

Somerset Waste Board meeting
29 September 2017
Report for decision

Contractual Negotiations for Recycle More
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Forward Plan Reference:	SWB/17/04/01
Summary:	This is a short public report covering a confidential report (shown at Appendix A) which considers options for delivering the Recycle More (RM) scheme in the light of a changed risk profile for the project.
Recommendations:	<p>It is recommended that the Board:-</p> <ol style="list-style-type: none"> 1. Agrees to : <ol style="list-style-type: none"> i) form a (non-decision making) “New Service Task and Finish Group” (see Appendix 1 for the terms of reference) consisting of one SWB member representing each partner authority and ii) seek nominations to this Group from the Board. 2. Receives written or verbal updates from officers and/or the Task and Finish Group at meetings throughout the process. Some of these may be commercially confidential. 3. Notes that it may also be necessary to convene extra Board and/or Task and Finish Group meetings where decisions are required in order to avoid delays to the process. Some of these may be confidential sessions. 4. Agrees the case for applying the exempt information provision as set out in the Local Government Act 1972, Schedule 12A and therefore to treat the attached confidential report and its appendices in confidence, as they contain commercially sensitive information, and as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information. 5. Subject to the approval of recommendation (4) above, agrees to exclude the press and public from the meeting for the consideration of the attached confidential report and its appendices where there is any discussion at the meeting regarding exempt or confidential information.

	<p>6. Considers the recommendations contained within the confidential report.</p> <p>7. Agrees to convene a special meeting of the Board on Friday 3 November 2017.</p> <p>8. Subject to approval of the recommendations above, authorise the Managing Director to undertake any appropriate consultation with partner authorities and to issue them with a briefing note for partners.</p>
Reasons for recommendations:	<p>To ensure that the RM scheme is implemented as effectively and efficiently as possible with regard to the Board's primary objectives and associated risks.</p> <p>The "New Service Task and Finish Group" will provide improved member engagement and insight into the procurement process.</p> <p>The accompanying confidential report 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.</p>
Links to Priorities and Impact on Annual Business Plan:	<p>The proposal would impact on Task 5.2 within the SWB Approved Business Plan 2017-22 concerning the roll out of the RM improved kerbside collection scheme.</p> <p>Other potential impacts on Business Plan tasks are discussed in the confidential report.</p>
Financial, Legal and HR Implications:	As set out in the confidential report at Appendix A.
Equalities Implications:	None.
Risk Assessment:	A number of risks were highlighted in previous reports on this subject and further consideration of risks is provided in the confidential report.

1. Background

- 1.1. SWP has been reviewing the plans for operational delivery of RM to ensure they meet the objectives of Somerset Waste Board (SWB) and this work is on-going.

- 1.2. The objective of implementing the RM scheme countywide as approved by the SWB in December 2016 is not affected by this review.
- 1.3. It is proposed that a New Service Task and Finish Group (NSTFG) is formed consisting of one SWB member representing each partner authority. Nominations from the Board are requested at the meeting on 29 September.
- 1.4. The purpose of the NSTFG is to provide close member oversight into the project and to provide advice and guidance where required. The Group is non-decision making; any major decisions required will come to the Board with a recommendation from the Task and Finish Group.
- 1.5. The proposed terms of reference for the NSTFG are set out in Appendix 1. It is intended to meet at least quarterly in private sessions with relevant officers and provide either written or verbal updates to the next available Board meeting. The NSTFG will continue to meet until the Board considers that its work has been completed.

2. Options Considered and reasons for rejecting them

- 2.1. Options for the delivery mechanism and the impact on the implementation timetable for are set out in the accompanying confidential report.
- 2.2. It is not expected that any binding final decision regarding options to implement RM will be made at this meeting and, following completion of more detailed work on options recommended in the confidential report, a further report will be brought to a special meeting of the Board on 3 November 2017.

3. Consultations undertaken

- 3.1. Officers have engaged Kier Environmental Services (Kier), the Waste and Recycling Collection Contract service provider, about the options.
- 3.2. The options in the confidential report were discussed at a confidential workshop for Board Members on 15 September.
- 3.3. The options in the Confidential report were discussed and the recommended approach was endorsed by the Strategic Managers Group (SMG) on 24 August and 19 September.

4. Implications

- 4.1. As there are contractual aspects to the dialogue with Kier, the details are appropriately restricted to the confidential report to protect the interests of both parties.
- 4.2. However it is recommended that a briefing note is issued to SWP partners after considering the recommendations contained in the confidential report.
- 4.3. Other contracts within the SWP's remit are not affected by the review proposals.

5. Background papers

- 5.1.** Report to SWB “Recycle More” 16th December 2016.
<http://democracy.somerset.gov.uk/documents/s1215/16%20December%202016%20Item%208%20Recycle%20More.pdf>

- 5.2.** SWP Business Plan 2017-22 Approved by SWP on 24th February 2017.
<http://democracy.somerset.gov.uk/documents/s2370/Somerset%20Waste%20Partnership%20Business%20Plan%202017%20-%202022.pdf>

- 5.3.** Report to SWB “Contractual Negotiations for Recycle More” 30 June 2017.
<http://democracy.somerset.gov.uk/documents/s3865/Paper%20I%20-%20Contractual%20Negotiations%20for%20Recycle%20More.pdf>

Appendix 1

NEW SERVICE TASK AND FINISH GROUP TERMS OF REFERENCE

Introduction

Somerset Waste Partnership has been reviewing the plans for operational delivery of Recycle More to ensure they meet the objectives of Somerset Waste Board (SWB) and this work is on-going.

The objective of implementing the Recycle More scheme countywide as approved by the SWB in December 2016 is not affected by this review.

Role of the New Service Task and Finish Group (NSTFG)

1. To provide close member oversight into the project and to provide advice and guidance where required.
2. The Group is non-decision making; any major decisions required will come to the Somerset Waste Board with a recommendation from the Task and Finish Group.

The NSTFG will continue to meet until the Somerset Waste Board agrees that it has completed its work.

Membership

The NSTFG shall consist of one Somerset Waste Board member from each of the six partner councils.

It is a matter for the Somerset Waste Board to nominate or terminate the appointment of members serving on the NSTFG. A member appointed to the NSTFG will remain a member of the NSTFG until such time as the Board changes or terminates their appointment.

Meetings

The NSTFG will meet in private sessions at least quarterly and the date and time of each meeting will be agreed by the Chairman of the NSTFG in conjunction with the Managing Director of the Somerset Waste Partnership.

The host authority for the Somerset Waste Board will be responsible for issuing the papers and producing the meeting notes to all attendees.

Quorum

The quorum for the NSTFG shall be 3 members of the group.

Election of Chair

The NSTFG shall elect a Chair and Vice Chair at the first meeting and annually thereafter.

Agenda Items

The Chairman of the NSTFG and the Managing Director of Somerset Waste Partnership shall agree each meeting agenda.

Agenda Items for the next meeting shall be a standing item on the NSTFG's agenda along with the key points and/or recommendations from the NSTFG to be reported to the next Somerset Waste Board meeting.

Voting

It is intended that agreement will be reached by consensus, however if a vote is required each NSTFG Member will have one vote. In the event of a tie the Chairman shall have the casting vote.

Members Conduct

Members of the NSTFG will be bound by their own Codes of Conduct. Members will need to comply with the principles of the Host Authority's Members' code of conduct as it applies to the declaration of interests, and compliance with the principles of public life set out by the Nolan Committee on Standards in Public Life.

Declarations of Interest

Members of the NSTFG must declare any interest during meetings of the Group (and withdraw from the meeting if necessary) in accordance with their Council's Code of Conduct or as required by law.

Openness and Transparency

All meetings of the NSTFG will be held in private sessions in accordance with Section 100A(4) of the Local Government Act 1972.

Confidentiality

In accordance with their Council's Code of Conduct, elected Members of the NSTFG must not disclose any information considered 'exempt' in accordance with Section 100A(4) of the Local Government Act 1972.

Host Authority

The NSTFG will be hosted under Local Government arrangements by Somerset County Council and supported by officers from the Somerset Waste Partnership and County Council.

Review of Terms of Reference - The NSTFG will review its Terms of Reference on an annual basis and make any recommendations on any proposed changes to the Somerset Waste Board.