

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

05 November 2018

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

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 WASTE SERVICES CONTRACT

Summary

This report updates Members on the implementation of the new Waste Services Contract. It seeks approval of detailed proposals relating to the new opt-in garden waste charge, and the mobilisation of the new improved services.

1.1 Background

1.1.1 At the last meeting of this Board Members considered two reports on the new Waste Services Contract and made a number of recommendations to both Cabinet and Council. The notable decisions taken at the meeting, which were subsequently endorsed by Cabinet/Council, can be summarised as follows:-

- the new Waste Services Contract for Tonbridge & Malling Borough Council and Tunbridge Wells Borough Council be awarded to Urbaser Ltd from 1st March 2019;
- 10 existing strategically located bring sites be retained;
- the existing Saturday Bulky Household Waste & WEEE collections be retained (excluding garden waste);
- high speed roads continue to be cleansed 12 times a year;
- the proposed Inter Authority and Joint Working Agreements be approved with delegated authority granted to the Director of Street Scene, Leisure & Technical Services and Director of Finance & Transformation to make any final amendments in liaison with the appropriate Cabinet Members;
- the procurement of new containers be progressed, funded through the Capital Plan; and

- a marketing/communication budget be established, funded from the Invest to Save reserve.

1.1.2 In addition to the above, Members also approved a standard fee of £40 p.a. for the new opt-in garden waste charge with further details, including an 'early bird discount', reported to this meeting.

1.2 General Update

1.2.1 Following the last meeting of this Board, all of the tenderers were advised of the outcome of the procurement exercise with details shared on the evaluation scores for each tenderer. This, as is normal practice, resulted in a number of more detailed questions being asked by the unsuccessful tenderers, all of which were responded to as appropriate. No challenge to the award of contract was received during the standstill period, which is a set time within which the authority is not entitled by law to enter into the Contract to allow a potential challenge to be made. Arrangements are now underway to progress the formal award and signing of the contract with Urbaser.

1.2.2 Weekly meetings are taking place between Urbaser and the Officer teams from both local authorities to discuss the implementation of the contract, and separate meetings are also taking place with the contractor to focus on Information Technology and Communications. The meetings are very productive with good progress being made.

1.2.3 At the last meeting of this Board Members approved a draft Inter Authority Agreement. A number of minor changes were made to the Agreement by Officers from this Council and KCC, and the document has been finalised. The final copy of the document has been approved by the Cabinet Members for Street Scene & Environment and Finance, Innovation & Property and has been will be forwarded to KCC for signature.

1.2.4 At the last meeting of this Board Members agreed that the role of Contract Partnership Manager be undertaken in the first year of the new contract by this authority. I am pleased to advise Members that the role will be undertaken by the Street Scene Manager, who will be responsible for the administration of the contract and the production of an annual Service Plan on behalf of the two local authorities. The first annual Service Plan will be reported to a future meeting of this Board, with progress monitored on a regular basis by Members. The Partnership Manager will have additional responsibilities relating to the mobilisation of the new contract leading up to the contract start date on 1st March 2019.

1.3 Garden Waste Charges

1.3.1 At its meeting on 18th September 2018, Council agreed the new opt-in garden waste charge at the standard rate of £40 per year, with further detail on a reduced introductory charge considered at a future meeting of this Advisory Board.

1.3.2 I have attached at **Annex 1** a copy of the proposed terms and conditions for the chargeable garden waste collection service. Key aspects can be noted as follows:-

- garden waste will only be collected from properties subscribed to the service;
- subscribers will receive a brown 240 litre wheeled bin. The use of bins with different coloured lids was carefully considered but was not felt to be feasible due to the different range and style of bins already being used, and the limitations this approach would place on procurement options in the future. Smaller 140 litre bins can be requested for the same subscription fee;
- the subscription is due for renewal on the anniversary of the first collection and is payable annually in advance. Refunds will not be given once the annual subscription has been paid;
- additional garden waste bins can be ordered subject to a further subscription charge, with a maximum of three garden waste bins per property. The restriction to three bins as a maximum has been suggested by Urbaser based on previous experience. Where no limit is placed on the number of bins, commercial gardeners have taken advantage of this by trying to avoid their waste carrying duties by using the resident's bins. Urbaser has identified a particular local authority that recently experienced problems with landscapers ordering bins on behalf of residents so they could offer competitive rates as they did not have to factor in the disposal cost;
- those properties assessed as unsuitable for wheeled bin collections can subscribe for three 90 litre re-usable hessian bags for the same subscription rate;
- an assisted collected service is available to residents who meet the Council's assisted collection criteria;
- no additional garden side waste will be collected;
- residents will be able to share a bin with a neighbour, so long as one of them takes out a subscription; and
- no concessionary charge will be applied. This reflects that the charge is not mandatory, alternative options exist including home composting and the comparatively low level of full charge. No other local authority in Kent offer a concessionary charge and it is important to note that the Council needs to be able to cover the cost of the service levied by the contractor and the associated administration costs.

