

Report of: Executive Member for Community Safety

Meeting of:	Date	Agenda item	Ward(s)
Executive	12 February 2015		All

Non-exempt

SUBJECT: Approval of the Procurement Strategy for Public Protection Anti-Social Behaviour Patrol Services**1. Synopsis**

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of a Public Protection Anti-Social Behaviour Patrol Services contract in accordance with Rule 2.5 of the Council's Procurement Rules.
- 1.2 This contract will be a framework agreement and seek to appoint a supplier to provide Public Protection Anti-Social Behaviour Patrol Services.

2. Recommendations

- 2.1 To approve the proposed procurement strategy for Public Protection Anti-Social Behaviour Patrol Services as outlined at paragraph 3.9.
- 2.2 To agree to delegate the key decision of the award of the contract to the Corporate Director of Environment and Regeneration in consultation with the Executive Member for Community Safety.

3. Background

- 3.1 Anti-social behaviour (ASB) exists across the Borough including at the Cemeteries that are operated through Islington and Camden Cemetery services (ICCS). There is currently an in-house service within the Public Protection Division that has additional support by a Metropolitan Police accredited contractor that undertakes dedicated ASB patrols. This additional support is necessary to effectively

respond to ASB issues on housing estates, on streets and at our cemeteries. This contracted service provides support to partners including police officers, estate services officers and youth workers, when tasked to hotspot areas. The service also provides reassurance to residents and users of a uniformed presence, a more comprehensive source of information and intelligence, as well as the deterrent of these additional patrols.

Additionally, in February 2014 the Council adopted the Late Night Levy (LNL) powers for Islington. The LNL enables the Council to raise funds from licensed premises that are open between midnight and 6am. Funds raised from the levy must be used to address issues related to the late night economy. The intention is that a substantial proportion of these funds will be used for additional ASB patrols.

A waiver is currently in place that allows the existing contractor to patrol Islington and Camden Cemeteries, support the out-of-hours ASB service and to provide the LNL funded patrol service for the night time environment until August 2015. The current procurement is to allow for the continuation of these services after the period of the approved waiver expires on 31st August 2015 and until a wider contract covering ASB patrolling for Greenspace as well, can subsequently be procured in 2017.

3.2 **Estimated Value.**

The value of the Procurement is estimated to be in the region of £633k for a period of 16 months from September 2015.

The ASB services relating to out-of-hours and the cemetery service are already being funded from existing revenue budgets within these service areas. The Late Night Levy is a new income stream that is shared 70/30 between the Police and Council respectively. This pooled levy income will be used to finance the £250k cost of patrolling the late night economy.

LNL patrols are a new service and no other Local Authority is known to have adopted this model. The work undertaken in relation to the LNL and cemeteries is funded from non-mainstream sources, but any reductions in service budget would result in a lessening of other patrols leading to a potential increase in ASB incidents across the borough. Outside of the LNL and the Cemetery service, efficiencies have been achieved by grouping ASB and noise services where there is overlap, and bringing all ASB patrolling together does achieve economies of scale through eliminating duplication and cover.

3.3 **Timetable:**

The current contract waiver expires 31 August 2015. It is essential that a new contract is in place before the waiver expires to allow continuation of the service. The contract is for 16 months to tie in with the expiry of the Greenspace contract for ASB services so that a wider contract covering ASB patrolling can be procured. This will give the Council the opportunity to merge both services with a view to achieving greater efficiencies going forward. We anticipate a new procurement for both elements will commence in January 2016.

It is recommended that due to the timescales involved, the Executive delegate the contract award decision to the Corporate Director of Environment and Regeneration in consultation with the Executive Member for Community Safety. The contract commencement date will be 1 September 2015.

3.4 **Options appraisal:**

The option of providing the service in-house has been considered but rejected on several grounds:

- lack of necessary powers alongside the relevant accreditations being difficult to obtain
- lack of flexibility in response to changing demands, resourcing and capacity issues
- lack of appropriately qualified/competent staff (ACPO CSAS standard, Association of Chief Police Officers, Community Safety Accreditation Schemes)
- Inability to draw in other services on an ad-hoc basis e.g. dog patrol, street drinking outreach
- Capital costs to set up to purchase equipment and IT

External collaboration is also not a current option because of the timescales and the specificity of what the Council requires. Competitive tender for a framework contract is the preferred option to ensure value for money is achieved for the Council through a robust process.

