<ol style="list-style-type: none"> The mayor has made a pledge that Bristol will be measurably cleaner, and the Clean Streets plan which underpins the pledge is designed to change the behaviour of people in Bristol so that incidents of litter, dog fouling, fly tipping, graffiti, and other environmental crimes are reduced. This will be done through: <ul style="list-style-type: none"> Sending a clear message about expected behaviour. Cleaning up the city; and Delivering a robust approach to enforcement. Although the cleanliness of the city has improved in many parts as measured by our Independent Local Environmental Quality Scoring, more work needs to be done to drive behaviour change. Bristol's Quality of Life Survey 2022 tells us that 82% of Bristolians think street litter is a problem, which is unchanged from the previous year. In neighbourhoods which face the greatest inequality this rises to 93% which is a slight improvement on the previous year. Environmental issues are often a key topic for resident groups and cause people to contact their ward councillors. Firstly, we continue to promote behaviour change communications through council and Bristol Waste Company media channels. We have posters on hundreds of bins in local parks and green spaces, and the council launched the Bristol is Binning Campaign last year. Secondly, Bristol Waste Company is working hard to improve the cleanliness of the city, which is a high priority for the council, and in the last year we have seen a reorganisation of cleansing resources, a focus on tackling graffiti in partnership with our partners, and more work done to remove detritus. Our efforts to improve cleanliness are supported by our tasking of Community Payback and their community service volunteers to clean 		

up areas of the city for two or more days every week, and the hard-working Big Tidy Team that has delivered high quality cleansing in every ward of the city.

6. Improving cleanliness is also something that communities and residents feel passionately about. Over 2022/23 Bristol Waste Company provided litter picking equipment and waste collection support to over 4,300 residents who volunteered their time. We expanded our support for businesses who encourage their staff to volunteer, with teams from businesses such as Lloyds, the Bristol Bears, and Hargreaves and Lansdown, conducting litter picks. The council also helps residents who want to do their bit to remove graffiti from their local areas.
7. The third arm of our strategy has been to deliver robust enforcement, and this last year has seen a 4% reduction in fly tipping and over 550 commercial waste bins removed from the city's streets. Our enforcement efforts have been supported by the council's decision starting in the autumn of 2017, to pilot an Environmental Enforcement Concession Service to patrol, educate, and issue fixed penalty notices for environmental offences. This tougher approach to enforcement delivered high volume litter and waste enforcement through issuing penalty notices which served to extend the capacity and reach of the council's internal enforcement team.

Enforcement Concession background

- Kingdom Environmental Service were awarded the tender to deliver the environmental enforcement concession pilot which ran from 6 November 2017 to 4 February 2019 and delivered some clear successes, including evidence that behaviour around littering was changing in the city.
- The pilot was supported by a high-profile education campaign that encouraged people to dispose of litter responsibly and asked residents to do what they could to prevent littering. Residents, and schools embraced this ask with litter picking becoming a popular activity evidenced by regular community-led clear ups and litter picks in many communities across Bristol.
- Between 6 November 2017 and 4 February 2019, 12,000 fixed penalty notices were issued to people committing environmental crimes in 29 wards of Bristol, with a further 136 people found guilty of littering offences in court.
- The number of fines went down over time, which was expected, and suggested people were changing their behaviour.
- The pilot met its objectives, enabled learning, and provided a bridge to a longer-term enforcement service tender scaled to consider Bristol's enforcement needs and aspirations:
- The council's fixed penalty rates for environmental offences were increased in March 2019 to support the new tougher enforcement approach after the Environmental Offences (Fixed Penalties) (England) Regulations 2017 came into effect on 1 April 2018.
- In 2018 3GS were awarded the tender to deliver the environmental enforcement concession following Cabinets decision to retender the service, with the service starting on 5 February 2019 for a four-year term.
- The new service had several challenges at contract start that impacted performance, which included Brexit and the pandemic:
 - The onset of COVID 19 and the subsequent lockdowns meant the service had to close for long periods.
 - Post pandemic reopening and Brexit created significant recruitment and retention challenges for 3GS due to an abundance of competing job opportunities that has persisted.
- Between 5 February 2019 and 28 February 2023 3GS issued 19,235 fixed penalty notices, with over 90% being for littering offences.
- Since 2017, 2,500 people have been prosecuted in court for littering offences.
- The impact and learning from the two previous contracts are set out in Appendix A.

Proposal

8. It is proposed that a four (4) year agreement is tendered this year at no cost to the council, which has the potential of returns for the Council. 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 street's 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.

9. Success measures for the third-party contract will include a reduction in litter and fly-tipped waste to support the council's ambition to improve the cleanliness of the city and reduce the amount we spend on the management of waste and tackling environmental crime.

