

Report to the Cabinet

Report reference: C-077-2014/15

Date of meeting: 13 April 2015



Portfolio: Environment

Subject: Waste Management Partnership Board

Responsible Officer: Qasim (Kim) Durrani(01992 564055).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To recommend to the Council the re-establishment of the Waste Management Partnership Board for monitoring service performance of the waste management contract with Biffa Municipal Limited;**
- (2) That the Council's membership of the Board be recommended to the Council for approval as follows:**
 - (a) The Environment Portfolio Holder (Chairman);**
 - (b) The Finance Portfolio Holder;**
 - (c) The Director of Neighbourhoods;**
 - (d) The Assistant Director Technical; and**
 - (e) The Council's representative under the Contract;**
- (3) That Biffa's membership of the Board to consist of five members; and**
- (4) That the attached Terms of Reference be recommended to the Waste Management Partnership Board for approval.**

Executive Summary:

The Council let a 10 year waste management contract to Biffa Municipal Limited on 4 November 2014. The contract covers all household waste and recycling collections and street cleansing services. The previous contract benefited from a Waste Management Partnership Board (WMPB) which was responsible for strategic oversight of the contract. The arrangement worked very well and enabled the Council to achieve a number of innovations and service enhancements (introduction of weekly Food and Garden recycling service, recycling of street cleansing arisings, publicity campaigns and organising events in schools etc).

In light of the success of the previous Board, it is recommended that a similar WMPB be established for the Biffa contract. The membership and Terms of Reference of the Board to be such that it can make strategic decisions on the service delivery and efficacy of the waste

management services.

Reasons for Proposed Decision:

The new waste management contract is designed to be collaborative, non-confrontational and based on a partnership approach to service delivery. The purpose of the Board is to provide higher level strategic oversight and leave the day to day operational matters to the local management teams. This will allow the Council and Biffa to develop a long term sustainable partnering relationship. The Board enables consideration of innovation and enhancement to service delivery. The Board is not an executive decision making body and appropriate executive decision will be sought from Cabinet or the Portfolio Holder.

Other Options for Action:

To not re-form the WMPB. However, this will result in the loss of an opportunity to create a positive partnering relationship with Biffa.

To establish the Board with a different membership structure or different terms of reference. This is not recommended as the previous Board has worked well and it is logical to use the experiences learnt from the previous Board rather than start afresh.

Report:

1. The procurement for the new waste management contract was undertaken through the Competitive Dialogue process. The Council made it clear to all bidders at the various stages of Dialogue that it had a preference of a partnering approach to this contract. There was a requirement for the bidders to provide details of partnering arrangements for management of the contract and this was evaluated as part of the tender award process. By formally approving a Waste Management Partnership Board for the management of this contract the Council will be showing its commitment to the partnering arrangements **(recommendation 1)**.

2. The Board is not an executive decision making body. Its purpose is to provide strategic oversight and review performance against agreed objectives. The key functions of the Board would be:

- (a) to monitor service performance;
- (b) to encourage innovation;
- (c) to manage the contact proactively;
- (d) to develop, strengthen and encourage partnership working;
- (e) to seek rapid and fair resolution of differences;
- (f) to review the Partnership and its performance; and
- (g) to report to the Cabinet as necessary.

3. The Board will not involve itself with day to day operational issues. The previous WMPB consisted of two elected Members: the Environment Portfolio Holder (chairman) and the Finance and Technology Portfolio Holder, who were supported by officers. It is recommended that a similar membership should be considered along with three officers as members: the Service Director, Assistant Director and the officer overseeing the contract

(recommendation 2).

4. In order to have parity it is recommended that Biffa be invited to nominate the same number of members as the Council, with at least one Biffa Board Director to be present at each meeting **(recommendation 3).**

5. For the Board to be effective it needs to have clear terms of reference. The previous contract was delivered under a Partnership Board, which operated for the 7 year life of the contract. New Terms of Reference have been drawn up for the WMPB, which incorporate lessons learnt from the operation of the previous Board. These are attached an appendix **(recommendation 4).**

Resource Implications:

There are no resources implications arising from the formation of the WMPB.

Legal and Governance Implications:

Relevant legislation includes:

- Environmental Protection Act 1990
- Controlled Waste Regulations 1992
- Local Government & Finance Act 1988
- Household Waste & Recycling Act 2003

Safer, Cleaner and Greener Implications:

The waste management service offers key front line services that are crucial to the health and wellbeing of the residents of the district. The new contract offers significant environmental enhancements ranging from reduced carbon emissions to increased recycling.

WMPB will have oversight of the performance and effectiveness of the contract. It will be able to monitor performance, including the levels of recycling, and approve initiatives to reduce the overall tonnage going to landfill.

Consultation Undertaken:

Representatives from Biffa are in agreement with the proposed arrangements.

Background Papers:

Previous Cabinet reports on the procurement and award of the Biffa contract.

Risk Management:

Dispute resolution:

If a WMPB is not approved then the Council will lose an opportunity to formally discuss contractual matters with its long term contractual partner. This will mean that any performance issues will be dealt with under the formal procedures stipulated in the contract between the Council and Biffa. This can lead to a confrontational and adversarial approach and will be dictated by each side's interpretation of the clauses in the contract.

Innovation and service enhancement:

The previous WMPB allowed consideration of a number of service enhancements and innovations in service delivery. This was made possible because the Board could consider

jointly prepared proposals and recommend more detailed business cases for approval to Cabinet. In the absence of a WMPB opportunities for joint up working would be limited.

Due Regard Record

This page shows which groups of people are affected by the subject of this report. It sets out how they are affected and how any unlawful discrimination they experience can be eliminated. It also includes information about how access to the service(s) subject to this report can be improved for the different groups of people; and how they can be assisted to understand each other better as a result of the subject of this report.

S149 Equality Act 2010 requires that due regard must be paid to this information when considering the subject of this report.

The waste management service provides services to all residents across the District as well as looks after the cleanliness of the streets and adopted highways. The service has to be cognisant of the needs and requirement of all residents, visitors and businesses while providing the range of services. Out of the specific group or characteristics that the Council has a legal duty to have due regard for the following are affected by the services provided under the waste management contract:

- (a) Age (elderly or infirm)
- (b) Disability
- (c) Religion or belief
- (d) Race (various ethnic groups)

There are already policies and practices in place for residents in the above categories, for example assisted collections, ability to provide information in different languages or format such as Braille, special collections arrangements (when prearranged) to fulfil requirements of religious holidays and ceremonies.