



Department
for Environment
Food & Rural Affairs

Bidder Pack

Procurement Specific Requirements

Exploring effective enforcement against littering,
fly-tipping and dog fouling

Procurement Reference Number C5445

December 2022

Version Date: October 2022 (Version 1.2)

Contents

Section 1: The Invitation	3
The Opportunity	3
Requirement Statement	4
Timetable	4
Section 2: The Specification of Requirements	6
The Authority's Priorities	6
Scope	7
Division of the Contract into Lots.....	7
Section 3: Terms and Conditions of Contract	8
Section 4: Evaluation Methodology.....	9
Section 5: Appendices	16
1. Definitions	16
2. Form of Tender	18
3. Specification	19
4. Conditions of Contract	28
5. Pricing Schedule	29

Section 1: The Invitation

Defra group Commercial on behalf of Defra group and its Arm's Length Bodies invite you to bid in this competition.

The Bidder Pack comes in two parts.

This first part, **The Core Requirements**, provides details of the General Requirements, Government Transparency Agenda and Government Priorities.

The second part, **The Procurement Specific Requirements**, provides details of the Specification Requirements, Terms and Conditions of Contract, Evaluation Methodology, Procurement Timetable and Definitions.

The Definitions that apply to both parts can be found in Section 5, Appendix 1 of the Procurement Specific Requirements.

The tendering process seeks to determine the Most Economically Advantageous Tender (MEAT). The Authority will evaluate the Tenders using the tender evaluation criteria and weightings listed in Section 4, Evaluation Methodology.

The Opportunity

This opportunity is advertised by Defra group Commercial on behalf of Defra.

Defra is responsible for improving and protecting the environment. We aim to grow a green economy and sustain thriving rural communities. We also support our world-leading food, farming and fishing industries.

Our broad remit means we play a major role in people's day-to-day life, from the food we eat, and the air we breathe, to the water we drink.

We are here to make our air purer, our water cleaner, our land greener and our food more sustainable.

Our mission is to restore and enhance the environment for the next generation, leaving it in a better state than we found it.

Priority outcomes

- improve the environment through cleaner air and water, minimised waste, and thriving plant and terrestrial and marine wildlife
- reduce greenhouse gas emissions and increase carbon storage in the agricultural, waste, peat and tree planting sectors to help deliver net zero
- reduce the likelihood and impact of flooding and coastal erosion on people, businesses, communities and the environment

- increase the sustainability, productivity and resilience of the agriculture, fishing, food and drink sectors, enhance biosecurity at the border and raise animal welfare standards

Read our Outcome Delivery Plan to find out more about how we will deliver our outcomes and measure success.

For further information please visit

<https://www.gov.uk/government/organisations/department-for-environment-food-rural-affairs>.

Requirement Statement

We are looking for one contractor to complete work for the following project:

Exploring effective enforcement against littering, fly-tipping and dog fouling

The Department for Environment, Food and Rural Affairs (Defra) would like to understand more about the effectiveness of fixed penalty notices (FPNs) and other current enforcement powers used to tackle litter, fly-tipping, breaches of the household waste duty of care and dog fouling. This research will provide insights into the use and effectiveness of these enforcement powers and identify barriers and facilitators of effective enforcement. It will also make recommendations for areas to explore further. A mixed-method approach will be taken, using desk-based research, quantitative data collection, and qualitative interviews.

Timetable

The timetable below is subject to change from time to time as notified by the Authority. All Tenderers will be informed via the Authority's eSourcing System.

Activity Ref	Activity Title	Date (Time)
1	Opportunity Notice published in Contracts Finder and Bidder Pack released	21 December 2022
4	Deadline for clarification questions	12 January 2023 (12:00)
5	Deadline for Responses	19 January 2023 (12:00)
6	Evaluation of Tender	19 to 26 January 2023
8	Contract award notification	27 January 2023
10	Contract award	7 February 2023
11	Contract start date	08 February 2023
12	Contract end date	31 May 2023

All timescales are set using a 24-hour clock and when referring to “days” it means calendar days unless otherwise specified (for example, working days).

Variant Tenders

The Authority shall not accept variant Tenders.

For the avoidance of doubt, if the Authority has reserved a right to waive a requirement in this Bidder Pack and chooses to exercise such discretion, the Tender will not be considered a variant Tender.

Abnormally Low Tenders or Pricing Anomalies

If the Authority considers your Tender to appear abnormally low, an initial assessment will be undertaken using a comparative analysis of the pricing proposals received from all Tenderers [and the Authority’s valuation of the procurement]. If that assessment indicates that your Tender is abnormally low the Authority will request a written explanation of your Tender, or of those parts of your Tender which the Authority considers contribute to your Tender being abnormally low. The Authority reserves the right to reject your Tender if the response does not satisfactorily account for the low level of price or costs proposed.

The assessment of abnormally low tenders will be undertaken strictly in accordance with Regulation 69 of the Public Contracts Regulations 2015, which outlines how abnormally low tenders must be assessed and the circumstances in which the contracting authority can reject the tender.

Pricing Anomalies

If in the opinion of the Authority your Tender contains any pricing anomalies (for example apparent discrepancies between the financial submission and other parts of your response) the Authority may seek clarification. If the clarification response indicates that the pricing anomaly was the result of a clear and obvious error, in the interest of fairness the resulting change will be taken into consideration. If the clarification response results in a change to the initial tendered Commercial Response and price, it will not be taken into account.

