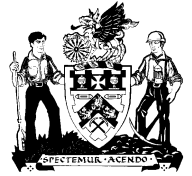


**BARNSLEY METROPOLITAN
BOROUGH COUNCIL**



**CENTRAL, DEARNE, NORTH,
NORTH EAST AND SOUTH AREA
COUNCILS**

~~AND TPT PARTNERSHIP~~

ENVIRONMENTAL ENFORCEMENT

PROJECT REF: 07-17-16-1-1115

**INVITATION TO TENDER
PART 1**

**PROJECT OVERVIEW AND SCOPE OF
SERVICE**

RETURN DATE: 5 JANUARY 2016

**Wendy Lowder
Interim Executive Director, Communities
Barnsley MBC
Communities
Westgate Plaza One
PO Box 609
Barnsley
S70 9FH**

PART 1

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PART 1

PROJECT OVERVIEW AND SCOPE OF SERVICE

1. INTRODUCTION

- 1.1 The Central, Dearne, North, North East and South Area Councils have reaffirmed ‘the environment’ as one of the key issues that they wish to prioritise during 2016/17. Within the context of this priority, an enhanced **enforcement service** is seen as vital to prevent environmental problems escalating and to ensure that the positive work undertaken to maintain the environment is not undone by an anti-social minority.

Public feedback consistently identifies environmental blight through littering, dog fouling and illegal parking as a significant cause of local concern and highlights where the people who live and work in the area want to see action being taken.

This proposed intervention will strengthen the ability to demonstrate a strong stance on enforcement issues through this extra provision and will be marketed through a No Tolerance approach in the 5 Area Council areas identified above.

Background information about Barnsley Council’s Communities and Area Governance Service and the associated Area Council structure can be found at Appendix A.

2. BACKGROUND AND CONTEXT

- 2.1 The Area Councils will purchase bespoke services to tackle the areas of concern most affecting our communities. The aims of procuring bespoke environmental enforcement services are to respond to locally identified priorities, encourage the public to take pride in their local environment and facilitate a change in behaviours and attitudes towards looking after the environment. The majority of residents take pride in where they live and treat their local environment and fellow residents with respect. More robust enforcement will help the Area Councils to isolate the small minority that disrespect their environment and fellow residents and take robust action against them to change the way they behave and make them contribute towards the costs of improving the environment in which we live.

The Area Councils will seek to maximise the impact of resources being earmarked to address environmental crime by procuring high quality proven services and to operationally align those services to the Council’s Safer Communities Service and Parking Services (the existing core services). This arrangement is designed to achieve the best possible value for residents by purchasing the necessary skills and expertise at an affordable price. By subsequently aligning these bespoke additional services to the existing core services provided by the Council, the Area Councils will ensure that any service is delivered within the parameters of the Council’s policies, with the integrity and authority it requires and within the existing operational infrastructure of the Council.

Each of the Area Councils will be identified individually by lots (see Appendix B) and these will be procured collectively across Area Council boundaries to maximise the potential for achieving best value for money. All services will be delivered bespoke to the value of the local commission and according to the needs of **each** individual Area Council. One service provider will be appointed for all lots.

2. BACKGROUND AND CONTEXT (Cont'd)

2.2 A key purpose of Area Council's is to grow community capacity by commissioning local services and encouraging volunteering. The aims of Area Governance are to:

- Ensure people of all ages have a much greater involvement in designing services and actively participating in improving their lives.
- Support the many benefits of volunteering and foster the many and diverse opportunities for residents to gain new skills and experiences through volunteering.
- Ensure customer services and the citizen experience of access is improved.
- Engage local communities in helping to shape the decisions and services in their neighbourhood.
- Ensure the Council operates fairly and demonstrates total commitment to equalities in policy and practice.
- Establish new models of delivering services guided by local choice and need.

3. STRATEGIC VISION AND VALUES

3.1 Barnsley MBC's Vision is to '*Work together for a brighter future, a better Barnsley*'

Our Values include:

Working Together

- We work as "One Council" to do the best that we can for our customers
- We build partnerships and work with others to achieve the best for Barnsley
- We are understanding and supportive of others, respecting and valuing differences
- We are open and honest about what we are able to achieve, the decisions we make and how well we are doing
- We are true to our word, reliable and fair
- We are responsible and accountable for our actions

Excellence

- We are committed to quality and value for money
- We learn from our successes and mistakes
- We are flexible, adaptable and respond positively to change

Pride

- We are proud of the work we do and services we deliver
- We are proud to support our communities to make Barnsley a better place
- We are proud of our achievements

4. COUNCIL PRIORITIES AND OUTCOME STATEMENTS

- 4.1 In developing and delivering this bespoke environmental enforcement service, the Service Provider should ensure that it is contributing to the Council's corporate priorities and outcome statements as outlined below:

Improving people's potential and achievement	Inspire the local community to 'Love Where They Live' Increase employment, skills and work experience at local level
Growing the economy	Improve the local environment (make the area more attractive to shoppers and new businesses) Keep the Wards clean, well maintained and attractive Increase employment, skills and work experience at local level
Changing the relationship between the Council and the Community	Increase the number of people engaged in voluntary activities in the community Young people involved in reparation activities

5. AIMS AND OBJECTIVE OF THE SERVICE, INCLUDING SOCIAL VALUE OBJECTIVES

- 5.1 The overarching aims and objectives of the service for the Central, Dearne, North, North-East and South areas are:
- Services designed to operate locally and address the priorities and hot spots of each of the Area Councils listed above.
 - Inspire people who live and work in the areas to 'Love Where they Live'
 - Maintain and improve Environmental Standards
 - Keep the Wards clean and well maintained
 - Link with other Area Council procured services, to support the over-arching aims of area governance shown above
 - Close working relationship with the Council's Safer Communities Service and Parking Services
 - A service that fully complements existing 'core' environmental enforcement service provision provided by the Council's Safer Communities Service and Parking Services.

