

REPORT TO: STRATEGY AND RESOURCES

Date: 2 March 2020

**TOPIC: EXTENSION OF ENFORCEMENT AGENCIES
CONTRACT**

**REPORT BY: CAR PARKS MANAGER AND REVENUES AND
BENEFITS MANAGER**

1 INTRODUCTION

1.1 The current contracts for the recovery of debts via enforcement agents ends on 31st March 2020.

1.2 A Devon wide framework was set up to procure two providers for this contract. This procurement resulted in three suppliers being appointed which was not considered to be practical for this council. A decision was made to withdraw from this framework and consider alternative options. Due to the lateness of the above Devon procurement exercise not concluding until December 2019, we do not have the time or resources to undertake a full procurement at this time and the existing contracts have already been extended as far as is allowed pursuant to the current wording of the contracts.

1.3 There is therefore a need to extend the existing contracts again to allow officers time to procure new suppliers correctly.

2 RECOMMENDATIONS

2.1 It is recommended that Strategy and Resources Committee agree to extend the current enforcement agents contracts for a further year until 31st March 2021. Officers will undertake a procurement exercise to appoint new contracts from 1st April 2021

2.2 To set aside the requirement to tender in accordance with paragraph 4.3(b) of the Contract Procedure Rules in Part 4 of the Constitution in order to allow for this extension, beyond the agreed terms of the contracts as currently worded.

3 REASONS FOR RECOMMENDATIONS

3.1 To ensure a consistent provision of enforcement agents and to ensure that unpaid debts are recovered.

4 REPORT

- 4.1 North Devon Council use Enforcement Agents for the recovery of unpaid Penalty Charge Notices under the Traffic Management Act 2004, and the recovery of the following debts; Council Tax, Non-Domestic Rates and Housing Benefit.
- 4.2 In January 2019 we agreed to join forces with other Devon Authorities in the joint procurement for Enforcement Agents, being led by Exeter City Council. This process commenced during the summer and concluded in December 2019. At this stage North Devon pulled out of the procurement owing to the award being issued to 3 suppliers. The justification for this withdrawal was on the basis of difficulty to manage caseloads with 3 different suppliers.
- 4.3 The resources required to undertake a procurement were not allocated within the service plans for this financial year. Our existing contracts have been extended to their maximum specified terms.
- 4.4 A procurement can be undertaken via a framework agreement however this still requires officer time and resources. The short timescale before the existing contracts end and the lack of available resources make even an appointment under a framework agreement impractical at this time.
- 4.5 The providers both have a significant number of cases which are in the process of being collected for the council. When a new provider is appointed all of the existing cases need to be taken back from the previous providers and reissued. If a new provider were introduced at this time the workload for the teams would be significant. It is therefore considered that these special circumstances justify setting aside the requirement to tender in the Council's Contract Procedure Rules. To ensure the council is able to continue to recover the unpaid debts until new contracts can be procured it is proposed that the current contracts are extended for a further year

5 RESOURCE IMPLICATIONS

- 5.1 North Devon Council will have to undertake a procurement exercise to ensure that a supplier is appointed at the end of this further extension period.
- 5.2 If a different provider is awarded the contract in 2021 an exit strategy will need to be devised to ensure that the process of moving from one provider to another is managed efficiently

6 EQUALITIES ASSESSMENT

- 6.1 There are no equalities implications anticipated as a result of this report.

7 CONSTITUTIONAL CONTEXT

Article or Appendix and paragraph	Referred or delegated power?
Part 3, Annexe 1, paragraphs (b) and (d)	Delegated

8 STATEMENT OF CONFIDENTIALITY

8.1 This report contains no confidential information or exempt information under the provisions of Schedule 12A of 1972 Act.

9 BACKGROUND PAPERS

9.1 The following background papers were used in the preparation of this report:

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The background papers are available for inspection and kept by the author of the report.

10 STATEMENT OF INTERNAL ADVICE

10.1 The author (below) confirms that advice has been taken from all appropriate Councillors and Officers.

Author: Nicola Keyworth-Wright and Julie Drew
2020
Reference:

Date: 13 February