

Meeting: Cabinet
Date: 4 April 2024
Classification: Part 1 with Part 2 (Confidential)
Appendices
Key Decision: No
Title of Report: **Waste Collection Contract Procurement**

Executive Director: Joe Chesterton (Finance & Resources) and Alan Richards (Environment & Place)
Report Author: Andrew Barnes (Head of Internal Audit) and Jo Gay (Head of Environment)
Executive Councillor: Cllr Tony Cox (Leader, Cabinet Member for SEND) and Cllr Meg Davidson (Deputy Leader, Cabinet Member for Environment)

1. Executive Summary

- 1.1. On 11 March 2024, Place Scrutiny Committee met (pre-Cabinet) to consider the Waste Collection Contract Procurement update paper which was to be considered at Cabinet on 14 March 2024.
- 1.2. On 14 March 2024, Cabinet noted the report and indicated that it would like the matter to be referred to Full Council to ensure the widest possible engagement with all councillors. Cabinet also promoted an all-member drop-in session on 19 March 2024 to provide an opportunity for any councillors to meet with officers and raise any further items they wish for Cabinet to consider feeding into the closing stage of the competitive dialogue process and to discuss any other concerns or queries.
- 1.3. Full Council considered the Cabinet report and covering paper at its meeting on 21 March 2024 where there was further opportunity for councillors to suggest any further matters they felt should be included in the final stages of the procurement.
- 1.4. This report now asks Cabinet to consider the matters raised at Place Scrutiny on 11 March, the drop in on 19 March and at Council on 21 March 2024 and make the necessary decisions to allow the procurement for the Waste and Street Cleansing contract to continue.

2. Recommendations

- a) **That Cabinet acknowledges the suggestions and ideas put forward by Councillors as set out in Appendix 3, 4 and 6 to this report.**

- b) That Cabinet agrees the recommendations set out in the 14 March 2024 Cabinet report (Appendix 1) and repeated below for ease of reference, subject to any clarifications and/or amendments that Cabinet may wish to be included in the final stage of competitive dialogue following consideration of the grouped themes of feedback at Appendix 7 (to follow) such matters to be noted in the Cabinet minute.

Recommendations repeated from 14 March 2024 Cabinet Report where it was recommended that Cabinet (NOTE: the references below are references to the relevant sections and appendices to the 14 March 2024 Cabinet Report):

- a) notes the internal audit and external legal assurance provided in respect of the procurement process;
- b) notes the service parameters that have been developed through extensive dialogue with bidders during the ongoing competitive dialogue process and incorporated into the service specification as set out in Appendix 1;
- c) agrees the updated service parameters as set out in paragraph 6.4;
- d) notes the findings of internal audit on the decision making process as set out in Part 2 (Confidential) Appendix 3;
- e) notes that approval for the programme has been provided, but through a different decision-making route than that originally planned as set out in the 14th June 2022 Cabinet report;
- f) notes that the procurement process will proceed to its conclusion in accordance with the procurement process that is already in place as set out in Table 1 in section 6 of this report;
- g) requires the Executive Director for Environment and Place to make future recommendations to the Leader, Cabinet Member for SEND and Deputy Leader, Cabinet Member for Environment to agree any final terms, conditions, service delivery principles, service specifications and other commercial and operational matters as required to conclude the procurement process;
- h) receives a further cabinet report in due course to agree the award of the contract;
- i) agrees that a further report on the whole procurement process is prepared following the conclusion of the procurement.

3. Background

- 3.1. On 11th March 2024, Place Scrutiny Committee (in undertaking pre-Cabinet scrutiny) considered the Waste Collection Contract Procurement update report in advance of Cabinet on 14th March 2024 (Report attached at **Appendix 1 along with, at Appendix 2, the Part 2 (Confidential) Appendices to that report. (Confidential) Appendix 2: Summary of external legal advice and Appendix 3: Internal Audit findings to the Cabinet paper - Waste Collection Contract Procurement update.**
- 3.2. At Place Scrutiny Committee, councillors were invited to make recommendations to Cabinet and to raise questions regarding the specification for the new contract.
- 3.3. The suggestions and questions from Place Scrutiny Committee are listed at **Appendix 3.**
- 3.4. At its meeting on 14th March 2024, Cabinet noted the report and requested that the matter be referred to Council to ensure the widest possible opportunity for engagement by all Councillors and openly invited all councillors to engage in a drop-in session arranged for 19 March 2024.
- 3.5. The ideas and matters captured at the drop-in session on 19 March 2024 are set out at **Appendix 4.**
- 3.6. Council was presented with a further report (attached at **Appendix 5 without the Appendices to that report again to avoid repetition**). Council debated the matter; some additional matters were raised, and these are set out at **Appendix 6.** Council then noted the 21 March 2024 Council report.
- 3.7. This report therefore draws together all this engagement activity and there will need to be a supplementary further **Appendix 7 to follow** which will draw together all the matters raised into themes for Cabinet's consideration and to enable Cabinet to provide its view on the further matters it would like officers to introduce into the final stage of competitive dialogue process. Appendix 7 will regrettably need to follow due to the work required after Council on 21 March 2024 to draw all the issues together for consideration by Cabinet. This will be published as soon as possible.

4. Reasons for Decisions

- 4.1 The rationale for each of the recommendations is set out in the 14 March 2024 Cabinet report.

5. Other Options

- 5.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

6. Financial Implications

6.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

6.2. There may be financial implications once the various elements have been presented to bidders through competitive dialogue. Officers will work to minimise any financial impact on the annual contract price and in any event the relevant matters can be reported back to Cabinet when Cabinet considers the contract award.

7. Legal Implications

7.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

8. Policy Context

8.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

9. Carbon Impact

9.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

10. Equalities

10.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

11. Consultation

11.1. As detailed in the 14 March 2024 Waste Collection Contract Procurement update paper.

12. Appendices

- **Appendix 1:** 14 March 2024 Cabinet report - Waste Collection Contract Procurement update
- **Appendix 2: Part 2 (Confidential) – Appendices to March 2024 Cabinet report:**
 - Part 2 (Confidential) Appendix 2a: Summary of external legal advice; and
 - Part 2 (Confidential) Appendix 2b: Appendix 3: Internal Audit findings to the Cabinet paper - Waste Collection Contract Procurement update

- **Appendix 3**: Matters Raised at Place Scrutiny Committee on 11 March 2024
- **Appendix 4**: Matters raised during the councillor drop-in session on 19 March 2024.
- **Appendix 5**: Report to Council 21 March 2024 (without appendices to avoid duplication).
- **Appendix 6**: Matters raised at Council on 21 March 24.
- **Appendix 7**: All matters raised, themed for consideration by Cabinet (to follow)

13. Report Authorisation

| This report has been approved for publication by: | | |
|--|--|------------------------|
| | Name: | Date: |
| S151 Officer | Joe Chesterton | 25.3.2024 |
| Monitoring Officer | Susan Zeiss | 25.3.2024 |
| Executive Director(s) | Alan Richards | 22.3.2024 |
| Relevant Cabinet Member(s) | Cllr Tony Cox – Leader Cllr Meg Davidson – Cabinet Member for Environment | 25.3.2024 25.3.2024 |