5. AIMS AND OBJECTIVE OF THE SERVICE, INCLUDING SOCIAL VALUE OBJECTIVES (Cont'd)

Under this contract, the successful Service Provider will be required to actively contribute to the achievement of specific **Social Value Objectives**. These reflect the vision and corporate priorities of the Council outlined in Sections 3 and 4 and include:

- Develop strong community networks, community self-help and resilience
- Improve physical health and emotional well-being in the area
- Improve the local environment
- Increase the number of people engaged in voluntary activities in the community
- Increase skills and work experience at local level
- Promote employment and training opportunities within the locality

6. THE SERVICE/ACTIVITIES TO BE DELIVERED

6.1 GENERAL

The Service to be provided flexibly according to need and to include evenings and weekends with a minimum of 10 hours per week per officer spent working either weekends, or week days before 8am or after 5pm.

100% coverage in the event of annual leave, sickness or other leave related absence will be provided by the Service Provider to maintain service delivery.

It is expected that each Environmental Enforcement Officer provided by the Service Provider will proactively issue tickets for littering, parking and dog fouling offences.

Environmental Enforcement Officers must be provided with appropriate mobile communication devices.

6.2 LOT SPECIFIC

LOT 1 - CENTRAL AREA

To provide the Central Area Council with 1.5 FTE Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period with options to extend for 2 further periods each of 12 months.

The Service will cover the five Wards of the Central Area Council (Central, Dodworth, Kingstone, Worsbrough and Stairfoot)

There will be no abstractions of the dedicated Central Enforcement Officers from the Central area.

LOT 2 – DEARNE AREA

To provide the Dearne Area Councils with 1 Environmental Enforcement Officer working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period with options to extend for 2 further periods each of 12 months.

The Service will cover the two wards of the Dearne Area Council (Dearne North and Dearne South)

There will be no abstractions of the dedicated Dearne Environmental Enforcement Officers from the Dearne areas.

LOT 3 – NORTH AREA

To provide the North Area Council with 4 Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period with options to extend for 2 further periods each of 12 months.

The Service will cover the four Wards of the North Area Council of Darton East, Darton West, Old Town and St Helens

There will be no abstractions of the dedicated North Environmental Enforcement Officers from the North area.

LOT 4 - NORTH EAST AREA

To provide the North East Area Council with 2 Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period with options to extend for 2 further periods each of 12 months.

The Service will cover the four Wards of the North East Area Council of Cudworth, Monk Bretton, North East and Royston.

There will be no abstractions of the dedicated North East Environmental Enforcement Officers from the North East area.

LOT 5 – SOUTH AREA

To provide the South Area Council with 4 Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period with options to extend for 2 further periods each of 12 months.

The Service will cover the four Wards of the South Area Council of Hoyland Milton, Rockingham, Darfield and Wombwell.

There will be no abstractions of the dedicated South Environmental Enforcement Officers from the South area.

6.3 Duties of the Service Provider's Environmental Enforcement Officers

To target problems of littering, dog fouling and parking enforcement within all Lot Areas. This will include proactive patrolling based on intelligence profiles provided from information gathered from the Environmental Hotline number, also from members of Area Councils, Area Manager's and the Council's Safer Communities Service. The Tasking Officer (from the Council's Safer Communities Service) will deploy and review the work of the Service Provider's Enforcement Officers based on this intelligence.

The Service Provider's Enforcement Officers will patrol priority areas and robustly enforce against any offences witnessed by issuing a fixed penalty notice.

Fixed Penalty Notices or Penalty Charge Notices will be issued in all circumstances where an offence has been witnessed or established.

Where littering is observed from vehicles, registration numbers will be taken and passed to the Council's Safer Communities Service, along with a witness statement to allow for the serving of a Fixed Penalty Notice.

The Tasking Officer, on behalf of the Service Provider, will provide verbal updates to the Area Managers regarding emerging problem areas or trends.

At least 85% of contracted time is to be spent out of the office either patrolling or on targeted operations linked to litter, dog fouling and parking enforcement.

BMBC enforcement uniforms (to be provided free of charge) with relevant authorities and insignias must be worn, unless plain clothes operations are being undertaken.

The Service Provider's Enforcement Officers will maintain a pocket notebook which will be kept up to date and will be the subject of periodic checking by the Tasking Officer.

Duties of the Service Provider's Environmental Enforcement Officers (Cont)

For 1 hour at the end of each working week, the Service Provider's Enforcement Officers will be required to complete a weekly report sheet detailing activity and outputs for the week. This will include reference to:

- Overall patrolling hours by Ward
- Number and Locations of Litter Specific Operations
- Number and Locations of Dog Fouling Operations
- Number and Locations of Parking Operations
- Number locations and type of other activity
- Number of Littering FPNs, broken down to Ward level
- Number of Dog Fouling FPNs, broken down to Ward level
- Number of Parking PCNs, broken down to Ward level
- Other Activity

6.4 Other Contract Details: Partnership Working

The Service Provider should establish and maintain close working relationships with active local resident groups to build intelligence networks and to improve personal levels of responsibility.

The Service Provider will ensure good liaison with other services operating in all five areas. This will be co-ordinated via each Area Manager and the Council's Safer Communities Service and Parking Services.

The Service Provider's Environmental Enforcement Officers will work to complement the 'core' service offer of BMBC services, working flexibly alongside core services deployment protocols in order to avoid duplication and ensure added value.

