

Supplement to the agenda for

Cabinet

Thursday 5 October 2023

2.30 pm

**Herefordshire Council Offices, Plough Lane, Hereford, HR4
0LE**

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Title of report: Scrutiny Report Flood Risk Executive Response Cabinet 5th October

Meeting: Cabinet

Meeting date: Thursday 5 October 2023

Report by: The Environment and Sustainability Scrutiny Committee

Report Author: Simon Cann, Democratic Services Officer

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

The purpose of this report is to notify the Executive of the recommendation from the Environment and Sustainability Scrutiny Committee on the [Executive response to recommendations from the Environment and Sustainability Scrutiny Committee on the Local Flood Risk Management Strategy Action Plan](#) - as recorded at its meeting on 25 November 2023 and to request an Executive response.

Recommendation(s)

That:

- a) That the recommendation made by the Environment and Sustainability Scrutiny Committee (set out at Appendix 1) at its meeting on the 25/09/2023 be noted, and
- b) That an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

1. Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).
3. Cabinet is being asked to note the scrutiny report / recommendations and that an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.
4. The scrutiny committee will be notified of the Executive Response made in respect to the scrutiny recommendations and may track the implementation of the Cabinet decisions and any actions agreed. This enables the scrutiny committee to track whether their recommendations have been agreed, what actually was agreed (if different) and review any outcomes arising.
5. Where scrutiny committees make reports or recommendations to the Cabinet, as soon as this has been confirmed, these will be referred to the Cabinet requesting an Executive Response. This will instigate the preparation of a report to Cabinet and the necessary consideration of the response, the technical feasibility, financial implications, legal implications and equalities implications etc.
6. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented.

Community impact

7. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents. There has been a drive to improve the scrutiny function at Herefordshire, further to the Rethinking Governance review undertaken in 2021-2022.

Environmental Impact

8. As a committee report there are no direct environmental impacts connected with this report or the outcomes it seeks to deliver.

Equality duty

9. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
10. A public authority must, in the exercise of its functions, have due regard to the need to –
 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

11. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services
12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.
13. As a committee report this will not have an impact on our equality duty.

Resource implications

14. This report provides notification to Cabinet on the scrutiny report and recommendations, which have been referred to the Executive (Cabinet) for an Executive Response.
15. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of resource implications should be undertaken.

Legal implications

16. Section 9F (2) (b) of the Local Government Act 2000 provides that a scrutiny committee can make reports and recommendation to the Executive with respect to the discharge of any functions which are the responsibility of the Executive. This is reflected in part 4.5.41 to 4.5.51 of the Constitution.
17. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the Executive on matters which affect the authority's area or the inhabitants of that area.
18. The scrutiny report provides the scrutiny recommendations of the committee to be made to the Executive (Cabinet).
19. The Cabinet is requested to consider the recommendations and provide a response within two months. The Cabinet is not bound to action or adopt the recommendations but must provide a response to scrutiny.
20. If Cabinet considers that recommendations are contrary or not in accordance with the budget or policy framework, then Cabinet may report the matter to Council (para 4.5.45).
21. Currently, the recommendations are (in part) at too early a formative stage to give a full assessment of legal implications.

Risk management

Risk / opportunity	Mitigation
There is a reputational risk to the council if the scrutiny function does not operate effectively.	The arrangements for the notification of recommendations from the scrutiny committees and agreement of an Executive Response should help mitigate this risk.

22. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.
23. The Executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

Consultees

The Cabinet Member for Environment.
The Chairperson of the Environment and Sustainability Scrutiny Committee.

Appendices

Appendix 1 – Recommendations on Executive response to Cabinet from Environment and Sustainability Scrutiny Committee 25 September

Background papers

[Executive response to the Environment and Sustainability Scrutiny Committee Local Flood](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 29/09/2023
Finance	Karen Morris	Date 29/09/2023
Legal	Sean O'Connor	Date 29/09/2023
Communications	Click or tap here to enter text.	Date Click or tap to enter a date.
Equality Duty	Click or tap here to enter text.	Date Click or tap to enter a date.
Procurement	Click or tap here to enter text.	Date Click or tap to enter a date.
Risk	Click or tap here to enter text.	Date Click or tap to enter a date.
Approved by	Click or tap here to enter text.	Date Click or tap to enter a date.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Appendix 1 – Recommendations on Executive response to Cabinet from Environment and Sustainability Scrutiny Committee 25 September

Background:

At its meeting on 25 September 2023, in regards to the Executive responses to the committee's recommendations on the Local Flood Risk Strategy Action Plan, the Environment and Sustainability Scrutiny Committee voted unanimously to make the following recommendation to the Executive:

Recommendation:

That:

a) The Executive reassure themselves that any review of the Local Plan takes account of all the flood risks, both pluvial and fluvial, specific to Herefordshire.

