

Cabinet

16 August 2021

Report from the Strategic Director of Regeneration & Environment

Redefining Local Services: Final Delivery Model & Integrated Street Cleansing & Waste Contract Procurement Strategy

Wards Affected:	All
Key or Non-Key Decision:	Кеу
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Part Exempt – Appendix 6 is exempt as it contains the following category of exempt information as specified in Paragraph 3, Schedule 12A of the Local Government Act 1972, namely: "Information relating to the financial or business affairs of any particular person (including the authority holding that information)"
No. of Appendices:	 Appendix 1: RLS Statutory Consultation Results Appendix 2: RLS Procurement Strategy Appendix 3: Alternative RLS Delivery Model Options Appendix 4: RLS Review Findings Appendix 5: Summary of RLS Service Option Appraisals Appendix 6: Risks and Mitigations Associated with the Integrated Street Cleansing & Waste Collections Procurement and Contract (exempt)
Background Papers:	None
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1.0 Introduction

1.1 In 2018, Brent adopted a deliberate strategy to synchronise the end date for its outsourced environmental services so that they coincide for reconsideration at the same time. The Redefining Local Services (RLS) programme was

subsequently initiated in May 2019 to develop and implement a commissioning strategy in time for new service arrangements to take effect from 1 April 2023.

- 1.2 Over six weeks from 17 May to 28 June, the Council carried out consultation with representatives of persons identified under Section 3 of the Local Government Act 1999 (LGA 1999) on delivery model options for how the services in scope of RLS will be commissioned and delivered in future.
- 1.3 This report presents a summary of the responses from that consultation and now proposes the final overarching RLS Delivery Model.
- 1.4 The proposed Final RLS Delivery Model, which is supported by the responses from the best value consultation exercise, is a "specialist contracts delivery model with low to moderate levels of insourcing" and is outlined in section 5 of this report. The decision on the final level of insourcing can be deferred until January 2022, to both allow time for the evaluation of the in house highways reactive maintenance trial and in time to inform the scope of the Invitation to Tender for the next Highways Services contract.
- 1.5 Linked to the Final RLS Delivery Model, the report presents the high level procurement strategy and timetable for those services which will be outsourced. In particular, this report presents the procurement strategy for the first and most pressing procurement process in the timetable an Integrated Street Cleansing, Waste Collections and Winter Maintenance contract ('Integrated Street Cleansing & Waste Contract').
- 1.6 Cabinet decision on the Final RLS Delivery Model for these services and the procurement strategy for the Integrated Street Cleansing & Waste Contract is required now in order to successfully re-commission services within the required timescale.
- 1.7 The key timings for the remaining RLS Final Delivery Model and Integrated Street Cleansing & Waste Contract process are included in Table 1 below.

RLS Commissioning Strategy Timetable	Timing (2021 unless stated)
1. Cabinet Member decision to issue public consultation on Street Cleansing & Waste Collection services	Mid Sep
2.Public consultation on Street Cleansing & Waste Collection services	Oct – Nov
3.Cabinet decision on reactive highways maintenance options and Highways Services ITT	17 Jan 2022
4. Procurement processes	Sep 21 – Aug 22

Table 1: RLS commissioning strategy timetable

5.Contract awards	Jul – Sep 22
6.Contract mobilisations	Aug 22 – Mar
	23

2.0 Recommendations

- 2.1 That Cabinet notes the results of statutory consultation on the RLS Delivery Model Options included in section 4 and Appendix 1.
- 2.2 That Cabinet agrees the "Specialist contracts delivery model with low to moderate levels of insourcing" outlined in section 5 of this report, with a decision on the final level of insourcing deferred until January 2022, to both allow time for the evaluation of the in house highways reactive maintenance trial and in time to inform the scope of the Invitation to Tender for the next Highways Services contract.
- 2.3 That Cabinet approves inviting tenders for the Integrated Street Cleansing & Waste Contract set out in section 6 on the basis of the pre tender considerations set out in paragraph 6.7 of the report.
- 2.4 That Cabinet delegates authority to the Strategic Director for Regeneration & Environment in consultation with the Lead Member for Environment to decide the price/quality ratio for the Integrated Street Cleansing & Waste Contract and the evaluation criteria and approve officers evaluating tenders.
- 2.5 That Cabinet approves the allocation from prudential borrowing of £15m to finance both the fleet required to deliver the Integrated Street Cleansing & Waste Contract and, provisionally, the fleet required to deliver the next grounds maintenance, the latter subject to market testing and development of the GM procurement strategy this autumn.
- 2.6 That Cabinet notes that decision on the final format and content of public consultation on future street cleansing & waste collection services will be made in September by the Lead Member for Environment in consultation with the Leader of the Council.

3.0 Background

RLS Aim and Objectives

3.1 The aim set by members for the RLS programme is to design and implement a better, more integrated and flexible local services delivery model that improves the look and feel of Brent's public realm. The following RLS programme objectives were defined by Brent's members following the launch of the programme in May 2019:

- Meet residents' and businesses' requirements for the services: fully engage with the community to understand their needs and aspirations
- A clean, green environment: place clean streets, clean air, carbon reduction, quality green spaces, trees & biodiversity at the heart of the programme
- Help the local economy: create jobs for local people and opportunities for local businesses to deliver our services
- Be bold and innovative: explore all possible delivery options and seek out best practice and innovation from other providers, from the UK and abroad
- Provide the best value possible with available council resources, in the context of post-Covid financial pressures
- Ensure services are flexible and adaptable to change: build in control, flexibility and resilience to manage future change

RLS programme scope

- 3.2 The RLS programme's scope covers the following functions led by the Environmental Services Directorate (these are outsourced unless indicated otherwise):
 - Waste and recycling collections
 - Recyclates reprocessing
 - Street cleansing
 - Winter maintenance
 - Grounds maintenance for parks, council housing and highways verges
 - Arboricultural services
 - Highways services (all works outsourced, policy and projects insourced)
 - Street lighting services
 - Parking services
 - Highways and environmental crime enforcement (insourced)
 - Regulatory services (environmental health, food safety, trading standards, licensing) (insourced)
 - Commercial services (cemeteries, pest control) (insourced)
 - Community protection (CCTV maintenance outsourced, anti-social behaviour insourced)
 - Special Needs Transport (shared service)

3.3 A key element of the RLS programme is the recommissioning of functions that are currently delivered through contracts. The key contracts are included in Table 2 below.

