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TONBRIDGE & MALLING BOROUGH COUNCIL

EXECUTIVE SERVICES

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
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29 September 2017

To: MEMBERS OF THE STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD
(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Street Scene and Environment Services Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 9th October, 2017 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

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To confirm as a correct record the Notes of the meeting of the Street Scene and Environment Services Advisory Board held on 20 June 2017

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PART 2 - PRIVATE

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M O Davis (Chairman)
Cllr D Keeley (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr O C Baldock
Cllr M A C Balfour
Cllr Mrs T Dean
Cllr S M Hammond
Cllr D Keers
Cllr D Markham
Cllr L J O'Toole
Cllr S C Perry
Cllr M R Rhodes
Cllr T B Shaw
Cllr Ms S V Spence
Cllr Miss G E Thomas
Cllr T C Walker

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Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Tuesday, 20th June, 2017

Present: Cllr M O Davis (Chairman), Cllr D Keeley (Vice-Chairman), Cllr Mrs J A Anderson, Cllr O C Baldock, Cllr M A C Balfour, Cllr Mrs T Dean, Cllr S M Hammond, Cllr D Keers, Cllr D Markham, Cllr M R Rhodes, Cllr Ms S V Spence, Cllr Miss G E Thomas and Cllr T C Walker

Councillors Mrs S M Barker, M C Base, Mrs P A Bates, Mrs S Bell, R P Betts, P F Bolt, V M C Branson, M A Coffin, D J Cure, N J Heslop, R D Lancaster, D Lettington, Mrs S L Luck, Mrs A S Oakley, M Parry-Waller, H S Rogers, Miss J L Sergison, C P Smith and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors L J O'Toole, S C Perry and T B Shaw

PART 1 - PUBLIC

SSE 17/1 DECLARATIONS OF INTEREST

There were no declarations of interest in accordance with the Code of Conduct. However, in the interests of transparency, Councillor M Balfour indicated that he was the Cabinet Member for Planning, Highways, Transport and Waste at Kent County Council and Councillor R Betts advised that, as the owner of a local food business, he was subject to the Food Hygiene Rating Scheme.

SSE 17/2 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 7 November 2016 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 17/3 WASTE SERVICES CONTRACT RETENDER

Decision Notice D170037MEM

The report of the Director of Street Scene, Leisure and Technical Services indicated that the current waste services contract for refuse, recycling and street cleansing was due to expire in February 2019. Details were given of the proposed retendering process, opportunities for partnership working with other local authorities and the potential for

service improvements, efficiencies and savings. Members were made aware of a couple of minor amendments to the Memorandum of Understanding (MoU) provided at Annex 2 to the report and that a final version would be attached to these Minutes for information.

RECOMMENDED: That

(1) the Nominal Optimal Method (NOM) of collection, including the separate fortnightly collection of garden waste as outlined in section 1.3 be approved as the preferred option for retender of the Waste Services Contract to be reflected in the drafting of the Service specification;

(2) the principle of introducing a charge for the separate collection of garden waste on an "opt in" basis be noted, with further details being reported to a future meeting of the Advisory Board;

(3) the Memorandum of Understanding attached at Annex 2 to the report be endorsed and it be noted that this forms the basis of a more detailed Inter Authority Agreement (IAA), to be considered by the Advisory Board later this year;

(4) the proposed "Open Tender Procedure" with pre-procurement contractor engagement be approved; and

(5) it be noted that further details on proposed standards and levels of service for inclusion within the Contract Specification will be reported to a future meeting of the Advisory Board for consideration.

SSE 17/4 ENVIRONMENTAL HEALTH PERFORMANCE 2016/17

Decision Notice D170038MEM

The report of the Director of Planning, Housing and Environmental Health summarised the operational activities of the Council in relation to its statutory Environmental Health functions undertaken by the Environmental Protection Team and Food Safety Team for 2016/17.

RECOMMENDED: That the performance information relating to activities associated with the food safety and environmental protection functions in 2016/17 be noted and the service improvements for 2017/18, as detailed in paragraphs 1.4.1 and 1.4.2 of the report, be endorsed.

SSE 17/5 INTRODUCTION OF CHARGES FOR FOOD HYGIENE RATING SCHEME RE-INSPECTION REQUESTS ON A COST RECOVERY BASIS

The report of the Director of Planning, Housing and Environmental Health advised that the Food Standards Agency (FSA) had recently confirmed a change of policy which enabled local authorities to use existing powers within the Localism Act 2011 to introduce charges to recover the cost of re-inspection requests under the food hygiene rating scheme. Details of the proposed level of charge, which aligned the voluntary scheme in England to the statutory schemes in Wales and Scotland, were set out in the report.

RECOMMENDED: That Cabinet approve the introduction of a charge of £160.00 for a Food Hygiene Rating Scheme re-inspection.
***Referred to Cabinet**

SSE 17/6 FOOD AND SAFETY SERVICE PLAN 2017-2020

Decision Notice D170039MEM

The report of the Director of Planning, Housing and Environmental Health referred to the requirement for the Council to produce a Food and Safety Service Plan against which it would be monitored and audited by the Food Standards Agency. A revised draft of the Plan was set out for consideration and comment.