Title of report: Scrutiny Report River Water Pollution Cabinet 5th October

Meeting: Cabinet

Meeting date: Thursday 5 October 2023

Report by: Environment and Sustainability Scrutiny Committee

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose

The purpose of this report is to notify the Cabinet of the findings and recommendations from the Environment and Sustainability Scrutiny Committee on the [River Water Pollution report](#) - as recorded at its meeting on 25 September 2023 and to request an Executive response.

Recommendation(s)

That:

- a) That the recommendations on River Water Pollution, (set out in Appendix 1) made by the Environment and Sustainability Scrutiny Committee at its meeting on the 25 September 2023 be noted, and
- b) That an Executive Response to the scrutiny recommendations be prepared for consideration by the Cabinet within two months.

Alternative options

None proposed; it is a statutory requirement for the Cabinet to be notified and consider reports and recommendations made by a scrutiny committee.

Key considerations

1. Scrutiny committees have statutory powers to make recommendations to the Executive, and the Executive (Cabinet) has a statutory duty to respond. They may also make reports and recommendations to external decision making bodies.
2. Scrutiny recommendations are addressed to the Cabinet, as the main Executive decision making body of the council (or, where appropriate, an external agency).
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6. Once the Executive Response has been agreed, the scrutiny committee shall receive a report to receive the response and the committee may review implementation of the executive's decisions after such a period as these may reasonably be implemented.

Community impact

7. In accordance with the adopted code of corporate governance, the council is committed to promoting a positive working culture that accepts, and encourages constructive challenge, and recognises that a culture and structure for scrutiny are key elements for accountable decision making, policy development and review. Topics selected for scrutiny should have regard to what matters to residents. There has been a drive to improve the scrutiny function at Herefordshire, further to the Rethinking Governance review undertaken in 2021-2022.

Environmental Impact

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Equality duty

9. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:
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11. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services
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17. Section 9F (2) (e) of the Local Government Act 2000 provides that a scrutiny committee can make reports or recommendations to the Executive on matters which affect the authority's area or the inhabitants of that area.
18. The scrutiny report provides the scrutiny recommendations of the committee to be made to the Executive (Cabinet).
19. The Cabinet is requested to consider the recommendations and provide an response within two months. The Cabinet is not bound to action or adopt the recommendations but must provide a response to scrutiny. .
20. If Cabinet considers that recommendations are contrary or not in accordance with the budget or policy framework, then Cabinet may report the matter to Council (para 4.5.45).
21. Currently, the recommendations are (in part) at too early a formative stage to give a full assessment of legal implications.

Risk management

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22. The Cabinet is requested to provide an Executive Response within two months, at which stage, in considering its response, a full assessment of risk implications should be undertaken.
23. The Executive will then need to assess the risks arising from any executive decisions made in respect of the scrutiny committee's recommendations.

Consultees

The Cabinet Member for Environment.
The Chairperson of the Environment and Sustainability Scrutiny Committee.

Appendices

Appendix 1 - River Water Pollution report Recommendations to Cabinet from Environment and Sustainability Scrutiny Committee 25 September

Appendix 2 - Phosphate analysers in the Wye and Usk

Background papers

[River Water Pollution Report](#)

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 29/09/2023
Finance	Karen Morris	Date 29/09/2023
Legal	Sean O'Connor	Date 28/09/2023
Communications	Click or tap here to enter text.	Date Click or tap to enter a date.
Equality Duty	Click or tap here to enter text.	Date Click or tap to enter a date.
Procurement	Click or tap here to enter text.	Date Click or tap to enter a date.

Risk Click or tap here to enter text. Date Click or tap to enter a date.

Approved by Click or tap here to enter text. Date Click or tap to enter a date.

