

**BARNSLEY METROPOLITAN
BOROUGH COUNCIL**



NORTH EAST AREA COUNCIL

ENVIRONMENTAL ENFORCEMENT

PROJECT REF: DN361791

**INVITATION TO TENDER
PART 1**

**PROJECT OVERVIEW AND SCOPE OF
SERVICE**

**RETURN DATE: 5 pm, 5th NOVEMBER
2018**

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

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PART 1

PROJECT OVERVIEW AND SCOPE OF SERVICE

1. INTRODUCTION

- 1.1 The North East Area Council has reaffirmed ‘the environment’ as one of the key issues that they wish to prioritise during 2019 - 2020. 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 t Area Council has been 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 Council 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 Council 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.

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*'

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
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Growing the economy	<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> <p>Increase employment, skills and work experience at local level</p>
Changing the relationship between the Council and the Community	<p>Increase the number of people engaged in voluntary activities in the community</p> <p>The provision of a uniformed service to act as a deterrent to the small minority that disrespect their environment</p> <p>Young people involved in reparation activities</p>

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

5.1 The overarching aims and objectives of the service for the North-East are:

- Services are designed to operate locally and address the priorities and hot spots
- Inspire people who live and work in the areas to ‘Love Where they Live’
- Maintain and improve Environmental Standards
- Educate people who live and work in the area about the importance of not dropping litter, letting a dog foul and illegal parking
- Provide a uniformed highly visible presence to act as a deterrent.
- Attend Street Surgeries on a regular basis.
- Provide regular opportunities for reparation for young people
- 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 AND 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.

The Environmental Enforcement Officers provided by the Service Provider must be able to proactively issue tickets for littering, parking and dog fouling offences from the contract start date.

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

6.2 LOT SPECIFIC

Lot 1 - 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. For more details on extension periods please see Section 11 Contract Value and Contract Duration

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.

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 Safer Communities Service will provide intelligence to the provider to enable suitable deployment of staff and resources.

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 Service Provider will provide verbal and written 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.

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, as appropriate to the individual lot specifications:

- 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.

6.4 OTHER CONTRACT DETAILS: PARTNERSHIP WORKING (Cont'd)

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 three 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 North East.

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 three Area Councils Ward Areas. 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.

6.5 BMBC ROLES AND RESPONSIBILITIES (Cont'd)

Support

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

6.6 OPERATIONAL ACTIVITIES TO BE UNDERTAKEN BY BARNESLEY 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 OPERATIONAL ACTIVITIES TO BE UNDERTAKEN BY BARNESLEY MBC PARKING ENFORCEMENT TEAM

The BMBC Parking Enforcement Team will:

- Authorise the Service Provider to act on behalf of the Council, including endorsement of individual officer competencies to discharge certain powers.
- Provide daily reactive 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.
- Tasking Officer will provide Area Managers with quarterly performance reports for submission to the Area Council.
- Process all parking enforcement notices for payment.

6.7 OPERATIONAL ACTIVITIES TO BE UNDERTAKEN BY BARNESLEY MBC PARKING ENFORCEMENT TEAM (Cont'd)

- All prosecutions or court warrants for non-payment will be secured by this team (Service Solicitor and Head of Service).
- All fine payments will be recycled by this team to the relevant Area Council where issued by the Service Provider.

Please see Appendix F for more details of the Services Provided by BMBC Parking Enforcement Team.

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.
- On no less than a monthly basis 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 – North East Council - Wards of Cudworth, Monk Bretton, North East and Royston

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
Improve the local environment (make the area more attractive to shoppers and new businesses)	Number of positive news stories generated at 2 per quarter	Evidenced by quarterly contract management reports
Keep the Wards clean, well maintained and attractive	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	
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10. **PROCUREMENT PROGRAMME**

Indicative Programme:	
Tender Return	5 November 2018 (5 pm)
Tender Evaluation	12 th November 2018 – 16 th November 2018 (Interviews w/c 12th November 2018)
Tender Report and Approval to Award	Week commencing 19 th November 2018
Standstill Period and Feedback	Starts 26 th November 2018
Issue of Letter Intent and Contract	7 th December 2018
Contracts Commence	1 April 2019

11. **CONTRACT VALUE AND CONTRACT DURATION**

11.1 The contract(s) will commence on the 1 April 2019

11.2 It is anticipated that the contracts 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 North East Area Council is £65,000. Individual lot details for required resources for each Area Council will be provided at a later date.

