

Report of: Executive Member for Finance, Performance and Community Safety

| Meeting of: | Date | Ward(s) |
|-------------|-----------------|---------|
| Executive | 8 November 2016 | All |
| Non-exempt | | |

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

- 1.1 This report seeks pre-tender approval for the procurement strategy in respect of an Anti-Social Behaviour (ASB) Patrol Services contract in accordance with Rule 2.5 of the Council's procurement rules.
- 1.2 The Council currently has two ASB patrolling services contracts, one that covers parks and open spaces, and one that covers streets and estates, including late-night and cemeteries. This latter supports and supplements the in-house ASB service. The intention is to procure a new single contract as from 1 June 2017.

2. Recommendations

- 2.1 To approve the proposed procurement strategy for ASB Patrol Services as outlined in this report.
- 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 Finance, Performance & Community Safety.

3. Background

- 3.1 ASB exists across the Borough. It occurs on housing estates, streets, parks, open spaces, and can be associated with licensed premises. It also occurs at the Cemeteries that are operated through Islington and Camden Cemetery Services (ICCS).

There is currently an in-house ASB service within the Public Protection Division that responds to

ASB reports relating to Islington's streets and housing estates. This service is supported by a Metropolitan Police accredited contractor working under a Public Protection's ASB Patrolling Services contract. Additionally, the Parks Service also have a Metropolitan Police accredited contractor to deal with ASB issues in parks and open spaces under their own contract.

These contracted services provide support to partners including Police Officers, Estate Services Officers and youth workers, and can be tasked to hotspot areas. The services also provide reassurance to residents and users through a uniformed presence, a more comprehensive source of information and intelligence, as well as the deterrent effect of additional patrols.

In February 2014 the Council adopted 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 funds raised are used for additional ASB patrols.

The current Public Protection contract ends in December 2016 and has no provision for extension. The Parks Service contract also ends in December 2016 but can be extended for a period of between three months to 4 years. The intention is to extend the Parks Service contract for six months to finish on the 31 May 2017 and to procure a short-term Public Protection patrolling services for the six months up until the 31 May. This is to ensure there is sufficient time to procure a Council-wide patrolling service contract.

The combining of the Public Protection and Parks contracts into one Council-wide contract will help deliver consistency, more efficient working across the Borough, and offer potential savings and increased value for money.

3.2 **Estimated Value.**

The total spend over the last two full financial years 14/15 & 15/16 for both the existing services was £1.77m.

The value of the procurement is therefore estimated to be in the region of £3.6 million for a period of 4 years. It is intended that there is an option to extend the contract from three months up to a maximum of a further 4 years which would take the total value to a maximum of £7.2m.

The contracted ASB services relating to out-of-hours and the Cemetery Service are already being funded from existing revenue budgets within the service areas. The LNL 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 per annum 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. 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 project plan proposes a target date of 31st May 2017 for bringing together all Council ASB patrolling services. This date is the soonest that can be achieved for merging the services with a view to achieving greater efficiencies going forward. It is anticipated that a new contract for all elements will commence on 1 June 2017.

The current Public Protection contract ends in December 2016. For the period January to June 2017 a quotation exercise will be used to procure a short term contract until the patrolling services can come under the new combined contract. This issue does not arise with the Parks Service provision as there is a provision for extending the contract.

It is recommended that due to the timescales involved, 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 June 2017.

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. drug dog patrol, street drinking outreach
- capital costs to set up to purchase vehicles, 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 contract is the preferred option to ensure value for money is achieved for the Council through a robust process.

Due 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 ASB 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 non-discriminatory service. The service will contribute to improving the lives of residents by preventing crime and reducing ASB. It will assist people who are vulnerable due to excessive alcohol consumption and have a 'first on the scene' first aid capacity. It will contribute to providing safer and stronger communities through provision of intelligence led patrols and a response service for residents and businesses.

