

## Notice of Non-key Executive Decision

<b>Subject Heading:</b>	Keep Britain Tidy: Chewing Gum Task Force
<b>Decision Maker:</b>	Imran Kazalbash, Assistant Director of Public Realm
<b>Cabinet Member:</b>	<i>Cllr Barry Mugglestone</i>
<b>SLT Lead:</b>	<i>Barry Francis, Director of Neighbourhoods</i>
<b>Report Author and contact details:</b>	<i>Max Graham max.graham@havering.gov.uk</i>
<b>Policy context:</b>	<i>As part of the Havering Plan within the Places theme:  Making sure that our neighbourhoods are a great place to live by investing in them and keeping them clean, green and safe with access to quality parks and leisure facilities</i>
<b>Financial summary:</b>	<i>No income generation. Project to be fully funded by Keep Britain Tidy. £70,000 (£0.070m) provided for both Havering and Barking and Dagenham to deep clean public areas and remove chewing gum staining.</i>
<b>Relevant OSC:</b>	<i>Neighbourhoods</i>
<b>Is this decision exempt from being called-in?</b>	Yes

**Non-key Executive Decision**

**The subject matter of this report deals with the following Council Objectives**

Communities making Havering	<input type="checkbox"/>
Places making Havering	<input checked="" type="checkbox"/>
Opportunities making Havering	<input type="checkbox"/>
Connections making Havering	<input type="checkbox"/>

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

To agree to:

1. accept grant funding of £70,000 from Gum Manufacturers as set out in this report; and
2. subject to the above enter into a grant agreement in the form set out in Appendix A.
3. the commencement of a tendering process for contracts to
  - (a) remove chewing gum from public areas; and
  - (b) purchase chewing gum bins and anti-chewing gum equipmentat a total estimated value of £70,000 as set out in this report; and
4. enter into an inter authority agreement with the London Borough of Barking and Dagenham (LBBD) relating to the tender process and award of contracts set out at 3 above, with Havering acting as lead authority.

### AUTHORITY UNDER WHICH DECISION IS MADE

#### 3.4 Powers of Second Tier Managers

##### Financial responsibilities

(d) In consultation with the relevant Cabinet Member, to apply for, accept and manage external funding up to a limit of £250,000 per grant in support of any function within their service provided that any financial contributions by the Council are made from within existing budgets.

##### Contract powers

(a) To approve commencement of a tendering process for, and to award all contracts below a total contract value of £500,000 but above the EU Threshold for Supplies and Services.

(b) To sign contracts on behalf of the Council which do not require sealing under paragraph 4 of Article 10 of this constitution.

### STATEMENT OF THE REASONS FOR THE DECISION

#### Background

## **Non-key Executive Decision**

- Keep Britain Tidy (KBT) (registered Charity No. 1071737) has offered Havering Council and the LBBB funding to deep clean public areas of chewing gum staining, primarily town centres. The funding can also be used to purchase anti-chewing gum equipment for street cleaning teams.
- Mars Wrigley Confectionary UK Limited, Perfetti Van Melle – PVM UK and Glaxosmithkline Consumer Healthcare UK Trading Limited (Gum Manufacturers) are funding the project to remove chewing gum and purchase anti -chewing gum equipment on behalf of the charity, Keep Britain Tidy (KBT) (registered Charity No. 1071737).
- Local Authorities were able to apply for the funding either individually or partnered with neighbouring boroughs to achieve greater results.
- Individual applications could be awarded a maximum of £20,000 (£0.020m) while partnerships could receive up to £70,000 (£0.070m).
- The Councils were required provide photographic evidence of the issue of gum staining and commit to cleaning specific areas as part of the application process.
- KBT on behalf of the Gum Manufacturers has offered the London Borough of Havering and the LBBB funding of £70,000 to deep clean public areas of chewing gum staining, primarily town centres. The funding can also be used to purchase anti-chewing gum equipment for street cleaning teams.
- All works must be completed by 31 October 2022 with post-cleaning evidence provided.
- KBT will also provide a bespoke behaviour change communications package including signage to be deployed free of charge throughout the project period.
- This project is concentrated in Romford Town Centre, St Edwards ward and St Albans ward. As this project does not have a significant effect on either ward it is not a key decision.

### **Approach**

- Officers from Havering (LBH) met with officers from Newham (LBN), Redbridge (LBR) and Barking and Dagenham (LBBB) councils to discuss desired approaches and possible partnerships.
- Two options were established: 1) purchase equipment and ask in house teams to complete the work, or 2) employ contractors to complete the works.
- Due to low staffing resources in the street cleaning team, LBH is unable to undertake the work itself and so option 2 was our only route.
- LBBB are in the same position, while LBN and LBR both have the resources to complete the work in house with new equipment.
- As a result, LBH partnered with LBBB while LBN and LBR partnered together to submit funding applications.

