

Officer Non Key Executive Decision

Relevant Chief Officer (Decision Maker):	Alan Cavill, Director of Communications and Regeneration
Relevant Cabinet Member (for consultation purposes):	Councillor Mark Smith, Cabinet Member for Regeneration, Enterprise and Economic Development
Report Author (Officer name and title):	Janine Bradley, Corporate Procurement and Projects Officer
Implementation Date of Decision:	1 March 2019

ENFORCEMENT AGENT SERVICE (PENALTY CHARGE NOTICES)

1.0 Purpose of the report:

- 1.1 To confirm the outcome of the recent tender exercise undertaken for an Enforcement Agent Service for Penalty Charge Notices.

2.0 Recommendation:

- 2.1 To approve the appointment of Phoenix Commercial Collections Limited to provide an Enforcement Agent Service for Penalty Charge Notices for Blackpool Council from 1 March 2019 to 28 February 2021 with the option to extend for a period up to 2 years.

3.0 Reasons for recommendation(s):

- 3.1 The current contract has expired and had no further extensions available.

A formal tendering exercise commenced in December 2018 to select a single supplier to undertake all aspects of the service from 1 March 2019. Blackpool Council undertook a mini competition from Rotherham Metropolitan Borough Council's (RMBC) OJEU compliant framework for Enforcement and Debt Collection Services. An invitation to tender was issued to the 10 pre-qualified suppliers listed on the framework via the electronic portal (The Chest).

The following suppliers submitted a compliant tender;

- Equita Ltd (Northampton)
- Jacobs (Wirral)
- Newlyn plc (Northampton)
- Phoenix Commercial Collections Ltd (Croydon)

Phoenix Commercial Collections Limited (the incumbent supplier) provided the most economically advantageous tender (MEAT) and it is the intention to enter into a formal agreement.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None.

4.0 Council Priority:

4.1 The relevant Council Priority is: "The economy: Maximising growth and opportunity across Blackpool"

5.0 Background Information

5.1 This is a recurrent procurement requirement. The Service provider shall provide the Council with services in relation to the collection of revenues and associated penalties arising from unpaid Penalty Charge Notices issued under the Road Traffic Act 1991 (as amended) and the Traffic Management Act 2004.

5.2 The services to be provided shall include the execution of Warrants, taking control of goods, tracing of debtors, collection of revenues, clamping and removal of vehicles and taking possession of goods in accordance with:

- The Tribunal Court and Enforcement Act 2007 (part 3)
- The Taking Control of Goods Regulations 2013 (SI2013:1894)
- The Taking Control of Goods (fees) Regulations 2014 (SI2014:1)
- The Certification of Enforcement Agent Regulations 2014 (SI2014:421)
- The Tribunals, Courts and Enforcement (Consequential, Transitional and Savings Provision) Order 2014 (SI2014:600)

5.3 Does the information submitted include any exempt information? No

5.4 List of Appendices:

None.

6.0 Legal considerations:

- 6.1 The procurement exercise has been carried out in line with Contract Procedure Rules and Public Contract Regulations 2015 and authority has been sought from the Head of Procurement.
- 6.2 The Council will enter into a contract with Phoenix Commercial Collections Ltd and a copy will be retained on the Council's Contract Register.

7.0 Human Resources considerations:

- 7.1 None.

8.0 Equalities considerations:

- 8.1 The Supplier has satisfied the Council that they have a suitable process for dealing with vulnerable customers which complies with the Council's Enforcement Agent Code of Practice and the National Standards for Enforcement Agents.

9.0 Financial considerations:

- 9.1 The suppliers' financial control and accounting procedures have been assessed as suitable as part of the tender process.

10.0 Risk management considerations:

- 10.1 The supplier has satisfied the Council that all Enforcement Agent recommendations, guidelines and quality standards will be adhered to. The supplier will adhere to Blackpool Council's Enforcement Agent Code of Practice in addition to the National Standards for Enforcement Agents.

Other risk aspects relating to the contract e.g. business continuity have been addressed during the tender process.

11.0 Ethical considerations:

- 11.1 The Contractor has signed Blackpool Council's Supplier Charter which includes a commitment to consider how they can make a positive contribution to improve the economic, social and environmental well-being of Blackpool in order to help achieve Blackpool Council's priorities.

12.0 Internal / External Consultation undertaken:

12.1 The tender evaluation panel consisted of members of Blackpool Council Parking Services and was moderated by a member of the Procurement Team. The Head of Procurement has been kept informed throughout this process.

13.0 Decision of Chief Officer

13.1 To approve the appointment of Phoenix Commercial Collections Limited to provide an Enforcement Agent Service for Penalty Charge Notices for Blackpool Council from 1 March 2019 to 28 February 2021 with the option to extend for a period up to 2 years.

14.0 Reasons for the Decision of the Chief Officer

14.1 The current contract has expired with no further extensions permitted.

Phoenix Commercial Collections Limited provided the most economically advantageous tender which meets the requirements of the service.