Somerset Waste Partnership Draft Business Plan 2018 – 2023

Cabinet Member(s): Cllr David Hall – Cabinet Member for Deputy Leader and Cabinet Member for Resources and Economic Development

Division and Local Member(s): All

Lead Officer: Paula Hewitt – Lead Director for Economic and Community Infrastructure & Director of Commissioning

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	County Solicitor	Honor Clarke	1/11/17		
	Monitoring Officer	Julian Gale	1/11/17		
	Corporate Finance	Kevin Nacey	1/11/17		
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	Property / Procurement / ICT	Richard Williams	1/11/17		
	Senior Manager	Paula Hewitt	1/11/17		
	Local Member(s)	All			
	Cabinet Member	David Hall	1/11/17		
	Opposition Spokesperson	Simon Coles			
	Relevant Scrutiny Chairman	Cllr Tony Lock			
Forward Plan Reference:	FP/17/09/12				
Summary:	This report seeks a decision from the Cabinet on the Somerset Waste Partnership's Draft Business Plan 2018-2023. The plan provides a framework within which the Somerset Waste Board can make decisions and steer the delivery of waste partnership services. The Business Plan is attached as Appendix A. The actions in the draft business plan sets out the most significant set of changes to Somerset's waste services since the Somerset Waste Partnership's inception in 2007. The actions are co-ordinated for maximum impact and value; the changes span all three major contracts for waste collection, treatment, disposal and infrastructure (including vehicles). It also develops SWPs capability, in some instances working in partnership with others, to support Somerset residents in wasting less and recycling more, with residual waste becoming a fuel stock to generate energy.				

	Following all partners' approval to implement Recycle More, the original delivery plan was to negotiate this with our current collection contractor (Kier). As it was not possible to reach agreement with Kier in a way which delivered the benefits that partners required, SWB have, by mutual consent with Kier, agreed to bring forward the expiry date of our current collection contract from September 2021 to 27 March 2020.Following a major review of the commissioning options open to SWP, the Board has agreed to undertake a competitive dialogue procurement to secure a new collection contractor following the expiry of the contract with Kier.		
Recommendations:	That the Cabinet approves the Somerset Waste Partnership's Draft Business Plan 2018-23 (as set out in Appendix A), noting in particular the proposals for implementing Recycle More.		
Reasons for Recommendations:	 Somerset County Council, along with other partners in the Somerset Waste Partnership, is consulted on the draft plan prior to the final decision on the being taken by the Somerset Waste Board at their December meeting. The timetable for this consultation has been brought forward, for one year only, to align with the timetable for updating partners on the approach being taken to the collection contract. The draft Business Plan proposed actions with specific direct impacts upon the County Council: Implementing Recycle More (through the mechanism explained in the Summary above), which will have a direct impact upon residual waste disposal volumes. Targeted waste prevention and minimisation activities, having a direct impact upon waste disposal. Delivery of new infrastructure to manage new residual waste treatment. Closure of landfill site (Broadpath) and repurposing of Dimmer. Managing a staff office move into an SCC property. Appendix B contains commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information. "Exempt information" is defined by Section 100 of the Local Government Act 1972, by Schedule 12A to that Act. 		
Links to Priorities and Impact on Service Plans:	The County Council has a statutory duty relating to the disposal of Waste. The Current County Plan runs until 2020 and the Business Plan supports keeping Somerset as a great place to live and work. Working in a Partnership accords with the Plan's		