RECOMMENDED: That

(1) the revised Food and Safety Service Plan (2017 – 20) set out at Annex 1 to the report be noted; and

(2) the views of the Overview and Scrutiny Committee be sought in accordance with the Budget and Policy Framework Procedure Rules set out in Part 4 of the Constitution.

MATTERS SUBMITTED FOR INFORMATION

SSE 17/7 WASTE AND STREET SCENE SERVICES UPDATE

The report of the Director of Street Scene, Leisure and Technical Services gave an update on a number of projects and initiatives within the Waste and Street Scene Services. Particular reference was made to the rescheduling of Refuse and Recycling Collections, Christmas and New Year Collections 2017/18, enforcement of waste offences and the Love Where You Live initiatives. The Board noted that the awards ceremony for the Environmental Champions Awards 2017, supported by Veolia, had been deferred to 7 October 2017.

SSE 17/8 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 9.30 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

09 October 2017

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 WASTE SERVICES CONTRACT RETENDER

Summary
The current waste services contract for refuse, recycling & street cleansing is due to end in February 2019 and is being retendered on a partnership basis with Dartford & Tunbridge Wells Borough Councils and Kent County Council. This report focuses on the development of the contract specification, highlighting particular areas for discussion by Members of this Board.

1.1 Background

1.1.1 Further to a report to this Board in June 2017, Members will be aware that the Council's Waste Services Contract is due to expire in February 2019 and that Officers are currently working with West Kent colleagues, as well as Kent County Council, to work in partnership on the future delivery of these services. The value of this Council's existing contract for refuse, recycling and street cleansing services is around £3.8m per annum, and provides a refuse and recycling collection service to over 52,000 households and a street cleansing service across the whole Borough.

1.1.2 At the June meeting of this Board, Officers provided an overview of the tendering process and outlined the proposed recycling & refuse collection arrangements for an enhanced service, known as the "NOM" (Nominal Optimal Method), which include:

- Weekly Food Waste Collection;
- Fortnightly Collection of Residual Waste;
- Alternate Fortnightly Collection of Mixed Dry Recyclate (plastics, metals, cartons and glass) in a wheeled bin with a separate container for paper and card; and

- In addition, the separate fortnightly collection of garden waste (as an “opt in” charged service).

1.1.3 The retendering of the waste services contract together with West Kent partners presents a real opportunity to review current arrangements, with an overall aim of providing:

service improvements and efficiencies;

greater consistency across partner authorities;

increased recycling performance; and

financial savings.

1.1.4 Whilst Officers are engaged with West Kent partners regarding the ongoing delivery of the project, this interim report aims to provide an update on a number of aspects and some key specification and service level items. While progress has been positive, there are still some significant areas of discussion and work that needs to be finalised. It is intended that a further report be submitted to this Board in November 2017 to include:

the Inter authority Agreement(s);

more detailed cost and savings analysis; and

details of financial disaggregation arrangements between partner authorities.

1.1.5 Following the report to this Board in November 2017 the contract documentation will be finalised, the official notice will be issued to seek interest from contractors and by Christmas the formal tender process will have begun.

1.1.6 Members will be aware of the enormous amount of work that has gone into preparing and delivering this project, and the additional complexities of partnership working. This has involved research and input from partner authorities as well as external waste industry expertise including the:

West Kent Waste Partners Group (WKWPG);

a number of Partner sub groups on finance, legal, procurement, operational and technical aspects,

East & Mid Kent Partnerships - Critical Friend, “lessons learnt”;

Waste Consultancy Limited (experienced waste consultants engaged through Kent Resource Partnership); and

private sector waste companies through the pre-tender Contractor Engagement (as a permitted forerunner to the substantive procurement process).

1.1.7 In preparing the contract documentation and information to tenderers a number of key aims and principles have been taken into account:-

to achieve efficient, sustainable and workable systems and to provide a sustainable recycling material and disposal infrastructure. This has been developed and progressed in full consultation with Kent County Council as the Waste Disposal authority and partner.

to recognise the balance between input (frequency based) and output (performance based) service levels and where a mixture might provide optimum benefit. This also aims to take account of the balance between adopting a prescriptive or more flexible approach where needed.

where practical and desirable to achieve as much consistency as possible across the partners (contract conditions; policies; contract specification & levels of service). In order to achieve this, and working closely with WCL, the specification sub group has carried out a detailed policy & specification moderation exercise.

1.1.8 Although the complexities of partnership working and the differences in our current contracts have been “challenging”, it is pleasing to note that considerable progress has been made in agreeing some of the core elements and policies for the refuse, recycling & street cleansing services. As mentioned earlier, this has been informed by both internal and external expertise and feedback through the Contractor Engagement process. However, in order to inform the development of the final Invitation to Tender (ITT) and contract specification there are a number of key policy and service level items that are highlighted below for awareness and Member consideration.