Section 2: The Specification of Requirements

The Authority's Priorities

Littering, fly-tipping and dog fouling blight our communities and impose costs on the public purse. The Litter Strategy for England explains that through education and awareness we can help to embed a culture in which these behaviours are viewed as unacceptable. However, it also makes clear that in order to change behaviour effectively we need to back up this social message with effective enforcement.

The Department for Environment, Food and Rural Affairs (Defra) would like to understand more about the effectiveness of fixed penalty notices (FPNs) and other current enforcement powers used to tackle litter, fly-tipping, breaches of the household waste duty of care and dog fouling. This research will provide insights into the use and effectiveness of these enforcement powers and identify barriers and facilitators of effective enforcement. It will also make recommendations for areas to explore further. A mixed-method approach will be taken, using desk-based research, quantitative data collection, and qualitative interviews.

Aim

To explore the use and effectiveness of Fixed Penalty Notices (FPNs) and other enforcement powers designed to tackle littering, fly-tipping, breaching the household waste duty of care and failing to clear up dog foul.

We understand that enforcement action is usually taken in the form of issuing a fixed penalty notice (FPN) (on the spot fine). Other enforcement actions could include a civil penalty notice (e.g., for littering from a vehicle) or prosecution through the courts. There are also actions that can be taken in conjunction with enforcement, such as education.

Public opinion on tackling littering and fly-tipping is divided. Some support a zero-tolerance approach, coupled with strict sanctions and call for significantly increased FPN levels and stricter sentencing. Others argue that current enforcement practices are disproportionate, targeting 'easy targets' rather than serial offenders and organised criminals.

This research will allow Government to fully consider the merits of these arguments and understand the effectiveness of the current enforcement regime and help inform whether future policy changes are required.

This research will build on existing literature and data, including, but not limited to:

- Fly-tipping: Drivers, Deterrents, and Impacts.
- The Campaign to Protect Rural England's 2020 Litter and the Law Report.
- Defra's annual fly-tipping stats.
- Data on 'environmental crime' collected by the Ministry of Justice and Home Office.

- The Effectiveness of Enforcement on Behaviour Change: Fixed penalty notices from both sides of the line, Keep Britain Tidy, 2011

Scope

Appendix 3 sets out the Specification of Requirements.

Division of the Contract into Lots

This procurement requirement is not divided into Lots because this is a single piece of work, which should be delivered by a Main Contractor. A Contractor may decide to subcontract elements of the work and your intention to do this should be clearly outlined.

Section 3: Terms and Conditions of Contract

The Terms and Conditions of Contract for this procurement are Research & Development and can be found on the Authority's e-sourcing system.

The Authority proposes to enter Contract(s) for a maximum period of 4 months with the successful Tenderer(s).

The anticipated commencement date is 01 February 2023.

Suggested Changes to Conditions of Contract

Tenderers may raise clarification questions relating to the amendment of contract terms during the **clarification period only**, as specified in the Timetable, if it can be demonstrated that there is a legal or statutory reason why they cannot be accepted. Where a legal or statutory reason cannot be substantiated the Authority has the right to reject the proposed changed.

Such requests must follow the Clarifications Sought by the Tenderer process set out in the Core Requirements element of this Bidder Pack.

Section 4: Evaluation Methodology

The overall aim of the evaluation process is to select the Tender that is the most economically advantageous to the Authority, having regard to the Authority's overall objectives and the criteria set out below.

Evaluation of Tenders comprise of the stages set out in the table below.

The Authority will carry out its evaluations of the Technical and Commercial elements according to the criteria, sub-criteria and weightings set out in the table below:

Evaluation Stage 1 - Technical	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
	Selection Stage: Selection Questionnaire (SQ) responses submitted in response to the Contract Notice	<p>Part 1: covers the basic information about the supplier, such as the contact details, trade memberships, details of parent companies, group bidding and so on and is provided for information only.</p> <p>Part 2: covers a series of self-declarations by the supplier regarding whether or not any of the questionnaire exclusion grounds apply and will be assessed on that basis.</p> <p>Part 3: covers a series of self-declaration questions regarding whether or not the company meets the selection criteria in respect of their financial standing and technical capacity.</p>	<p>Pass/Fail</p> <p>Pass/Fail</p> <p>Pass/Fail</p>
	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
	Form of Tender	This stage is not scored but if you do not upload a complete, signed and dated Form of Tender in accordance with the instructions in the eSourcing System/accept the Form of Tender statement in the SQ your Tender will be rejected as non-compliant.	Pass/Fail

	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
Evaluation Stage 1 - Technical	Evaluation Stage: Technical	This stage will be evaluated in accordance with the criteria set out in the Technical Questionnaire. Responses that do not meet the minimum thresholds will be excluded from the process at the stage where they do not meet the required level – this will be determined during the consensus meeting.	
		E01: Staff Technical Expertise and Experience	35%
		E02: Approach and Methodology	45%
		E03: Project Management and Organisation	20%
<p>The Technical evaluation will account for 70% of the total score. All responses will be scored in accordance with the detailed guidance within the Authority’s eSourcing System and the Technical Questionnaire.</p> <p>Tenderers must achieve a minimum score of 20 for E01 – E03 the ‘Technical Threshold’ in order to progress to the Commercial evaluation. Tenderers who fail to achieve the stated Technical Thresholds will not proceed to the Commercial evaluation.</p>			
	Section Reference	Evaluation Criteria	Question Scoring/Weighting (%)
Evaluation Stage 2 - Commercial	Evaluation Stage: Commercial - Pricing Schedule	Prices will be evaluated in accordance with criteria set out in the Pricing Schedule in the Authority’s eSourcing System.	Scored
<p>The Commercial evaluation will account for 30% of the total score. All responses will be scored in accordance with the detailed guidance within the Authority’s eSourcing System and the Specification of Requirements.</p>			
	Section Reference	Calculation	
	Final score	The final score is calculated by adding the total quality weighted score with the total commercial weighted score.	
		The most economically advantageous tender will be the Tender with the highest final score.	