Please include a glossary of terms, abbreviations and acronyms used in this report.

Analysers (set out in Appendix 2)

Appendix 1 - River Water Pollution report Recommendations to Cabinet from Environment and Sustainability Scrutiny Committee 25 September 2023

Background:

At its meeting on 25 September 2023, in regards to the River Water Pollution report it received, the Environment and Sustainability Scrutiny Committee voted unanimously to make the following recommendations to the Executive:

Recommendations:

That:

- a) The Executive should consider drawing up a River Improvement Direct Action Plan itself, constructed around the Council's existing statutory responsibilities, to inform policy development, prioritisation on actions to be taken, including those in the pipeline, budgeting and resourcing. This would also refer to and draw from related plans being constructed by partners; and
- b) The Executive should collect its own water quality samples, through funding analysers (*set out in appendix 2*) on the river Lugg specifically.
 - * first to fulfil its role as the "competent" authority under the "Habitat regulations"
 - * second, to use as evidence on the true state of our rivers in our catchment area, in negotiations with partners on the required river improvement actions;
 - * third, as a response to the claim by RePhokus in their latest report, "that current inconsistencies in river water quality monitoring programmes are confounding understanding of the impact of variable farming pressures and P surpluses on river P pollution; and
- c) With the EA, an awareness and engagement campaign should be run within the livestock and agricultural sector, covering manure management plans and compliance with the requirements of the "Storing silage, slurry and agricultural fuel oil regulations"; and
- d) With livestock and agricultural producers, the Executive should explore the value of a kitemark designation for local sourced produce to indicate they have come from "Catchment Sensitive Farming (CSF)" practices. This should include discussion with the Herefordshire Food Alliance and any other interested partners;and
- e) That the Executive should push strongly through the existing Cabinet Commission, for the proposed SoS led plan for the river Wye to include a glide path to a Water Protection Zone, if all voluntary arrangements fail to achieve river recovery.

Appendix 2 - Phosphate analysers in the Wye and Usk

During the Environment and Sustainability Scrutiny meeting of 25 September 2023, the Chief Executive of the Wye and Usk Foundation (Mr Simon Evans) described to the committee how phosphate analysers, which allow for the recording of phosphate and other forms of phosphorous, were currently being used in the Wye and Usk catchment areas.

The devices, of which there are currently three in the Usk catchment (funded by Dŵr Cymru Welsh Water) and one in the Wye catchment, enable continuous data retrieval on phosphorous components and ammonia.

The analysers require a river bank lab, which costs approximately £40,000 to install and £20,000 per year to run.



Title of report: Procurement of new waste collection service - update

Meeting:	Cabinet
Meeting date:	Thursday 5 October 2023
Cabinet member:	Harry Bramer for Community Services & Assets
Report by:	Corporate Director, Economy and Environment
Report author:	Head of Environment Climate Emergency and Waste Services, Economy and Environment

Classification

Part exempt

This report is open but Appendix 1 is exempt by virtue of the paragraph(s) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended.

- 1 [Information relating to any individual
- 2 Information which is likely to reveal the identity of an individual]
- 3 Information relating to the financial or business affairs of any particular person (including the authority holding that information)

and in each circumstance the public interest in maintaining the exemption outweighs the public interest in disclosing the information

Decision type

Key

This is a key decision because it is likely to result in the council incurring expenditure which is, or the making of savings which are, significant having regard to the council's budget for the service or function concerned. A threshold of £500,000 is regarded as significant.

This is a key decision because it is likely to be significant having regard to: the strategic nature of the decision; and / or whether the outcome will have an impact, for better or worse, on the amenity of the community or quality of service provided by the authority to a significant number of people living or working in the locality (two or more wards) affected.

Notice has been served in accordance with Part 3, Section 9 (Publicity in Connection with Key Decisions) of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Wards affected

(All Wards);

Purpose

This report seeks to update on the procurement of the new waste collection service. This follows the adoption of the council's new Waste Management Strategy in July 2021 and the subsequent Cabinet decision to adopt a new waste collection model in November 2021.

