

# Gloucester City Council

<b>Meeting:</b>	<b>Cabinet</b>	<b>Date:</b>	<b>15 January 2020</b>
<b>Subject:</b>	<b>Procurement of Private Sector Environmental Crime Enforcement Contractor</b>		
<b>Report of:</b>	<b>Cabinet Member for Environment</b>		
<b>Wards Affected:</b>	<b>All Wards</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
<b>Contact Officer:</b>	<b>Matt Cloke, City Improvement &amp; Environment Officer</b>		
	<b>Email:</b>	<b><a href="mailto:matt.cloke@gloucester.gov.uk">matt.cloke@gloucester.gov.uk</a></b>	<b>Tel: 396317</b>
<b>Appendices:</b>	<b>None</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

- 1.2 To seek approval of Cabinet to tender for an enviro crime enforcement service over a 5-year period to replace/carry on from the existing contract with 3GS (UK) Limited

### 2.0 Recommendations

- 2.1 Cabinet is asked to **RESOLVE** that:

- (1) the City Council carry out a procurement for a private sector organisation to deliver enforcement services against environmental crime for a five-year term.
- (2) should the procurement be successful, authority is delegated to Corporate Directors to award the contract to the chosen bidder with the terms being agreed in consultation with the Council Solicitor.
- (3) the City Council extend the current contract with 3GS(UK) Limited for a period up to three months to allow sufficient time for the procurement and contract award to be carried out.

### 3.0 Background and Key Issues

- 3.1 In 2018, the Council agreed to enter into a 12 month Pilot Concession Agreement with 3GS (UK) Limited (3GS), to provide an environmental enforcement service to tackle small scale environmental crime in Gloucester. The scheme began in March 2019 and currently delivers a service to the City Council at effectively zero cost funded ultimately through the income derived from issuing Fixed Penalty Notices (FPNs) and pursuing prosecutions against non-payment.
- 3.2 A Pilot scheme was chosen as the best option as it was essential to understand if this type of service would be financially viable long term. Further, the Council wished to

gather evidence to recognise the environmental benefits in addition to establish the type of contractor suitable to meet our needs in Gloucester before awarding a longer term contract.

- 3.3 The trial with 3GS, has been widely successful during the pilot period. At the time of writing this report, since 25<sup>th</sup> March 2019 3GS has issued 1856 FPNs for enviro-crime offences and have initiated legal proceedings against 101 individuals for non-payment of the fines.
- 3.4 The 3GS service has further significantly enhanced the Council's capability to patrol and enforce issues such as Public Space Protection Orders (PSPOs) dog controls and alcohol restrictions, litter, fly tipping/posting, householder/commercial duty of Care and to tackle other small scale enviro crime issues.
- 3.5 Further visual evidence of the four gate streets indicates that the city centre is markedly cleaner and free from smoking paraphernalia than it was prior to the pilot scheme commencing. Anecdotal evidence suggests that Amey street cleaners are now collecting less waste from the city centre by as much as half.
- 3.6 Re-tendering to extend this service to a 5-year contract with reviews in years 3 and 4, enables officers to enhance the already good performance of 3GS to further improve the service offered. Additionally, the service shall continue to enable a near nil-cost prosecution service to those who fail to pay FPN's and provide much wider opportunities for the Council to gain enhanced enforcement capabilities.
- 3.7 Subject to Members approval, the intention is to undertake a tender exercise during January and February 2020, awarding the contract in March 2020.

#### **4.0 Social Value Considerations**

- 4.1 The negative impact of a poor urban environment is well documented. Litter and small-scale enviro crime is a deterrent to peoples enjoyment of the public realm. Without this service the vast majority of the population who do not commit these crimes are being disadvantaged as they go about their daily business. The proposal is therefore likely to have a positive effect thus, improving the value of the wider environment in addition to public safety.

#### **5.0 Environmental Implications**

- 5.1 There are no adverse environmental implications. The continuation of issuing FPNs for enviro-crime offences will deliver a net positive environmental impact, through the reduction in illegal waste disposal and fly tipping; and associated additional vehicle movements required to clear and dispose of it. A reduction in fly tipping and littering will also deliver an increase in the quality of the local environment, a reduction in associated environmental pollution, contamination and associated improvements in public perception, health, civic pride and inward investment.

#### **6.0 Alternative Options Considered**

- 6.1 **Do nothing**; revert to the enforcement services offered by the Council prior to the commencement of the 3GS trial.

6.2 It is likely that the quality of the public realm would deteriorate resulting in increasing numbers of reported incidents of littering, fly tipping, duty of care offences.

6.3 In addition there would be an increase in associated costs to investigate, remove and dispose of the unlawful deposit of controlled or otherwise waste.

## **7.0 Reasons for Recommendations**

7.1 One of the Corporate Plan objectives is a Greener Gloucester. A priority derived from working to maintain a safe and attractive City manifests as “taking action against those who fail to respect our environment”. The aim to reduce the number of reported fly tipping incidents across the City by extending this service shall play an extensive role in accomplishing this goal.