Selection Questionnaire - Financial standing

The Authority will review the economic information provided as part of the Selection Questionnaire response to evaluate a Tenderer's economic and financial standing. The Authority's evaluation will be based on all the information reviewed and will not be determined by a single indicator. If, based on its assessment of the information provided in a Response, the Authority decides that a Tenderer does not meet the Authority's required level of economic standing, the Authority may:

- ask for additional information, including information relating to the Tenderer's parent company, if applicable; and/or
- require a parent company guarantee or a performance bond.

If the Authority decides that a parent company guarantee or performance bond is required, the Authority will reject a Response if the Tenderer is unable to offer a commitment to make such provision. In addition to the information provided in a Response, the Authority may, at its discretion, consult Dun & Bradstreet reports and other credit rating or equivalent reports depending on where a Tenderer is located.

The Authority's assessment of economic and financial standing will consider financial strength and risk of business failure. Financial strength is based on tangible net worth and is rated on a scale of 5A (strongest) to H (weakest) obtained from Dun & Bradstreet. There are also classifications for negative net worth and net worth undetermined (insufficient information). Financial strength will be assessed relative to the estimated annual contract value.

The Authority will also consider annual turnover. For this procurement, the Authority expects the contractor to have an annual turnover for each of its last two financial years of at least 10% of the contract value.

In the case of a joint venture or a consortium bid, the annual turnover is calculated by combining the turnover of the relevant organisations in each of the last two financial years. In addition, the annual turnover of at least one of those organisations is expected to be 10% of the contract value.

Risk of Business Failure is rated on a scale of 1 (minimal) to 4 (significant) obtained from Dun & Bradstreet. There is also a classification of insufficient information. The Authority regards a score of 4 as indicating inadequate economic and financial standing for this procurement. The Authority will also calculate and evaluate the Tenderer's:

- operating performance: growth or reductions in sales, gross profit, operating profit, profit before tax and earnings before interest, tax, depreciation, amortisation, exceptional items and profit/loss on sale of businesses;
- liquidity: net current assets, movements in cash flow from operations, working capital and quick ratios, and average collection and payments periods; and
- financial structure: gearing ratios and interest cover.

Evaluation of Responses

Evaluation of Responses will be undertaken by a panel appointed by the Authority. Each panel member will first undertake an independent evaluation of the Responses applying the relevant evaluation criteria for each question. Then, a moderation meeting will be held at which the evaluation panel will reach a consensus on the marking of each question.

During the consensus meeting, the decision may be taken that a Response will not be carried

forward to the next evaluation stage if the consensus view is that the Tenderer has failed to meet any minimum or mandatory requirements, and/or provided a non-compliant response.

Scoring Criteria

The following scoring criteria is to be used when evaluating responses to Stage 3 Technical Questionnaire. A Tenderer's response will be assessed against the detailed criteria provided for each question E01 – E03 and be assigned a Descriptor and score from the table below:

Descriptor	Score	Definition
Very good	100	Addresses all the Authority's requirements with all the relevant supporting information set out in the Bidder Pack. There are no weaknesses and therefore the tender response gives the Authority complete confidence that all the requirements will be met to a high standard.
Good	70	Addresses all the Authority's requirements with all the relevant supporting information set out in the Bidder Pack. The response contains minor weaknesses and therefore the tender response gives the Authority confidence that all the requirements will be met to a good standard.
Moderate	50	Addresses most of the requirements with most of the relevant supporting information set out in the Bidder Pack. The response contains moderate weaknesses and therefore the tender response gives the Authority confidence that most of the requirements will be met to a suitable standard.
Weak	20	Substantially addresses the requirements but not all and provides supporting information that is of limited or no relevance or a methodology containing significant weaknesses and therefore raises concerns for the Authority that the requirements may not all be met.
Unacceptable	0	No response or provides a response that gives the Authority no confidence that the requirement will be met.

All tenderers should be aware of the timescales set to deliver this requirement and only submit a response where they are fully confident of being able to deliver within these parameters.

Tenders will be evaluated by the Target Programme Management team for appropriateness, on the basis of scope, methods, expertise, and value for money.

Each question will be allocated a score of between 0-100 for the documented response, based on the criteria above. The scores will be weighted against the technical sub-weighting, and a final technical score will be calculated. The highest technical score will then receive the maximum 70% technical score to be added to the commercial score in the overall tender evaluation. Other bidder's technical scores will be calculated pro rata to the highest technical score.

The Authority reserves the right to apply a tie-break mechanism, if the tender responses result in a two or more bids receiving an absolute tie in scores. This will consider the scores of each criterion in order of importance (determined according to the weighting given to the criterion).

Bids in receipt of a 'fail' or scoring 20 or below for any of the following questions E01 – E03 will be eliminated from the procurement process.

To enable a consistent and fair evaluation of your tender, we require Suppliers to respond to the questions below, making sure you adhere to the page limits detailed in each section. Words submitted beyond these limits will not be evaluated as part of the tender response. All sections are mandatory and will be scored. The weighting given to each question is set out below as a percentage of the technical score available.

