

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Cllr Cooper Cabinet member for environment, climate change and nature recovery
Key decision?	Yes
Date of decision (same as date form signed)	04/05/2024
Name and job title of officer requesting the decision	William Maxwell Waste Project Manager
Officer contact details	Tel: 07523939193 Email: William.maxwell@southandvale.gov.uk
Decision	For the council, acting jointly with Vale, to begin two specific procurement exercises. These are specifically to resolve the need for access to a transfer facility for recyclable material collected from households, and the need for the dry mixed recyclable (DMR) material to be reprocessed. The reprocessing contract may also include haulage from the transfer station to the re-processor.
Reasons for decision	<p>The council is statutorily responsible for the collection of household waste and recycling. It is also responsible for the bulking of dry mixed recycling DMR and the transfer of it to a suitable reprocessing site where it can be sorted ready for onward transfer to material markets.</p> <p>The two specific functions of a waste transfer station and DMR reprocessing (including the haulage of the material) are currently within the contract with Biffa, which will end in June 2026.</p> <p>The current waste depot, that includes a transfer facility, will cease to be available for council use. Whilst alternative depot facilities are being sourced, officers are assured that the transfer station function will not be able to be delivered within any potential sites identified for a new depot.</p> <p>The current DMR arrangement with Biffa is due to end in June 2026, although the current provider (Biffa Edmonton) may provide beyond this date subject to the procurement.</p>

	<p>These two functions are highly specialised and technical, and so officers do not recommend they should be provided by the council directly. Based on officer advice, irrespective of how the council decides to provide waste collection and street cleansing services beyond June 2026, these specific functions will need to be procured.</p> <p>The council intends to issue, jointly with Vale, an Invitation to Tender (ITT) for the transfer station service contract in May 2024 and for the reprocessing of DMR before the end of March 2025.</p> <p>Each contract will last for between five and eight years, with a choice to extend within the eight years.</p> <p>The standard procurement approach of the council will be followed for transfer station services, except in the evaluation criteria, which will be based upon 60% quality and 40% cost. The reason for this is that an element of quality to the council will be determined by the location of the transfer station in relation to other infrastructure.</p> <p>The standard procurement approach of the council will be followed for reprocessing of DMR.</p> <p>These contracts will be procured separately as officers believe there is a very low likelihood of a bid from an operator of a suitably combined transfer station and DMR reprocessing MRF site. Officers also believe that there are currently no suitable MRFs operating within a distance from the depot that would negate the need for a transfer station.</p> <p>The reason for making this decision now is that it gives the maximum opportunity for the market to be tested and for a suitable solution to be found in time for June 2026.</p> <p>These procurement processes provide the maximum opportunity to maintain service continuity and to ensure best value and low carbon impact from the new contracts.</p> <p>Therefore the decision is to procure contracts for new transfer station services, dry mixed recycling reprocessing (including haulage).</p>
<p>Alternative options rejected</p>	<p>A combined depot and transfer station was considered but is highly unlikely to be sourced within the required timescale.</p> <p>A decision to procure these specific services could be made after the new waste and street cleansing strategy, and method of service provision has been chosen. This is due to be completed by autumn 2024. However, there is a significantly increased risk that a delay to the process of procuring transfer station services could increase the risk of service failure.</p> <p>By beginning this procurement processes in May 2024, it enables the council to assess the market, with final decision to award only being made after the decision on the wider service has been made.</p>

Climate and ecological implications	<p>The waste services are the council's biggest source of carbon emissions. The procurements offer an opportunity to test the market for the most sustainable options and, where affordable, deliver reductions in carbon emissions and achieve other positive environmental outcomes. This includes having cleaner material to recycle and the ability to broaden the range of materials collected.</p> <p>The climate and waste teams have worked together to ensure that prioritisation of carbon reduction is adequately reflected in the procurement specifications.</p>
Legal implications	<p>It is the responsibility of the Authority under the Environmental Protection Act 1990 to collect controlled waste and deliver it to the waste disposal authority. It is also obliged under s 4 (9) to follow and develop techniques for reducing pollution.</p> <p>Due to the values of the contracts they are considered to be over the threshold for services under the Public Contracts Regulations 2015 and will need to be procured according to those regulations either by tender or from an accessible framework.</p> <p>If it is intended to site the transfer station and or processing facility within the District's locality, consideration also need to be given as to potential planning issues and the current and proposed local plan and the designation of sites thereunder. As the council is not anticipating building new facilities itself but procuring existing services, this risk is removed.</p> <p>The total costs involved are commercially sensitive, and will therefore be provided separately to councillors in an annex attached to this report, Marked: 'Not for Publication, which is exempt information under section 100B of the Local Government Act 1972, by virtue of Paragraph 3 of Schedule 12A of the same act and is not prevented from being exempt by Paragraph 10 as it is considered that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information'.</p>
Financial implications	<p>The cost of access to a transfer station and DMR reprocessing is currently a revenue cost and within the budgets. It is expected that any future running costs of these functions will be in line with current budgets. However if the contract for waste transfer station services was entered into before June 2026 (end of contract with Biffa) then this would be an additional cost. It is anticipated that the services will run to dovetail in with the end of existing contracts, or as closely as practically possible to do so. If there is a cost associated with the implementation and set up of either of these functions this is not yet budgeted for, but will be assessed as part of budget setting for future years.</p>
Equalities implications	<p>N/A</p>
Other implications	<p>N/A</p>

Background papers considered	<p>The cabinet papers (3 February 2022) stated the following: Delegates authority to the Deputy Chief Executive – Place to explore options to secure a waste depot and other necessary associated infrastructure.</p> <p>This was followed by a Cabinet decision on the terms of the extension of the current waste contract (9 March 2023) The extension finally signed off through an ICMD on 19 October 2023.</p>			
Declarations/ conflict of interest? Declaration of other councillor/ officer consulted by the Cabinet member?				
List consultees		Name	Outcome	Date
	Ward councillors			
	Legal legal@southandvale.gov.uk	Ian Chisnell	Agreed	08.04.2024
	Finance Finance@southandvale.gov.uk	Anna Winship	Agreed	04.04.2024
	Climate and biodiversity climateaction@southandvale.gov.uk	Jessie Fieth	Agreed	22.03.2024
	Diversity and equality equalities@southandvale.gov.uk	Abi Witting	Agreed	15.03.2024
	Procurement Procurement@southandvale.gov.uk	Angela Cox	Agreed	22.03.2024
	Human resources hadminandpayroll@southandvale.gov.uk	Trina Mayling	Agreed	26.03.2026
	Property property@southandvale.gov.uk	Chris Mobbs	Agreed	26.03.2024
	Health and safety healthandsafety@southandvale.gov.uk	Andy Huckstep	Agreed	18.03.2024
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler-Greaves	Agreed	28.03.2024
	Communications communications@southandvale.gov.uk	Victoria Nickless	Agreed	27.03.2024
	SMT	SMT	Agreed	24.04.2024

Confidential decision? If so, under which exempt category?	No
Call-in waived by Scrutiny Committee chairman?	
Has this been discussed by Cabinet members?	Yes (22/04/2024)
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature _____ Cllr Sue Cooper _____ Date _____ 04/05/2024 _____

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 7 May 2024	Time: 10:59
Date published to all councillors	Date: 7 May 2024	
Call-in deadline	Date: 14 May 2024	Time: 17:00