Contract	Supplier	Annual Value (2020/21)	End / extension
Special Needs Transport (shared service)	LB Harrow	£11m	2022
CCTV Maintenance	Тусо	£0.2m	2022 + 1
Highways Services	FM Conway	£8m	2023
Parking Services	Serco	£6m	2023
Arboricultural Services	Gristwood & Toms	£0.77m	2023 + 2
Street Lighting Services	FM Conway	£1.1m	2023 + 2
Public Realm	Veolia	£18 m	2023 + 7

Table 2: Contracts in scope of RLS

- 3.4 The Public Realm contract included waste and recycling collections, recyclates reprocessing, street cleansing, winter maintenance, grounds maintenance and burials. Burials and grounds maintenance in cemeteries were brought in house in December 2020.
- 3.5 Table 3 below shows the breakdown of the £18m Public Realm contract budget compared with the whole system waste cost (comprising waste collections and waste disposal), totalling £20m, and the combined Public Realm contract and waste disposal costs, which total £28.8m. An additional £400k for grounds maintenance on housing estates is funded from the Housing Revenue Account.

Service	Public Realm contract value 2020- 21	Total waste collection and waste disposal costs 2020-21	Combined Public Realm contract and waste disposal costs 2020-21
Waste collections and recyclates reprocessing	£9.2m	£9.2m	£9.2m
Street cleansing	£6.8m	-	£6.8m
Grounds maintenance	£1.7m	-	£1.7m
Winter maintenance	£0.3m	-	£0.3m

Table 3. Public Real	m contract budget and gros	s overall waste hudget
Table S. Fublic Real	in contract budget and gros	S Overall waste buuyet

Total	£18m	£ 20m	£ 28.8m
Waste disposal costs	-	£ 10.8m	£ 10.8m

- 3.6 An Inter-Authority Agreement (IAA) with LB Harrow is in place to provide special needs transport. The IAA commenced in 2016 and ends in July 2022. Officers have recently established a cross council project team to review current arrangements for special needs transport and to identify opportunities for improvement in terms of governance and financial management of the service as well as opportunities for efficiencies and service improvement.
- 3.7 The key opportunity for aligning future provision of this service with the RLS programme is the relocation of buses from Harrow to Brent depots to reduce journey time and running costs. This opportunity will be assessed as the review progresses during autumn 2021.

RLS review

- 3.8 The RLS programme has conducted an extensive review over the past two years. The key elements of the review which influenced the identification and assessment of RLS delivery model options are listed below. These are summarised in Appendix 4.
 - i) Potential delivery models and benchmarking with neighbouring boroughs
 - ii) Council-wide, environmental services and waste contract financial pressures
 - iii) Brent's pensions costs
 - iv) Depot availability and capacity
 - v) RLS service improvement priorities and future vision for the Environmental Services Directorate
 - vi) Key service synergies and interdependencies
 - vii) Generalist versus specialist roles
 - viii) Experience and learning from the Covid-19 pandemic
 - ix) Options appraisals for each RLS service these are further detailed in Appendix 5.

4.0 Best Value Duty Consultation

- 4.1 The Council carried out statutory best value duty consultation on the future delivery model for RLS services over six weeks from 17 May to 28 June 2021. The context, methodology and results from this consultation are set out in full in Appendix 1 to this report.
- 4.2 Officers sought feedback from representative groups on the following:

- Their priorities in relation to the optimum delivery model for local services, and their consideration on whether the RLS programme aims and objectives meet these priorities
- The suitability of the evaluation criteria used in the assessment of the delivery model options
- Their consideration on the two options recommended by the council as the favoured competing options for the RLS delivery model and whether these options are correct
- The delivery model they prefer from all the options considered, bearing in mind the context around cost and impacts to service delivery
- Their consideration on the opportunity to include in any retendering of the Public Realm Contract an option to in-source certain functions after 1 April 2023, if the council's financial position were to improve.

Consultation Results

4.3 A summary of the headline responses received is provided in this section below. The consultation responses have been taken into account in the consideration of the Final RLS Delivery Model outlined in section 5 of this report, in particular the support for the criteria chosen to assess all RLS delivery models and the support for the two favoured competing options that were put forward in the consultation. The general support for further insourcing where this is affordable will also be taken into account in future decisions on the final levels of insourcing of these services.

Online Consultation

- 4.4 In total, 125 responses were received via the online consultation portal over the six week consultation period. Of these:
 - 90% and 37% identified themselves as representing local taxpayers and service users, respectively. 5%, 10% and 15% identified themselves as representing local rate payers, interested parties and voluntary sector groups, respectively.
 - The largest group of respondents by ethnicity were White British (32%) and Indian (19%), although 20% preferred not to state their ethnicity. There was a noted under-representation from Black British and Eastern-European groups for this consultation, with more targeted communications required for these groups in any future consultation exercises.

- The majority of respondents by age were in the 45 years and over categories, accounting for over 62% of respondents. This is compared to 23% of respondents who identified as being in the 44 and under categories.
- 4.5 Respondents mostly agreed (71%) that the RLS aim and objectives aligned with their own priorities in relation to the optimum delivery model for local services.
- 4.6 Respondents mostly agreed (64%) that the evaluation criteria chosen to assess the delivery model options were suitable.
- 4.7 The majority of respondents (55%) agreed that the council's two 'favoured' delivery model options were the most suitable options.
- 4.8 The majority of respondents (52%) did not have a preference between the two 'favoured' options, although for those who had stated a preference there was a skew of 33% to 12% in favour of the option that included moderate insourcing (i.e. fully in-sourced highways reactive maintenance function).
- 4.9 Respondents were asked if they preferred any alternative delivery model to the two 'favoured' options presented. 27% responded with 'yes', with suggestions broadly favouring either a mixed economy model with varying levels of insourcing and full neighbourhood delivery, or a fully in-sourced model.
- 4.10 The majority of respondents (65%) favoured the option to in-source certain public realm functions after 1 April 2023, should the council's financial position improve.
- 4.11 Respondents were also asked to provide their comments throughout the online consultation. These comments were wide-ranging and broadly reflective of the consensus achieved in the responses to the individual questions summarised above.