Recommendation(s)

That:

- a) **Cabinet approves the delivery of the Waste Management Strategy objectives and environmental improvements, by continuing the procurement process for the provision of a waste collection service under the existing collection model, within the proposed 2024/25 annual revenue budget, for an initial term of 8years, including options to extend by up to a further 12 years (following budget approval);**
- b) **Cabinet approves a phased implementation of the new collection model and that the procurement process should include a mechanism within the contract to enable the services to transition to:**
 - i. **a three weekly, twin stream recycling service,**
 - ii. **introduce a weekly food waste collection service and:**
 - iii. **introduce a non-mandatory, seasonable, two weekly, chargeable garden waste service;**
- c) **Cabinet confirms that the remaining aspects of the future collection service, as set out in b), are introduced at the appropriate time, subject to funding, legal responsibilities and approved business case(s);**
- d) **Approval to spend up to £12.29m to purchase the new waste collection fleet, in consultation with the Director of Resources and Assurance;**
- e) **Delegate all operational decisions in order to implement the above recommendations to the Corporate Director for Economy and Environment, in consultation with the Director of Resources and Assurance;**
- f) **Delegates, to the Corporate Director for Economy and Environment, in consultation with the Director of Resources and Assurance the authority to negotiate and enter into a deed of variation to the Waste Disposal contract to accommodate the above recommendations as required; and**
- g) **The decision to award the contract to the successful bidder will be subject to a final decision of Cabinet**

Alternative options

1. Do nothing - This is not an option as the current waste collection contract is due to expire on 31 August 2024 and waste collection and disposal services are statutory services that the council has to provide.

2. Award a new waste collection contract as previously planned. This is not an option due to unprecedented cost escalations and the delayed new burdens contributions from central government that were expected.
3. Terminating the current procurement process and seeking a further long-term extension to the current collection arrangements. This is contrary to the Public Contract Regulations 2015 and the Council's contract procedure rules.
4. Terminating the procurement process and bringing the waste collection service in house; this option has been rejected based on specialist external technical consultancy advice.

Key considerations

5. The current waste collection contract is due to expire on 31 August 2024.
6. On 25 November 2021, Cabinet approved the adoption of the three weekly residual collections with twin stream recycling service in line with the outcome of a public consultation.
7. The Council is currently conducting Competitive Dialogue as part of the procurement process for a new contract. The new contract duration is for an initial 8years term with an option to extend by up to a further 12years.
8. Initial submissions have highlighted significant cost escalation due to a number of compounding market factors and Government delays to implementing and resourcing the new obligations within the Environment Act 2021.
9. Cabinet remain committed to the Integrated Waste Management Strategy 2021 and a cabinet subgroup was established to review options.

Proposed solution – Phased introduction of the new collection model

10. In order to mitigate the significant cost escalation from the numerous market pressures and the significantly delayed introduction of new national government funding contributions through new burdens, the proposed solution is to phase the introduction of the new service.
11. A phased approach is deliverable through the current procurement process, which will include the flexibility to bring forward the subsequent phases at the appropriate times and would be subject to funding, legal responsibilities and an approved business case.
12. A comprehensive communications campaign is in development prior to the new service and further campaigns will be undertaken to support the commencement of each subsequent phase.
13. The proposed phases are summarised below:

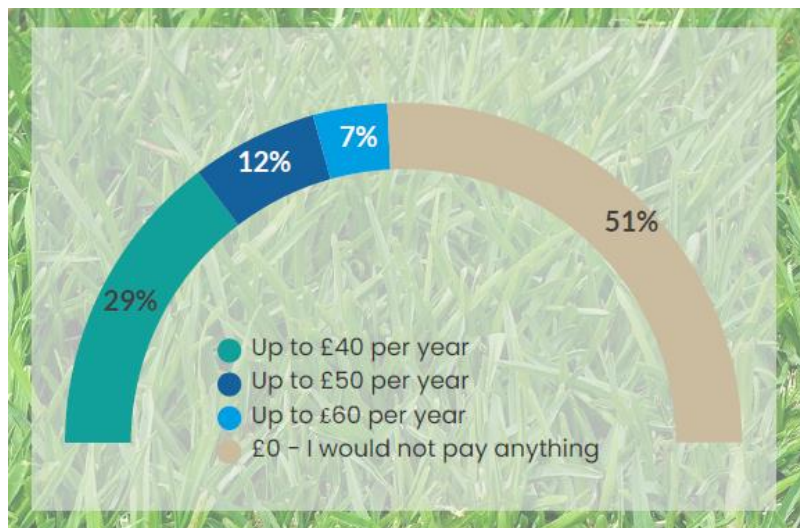
Phase	Service	Summary	Timescales
1	Business As Usual (Standard Service)	Continuation of the alternate weekly collections of residual waste and recycling	Sept 2024
2	New Garden Waste collection service	Introduction of a new chargeable garden waste collections service	TBC Subject to an approved business case demonstrating

