

BARNSELY METROPOLITAN BOROUGH COUNCIL

South Area Council Meeting:

26th June 2015

Agenda Item: 7

**Report of South Area Council
Manager.**

South Area Council - Environmental Enforcement contract

1. Purpose of Report

1.1 To provide an update on the position regarding the future extension of the Environmental Enforcement contract and to seek agreement on the future of the contract after July 2016.

2. Recommendations

2.1 That the South Area Council receives the information contained within this report.

2.2 That the South Area Council approves one of the options regarding a potential extension of the Environmental Enforcement contract outlined in Section 4 of this report

3. Background

3.1 At the meeting of the South Area Council held on 24th April 2015, it was agreed that the existing Environmental Enforcement contract held by Kingdom Security until 3rd August 2015 should be extended for a further 12 months to 3rd August 2016.

3.2 At this time, it appeared from advice given by NPS that this could be achieved by using a waiver to Contract Procedure Rules, which means that the contract could be renewed for this limited amount of time without going out to a further tendering process. It was agreed that this was better for the delivery of an uninterrupted service which South Area Council members felt had performed well.

3.3 However, it has become apparent that because of the contract value, it will only be possible to gain the waiver to Standing Orders for a period of 6 months, to 31st January 2016 because an extension for the full 12 months would take us over the contract values which are affected by EU guidelines.

3.4 Because of this, it is necessary for the South Area Council Manager who will be writing the waiver report to know the South Area Council's intentions with the Environmental Enforcement contract in the longer term, as this will affect the way in which the waiver report is completed.

4. Future options for the Environmental Enforcement contract

4.1 The regulations relating to the waving of Contract Procedure Rules means that there are two options for the future of the Environmental Enforcement contract:

- Option 1 – to seek to continue the Environmental Enforcement contract with Kingdom Security for a further 6 months only, meaning that the contract will finish on January 31st 2016.
- Option 2 – to seek to continue the Environmental Enforcement contract with Kingdom Security for 6 months, after which the Environmental Enforcement contract will be put out to full open tender to start on 1st February 2016. This would allow a year-on-year contract to be awarded to the successful provider, with continuation dependent on satisfactory performance by the provider, a continuing need for the contract (in the Area Council's view) and the continuing availability of Area Council budgets. Kingdom Security have indicated their intention to re-tender for this contract if this approach is adopted by the South Area Council. This would also enable any BMBC in-house tenders to be submitted and considered as part of the Yortender process.

The decision to agree Option 2 needs to be taken as part of a larger consideration of longer term Area Council spending in 2016/17.

4.2 It should be noted that the agreement reached at the South Area Council meeting on 24th April to extend the Kingdom Security contract for a period of 12 months is no longer possible because of advice received subsequently from NPS as outlined in Section 3.3 of this report.

4.3 Once agreement has been reached by the South Area Council at its meeting on 26th June, 2015 the waiver report can be completed by the South Area Council Manager. If a decision is taken to approve further tendering for a year-on-year contract from 1st February 2016, the South Area Council Manager will begin work with NPS on re-tendering process, in order to ensure that this is completed before the current Kingdom Security contract expires.

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Date: 11th June 2015