A London Living Wage (LLW) report has been completed, and all staff employed under this contract will be paid at or above the LLW rate. The rate will be £9.75 an hour with effect from 1 April 2017.

Best Value considerations include:

- Limited duration of contract
- 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 the service provider, for example drug dog patrols and street drinking outreach team at agreed unit rates
- Requirement for the service provider to be CSAS accredited to ensure effectiveness and the continuation of a high quality service

The contract specification requires the contractor to build relationships and work in partnership with key stakeholders in order to resolve ASB effectively. Stakeholders include the Police, Council, VCS organisations, RSLs and the licenced trade. The service provider will deploy staff with the skills and competencies to provide a quality service. The contractor will be expected to be responsive to concerns of key departments, participate in proactive initiatives and attend relevant meetings and provide reports etc.

In addition to other ASB patrols, the service provider will operate street based foot patrols specified for LNL, with a vehicle to facilitate rapid response and a mobile control centre. Tasking, deployment and reporting will be via electronic systems. The contractor must have regard to the environmental

impact of any vehicle that they use.

The supplier will be required to be accredited 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 ASB. An accredited ASB patrol service provider will promote resident satisfaction, offer protection to our staff and reduce many forms of ASB across the borough.

It is important to holistically solve ASB problems in the community and therefore contractor staff will all be offered and required to complete Make Every Contact Count (MECC) online training.

The contractor will be expected to approach Islington's Employment Team to identify suitably qualified and accredited local candidates for consideration for any new recruitment or apprenticeships.

There may be TUPE implications associated with this procurement for a single employee and this is being explored further.

The contract will be managed by Public Protection as the lead division with input from other relevant services via a steering group.

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 evaluation Award Criteria are 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.

| Tender award criteria | Total |
|---|-------|
| Cost | 30% |
| Quality for the delivery of the contract includes: | |
| Proposed approach to dealing with the issues of ASB 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, within an appropriate timescale, but this is seen as a low risk.

There is a financial risk to one element of the service, specifically income grant income from the LNL but this is also considered low.

3.8 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 ASB Patrol Services |
| 2 Estimated value | The estimated value per year is £900K. The agreement is proposed to run for an initial period of 4 years with an option to extend from 3 months up to a maximum of a further 4 years. |
| 3 Timetable | Award decision 1 April 2017, with a contract commencement date of 1 June 2017. See section 3.3 |
| 4 Options appraisal for tender procedure including consideration of collaboration opportunities | This will be an Islington contract by competitive tender See section 3.4 |
| 5 Consideration of: Social benefit clauses; London Living Wage; Best value; TUPE, pensions and other staffing implications | See section 3.5 – LLW will apply and TUPE may apply to a single employee. |
| 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 | Some funding relies on income from the LNL. See section 3.7 |
| 8 Any other relevant financial, legal or other considerations. | None |

4 Implications

4.1 Financial implications:

The ASB services relating to the Parks Service, 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 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, crime and policing act 2104 to tackle anti-social behaviour within the borough. In discharging these functions the Council has powers to conduct patrolling 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 £2,000,000.00 (Procurement Rule 16.2).

The proposed contract is a contract for services. The threshold for application of the Public Contracts Regulations 2015 (the Regulations) is currently £164,176.00 for service contracts. The value of the proposed contract is above this threshold. It will therefore need to be advertised in the Official Journal of the European Union (OJEU). The council's Procurement Rules also require contracts over the value of £164,176.00 to be subject to competitive tender. The proposed procurement strategy, to advertise a call for competition and procure the service using a competitive tender process, would be in compliance with 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 includes environmental crimes. It undermines 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. Whilst inevitable vehicle use will have an impact on air quality, the overall impact of the service on the community and the local environment is positive.

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.

A Resident Impact Assessment RIA has been undertaken for the procurement of ASB services and concluded that outcomes will be positive for all residents and especially so for more vulnerable groups. There are 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 people 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:



29.11.16

Executive Member for Finance, Performance and
Community Safety

Date

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