The Service Provider's Environmental Enforcement Officers will work alongside other partners and commissioned services on joint operations. The Service Provider and the Council's Safer Communities Service will work with each Area Team to identify opportunities for reparation work to be undertaken in all five areas so that justice can be seen to be done locally.

6.5 **BMBC roles and responsibilities**

The Council's Safer Communities Service will provide the following equipment and services free of charge. This is to ensure that the Service Provider's enforcement services:

- Operate as part of the broader approach to community safety and enforcement;
- Operate with the same degree of integrity;
- Benefit from existing local infrastructure;
- Do not duplicate core Council enforcement activity;
- Can legitimately act on behalf of the Council as the primary enforcement agent in the Central, Dearne, North, North East and South areas.

The detail below describes the arrangements, which will enable the Service Provider's Environmental Enforcement Service to be bespoke and matched to the needs of each of the five Area Councils, whilst enabling operational effectiveness and legitimacy within the corporate requirements of Barnsley MBC. Accordingly, and for the avoidance of doubt, tenderers **will not** be required to include within their tender bids for costs associated with the 'Equipment' and 'Support' detailed below because these items will be provided free of charge by the Council:

Equipment

- Body Cameras (1 per officer).
- Appropriately branded vehicles at a ratio of 1 per 2 officers to provide transport for the Service Provider's Enforcement Officers across the five Area Councils/Ward Area. Vehicles will carry the insignia of the Area Council and Barnsley MBC Safer Communities Services.
- Safer Communities uniforms with clear designation of authorities carried out and the Area Council from which the officers are functioning.
- Pocket Books.
- Office accommodation at a central location..

Support

- Officer support to process fines and PCNs issued by the provider and ensure income is recycled to the five areas Councils.
- Support providers to promote the initiative to local residents and the wider community.

6.6 Operational Activities to be undertaken by Barnsley MBC Safer Communities Service

The Council's Safer Communities Service will:

- Authorise the Service Provider to act on behalf of the Council, including endorsement of individual officer competencies to discharge certain powers.
- Provide weekly tasking requirements according to local hot spot areas and areas identified for priority intervention.
- Deal with all direct telephone and e-mail enquiries from Elected Members (Tasking Officer responsibility) to contribute to local intelligence and inform service priorities.
- Process all dog fouling and littering fines for payment.
- All prosecutions or court warrants for non-payment will be secured by the Safer Communities Service (Service Solicitor and Head of Service).
- All fine payments will be recycled by the Safer Communities Service to the relevant Area Council where issued by the Service Provider.

6.7 The role of the BMBC Parking Enforcement Services is currently under review. This review will be completed before the appointment of the provider. As a result, the relationship between the provider and BMBC Parking Enforcement Services will be clarified following the appointment of the provider. This will include arrangements for the processing of PCNs.

6.8 Operational Activities to be undertaken by Service Provider

The Service Provider will:

- Provide Environmental Enforcement Officers as outlined within this document.
- Issue fines (FPNs and PCNs) correctly upon witnessing an offence occurring.
- Routinely share intelligence gleaned by the Service Provider with the Local Safer Neighbourhood Team & Parking Services.

6.9 The above describes arrangements which will enable environmental enforcement services to be bespoke and matched to the needs of each of the five area Councils, whilst enabling operational effectiveness and legitimacy within the corporate requirements of Barnsley MBC.

7. TARGET GROUPS AND/OR AREAS

7.1 The service will target the streets, neighbourhoods and people who live or work in the wards making up each of the 5 Area Council areas:

Lot 1 - Central Council - Wards of Dodworth, Central, Kingstone, Worsbrough & Stairfoot

Lot 2 - Dearne Council - Wards of Dearne North and Dearne South.

Lot 3 – North Council - Wards of Darton East, Darton West, Old Town and St Helens.

Lot 4 – North East Council - Wards of Cudworth, Monk Bretton, North East and Royston.

Lot 5 – South Council - Wards of Hoyland Milton, Rockingham, Darfield and Wombwell.

8. EQUALITY IMPACTS

- 8.1 The successful Service Provider will be required to ensure that the service is free from bias and acknowledges and respects gender, sexual orientation, age, race, religion and culture, lifestyles and values. If any needs are required as per the Equalities Act, such as language or disability, these needs will be provided for during the term of the contract.

Please also refer to Part 4 – Form of Contract.

9. PERFORMANCE MEASURES/OUTPUTS

9.1 Service Outcomes and Measures

Table 1 below details the outcomes or results that the Service Provider is required to achieve as a consequence of the service being delivered. A list of possible measures to monitor and evidence the achievement of outcomes is also provided. This is indicative only and Tenderers are required, as part of their tender return, to propose their own list of outcome measures, along with realistic targets, baselines and a methodology for gathering the data/measuring. Final measures and targets will be agreed prior to contract commencement.

Please refer to Part 2 – Tender Quality Questionnaire.