1.3.3 With regard to the introductory charge it is proposed that there will be an introductory offer for residents who sign up early, of only £35. The introductory offer will be made available over a three month period in advance of the start of

the new arrangements and for those who sign up during that period, this price will be held for the first two years. It is hoped this will encourage a good take up of the service. The exact timing of the introductory offer is currently being discussed with Urbaser and Members will be updated at the meeting.

1.3.4 A query was raised by the Member Group regarding whether a resident can put out green hessian bags in addition to their garden bin. Except in the case of properties deemed unsuitable for wheeled bins referred to above this will not be permitted under the new arrangements due primarily to the health and safety of the contractor's operatives and the inefficiencies of such an approach in operational terms. This is in line with the recommendations of the Health and Safety Executive (HSE) in relation to manual handling in refuse collection as follows:

- Wherever possible, refuse collection should be carried out using wheeled bins of appropriate sizes rather than bags or small dustbins.
- As Government policy is to increase the amount of waste recycled, schemes which encourage householders to separate recyclable waste will become more common. Where recycling collections are made by local authorities or their contractors, separate wheeled bins should be provided wherever possible.

1.3.5 In May 2012, the HSE undertook an inspection of waste collection including green waste, in Tonbridge and Malling. It was recognised that it could be difficult to remove the green waste from the bags and as a result of this a recommendation was made by the HSE to consider supplying an additional green waste wheeled bin to ease the problems associated with emptying bags. The HSE has also recommended that all reasonably practicable methods should be used to prevent the breathing of dusts and bio aerosols by adopting systems of work that minimise the amount of dust becoming airborne and working practices that minimise dust and bio aerosols being breathed in. Avoiding working methods which involve double tipping (decanting from bag to bin) are recommended.

1.3.6 Residents with larger gardens will therefore need to subscribe for an additional bin(s) and Members of the Board may wish to consider whether a discounted rate of say £25 p.a. for each additional bin would be appropriate. The option of a larger 360 litre garden bin has been explored but this will not be feasible due to the weight of the bins causing manual handling issues for the operatives and the likelihood that these bins would be damaged or snap off the bin lift mechanism on the vehicles. Crews manoeuvring these bins over uneven surfaces and down kerbs to the freighter would be at higher risk of injury. No other authorities in the UK offering 360 litre bins for garden waste have been identified.

1.4 Mobilisation Arrangements

1.4.1 Members will be aware from previous reports that the new contract will commence on 1st March 2019, with initial existing service arrangements remaining

unchanged. Within the Contract Conditions Urbaser are required to introduce the new service arrangements between July – November 2019.

- 1.4.2 Urbaser has brought forward a detailed implementation plan of the new recycling services which will commence from 30th September 2019 and will include the introduction of the opt-in garden waste service, the mixed dry recycling collections and the new food waste arrangements. The timing of this is linked to the peak demand for garden waste ending, freeing up vehicles and staff, and also enables sufficient time for the provision of testing of the new vehicles by Urbaser.
- 1.4.3 The new brown garden waste bins will be delivered to subscribers before the service starts on 30th September. The green lidded bins will have a sticker placed on the lid following the last collection of garden waste, to inform the residents that this receptacle is now to be used for recycling.
- 1.4.4 As previously reported to Members Urbaser has confirmed that it will also introduce kerbside collections of small items of WEEE and textiles, with communication on the new service arrangements and timescale closely co-ordinated with the Council.

1.5 Marketing/Communications

- 1.5.1 At the last meeting of this Board Members considered and endorsed a Strategic Communications Overview, which will provide a framework for a more detailed Operational Marketing Plan. The Marketing Plan is currently being developed in liaison with Urbaser's marketing consultant and will be shared with the Member Group prior to being reported to the next meeting of this Board for approval.
- 1.5.2 In the meantime a detailed set of Frequently Asked Questions has been developed in liaison with the Member Group and displayed on the Council's website. These will be updated on an ongoing basis. Presentations have been made to both Tonbridge Forum and the Parish Partnership Panel and a full programme of presentations to interested parties will be incorporated within the Marketing Plan. A joint press release with Tunbridge Wells Borough Council has been issued announcing the award of the contract. Urbaser will also be developing its own Communications Plan which will include vehicle livery, staff uniform, media releases, delivery of leaflets and the use of its website & social media outlets. Close liaison with Urbaser on all marketing initiatives will be maintained to ensure consistent messaging and to maximise the benefit from budgets.

1.6 Information Technology

- 1.6.1 A crucial element to the success of the new contract arrangements will be the use of new technology, both in regard to the flow of information between the contractor and the client authorities, and with residents, particularly regarding the subscription arrangements for the garden waste service.