1.2 Key Policy and Service Level Items

1.2.1 <u>Procurement Process & Project Timetable:</u>

1.2.2 Members will be aware from earlier reports to this Board that West Kent Partners have gone for an Open Tender, with a pre-tender contractor engagement process. This has provided an opportunity to meet with contractors prior to the formal tender documents being issued and to receive feedback on a number of key areas of the specification.

1.2.3 It was reassuring to note that feedback from the Contractor Engagement confirmed that our proposed timetable was both achievable and workable. The only area of potential concern by some contractors was around vehicle procurement timescales, although it was recognised that this could be mitigated by arrangements for temporary vehicle provision if necessary.

1.2.4 A summary of key milestones within the approved timescale are detailed below:

Issue Tender OJEU Advert - December 2017

Tender submission by contractors – April 2018

Contract Award – July 2018

TMBC Contract Start – March 2019

1.2.5 Contract Length

1.2.6 As a significant part of the contract costs relate to vehicle procurement, optimum contract periods tend to be around vehicle life. In previous years this had been calculated at seven years, but due to vehicles no longer needing to utilise landfill sites, and improvements in vehicles and maintenance programmes, the feedback from the industry suggests this could be increased. As there is also a balance to be achieved before seeing increased downtime and maintenance towards the end of vehicle life, WKWPG propose multiples of eight year periods (i.e. eight years, plus an option to extend to a further eight year period, with appropriate reviews at the six year point).

1.2.7 Indexation

1.2.8 Having reviewed a number of waste service related contracts, and having received feedback from the industry, it is proposed that indexation specifically allows for the two key cost elements of wages and fuel. This is considered by the WKWPG finance sub-group to be a fairer approach that will allow contractors to provide a more accurate reflection of costs within their pricing. This will also guard against the potential for contractors to over inflate pricing to mitigate against the potential risk from a more generic index such as CPI or RPI.

1.2.9 Transfer of Undertakings for Public Employees (TUPE)

1.2.10 Having carried out an initial assessment of the workforce engaged on the three current contracts, it is expected that TUPE provisions will apply. Appropriate clauses will be included within the new contract conditions. Officers are currently working with their existing contractors to provide the most up to date and accurate information to be included within the Invitation to Tender pack.

1.2.11 Contract Package Options & Evaluation Criteria

1.2.12 This topic has been subject to a great deal of research and discussion by the WKWPG. There is a balance to be struck between the need to test a range of options in order to determine best value, against the need to avoid making the submissions too complex, potentially deterring tenderers and making the process unnecessarily difficult to evaluate. There is also a greater risk of challenge if the evaluation process is over complicated.

1.2.13 It has already been acknowledged that a combined contract package of recycling, refuse and street cleansing services across all three partner authorities is likely to achieve the most attractive and cost effective return. While the NOM system (see sub-section 1.1.2) of recycling and refuse collection is our preferred option, it is also desirable to ask tenderers to provide a price against our existing service. With this in mind and taking into account the previous feedback from Members, it is proposed to request both options. It is not intended to allow contractor variant bids or qualified bids.

1.2.14 In addition, a number of provisional optional items will be requested. In some instances these may be unique or only relevant to an individual partner authority or may be where the service or level of service has not been fully decided, but a price is requested to assist with a post tender consideration. These items will not specifically form part of the contract price evaluation, but will be assessed and brought back to Members for consideration following tender returns. Some of these proposed items are covered later in this report, but for example may include:

recycling bring site provision;

Saturday bulky household waste service; and

third party items (e.g. Housing Association cleansing works).

1.2.15 Innovation & Added Value

1.2.16 In addition to the contract package options outlined above, tenderers will be invited to provide details of areas where specified service levels are exceeded or where they bring new or innovative measures to improve efficiency. This will form part of the evaluation process on service quality.

1.2.17 Technology

1.2.18 As you can imagine, new technology within the waste industry has moved on significantly since the last contract was tendered. Our existing contractor has already introduced a number of measures to assist with the overall service delivery and monitoring of the current contract. Feedback during the contractor engagement process also suggested that a number of measures are likely to be included as core items within tender returns, even if not specified separately within the contract. The levels of technology to support contract delivery will be taken into account when drafting the final contract specification, but for illustration might include:

GIS tracking;

vehicle cameras and live feedback;

"In cab" and remote devices to assist with contract monitoring and reporting; and

bespoke waste industry software, with full integration with Client's existing Customer Relationship Management (CRM)systems.

1.2.19 Fully integrated and shared technology packages can greatly assist with contract monitoring, recording, reporting, responding to enquiries and complaints and ultimately improving customer service.

1.2.20 Bulky Household Waste Collection

The Council currently charges £50.00 for up to six bulky household waste items. There is a concession rate of £25.00 (set at 50% of the full charge) for those in receipt of Council Tax Reduction, which is limited to one collection every three months at this rate. This rate has been in place since April 2016 and is working well. Since the charge was introduced demand for the reduced rate service has not dropped significantly, as might have been expected. This has resulted in an increased budgetary contribution to the overall provision of the Bulky Household Waste Collection Service. Although it will not be feasible to set the exact charge until tender prices have been received, the above charges are indicative of the likely charge. In order to achieve service level consistency the WKWPG are proposing that if possible this be adopted across the partner authorities.