	aims for maximising efficiency and delivering for the people of Somerset. Targeted educational activities relating to waste prevention and minimisation accord with an over-arching aim to improve education.
Consultations undertaken:	The Somerset Waste Partnership has considered this Business Plan at its meeting on the 3 rd November. There has been a workshop to specifically discuss the delivery of Recycle More. SMG, made up of senior officers of the partner authorities and the MD of the SWP, have also played a part in shaping the draft Plan.
Financial Implications:	The Board is almost exclusively funded from contributions from partners and, apart from one-off funding bids, has no automatic block grant from Central Government or any reserves. It is therefore dependent on agreement between partners on the level of funding provided by each of them in line with the cost sharing formula. Business planning and budget setting are usually part of the same process but, due to the revised timetable, this year the Business Plan will be approved in December 2017 and the Budget finalised in February 2018. The budget presented in this report will remain draft and for one year only. The most significant element of the business plan relates to Recycle More. The significant work undertaken to review future service models has demonstrated that Recycle More is a lower cost option than our current collection operations, as well as delivering environmental benefits. The scale of these savings will inevitably be subject to the tendering process and what the market will offer in terms of contract price, on the efficiencies which a new contractor will bring (the potential for which SWP believe to be significant) and on the actual tonnages of new material that can be diverted. A robust procurement process will be essential to drive the former, and strong communications with residents will be essential for the latter. The savings delivered will also depend to some extent on the agreement reached with the incoming contractor on dry recyclate and materials volumes. It is proposed that the project will be managed with existing resources from SWP and the administering authority (SCC – in particular procurement and legal support) with external support on key commercial and technical matters. It is proposed that the costs associated with the project will be funded from the accrued income generated from the hire of refuse collection vehicles to Kier since 2015. This fund (£421k) was previously identified as providing support for overall roll-out costs for Recycle More.

Legal Implications:	With regard to the key part of the Business Plan outlined above there are many legal implications given the major contractual change to be action by earlyexpiry and the procurement of a new contract. As noted above, the terms of a new contract will need to be set and it is too early to be explicit at this time, however it is clear there are a number of issues that will need to be addressed in coming out of the current contract and re- tendering a new contract.				
HR Implications:	There are potential TUPE and pension implications that will need to be taken into account when proceeding with early termination; the same matters will need to be given consideration when going through a fresh procurement process.				
Risk Implications:	The risks vary between partners depending upon their role. The County Council, as waste disposal authority, is part of the Waste Partnership and is also its accountable body. The key risk relates to the delivery of the future collection arrangement and its impact upon the County Council as disposal authority, an impact which is primarily financial (i.e. reduced residual waste volumes sent to landfill results in reduced costs to the County Council). Risk is managed by the Partnership through its Board and SMG, where senior officers represent the Partnership and the six councils that are partner members.				
Other Implications (including due regard implications):	Likelihood3Impact4Risk Score12Equalities ImplicationsEqualities Impact Assessments will be carried out as appropriate with the development of each Business Plan activity prior to proceeding with that activity. In most cases the decision to proceed based on the outcome of the impact assessment will be delegated to the Managing Director and Senior Management Team of SWP. Where significant issues are identified through the assessment process that would have implications for major projects or programmes the decision to proceed will return to the Board prior to commencing development. SMG will be given assurance that equalities are given due regard through the process of delivering the Business Plan.Community Safety Implications There are no foreseeable Community Safety implications from this decision.				

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	Sustainability Implications			
	The Business Plan has an impact upon sustainability around levels of recycling, material volumes and waste being disposed of to landfill. The principle behind Recycle More seeks to provide a more sustainable method of managing waste and the Business Plan continues the Partnership's commitment to this being implemented once the legal process of early termination and re-contracting are completed.			
	Health and Safety Implications			
	There are no obvious Health and Safety implications of this decision.			
	Privacy Implications			
	There are no obvious Privacy implications of this decision.			
	Health and Wellbeing Implications			
	There are no obvious Health and Wellbeing implications of this decision. The Business Plan contributes to the Shared Vision for Health and Wellbeing in Somerset "People live healthy and independent lives, supported by thriving and connected communities with timely and easy access to high-quality and efficient public services when they need them".			
Scrutiny comments / recommendation (if any):	Not applicable.			

1. Background

- 1 The Somerset Waste Partnership (SWP) is responsible for providing waste and recycling services on behalf of all six local authorities in Somerset. The partnership is governed through a Joint Committee known as the Somerset Waste Board. The SWB Constitution requires the preparation of a Business Plan on an annual basis. The plan has a five year horizon with particular focus on the next 12 months, and it provides a framework within which the board can make decisions and steer the delivery of waste partnership services. The Board has delegated authority for decision making across all services and therefore must make proposals to the partners on how savings can be made, taking into account any requirements to make savings and proposals on how this can be achieved.
- 1 The Board's business planning cycle usually requires a draft report to be approved by the Board in December and circulated to partners for comment prior to the adoption of the Board's Annual Budget the following February. Further to decisions taken by the Board in September 2017 the timetable for approving this plan will change for <u>this year only</u>, with the Draft Business plan presented for Board Approval in November 2017, scrutinised by partner authorities in November and early December and presented for final approval at the next Board meeting, to be held on the 15th December.
- 1 Once approved or noted by all partners, the plan will be formally adopted by the Board to provide a framework within which the Board can make decisions and steer the delivery of Waste Partnership services over the Plan period.
- 1 The actions in the draft business plan sets out the most significant set of changes to Somerset's waste services since SWP's inception in 2007. Co-ordinated for maximum impact and value the changes span all three major contracts for waste collection, treatment, disposal and infrastructure (including vehicles). It also develops SWPs capability, in some instances working in partnership with others, to support Somerset residents in wasting less and recycling more, with residual waste becoming a fuel stock to generate energy. The business plan sets out three related areas of activity which together will enable us to realise SWP's vision, summarised in paragraphs 1.5 to 1.8.

1 Building capability

The Business Plan's proposed actions (see table 5.1 of the draft Plan in Appendix A) aim to ensure that the SWP works intelligently to enable it to realise the Board's vision, including through improving how the partnership uses data, developing and implementing a technology roadmap and doing more to understand people's behaviour. SWP is working closely with all partners to implement a new website, a new customer service system and a mobile app in order to improve the way we support customers.

1 The future collection arrangements i.e. the Recycle More model is a key aspect of the plan. Recycle More was approved by SWP Board on 16th December 2016 following consultation with all partner authorities. It has three key principles: An enhanced recycling collections including food and beverage cartons, plastic tubs and trays (including black plastic), small items of waste electric and electronic equipment (SWEEE) and domestic batteries; 3 weekly refuse collections; additional capacity for properties with children in nappies or for adult absorbent hygiene products (AAHP). All partners endorsed the Recycle More model as part of the consultation on the draft 2017-2022 Business Plan ahead of its approval by the Board in February 2017. The original delivery plan was to negotiate this with our current collection contractor (Kier) and effect this via a deed of variation to reflect the contractual changes needed to implement Recycle More. Despite constructive negotiations it was not possible to reach agreement with Kier in a way which delivered the benefits that partners required - either financially or in terms of the additional materials to be collected each week. Accordingly, to ensure that we can progress the partnership desire to implement Recycle More SWB have, by mutual consent with Kier, agreed to bring forward the expiry date of our current collection contract from September 2021 to 27 March 2020. Bringing this date forward is particularly important as it means we can align the purchase of a new fleet of recycling and refuse vehicles with the way a new contractor will deliver the service - if these are not in alignment then we risk having a fleet of vehicles which is sub-optimal for the type of service SWB will be delivering.

1 Action on waste prevention, reuse, recycling and recovery

See table 5.2 of the draft Plan; these actions aim to improve Somerset's recycling rate from 52% towards 60% and potentially beyond, leading to a reduction in residual waste generated per household, and generate energy from materials that cannot be recycled ending the county's long reliance on landfill. Whilst the single most significant driver for these changes will be the implementation of Recycle More (as set out in paragraph 1.9 in more detail), an expanded focus on waste prevention and behavioural change is also a key driver. A pilot reintroduction of working with schools to promote the 'reduce, reuse, recycle' message to children and their parents (funded by Viridor) is a key element of this work in 2018/19. Close working with all partners will be necessary to maximise the impact of or work to change people's behaviours, focussing on reducing the 50% of recyclable waste that is still in our residual waste. There are many benefits of this work including direct reduction in costs to the County Council of waste disposal.

1 Maintaining services and operational effectiveness

These activities ensure the day to day functions of the SWP are delivered effectively and safely. SWP must give focus to maintaining the quality of services, predicting risks and preventing issues arising. It includes a review of SWP's core services contract with Viridor ahead of its expiry in 2022, focussing on whether there is value for money in extending this agreement.

1 Approach to implementing Recycle More

Early Expiry

To deliver the proposed Recycle More scheme, the Somerset Waste Board agreed at its meeting on 3 November 2017 to authorise the Managing Director of Somerset Waste Partnership to finalise and enter into a Deed of Variation with the contractor for the current collection contract to enable the early expiry of the contract on 27 March 2020. Somerset County Council is the Administering Authority for the Somerset Waste Partnership and the Deed will be executed by an Officer of the County Council on behalf of the Waste Partnership. It is expected that the Deed will be executed on Monday 13 November 2017 following the expiration of the 'call-in' period on Friday 10 November.

The Board also agreed to authorise the Managing Director to oversee, manage and prepare the new collection contract procurement documents and manage the procurement process in consultation with a member New Service Task and Finish Group (which comprises the Chairman of the Waste Board and a representative from each of the partner authorities).

Approach to procurement

A robust procurement process will be necessary to optimise the likelihood of optimising the level of financial savings to partners and to improve our environmental performance by reducing residual waste and increase our recycling rate. The critical success factors for this project are:

- Achieving best value for SWP member authorities (including any partners that borrow to purchase vehicles/assets) through the procurement and cost sharing;
- Securing a provider who shares SWP's values and vision;
- Attracting and sustaining the interest of credible bidders before and during the procurement process;
- Managing the procurement to ensure compliance with procurement legislation and governance procedures, and to ensure that we progress through the phases of the procurement in a timely and effective way;
- Managing the interdependencies with other key elements of SWP's business plan, in particular:
 - SWP's wider communications and engagement strategy (in particular how we will engage with partners and the public to improve recycling capture ahead of the move to recycle more);
 - ICT strategy (including how we improve the way we manage customer and performance data in order to enable us to improve our customer service, help target and drive behaviour change, and more effectively predict and manage service issues);
 - Day to day collection contract service/performance management (especially given we are entering the final years of our current contract with Kier).
 - Reflecting the changing demographics of Somerset (in particular the ageing population and the impacts on our services of the increased emphasis on home based care).

The overall timetable and phasing have been informed by discussion with the commercial and procurement team at SCC and with Eunomia. Whilst it is manageable the pace at which we will be required to work in order to make this timetable work should not be underestimated.

 Table 1: Procurement Timetable

Phase	Time	Comments
Soft market	Nov 2017 – Feb	To ensure SWP maximises market interest, to
engagement	2018	help shape our approach
Pre-qualification	Mar 2018 – May 2018	Mandatory phase
Outline Solutions	-	Phase removed as not considered sufficiently beneficial
Dialogue on proposed solutions	May 2018 – Dec 2018	Focussed conversations on key issues (e.g. assets, risk, efficiency and consideration of possible variants)
Final tenders	Jan 2019 – April 2019	Includes, evaluation, governance (ahead of pre-election period for DC elections in 2019) and standstill period.
Mobilisation	May 2019 – end March 2020	New provider gearing up to commence service. Note that a phased transition to Recycle More will be required from April 2020 onwards.

It is proposed that the project will be managed with existing resources from SWP and the administering authority (SCC – in particular procurement and legal support) with external support on key commercial and technical matters. It is proposed that the costs associated with the project will be funded from the accrued income generated from the hire of refuse collection vehicles to Kier since 2015. This fund (£421k) was previously identified as providing support for overall roll-out costs for Recycle More.

Table 2: Actual and forecast expenditure:

Item	£	
Recycle More ear-marked reserve funding		
Commissioning options appraisal	14,942	
Develop Procurement Strategy (forecast)	7,700	
Support for depot optimisation and service modelling	20,000	
Commercial and technical support during procurement (forecast based on initial advice and benchmarking similar processes)	250,000	
Purchase of baling plant and equipment (committed subject to early expiry)	110,000	
Residual Balance	19,182	

In addition to these costs there will be further costs associated with the rollout of Recycle More (in particular from additional recycling containers, communications, operational support during a phased transition). These will be more fully explored throughout the procurement process as the scale and timing of these costs will depend upon the precise scope of the services we procure (i.e. what the contractor does and what SWP has to do), how the contractor proposes to phase and manage the transition, and how these costs are spread over the life of the contract. The SWB has previously agreed that savings will not be realised until the costs of implementation are covered.

The project will be managed in line with the administering authorities project management procedure and Contract Standing Orders. Key roles and responsibilities in the project structure are shown in Table 3.

Table 3: Key roles and responsibilities

Role	Who	Responsibility
New Service Task & Finish Group	Members from each partner authority	Political steer ahead of key decision points and holding the project true to the SWB's vision.
Senior Responsible Owner	Mickey Green	Ownership of the project. Responsible for direction and ensuring that member task and finish group are consulted appropriately
Project Manager	Bruce Carpenter	To plan, budget, oversee and document all aspects of the project to ensure that the project delivers its aims on time and on budget
Project Board	SMG (senior officers from each partner)	To support the SRO in providing overall direction and management for the project by bringing together a range of expertise

2. Options considered and reasons for rejecting them

- **2.1.** The only alternative option available to the Council is to not approve the draft Business Plan. The risk of not approving the draft business plan is that this leads to a failure by the Somerset Waste Partnership to agree the Business Plan, and possibly the budget leading to considerable negative financial and reputational implications for all partners.
- **2.2.** Our current collection contract with Kier is due to expire in September 2021. If the contract were to continue to this date then, despite lengthy negotiations to alter the existing contract, the phased implementation of Recycle More would be delayed to at least that date, and an entire new fleet of recycling and refuse vehicles would need to be in place ahead of procuring a contractor, creating a major risk to misalignment (i.e. having a fleet of vehicles which did not match how a contractor delivered services). SWP have therefore identified an opportunity to align major or improvements in collection services, disposal processes and waste infrastructure to create a fresh, new start for Somerset's waste services from 2020. This opportunity will bring together enhanced recycling collections; the end of landfill and start of energy-from-waste for rubbish, and a new fleet of collections vehicles operating out of refreshed depots.

- **2.3.** Following a major review of the commissioning options open to SWP, the SWB has agreed to undertake a competitive dialogue procurement to secure a new collection contractor following the expiry of the contract with Kier. The other options considered in detail were:
 - a) providing the services "in house" (DSO/DLO)
 - b) forming a Local Authority Company (LAC)
 - c) out-sourcing the services through a procurement process (and which procurement process was most suitable).
 - d) continuing with the current contract until its expiry in September 2021

The outcome of this research was presented to SWB at an informal workshop on 15 September and at the Board meeting on 29 September 2017. A summary of the reasons for rejecting alternative options is provided below:

- In-house/DSO: This option was discounted at an early stage because of the additional pension costs of the transferred staff being eligible to join the LGPS. It is estimated that this would add around £1.8M pa to the cost of the services. This makes the DSO option unattractive when compared to a LAC which could exclude membership of LGPS.
- Local Authority Company: Whilst cost modelling indicated that the LAC and out-sourced options were very similar, the risk profile of the LAC was significantly higher. For example District Council partners would be exposed to 100% budgetary risk on the fluctuation of materials values, fuel price rises, costs of severe weather, materials values, workforce issues. These and other risks (e.g. expertise acquisition, focus on strategic priorities, likelihood in securing the efficiencies which will be crucial to a cost-effective service) meant that the board did not consider an LAC its preferred option. It did recognise that an LAC may be an appropriate contingency plan, and that this should be considered at key milestones during the project.
- Other procurement options were discounted because a competitive dialogue procurement procedure would give bidders the opportunity to develop and refine their proposals, drive efficiencies and mitigate risks. It was recognised that this is time consuming but it was preferred for complex procurements where innovation and flexibility were required.
- Procuring an outsourced service to coincide with the expiry of the existing contract has the disadvantages that any service improvements and savings related to Recycle More would be delayed and the procurement of a new fleet and the procurement of a new contractor would be misaligned, leading to:
 - Complex buy-back arrangements (depending on who purchased the vehicles) with the out-going contractor
 - Limiting the choice of the incoming contractor to use their preferred manufacturer and specification of vehicles. This is likely to be reflected in their pricing.