			full cost recovery or suitable funding identified.
3	New weekly food waste collection service (Enhanced service)	Introduction of the new weekly food waste service	TBC Subject to an approved business case and suitable funding identified
4	New waste and recycling collection model (Enhanced service)	Introduction of the new three weekly residual collection with twin stream recycling service	

Proposed solution – Charged Garden Waste service

- 14. The Council’s current policy is to charge for all optional services on a full cost recovery basis.
- 15. Specialist technical consultants have undertaken benchmarking and have confirmed that the established approach for garden waste collection services is for these to be optional and chargeable.
- 16. As part of the public consultation held in 2021, 49% of residents who replied to the survey indicated the willingness to use an optional, chargeable garden waste service. This is illustrated in Table 1 below and is a higher percentage than the average take up of 44% nationally.

Table 1 – Public consultation response on Garden Waste Collection Charges



Proposed solution – Phased introduction to the new waste disposal arrangements

- 17. The impacts to the proposed phased introduction to the new waste collection services is currently being discussed with our waste disposal contractor.
- 18. These changes will be considered as part of the subsequent business cases to ensure that waste collection and disposal impacts are considered together.

Community impact

19. Whenever changes are made to a universal waste collection service residents will need clear information and time to prepare and adapt to the change. A comprehensive communications strategy is being developed to continue to support residents in making good reduce, reuse and recycle choices to drive recycling to even higher levels, and to support the mobilisation of the new service.
20. The proposed procurement and mobilisation of the new waste collection service will have a positive impact on contributing towards local and regional strategy priorities, targets and legislation. These all are complementary to The County Plan 2020 – 2024 objectives to:
 - a. Minimise waste and increase reuse, repair and recycling
 - b. Invest in low carbon projects
 - c. Identify climate change action in all aspects of council operation
 - d. Seek strong stewardship of the county's natural resources

Environmental Impact

21. The council seeks to treat waste as a resource, supporting a more circular economy for Herefordshire reducing, reusing and recycling materials so that they stay in use for longer, offsetting use of raw materials and reducing carbon emissions.
22. The environmental impact of this proposal has been integral to the service specification and includes appropriate requirements on the contractor/delivery partner to minimise waste, reduce energy and carbon emissions and to consider opportunities to enhance biodiversity. This will be managed and reported through contract management.
23. The modelling undertaken by Frith Resource Management (FRM) indicates that the new service will
 - a. significantly increase recycling levels
 - b. significantly increase recycling quality
 - c. have a strong focus on re-use to ensure items are in use for longer, reducing waste and offsetting the use of raw materials and reducing carbon emissions
24. The procurement process includes requirements for bidders to set out their approach to deliver the Waste Strategy objectives and environmental improvements which will be evaluated as part of the procurement process.

Equality duty

25. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to-

 - a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
26. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.
27. The previous cabinet decision on the future collection model was considered in line with the council's Equality Act 2010 duties and an extensive public consultation exercise was undertaken.
28. The learning from the pilot schemes has informed the development of the service specification.
29. No new impacts have been identified beyond those identified in the 25 November 2021 Cabinet report and Equalities Impact Assessment.
- a. <https://councillors.herefordshire.gov.uk/ielIssueDetails.aspx?IId=50039497&PlanId=0&Oprt=3#AI59562>

Resource implications

30. The proposed revenue budget for the new waste collection service in 2024/25 is £8m, which will be reduced by the budget required to repay borrowing costs as per the purchases detailed below. This is subject to formal approval of the 2024/25 budget by Full Council in February 2024. Value for money will be demonstrated through the procurement process in line with the contract procedure rules. The new collection contract is for an initial term of 8years, including options to extend by up to a further 12 years (following budget approval).
31. The Council in its Q1 finance report has shown that the council is currently overspending against its agreed budgets. Bearing this in mind the team will be seeking to work with any new provider to deliver cashable savings as part of any new contract awarded.
32. The financial implications of the phased introduction of the new waste disposal arrangements to accommodate phased collected changes will be met within the budget allocation.
33. On 10th February 2023 Full Council approved the inclusion of £12.29m within the Council's capital programme for the provision of new vehicles as detailed below:

Funding streams	Total
	£000
<i>Funded prudential borrowing – ROI – for purchase of vehicles</i>	12,290
TOTAL	12,290

34. As the procurement process is still underway the detailed split of spend across new waste collection vehicles, depot and service improvement and new bins and caddies will be confirmed after Final Submissions. All costs will be met as per the allocation within the approved capital programme. The capital expenditure for the transition to the enhanced services will be subject to an approved business case and future decision

35. In line with the Council's standard capital management, all assets will be depreciated over the expected asset life, which will be detailed as part of the Final Submissions. The Revenue Contributions to Capital Outlay for the purchase of the vehicles will be funded within the £8m annual revenue budget.
36. Due to the phased approach to the new services the capital expenditure will also be phased to enable the introduction of each and the future capital expenditure for each phase will be considered within the business case prior to approval. Whilst the capital programme has a notional allocation of £12.29m for the purchase of new vehicles, only the amount required to purchase the necessary vehicles for each phase will be drawn down. This will be in accordance with the capital business case which was approved at Full Council in February 2023.

Legal implications

37. The council has statutory duties in relation to collection of waste as set out in section 45 of the Environmental Protection Act 1990 and as amended by the Environment Act 2021, which amongst other matters has imposed a new duty in relation to separate receptacles or compartments of receptacles to be used for the purposes to ensure that the council can comply with its duties to collect separated waste. There is an exclusion where recyclable waste types (other than garden and food) can be collected in the same receptacles where it is not economically or technically practical to collect separately or there is no environmental benefit of separate collections. The act doesn't provide a frequency of collection other than for food waste which must be collected weekly. These provisions are not yet in force.
38. The council has engaged specialist legal support in drafting the revised waste collection contract and to advise on the procurement of the new waste collection service. The contract will be procured in accordance with the Council's Procurement Rules

Risk management

39. Key risks and mitigation are kept under regular review by the project board and are summarised below

Risk / opportunity	Mitigation
Public participation of the charged garden waste service	<ul style="list-style-type: none"> • 49% of residents who participated in the public consultation indicated the willingness to use an optional, chargeable garden waste service. • This is higher than the average take up of 44% nationally. • A detailed business case outlining the financial implications will be developed for approval prior to commencing this enhanced aspect of the service.
Procurement Challenge	Specialist legal consultants have confirmed that the proposed inclusion of a phased introduction to the new collection service is in line with the Public Contract Regulations.
Public engagement and successful roll out of the new service	Public consultation exercise from a survey identified that: <ul style="list-style-type: none"> • 86% of residents agreed that more needs to be done to reduce waste and to increase recycling

	<ul style="list-style-type: none"> • 60% of residents accept the need for the council to change the current service • The new collection model was the public's preferred option from the consultation exercise. • Successful launch of pilot schemes • Communication and Engagement campaigns are in place and will continue to run to support residents with ongoing information and changes.
Not Achieving Value for Money	<p>The procurement process and contract management process has been developed with support from specialist technical and legal consultants who will support the procurement to ensure value for money is achieved.</p> <p>A further report will be brought back to cabinet seeking permission to award the contract subject to demonstrating value for money.</p>
Compliance with the requirements of the Environment Act 2021.	The recommended approach is consistent with the requirements within the Environment Act 2021.

Consultees

40. The following consultation has taken place:

Consultation	Date	Feedback
Waste Management Services Review Project Board	Monthly	Lead the development of the recommendations through the process.
Cabinet Subgroup	Fortnightly	Lead the development of the recommendations through the process.
Directorate Leadership Team	23/08/23	Support for the proposal
Corporate Leadership Team	05/09/23	Support for the proposal
Cabinet Feeder	21/09/23	Support for the proposal
Political groups consultation on a key decision	02/10/23	A member briefing session is scheduled for 02/10/23 and feedback will be included in a supplementary paper.