12. **CONTRACT TERMS AND CONDITIONS**

12.1 See Part 4 – Form of Contract.

13. **CONTRACT MONITORING AND RECORDING REQUIREMENTS**

13.1 The three Area Councils have developed a detailed specification outlining specific requirements of an environmental enforcement service for the areas. The three 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 three 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 and 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 detailed case studies per quarter.
- Monthly operational meetings will be required with the North East Area Manager, and the provider will be expected to attend the monthly matrix meetings.
- 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, and quarterly meetings with the North East 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 and 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 three 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.

13.4 QUARTERLY REPORTING REQUIREMENTS (Cont'd)

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 and 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 wherever possible.
- (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.

14. **QUALITY STANDARDS** (Cont'd)

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 the ITT Part 3 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 LOT

LOT 1 - 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. For more details on extension periods please see Section 11 Contract Value and Contract Duration

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.

APPENDIX C

COMMUNITY SAFETY ENFORCEMENT POLICY 2018



**Safer Communities
Environmental Crime
Enforcement Policy**

APPENDIX C

Version Control: V1
Status: Approved 25th July 2018
Date Edited:

POLICY REVIEW STATEMENT

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 stakeholders on the contents and effectiveness of the Policy.

INTRODUCTION

- 1 The health, wellbeing and safety of our residents, communities and visitors are of paramount importance. Barnsley Council is committed to working together with communities and its partners to maintain a clean and safe environment for the benefit of everyone who lives, works and visits the borough. Environmental crime will not be tolerated and the council will endeavour to act quickly, fairly and proportionately to minimise the impact on victims, the environment and communities. This will help the Council to achieve and deliver change and transformation in the coming years.
- 2 The functions undertaken by Council's Safer Neighbourhood Service assist the Council in achieving its commitments by contributing toward several of the Council's priority outcomes. It strives to accomplish this by undertaking its duties in a fair and equitable manner by requiring individuals, organisations and businesses to fulfil their legal responsibilities. It will achieve this using a combination of education, advice and regulation of others.
- 3 This Enforcement Policy gives clarity as to how the Service will achieve compliance by setting out the various options and the criteria used to determine the most appropriate response to breaches of legislation.

STATUS OF THE ENFORCEMENT POLICY

- 4 This policy has been developed and implemented after consultation with stakeholders and was approved by Cabinet on 25th July 2018. The amendments in this issue relate only to changes in legislation, national guidance or changes in local circumstances, they do not relate to changes in the overall objectives and principles of the policy.

APPENDIX C

5. This Policy takes account of the Principles of Good Enforcement: Policy & Procedures outlined in the national Enforcement Concordat and incorporates all aspects of good enforcement practice. It also incorporates the Regulators' Compliance Code which was issued by the Department for Business Enterprise and Regulatory Reform (2008) which Local Authorities are required to have regard to when taking enforcement action in certain specified areas. This includes action under the Control of Pollution (Amendment) Act 1989, Environmental Protection Act 1990, and the Clean Neighbourhoods and Environment Act 2005. In certain instances we may conclude that a provision in the code is either not appropriate, or is outweighed by another provision. We will ensure that any decision to depart from The Code is properly reasoned and based on sound material evidence.

STATEMENT OF OBJECTIVES

6. The Safer Neighbourhood Service will strive to ensure the health, safety and well-being of all residents, visitors and persons who work in the Borough. It will endeavour to ensure that legislation is enforced fairly and consistently to protect people from harm, support economic prosperity and ensure that no one member of the community can enjoy an unfair advantage by undertaking illegal activities.
7. Enforcement action, whether that is verbal warnings, written warnings, statutory notices, fixed penalty notices, simple cautions or prosecution, is primarily based upon an assessment of risks to health, safety, environment and well-being of residents, visitors and persons who work in the Borough.
8. The Council fully acknowledges and endorses the rights of individuals and will ensure that all enforcement action occurs in strict accordance with the Police and Criminal Evidence Act 1984; the Criminal Procedures and Investigations Act 1996; the Human Rights Act 1998; the Regulation of Investigatory Powers Act 2000 and its amendments; the Equality Act 2010; the Protection of Freedoms Act 2012 and other relevant legislation and guidance.
9. This policy outlines what the Council mean by environmental crime and the broad approach we will take in order to minimise the detrimental effect of environmental crime on residents, visitors and persons who work in the Borough.
10. This policy does not define detailed procedures of how we will deal with individual incidents of environmental crime.