7.2 It is therefore our objective to reduce the number of reported fly tipping incidents across the City, and thus reduce the overall associated costs/resources of dealing with the unlawful deposit of controlled or otherwise waste.

7.3 To work more closely with existing partners and seek new stakeholders who can assist with reducing the number of fly tip incidents and deal with enviro-crime generally.

7.4 Continuing to issue FPNs for smaller fly tipping and Duty of Care incidents will be less resource intensive for the authority than taking a prosecution, It will also focus minds and will free up valuable court time for more serious offences. Those FPN's which are not paid in full will be followed up by Single Justice Procedure or prosecution.

## **8.0 Future Work and Conclusions**

8.1 Future work will continue to prioritise resources and engage with partner agencies to deal with the issue of fly tipping to improve our communities and the City overall.

8.2 To invest and in new technology and therefore assist with the reduction in the number of fly tipping incidents and will use the technology to secure the issuance of FPNs and/or initiate prosecutions wherever possible.

8.3 To continue to work with partner organisations to share information, knowledge and best practice to deliver improvements.

8.4 To conclude the proposal would secure a private sector organisation to deliver enforcement services against environmental crime for five years at approaching zero cost to the authority.

## **9.0 Financial Implications**

9.1 There is no requirement for the City Council to provide additional funding to 3GS if income does not match the cost of enforcement, meaning there is low risk of a financial cost to the council resulting from this proposal.

9.2 In accordance with the Regulations, FPN receipts will be used for the purpose of exercising functions to improve the environment by increasing street cleanliness and enforcement of offences. To allow officers to issue FPN's will further reduce the need

to pursue costly prosecution in some cases and enable a more flexible approach in dealing with specific offences under the Environmental Protection Act 1990.

(Financial Services have been consulted in the preparation of this report).

## 10.0 Legal Implications

- 10.1 If the new contract is to follow a similar model to that with 3GS, it will be tendered as a concession contract. This is because the Council will not be paying directly for the services provided and the contractor's costs will be met by the penalties received from the FPNs. Depending on the value of the contract the Concessions Contracts Regulations 2016 may apply. Advice from the procurement officer and One Legal should be sought at the earliest opportunity.
- 10.2 It is likely that the staff from 3GS will have to transfer to a new contractor and clauses regarding compliance with TUPE will be included into the new contract.
- 10.3 Authority in accordance with the constitution will need to be given to a new contractor to enable it to carry out the enforcement services on behalf of the Council.

(One Legal have been consulted in the preparation of this report.)

## 11.0 Risk & Opportunity Management Implications

11.1 See table below -

Risk	Opportunities
<p><b>Income generated</b></p> <p>The introduction of the FPN's to deal with small scale fly tipping may be seen as income generation driven.</p>	<p>The City Council will be able to deal with smaller scale fly tipping offences with a lesser burden of evidence than is required for a prosecution and for offences that we have not previously been able to deal with due to resources and the public interest test.</p> <p>We will be able to demonstrate to our communities that we are able and willing to take robust action against those responsible.</p> <p>Income generated from the issuing of FPN's can be used to purchase mobile CCTV cameras and the ongoing associated costs.</p> <p>To prioritise resources on hotspot areas and to work with partners to deliver outcomes this may include the training of additional officers to issue FPN's including the Police and PCSO's.</p> <p>Press Release to raise the issue of fly tipping and Householder Duty of Care and the City Council's commitment to deal with the issue of fly tipping and rogue traders.</p>

	<p>The City Council to work with communities to promote the implementation of FPN's and to encourage participation i.e. reporting incidents and offenders, organising clean up events etc. This can also have a number of positive outcomes including residents taking ownership of their area and feeling better about the area in which they live.</p>
--	--

## **12.0 People Impact Assessment (PIA) and Safeguarding:**

- 12.1 A very recent statistical analysis of the FPN's issued by 3GS since commencement of the trial has identified that there may be a disproportionate focus on females. However, in the absence of formal statistics to identify the demographic of footfall in the four gates streets we are unable to ascertain whether this might constitute discrimination.
- 12.2 The PIA Screening Stage was completed and may identify a potential negative impact of gender bias therefore, additional work on a PIA is required to continue examining the 3GS data along with ascertaining the general data on footfall within the city centre in order to establish if discrimination exists.
- 12.3 Further the 3GS service will be reviewed by the Councils cross-party Equalities Group in order to examine whether one protected characteristic is being discriminated against.

## **13.0 Community Safety Implications**

- 13.1 The reduction in fly tipping incidents has a critical role to play in relation to residents feeling safe in the areas where they live, visit and play whilst reducing the risk of attracting other low-level crimes.
- 13.2 There are no adverse community safety implications. Improvements to personal accessibility and the wider public realm are likely to have a positive effect upon access and public safety.

## **14.0 Staffing & Trade Union Implications**

- 14.1 The potential need to train additional staff to issue FPN's for fly tipping incidents.

**Background Documents:** None