### **Application**

- LBH and LBBB submitted its application in late May and were notified of its acceptance in late June.

## **Non-key Executive Decision**

- LBH committed to deep cleaning South Street in Romford Town Centre as part of the application as the street cleaning team advised this was the most affected area.
- LBBD committed to deep cleaning five station forecourts along the District Line in their borough as part of the application.
- Using indicative pricing provided by contractors, officers estimated that South Street would cost in the region of £25,000 (£0.025m) to deep clean while LBBD's five station forecourts would cost roughly £35,000 (£0.035m).
- Funding the deep cleaning of South Street in Romford Town Centre and LBBD's station forecourts is the priority for this project and only when the final cost of this has been confirmed, will officers seek to allocate any remaining funding to purchasing equipment and bins.
- In order to bridge the funding gap on LBH's side, should funding be left over, LBH included requests to purchase targeted chewing gum removal equipment for our street cleaning teams that can easily be worn similarly to a back pack. Based on indicative quotes these units would cost roughly £3,500 (£0.004m) each.
- In addition, LBH also sought indicative quotes from a recyclable chewing gum bin provider to place chewing gum recycling bins in key locations to tackle chewing gum littering. Gum Drop provided us with an indicative 3 year quote at a cost of £3,600 (£0.004m). LBBD would be interested in splitting this cost with us, which would mean half of the bins would be installed along South Street and the wider Romford town centre area and half in station forecourts in Barking and Dagenham.
- Gum Drop Ltd are the only known provider of recycling chewing gum bins in the UK and so it would not be appropriate to tender for these bins.
- Once the bins are full, Council officers simply unclip them and Gum Drop Ltd collect them from our depot. They then recycle the entire bin and the chewing gum inside, providing us with replacement chewing gum bins to be reinstalled on site.

### **Arrangement with LBBD**

The Authorities have agreed:

- That LBH should act as the lead authority and commission contractors for the aforementioned cleansing and supply of equipment on behalf of both authorities.
- That both parties will be responsible for signing off on the quality of the deep cleaning by the Contractor in their respective boroughs.
- That each authority has agreed to pay the contractor(s) directly for the cleansing and supply of equipment to their respective boroughs.
- That LBH will reimburse LBBD upon receipt of sufficient evidence that works have been completed and payment to the contractor made within the terms of the KBT Grant agreement.

The procurement exercise will be carried out in accordance with Havering's contracts procedure rules; and prior to entering into a contract for the deep cleaning, LBH shall notify LBBD of:

- the identity of the Contractor; and
- the fee to be paid for the deep cleaning (the Fee).

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LBH will be seeking three comparable quotes from contractors using appropriate council systems and procedures.

Subject to their being funding available following the procurement of the deep cleaning, Havering will seek to purchase relevant anti-chewing gum equipment. The purchase of equipment, will be carried out in accordance with Havering's contracts procedure rules; and prior to entering into contracts for the purchase of the removal kits and chewing gum bins, LBH shall notify LBBB of:

- the identity of the supplier of the equipment; and
- the cost to be paid for the equipment.

The Parties will enter into an inter-authority agreement setting out the responsibilities and obligations of each party to this project.

Please see Appendix B for the full Inter-Authority Agreement with LBBB.

### **Aims and Objectives**

- To abide by the terms and conditions set out in the grant funding agreement with Keep Britain Tidy.
- To appoint a contractor to deep clean and remove chewing gum staining along South Street in Romford Town Centre and outside five District Line stations in LBBB.
- To work in partnership with LBBB to deliver on the success of this project.
- To procure a contract to purchase targeted anti-chewing gum equipment for LBH's street care team.
- To seek the installation of chewing gum bins in targeted areas.

### **Funding**

The Council in partnership with LBBB, has been offered £70K of funding. Market research carried out prior to the application being submitted indicates that this should be sufficient for the deep cleaning to be carried out and there may be some funding left available to purchase anti-chewing gum equipment. However the priority for both Councils is for the deep cleaning to be completed prior to any commitment being made to purchase equipment. All works needs to be completed by 31 October 2022 though KBT may grant us an extension.

### **Public engagement**

There is no statutory obligation to conduct a public consultation for this project. Both LBH and LBBB will need to engage their respective communications teams to advertise the work that is being done and the support provided by KBT. As part of the application process, LBH also expressed a desire to create a positive communications campaign about this project involving local school children. Children would be invited

### **Non-key Executive Decision**

down to South Street, provided with chalk and asked to circle chewing gum staining on the pavement. This not only provides a striking visual impact of the issue to residents in the area, but also teaches a lesson to the school children on the issue of chewing gum littering. Hylands School are on board with this project. LBH's communications team would need to advertise this effort before the chalk is washed away as part of the deep cleaning process.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Do nothing – the Council would lose the funding and it would not be possible to deep clean the area

Carry out cleaning in house - Due to resource constraints at LBH in terms of staffing and equipment, LBH is unable to deep clean pavements and remove chewing gum staining with in house teams. Should the situation have been different, officers would have sought to purchase further equipment for in house street care teams rather than seeking to instruct a contractor to complete the works.