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12. Where there is specific guidance on enforcement action, for example, statutory guidance or other relevant guidance and codes of practice issued by professional organisations and bodies, this will be followed, unless there are specific Council policies, which would achieve at least equivalent standards.
13. The Safer Neighbourhood Service recognises that some individuals may have specific difficulties and have different needs in terms of accessing the service. This will be taken into account so as to ensure that the legislation is enforced fairly. Interpreters will be used where the stakeholder has difficulty in understanding English and help will be provided for people with impaired hearing, vision or any other impairment.
14. Enforcement action taken against an individual, business or other duty holder will be consistent with the Council's commitment to equality and diversity. When making a decision to take enforcement action we aim to ensure that there is no discrimination against an individual regardless of race, gender, disability, age, religious belief or sexual orientation.
15. All Authorised Officers will abide by this policy. Any departure from this policy must be justified and fully considered by senior management before the decision is taken.

PURPOSE OF ENFORCEMENT

16. The purpose of enforcement is to ensure that preventative or remedial action is taken to protect health and the environment by securing compliance with the regulatory system. Whilst the Safer Neighbourhood Service seeks to ensure full voluntary compliance with relevant legislative requirements whenever possible, it will not hesitate to use its enforcement powers if necessary.

PUBLICITY

17. The Council may utilise social media and other publications in order to advertise positive outcomes from Environmental Enforcement. Publicity around this form of enforcement may also take place in order to behavioural change campaigns.

DEFINITION OF ENVIRONMENTAL CRIME

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18. Environmental crime includes all offences either as defined in legislation or developed under the common law that relates to the environment. The environment is defined for the purposes of this policy as the surroundings in which we live. Section 1 of the Environmental Protection Act 1990 defines the environment as ‘all, or any, of the following media, namely the air, water, and land’.

The Council has the power to take enforcement action against persons that commit a variety of environmental crimes. The following are considered to be the core offences upon which action will be taken:

- Littering
- Dog fouling
- Abandoned vehicles
- Nuisance vehicles
- Fly-tipping
- Fly-posting
- Graffiti
- Duty of care offences
- Litter and refuse control offences
- Noise

This list is not exhaustive and represents the most common offences. We will always seek to take the appropriate action for these offences using a wide range of enforcement actions as prescribed by legislation.

PRINCIPLES OF ENFORCEMENT

19. The Safer Neighbourhood Service believes in firm but fair regulation however, keeping actions still flexible enough to allow or even encourage economic progress. Underlying this policy are the principles of: **proportionality** in applying the law and securing compliance; **consistency** of approach; **transparency** about how the Service operates; **accountability** in accordance with the Regulators’ Code and what those who are regulated may expect from the Service and **targeting** of enforcement action.

Proportionality

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Proportionality means related enforcement action to the risks. Those whom the law protects and those on whom it places duties (duty holders) expect that action taken by enforcing authorities, to achieve compliance, should be proportionate to any risks to public health, safety, environment, the rights of others and to the seriousness of any breach.

Consistency

Consistency of approach does not mean dealing with similar situations in exactly the same way. It means taking a broadly comparable approach to achieve similar ends. There is a right to expect consistency from an enforcing authority when:

- a) Issuing advice
- b) Responding to requests for service
- c) Using statutory notices
- d) Deciding to prosecute.

Transparency

Transparency is about the Service being open and clear about its enforcement activities and in particular helping duty holders, and individuals understand what is expected of them and what they can expect from the Service. It also means making it clear about what they have to do, but also, where this is relevant, what they do not have to do. That means distinguishing between what is a statutory requirement as opposed to what is advice or guidance about best practice.

Accountability

Accountability means that Authorised Officers should be responsible for their enforcement actions and conduct. They should undertake their duties in a courteous and efficient manner and procedures are in place to allow duty holders, and individuals the opportunity to provide feedback and make complaints about the standard of service.

Targeting

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Targeting means making sure that enforcement is targeted primarily on those whose activities give rise to the most serious risk or where the hazards are least well controlled. The Environmental risk will ensure that action is focused on the duty holders who are responsible for the risk and best placed to control it by the effective use of tools and powers.

