

REPORT TO: Executive Board Sub Committee

DATE: 15th November 2007

REPORTING OFFICER: Strategic Director - Environment

SUBJECT: The Provision of a Nuisance And
Abandoned Vehicle Prevention Service

WARDS: Borough-wide

1.0 PURPOSE OF THE REPORT

1.1 To request that standing orders be waived for the commissioning of a service to contribute towards the reduction in anti-social behaviour and environmental crime with regards to nuisance and abandoned vehicles.

2.0 RECOMMENDATION: That

- (1) the Operational Director for Environmental and Regulatory Services in consultation with the portfolio-holder for Environment be authorised to award the contract for vehicle regulation enforcement services to The Environment Agency in the sum of £33,500 starting immediately and continuing for an initial period expiring 31 March 2008 with scope for extension at the Council's option for a period of up to a further two years;**
- (2) the Operational Director for Environmental and Regulatory Services, in consultation with the Portfolio Holder for the Environment be authorised to enter into negotiations with the Environment Agency to agree a Service Level Agreement for dealing with Nuisance and Abandoned Vehicles. In light of the exceptional circumstances set out below, in accordance with Procurement Standing Order 1.6, Standing Orders 3.1-3.7 and 3.9-3.10 be waived on this occasion in view of the fact that compliance with these Standing Orders would be inconsistent with partnership/special external funding arrangements in that this service can only be prescribed by the amalgamation of internal and external stakeholders with specialist knowledge, skills and privileges that undertake similar environmental duties, that is administered and enforced through local government to detect and deter vehicle crime; and**
- (3) the Operational Director for the Environmental and Regulatory Services be authorised to take whatever other action is necessary to give effect to this contract.**

3.0 SUPPORTING INFORMATION

- 3.1 As part of the Safer Halton Partnership Tasking and Co-Ordination Group the Councils Waste Management Division is currently working in partnership with the local Fire Brigade, Police, RSL's and landowners on a number of initiatives to reduce the number of nuisance and abandoned vehicles across the borough. Such vehicles are the target of anti-social behaviour, environmental crime, theft and arson. Officers from the Environment Directorate are already delivering a series of comprehensive services under the Mersey Corridor project to help reduce nuisance and abandoned vehicles across the borough through pro-active enforcement, waste workshops, and associated communication campaigns.
- 3.2 The Council has agreed to a Local Public Service Agreement target of reducing the number of incidents of vehicle arson and to support the current activities of the Waste Management Division to meet this target it is now proposed to provide a dedicated resource to deal with problems associated with nuisance and abandoned vehicles across Halton.
- 3.3 In order to provide this additional resource, which is to be funded from LPSA 'pump prime' money, the Waste Management Division has 2 Options;
 - 3.3.1 To recruit a suitably qualified individual on a temporary basis, or;
 - 3.3.2 To acquire the services of an external agency or organisation to provide this function to the Authority.
- 3.4 If the authority was to create a new post within the establishment to provide this support, this would be a temporary appointment, and it is likely that there would be difficulty in attracting a suitably qualified candidate with the required experience and environmental legislation background. Overall, the recruitment process could be lengthy and it is expected that there would be training and development issues associated with this role. This would not fit within the Division's timetable for achieving the relevant targets and as such this is not seen as a viable option.
- 3.5 The second, and preferred, option is to acquire the services of an external agency or organisation to provide this function, which would involve the provision of dedicated personnel to work alongside Council Officers to provide the required support by carrying out predefined activities. As the estimated value of such a service provision is estimated to be up to £33,500 per annum, the Council would be required to seek quotations from suitable organisations. However, for the reasons outlined in paragraphs 4.1 to 5.3 of this report, it is requested that Standing Orders be waived and a Service Level

Agreement (SLA) be developed and agreed with the Environment Agency without seeking quotations from other organisations/agencies.

- 3.6 Any such SLA would see a dedicated individual assigned to work alongside officers of the Council. The aim of the role is to detect and deter motorists from causing a nuisance and abandoning their vehicles in Halton. Working with other Agencies, partners and contractors to provide a sustainable and comprehensive service across the borough. The service will be administered through the Waste Management Division as part of the Safer Halton Partnership development programme. The assigned individual will develop a targeted enforcement approach to vehicle crime through a promotions campaign including education and awareness. This will promote Halton Borough Councils existing abandoned vehicle policy and procedures and seek a reduction in vehicle crime. The results will be monitored and reports will be produced to identify patterns and inform future activities to effect a year on year reduction in vehicle crime.
- 3.7 It is unclear at this stage whether a 3, 6 or 12 month service will be commissioned, however, the cost for this service for a 12 month period is estimated to be £33,500, including all salary, administration and supporting material costs. The costs of the service will be met from a combination of LPSA pump priming money and existing Waste Management revenue budgets.

