



EXECUTIVE MEMBER DECISION

REPORT OF: Executive Member for Environment

LEAD OFFICERS: Director of Environment and Operations

DATE: 9th May 2019

PORTFOLIO/S AFFECTED: Environment

WARD/S AFFECTED: All

SUBJECT: Authorisation to Retender the contract for the Dog Fouling and Litter Enforcement Service

1. EXECUTIVE SUMMARY

Littering and dog fouling legislation is enforced by the Council, although is non-statutory. A contract for the provision of a Dog Fouling and Litter Enforcement service in Blackburn with Darwen was first tendered in 2017, with the team commencing operation in October of that year.

Following a review in 2018 the contract was extended for a further year, but it is now recommended that the contract is retendered with an enhanced specification.

2. RECOMMENDATIONS

That the Executive Member:

Authorises the tendering of the contract for up to 3 years for the Dog Fouling and Litter Enforcement service.

3. BACKGROUND

Littering is an offence under Section 87 of the Environmental Protection Act 1990, which can be dealt with by means of a fixed penalty notice (FPN) as an alternative to prosecution.

Dog fouling (as a breach of a Public Space Protection Order, or PSPO) is an offence under Section 67 of the Anti-Social Behaviour, Crime and Policing Act 2014. This too can be dealt with by means of an FPN as an alternative to prosecution. In Blackburn with Darwen the provisions of the dog control PSPO include keeping dogs on leads in specified cemeteries, and keeping dogs out of specified children's' play areas.

The Council does not have a statutory duty to enforce these provisions, so over time resources had been focussed elsewhere, resulting in relatively low levels of enforcement.

In 2017, the Council took the decision to tender for a contract for a Dog Fouling and Litter enforcement service, with a view to raising awareness for personal responsibility for waste-related

offending, and delivering a significantly improved service in a way which was cost neutral for the Council. The successful bidder, Kingdom Environmental Services Group Ltd, commenced operation in October 2017. After a 12 month review the contract was extended for a further year.

Equality Impact Assessment work carried out for the Corporate Prosecution Policy, the original tendering for of the Dog Fouling and Litter Enforcement service and the Dog Control PSPO are considered to cover the retendering of this contract, and are available on request.

4. KEY ISSUES & RISKS

The Dog Fouling and Litter Enforcement team has been embedded within Public Protection and Environmental Health, and is managed by the Service Lead. The current contractor has performed satisfactorily throughout, and the close working between contractor and Council has minimised the risks associated with this type of contract.

At the time of writing, a total of 8747 fixed penalty notices have been issued; 8029 for littering, 55 for dog fouling, 5 relating to dogs not being on leads, and 658 relating to smoke free England. The payment rate is 65%. Approximately 1500 prosecutions for non-payment of the FPN have been undertaken via the Single Justice Procedure.

In terms of meeting its objectives the contract has been successful; the profile of personal responsibility for litter and waste has been raised in the Borough, and a robust dog fouling and litter enforcement service has been provided at no cost to the Council.

From the experience gained over two years managing the contract it is felt that there is scope for adding to the specification for the service, and so it is recommended that the contract be retendered for commencement in October 2019 once the amended specification has been drawn up. As this field of service delivery is always developing, opportunities for enhancing the current service will be explored as part of the retendering process. The procurement and contract structure will ensure that the contract is at worst cost neutral and will maximise revenue where possible. The contract will be for an initial twelve month period with the option to extend for up to two further 12 month periods.

5. POLICY IMPLICATIONS

The provision of a Dog Fouling and Litter Enforcement service in the Borough supports the following Corporate Priorities:

- Creating more jobs and supporting business.
- Making your money go further.

6. FINANCIAL IMPLICATIONS

The provision of the Dog Fouling and Litter enforcement service will continue to be at worst cost-neutral for the Council and may generate revenue which will help cover costs of Public Protection and/or Legal Services.

7. LEGAL IMPLICATIONS

The operation of the Dog Fouling and Litter enforcement service generates a large single justice procedure caseload for Legal Services.

With the knowledge gained from the two years of the Team's operation, processes are being reviewed with a view to rationalising them to reduce demands on both Legal Services and Public Protection as far as is possible.

The contract will be advertised in OJEU and procured under the Open Procedure in accordance with the Public Contracts Regulations 2015. The contract will be in a form approved by legal officers in the Contracts and Procurement team.

8. RESOURCE IMPLICATIONS

The Team will be embedded within Public Protection and Environmental Health.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 ☐ In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

None

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded and published if applicable.

VERSION:	1.1
-----------------	------------

CONTACT OFFICER:	Gary Johnston
-------------------------	----------------------

DATE:	9th May 2019
--------------	--------------------------------

BACKGROUND PAPER:	N/A
--------------------------	------------