1.2.21 Container Standardisation

1.2.22 The WKWPG has looked at providing greater consistency in size & colour of containers across the partner authorities. While seeking to achieve consistency where possible, this needs to be balanced with the ease of collection method, optimising materials and the efficient use of existing containers.

Taking into account current container provision (see table below) and the need to keep costs down, it is acknowledged that full consistency may not be achievable. In order to minimise capital costs of initial bin provision for the proposed new service, it is intended to utilise residents existing bins as far as possible. For example, in TMBC the green-lidded bin would be used for the mixed recycling of metals, plastic, glass, and the existing green box used for paper and cardboard. However if a similar approach were to be adopted by all three districts, the resulting mix of containers would not be consistent:

Service	Dartford	TMBC	Tunbridge Wells
Recycling wheeled bin – mixed glass, plastic, cans	Black (240 litre)	Green-lidded, black body (240 litre)	Brown (240 litre)
Recycling box – paper & card	Green (55 litre)	Green (55 litre)	Green (55 litre)
Residual wheeled bin	Green (180 litre)	Black Initially (240 litre) Proposed (180 litre)	Green Initially (240 litre) Proposed (180 litre)
Garden waste wheeled bin (opt in)	Brown (240 litre)	Proposed Brown (240 litre)	To be determined
Food Waste Caddy Internal (Kitchen) External (presented for collection)	Provisional Green (9 litre) Black/Orange (25 litre)	Provisional Green (9 litre) Black/Orange (25 litre)	Provisional Green (9 litre) Black/Orange (25 litre)

1.2.23 The only new container to be introduced across all three districts would be the external food waste caddy. There is an opportunity to bring consistency with the Mid and East Kent authorities by having a black caddy with orange lid. We would also be able to have consistency with the internal food waste caddy (as TMBC currently provide green caddies on request). Although the initial position recognises a lack of consistency, the WKWPG consider that increased consistency could be achieved over the life of the contract through the replacement of bins as they become damaged or go missing. For example, if the agreed approach is for all partner authorities to eventually have black bins for residual waste, Dartford & Tunbridge Wells could provide black bins as replacements for their green ones as and when required.

1.2.24 On a related issue, the introduction of similar food waste & recycling services in Mid and East Kent has enabled those authorities to introduce 180 litre bins for residual waste to replace the previous 240 litre bins. The 240 litre bin is currently provided as standard for residual waste by TMBC and TWBC. It is considered by the WKWPG that given the improved recycling services, capacity will readily become available in most households residual waste bins. In order to “steer” residents towards greater recycling and avoid potential misuse of the residual

waste bins it is proposed that 180 litre residual bins be introduced as replacements for the current bins as stock is replaced. This would lead to a gradual rollout of the 180 litre bins over the life of the contract. It is also expected that this provision will help with the take up of our proposed “opt in” charged garden waste service, but the WKWPG recognises the need to provide clear and effective communications.

1.2.25 Members may be interested to note that the total current waste and recycling container capacity is 535 litres. In moving to a 180 litre residual bin the total provision would be 500 litres (for those not opting for the garden waste service) and 740 litres for those that do receive this service.

1.2.26 We will continue to provide larger bins for those households that meet the appropriate qualifying criteria. For example, households with six or more permanent residents or with children in nappies, etc.). It is intended that this policy be applied consistently across the partner authorities, with these households being assessed on their specific circumstances.

1.2.27 Examples of the proposed containers will be on display at the Board for Members to view.

1.2.28 <u>Exempt Properties</u>

1.2.29 The Group recognise that a number of properties in each district will not be able to accommodate all of the containers required for the provision of our preferred option. Some will have to stay on black sack collections, and alternative methods of collection for the recycling will be provided wherever possible. Currently around 6% of TMBC households fall within this category for the current services. Where possible we provide recycling collections, such as through wheeled bins for paper & cans in communal bin stores, but these are often contaminated. There is no individual ownership of these communal bins and therefore the contamination problem is difficult to resolve. These issues lead onto another subject for Members’ consideration – the retention of recycling bring sites once the new service is introduced.

1.2.30 <u>Recycling Bring Sites</u>

1.2.31 In theory, with the introduction of the proposed services, demand for the recycling bring sites should significantly reduce, which could allow them to be removed. However, as mentioned above, a number of households will not be able to accommodate the full new service and will therefore we still need to consider some level of recycling provision. This Council currently provides over 47 bring sites across the Borough.