The strength of this procurement will be in combining three distinct patrolling functions into one contract. A third of the function will be the late night patrols funded by LNL and only five other Local Authorities have adopted the LNL to date with a further four at the proposal/consultation stage. No other Local Authorities are currently planning on using the LNL to fund a night-time patrol service and therefore there are no obvious collaboration partners in this respect

This procurement is classified as a Part B service under the current Public Contract Regulations 2006, and therefore there will be no requirement to advertise this Procurement in the Official Journal of the European Union (OJEU). Do to the nature of the procurement and our specific requirements in regard to Police accreditation and powers to enforce, it is apparent through market appraisal that only a small number of suppliers can provide the required services. The preferred procurement route is therefore to use the Open Procedure instead of the Restricted Procedure.

3.5 **Key Considerations:**

The Patrol Service will be required to be responsive to the needs of all communities and ensure that all who come into contact with the service receive a fair and anti-discriminatory service. LNL patrols will assist people who are vulnerable due to excessive alcohol consumption, and a 'first on the scene' first aid capacity will be incorporated into LNL Patrol Specification. The service will also contribute to improving environmental wellbeing by preventing crime and reducing ASB. It will contribute to providing safer and stronger communities through provision of intelligence led patrols and a response service for residents and businesses

A LLW report has been completed, and all staff employed under this contract will be paid above the current rate of £9.15 per hour.

Best Value considerations include:

- Limited duration of framework
- Performance indicators in specification
- Regular review of performance
- Flexible tasking process
- Flexible contract to respond to changing demands
- Ability to require provision of additional specialist services from contractor for example drug dog patrols, street drinking outreach team at no additional cost
- Requirement for Police accredited contractor to enhance effectiveness

The contract specification requires the contractor to build relationships with key stakeholders e.g.

police, Council, RSLs and licenced trade, and to provide a partnership approach to problem solving. The contractor will deploy specialist patrol officers whose skills and competencies will complement those of existing staff.

The teams will operate street based foot patrols specified for LNL, with a vehicle to facilitate rapid response and mobile control centre. Tasking, deployment and reporting will be via electronic systems and accommodation will be shared

The supplier will be required to be accredited by under the Association of Chief Police Officers Community Safety Accreditation Scheme (CSAS) and be able to provide patrol officers accredited by the police with specific delegated enforcement powers. The benefit of using a supplier with Metropolitan Police accreditation enables patrol officers to exercise powers normally reserved for the Police, such as issuing fixed penalty notices, lawfully obtaining names and addresses and detaining individuals. An accredited patrol service is a valuable resource and forms part of the Council's partnership problem-solving approach for tackling crime and anti-social behaviour. An accredited Anti-Social Behaviour patrol contractor will increase resident satisfaction, offer protection to our staff and reduce many forms of anti-social behaviour across the Borough.

3.6 **Evaluation:**

The tender will be conducted in one stage, known as the Open Procedure as the tender is 'open' to all organisations who expression their interest in the tender. The Open Procedure includes minimum requirements which the organisation must achieve before their evaluation Award Criteria is considered. The evaluation criteria will be 30% on price and 70% on quality as the nature of ASB requires quality to be the priority consideration.

The award criteria and weightings will be:

Tender award criteria	Total
Cost	30%
Quality for the delivery of the contract includes:	
Proposed approach to dealing with the issues of anti-social behaviour on the streets and estates within an inner city environment including equalities issues in a multi-cultural community.	15%
Proposed approach to work effectively in partnership with the Council, Police and partner agencies and any current partnership working	25%
Proposed approach to innovatively responding to emerging local and national priorities	15%
Proposed approach to Management and Supervision	15%
Total	100%

3.7 **Business Risks**

There is a risk that the Council will not be able to secure an appropriate service provider but this is seen as a low risk. There is a financial risk given that the contract relies on income from the Late Night Levy but this is also considered low as 50% of the levy raised will pay for the LNL Patrol Service with 40% being allocated to the police and 10% for projects and contingencies.

The procurement gives the opportunity to improve services and reduce crime and ASB. It also gives the opportunity for partnering with the successful provider to provide services to social landlords.

The introduction of LNL has enabled the police to obtain additional funding from MOPAC to fund two additional officers to work on alcohol related domestic violence. LNL patrols will reduce late night alcohol related crime and disorder and create a safer night time economy and which will benefit both residents and businesses. At the cemeteries, the patrols will improve the feeling of safety and promote their use.