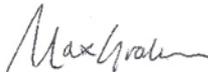
### **PRE-DECISION CONSULTATION**

Councillor Mugglestone, Cabinet Member for Neighbourhoods, has been made aware of this project and is fully supportive of accepting the grant funding.

### **NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Max Graham

Designation: Associate Project Manager

Signature:  Date: 18/08/2022

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council has a statutory duty under Section 89 of the Environmental Protection Act 1990 in respect of any relevant highway, to ensure that the land is kept clear of litter and refuse and that the highway or road is kept clean. Section 62 of the Highways Act 1980 also provides for a general power of improvement of streets and highways.

The Council also has a general power of competence contained in section 1 of the Localism Act 2011 which allows the Council to do anything that an individual may do subject to any statutory constraints on the Council's powers.

The recommendations in this report to accept the grant funding, commence a procurement procedure and enter into an inter-authority agreement are in keeping with these duties and powers.

#### **Acceptance of Grant Funding**

The grant terms and conditions affixed at Appendix A have been reviewed and the associated risks highlighted to officers. The funder may, at its discretion, recover from the Council, the total grant sum or part of the total grant sum in circumstances including but not limited to where:

- a) the Council uses the grant for purposes other than those for which they have been awarded;
- b) the delivery of the project does not take place in accordance with the timelines and fails to provide a reasonable explanation for the delay;
- c) the Council fails to comply with any of the terms and conditions of the grant agreement and fails to rectify any such failure.

Furthermore, the grant requires the Council to indemnify and hold harmless the Gum Manufacturers and Keep Britain Tidy in respect of any losses suffered or incurred as a result of the breach of the warranties under the grant agreement.

Havering will act as the lead authority and will enter into the grant agreement on behalf of LBH and LBB. LBH will be liable to KBT under the grant agreement.

#### **Commence a Procurement**

The total estimated value of the procurement is below the financial threshold for services under the Public Contracts Regulations 2015 (as amended) of £213,477. The Council is therefore under no obligation to advertise the opportunity on Find a Tender. However, the procurement must still comply with the Council's Contract Procedure Rules. The procurement process that Officers intend to follow has already been set out in the body of this report and is in compliance with the Council's CPRs.

#### **Entering into an inter authority agreement**

The recommendations within this report also seek authority to enter into an inter-authority agreement with LBB (affixed at Appendix B) to authorise LBH to procure and enter into contracts for the deep cleaning services on behalf of both Boroughs.

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### **FINANCIAL IMPLICATIONS AND RISKS**

The entire project will be funded via the grant funding awarded by Keep Britain Tidy (KBT). London Borough of Havering (LBH) and London Borough of Barking & Dagenham (LBBD) will not exceed the £70,000 (£0.070m) awarded for this project.

Havering will act as the lead authority and receive all funds from the grant funding provider before any works are carried out. Each Local authority will be responsible for Payment of invoices and retention of evidence documentation specific to their borough. As lead authority Havering will provide evidence of spend to the grant funding provider.

Based on indicative prices provided by contractors during the application period, this funding is expected to be broken down according to the below:

Item	Cost (£)
LBH deep cleaning South Street	£0.025m
LBBD deep cleaning five District Line Station forecourts	£0.035m
Estimated subtotal	£0.060m
Planned use for any remaining grant funding	
Gum Drop Ltd chewing gum bins	£0.004m
2 x Targeted chewing gum removal equipment	£0.007m
Totalling	£0.071m

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

A number of staff within the Public Realm team are actively working on this project. This project will provide street cleaning teams with additional equipment to remove chewing gum in the future.

The recommendations made in this report do not give rise to any identifiable HR risks or implications that would affect either the Council or its workforce.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

Every effort will be made to benefit all the demographics of our community involved in this project to ensure we reflect the diversity of Romford Town Centre.

Officers have been advised that this Executive Decision does not require an Equalities Impact Assessment as the project does not impact protected characteristics.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

The deep cleaning of Romford Town Centre alongside the purchase of recyclable chewing gum bins will allow for the proper disposal of chewing gum alongside providing a clean environment for residents.

The benefits of this project are environmental and will have no positive or negative effect on climate change.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

<b>Appendix A</b>	Grant Agreement
<b>Appendix B</b>	Inter-Authority Agreement

**Non-key Executive Decision**

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

**Details of decision maker**

Signed:



Name: Imran Kazalbash

Cabinet Portfolio held:

CMT Member title: Assistant Director Public Realm

Head of Service title

Other manager title:

Date: 18/08/2022

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_