Please do not include any commercial information in your response to the technical questionnaire.

Please upload your response to each section (E01 – E03) as an individual document. This will allow evaluators to easily differentiate between the response to each section and allow consistent and fair evaluation of bids. Bidders should not cross reference information provided in each section as they will only be scored on the information requested and provided in each section.

Calculation Method

For both elements, providing the bidder has met any mandatory criteria and minimum quality thresholds, the total weighted scores are calculated as follows (Please See Next Page):

Technical (WT)

$$\left[\frac{\text{Bidder's Total Technical Score}}{\text{Highest Technical Score}} \times 100 = X \right] \quad \text{then} \quad \left[\frac{X}{100} \times [\text{Weighting}] \right]$$

Commercial (WC)

$$\left[\frac{\text{Lowest Commercial Score}}{\text{Bidder's Total Commercial Score}} \times 100 = X \right] \quad \text{then} \quad \left[\frac{X}{100} \times [\text{Weighting}] \right]$$

The Total Score (weighted) is then calculated by adding the Total Weighted Technical Score to the Total Weighted Commercial Score: **WT+ WC**.

Technical Evaluation

E01: Staff Technical Expertise and Experience (Weighting 35%)

Please demonstrate that the staff members (including any sub-contractors if appropriate) assigned to the project have sufficient technical expertise across the broad range of technical skills required to deliver the project objectives.

This will include examples of skills used in previous analogous projects or from relevant training. The staff making inputs to each stage of the Project (in terms of their expertise, skills and experience) and the quantity of their inputs should be suitable and adequate. The project team should have an appropriate balance of inputs by senior and junior staff. Lines of reporting to staff (to senior staff and/or the project manager) should be clearly presented.

Your response must be a maximum of 2 sides of A4, font size 11, excluding Appendix D and CV's. Links to other documents will not be considered as part of your response e.g. links to published documents online. The supplier may cite relevant scientific literature. Please upload a document with the filename: 'E01 - Your Company Name'.

The information provided should include:

- For each member of the Project team, information on the amount of time input to the project by completing/uploading Appendix D; their roles, responsibilities, levels of seniority, the value added that they will bring to the project and their lines of reporting. Demonstrable evidence of their relevant expertise, skills and experience to deliver the project should also be provided (though this should not repeat the level of detailed information provided in their accompanying CVs (to be provided separately)).
- The name(s) of the individual(s) who will have overall management responsibility for the project and will report to Defra's project manager, and the person who will be responsible for ensuring that the Project is completed satisfactorily.
- In a separate attachment, curriculum vitae must be provided for each member of the project team and all sub-contractors. The curriculum vitae should be succinct (maximum length of two pages for each team member) and provide information on: expertise; skills and experience that are relevant to the project.

Evaluation criteria:

Higher marks will be awarded to submissions which demonstrate:

- Sufficient recent experience and capability of effectively delivering comparable projects.
- Evidence of completion of projects on schedule.
- Proven expertise in the field of local environmental quality.

E02: Approach and Methodology (Weighting 45%)

Please demonstrate your understanding of the policy and research context and identify the key issues and challenges that you are proposing to address in this project. Please describe clearly how you will apportion work hours between littering, fly-tipping, breaches of household waste duty of care and dog fouling, or how efficiencies will be found by considering multiple

items in combination. Please submit a list of the type of organisations and data sources you propose to involve, and how they will contribute to development of the research. Please detail the approach and methodology to be adopted in order to deliver the full scope of requirements systematically, and in detail.

Please outline the approaches to be used to achieve the objectives, and clearly define a work plan for the life of the project.

Your response must be a maximum of 4 sides of A4, font size 11. Links to other documents will not be considered as part of your response e.g. links to published documents online. The supplier may cite relevant scientific literature. Please upload a document with the filename: 'E02 - Your Company Name'.

Evaluation Criteria:

Higher marks will be awarded to submissions which demonstrate:

- An excellent understanding of the requirements of the project, and the policy context in which the project operates including awareness of UK policy and relevant international initiatives.
- A clear methodological approach to deliver on each of the sections of the project.
- An evidence-based justification for the method(s) selected. Realistic and robust methodology for undertaking the project and collating and analysing data.
- An outline of how relevant parties will be engaged, and their participation maximised.

E03: Project Management and Organisation (Weighting: 20%)

Please indicate how the project as a whole will be managed and organised to deliver the specification in its entirety by the deadline.

Your response must be a maximum of 3 sides of A4 font size 11. This should include a Gantt chart or equivalent format to convey the programme. Links to other documents will not be considered as part of your response e.g. links to published documents online. Please upload a document with the filename: "E03 – Your Company Name"

Evaluation Criteria:

Higher marks will be awarded to submissions which demonstrate:

- A clear work plan, by means of a Gantt chart or equivalent programme media.
- An overview of how the project will be managed in its entirety to bring together different parts of the project into a cohesive package.
- Identification of key milestones, tasks and critical paths, including a robust and credible approach to meeting the deliverables and service levels outlined in the specification.
- Consideration and mitigation of any risks to meeting the objectives.

If the supplier passes the technical stage, the commercial stage will be evaluated.

Section 5: Appendices

1. Definitions

Unless the context otherwise requires, the following words and expressions used within the Bidder Pack (except for Section 3: Terms and Conditions of Contract) shall have the following meanings to be interpreted in the singular or plural as the context requires.