3.8 The Employment Relations Act 1999 (Blacklist) Regulations 2010 explicitly prohibit the compilation, use, sale or supply of blacklists containing details of trade union members and their activities. Following a motion to full Council on 26 March 2013, all tenderers will be required to sign the Council's anti-blacklisting declaration. Where an organisation is unable to declare that they have never blacklisted, they will be required to evidence that they have 'self-cleansed'. The Council will not award a contract to organisations found guilty of blacklisting unless they have demonstrated 'self-cleansing' and taken adequate measures to remedy past actions and prevent re-occurrences. The adequacy of these measures will initially be assessed by officers and the outcome of that assessment will be reviewed by the Council's Procurement Board

3.9 The following relevant information is required to be specifically approved by the Executive in accordance with rule 2.6 of the Procurement Rules:

Relevant information	Information/section in report
1 Nature of the service	Provision of Public Protection Anti-Social Behaviour Patrol Services
2 Estimated value	The estimated value per year is £475k. The agreement is proposed to run for a period of 16 months.
3 Timetable	Award decision likely in May 2015, with a contract commencement date of 1 September 2015. See paragraph 3.3
4 Options appraisal for tender procedure including consideration of collaboration opportunities	This will be an Islington framework contract by competitive tender See paragraph 3.4
5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications	See paragraph 3.5 - LLW will apply.
6 Evaluation criteria	30% on price and 70% on quality. The award criteria price/quality breakdown is given in paragraph 3.6
7 Any business risks associated with entering the contract	Funding relies on income from Late Night Levy.

8 Any other relevant financial, legal or other considerations.	None
--	------

4. Implications

4.1 Financial implications:

The Anti-Social Behaviour (ASB) services relating to out of hours and the Cemetery Service are currently funded by existing revenue budgets.

The additional cost of ASB Patrol support required for the late night economy may be funded by use of the Late Night Levy (LNL), a new income stream adopted by the Council in February 2014 and is shared 70/30 between the Police and the Council respectively.

Based upon the current levels of licensed businesses the pooled levy could generate up to £511k of income. Depending upon the hours of operation, level of exemptions and number of businesses reducing their hours, this income could be as low as £212k.

4.2 Legal implications:

The Council has various powers and duties under the Anti-social Behaviour Act 2003, Anti-social Behaviour, Crime and Police Act 2014 and related regulations. The Council has power to procure public protection anti-social behaviour patrol services under section 111 of the Local Government Act 1972 which enables the Council to carry out any activity that is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions. The Council may enter into contracts for such services under section 1 of the Local Government (Contracts) Act 1997.

The Executive may provide Corporate Directors with responsibility to award contracts with a value over £500,000 (Procurement Rule 14.2).

The threshold for application of the Public Contracts Regulations 2006 (the Regulations) is currently £172,514. The value of the proposed contract is above this threshold. These services fall within Part B of the Regulations. Although Part B services do not need to strictly comply with the provisions of the Regulations, there is a requirement under EU rules for part B services to be procured in compliance with the principles of equal treatment, non-discrimination and fair competition. The Council's Procurement Rules require contracts over the value of £100,000 to be subject to competitive tender. The proposed procurement strategy is in compliance with the principles underpinning the Regulations and the Council's Procurement Rules.

On completion of the procurement process the contract may be awarded to the highest scoring tenderer subject to the tender providing value for money for the council

4.3 Environmental implications:

ASB including environmental crimes poses a serious threat on the environment and to community life, undermining people's sense of safety, their well-being and ultimately their health. Evidence suggests that if swift action is taken to deal with it, it is less likely to recur. Conversely, incidents that may be relatively minor in themselves can have a serious cumulative impact if left unchecked. Procuring an accredited ASB patrolling service will help to protect communities from ASB impacts.

4.4 **Resident Impact Assessment:**

The Council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The Council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The Council must have due regard to the need to tackle prejudice and promote understanding.

An RIA has been undertaken for the procurement of ASB public protection services and concluded that outcomes will be positive for all residents, and especially so for more vulnerable groups. There are also no additional equalities or safeguarding implications that are not in place already given the in-house ASB service. Current key priorities and actions are confidentiality, referral to support agencies, prioritisation for hate crime issues, interviews with parents where young are involved, reassurance visits for the elderly and awareness training on mental health issues.

5. Conclusion and reasons for recommendations

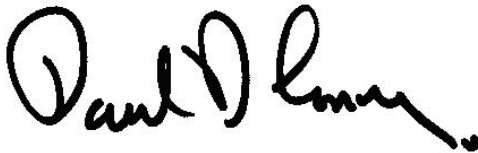
5.1 This procurement is essential to address antisocial behaviour issues in Islington. It allows for continuation of the service, possible future expansion and service flexibility.

Appendices - none

Background papers - none

Final report clearance:

Signed by:



29.2.15

Executive Member for Community Safety

Date

Received by:

Head of Democratic Services

Date

Report Author: Savva Mina
Tel: 0207 527 3215
Email: Savva.mina@islington.gov.uk