Focus Groups

- 4.12 Two online focus group sessions (via Zoom) were carried out over the consultation period with selected representatives of the various "best value duty" groups.
- 4.13 Three individuals (out of 19 invited) attended the residents and service users' focus group session in the evening of 16 June 2021, which was run by officers and attended by the Cabinet Member for Environment. Despite the lower than expected turn-out to the residents' session, officers felt the outcome was productive, with participants expressing their appreciation for the opportunity to share their views and wishing to be engaged in future decisions.
- 4.14 Five individuals (out of eight invited) attended a businesses and voluntary sector focus group session in the morning of 21 June 2021, which was run by the same

officers and attended by the Cabinet Member for Environment. As with the residents' session above, the outcome of the session was productive and a consensus was achieved that broadly reflected the outcomes of the online consultation.

5.0 The Final RLS Delivery Model

- 5.1 Prior to the best value duty consultation, a range of options for the overarching RLS delivery model were assessed against the following criteria, which were derived from the RLS review process:
 - i) Affordable solution in the context of post-Covid financial pressures
 - ii) Flexibility and control of services
 - iii) Neighbourhood approach to managing localities
 - iv) Strategic management of borough-wide assets and specialist services
- 5.2 These delivery model options included the two favoured competing options (specialist contracts with either low or moderate level insourcing) described in this section of the report, and the alternative options listed in section 7 of this report and summarised in Appendix 3.
- 5.3 Following the strong support received during the best value consultation for the two favoured competing options, it is proposed that the specialist contracts model with either low or moderate levels of insourcing is now recommended for approval by Cabinet.
- 5.4 These options are considered to be the options which can best meet members' aspirations for RLS services within available and predicted funding levels. The options offer the benefits of specialist contracts together with targeted insourcing where this can achieve the greatest improvement on service outcomes for the money invested.
- 5.5 The decision on the precise level of insourcing (low or moderate) can be deferred until January 2021, to both allow time for the evaluation of the in house highways reactive maintenance trial and in time to inform the scope of the Invitation to Tender for the next Highways Services contract.
- 5.6 The Final RLS Delivery Model will aim to achieve the following overarching objectives:
 - A neighbourhood approach to managing local issues to meet the needs of local areas
 - A borough-wide approach to managing our assets and infrastructure (e.g. highways, street lighting) to ensure investment is spent well
 - A specialist contracts approach for outsourced services
 - Improved contract management and monitoring for contracted services

- An intelligence-led approach to the deployment of resources
- Integrated deployment of environmental enforcement services across public realm
- Greater responsiveness to addressing issues and problems in the public realm
- Better digital customer interface with real-time information and issue reporting
- Additional council capacity for continuous service improvement and innovation
- Focusing specialist officers where they can add the greatest value, with more triaging between generalist and specialist roles
- Deliver improved Social Value outcomes via our Social and Ethical Procurement Policy, including: striving for carbon neutrality by 2030 and enhancing nature and biodiversity; the number of local jobs created (where appropriate for the contract), including focus on disadvantaged groups; and the number of SMEs and third sector organisations that benefit from the procurement exercises.

Table 4: Proposed Final RLS Delivery Model

Specialist contracts with either low to moderate level insourcing
Specialist contracts
 Integrated street cleansing, waste collections and winter gritting
Recyclates reprocessing
Grounds maintenance
Parking services
Tree maintenance
Street lighting
Highways Services
Insourcing (TUPE noted where applicable)
 Education, Communication and Outreach function from waste contract (TUPE)
Informal Parking Appeals (TUPE)
 Tree surveying, data, work orders (TUPE)
 Highways gang for 20% reactive repairs <u>OR</u> full reactive highways maintenance (TUPE)
Park wardens function (TUPE)
Stronger client (new posts)
1 additional highways inspector
Total additional cost recurring revenue: £0.2m - £0.8m
Mobilisation costs can be contained within existing R&E budgets
£0.02m - £0.65m Capital required for tree database and highways reactive
maintenance

- 5.7 Low level insourcing would require an additional £0.2m in recurring revenue and a small capital requirement of £20k to purchase the tree database.
- 5.8 Moderate level insourcing would require an additional £0.8m in recurring revenue and £0.63m would be required upfront for capital for highways reactive maintenance.
- 5.9 The mobilisation cost for the Final RLS Delivery Model can be contained within existing RLS Programme budget.

Service Improvements

- 5.10 The Final RLS Delivery Model offers the following service benefits:
 - Ongoing funding for the highways reactive maintenance gang based at the Depot, tasked with 20% of reactive highways repairs which arise from customer reports, in order to provide a more flexible and responsive service than the current highways services contract. No additional cost as this has already been funded from within R & E budgets).
 - Insourcing the Education, Communication and Outreach (ECO) team (6 staff) would give the Council direct responsibility for communication, education and outreach to help address our considerable waste, climate emergency and circular economy objectives and challenges. 3 of these staff are already on LGPS with the additional cost of insourcing estimated at £52k per annum.
 - Insourcing the Head Park Warden and 4 Park Wardens would enable better integration of education and enforcement across the whole public realm in Brent. It would also enable a more strategic and holistic approach to stakeholder management and community engagement of park interest groups and park users and help to increase participation and volunteering in parks. All these staff are on existing LGPS via an Admission Agreement with the Council but there would be additional cost estimated at £26k per annum to cover Brent's higher employers' pension contribution (35% compared to Veolia's 20%).
 - The Pre-Notice to Owner (NTO) Correspondence work-stream (informal parking appeals) could be incorporated back into the larger Parking back-office Notice Processing Team (formal parking appeals). The addition of these two individuals would be absorbed within the structure without any need to change either structure or management capacity. The additional cost of insourcing is estimated at £32k per annum. There has historically been discomfort that outsourcing this function results in a situation where the contractor is in effect "marking its own homework" as it is issuing the PCNs

and then answering the challenges to those same PCNs. Moving this service back in house could provide:

- Greater transparency on the activities of the contractor
- More control on how policy is applied to the cancellation of PCNs
- Improved quality of Pre-NTO correspondence
- Greater consistency between Pre and Post NTO communications with customers
- Greater flexibility across the wider PCN correspondence team to deal with surges in workload
- In-sourcing the Tree Surveying function, tree database and the raising of tree works orders would provide the Council with greater strategic and financial control of the Arboriculture Services contract, improved planning and completion of works and achieve better value for money from our tree maintenance budget. This is estimated to cost an additional £30k per annum, comprising £20k in staff costs and up to £10k in annual tree database license costs. Staff time required to maintain the database would be covered from existing resources, and/or as an element of the TUPE transfer to the Council of the existing surveyor post.
- Creating a stronger **highways inspection regime** 1 additional highways inspector post would significantly address the lack of resource for highways inspections noted in section 4 of this report. Total cost **£43k** per annum.

Additional benefits of insourcing full highways reactive maintenance

5.11 In addition to the benefits described above, insourcing the full highways reactive maintenance service would provide the Council with greater flexibility and control for all reactive highways maintenance defects rather than just the 20% of defects addressed by the one gang team being trialled during 2021-22. This would enable a more responsive service. The costs of insourcing the full reactive highways maintenance service would be an additional £0.6m per annum.

Further potential for future insourcing

5.12 Under the Final RLS Delivery Model, there would be potential to insource further functions from the proposed Integrated Street Cleansing & Waste Contract during the main contract term, as detailed in paragraph 6.12 of this report, and to insource the full grounds maintenance service after the next contract ends in 2027/28, should the council's finances improve. There was broad support for such further insourcing in the best value duty consultation response.

5.13 The council would also retain an interest in considering insourcing the full street cleansing service at the end of the main contract term of the proposed Integrated Street Cleansing & Waste contract.

6.0 RLS Procurement Strategy and Integrated Street Cleansing, Waste Collections and Winter Contract

6.1 A high level RLS procurement strategy setting out how each specialist contract would be procured has been included in Appendix 2. The procurement strategy for a new Integrated Street Cleansing and Waste Contract is set out in detail in this section.

Soft market engagement results

- 6.2 In parallel to the best value consultation exercise, the Council held a soft market engagement exercise to discuss the potential retendering of an integrated street cleansing, waste collections and winter maintenance contract with potential bidders. The soft market engagement opportunity was advertised via the Brent e-tendering portal and four expressions of interest were received. Interviews were held with four companies. It was made clear in this process that any procurement was provisional and would be subject to the results of the best value duty consultation and Cabinet decision in August 2021.
- 6.3 The aims of the market engagement were to seek the views from potential bidders on our RLS priorities and objectives, the favoured RLS delivery model and outline procurement strategy, and to understand what would make any procurement exercise attractive to the market. The discussions were highly informative and can be summarised as follows:
 - There was strong support for an integrated street cleansing, waste collections and winter gritting contract with separate grounds maintenance and recyclates reprocessing contracts
 - There was strong support for the use of a two stage competitive dialogue procedure for any procurement process
 - There was consensus on the length of the contract; a main term of 8 years + mutually agreeable extensions of up to a maximum of 8 years
 - All companies would require use of our depot facilities at Marsh Road and potentially satellite parks sites to deliver the services
 - All companies would prefer the council to purchase the fleet, with the contractor to specify, procure and maintain the fleet at their own risk
 - The council will need to take responsibility for reviewing capacity for and funding any electric charging infrastructure at the depots

- The performance framework should be focused on the core service with challenging targets and a clear and streamlined monitoring regime that suits both parties
- All companies were clear that any specification risks that they cannot control would be priced in, for instance the inclusion of a recycling target. They favoured responsibility for the recycling rate either resting with the Council or to be shared, and they were happy to include proposals to support/augment an in house ECO team
- All companies would be prepared to accommodate the insourcing of further low cost functions (e.g. graffiti, fly poster removal etc.) during main contract term, but would like to price for this at the bidding stage
- All companies felt that potential changes to national waste collection
 requirements included in the Environment Bill are unlikely to be able to be
 fully accounted for in their bids, due to the procurement timetable proceeding
 the decision on any new national arrangements. Some companies
 suggested our seeking costed options for potential changes to waste
 collections as those options become clearer following the current
 Environment Bill consultation process, while others suggested there would
 need to be a clear agreement on where risks of any statutory changes to
 collection lay in a change in law procedure to be included in the contract
- All companies shared their experience of introducing improvements around intelligence (data)-led approaches to enable a better prioritisation and targeted resourcing of street cleansing activities
- All companies supported our Social Value and Ethical Procurement Policy objectives and now see social value as part of their core business.

Benefits of an Integrated Street Cleansing & Waste Contract

- 6.4 An integrated waste contract will provide economies of scale, operational efficiency and value for money in the following ways:
 - Street cleansing can be optimised in relation to waste collections
 - Flexible resource for fast response to litter bin emptying, fly-tip removal and emergencies
 - Greater resilience to the impact of sharp reductions in driver availability and the ability to respond to surges in demand for staff
 - Improved waste handling/landfill diversion rates compared to separate contracts
 - Improved response to exceptional circumstances like snow, pandemic, extraordinary events
 - Winter gritting can be shared across HGV drivers and streets' operatives

Vision for the Integrated Street Cleansing & Waste Contract

- 6.5 The vision for this contract is to:
 - Improve the way Brent 'looks and feels' to residents, businesses and visitors including good quality street scene and a clean and tidy area
 - Encourage greater consideration by residents and communities of how to generate less waste, emphasising reduction, reuse, recycling and composting
 - Promote a greater sense of civic pride and a stronger local identity
 - Make a positive impact on social, environmental and economic sustainability
 - Maximise opportunities arising from the Environment Bill

Business risks associated with the Integrated Street Cleansing & Waste Contract

6.6 The risks and mitigations associated with the Integrated Street Cleansing & Waste procurement and contract are identified in the table set out in Appendix 6.