1.2.32 Although bring site provision is likely to be able to be greatly reduced, it may be desirable to retain a number of core strategically located sites so that these households have a recycling option and are not unnecessarily disadvantaged. It is proposed to include a provisional price option within the contract specification for

a small number of these strategic sites (approximately 10). This might include banks for mixed paper & card and those for mixed containers (glass, plastic, cartons & metals). We would also look to maintain some of our current textile banks and would review the availability of charity banks for books, CDs & shoes. It is proposed that Officers keep current provision under review and seek to identify key site provision for further consideration at contract award stage, once costs are known. It is also proposed that we carry out a further review of bring site provision following the full implementation of the new NOM collection services. A further benefit to the Council of reducing the number of bring sites could be to free up car parking spaces as many of the bring sites are located in Council car parks.

1.2.33 The timing of the removal of the existing bring site banks would need to be carefully considered in liaison with the successful contractor as part of its mobilisation programme.

1.2.34 Street Cleansing

1.2.35 Although the WKWPG has made significant headway in developing a consistent approach to Street Cleansing operations, this has not been an easy task given that all three districts take a different approach in terms of classification of roads, frequency of cleansing and their contract specification performance and cleansing grades. However, Officers have agreed a way forward and are currently adapting their existing schedules to fit in with the agreed approach which is largely based on the Code of Practice on Litter & Refuse 2006. This was produced by Defra to assist local authorities in being able to demonstrate compliance with their duties set out in the EPA 1990. It is also proposed that the contract specifies a combination of an Input (frequency) and Output (performance) based approach as this is in keeping with current thinking and good practice.

1.2.36 It is recognised that the Council currently provides a good standard of street cleansing. However, the retender and partnership working does present an opportunity to review road categories and some cleansing frequencies, realise efficiencies and include the flexibility to move resources where needed.

1.2.37 High Speed Roads

1.2.38 One of the main areas for discussion is the approach to cleansing on high speed roads. This generally covers dual carriageways where the speed limit is 50 mph and over and includes the following roads:-

Blue Bell Hill, Aylesford (and M2 junction 3 intersection)

Snodland Bypass

Leybourne Bypass

West Malling Bypass

Hale Street Bypass

A21 Tonbridge Bypass

M20 junction 5 (Coldharbour and parts of the intersection to A20)

1.2.39 Since the start of our existing contract, new legislation and guidance from the Health & Safety Executive has seen the introduction of more stringent controls on such operations. This has led to significant levels of additional traffic management, which is reflected in increasing costs to local authorities and their contractors. Fortunately, this Council has benefitted over the last few years as these costs had been initially under-priced and have mainly been borne by our existing contractor.

1.2.40 However, the letting of the new contract poses a significant financial risk to us in this area as a step change in price for the current frequency of service is expected. If TMBC wishes to maintain the current level of cleansing on high speed roads (every 4-6 weeks, which is a significantly greater frequency than any other Kent district), tenderers will include the full cost of these operations and associated traffic management within their price. For illustration only, the current value of this element of work and associated traffic management to TMBC is estimated at around £150,000 per annum.

1.2.41 Understandably, if this element was priced at the current cleansing frequencies it would have a significant impact on any potential savings that might be realised elsewhere within the contract. Although Officers will continue to work with KCC Highways colleagues to utilise joint working and shared traffic management in these areas where possible, should such a price fluctuation occur, then TMBC will not be able to maintain the current level of cleansing and a reduced frequency will need to be adopted. A separate price per occasion will be requested within the tender, so that we can more accurately calculate costs and if considered appropriate review the levels of cleansing as part of the contract evaluation.

1.2.42 For clarification the traffic management required in these areas mainly relates to cleansing of central reservations and channel cleansing by mechanical sweepers. However it will still be possible to cleanse the verges to a higher frequency in some of these areas without this level of traffic management.

1.2.43 <u>Branding</u>

1.2.44 One of the anticipated benefits of the partnership contract is the ability for vehicles and crews to carry out their duties across district boundaries. This would make collection & cleansing rounds more efficient as they would not have to stop half way up a road just because they have arrived at the borough boundary. It is considered that a joint approach to branding of vehicles, uniforms and publicity material would be most effective in principle. It would also reduce any risk of confusion, for example if a TMBC resident sees a Tunbridge Wells branded collection vehicle operating in their road. KCC have been asked to assess any

potential impact on recycling & refuse tonnage data, but have indicated that this would not be a significant issue for their data provision. The WKWPG propose that a joint branding approach be included in the contract documents, with further details and style being considered following contract award.

1.2.45 Saturday Bulky Household Waste & WEEE Collections

1.2.46 Members will be aware of the current service which provides separate collection vehicles operating for household bulky waste and scrap metal and electrical items at 60 sites over a four week period, each month. This service is provided in recognition that KCC does not operate a Household Waste Recycling Centre (HWRC) in the Borough. The current cost of providing this service is around £70,000 per annum, although we do receive a contribution of £20,000 per annum from KCC (Waste Disposal Authority). The service is extremely popular amongst residents and it is hoped that KCC will continue with its financial support as part of the Inter Authority Agreement.

1.2.47 It is proposed that this service be tendered as a provisional price option, with an additional price per site option, so that this can be costed and the considered by Members following tender returns.

