

CABINET Meeting		Agenda Item: 6
Meeting Date	10 February 2021	
Report Title	Procurement of Supplementary Litter Enforcement services	
Cabinet Member	Cllr. Julian Saunders Cabinet Member for Environment	
SMT Lead	Emma Wiggins, Director of Regeneration	
Head of Service	Martyn Cassell, Head of Commissioning, Environment and Leisure	
Lead Officer	Jo Mapp, Environmental Enforcement Manager	
Key Decision	Yes	
Classification	Open	
Recommendations	1. That the Cabinet approves the appointment of LA Support Ltd as Supplementary Environmental Enforcement Services from 1st April 2021 for an initial period of 3 years with the option of two further one-year extensions (3+1+1 years).	

1 Purpose of Report and Executive Summary

- 1.1 The Council takes a strong stance on enforcement when it comes to environmental issues. By awarding the Supplementary Litter Enforcement contract to the successful contractors, the Council will continue providing a robust enforcement service that issues Fixed Penalty Notices (FPN's) across the Borough for littering & dog fouling. There is scope to expand the range of environmental offences tackled by this team as the contract develops.
- 1.2 The current Supplementary Litter Enforcement contract expires on 31 March 2021. The Environmental Enforcement team carried out a one stage tender process based on the most economically advantageous tender (MEAT) which was evaluated on 60% quality and 40% price.
- 1.3 This report summarises the procurement process and its results and seeks Cabinet approval of the recommended contractor.

2 Background

- 2.1 Swale Borough Council originally entered a contract with Kingdom Services Group in 2015 as a trial and they were awarded the contract in 2016 to tackle litter and dog fouling. In 2019 Kingdom Services Group set up a new company

called 'LA Support Limited' to manage these types of Local Authority contracts. The contract was subsequently novated to the new company who continued with delivering the service. This was a five-year contract that was fully funded by the FPNs issued. The contract involved Environment Officers patrolling all areas of the borough (including the remote villages) in a highly visible uniform. They would challenge anyone dropping litter or failing to clean up after their dog. Offenders would be issued with a fixed penalty notice between £100 and £150 depending on the offence. The five-year partnership resulted in over 7500 FPNs being issued and 460 offenders being prosecuted for littering or dog fouling offences.

- 2.2 Any income received above the costs of operating the scheme is ring fenced for environmental improvements within the borough. Funds went towards schemes such as cameras to catch fly tippers and to provide funding for the Environmental Grants scheme.
- 2.3 Around 90% of litter offences were for smoking related litter. This statistic has been well publicised as it reflects the fact that a large proportion of items that make up litter on our streets are smoking related (according to Keep Britain Tidy statistics). To tackle smoking related litter, the scheme funded thousands of pocket ashtrays that were issued to smokers for free.
- 2.4 In 2018 an initiative was also launched to refund £100 to any person who received and paid an FPN for smoking related litter, if they attended a partnership NHS smoking cessation course and successfully quit. This is still in place today.
- 2.5 As the existing contract could not be extended any further, a tender exercise was completed. The opportunity was advertised in accordance with current contract standing orders, with interested parties asked to complete an Invitation to Tender. Four submissions were received but two applications were subsequently dismissed due to errors in their submissions.
- 2.6 The tender evaluation panel consisted of the Environmental Services Manager, Environmental Enforcement Manager & the Environment Warden Supervisor.

	Price	Non Price	Total
LAS Ltd	40.00	46.33	86.33
Company B	32.01	43.33	75.35

Table 1 – Results of the evaluation scores

- 2.7 The winning company scored highest on both price and quality. They provided the best added value with some extras included as well as scope to expand to other areas in the future.
- 2.8 LA Support Ltd are the incumbent contractor and therefore know the Borough well. They currently provide services to over 35 other local authorities within the

UK. Within the southeast LAS currently deliver similar contracts for Dartford, Greenwich and Bexley.

3 Proposals

- 3.1 This report recommends that the Council enters into a contract with LA Support Ltd for an initial 3-year period with the option to extend the contract for two further periods of one year each.

4 Alternative Options

- 4.1 The alternative is not to award the contract and to cease delivering the service. This is not recommended as the contract has proved to be successful with residents regularly recognising its impact in improving the street scene and income being used to fund projects that support the Council's climate and ecological emergency action plan.
- 4.2 The service often receives public support when successful prosecution cases are publicised. Cleaner streets are a priority for residents and this project tackles the source of the problem by challenging the offenders directly. The withdrawal of the service may have a detrimental effect on street cleanliness within the area as well as the reputation of Swale BC in tackling customer priorities.
- 4.3 The scheme is self-funding, but it also generates a reasonable income that funds further positive environmental outcomes. This income is ring fenced and some of it gets re-distributed to communities and charities via the environmental grants scheme. If the project stops then funding for environmental grants will need to be found from another source or the awards will need to stop.
- 4.4 The Council could deliver this in-house, however it will be more expensive to operate and we would lose the resilience that a specialist company brings such as resilience to staff turnover and management capacity shared across contracts.