Pre-Tender Considerations for the Integrated Street Cleansing & Waste Contract

6.7 In accordance with Contract Standing Orders 88 and 89, pre-tender considerations for the procurement of the Integrated Street Cleansing & Waste Contract have been set out below.

Ref.	Requirement	Response
(i)	The nature of the	Street cleansing, waste and recycling collections, and
	services.	winter services.
(ii)	The estimated	Circa £300m in nominal terms including indexation and
	value.	population growth over 16 years.
(iii)	The contract	The contract term will be a maximum of 16 years, with
	term.	an initial term of eight years and the option for
		mutually agreeable extensions of up to eight additional
		years.
(iv)	The tender	The Competitive Dialogue Procedure (CD). The
	procedure to be	grounds for use of CD are set out the legal
	adopted.	implications section of this report. The ground that is
		relevant to the procurement of the Integrated Street
		Cleansing & Waste Contract is that "the contract
		cannot be awarded without prior negotiation because
		of specific circumstances related to the nature, the
		complexity or the legal and financial make-up or
		because of risks attaching to them". The services in
		scope of the contract – municipal and commercial

Table 5: Integrated Waste Contract pre-tender considerations

Ref.	Requirement	Response		
		waste and recycling collections, street cleansing and		
		winter maintenance services - are sufficiently		
		technically, commercially (in terms of cost and risk		
		allocation) and legally complex, and the range of		
		potential solutions through an integrated approach to		
		delivery sufficiently broad, to	-	
V)	The procurement	Indicative dates are:		
	timetable.	Adverts placed	06/09/2021	
		Expressions of interest returned	7/10/2021	
		Shortlist drawn up in accordance with the	25/10/2021	
		Council's approved criteria		
		Invite to Participate in Dialogue/Submit Detailed Solutions	01/11/2021	
		Deadline to Submit Detailed Solutions	21/01/2022	
		Issue letters to successful bidder(s)	11/03/2022	
		Invitation to Submit Final Tenders (ISFT)	16/05/2022	
		Deadline to Submit Final Tenders (ISFT)	10/06/2022	
		Evaluation and moderation	June/July 2022	
		Report recommending Contract award circulated internally for comment	11/08/2022	
		Cabinet approval	12/09/2022	
		minimum 10 calendar day standstill period – notification issued to all tenderers and additional	13/09/22	
		debriefing of unsuccessful tenderers		
		Cabinet call in period of 5 days ends	19/09/2022	
		Standstill period ends	23/09/22	
		Contract Mobilisation	Oct – Mar 2023 (6	
			months)	
		Contract start date	01/04/2023	
(vi)	The evaluation criteria and process.	Cabinet is asked to delegate decision on the price/quality ratio and evaluation criteria to the		

Ref.	Requirement	Response
		Strategic Director for Regeneration & Environment in consultation with the Lead Member for Environment.
(vii)	Any business risks associated with entering the contract.	Business risks and mitigations are outlined in the table in Appendix 6 of this report.
(viii)	The Council's Best Value duties.	This procurement process and on-going contractual requirement will ensure that the Council's Best Value obligations are met.
(ix)	Consideration of Public Services (Social Value) Act 2012	The Council is under duty pursuant to the Public Services (Social Value) Act 2012 ("the Social Value Act") to consider how services being procured might improve the economic, social and environmental well- being of its area; how, in conducting the procurement process, the Council might act with a view to securing that improvement; and whether the Council should undertake consultation. Officers have had regard to considerations contained in the Social Value Act in relation to the procurement and 10% of the evaluation criteria will be assigned to evaluating the bidders' social value proposals.
(x)	Any staffing implications, including TUPE and pensions.	See section 11 below.
(xi)	The relevant financial, legal and other considerations.	See sections 8 and 9 below.
(xii)	Sustainability	This procurement will be undertaken in line with the Council's Sustainable Procurement Policy.
(xiii)	Key Performance Indicators / Outcomes	The strategic outcomes for the contract are as follows: Strategic Outcome 1: Provide best value and an affordable solution for Street Cleansing, Waste Collections and Winter Maintenance service provision that lies within the parameters of the council's available resources.
		Strategic Outcome 2: Improve the way Brent "looks and feels" to its residents and visitors, by adopting a neighbourhood approach to meet the needs of local areas including opportunities for the involvement of local stakeholders.
		Strategic Outcome 3: Minimise the amount of residual waste, reducing the damaging impacts of waste management on the climate, and engendering a view of sustainable waste management as a shared responsibility in Brent. The successful contractor will be required to work with the council to continuously

Ref.	Requirement	Response
		reduce Waste and increase the Recycling and Composting performance so that the recycling and composting targets achieved contribute to the Mayor of London's recycling and composting targets in the London Environment Strategy for local authorities to collectively recycle 50% of Local Authority Collected Waste by 2025.
		Strategic Outcome 4: Improve the quality, clarity and timeliness of information shared with stakeholders on how the service is being deployed, accountability and integration of operations across the entire public realm.
		Strategic Outcome 5: The Contractor reduces the greenhouse gas (GHG) emissions from the operations of the Services to support the Council's commitment to achieve carbon neutrality by 2030 and contribute to the Mayor of London's Emissions Performance Standard (EPS).
		Strategic Outcome 6: Deliver better Social Value outcomes via the Council's Social and Ethical Procurement Policy.
		The Integrated Street Cleansing and Waste Contract will include a robust KPI framework.
(xiv)	London Living Wage	The existing contractor pays staff working on the Public Realm Contract the London Living Wage. The new Integrated Street Cleansing & Waste Contract will require the payment of the London Living Wage to staff working on the contract.
(xv)	Contract Management	The contract will be monitored by a single team within the Environmental Services Directorate. The team will audit the contractor's work and help identify and deliver further opportunities for service efficiencies.
		The contract will be managed through: a fortnightly (or more frequently if parties agree) Contract Operations Group discussing day to day issues; a monthly Contract Management Group monitoring performance and payment, and a quarterly Contract Partnership Board ensuring that the goals of the contract are being met and determining the future direction of the contract.
		A partnership/team approach will be fostered in relation to joint delivery of services on the ground between council and contractor staff.