Cabinet Member / Officer Recommendations:

That Cabinet:

1. Approve the procurement of an environmental enforcement concession service as outlined in this report.
2. Authorise the Executive Director for Growth and Regeneration in consultation with the Cabinet Member for Climate, Ecology, Waste and Energy to take all steps required to procure and award the contract for an environmental enforcement concession for a period of four years.

Corporate Strategy alignment:

1. ENV 3 A Cleaner, low-waste city

- Create a cleaner city and become a national leader in reducing waste.
- The Clean Streets Campaign will be a focus to help us improve the cleanliness of the city and focus our resources on the areas of highest need.
- Satisfaction was lower in more deprived parts of the city, and the proportion of residents who thought street litter was a problem remains high city-wide (82%).
- Creating a pleasant environment – building on the aspirations of our Clean Streets programme – remains important to us, but waste is not only about cleanliness and improving the appearance of the city.

City Benefits

Making the streets of Bristol cleaner is one of the key objectives of the 2022-2027 Corporate Strategy.

Improving the environment contributes to improving the mental health and wellbeing of residents reducing demand for mental health services and increase emotional wellbeing.

Evidence from the annual Quality of Life survey noted above indicates that equalities groups and people living in more deprived parts of the city currently tend to be more adversely affected by street scene issues than the population in general. These findings are supported by more general research by groups such as Keep Britain Tidy who have also noted that deprived areas tend to suffer the most from poor local environmental quality and that those living in more deprived areas are less likely to feel satisfied with the appearance of their local area than those living in more affluent areas.

Consultation Details:

Informal consultation has taken place with the following:

- a) Mayor briefings – regular updates on the enforcement pilot and its impact. The mayor continues to show support for this approach to environmental enforcement.
- b) Cabinet member briefings – regular updates on the enforcement pilot and its impact. The Cabinet Member with responsibility for Climate, Ecology, Waste and Energy, and the mayor continues to show support for environmental enforcement and its expansion into more areas of Bristol and other environmental crime types.
- c) Bristol Waste Company - regular updates on enforcement performance and its impact, opportunities to support behaviour change and joint working.

- d) The police - regular updates on enforcement and its impact and opportunities for joint working.
- e) Business Improvement Districts - regular updates on enforcement and its impact and to address issues arising from environmental enforcement.
- f) Officer briefings - regular updates on enforcement, its impact, the future scope of enforcement and integration with the BCC Neighbourhood Enforcement Team.

Background Documents:

1. [Enhanced enforcement Decision Pathway 2018 Report V1.1.pdf \(bristol.gov.uk\)](#)
2. [Clean Streets Enforcement Campaign \(bristol.gov.uk\)](#)
3. [Agenda item 11, Cabinet Report 7th May 2019: The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017: Increase in Fixed Penalty Rates](#)
4. [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017](#)
5. [The Domestic Duty of Care Fixed Penalty S34 \(2A\) Environmental Protection Act](#)

Revenue Cost	£0.00	Source of Revenue Funding	Insert specific service budget name
Capital Cost	£0.00	Source of Capital Funding	e.g., grant/ prudential borrowing etc.
One off cost <input type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input checked="" type="checkbox"/>

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

1. Finance Advice: This report 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, at no cost to the Council.

The concession has been in operation since November 2017 and has successfully delivered outcomes to the city. Any net revenue from the concession will be used to invest into environmental improvements and associated costs of continuing this Council initiative.

The new concession assumes an increase in the level of enforcement activity to encourage a greater degree of compliance.

Robust contract management processes will need to continue and regular reconciliations of data, so appropriate action to rectify issues can be performed swiftly, ensuring value for money.

Finance Business Partner: Kayode Olagundoye, interim Finance Business Partner - Growth and Regeneration – 19 June 2023

2. Legal Advice: The procurement process must be conducted in line with the 2015 Procurement Regulations and the Councils own procurement rules. Legal services will advise and assist officers with regard to the conduct of the procurement process and the resulting contractual arrangements.

Legal Team Leader: Husinara Jones, Team Manager/Solicitor 13 June 2023

3. Implications on IT: I can see no implications on IT in regard to this activity.

IT Team Leader: Alex Simpson – Senior Solution Architect 24 April 2023

4. HR Advice: There are no HR implications evident

HR Partner: Celia Williams, HR Business Partner – Growth and Regeneration 24 April 2023

EDM Sign-off	John Smith, Interim Executive Director Growth and Regeneration	26 April 2023
Cabinet Member sign-off	Cllr Kye Dudd, Cabinet Member for Climate, Ecology, Waste and Energy	10 May 2023
For Key Decisions - Mayor's Office sign-off	Mayor's Office	5 June 2023

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	NO
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 – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO