



DECISION TITLE: Award to Kingdom Services Group Ltd of a single supplier framework to deliver environmental enforcement services to those contracting authorities who may access and use the framework, including Peterborough City Council, Fenland District Council and other local authorities within Cambridgeshire.
Cllr Irene Walsh
December 2018
Deadline date: N/A

Cabinet portfolio holder: Responsible Director:	Cllr Irene Walsh, Cabinet Member for Communities Adrian Chapman, Service Director, Communities & Safety
Is this a Key Decision?	YES If yes has it been included on the Forward Plan : Yes Unique Key decision Reference from Forward Plan : KEY/12NOV18/06
Is this decision eligible for call-in?	YES
Does this Public report have any annex that contains exempt information?	NO
Is this a project and if so has it been registered on Verto?	NO Verto number: N/A

RECOMMENDATIONS

The Cabinet Member is recommended:

To approve the award of the environment enforcement single supplier framework to Kingdom Services Group Ltd for an initial period of 2 years - Commencement expected 1st February 2019, with an option to extend for up to two years (In one year increments). The contract value is £450,000 per annum and shall be cost neutral to the council.

1. PURPOSE OF THIS REPORT

- 1.1 This report is for the Cabinet Member for Communities to consider exercising delegated authority under paragraph 3.4.3 of Part 3 of the constitution in accordance with the terms of their portfolio at paragraph (c)

2. TIMESCALES

Is this a Major Policy Item/Statutory Plan?	NO	If yes, date for Cabinet meeting	N/A
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3. BACKGROUND AND KEY ISSUES

- 3.1. Environmental crime is a priority and a continuing challenge for Peterborough City Council. Since June 2017 Peterborough City Council and Fenland District Council have been undertaking a trial with Kingdom Services Group Ltd, a private enforcement organisation to tackle environmental crime. The trial was cost neutral and has had a positive impact in the two areas of the city. Any surplus made from the trial has been invested into prevention and enforcement services activities. Since the start of the trial 11005 Fixed Penalty Notices have been issued in the City Centre and Millfield Area.

PROCUREMENT

- 3.2 Due to the success of the trial a decision was taken to undertake a procurement exercise to competitively tender for the new service provision. The evaluation criteria required a cost neutral service to be achieved plus quality measures such as innovations and added value. The procurement was undertaken in order to provide a single supplier framework to deliver environmental enforcement services to those contracting authorities who may access and use the framework, including Peterborough City Council, Fenland District Council and other local authorities within Cambridgeshire.
- 3.3 The enforcement service shall address local authority and community priorities, currently to deal with littering offences, including spitting and public urination and the breach of public space protection orders. The scope of these enforcement actions may change subject to community and local authority priorities. The services shall be provided on a cost neutral basis to Peterborough City Council, Fenland District Council and other local authorities that may use the services. The framework shall have the ability to expand the services to add further services, for example waste and fly tipping offences. Based on 10,000 Fixed Penalty Notices being issued annually and the price paid to the contractor per fixed penalty notice is £45, at a payment level of £80.00 per ticket a payment rate of 56.25% is required to protect cost neutrality.
- 3.3 The OJEU procurement process was carried out in accordance with the Public Contracts Regulations 2015 due to the estimated value of the framework falling above the EU threshold. OJEU notice 2018/S 177-401356 was published on 14th September 2018, advertising the tender opportunity. The opportunity was also published on Contract Finder and the Council's website. A comprehensive evaluation of the tenders received including cost analyses to ensure cost neutrality
- 3.4 The procurement exercise commenced with soft market testing before the tender was advertised. The contracts are seen as providing the right balance of risk, revenue generation, education and engagement relating to environmental enforcement and also has the support of Fenland District Council. The contract is cost neutral to the authority with the potential to generate surplus income which will be used to deliver prevention and enforcement activities.
- 3.5 The open procurement process comprised of (i) a Standard Selection Questionnaire to test the potential supplier meets the minimum levels of suitability, i.e. questions including mandatory and discretionary exclusion grounds, and selection questions including finance, technical and professional ability and insurance; and (ii) quality and price submission. A

comprehensive evaluation of the tenders received included cost analyses to ensure cost neutrality

- 3.6 The scores for all tenderers were assessed in line with the Invitation to Tender scoring mechanism and placed in a grid. Providing tenderers met minimum suitability requirements of the Standard Selection Questionnaire they were evaluated at award criteria element to determine the Most Economically Advantageous Tender (MEAT). The award criteria element was split into two main areas Quality (30%) and Price (70% - comprising of the ability to deliver a cost neutral service and the commercial proposal):

Contractor	Combined total	Rank	Successful Yes/No
A	54.3	1	Yes
B	53.2	2	No
C	46.4	3	No

- 3.7 The delivery of Environmental Enforcement Services (Fixed Penalty Notices) is complementary to the environmental enforcement activities which are currently delivered by officers with the Prevention and Enforcement Service (PES). As such this model will increase capacity and allow the council's PES officers to focus on delivering a more in-depth service for complex cases.
- 3.8 Kingdom will deliver enforcement in current and any new Public Space Protection Order (PSPO) areas across the city.
- 3.9 Robust review procedures are already established to allow local authority oversight and monitoring of the provider.

4. CONSULTATION

- 4.1 Consultation has been undertaken with Adults and Communities Scrutiny Committee, the council's procurement team, Fenland District Council with support, Legal, and Human Resources.

5. ANTICIPATED OUTCOMES OR IMPACT

- 5.1 It is anticipated that the framework will improve the quality of life for residents, visitors and workers in the City by reducing the level of environment crime which will result in Peterborough in particular the City Centre and Millfield becoming a much more attractive place for everyone.
- 5.2 A snapshot survey undertaken mid year during the trial showed that 51% of members of the public considered enforcement of the PSPO to have reduced ASB in the city centre. The significant majority of survey respondents reported that they felt safe in the city centre with 39% reporting they felt very safe and 59% stating they felt fairly safe. By continuing to enforce the PSPOs the local authority will build on the positive engagement of the trial.
- 5.3 The framework for Environmental Enforcement Services shall provide a unique opportunity to further the work of the PES, with officers providing community intelligence, information about hot-spot locations as well as being able to refer issues to colleagues and other partner agencies. Because the service will be complementary this will allow PES Officers to

investigate and tackle more complex matters, e.g. pursuing fly tipping prosecutions.

5.4 The framework is cost neutral to the authority but there is a potential revenue generation which can be reinvested into Prevention and enforcement activities.

6. REASONS FOR RECOMMENDATIONS

6.1 Tackling environmental crime, including associated anti social behaviour are key strategic objectives for the council. Offences to be covered by the framework are detailed below and the council will delegate powers as appropriate.

Offences

Legislation	Offence
Environmental Protection Act 1990 Section 87	Throwing down or depositing any litter (the percentage for cigarette related litter to be capped at to %)
Crime, Policing and Anti Social Behaviour Act Section 68	Breach of a public space protection order

Powers

Legislation	Power
Environmental Protection Act 1990 Section 88	The issue of a notice offering the opportunity to discharge the liability to conviction for a littering offence by the payment of a fixed penalty.
Crime, Policing and Anti Social Behaviour Act 2014 Section 67	The issue of a notice offering the opportunity to discharge the liability to conviction for breach of a public space protection order by the payment of a fixed penalty.

6.2 The scope of these enforcement actions may change subject to community and local authority priorities and the framework may be varied by way of modification in accordance with Regulation 72 Public Contracts Regulations 2015 to add further enforcement activities, for example by virtue of the Clean Neighbourhoods and Environment Act 2005, or any new legislation or amendments to existing legislation that shall permit the Environmental Enforcement Service to prevent and reduce environmental crime and its associated anti-social behaviour.

6.3 The recommendation is made on the basis that the city must act on the increasing levels of environmental crime. The successful supplier shall offer a service which shall include education and engagement activities to influence the attitude and behaviour of residents in relation to environmental crime. Technological solutions shall provide a leaner and smarter enforcement model which allows access to 'live' information and are also offering added value in terms of education and engagement with residents around environmental crime and the impacts.

- 6.4 The tender process was compliant with procurement legislation in order to develop a single supplier framework to deliver environmental enforcement services to those contracting authorities who may access and use the framework, including Peterborough City Council, Fenland District Council and other local authorities within Cambridgeshire. The new framework has been procured competitively in accordance with the Public Contracts Regulations 2015.

7. ALTERNATIVE OPTIONS CONSIDERED

- 7.1 Do nothing - this is not an option as would lead to very limited enforcement of Public Space Protection Orders and lower level environmental crime.
- 7.2 Set up an in house enforcement team to focus on low level environmental crime. The new framework has the potential to create a surplus which will allow the local authority to reinvest. The setting up of an in-house team will remain under review in line with the transformation of the Prevention and Enforcement Service.

8. IMPLICATIONS

Financial Implications

- 8.1 The contract value is £450,000 per annum based on 10,000 FPN's being issued annually and the price paid to the contractor per fixed penalty notice is £45. At a payment level of £80.00 per ticket a payment rate of 56.25% is required to protect cost neutrality. Potential income generated will be used to invest in prevention and enforcement service activities. The Local Authority will keep all payments of FPNs this includes if in the future a decision is taken to increase fine amounts.
- 8.2 The single supplier framework shall deliver environmental enforcement services to those \ contracting authorities who may access and use the framework, including Peterborough City Council, Fenland District Council and other local authorities within Cambridgeshire.
- 8.3 Kingdom will offer also offer 10% of officer time to non-income generating tasks in green spaces such as joining volunteers to litter pick or patrolling for issues to support the community, support for volunteering and education programmes.

Legal Implications

- 8.4 The procurement has been conducted in accordance with the Public Contracts Regulations 2015.

Equalities Implications

- 8.5 There are no equalities implications arising from this decisions

9. DECLARATIONS / CONFLICTS OF INTEREST & DISPENSATIONS GRANTED

- 9.1 None

10. BACKGROUND DOCUMENTS

- 10.1 KEY/12NOV18/06