3. Draft Budget

3.1. The Draft Business Plan 2018-2023 is included in Appendix A.

A summary of the variance between the current year and projected budget for 2018/19 budget is set out below. The current estimate for SCC is that a 2.9% budget uplift for SCC (as disposal authority) will be required. The key drivers for the variance are:

- Contract **inflation** (composite) estimated at 2.7%. As in previous years this will be fixed based on February's indices
- Landfill tax increases are known (£86.10 to £88.95 per tonne).
- **Volumes** continue to follow the positive trend since last August's HWRC changes (reducing the budget required).

The December Somerset Waste Board meeting will be provided with updated figures (for example updated household numbers) and the budget will be finalised at the February Somerset Waste Board meeting. There has historically been very little movement between the December and February meetings. All recycle more one-off costs are excluded from these figures.

2017/18 2018/19

Expenditure		
Salaries & On-Costs	477	481
Other Head Office Costs	105	126
Support Services	54	54
Disposal - Landfill	10977	11541
Disposal - HWRCs	9474	9484
Disposal - Food waste	1453	1481
Disposal - Hazardous waste	224	225
Composting	1670	1811
Transfer Station Offset Costs	312	321
Recycling Credits	2450	2460
Total Direct Expenditure	27196	27984

SCC - Summary Annual Budgets

Rounded £000s

Income		
May Gurney Secondment Saving	-20	-20

Total Income	-20	-20
Total Net Expenditure	27176	27964

Appendix B: Fly-tipping

Whilst managing fly-tipping is not a responsibility of Somerset Waste Partnership, fly-tipping statistics provided by District Councils are reported below for information only (a full set of quarter 2 data has not been reported by District Councils and SWP have no control over the reporting of this information). Last year's downward trend has continued, though District Council's continue to deal with various localised 'hot-spot' areas.

	District	Fly-Tips (Full Year Data)			
		2014-15	2015-16	2016-17	
			I		
b B B	Mendip District Council	2,042	2,078	1,757	
porte	Sedgemoor District Council	1,088	1,117	1,177	
Rep	South Somerset District Council	1,160	1,083	1,150	
r of	Taunton Deane Borough Council	864	785	664	
nbe Tips	West Somerset District Council	87	198	140	
Number of Reported Fly-Tips	Totals	5,241	5,261	4,888	

Material Type	Quarter 1 2016-17									
	Number of Inc	Number of Incidents								
	MDC	SDC	SSDC	TDBC	WSDC	Totals				
Animal carcass	2	2	0	2	0	6				
Green	31	10	15	12	2	70				
Vehicle parts	4	4	10	2	0	20				
White goods	14	16	11	8	7	56				
Other electrical	5	14	11	2	0	32				

Tyres	36	20	10	5	4	75
Asbestos	0	0	2	1	0	3
Clinical	0	0	1	3	0	4
Construction / demolition / excavation	40	22	35	5	12	114
Black bags - commercial	33	0	13	7	0	53
Black bags - household	42	25	38	42	8	155
Chemical-drums-oil-or-fuel	3	3	9	1	3	19
Other household waste	158	180	99	53	8	498
Other commercial waste	24	0	0	11	0	35
Other (unidentified)	0	0	23	2	0	25

Totals	392	296	277	156	44	1,165
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Material Type	Quarter 1 2017-18						
	Number of Inc	idents					
	MDC	SDC	SSDC	TDBC	WSDC	Totals	

Animal carcass	2	0	1	0	0	3
Green	28	13	15	1	2	59
Vehicle parts	10	3	4	1	0	18
White goods	15	16	10	11	0	52
Other electrical	11	8	5	2	0	26
Tyres	34	16	26	5	2	83
Asbestos	0	0	0	0	0	0
Clinical	0	0	0	0	1	1
Construction / demolition / excavation	24	11	27	8	9	79
Black bags - commercial	4	0	2	0	0	6

Black bags - household	81	37	30	20	3	171
Chemical-drums-oil-or-fuel	2	1	5	1	0	9
Other household waste	223	167	80	47	10	527
Other commercial waste	21	0	6	2	1	30
Other (unidentified)	0	0	17	3	0	20

Totals	455	272	228	101	28	1,084			
All data is now obtained from District Council WasteDataFlow entries.									
Due to reporting changes, data is now only a	Due to reporting changes, data is now only available for quarterly periods.								