Appendices

- Appendix 1 – Authority's Requirements v3 (Exempt)
- Appendix 2 – Waste Strategy Timeline

Background papers

- Waste Management Review – Waste Collection (Cabinet Report – 25th November 2021)

- <https://councillors.herefordshire.gov.uk/ielssueDetails.aspx?IId=50039497&PlanId=0&O pt=3#AI59562>
- Waste Management Review – Waste Disposal (Cabinet Report – 25th November 2021)
 - <https://councillors.herefordshire.gov.uk/ielssueDetails.aspx?IId=50039499&PlanId=0&O pt=3#AI59564>
- Procurement of new waste collection service (Cabinet Report – 21st July 2022)
 - <https://councillors.herefordshire.gov.uk/ielssueDetails.aspx?IId=50041294&PlanId=0&O pt=3#AI60738>

Report Reviewers Used for appraising this report:

Please note this section must be completed before the report can be published		
Governance	John Coleman	Date 27/09/2023
Finance	Karen Morris	Date 26/09/2023
	Rachael Hart	Date 29/09/2023
	Wendy Pickering	Date 26/09/2023
	Andrew Lovegrove	Date 28/09/2023
Legal	Sean O'Connor	Date 30/08/2023
	Sarah Halliwell	Date 28/09/2023
	Emma-Jane Brewerton	Date 13/09/2023
Communications	Mark Batchelor	Date 30/08/2023
Equality Duty	Harriet Yellin	Date 31/08/2023
Procurement	Carrie Deeley	Date 01/09/2023
Risk	Kevin Lloyd	Date 07/09/2023
Approved by	Ross Cook	Date 29/09/2023

Please include a glossary of terms, abbreviations and acronyms used in this report.

Document is Restricted

Appendix 2 - Waste Strategy Timeline

Date	Activity
July 2019	Waste collection services review to assess the comparative costs and anticipated performance of different waste collection options - Frith Resource Management (FRM)
Nov 2019 - Sept 2020	General Scrutiny Committee formed a cross party Waste Task and Finish group to review the waste management collection service across Herefordshire.
28 Sept 2020	General Scrutiny Committee considered and approved the findings of the Waste Task & Finish group and recommended that a public consultation exercise was undertaken on the two collection models of: <ul style="list-style-type: none"> a. Option 1 - Three weekly residual collection with twin stream recycling as detailed below b. Option 2 – Kerbside sort collection
Nov 2020	Scrutiny recommendation was accepted by Executive
Dec 2020 - Feb 2021	Public consultation exercise on the two proposed collection service options - MEL Research undertook Option 1 was supported by a majority of consultee respondents, 53% as against 47% of respondents who favoured option 2. This represents 3498 residents and 181 businesses.
July 2021	Cabinet approved an ambitious new Herefordshire Integrated Waste Management Strategy and allocated £1.5m from the council's waste reserve to progress and implement a number of pilot projects.
Sept 2021	External review and validation of the approach to both waste collection and waste disposal undertaken to date - SLR Consulting
25 Nov 2021	Cabinet approved the adoption of the three weekly residual collections with twin stream recycling service as the new waste collection model to support residents to increase recycling.
Dec 2021	Soft Market testing review to support the development of the service specification and procurement strategy - SLR Consulting
Feb 2022	Appointment of external specialist technical and procurement advice for the development of the procurement strategy, service specification, associated procurement documentation and to support the mobilisation - Woods Limited (Woods - now part of WSP)
May 2022	Appointment of external specialist legal advice to support the development of the procurement documentation - DWF LLP
Nov 2022	Procurement start by commencement of the Competitive Dialogue Procurement Process – Selection Questionnaire

Jan 2023 – May 2023	Invitation to Submit Detailed Solution stage (ISDS) including pre submission dialogue
May 2023 - Aug 2023	Affordability Review and Cabinet Sub-group
May 2023 - Sept 2023	Competitive Dialogue stage - post ISDS submission
28 July 2023	Resources and Waste Reforms Update from DEFRA - Confirmed delay to 'Extended Producer Responsibility' and 'Consistent recycling collections for households' resulting in delay to New Burdens contributions to local authorities for collection service changes with no defined timetable.
Aug 2023	Extension signed off by FCC board to the current waste collection contract with FCC Environment until 31st Aug 2024