6.8 Cabinet is asked to give its approval to these proposals as set out in the recommendations and in accordance with Standing Order 89.

Further detail

6.9 The following paragraphs summarise the core services to be included in the contract:

Street Cleansing Services

- Provide comprehensive, seven-day cleansing services that deliver high performance standards across all land use types and which maximise the amount of waste segregated for reuse, recycling, composting and recovery
- Provide a 'Clear All' service on designated roads ensuring the removal of all waste in these areas, regardless of the source material
- Provide and manage receptacles, including litter bins, ensuring that they never become full or overflowing
- Provide a fly tipping removal service which proactively reduced the amount of fly tipped waste and delivers the highest possible performance standards
- Provide a graffiti and fly posting removal service that meets EPA standards

Waste and Recycling Collections

- Provide a scheduled residual, recycled, food and garden waste collection service that maximises the amount of waste segregated for reuse, recycling and composting, while minimising contamination of target materials to improve the quality of the separately collected waste streams
- Provide an assisted collection service to meet the needs of those households who are unable to present household waste and recyclables at standard collection points
- Provide a special collections service for bulky household waste that maximises the amount of waste segregated for reuse, recycling and recovery

Winter Maintenance

- Provide an effective winter service which ensures that safe passage along all main highways, priority routes and other relevant land use types is not endangered by ice and/or snow during the designated Winter Service Period
- Provide and manage all salt bins, ensuring that they are stocked and available for use during the designated Winter Service Period to reduce risk to residents

Other Services

- Emergency and out of hours response
- Waste container management and delivery
- Customer care and satisfaction, including response to service requests and complaints.

Provisional items

- 6.10 The following items are to be considered during the procurement process and will be marked as 'provisional services' subject to dialogue with bidders. These items are:
 - Collections from council-owned, non-household premises
 - All Commercial Waste collections
- 6.11 The following items will also be included as provisional items in both the Integrated Street Cleansing & Waste Contract and a future grounds maintenance contract procurement process, with decision on which contract to include these functions in deferred until contract awards for both contracts.
 - Cleansing and litter picking of areas of hardstanding, litter bins and fly-tip removal in parks and green spaces
 - Highways verges grounds maintenance
- 6.12 In addition, the following lower cost functions, which are high profile and can be performed more effectively by direct local authority provision, will be included as provisional items, with the Council reserving the option to insource these to be based at the Depot at some point after April 2023 should the council's financial situation improve:
 - graffiti and fly-poster removal service
 - public convenience service
 - pavement washing service
 - furniture and sign cleansing service
 - emergency call out for cleansing
 - a range of other health and safety and public nuisance matters affecting the public realm that are not currently included in the scope of current contracts or team responsibility.
- 6.13 Finally, we will use the competitive dialogue process to identify solutions that can address the Council's financial pressures whilst still meeting the objectives that have been set for the procurement exercise.

Fleet financing

- 6.14 Cabinet approval of a total allocation of £15m from prudential borrowing is recommended to finance the fleet for both the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contract, subject to approval of the Final RLS Delivery Model in this report. This capital allocation will allow vehicles to be financed upfront rather than through the life of the contract. This is necessary in order to broaden the number of bidders who can bid for the contract and to achieve savings for the Council. The capital bid will be financed by a reduction in the ongoing revenue budgets.
- 6.15 The amount to finance the Integrated Waste Contract fleet on an "as is" basis is estimated at circa £10.6m. The fleet financing strategy will be developed during the Integrated Street Cleansing & Waste Contract competitive dialogue procedure in which we will dialogue with the market on the best solution for the fleet in relation to reliability of service provision and our net carbon zero and local air quality targets. This will include consideration of the most appropriate timings and phasing of fleet financing and procurement to ensure the Council benefits from reductions in manufacturing costs and developments in the reliability of new technologies as these are introduced and trialled in the market.
- 6.16 Whilst we have not yet undertaken soft market engagement on the proposed specialist grounds maintenance services contract to understand the interest of potential bidders in a council fleet financing strategy, we are also seeking the provisional allocation of such capital should the option for the council to finance that GM fleet be similarly advantageous to the council. The estimated amount to purchase the grounds maintenance fleet and associated equipment on an "as is" basis is £1.7m
- 6.17 The competitive procurement process for bids has not yet started and there is a risk that vehicle requirements will be higher than current estimates. Bids will be evaluated using a combined capital and revenue cost. In order to allow flexibility across these categories, a contingency amount of 20% has been added to the capital bid.
- 6.18 It is stressed that this figure is for a like for like fleet and that should the Council wish to introduce electrification of the fleet, this will require additional cost not included in these figures above. Officers will consider options in respect of electrification during dialogue/negotiation on both contracts and may bring back an additional bid for fleet electrification in spring 2022.
- 6.19 The procurement timetable for the Integrated Street Cleansing & Waste Contract allows 6 months mobilisation which is likely to be insufficient time to purchase all required vehicles for contract delivery on day 1, such that some leasing of vehicles is likely to be required. This is due to delays with manufacturing linked to Covid and Brexit. This is likely to mean that the capital allocation is drawn down during the initial years of the main term of the contract which is 8 years.

This may prove to be desirable in any event so that the Council can phase purchase of vehicles in line with improvements and cost reductions in fleet technology.