5 Consultation Undertaken or Proposed

- 5.1 The outcomes of this scheme have been regularly publicised over the years and the majority of the feedback has been positive.
- 5.2 When the Environment Wardens were undertaking community and online public surgeries, the theme of issuing more on the spot fines for littering and dog fouling was always popular.
- 5.3 A short public survey is currently being planned to assist the Members working group on developing a specification for the future waste contract. Some of the questions on the survey are litter related. Although the survey may not be

completed until after this contract has been awarded, any comments or suggestions from the survey can be considered for implementation.

6 Implications

Issue	Implications
Corporate Plan	<p>This project sits best with Priority 2 of the current corporate priorities - Investing in our environment and responding positively to global challenges (specifically 2.3 & 2.5). It is an SBC initiative that encourages positive behaviour from communities and enhances the environmental quality of the borough.</p>
Financial, Resource and Property	<p>The Council have set the fee for littering FPN's at the maximum allowed by law, which is £150. This serves as a strong deterrent. It also ensures that the FPN's issued fund the officers who deliver the service as well as the other environmental initiatives previously listed.</p> <p>Some of the legal costs and officer costs are reclaimable if we are successful in court. However, previous experience suggests that not all of these costs are recovered in full.</p> <p>By reducing littering, further savings may be possible when reviewing agreements such as the waste cleansing contract.</p> <p>Based upon an estimate of 2 Officers each issuing 1000 FPN's a year, it is estimated that the annual contractor costs will be £103,500 pa. Based upon an estimated payment rate of 65%, the FPN income will be £195,000. Once all costs have been deducted then this project could contribute around £70k per annum for environmental improvements (plus the added value from the contractor's other initiatives).</p> <p>One of the added benefits of this contractor will be that they accept and monitor the FPN payments. This will save the council time and money.</p> <p>VAT will be chargeable on the contractor's services, but not on the FPN income. Income will be invoiced each month to reduce any financial risk to the Council. The usual pre-award financial checks were conducted on the company using a credit checking organisation. A number of financial elements are rated including Director checks and the company passed these.</p> <p>The Transfer of Undertakings (Protection of Employment) Regulations 2006 as amended ("TUPE") do not apply to this contract and the implications of this have been addressed in the procurement process.</p>

<p>Legal, Statutory and Procurement</p>	<p>Swale BC has powers under the Environmental Protection Act 1990 to issue FPN's to anyone dropping litter. The Clean Neighbourhoods and Environment Act 2005 allowed local councils to set the financial penalties for these FPNs within prescribed limits. We set these fees at the maximum level of £150 for littering and £100 for dog fouling.</p> <p>The legal team have already been involved and offered advice in the procurement process to date. The contract will be the standard Council contract and undertaken using the Council's current Terms and Conditions.</p> <p>Offenders who fail to pay the FPN are prosecuted in the Magistrates Court under the Single Justice procedure which is a streamlined process for tackling offences of this nature.</p> <p>The contractors will recruit local & NEET candidates and offer apprenticeships.</p>
<p>Crime and Disorder</p>	<p>The recommendations should have a positive impact under section 17 of the Crime and Disorder Act 1998, as this will tackle litter and dog fouling offences and as such reduce anti-social behaviour.</p>
<p>Environment and Sustainability</p>	<p>Cleaner streets are a key priority for residents. The scheme can be reviewed and adjusted according to demand and support.</p> <p>If a vehicle is deemed necessary for transport, an electric vehicle will be provided by the contractors for staff on site to use.</p> <p>The resource will be flexible which allows officers to focus on hot spot areas such as the beaches in the summer.</p> <p>Public Services (Social Value) Act 2012 – A number of social value provisions will be met by this contractor as mentioned in other parts of this report. In addition, the contractors will provide 2% of their profit to local litter picking groups (or similar) to assist with their work.</p> <p>The contractors are able to complete school educational presentations.</p>
<p>Health and Wellbeing</p>	<p>Cleaner streets make Swale a better place to live and therefore improves the health and well-being of its residents.</p> <p>Swale BC partnered up with the NHS to run a 'stop smoking' course which offered a refund on any paid FPN's that were issued for smoking related litter if they successfully quit smoking.</p>
<p>Risk Management and Health and Safety</p>	<p>Part of the procurement process ensures that contractors are fully competent, particularly in the area of health and safety. LA Support Ltd competence is evidenced through their membership/s of ISO 450011/Safe Contractor/CHAS and Constructionline Gold. Specific RA's will be completed for the overall tasks and all interactions with the public will be filmed using body worn cameras.</p>

Equality and Diversity	No FPN will be issued to any person under the age of 18 or those suspected of suffering mental ill health or displaying any lack of capacity to understand.
Privacy and Data Protection	As an ISO27001/Data Protection/Cyber Essentials accredited company, LA Support Ltd recognise that the correct treatment and transfer of data/privacy is critical to the lawful operation of this contract. All LAS data is stored on a secure cloud-based server within the UK. All external users access this data via a remote desktop connection to a secure server, ensuring data never leaves the building. Dual backups are completed daily.

7 Appendices

None

8 Background Documents

None