

To:	Cabinet Member for Transformation and Infrastructure
From:	Darren Lanes, Head of Street Scene & Leisure
Director:	Robert Styles, Director of Street Scene, Leisure & Technical Services

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 30 November 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 was extended until 31 May 2024. The pilot has 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 On 7 February 2024, Members of the Communities & Environment Scrutiny Select Committee reviewed options for the levels of Fixed Penalty Notices that could be issued for fly tipping & littering offences following changes to the relevant legislation. Members of the Committee recommended to Cabinet that the maximum levels for fly tipping FPNs be increased to £1,000 and for

littering FPNs to £500. Cabinet subsequently endorsed this recommendation on 13 February. However, it was recognised that the current SLA with Nes did not allow for the system changes required for the increased FPN levels. As such Members agreed that the increases would be made at the start of any new contract arrangement.

- 1.2 The Council has also recently entered into an agreement for the provision of procurement support with the Mid-Kent Procurement Service, with the contract signed off at the beginning of this month. This will now allow for officer to proceed with the procurement of the new enforcement service.
- 1.3 As the current NES pilot is scheduled to end on 31 May 2024 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. The new contract will enable the Council's contractor to apply the increased FPN levels as approved by Cabinet. As such it is recommended that the current arrangement with NES be extended for a further period of up to six months to 30 November 2024. Should the procurement process be completed, and a contractor selected prior to that, there is an existing 4-week notice period within the SLA with NES which can be utilised to end the current arrangement.

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.