4.0 POLICY IMPLICATIONS

- 4.1 In making this recommendation, consideration should be given to relevant undertaking of similar roles within the Environment Agency, which is work currently conducted by the Environmental Crime Team. The Officers from that team, one of whom may be appointed to carry out the role in Halton, are authorised to conduct Personal Number Plate Recognition requests from the DVLA, liaise with the Police and emergency services, conduct environmental investigations, detect and prevent environmental crime and are experienced in taking forward enforcement actions, from advise to prosecutions, attend court as expert witnesses, provide and take statements and supplementary support, conduct cautioned interviews with suspects and offenders and follow the Enforcement Concordat. Officers are Police and Criminal Evidence (PACE) trained, warranted and familiar with the DPA and FOI Act. The Officers undertake surveillance work and use RIPA 2000 and are converse with the Human Rights Act and Health and Safety legislation and procedures.
- 4.2 Other Agencies that conduct similar tasks are the Transport Police, Cheshire Police and the Security Services who work independent of one another conducting different duties, all of which could be used at excessive cost.

- 4.3 It is unlikely that the above experiences are unlikely to be provided by any other external organisation/body without incurring excessive costs and protracted arrangements.
- 4.4 The audit process would be carried out under the supervision of the Operation Director and Head of Service to ensure the Portfolio Holder is updated with quarterly, half yearly and annual returns in accordance with the environmental information regulations.
- 4.5 Accountability will remain with the Operational Director awarding the contract.
- 4.6 The position of the contract under the Public Contracts Regulations 2006 makes this service exempt as the total value of the contract is less than £144,459.00 dispersing the requirement to advertise.

5.0 OTHER IMPLICATIONS

- 5.1 If the Contractor shall have offered or given or agreed to give to any person any gift or consideration of any kind as an inducement or reward for doing or forbearing to do or having done or forborne to do any action in relation to the obtaining of the Contract or any other Contract with the Authority or for showing or forbearing to show favour or disfavour to any person in relation to the Contract or any other Contract with the Authority or if the like acts shall have been done by any person employed by the Contractor or acting on behalf of the Contractor (whether with or without the knowledge of the Contractor) or if in relation to the Contract or any other Contract with the Employer the Contractor or any person employed by the Contractor or acting on behalf of the Contractor shall have committed any offence under the Prevention of Corruption Acts 1889 to 1916 or shall have given any fee or reward to any officer of the Employer which shall have been exacted or accepted by such officer by virtue of his office or employment and is otherwise than the proper remuneration of such officer contrary to Section 117 of the Local Government Act 1972 the Authority shall be entitled to terminate the Contract and to recover from the Contractor the amount of any loss resulting from such termination.
- 5.2 The CONTRACTOR shall not give, provide or offer any loan, fee, reward or gift or any emolument or advantage whatsoever to any Member, Officer or Servant of the AUTHORITY and in the event of any breach of this condition the AUTHORITY may, without prejudice to any other right it may possess, forthwith cancel the Contract and recover from the CONTRACTOR any loss or damage consequent upon such cancellation. Provided that this Clause shall not operate in any case in which a Member of the AUTHORITY has disclosed his/her interest in accordance with the provisions of Sections 94-98 inclusive and Section 117 of the Local Government Act 1972 or Section 106 of the Local Government Finance Act 1992, and has declared the extent of any offer or provision

of loan, fee, reward gift, emolument or advantage, and this was considered by the Committee when awarding the Contract.

- 5.3 The Contractor shall not within two years of the date of this contract, except with the prior written consent of the Authority, employ any person employed by the Authority and who has had any part in the preparation, commissioning, scopeing, administration or development of this Agreement whether before or after the date of this Agreement.

6.0 IMPLICATIONS FOR THE COUNCIL'S PRIORITIES

6.1 Children and Young People in Halton

6.2 Employment, Learning and Skills in Halton

6.3 A Healthy Halton

6.4 A Safer Halton

The project will contribute towards;

- Area of Focus 27: Reducing the physical effects of anti social and criminal behaviour.
- Area of Focus 29: Improving the quality of community life by enhancing the visual amenity of Halton's neighbourhoods.
- Area of Focus 30: Improving the social and physical well-being of those groups most at risk within the community.

6.5 Halton's Urban Renewal

7.0 RISK ANALYSIS

- 7.1 The key risks associated with not delivering this project are the potential failure to meet LPSA targets in relation to the reduction in the number of incidents of vehicle arson, and an increase in the number of dangerous and nuisance abandoned vehicles in Halton.

8.0 EQUALITY AND DIVERSITY ISSUES

- 8.1 There are no equality and diversity implications arising as a result of the proposed action in this report.

9.0 LIST OF BACKGROUND PAPERS UNDER SECTION 100D OF THE LOCAL GOVERNMENT ACT 1972

Document	Place of Inspection	Contact Officer
Working files	Waste Management Services, Lowerhouse Lane	Simon Walker Ext 5026