1.2.48 Garden Waste Collection Charges

1.2.49 At present, councils already have the power to charge for the collection of certain types of waste, including garden waste. This is permissible under The Controlled Waste (England and Wales) Regulations 2012 and Members will recall that this was discussed and noted at the Advisory Board meeting in June 2017.

1.2.50 Whilst charging for garden waste collection (for those households who wish to opt in) is considered necessary for this authority to underpin the proposed service improvements and potential savings, this will of course be an individual decision for each partner local authority. As previously noted, residents would be able to "opt in" to this chargeable service if they wished to do so and a new bin would be provided.

1.2.51 The introduction of a garden waste charge is in line with the majority of councils in Kent and across the UK. It is also noted that one of the partners, Dartford Borough Council, already provides a separate garden waste collection service at an annual cost of £38. The national average charge for garden waste collection is around £42 per property per annum. The level of charge will be reported to a future meeting of the Board as part of the award of the contract.

1.2.52 Charity, Places of Worship and Parish Council Collection Charges

1.2.53 Under provisions within the Environmental Protection Act 1990 and The Controlled Waste (England and Wales) Regulations 2012, Waste Collection Authorities can make a charge for the collection (but not disposal) of waste from charities, places of worship, Parish Council & village halls.

1.2.54 Currently TMBC does not make such charges, but only provide the same collection services as those available to households and only on request. The numbers of collections at these locations is relatively low, as the waste generated quite often exceeds the capacity offered by our household waste service and organisations usually make their own commercial waste collection arrangements. Both Tunbridge Wells and Dartford Council's do levy a charge. The WKWPG suggests adopting a consistent approach across all partners and Members views are sought as to making a charge for collections from these establishments in this Borough.

1.2.55 Commercial Waste

1.2.56 Due to the well-established and mature commercial waste services operated by a number of private contractors across the partner authorities, it is not considered necessary or desirable to pro-actively introduce our own commercial waste service within this contact. However, we will include provision within the contract specification to satisfy our legal duty to provide this service when requested to do so.

1.2.57 Property Growth

1.2.58 In recognition of the current and anticipated growth in properties and streets within the life of this contract, particular reference will be included within the specification to ensure that this is taken into account and service levels are maintained. An initial overview of anticipated property development will be provided within the contract documents and this will be reviewed on an annual basis.

1.2.59 The ongoing increase in properties will be accommodated within a contract variation pricing mechanism to reflect the increased resources needed.

1.2.60 Vehicle Type and Numbers

1.2.61 The type and number of vehicles was discussed at length during the recent Contractor Engagement sessions. It had initially been thought that contractors might opt for single pass, three compartment vehicles to carry out the recycling and food waste collection service. However, having now had greater operational experience of the proposed collection model on other contracts, there are a number of factors relating to round structure, capacity, vehicle maintenance and availability of spare vehicles that is informing their current thinking. For example, the provision of a separate food waste collection vehicle may be considered to be the most appropriate and efficient method of collection.

1.2.62 It order to provide as much operational flexibility as possible, it is not intended that our contract specification is prescriptive in setting out the type and numbers of vehicles. It is proposed that we set out the range of materials, the frequency of collection and the level of service, but leave the contractors to provide details on the most efficient collection method and the appropriate vehicle specifications.

1.2.63 Marketing & Communications

1.2.64 At the last meeting of this Board Members emphasised the need for good communications with our residents and contractors in delivering the potential changes to the service. The timing of key messages, the methods of communication and the type of information will also be vital in ensuring residents' understanding and the smooth introduction of the service.

1.2.65 This is particularly important in promoting the benefits of the new service alongside the charging for the "opt in" garden waste service. The marketing of the garden waste service in particular will play an important part in achieving good levels of participation.

1.2.66 With this in mind, the Kent Resource Partnership (KRP) has engaged with a Media & Communications company on behalf of the West Kent Waste Partners to prepare an action plan. Although there will be a number of common messages and joint promotion across the partners, it is also intended that the individual authorities work with the company to prepare their own more specific promotion and marketing plans. This will be reported to future meetings of this Advisory Board.

1.2.67 Changes in Law

1.2.68 Inevitably, within the life of this contract there will be changes in guidance and law and this needs to be covered within the conditions of contract. In some contracts, Clients have sought to place the full risk of any changes with the contractor. However, during our Contractor Engagement discussions it became apparent that contractors might front load their pricing or seek additional payment to mitigate against the risk of additional costs associated with these potential changes. It was proposed that a clause that sought to differentiate between foreseeable and unforeseeable changes be included.

1.2.69 Contract & Client Management

1.2.70 The Group has been given legal advice that one of the partners will have to serve as the Administering Authority for the joint contract. This is required to coordinate contractual requirements, manage performance, administer monthly invoices across the partnership, and lead on strategic contract issues. The Group is also considering the potential for joint client management & monitoring functions across the three districts. This may involve joint working between the Waste Services Inspectors employed by the three authorities, whose role is to ensure the performance outcomes included in the documentation are met by the contractor. In Mid- and East Kent, in the main, districts have maintained their own client management teams and functions. The exceptions are Dover & Shepway who now have a shared Waste & Street Scene management team to oversee their parts of the East-Kent contract. Although it is not anticipated that a similar model would be adopted in West Kent from the start of the new contract, Members are

asked to consider if they wish officers to explore opportunities once the new services have been rolled out across all three districts in late 2019.