9.2 Table 1

Performance Measures		
<i>Outcome</i>	<i>Outputs</i>	<i>Method</i>
Inspire the local community to 'Love Where They Live'	Number of positive news stories generated	Evidenced by quarterly contract management reports, to include 2 positive case studies per quarter
Increase employment, skills and work experience at local level	Number of local people recruited onto this project/and trained	Evidenced by quarterly contract management reports

9.2 Table 1 (Cont'd)

Performance Measures		
<i>Outcome</i>	<i>Outputs</i>	<i>Method</i>
<p>Improve the local environment (make the area more attractive to shoppers and new businesses)</p> <p>Keep the Wards clean, well maintained and attractive</p>	Number of positive news stories generated at 2 per quarter	Evidenced by quarterly contract management reports
	Number of patrolling hours completed by ward – must equate to minimum of 85% of officer time	Evidenced by quarterly contract management reports
	Number of FPNs and PCNs issued per ward, broken down by dog fouling, littering and parking	Evidenced by quarterly contract management reports
	Number of targeted operations at 2 per ward per quarter	Evidenced by quarterly contract management reports, including case studies
	Number of restorative justice referrals made or placements provided	Evidenced by quarterly contract management reports, including case studies
	Promotion of Love Where You Live & other environmental projects	

10. PROCUREMENT PROGRAMME

Indicative Programme:	
Tender Return	5 January 2016
Tender Evaluation	5-22 January (Interviews w/c 18 January 2015)
Tender Report and Approval to Award	27 January 2016
Standstill Period and Feedback	Ends 8 th February 2016
Issue of Letter Intent and Contract	9 th February 2016
Contracts Commence	1 st April 2016

11. CONTRACT VALUE AND CONTRACT DURATION

11.1 The contract(s) will commence on the 1st April 2016

11.2 It is anticipated that the contract will be for 12 months, with an option to extend by 12 months and then a further 12 months (1 year +1+1). However, a 6 month break point exists when performance and achievement of outcomes will be reviewed and, on the basis of findings, decisions will be taken to either continue to full term or cease the contract.

There are no guarantees after the first initial 12 months that each individual Area Council will have the funding available to extend the contract or will decide it has a continuing need either the same level of service or for the service as a whole. Each Area Council has their own budget and this may result in individual Lots coming to an end.

The estimated cost of the service is £ 350,000 per annum.

12. CONTRACT TERMS AND CONDITIONS

12.1 See Part 4 – Form of Contract.

13. CONTRACT MONITORING AND RECORDING REQUIREMENTS

13.1 The Five Area Councils have developed a detailed specification outlining specific requirements of an environmental enforcement service for the areas. The Five Area Councils will be responsible for commissioning these services from the most appropriate Service Provider, following a transparent and robust tendering exercise. Once a Service Provider is commissioned, the Five Area Councils will oversee the delivery of the contract in line with the agreed Specification. Each lot will be individually contract monitored and managed by each Area Council Manager. Within the Specification, the relationship between the successful Service Provider and Barnsley Council's Safer Communities Service and Parking Services is clear and this should be unequivocally demonstrated and only Providers recognising this relationship will be considered for award of this contract.

13.2 The appointed Service Provider will need to continually demonstrate and evidence the effectiveness of the service in terms of delivering the required outcomes/achieving the agreed targets for each Lot. It is a key requirement of the Service Provider to:

- Collect, collate and report on a range of agreed measures on a quarterly basis as part of a quarterly reporting regime for each Lot. This will include the provision of data at ward level. It will also include providing a minimum of 2 case studies per quarter..
- Establish compatible systems to ensure effective management and performance management of the service. Information systems must comply with the requirement of the Data Protection Act.
- Attend monthly/quarterly meetings with the Central, Dearne, North, North East and South Area Council Manager's, in their capacity as Contract Managers, to discuss contract performance and management issues and any Ward or Area Council report requirements, and request any additional information/provide clarification on pertinent issues, as required.

- Submit a 12 month break/review performance report and provide any other information required to inform that review.
- Subject to satisfactory 12 month review outcome, attend a ‘lessons learned’ meeting to be convened one month before the one year contract end date and submit an end of project performance report prior to this end date, fully and properly evidencing achievement of outcomes.

Each of the Area Council Manager’s for each lot will be involved in all performance reviews and may reasonably request additional information at any time.

13.3 Monthly Reporting Requirements

The Council’s Tasking Officer will collate reports, based upon information gathered and provided by the Service Provider and will provide monthly written reports to the Contract Management meetings and Elected Members detailing the following:

- Overall patrolling hours by Ward
- Number and Locations of Litter Specific Operation
- Number and Locations of Dog Fouling Operations
- Number and Locations of Parking Operations
- Number Locations and type of other activity
- Number of Littering FPNs
- Number of Dog Fouling FPNs
- Number of Parking PCNs
- Other activity

13.4 Quarterly Reporting Requirements

The Area Managers will ensure that the Five Area Councils receive a full quarterly performance management report that incorporates the contract monitoring and management information from the environmental enforcement Provider. This report will outline overall performance and activity for the previous quarter and establish tactical and strategic priorities for the coming quarter, as agreed with the Council’s Safer Communities Service. Elected Members will be able to inform the Tasking Officer of specific issues of concern.

The general public can raise issues of concern through existing Council channels, as outlined in Appendix C. Other issues of concern may also be picked up through Police channels and both types of intelligence will be incorporated into the Service Provider’s Enforcement Officers workload through the Tasking Officer.

14. QUALITY STANDARDS

- 14.1 Robust policies and procedures are to be put in place to ensure safeguarding of all adults and children and, in particular, adequate measures/systems to ensure robust data protection and information governance.
- 14.2 The Service Provider has a legal obligation to adhere to all equality legislation. The Service Provider must produce its policy relating to race, gender, disability religion or belief, sexual orientation and age. This policy should include the reporting mechanism for any adverse

events which would constitute a deviation. Any and all adverse events should be reported to the relevant Area Council Manager.