TERM	MEANING
“Authority”	the Department for Environment, Food and Rural Affairs acting as part of the Crown.
“Bidder Pack”	this invitation to tender and all related documents published by the Authority and made available to Tenderers.
“Contract”	the contract (set out in Appendix B) to be entered into by the Authority and the successful Tenderer.
“EIR”	the Environmental Information Regulations 2004 (as amended) together with any guidance and/or codes of practice issued by the Information Commissioner or any Government Department in relation to those Regulations.
“eSourcing system”	eSourcing system is the eSourcing system used by the Authority for conducting this procurement, which can be found at https://defra-family.force.com/s/Welcome for projects run on Atamis.
“FOIA”	the Freedom of Information Act 2000 (as amended) and any subordinate legislation made under that Act together with any guidance and/or codes of practice issued by the Information Commissioner or any Government Department in relation to that legislation.
“Form of Tender”	means the form contained in Annex 2 to the Procurement Specific section of the Bidder Pack which must be signed, scanned and uploaded into the Authority’s eSourcing System by the Tenderer to indicate that it understands the Tender and accepts the various terms and conditions and other requirements of participating in the exercise.
“Information”	means the information contained in the Bidder Pack or sent with it, and any information which has been made available to the Tenderer by the Authority, its employees, agents or advisers in connection with the Exploring effective enforcement against littering, fly-tipping and dog fouling procurement.
“Involved Person”	means any person who is either working for, or acting on behalf of, the Authority in connection with this procurement and/or the Contract including, without limitation, any officer, employee, advisor, agent, member, partner or consultant”.
“Pricing Schedule”	the form accessed via eSourcing system in which Tenderers are required to submit their pricing information as part of a Tender.
“Regulations”	the Public Contracts Regulations 2015.
“Relevant Body”	means any other organisation, body or government department that is working with or acting on behalf of the Authority in connection with this procurement and/or the Contract including, without limitation, its officers, employees, advisors, agents, members, partners or consultants.

“Response”	means the information submitted in response to the Bidder Pack via the online response forms on eSourcing system including the Tenderer’s formal Tender.
“Specification of Requirements”	the Authority’s requirements set out in Section 2 of the Bidder Pack Procurement Specific Requirements.
“Tender”	the formal offer to provide the goods or services described in section 1.1 of part 1 of the Bidder Pack and comprising the responses to the questions in eSourcing system and the Pricing Schedule.
“Tenderer”	anyone responding to the Bidder Pack and, where the context requires, includes a potential tenderer.
“Timetable”	the procurement timetable set out in Section 1 of the Bidder Pack Procurement Specific Requirements.

2. Form of Tender

The Form of Tender document is located on the Authority's eSourcing system.

It is to be printed, signed, scanned and uploaded into the Authority's eSourcing System as instructed within the eSourcing system.

3. Specification

For information. Located on the Authority's eSourcing system.

The following specification describes the activities to be undertaken and invites tendering organisations or consortia to provide services for the following procurement:

Exploring effective enforcement against littering, fly-tipping and dog fouling offences

Summary

Littering, fly-tipping and dog fouling blight our communities and impose costs on the public purse. The Litter Strategy for England explains that through education and awareness we can help to embed a culture in which these behaviours are viewed as unacceptable. However, it also makes clear that in order to change behaviour effectively we need to back up this social message with effective enforcement.

The Department for Environment, Food and Rural Affairs (Defra) would like to understand more about the effectiveness of fixed penalty notices (FPNs) and other current enforcement powers used to tackle litter, fly-tipping, breaches of the household waste duty of care and dog fouling. This research will provide insights into the use and effectiveness of these enforcement powers and identify barriers and facilitators of effective enforcement. It will also make recommendations for areas to explore further. A mixed-method approach will be taken, using desk-based research, quantitative data collection, and qualitative interviews.

Background

Local authorities, and other duty bodies, have a statutory duty to keep their relevant land clear of litter and refuse. The standards that these bodies are expected to achieve in meeting these statutory duties are set out in the Code of Practice on Litter and Refuse¹. It is for the local authority to determine how best to meet this duty.

The Government has stated that taking proportionate and effective enforcement action against littering and related offences is a practical step that local authorities and other duty bodies (for example, National Highways, Network Rail, National Park authorities) can take to help them meet their statutory duties to keep relevant land clear of litter and refuse. We have provided guidance on enforcement as part of the Code of Practice on Litter and Refuse.

As well as influencing the behaviour of those against whom enforcement action is taken, the use of proportionate enforcement can also help to deter others from committing offences

¹ <http://www.gov.uk/government/publications/code-of-practice-on-litter-and-refuse>

which cause damage to local environmental quality. In turn, this will assist local authorities and other duty bodies in keeping their relevant land and highways clear of litter and refuse ².

We understand that enforcement action is usually taken in the form of issuing a fixed penalty notice (FPN) (on the spot fine). Other enforcement actions could include a civil penalty notice (e.g., for littering from a vehicle) or prosecution through the courts. There are also actions that can be taken in conjunction with enforcement, such as education.

Public opinion on tackling littering and fly-tipping is divided. Some support a zero-tolerance approach, coupled with strict sanctions and call for significantly increased FPN levels and stricter sentencing. Others argue that current enforcement practices are disproportionate, targeting 'easy targets' rather than serial offenders and organised criminals.³⁴⁵

This research will allow Government to fully consider the merits of these arguments and understand the effectiveness of the current enforcement regime and help inform whether future policy changes are required.

