

ESSENTIAL REFERENCE PAPER 'A'

IMPLICATIONS/CONSULTATIONS

<p>Contribution to the Council's Corporate Priorities/ Objectives:</p>	<p>Priority 1 – Improve the health and wellbeing of our communities Health and wellbeing will not be affected by the items in this report.</p> <p>Priority 2 – Enhance the quality of people's lives Quality of life will not be affected by the items in this report.</p> <p>Priority 3 – Enable a flourishing local economy Local economy will not be affected by the items in this report.</p>
<p>Consultation:</p>	<p>A public consultation has been carried out both online and via the acceptance of a completed paper submission for Green Waste Charging.</p>
<p>Legal:</p>	<p>This contract award has been noted on the Council's forward plan as a key decision and therefore Executive is authorised to accept the most economically advantageous tenders for Lot 1 and Lot 2 respectively. The Executive is also authorised to approve that North Herts Council will issue notification of award on behalf of East Herts Council.</p> <p>Regarding Lot 2, Executive may delegate a key decision to Council Officer(s)</p> <p>The Council has a statutory duty to collect household waste under section 45 of the Environmental Protection Act 1990 and a further statutory duty to collection recyclable waste under section 45A of this Act. The acceptance of these tenders ensures the Council fulfils its statutory duty.</p> <p>Section 67 of the Public Contracts Regulations 2015 requires the Council to base the award of public contracts on the MEAT assessed according to the prescribed evaluation methodology. The evaluation methodology was set out in the invitation to tender and the recommendations in this report ensure the Council in</p>

	<p>partnership with NHDC meets this legal requirement.</p> <p>Upon communication of acceptance of the MEATS for Lot 1 and Lot 2 respectively, the Council would need to observe a 10 clear day standstill period. Upon expiry of this period, the Council may then proceed to formally award contracts (via NHDC)</p> <p>The procurement process may be challenged by any bidder under Chapter 6 of the Public Contracts Regulations 2015 or by judicial review.</p> <p>The North Herts Council will be the administrative authority with respect to the working arrangement with East Hertfordshire District Council. This means that the new waste contracts will be between the Council and the bidders for Lot 1 and Lot 2 and an Inter Authority Agreement will be signed between the Councils in order to regulate the relationship between both Councils and secure the financial arrangement. As lead authority, the North Herts Council will also be the employer of the shared client team and the Inter Authority Agreement will provide for the costs of the shared client team to be shared equally between the Councils.</p> <p>The power to charge for the collection of garden waste is embedded in the Environmental Protection Act 1990 Section 45 (3) and the Controlled Waste (England and Wales) Regulations 2012. These regulations revoked the Controlled Waste Regulations 1992 which also contained the power to charge for garden waste. This power is the same power used to charge for bulky waste collections.</p>
<p>Financial:</p>	<p>As highlighted in the Medium Term Financial Plan (MTFP) the Council needs to identify and deliver savings of at least £1.1 million by 2021/22. Some of these savings have been identified but not yet delivered. The report highlights savings of around £190k from the core contract for Lot 1. This means that the Council still needs to identify and deliver a further savings. The options presented could contribute a good proportion of this.</p> <p>Bidders were asked to provide an option for the Council to purchase the vehicles that would be used on the</p>

	<p>contract. Although this option cannot taken up it is still possible that an element of the contract would be treated as capital expenditure. This is due to the substantial use that the Councils would be making of the vehicles involved.</p>
<p>Human Resource:</p>	<p>For both the contractor of Lot 1 and the shared client team, there will be some impact on staff. The contractor of Lot 1 will be responsible for all staff engaged within the contract to ensure it complies with employment law. Both Councils have assessed the bidder's proposals as part of the quality evaluation and will be liaising closely with the contractor during mobilisation. Although the Councils are not responsible for the TUPE implications and requirements, we will work with the contractor where appropriate to ensure a smooth transition because this is in all parties' interests.</p> <p>With regard to both Councils, we are in the process of setting up a shared client team and have undertaken a consultation with all staff affected. It is not practical to have separate client teams managing a single contract and therefore it is intended to have the new shared client team in place as soon as possible and operational prior to contract commencement. Clearly, over the next few months, there will be challenges to maintain the existing contract whilst mobilising the new contract. The Council's Human Resources Department has assisted with the process and the staff consultation.</p>
<p>Risk Management:</p>	<p>There are many risks associated with these major contracts which have been subject to Scrutiny by both Councils over recent years and identified as corporate risks. These risks have been managed and reported accordingly. In addition, Project Board, consisting of senior Councillors and Officers, has been regularly updated with risk and issue log and has taken measures, where appropriate, to mitigate and manage risks for both Councils. Broadly these risks have been regarding financial, operational, governance, contractual, legal and reputational.</p> <p>The main risk from this report relates to charging for green waste charging. There is uncertainty over the reaction to the introduction of charging, and the level of</p>

	take-up of the new service.
Health and wellbeing – issues and impacts:	There are none for this report.