14.3 In order for the Service Provider's service to align to the Safer Communities Service the following requirements must be met:

- (a) The Service Provider will operate completely within the Policies of Barnsley MBC (see Appendix D) with regard to enforcing against littering, dog fouling, parking and any other specified enforcement activity.
- (b) The Service Provider will be tasked according to the local intelligence provided by the Members of the Area Council, the Area Matrix Teams and the Council's Safer Communities Service and must incorporate these tasks into their day-to-day workload.
- (c) Staff employed by the Service Provider must meet the required competency levels of the Council to act as an enforcing agent on their behalf. This will include:
 - Understanding how to correctly interview a suspect and record the interview.
 - Understanding what constitutes a littering and a dog fouling offence.
 - Ability to illicit the necessary information required to pursue such an offence.
 - Ability to process the information to issue a fixed penalty notice.
 - Ability to offer an alternative to fixed penalty notice payment for juveniles.
 - Understanding what happens if a fixed penalty notice is not paid.
- (d) The Service Provider's Enforcement Staff must wear the enforcement uniform of the Council.
- (e) The Service Provider's Enforcement Staff must seek to meet the required integrity thresholds of South Yorkshire Police and Barnsley MBC. (see Appendix E).
- (f) The Service Provider's Enforcement Staff will operate from the same working bases as the local Safer Neighbourhood Teams aligned to Area Council boundaries.
- (g) The Service Provider will share all local information intelligence and data established during the course of their activity with the Council's Safer Communities Service.

Additionally:

- The Service Provider will have a robust system for monitoring complaints and suggestions; feedback from service users will inform service delivery.
- The Service Provider will submit reports summarising any complaints, investigations and remedial actions.

Please also refer to Part 4 – Form of Contract

15. TUPE

The Council considers that in the event of this contract being awarded other than to the present service providers then the terms of the European Acquired Rights Directive (Number 2001/23) and/or the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) may apply.

In the event that TUPE does apply, upon which the tenderers must reach their own view, tenderers should take into account the following requirements which would then arise:

You are advised to seek independent professional advice as to the application and the effects of the Directive and/or the Regulations on your organisation should you be in the position of being a successful tenderer.

- (i) The need to consult with recognised trade unions or other professional associations.
- (ii) The need to maintain existing rates of pay and conditions of employment of employees; and
- (iii) The need for a successful tenderer to accept liability in respect of claims for redundancy payments, unfair dismissal and all other claims related to previous employees.

The Council will provide to tenderers such employment details of the workforce presently employed in connection with the services as may be provided by the present Service Provider only on completion and return of the Confidentiality Agreement which can be found in Appendix 4 in Part 3 document and that such information will be treated as strictly confidential and will be used for no other purpose than in connections with the submission of a tender for the services. The completed Confidentiality Agreement should be returned through the discussions area of the YORtender system

APPENDIX A

OVERVIEW OF THE AREA COUNCILS ARRANGEMENTS

Barnsley Council is working together for a brighter future, a better Barnsley.

We will achieve this vision by driving change and improvements to achieve the following positive outcomes, including:

- A brighter future where people achieve their potential
- A better Barnsley where our residents think and feel we are making a difference together
- Working together with our partners and communities

Our three priorities to help us reach our vision are:

- Growing the economy
- Improving people's potential and achievement
- Changing the relationship between the council and community

The strength of every community in Barnsley lies in the commitment of the people who live there to make it a special place that everyone can feel proud of and part of.

Our aim is to unlock the capacity in our communities and optimise one of the resources still in great supply: the willingness of people to help each other.

We aim to mobilise citizens more effectively around locally agreed priorities and to achieve measurable impact through volunteering.

Our Area Governance arrangements are the framework to enable this to happen at a community level.

Our structure incorporates:

- Six Area Councils – our Councillors responding to strategic priorities on an area basis and commissioning services with a strong social value ethos to meet these challenges.
- 19 Ward Alliances – our Councillors working alongside community representatives to mobilise and enable community responses to local challenges.
- Neighbourhood Networks – support to the 'virtual' networks that exist in our communities – the community organisations, committed individuals, businesses, faith groups, residents associations and all the other representatives that make our communities thrive.
- Our 'Love Where You Live' campaign to inspire people to get involved in volunteering locally to make in difference in their community.

Our Future Council

Our Vision

Working together for a brighter future, a better Barnsley

Working together – with our communities A brighter future – people achieve their potential
A better Barnsley – our residents think and feel we are making a difference together

Our Priorities

- Thriving and vibrant economy
- Citizens achieving their potential
- Strong and resilient communities

Our Values

Working together

*We work as one to do the best
that we can for our customers
and our communities*

Honesty

*We are open, honest, true to
our word, reliable and fair*

Excellence

*We are committed to quality
and value for money and
believe only our best is good
enough*

Pride

*We are proud of what we do to
make Barnsley a better place*

APPENDIX B

AREA COUNCIL LOTS

LOT 1 - CENTRAL AREA

To provide the Central Area Council with 1.5 FTE Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period.

The Service will cover the five Wards of the Central Area Council (Central, Dodworth, Kingstone, Worsbrough and Stairfoot)

There will be no abstractions of the dedicated Central Enforcement Officers from the Central area.

LOT 2 – DEARNE AREA

To provide the Dearne Area Councils with 1 Environmental Enforcement Officer working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period.

The Service will cover the two wards of the Dearne Area Council (Dearne North and Dearne South)

There will be no abstractions of the dedicated Dearne Environmental Enforcement Officers from the Dearne areas.

LOT 3 – NORTH AREA

To provide the North Area Council with 4 Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period.

The Service will cover the four Wards of the North Area Council of Darton East, Darton West, Old Town and St Helens

There will be no abstractions of the dedicated North Environmental Enforcement Officers from the North area.

LOT 4 - NORTH EAST AREA

To provide the North East Area Council with 2 Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period.

The Service will cover the four Wards of the North East Area Council of Cudworth, Monk Bretton, North East and Royston.

There will be no abstractions of the dedicated North East Environmental Enforcement Officers from the North East area.

LOT 5 – SOUTH AREA

To provide the South Area Council with 4 Environmental Enforcement Officers working 37 hours per week, 52 weeks per year dedicated to environmental enforcement activity over a 12 month period.

The Service will cover the four Wards of the South Area Council of Hoyland Milton, Rockingham, Darfield and Wombwell.

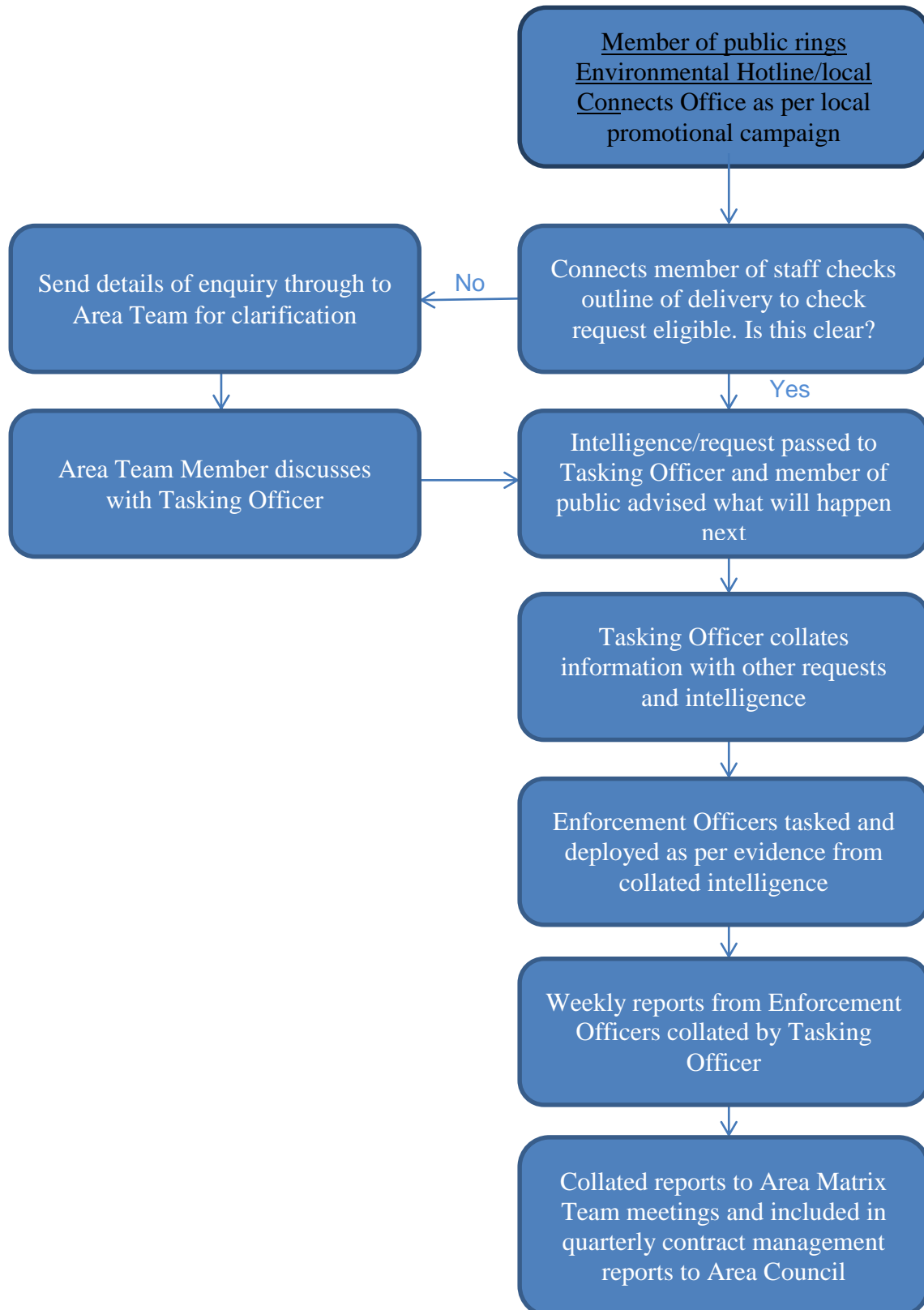
There will be no abstractions of the dedicated South Environmental Enforcement Officers from the South area.

APPENDIX C

ENFORCEMENT FLOW CHART

Appendix C

Calls Processing Flow Chart – Environmental Enforcement



APPENDIX D

CSE ENFORCEMENT POLICY 2014

Appendix D



COMMUNITY SAFETY AND ENFORCEMENT SERVICE

ENFORCEMENT POLICY

Signed:

Date:

Phillip Spurr
Assistant Director, Development, Environment and Culture

Status: Draft
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1. Enforcement Policy Statement

This policy sets out the general principles, which inform the enforcement function within the Community Safety and Enforcement Service. Each team within the Service may also have more specific guidance to aid them in applying these principles to a particular function.

2. Introduction

Officers in the Community Safety and Enforcement Service will seek to secure compliance with legislation, whilst conforming to the spirit of the European Convention on Human Rights (as implemented by the Human Rights Act 1998) and the Central/Local Government Enforcement Concordat which this Authority has adopted. The Community Safety and Enforcement Service enforce a wide variety of legislation and had tools and powers that enable officers, amongst other things, to issue verbal advice, send letters, serve formal notices, obtain injunctions and orders, issue simple cautions and pursue prosecutions in the courts.

Officers frequently encounter contraventions of the law and have to choose the most appropriate method of achieving compliance with the law from the range of possible actions available.