SHARED ENFORCEMENT AND AUTHORISED OFFICERS

20. Legislation to protect public health, employees, animal health and the environment is enforced by several enforcement agencies. Where there are shared enforcement roles e.g. South Yorkshire Police, DEFRA, Environment Agency, Berneslai Homes and others the Authorised Officers will notify the relevant enforcement agency.
21. Officer Authorisation to utilise relevant powers is managed by the Local Authority and is based on Service competency and responsibility. This is also the case for external organisation authorisation to other services or companies where appropriate.

OUR APPROACH

22. We are committed to dealing with environmental crime in our communities, considering existing and new methods of deterrence, detection, investigation and enforcement alongside partnership working with communities and other key agencies. We recognise different types of environmental crime will require use of different interventions and legislation to achieve the correct resolution. The decisions relating to how environmental crime is dealt with will be in-line with principles of enforcement contained within this Policy.
23. In making decisions on what method of intervention to use we will consider several criteria. The considerations used will 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; and
 - Likely effectiveness of the various types of intervention.

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24. Authorised Officers will generally take a staged approach to addressing incidents of environmental crime based on the above considerations and this Policy document. The staged approach, in no particular order could be as follows:

- Take no action;
- Take informal action;
- Issue formal/informal warning letters;
- Serve statutory notices;
- Issue formal cautions;
- Issue Fixed Penalty Notices (FPN);
- Prosecute;
- Issuing of Injunction;
- Seizure of equipment;
- Confiscation of assets.

Full details relating to each type of intervention can be found in our environmental operational procedures.

25. Higher level action may be required at times such as the following:

Warrants

Should any Authorised Officer be unreasonably refused access to a property and has strong grounds to believe that an illegal activity is taking place, or it is believed that an activity would temporarily cease and would continue at a later date, an application for a warrant may be necessary.

Although Authorised Officers have powers of entry in most circumstances they may apply for a warrant and request assistance from the Police in appropriate circumstances. All Officers identifying the need for a warrant will discuss the matter, prior to an application being made, with management to ensure it is in-line with this Policy.

Seizure/Suspension

Authorised Officers will use appropriate statutory powers to take possession and detain articles, substances or equipment where the relevant legislation allows and the criteria of which is met. This may include the seizure of articles, substances or equipment whilst investigations take place.

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RECOVERY OF COSTS

26. The Council will seek to recover the costs of any environmental crime investigation undertaken by the Council. Any monies recovered will be recycled in-line with current Government guidance.

DATA PROTECTION AND INFORMATION SHARING

27. All data and information recorded as part of the Council's investigations will be processed under the Data Protection legislation. The Council Data Protection Policy and any relevant GDPR Information is available on the Council's website.
28. Confidentiality, Information Security and Computer Usage Policies set out further controls as part of the Council's overall commitment to ensuring compliance with Information Management and Security.
29. Where appropriate, the Council will share information with key partners such as South Yorkshire Police and Berneslai Homes in order to prevent and detect crime and to ensure a co-ordinated approach is taken to addressing Environmental Crime. In these circumstances, information will be shared securely in line with data protection laws, other relevant legislation including the Crime and Disorder Act 1998, the Inter-Agency Information Sharing Protocol and information sharing agreements in place with our key partner agencies.

EQUALITY AND DIVERSITY

30. We are committed to promoting equality and diversity and ensuring that all our customers are treated fairly taking into account their individual needs. We will take all reasonable steps to ensure we do not unlawfully discriminate and will treat everyone with the same level of courtesy, dignity and respect regardless of:
 - Disability;
 - Age;
 - Gender reassignment
 - Pregnancy, maternity, breastfeeding;
 - Marriage and civil partnership;
 - Race

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- Religion and belief
- Sex
- Sexual orientation.

CUSTOMER FEEDBACK AND COMPLAINTS

31. We are committed to providing a high quality customer-focused service and welcome feedback about what we are doing well and where we can make improvements. You can contact our Customer Feedback and Improvement Team by

- Visiting our website at barnsley.gov.uk and completing the online form;
- Telephone us on 01226 773555;
- Write to us at Customer Services Feedback and Improvement Team, PO Box 679, Barnsley, S70 9GG

We also recognise that sometimes things can go wrong. When they do, we will work with customers to try and resolve the problem and learn from this to improve our services in future. As a first step we encourage customers to contact the responsible person who is dealing with the case or their supervisors so that we can work together to resolve the problem as soon as possible. Where this is not possible you can make a complaint by contacting our Customer Feedback and Improvement Team as detailed above.