This research will build on existing literature and data, including, but not limited to:

- Fly-tipping: Drivers, Deterrents, and Impacts⁶.
- The Campaign to Protect Rural England's 2020 Litter and the Law Report.⁷
- Defra's annual fly-tipping stats.⁸
- Data on 'environmental crime' collected by the Ministry of Justice and Home Office⁹.
- The Effectiveness of Enforcement on Behaviour Change: Fixed penalty notices from both sides of the line, Keep Britain Tidy, 2011

Current legislative framework and penalty levels

As environmental policy is devolved, the four UK administrations take differing approaches to enforcement. Under the Environmental Protection Act 1990, in England, Wales and Scotland, littering, fly-tipping and passing household waste to an unlicensed waste carrier (referred to as breaching the household waste duty of care here) are criminal offences which could lead to a criminal record, a fine, and/or imprisonment in the case of fly-tipping. Instead of prosecuting, local authorities can issue an FPN or Civil Penalty Notice (CPN). Northern Ireland has its own equivalent legislation.

Current fixed penalty levels for litter, fly-tipping and breaches of the household waste duty of care in England have been set following a consultation¹⁰. In England, the maximum fixed

²https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/907500/part1a-enforcement-guidance1.pdf

³ [Littering petition — Energy and environment \(brightblue.org.uk\)](https://www.brightblue.org.uk/littering-petition)

⁴ [LGA: Increase fly-tipping fines to act as suitable deterrent | Local Government Association](#)

⁵ [1. LA enforcement Report - edit \(manifestoclub.info\)](#)

⁶ [Fly-tipping: Drivers, Deterrents, and Impacts](#)

⁷ [Litter Law Report \(CPRE\)](#)

⁸ [Fly-tipping statistics for England - GOV.UK \(gov.uk\)](#)

⁹ [Criminal Justice Statistics Quarterly](#)

¹⁰ Consultation on the household waste duty of care - Defra - Citizen Space, [The Unauthorised Deposit of Waste \(Fixed Penalties\) Regulations 2016 \(legislation.gov.uk\)](#) [The Environmental Offences \(Fixed Penalties\) \(England\) Regulations 2017 \(legislation.gov.uk\)](#)

penalty notice for littering is £150 and the maximum court fine is £2,500. The 2019 Conservative party manifesto committed to raising penalties for fly-tipping¹¹¹². Currently, the maximum fixed penalty notice is £400 for fly-tipping. While there is no maximum court fine outlined in legislation for fly-tipping, courts must follow the Environmental Offences Definitive Guideline. In England the maximum fixed penalty notice for breaches of the household waste duty of care is £400. The maximum court fine is unlimited. There is no specific sanction for failing to clear up dog foul as it is not an offence. A local authority can implement a Public Space Protection Order (PSPO), which can require people to clean up after their dogs. A breach of such a PSPO is an offence, and those found in breach can be issued with a maximum fixed penalty notice of £100. The maximum court fine is £1000 in England.

Last year, the Welsh Government consulted on their proposed fly tipping prevention plan and published a summary of responses in March 2022¹³. This document contains their proposals for making enforcement as effective as possible. In Wales, the maximum fixed penalty notice for littering is £150, and the maximum court fine is £2500. The maximum fixed penalty notice for fly-tipping is £400, and the maximum court fine is £50,000. The maximum fixed penalty notice for household waste duty of care is £300. The maximum court fine is unlimited. The maximum fixed penalty notice for dog fouling is £150. The maximum court fine for dog fouling in Wales is £1000.

In Northern Ireland, the maximum fixed penalty for litter is £80, and the maximum court fine is £2500. The maximum fixed penalty notice for fly-tipping is unspecified as it is at the discretion of an officer. Maximum court fines for fly-tipping are unlimited (according to Article 4) or £1000 (according to the Litter Order). The fine would depend on if the fly-tipping is domestic or commercial. The default fixed penalty notices for household waste duty of care is £300. The maximum court fine is unlimited. The maximum fixed penalty notice for dog fouling is £80. The maximum court fine for dog fouling in Northern Ireland is £1000.

Aim

To explore the use and effectiveness of Fixed Penalty Notices (FPNs) and other enforcement powers in England, Wales and Northern Ireland, designed to tackle littering, fly-tipping, breaching the household waste duty of care and failing to clear up dog foul.

Objectives

Objective 1

To **describe** and **quantify**, based on a representative sample of local authorities (LAs), the use of FPNs and other enforcement powers taken against individuals found to be littering (including littering from vehicle civil penalties), fly-tipping, breaching the household waste duty of care, or breaching a PSPOs in the case of not cleaning up dog foul across England, Wales and Northern Ireland over the past 5 years.

¹¹ [Commons Chamber - Wednesday 14 April 2021 - Hansard - UK Parliament](#)

¹² [5dda924905da587992a064ba Conservative 2019 Manifesto.pdf \(website-files.com\)](#)

¹³ [litter-and-fly-tipping-prevention-plan-wales-consultation-document_0.pdf \(gov.wales\)](#)

Research Questions

1. How many FPNs were issued and what amount were they set at?
2. What was the rate of payments successfully recovered from those issued with FPNs, and how many unpaid FPNs converted to prosecution cases?
3. What was the number of court prosecutions brought forward, and those where other charges are brought against a defendant as a result of suspected littering or fly-tipping (e.g., s110 of the Env Act 1995)?
4. How many convictions have there been, and what sentences have been handed down?
5. What is the rate of reoffence by those who have previously been issued with an FPN/civil penalty or court sentence?
6. Was there any variation in the approach between local authorities that used private enforcement agencies and those that used in-house staff?
7. How frequently do local authorities publish data on enforcement activity (such as the number of FPNs issued)?
8. What other approaches do local authorities take in conjunction with enforcement activity, such as naming and shaming, and producing educational material.