The Service will seek to carry out its enforcement functions efficiently and effectively and in a way which is open, clear and helpful to all stakeholders.

The enforcement action chosen by the officer must be informed by this policy, which promotes consistency, proportionality, transparency, fairness and accountability.

This policy will be available to any party affected by enforcement decisions made by the Service.

Where the Service becomes aware of a situation for which it is not the enforcing agency, it will contact the relevant enforcement body to inform them of the situation. Similarly, where there is a shared role with other enforcement bodies, officers shall liaise accordingly.

3. General Principles

The Community Safety and Enforcement Service will seek to secure compliance with the relevant legislation.

When officers find a contravention of the law they will warn or advise those involved (orally or in writing) of the steps needed to rectify the breach, unless more formal enforcement action is the most appropriate way of dealing with the matter (eg absolute offences, fixed penalty notices).

3. **General Principles** (Cont'd)

All communications will be clear and in plain English, translated where appropriate, and will clearly distinguish between advice and legal requirements. Officers will endeavour to discuss fully with a responsible person any compliance failures or difficulties and will give full consideration to their views before making an informed decision on the most appropriate course of action.

The Service will follow the principles of better regulation. It will have regard to the Regulator's Compliance Code (The Regulators Code, from April 2014) and the Regulators Enforcement and Sanctions Act 2008.

The Service will, at all times, comply with the spirit of the European Convention on Human Rights, as implemented by the Human Rights Act, 1998. It will also have due regard to all necessary procedural requirements contained in legislation such as the Criminal Procedure and Investigations Act 1996, the Regulation of Investigatory Powers Act 2000, the Police and Criminal Evidence Act 1984 and the Data Protection Act 1998.

The policy will be operated in a non-discriminatory way and, for example, gender, ethnic origin or sexual orientation of the offender will not influence the choice of enforcement action.

The Service will, so far as is possible, endeavour to foster a good working relationship with all stakeholders.

4. **Enforcement Options**

There are a number of options available when infringements are detected:

a) **Prosecution**

The decision to institute formal prosecution proceedings will only be taken if one or more of the following criteria apply:

- The infringement involved fraud.
- The infringement involved deliberate or persistent breach of legal responsibility, e.g. choosing to disregard written warnings or advice, or where history indicates previous criminal activity was caused, or was likely to cause, significant loss or prejudice to another individual.
- The infringement was through gross negligence or carelessness and caused, or was likely to cause, significant loss or prejudice to another individual.
- The infringement led to the health, safety or well-being of people, animals or the environment being seriously compromised, or contributed to damage of the reputation or economic well-being of the Borough.

4. **Enforcement Options** (Cont'd)

- The infringement involved the obstruction of an authorised officer in carrying out his or her duties.
- The infringement has been subject to the offer of a fixed penalty notice, which has not been accepted.
- The infringement was an absolute offence.
- The offence is widespread throughout the Borough.

Furthermore, a prosecution will only be considered if the sufficiency of evidence and the public interest requirement fall within the guidelines as laid down by the Attorney General and Crown Prosecution Service Code for Crown Prosecutors.

Before making a decision whether or not to prosecute, consideration should also be given to the following:

- The seriousness of the offence and whether it was likely to cause substantial loss or prejudice to others.
- The history of the alleged offender (eg number of complaints and convictions, or extent of previous advice given).
- The willingness of the alleged offender to prevent a recurrence of the infringement.
- The alleged offender has offered a remedy, e.g. redress, compensation.
- The likelihood of the alleged defendant being able to establish a statutory defence.
- The calibre and reliability of witnesses.
- The probable public benefit of a prosecution and the importance of the case, e.g. the possibility of establishing legal precedent.
- If there is a trivial contravention of the law, or where infringements are isolated technical breaches of law, and it is therefore not in the public interest to prosecute.
- If a simple caution may be more appropriate or effective.
- The cost, consideration will need to be given to the balance of likely overall cost against the value of the likely outcome.
- If the infringement indicates evidence of unfair competition with others.

4. **Enforcement Options** (Cont'd)

b) Fixed Penalty Notice

A number of offences can be dealt with by a fixed penalty notice.

These notices allow an offender to accept the offence, and by payment of the appropriate amount within the stipulated timescale, discharge their liability for prosecution, i.e. full and timely payment will result in no prosecution for the offence.

Persons issued with a notice are not obliged to pay the fixed penalty; in such cases, the matter will be referred to the magistrate's court for the purpose of prosecution. This will give the defendant the opportunity to offer a defence and mitigation.

In the spirit of proportionality and consistency, a fixed penalty notice will be issued for a first offence. Repeat offenders and those who are obstruct, violent or aggressive to the authorised officer, will not be offered the option of a fixed penalty (see Section 4 of this policy).

c) Simple Caution

A simple caution can only be considered when all the appropriate prosecution criteria are met, and the circumstances surrounding the infringement are such that a more lenient approach to prosecuting is appropriate. Any simple caution must follow the criteria as laid down in the Home Office Guidelines. If a decision to offer a simple caution is rejected by the alleged offender, then the file shall be forwarded to the Council's legal unit, with a recommendation to prosecute.

d) Statutory Notice

Notices can be served to require offenders to cease contravening activities, or to give them reasonable time to rectify a contravention. Notices may require immediate cessation of infringing activities where health, safety, environmental damage or nuisance demands it. In other circumstances, time allowed to put things right may be reasonable, but must take into account the health, safety, environmental and nuisance implications of the contravention.

e) Written Warnings and Advice

The offender will be sent a polite and firm letter clearly identifying the infringement, they will be given advice on how it can be rectified and a timescale for doing so. Failure to comply with a written warning or advice can result in more formal enforcement action. The time given for the infringement to be rectified will be reasonable, but must take account of the health, safety, environmental and nuisance implications of the infringement.

