

<b>To:</b>	<b>Cabinet Member for Transformation and Infrastructure</b>
<b>From:</b>	<b>Darren Lanes, Head of Street Scene &amp; Leisure</b>
<b>Director:</b>	<b>Robert Styles, Director of Street Scene, Leisure &amp; Technical Services</b>

**BRIEFING NOTE: EXECUTIVE - NON-KEY DECISION**

**EXTENSION OF CURRENT ENFORCEMENT PILOT WITH NATIONAL ENFORCEMENT SOLUTIONS**

**Summary of Issue:**

**Extension to the current pilot for litter & fly tipping enforcement in order to allow sufficient time for a procurement exercise be carried out for a new, longer formal contract.**

**Recommendation:**

**It is recommended that the current pilot project for littering and fly tipping enforcement, with National Enforcement Solutions, be extended until 31 May 2024**

**1 Background**

- 1.1 On 10 August 2022, the Cabinet Member for Transformation and Infrastructure approved a recommendation to appoint a third-party, National Enforcement Solutions (NES), to carry out a 12-month pilot of litter & fly tipping enforcement.
- 1.2 The pilot commenced in October 2022 and is currently due to be completed in October 2023. The pilot allowed the Council to assess the feasibility of such a service within our Borough and ascertain whether or not it would meet the specific requirements of this Council. The pilot also enabled the Council to assess the potential parameters for any future longer-term delivery of such a service including any potential costs and/or income.

**2 Main Issues**

- 2.1 A report to the Community & Environment Scrutiny Select Committee on 14 June reviewed the performance of the first six months of the litter & fly tipping enforcement pilot with NES. Due to the largely positive outcomes of the pilot to date, Members of that Committee recommended to Cabinet that officers procure a longer-term contract for the third-party provision of litter & fly tipping

enforcement through a formal tender procedure, and Cabinet endorsed this recommendation on 4 July.

- 1.2 As the current NES pilot is scheduled to end in October 2023, it is necessary to extend the current pilot in order for officers to be able to develop contract documents and go out to tender for this service, adhering to procurement legislation and TMBC's own procurement policy.

### **3 Legal Advice**

- 3.1 The matters set out in this briefing note are considered routine or uncontroversial. Advice has been sought from Legal Services and they confirm that the current Service Level Agreement with NES allows for such an extension.
- 3.2 NES have also formally confirmed that any potential liabilities arising from a change to the current SLA would not apply just from an extension of the end date and therefore there is no further risk to the Council.
- 3.3 Allowing sufficient time for a full open tender process to take place will also ensure that procurement legislation and the Council's own procurement policy is adhered to.

### **4 Financial and Value for Money implications**

- 4.1 There is no financial risk associated with the proposed extension. An open tender process will assist in delivering value for money for the TMBC Council Taxpayer.

### **5 Risk Assessment**

- 5.1 There are no further risks to the Council of the proposed extension.

### **6 Public Sector Equality Duty**

- 6.1 No impact

### **7 Consideration by Overview and Scrutiny**

- 7.1 We do/do not consider that this matter needs to be considered by O&S/ SSC before a decision is made.

### **8 Communications**

- 8.1 Following the decision the Council's Media team will be consulted to assess any further potential social media/press involvement.

### **9 Conclusion**

- 9.1 To support the recommendation above.

### **10 Annexes**

- 10.1 None.