As part of this objective, a table should also be provided to allow comparison of the upper/default/lower fixed penalty amount for the offences mentioned in this research with other areas where fixed penalties are used such as speeding, parking fines, public disorder etc.

Objective 2

To assess the impact and effectiveness of the FPNs and other enforcement actions in reducing littering, fly-tipping, breaching the household waste duty of care and dog fouling, broken down across England, Wales and Northern Ireland. Where reasonably possible, impact and effectiveness should be quantitatively measured with an explanation of the rationale behind any identified trends.

Research Questions

In addition to assessing effectiveness of enforcement in reducing littering, fly-tipping, breaching the household waste duty of care and dog fouling, the following questions must be answered:

1. Drawing on the data collected in Objective 1, what conclusions can be made regarding the impact and effectiveness of current enforcement actions?
2. What are the awareness, attitudes and perception of the effectiveness of FPNs/civil penalties and prosecution amongst public, local authorities and other duty bodies, waste removal businesses (in the case of fly-tipping), and offenders?
3. Were there any disproportionate impacts on certain groups of people of enforcement actions?
4. Are there any factors that hinder or facilitate the use of enforcement actions and their effectiveness?

5. How effective are enforcement actions in changing behaviours?
6. Does the amount of a fixed penalty impact how effectively the behaviour is deterred? I.e., do penalties of a higher amount have a greater impact?
7. What external factors influence the effectiveness of enforcement actions?
 - a. What was the impact of guidance issued by Government, like the Code of Practice for Litter and Refuse¹⁴, and other bodies on the enforcement approach adopted by local authorities?
 - b. Have local authorities seen any positive or negative impacts of combining educational material and other approaches with enforcement activity?
 - c. Did local authorities make any changes during the pandemic to enforcement in these areas? If so, why were these changes made, and what impact did they have?

Objective 3

To identify whether and how the current enforcement actions could be improved to increase their effectiveness in the future.

Research Questions

1. Which aspects of the current legislative framework could be explored further to discourage fly tipping, littering, breaching the household waste duty of care and not picking up dog foul?
2. Are there any qualifications, accreditations, charter marks etc. available for which it would be beneficial for all enforcement officers to attain?
3. Are there any additional reporting requirements that could be implemented to help the government and other relevant stakeholders monitor the effectiveness of enforcement action on an ongoing basis?

Approach and Methodology

Defra proposes a mixed-methods approach employing desk-based research, an online survey, and qualitative interviews or focus groups.

Please note, the methodology presented should be used only as an example of the type of activities which, for the specified budget, can deliver the evidence required for this piece of research. Bidders are encouraged to consider the appropriateness of these methods and, if felt necessary, propose alternative approaches which are felt to provide more robust, timely or cost-effective evidence.

Phase 1: Desk-Based Research

Desk-based research will be required to identify published quantitative statistics that answer objective 1 and to capture existing data to inform other objectives. Defra has access to

¹⁴ [Code of practice for litter and refuse: Part 1A - effective enforcement \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/644444/code-of-practice-for-litter-and-refuse-part-1a-effective-enforcement.pdf)

statistics on fly-tipping for the UK¹⁵ submitted by local authorities to WasteDataFlow and has access to the Ministry of Justice prosecution and conviction figures¹⁶ for the UK that can be provided for this project. Some data is also in the public domain via Freedom of Information requests submitted by stakeholders.

Phase 2: Quantitative Survey/ Data collection

- In order to meet the objectives, two surveys are proposed:
 1. A representative and robust sample of local authorities and duty bodies across England, Wales and Northern Ireland to understand objectives 1 (especially where data was unavailable in the desk-based literature phase), 2 and 3.
 2. A representative sample of approximately 2000 members of the public to understand: their awareness, attitudes and perceptions surrounding the effectiveness of FPNs/civil penalties and prosecutions, how effective enforcement actions are in changing behaviours, and whether the penalty amount impacts how effectively behaviour is deterred (objective 2) as well identify whether and how the current enforcement actions could be improved to increase their effectiveness in the future.
- These surveys should be designed in consultation with Defra and subject to Defra approval processes.
- We will require the survey translated and published in Welsh.

Phase 3: Qualitative interviews or focus groups with relevant stakeholders

- Qualitative semi-structured interviews or focus groups with relevant stakeholders (e.g., local authorities and duty bodies, enforcement officers, offenders, and waste removal businesses in relation to fly-tipping) should build upon knowledge developed in phase 2 to gain an in-depth understanding of the effectiveness of the different enforcement actions. This is especially important for questions where quantitative data may not have been available.
- They should also build on objective 3 by providing an in-depth understanding into whether current enforcement actions could be improved to increase their effectiveness, and if so, what these improvements would look like.

Analysis and Reporting

- Defra requires detailed and thoughtful analysis and reporting that goes beyond a description of the data to deliver clear, considered and actionable insights.
- The quality assurance processes used by the contractor should be clearly set out identifying who is responsible for drafting the report and who will be responsible for quality assurance before it is delivered to Defra. This should be someone of sufficient seniority within the contractor's organisation. Defra reserves the right to refuse to sign

¹⁵ [Fly-tipping statistics for England, 2020 to 2021 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/statistics/fly-tipping-statistics-for-england-2020-to-2021)

¹⁶ Criminal Justice System Statistics Quarterly (gov.uk)

off outputs which do not meet the required standard. QA should cover all aspects of the project undertaken by the contractors, including data collection, data analysis and reporting.