1.2.71 Mobilisation & Implementation

1.2.72 Like the marketing & communication section discussed earlier, efficient and effective mobilisation is also essential to the success of the new service. Again this is something that was discussed at length with partners and during the recent Contractor Engagement sessions.

1.2.73 While the different contract start dates for each partner authority are noted, there are a number of issues and options regarding the mobilisation phase(s) that will need to be considered. These may include:-

"One hit" implementation on day one of the new contract;

"One hit" at a later point in the contract; and

Staggered across the authority areas or round structure.

1.2.74 One of the key factors in determining the optimum approach relates to vehicle procurement and the timing of the new vehicle fleet availability. It could be that it is not possible to start the new service immediately due to new vehicles not being fully available. On the other hand, with this Council being the first to start their new contract, we may feel a more staggered approach is appropriate, as we 'bed in' the new service and resolve any potential teething problems.

1.2.75 Having discussed this at length with partners and contractors, it is proposed that we specify that the full level of service shall be achieved within six months of the contract start date and assess the various methods of implementation brought forward by the contractors as part of the contract tender evaluation.

1.3 Depot Facilities

1.3.1 It is proposed that the use of our existing depot at Vale Rise, Tonbridge be included within the contract specification as a provisional option. As the use of depots across the three partner authorities is one of the areas where joint working efficiency might be achieved, we do not what to make this a formal requirement. Should our depot not be required, then the Council will look at its options and report back to Members.

1.4 Inter Authority Agreement (IAA)

1.4.1 Preparation of this document is underway and will build on the key principles of joint working featured in the Memorandum of Understanding. The IAA will be necessary to enter into formal partnership arrangements and will be a legally binding contract. This will be a key document that will also include financial disaggregation arrangements between partners. Once prepared this will be reported to this Board for formal approval by Members in November 2017.

1.5 Social Value

1.5.1 Consideration has been given to the Public Services (Social Value) Act 2012 that will apply to this contract. The Act requires the Council to consider how the procurement process and documentation can assist in providing social, economic and environmental benefits. The Open Tender Procedure will allow proper consideration of this and Officers will take this into account when preparing the detailed contract specification and evaluation criteria. The social, economic and environmental benefits offered can only be scored as part of the evaluation criteria for the tender if they are sufficiently linked to the subject matter of the contract.

1.5.2 Officers have considered this and believe that environmental and sustainability issues are sufficiently linked to the subject matter of the contract to be part of the evaluation criteria. In addition it is envisaged that in a contract of this scale and value, that economic benefit to the partner authorities' administrative areas will be achievable. It is therefore proposed that contractors submitting tenders be requested to submit details of how they would be able to provide a sustainable and environmentally friendly bid over and above those matters in the technical specification and that they specifically identify the economic benefits which they are willing to offer as part of the contract package (e.g employment of NEETS, training opportunities, apprenticeships etc.). These will be evaluated as part of the Contract award process, subject to member's formal approval of this element within the evaluation criteria which will be brought to members for approval in November 2017.

1.5.3 It is proposed that the successful Contractor's tendered offer of social, economic and environmental benefits will form part of the overall contract solution and be enforceable by the partner authorities to ensure that the benefits materialise.

1.6 Policy Considerations

1.6.1 Communications

1.6.2 Community

1.6.3 Customer Contact

1.6.4 Procurement

1.7 Legal Implications

1.7.1 The Council has a legal duty to provide waste and street cleansing services. Due to the contractual and partnership aspects of this project regular and timely legal services guidance is essential in taking this forward. The Procurement will be carried out in accordance with all current legislation, including the Public Contract Regulations 2015.

1.7.2 A number of legal considerations have been highlighted and are captured on the project timetable and are being led by Tunbridge Wells Borough Council. This includes specific involvement with the Inter Authority Agreement, the Conditions of Contract and the procurement process. Our own Legal Services Officers are represented at TMBC's Officer Project Group and are also included in the WKWPG legal services sub group.

1.8 Financial and Value for Money Considerations

1.8.1 The current refuse, recycling and street cleansing services contract has a value of around £3.8m per annum and subject to an annual inflationary increase. The overall collection, disposal and street cleansing costs across the partner authority areas are in excess of £20m per annum. With such large sums involved, there are opportunities for savings and efficiencies as well as service improvements.

1.8.2 It is estimated that joint working and a more consistent approach to collection and disposal of waste and recycling could realise savings of over £3m per annum across the three authority areas. A large part of the potential savings will come from reduced disposal costs and additional income generation. Although the detail of how any savings will be shared between authorities is still being discussed, there is an overriding principle and an acknowledgement that this needs to be fair and equitable, and adopt a performance based approach. The financial mechanism for sharing savings will be included in the Inter Authority Agreement (IAA) and referred to as the recycling support payment. The recycling support payment will replace recycling credits and other payments currently paid by Kent County Council.