7.0 Alternative Options Considered

- 7.1 The alternative delivery model options that were identified and assessed in the RLS Review and included in the best value consultation are listed below, with further detail included in Appendix 3. There was limited support for these options in the consultation responses.
 - The 'as is' model for current services
 - Mixed economy with greater neighbourhood delivery (medium level insourcing)
 - Mixed economy with full neighbourhood delivery (high level insourcing)
 - Local Authority Company for all relevant services
 - Internal Provision for all relevant services
 - Internal Provision via shared service for Public Realm contract functions
 - Multiple contracts model with multiple contractors within service areas
 - The Sole Provider delivery model
 - Joint Venture model

8.0 Financial Implications

- 8.1 The proposed Final RLS Delivery Model has either an estimated minimum £0.2m or £0.8m additional annual cost above the 'as is' operating model. The Alternative Options considered and discounted have additional annual costs of up to £11.3m.
- 8.2 In addition, there are potential additional pressures on waste collection and disposal costs upon renewal of arrangements for these services when the current public realm contract ends in March 2023. These pressures are linked to changes in the waste market since the current public realm contract was let in 2014.
- 8.3 The additional cost for the Final RLS Delivery Model will need to be met by finding efficiencies or savings within existing budgets or by increased budget provision from savings identified across the council.
- 8.4 The specific additional annual costs of Final RLS Delivery Model are included in Table 6 below.

Table 6: Proposed Final RLS Delivery Model additional funding financialsummary

Specialist contracts with either low to moderate level insourcing		
Insourcing (TUPE noted where applicable)	£'000	
Education, Communication and Outreach function from waste contract (TUPE)	52	
 Informal Parking Appeals (TUPE) 	32	
 Tree surveying, data, work orders (TUPE) 	30	
 Highways gang for 20% reactive repairs OR full reactive highways maintenance (TUPE) 	0 to 590	
 Park wardens function (TUPE) 	26	
 1 additional highways inspector (new post) 	43	
Total cost recurring revenue	£0.2m - £0.8m	
Capital required for tree database plus highways reactive	£0.02m -	
maintenance	£0.65m	
Mobilisation costs can be contained within existing R&E budgets		

- 8.5 A trial of the highways gang for 20% of reactive repairs has already been funded within R&E (£110k).
- 8.6 These figures are estimated using March 2021 costs and will therefore be subject to indexation/inflation by 2023. If the total services relating to RLS were subject to 2% annual indexation, this would be circa £100k per annum. Contract indexation and internal pay awards are funded corporately as part of Brent's Medium Term Financial Strategy.
- 8.7 The proposed £15m capital allocation from prudential borrowing for financing vehicles for the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contract (described in paragraph 6.14 6.19) is recommended for approval in this report. This includes a 20% contingency for market and inflationary variations.
- 8.8 This capital allocation would be fully funded by a reduction in the Integrated Street Cleansing & Waste and Grounds Maintenance contract revenue budgets.

9.0 Legal Implications

Procurement of the Integrated Street Cleansing & Waste Contract

9.1 The Integrated Waste Contract falls within the definition of a 'public services contract' under the Public Contracts Regulations 2015 ('PCR 2015') and is above the procurement threshold for services (currently £189,330). As such, the procurement is subject to the full application of the procurement rules under PCR 2015. The contract is also categorised as a high value contract under the

Council's contract standing orders and accordingly is subject to the Council's rules for high value contracts.

- 9.2 It is proposed to use the Competitive Dialogue Procedure for the procurement of the Integrated Street Cleansing & Waste Contract. The Competitive Dialogue (CD) is a specific legislative procurement route set out in the PCR 2015 which allows contracting authorities to hold dialogue with bidders on various aspects of the procurement. Use of this procedure is restricted to the circumstances set out in the PCR 2015, namely:
 - Where needs cannot be met without adaptation of readily available solutions;
 - Where the works, services or supplies include design or innovative solutions;
 - Where the contract cannot be awarded without prior negotiation because of the nature of the requirement, the complexity of its legal and financial makeup or because of its risks;
 - Where the technical specifications cannot be established with sufficient precision with reference to particular standards; and
 - In the case of where only unacceptable/irregular tenders have been submitted in an open or restricted procedure.
- 9.3 In order to use the CD procedure for the procurement of the Integrated Street Cleansing & Waste Contract, the Council must establish that the procurement of the services falls within one of the grounds above. The justification for use of the CD procedure is set out in (iv) of the table at paragraph 6.7 of this report.
- 9.4 For High Value Contracts valued over £5 million for services, the Cabinet must approve the pre-tender considerations set out in paragraph 6.7 of this report (Standing Order 89) and the inviting of tenders (Standing Order 88). It is permissible to delegate approval of the pre-tender considerations as proposed in recommendation 2.4 in respect of the evaluation criteria.
- 9.5 Once the tendering process is undertaken, Officers will report back to the Cabinet explaining the process undertaken in tendering the contract and recommending award.
- 9.6 As the procurement is subject to the full application of the PCR 2015, the Council must observe the requirements of the mandatory minimum 10 calendar day standstill period imposed by the PCR 2015 before the contract can be awarded. The requirements include notifying all tenderers in writing of the Council's decision to award and providing additional debrief information to unsuccessful tenderers on receipt of a written request. The standstill period provides unsuccessful tenderers with an opportunity to challenge the Council's award decision if such challenge is justifiable. However if no challenge or successful challenge is brought during the period, at the end of the standstill period the Council can issue a letter of acceptance to the successful tenderer and the contract may commence.

- 9.7 Any ex Brent Council staff who TUPE transferred to the current contractor in respect of the Public Realm Contract will be entitled to retain access to the Local Government Pension Scheme if they transfer to a new contractor for the Integrated Street Cleansing & Waste Contract and continue to work on delivery of the services. The Council may be required to enter into an admission agreement in respect of such staff. The implications for Council staffing levels are identified in section 11 of this report.
- 9.8 Pursuant to the Greater London Authority Act 1999, the Council is under a duty to notify the Mayor of London of its intention to advertise and procure a waste contract and to ensure that it acts in general conformity with the provisions of the London Environment Strategy dealing with municipal waste management. The Council has notified the Mayor of its intentions, subject to the outcomes of the Best Value consultation process and the August cabinet decision, and has commenced a consultation process with the GLA on the specification for the Integrated Street Cleansing & Waste Contract.