- The final report (milestone 4) will require two rounds of comments from Defra, one on a draft report and one on the final report (with comments on the final report expected to be minor). Contractors will need to allow one to two weeks for Defra to review each round. This process should be factored into timelines.

Deliverables

- Raw datasets from all quantitative surveys anonymised where needed, and with an accompanying meta-data file.
- We do not require transcripts of qualitative research, although the contractor should arrange to securely retain them, along with any coded datafiles, for a suitable period, and not less than five years, to enable us to answer questions about the quality of the evaluation, should it come under scrutiny.
- Final versions of all research tools in editable format (i.e., not PDF) including but not limited to questionnaires, sampling frameworks, and interview and/or focus group topic guides
- A draft report
- A high quality, well written final report (following feedback on the draft report) of publishable quality that is accessible to non-experts and contains the following, in the region of 25 pages or less (plus annexes):
 - An executive summary
 - An introduction, background, and summary of aims.
 - An outline of methodology - outlining methods used to collect and analyse the data and any relevant assumptions. Should include a discussion of the limitations of available data sets.
 - Results.
 - Conclusions/discussion, including highlighting areas to explore further.

This report will need to meet accessibility standards. Namely, Public Sector Bodies (Websites and Mobile Applications) (No. 2) Accessibility Regulations 2018. Guidance on government requirements for accessible reports is available here: www.gov.uk/guidance/guidance-and-tools-for-digital-accessibility).

This includes, but is not limited to, consideration of:

- font (size, style and justification)
- headings and sub-headings to structure reports
- alt-text for images, charts or graphs
- table captions and summaries in all tables
- colours that are suitable for those with colour-blindness

Bidders are expected to outline how they will meet accessibility requirements and what processes they have in place to assure this. The exact outputs should be discussed with the commissioning team, but accessibility should be considered in all outputs (e.g., Word, PowerPoint, CSV data files or PDF documents). Defra can provide a Word template where contractors do not already have an in-house accessible report template

Where relevant, outputs should include suitable technical annexes and datasets. We would welcome suggestions as to any further outputs and would expect to agree a final set of deliverables at the inception stage.

Peer review and publication

- Defra may arrange for the draft or final report to be independently peer reviewed to quality assure prior to publication.
- Following peer review, the Contractor will be asked to make revisions prior to publication.
- The report will be published by Defra to ensure a transparent evidence base is available to support ongoing policy decisions.
- Defra may seek opportunities to share findings amongst key stakeholders and more widely.

Ethics

We expect contractors to adhere to the following Government Social Research (GSR) Principles:

1. Sound application and conduct of social research methods and appropriate dissemination and utilisation of findings;
2. Participation based on valid consent;
3. Enabling participation;
4. Avoidance of personal harm;
5. Non-disclosure of identity and personal information.

Data security

The successful tenderer must comply with the General Data Protection Regulation 2016 (GDPR) and any information collected, processed and transferred on behalf of the Department, and in particular personal information, must be held and transferred securely. Contractors must provide assurances of compliance with the GDPR and set out in their proposals details of the practices and systems they have in place for handling data securely including transmission between the field and head office and then to the Department. Contractors will have responsibility for ensuring that they and any subcontractor who processes or handles information on behalf of the Department does so securely.

The sorts of issues which must be addressed satisfactorily and described in contractors' submissions include:

- procedures for storing both physical and system data;
- data back-up procedures;
- procedures for the destruction of physical and system data;
- how data is protected;
- data encryption software used;
- use of laptops and electronic removable media;
- details of person/s responsible for data security;

- policies for unauthorised staff access or misuse of confidential/personal data;
- policies for staff awareness and training of DPA;
- physical security of premises; and
- How research respondents will be made aware of all potential uses of their data.

Timetable

The expected timetable for this project is estimated to be around 4 months. Timings and payment milestones will be agreed in the contract. Indicative timings are presented below

Inception Meeting	Inception meeting with the project steering group and supplier.	First week of contract
Progress updates	Fortnightly teleconference/phone call to update the Defra Project Officer on progress.	Fortnightly
Data analysis and outputs	Data collection, collation and analysis.	Ongoing
Completion of phase 1 (Milestone 1 payment)	Key findings to be presented to the Defra Project Team during regular progress update.	Around 2 weeks
Completion of phase 2 (Milestone 2 payment)	Key findings to be presented to the Defra Project Team during regular progress update.	Around 6-8 weeks
Completion of phase 3 (Milestone 3 payment)	Key findings to be presented to the Defra Project Team during regular progress update.	Around 4-6 weeks
Final Report (Milestone 4 payment)	Final report, incorporating all the required sections and which addresses comments from Defra on a draft report. To be provided by e-mail to the Defra Project Team. Any analysis and data sets should be handed over to Defra at the end of the project.	Around 4-6 weeks

Financial Arrangement

Contractors should provide a full and detailed breakdown of costs. This should include staff (and day rate) allocated to specific tasks. Contractors should provide an outline of the indicative milestones and phasing of payments.

Bids should at a minimum include costs for the below activities:

- Quantitative methods including design and analysis
- Qualitative interviews and/or focus groups
- Desk based research

4. Conditions of Contract

For information. Located on the Authority's eSourcing system.

5. Pricing Schedule

For information. Located on the Authority's eSourcing system.