1.8.3 It is proposed that there be a separate IAA between each of the waste collection authorities and the waste disposal authority. Matters to note, consider and reflect as appropriate in the IAA include:-

- recognition that increased cost as a result of a decision of the waste disposal authority in respect of the location of waste disposal sites is met by that authority; and reflected in an appropriate "Tipping Away" payment;
- mechanism to reflect growth in property numbers each year;
- capital investment on the part of the waste disposal authority to be reflected in the IAA of the waste collection authority in which the investment is to be made;
- capital investment on the part of the waste collection authority to be met by the authority (how that capital investment is funded to be determined);
- waste collection authorities to retain all income derived from charging from garden waste;
- waste collection authorities to retain any savings derived from a reduction in their recycling bring site provision; and

- the IAA to continue for at least the length of the contract other than for a material breach.

1.8.4 Due to changes in legislation and guidance since the last contract was let (in particular around health & safety and traffic management requirements) it is felt that the current street cleansing specification is likely to incur a cost increase. This aspect and how any potential increase cost can be mitigated is being looked at as part of the retendering exercise and any opportunities for joint efficiencies explored.

1.8.5 There is an expectation that the Waste Services Contract will make a significant contribution towards the contract savings target reflected in the current Savings and Transformation Strategy.

1.8.6 It is felt that additional income generation will be a key part of being able to offer improved collection services, maintain high street cleansing standards and realise an overall saving for this Council. Charging for garden waste collection on an “opt in” basis will be a key factor. Work on how it is to operate in practice and preparation of a charging policy not least payment arrangements will need to commence well in advance taking into account the not insignificant upfront planning and preparatory work required. Further details will be reported to future meetings of this Board.

1.8.7 It is recognised that the first year income/savings may not be fully released during mobilisation/implementation of the new service.

1.8.8 The KRP has supported this project with budget provision for waste consultancy work and the procurement process.

1.9 Risk Assessment

1.9.1 The Council has a duty to provide waste and street cleansing services within the borough. The value, the type of work and the high profile nature of the service give rise to a number of potential risks (financial, health & safety and reputational risks). In addition, there are further potential risks associated with delivering a joint contract in partnership with other authorities.

1.9.2 The WKWPG has recognised the need to assess risks and has already drafted a risk management register for the overall delivery of the project. It is envisaged that the key elements will be regularly monitored and reviewed to ensure that the project stays on track.

1.9.3 In addition, our Internal Audit Team (also represented in the TMBC Officer Project Group) has highlighted the Waste Services Contract Retender as a key area for focus.

1.9.4 There is a potential risk that at the end of the contract period the IAA is not renewed and the Recycling Support Payment (RSA) no longer received. However,

this is thought to be unlikely, as the Waste Disposal Authority has a vested interest in achieving the level of performance anticipated by the NOM collection method. If the RSA was withdrawn making the collection method no longer affordable to the Waste Collection Authority, this would jeopardise the joint savings being generated by working in partnership.

1.10 Equality Impact Assessment

1.10.1 Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to (i) eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010; (ii) advance equality of opportunity between people from different groups; and (iii) foster good relations between people from different groups.

1.10.2 There are a number of individual specification and service elements associated with a contract of this size which will deal with protected characteristics under the Equality Act to ensure that the Service adequately affects those person who are affected e.g a pull out service for those who require assistance such as disabled residents or those who are frail and elderly etc.. Although it is not envisaged that any particular group will be disadvantaged by this contract, the need to carry out a detailed Equality Impact Assessment has been noted by the WKWPG and will be included within the formal contract documents.

1.11 Conclusion

1.11.1 The proposed specification and service level issues outlined in this report meet the stated aims of service improvement, financial savings and increased rates of recycling. The introduction of the kerbside collection of glass, cartons, plastics and weekly food waste collection would represent a major benefit to householders in the Borough, and meet an expressed demand for this service. Whilst the precise level of savings to this authority are yet to be determined, it is anticipated that these will make a positive contribution to the Council's Savings & Transformation Strategy. This authority's recycling rate has plateaued over recent years and the proposed way forward would provide a real opportunity to improve performance.

1.12 Recommendations

1.12.1 It is **RECOMMENDED** to Cabinet that:

i) the way forward with regard to the Waste Services Contract specification and service levels outlined in the report be agreed;

ii) a further report on the Inter Authority Agreement, cost analysis and financial arrangements be reported to the November 2017 meeting of the Board;

iii) the evaluation criteria for the award of the contract be considered at the November 2017 meeting of the Board;

iv) a detailed marketing and communications plan be reported to a future meeting of this Board; and

v) opportunities for joint client management across the West Kent Partners be explored.

The Director of Street Scene, Leisure and Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers: contact: Dennis Gardner

Nil

Robert Styles
Director of Street Scene, Leisure and Technical Services

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT INFORMATION

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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