ENVIRONMENTAL CRIME ENFORCEMENT FINE LEVELS

32. It is not the intention of this policy to be prescriptive as to when a fixed penalty notice should be issued; officers must consider each set of circumstances when reaching a decision if the issue of a fixed penalty notice is appropriate. A fixed penalty notice may only be issued where an officer has reason to believe a person has committed a relevant offence and there is sufficient evidence to a criminal standard of proof to support prosecution should the notice be unpaid.

33. Fixed Penalty Notices are issued in order to provide the offender with the ability to discharge their conviction by way of paying the notice.

34. The below table relates to all environmental enforcement offences liable for discharge by means of Fixed Penalty Notice. The SNS does not currently utilise all the below powers, however does have the ability to do so if required.

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35. The table below consists of the current fine levels for 2018/19, these levels are set by DEFRA and may be subject to change dependant on guidance or legislation changes and will be reviewed on an annual basis in-line with the Council's fees and charges.

Description of Offence	Legislation	Fixed Penalty Notice Levy
Abandoning a vehicle	Part 2 S10 Clean Neighbourhood & Environment Act 2005	£200
Depositing Litter	S87 Environmental Protection Act 1990	£100
Failing to comply with Litter Clearing Notice	S92C(2) Environmental Protection Act 1990	£100
Failing to comply with Street Litter Control Notice	S94(8) Environmental Protection Act 1990	£100
Distribution of Printed Matter	S94B and Schedule 3A Environmental Protection Act	£100
Graffiti (on property)	Part 6 S43 Anti-Social Behaviour Act 2003	£100
Graffiti (Highway Signs)	Part 6 S43 Anti-Social Behaviour Act 2003	£100
Graffiti (on Highways)	Part 6 S43 Anti-Social Behaviour Act 2003	£100
Flyposting (illegal adverts)	Part 6 S43 Anti-Social Behaviour Act 2003	£100
Failing to comply with Household Waste Provisions	S46 Environmental Protection Act 1990	£60
Failing to comply with Commercial or Industrial Waste provisions	S47 Environmental Protection Act 1990	£100
Failing to make/keep or provide documents relating to Controlled Waste	S34 Environmental Protection Act 1990	£300
Failing to produce a Waste Transfer Note	S34 Environmental Protection act 1990 Chapter 43 (Part II)	£300
Parking of vehicles exposed for sale on a road	Part 2 Clean Neighbourhoods & Environment Act 2005	£100
Repairing of vehicles in a road by a business	S4 Clean Neighbourhoods & Environment Act 2005	£100
Failure to remove dog faeces from designated land	S3 Dogs (Fouling of Land) Act 1996	£50
Failure to notify nominated key holder	S73(2) Clean Neighbourhoods & Environment Act 2005	£75

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Noise exceeding permitted levels (Domestic Premises)	S4 Noise Act 1996	£100
Noise exceeding permitted levels (Licenced Premises)	S4A Noise Act 1996	£500
Fly Tipping	S33(I) Environmental Protection Act 1990. The unauthorised deposit of waste (Fixed Penalties) Regulations 2016.	£300
Note: All above fine levels could be subject to change dependant on legislation amendments.		

RELEVANT

LEGISLATION COVERED BY THIS POLICY

36. This policy takes into account relevant legislation including: *(List not exhaustive)*

- Anti-social Behaviour Act 2003
- ASB, Crime and Policing Act 2014
- Clean Neighbourhoods and Environment Act 2005
- Children's Act 2004
- Crime and Disorder Act 1998
- Criminal Justice and Police Act 2001
- Data Protection Act 1998 and 2003
- Dogs (Fouling of Land Act) 1996
- Environmental Protection Act 1990
- Equalities Act 2010
- Freedom of Information Act 2000
- Human Rights Act 1998
- Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO)
- Local Government Act 1972

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- Localism Act 2011
- Mental Health Act 1983 (amended 2007)
- Noise Act 1996 as amended by ASB Act 2003 and the Clean Neighbourhoods and Environment Act 2005
- Police and Criminal Evidence Act (PACE)
- Police Reform and Social Responsibility Act 2011
- Refuse Disposal (Amenity) Act 1978
- Regulation of Investigatory Powers Act 2000
- Road Traffic Regulation Act 1984.