

Somerset Waste Board meeting  
3 November 2017  
Report for decision

Contractual Negotiations and procurement strategy for Recycle More  
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<b>Forward Plan Reference:</b>	SWB/17/09/02
<b>Summary:</b>	This is a short public report covering a confidential report which considers options for delivering the Recycle More (RM) scheme in the light of a changed risk profile for the project.
<b>Recommendations:</b>	<p><b>It is recommended that the Board:-</b></p> <ol style="list-style-type: none"> <li><b>1. 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.</b></li> <li><b>2. Subject to the approval of recommendation (1) 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.</b></li> <li><b>3. Considers the recommendations contained within the confidential report.</b></li> <li><b>4. Delegates to the Managing Director authority to commence consultation and manage communications as deemed necessary.</b></li> </ol>
<b>Reasons for recommendations:</b>	<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 accompanying confidential report contains commercially sensitive information relating to the contract and the Council's</p>

	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.
<b>Links to Priorities and Impact on Annual Business Plan:</b>	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. It would impact on Section 5.2 of the SWB Draft Business Plan 2018-2023.  Other potential impacts on Business Plan tasks are discussed in the confidential report.
<b>Financial, Legal and HR Implications:</b>	As set out in the confidential report.
<b>Equalities Implications:</b>	None.
<b>Risk Assessment:</b>	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 contractual negotiations in relation to this work are on-going.
- 1.2. Developing a procurement strategy for Recycle More would ensure that, should SWB decide to tender this opportunity, we are well prepared to optimise the chances of a successful procurement. The collection contract with Kier is due to expire in September 2021.
- 1.3. The objective of implementing the RM scheme countywide as approved by the SWB in December 2016 is not affected by this review. Subject to decisions on the associated confidential paper, it is expected that a binding decision on contractual negotiations and any procurement strategy in relation to Recycle More will be made public following this meeting.

## 2. Options Considered and reasons for rejecting them

- 2.1. Options are set out in the accompanying confidential report.

## 3. Consultations undertaken

- 3.1. Officers have engaged Kier Environmental Services (Kier), the Waste and Recycling Collection Contract service provider, about the contractual negotiations.

- 3.2. The proposals in the confidential report were discussed and the recommended approach was endorsed by the New Service Task and Finish Group meeting on 23 November.
- 3.3. The contractual negotiations and procurement strategy in the confidential report were discussed by the Strategic Managers Group (senior officers representing all partners) on 10 September.

#### **4. Implications**

- 4.1. As there are contractual aspects to the dialogue with Kier, and as our approach to any procurement is commercially confidential, the details are appropriately restricted to the confidential report to protect the interests of Kier and SWP.
- 4.2. Other contracts within the SWP's remit are not affected by the review proposals.

#### **5. Background papers**

- 5.1. Report to SWB "Recycle More" 16<sup>th</sup> December 2016.  
<http://www1.somerset.gov.uk/council/meetings/reports.asp?item=1390>
- 5.2. SWP Business Plan 2017-22 Approved by SWP on 24<sup>th</sup> February 2017.  
<http://democracy.somerset.gov.uk/ieListDocuments.aspx?CId=196&MId=303&Ver=4>
- 5.3. Report to SWB "Contractual Negotiations for Recycle More" 30 June 2017.  
<http://democracy.somerset.gov.uk/ieListDocuments.aspx?CId=196&MId=342&Ver=4>