- 1.6.2 Urbaser will be introducing a new single system, Whitespace Work Software, to streamline the services involved in the management of the contract. The software provides the contractor's Supervisors with the ability to manage their teams more efficiently, with crews able to access and update their workload through mobile devices. The software enables the allocation of work to the appropriate team, simplifies ad-hoc requests, provides real time communication, automatically generates round sheets and helps record and manage complaints. Officers from both the local authorities have attended an initial meeting with Urbaser and Whitespace, with ongoing meetings programmed for the future.
- 1.6.3 Over the next few months the IT arrangements will be developed and in particular the proposals for the garden waste subscription service will be determined. Options exist for this to be progressed by Urbaser on behalf of the local authorities, a joint approach with Tunbridge Wells Borough Council, or a standalone system for this Council. These arrangements will be reported in further detail to the February 2019 meeting of this Board.

1.7 Legal Implications

- 1.7.1 The Council has a legal duty to provide waste and street cleansing services. The new Waste Services Contract was undertaken in compliance with all current legislation, including Public Contract Regulations.
- 1.7.2 The introduction of the new service arrangements is considered to assist the Council in meeting its requirements under the Waste (England & Wales) Regulations 2011, which are to provide separate collections where necessary to achieve high quality recycling.
- 1.7.3 As part of their tender submission Urbaser stated that they intend to use the Council's existing Vale Rise depot (shown at **Annex 2**) in order to facilitate the service. This will require the granting of a new lease on the following terms:
- Term – 16 years (in line with the contract), with a Landlord's break option at 8 years
 - Rent - £1 p.a.
 - The lease will be 'Contracted Out' of the Landlord and Tenant Act 1954 to ensure the Tenant does not obtain security of tenure at the end of the term
 - The Tenant to be responsible for repair and maintenance of the premises

1.8 Financial and Value for Money Considerations

- 1.8.1 At the last meeting of this Board Members received a detailed financial appraisal of the new Waste Services Contract, and the financial implications will be reflected in the revenue budgets reported to the Finance, Innovation & Property Advisory Board later this financial year.

1.8.2 The annual gross level of income for the opt-in garden waste service is forecast to be £550,000, which is based on a take up rate of 30%. The Council's Capital Plan will incorporate £600,000 to reflect the need to purchase new garden waste bins and internal and external food caddies. A revenue budget of £100,000 has been approved by Council to fulfil the Operational Marketing Plan, funded in full from the Invest to Save earmarked Reserve. Furthermore a one off payment will be required for IT systems in order to incorporate payment facilities for garden waste charges. This is still under investigation with the Councils IT suppliers and will be reported at the meeting.

1.9 Risk Assessment

1.9.1 A Project Steering Group has been established by this Council, Tunbridge Wells Borough Council and Kent County Council to oversee the implementation and ongoing management of the Waste Services Contract.

1.9.2 This authority is represented on the Group by the Head of Street Scene & Leisure. The Contract Partnership Manager reports regularly to the Steering Group on progress and any key issues are addressed.

1.9.3 Weekly meetings are being undertaken with Urbaser to ensure good levels of communication are maintained, and the Operational Marketing Plan will ensure residents are kept fully informed and encouraged to embrace the new service arrangements.

1.9.4 A significant amount of information will be shared between the Council and contractor. It is essential that all requirements of the General Data Protection Regulations are met and these are fully outlined in the Contract Conditions. In addition, and in line with good practice, a Data Protection Impact Assessment will be undertaken to screen for areas of risk, with appropriate measures actioned to address any concerns raised.

1.10 Equality Impact Assessment

1.10.1 A full Equality Impact Assessment (EQIA) was reported to the last meeting of this Board.

1.11 Policy Considerations

1.11.1 Communications

1.11.2 Community

1.11.3 Customer Contact

1.11.4 Procurement

1.12 Recommendations

1.12.1 It is **RECOMMENDED to CABINET** that:-

- i) the actions taken by the Directors of Street Scene Leisure & Technical Services and Finance & Transformation in liaison with the Cabinet Members for Street Scene & Environment and Finance, Innovation & Property to approve the final Inter Authority Agreement be noted;
- ii) the detailed terms and conditions and early bird discount proposed for the garden waste charges be approved, as outlined in the report;
- iii) a discounted subscription rate of £25 per annum for each additional garden waste bin be approved;
- iv) the mobilisation arrangements for the new service arrangements as outlined in the report be agreed;
- v) an Operational Marketing Plan be reported to the next meeting of this Board following initial consideration by the Waste Contract Member Group; and
- vi) a Data Protection Impact Assessment be undertaken with any resultant actions implemented;
- vii) a lease of the Vale Rise depot to be granted as per the terms outlined in the report.

The Director of Street Scene, Leisure & 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: Darren Lanes

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services