4. **Enforcement Options** (Cont'd)

f) **Referral to another Agency**

Sometimes the matter may be more appropriately dealt with by means of referral to another agency that has the power and authorisation to address the matter.

g) **No Action**

In some circumstances, contraventions may not warrant any action. This can be where the cost of compliance to the offender outweighs the detrimental impact of the contravention on the community, or the cost of the required enforcement action to the Council outweighs the detrimental impact of the contravention on the community. A decision of no action may also be taken where formal enforcement is inappropriate in the circumstances, such as where a trader has ceased to trade, or the offender is elderly and frail and formal action would seriously damage their well-being. A decision to take no action must be recorded in writing and must take into account the health, safety, environmental and nuisance implications of the contravention.

5. **References**

The Code for Crown Prosecutors. Crown Prosecution Service, November 2004

The Enforcement Concordat. Better Regulation Unit, March 1998

The Regulator's Compliance Code. Department for Business, Enterprise and Regulatory Reform

APPENDIX E

ENVIRONMENTAL ENFORCEMENT POLICY STATEMENT

Appendix E



COMMUNITY SAFETY AND ENFORCEMENT SERVICE

ENVIRONMENTAL CRIME POLICY STATEMENT (UNDER REVIEW)

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1) Definition

Environmental Crime can loosely be defined as any illegal act which harms the environment. Such acts can be committed by the general public and by businesses/companies.

Areas covered under the remit of this policy include the offences of:

- Littering (including littering from vehicles)
- Dog fouling
- Fly tipping
- Fly posting
- Graffiti
- Abandoned and nuisance vehicles
- Duty of care offences
- Litter and refuse control offences

2) Legislative Framework

This policy statement takes into account the following relevant legislation:

- The (Dogs) Fouling of Land Act 1996
- Anti-Social Behaviour Act 2003
- Environmental Protection Act 1990
- Clean Neighbourhoods and Environment Act (CNEA) 2005
- Refuse Disposal (Amenity) Act 1978
- The ASB Crime and Policing Bill 2013-14

3) Statutory Duties

In relation to the above legislation, Barnsley Council has a statutory duty to address the following:

- Abandoned Vehicles – to remove abandoned vehicles (Refuse Disposal (Amenity) Act 1978)
- To keep land and highways free of litter (Environmental Protection Act 1990)
- To remove offensive graffiti as soon as practicable (Crime and Disorder Act 1998)
- Anti-social behaviour – to investigate complaints and to take appropriate action (Anti-Social Behaviour Act 2003)
- Nuisances – to investigate complaints and take appropriate action (Environmental Protection Act 1990)

4) Local Strategic Priorities

It is essential that the following functions are maintained as they make an important positive contribution to the Council's three corporate priorities and the economic strategy. By promoting a healthy, safe, clean environment and improving the quality and visual amenity of the borough, businesses will be encouraged to locate in the Borough which will stimulate and create the conditions for investment, growth and prosperity.

The following core functions significantly contribute to improving the quality of life for customers and the wider community, giving people the opportunity to improve their potential and achievement and develop strong resilient communities:

- Dog fouling – to enforce the legislation that requires dog fouling to be removed from designated land
- Littering – to enforce the littering legislation
- Fly tipping – to take preventative and enforcement action
- Nuisance vehicles – to enforce the legislation relating to vehicles that constitute a nuisance
- Flyposting – to enforce the legislation relating to illegal flyposting
- Duty of care – to enforce the legislation relating to the requirements for the safe removal, transfer and disposal of waste
- Conditions adversely affecting the amenity of areas – to enforce planning legislation

5) Our Approach

We are committed to dealing with environmental crime in our neighbourhoods, considering existing and new methods of deterrence, detection, investigation, and enforcement, alongside partnership working with internal and external agencies. We recognise different types of environmental crime will require the use of different interventions and legislation to try to achieve a resolution. The decisions relating to how environmental crime is dealt with will be consistent, proportionate, transparent, and accountable and fair, to ensure people, businesses, places and/or the environment are/is adequately protected.

In making decisions on what methods of intervention to use we will consider several criteria. The criteria we will consider include:

- The seriousness of the offence
- The impact on individuals and the community
- The history of the activity
- Confidence in achieving compliance
- Consequences of non-compliance
- Likely effectiveness of the various types of intervention

We will generally take a staged approach to addressing incidents of environmental crime. We will consider what prevention and enforcement measures are available to us and use our policy framework and expertise to choose the most appropriate intervention. Having considered the criteria we have the following options:

- To take no action
- To take informal action
- To issue formal/informal warning letters
- To serve statutory notices
- To issue simple cautions
- To prosecute

Further details regarding types of intervention can be found in our detailed functional policy statements and operational procedures.

6) Policy

The Community Safety and Enforcement Service will:

- Proactively enforce within the legislative framework and prioritise complaints on the basis of presented risk and harm, in accordance with the Services Enforcement Policy
- Carry out a program of reactive and proactive activity in response to environmental crime issues
- Seek to prevent the escalation of incidents of environmental crime

7) Access to service

To report an incident of environmental crime contact 772468 or e-mail safer@barnsley.gov.uk

8) Consultation and Policy Review

This policy will be reviewed every three years, or earlier, in line with Government guidance, best practice and legislative changes. As part of the review, we will consult with residents and other stakeholders on the contents and effectiveness of the policy.

9) Procedures

Detailed direction and guidance for these function areas are contained in the Community safety and Enforcement Services, Environmental Enforcement Procedures document.