The RLS Procurement Strategy

- 9.9 The legal implications for the procurement of the Integrated Street Cleansing & Waste Contract are addressed above. The procurement of the other specialist contracts identified in the recommended delivery model will need to comply with the requirements of the PCR 2015 and its requirements for advertising, tender process, evaluation and standstill as well as the requirements of the Council's Constitution including the Council's Contract Standing Orders.
- 9.10 The same grounds apply to use of the Competitive Procedure with Negotiation (CPN) as those identified for CD in paragraph 9.2 above and they will need to be considered for the Grounds Maintenance and Parking Contracts if CPN is the preferred procurement approach as identified in Appendix 2.
- 9.11 The RLS Procurement Strategy in Appendix 2 provides for potential extension of a number of contracts namely, the Arboricultural Services Contract, the Street Lighting Contract and the CCTV Contract. All of these contracts contain provisions which allow extension of the contract beyond 31st March 2023. If any of the contracts are to be varied on extension, such variation(s) will need to comply with the PCR 2015. Consideration of the application to the PCR 2015 to any proposed contract variation(s) will be provided in future reports relating to any decisions about extension/variation of the contracts.
- 9.12 The Council's proposed purchase and early leasing of the vehicle fleet can be planned for, accommodated and negotiated as proposed, within the Competitive Dialogue (CD) procurement procedure planned for the Integrated Street Cleansing & Waste Contract, and within the Competitive Procedure with Negotiation (CPN) procurement procedure planned for the next grounds maintenance contract.

Consultation

- 9.13 Where consultation is carried out it must comply with the following principles:
 - Consultation must be undertaken at a time when proposals are still at a formative stage;
 - Sufficient reasons for any proposal must be provided in order to allow proper and intelligent consideration and response;
 - Adequate time must be given for consideration and response
 - The decision maker must give conscientious consideration to the responses.
- 9.14 The above principles apply to both the Best Value Consultation already undertaken and also to the proposed consultation set out in Section 12 below.
- 9.15 Decisions on services changes which are likely to result in a significant change in the services provided to residents may require consultation with residents on common law grounds. Whether or not consultation is required will depend on the scale and significance of the proposed changes. Of course, the Council is also free to consult widely even if not required to do so by law.

Purchase of the Fleet for the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contracts

- 9.16 There are various routes which the Council can consider for the upfront purchase or leasing of the vehicles for the Integrated Street Cleansing & Waste Contract and the Grounds Maintenance Contract. Officers are currently exploring a number of options and the options will be explored further through dialogue/negotiation as appropriate. Proposals will be finalised and the detail will be included in the contract award reports for the contracts in due course. Officers will need to consider how the PCR 2015 may apply to the purchase or leasing of the vehicles referred to in this Report.
- 9.17 The Local Government Act 2003 ("LGA 2003") gives a local authority the power to borrow for any purpose relevant to its functions or for the purposes of the prudent management of its affairs.
- 9.18 Any prudential borrowing must be within the borrowing limits of the Treasury Management Strategy approved by full Council each year. This reflects the requirements of the LGA 2003 and the 'Prudential Framework' (Prudential Borrowing Code 2003) which accompanied the LGA 2003.
- 9.19 Under this prudential regime, Councils must borrow within the limits of their capital programmes and repay the purchase of capital assets such as vehicles from revenue.

- 9.20 The authorising, monitoring and expenditure of capital funding must comply with para 3 of the Council's Financial Regulations (The Capital Programme) in Part 2 of the Constitution.
- 9.21 Para 10.7.1 of the Financial Regulations (Property, Stock and Inventory) requires an inventory and adequate care, custody and security arrangements for the vehicle fleet once purchased or leased by the Council, as proposed within the Report.

10.0 Equality Implications

- 10.1 In 2020 an Equality Analysis was undertaken in relation to the RLS programme as a whole and no adverse equality or diversity implications were identified. This was updated in July 2021 to include consideration of the Final RLS Delivery Model and again no adverse equality or diversity implications were identified.
- 10.2 We will develop an equality impact assessment ("EIA") for the Integrated Street Cleansing & Waste Contract during the competitive dialogue process as we start to gain an understanding of any potential changes to the specification and this will be completed in time to inform the contract award report scheduled for September 2022. The proposed consultation with the public during autumn 2021 on potential specification changes will assist in carrying out this EIA and identifying whether there are adverse impacts and what such impacts are. The EIA will identify if there are any adverse impacts on those with protected characteristics from the proposals and if there are, to decide what acts (if any) should be carried out to mitigate any identified adverse impacts on equalities arising from the proposal(s).
- 10.3 EIAs will also be undertaken for all other specialist contracts to be issued for tender under the RLS programme.

11.0 Any Other Implications (HR, Property, Environmental Sustainability - where necessary)

- 11.1 The proposals within this report include potential TUPE transfers (including TUPE transfer of staff into the Council), a service review and recruitment requirements. These will need to be managed in partnership with Human Resources and in line with current HR Policies and Procedures and legislative requirements. Throughout these processes, consultation will be required with relevant individuals, partners, stakeholders and Trade Unions as appropriate.
- 11.2 Council-owned depot sites including the Units 2 and 4-7 Marsh Road, Alperton, and a number of satellite parks depots will be made available to the appointed service provider to deliver the services included in the Integrated Street Cleansing & Waste Contract and Grounds Maintenance Contract.

11.3 A clean and green environment is a key priority for the RLS programme and every opportunity is being explored to ensure that future services and depot arrangements are aligned to our commitments to tackle the climate emergency, air pollution, waste and enhance green spaces and biodiversity.

12.0 Proposed Consultation with Ward Members and Stakeholders

- 12.1 The RLS Members' Reference Group has met several times to consider the RLS programme, the RLS Review, the Delivery Model Options and most recently the Final RLS Delivery Model. There will be regular meetings held with the RLS Members' Reference Group throughout the remaining RLS recommissioning process, focusing on future priorities for the services.
- 12.2 The Final RLS Delivery Model proposed in this report and an outline procurement strategy for the Integrated Street Cleansing & Waste Strategy were considered by the Resources and Public Realm Scrutiny Committee at its public meeting on 13 July. The issues raised by the Scrutiny Committee have been addressed within this report.
- 12.3 Targeted consultation on the RLS Delivery Model Options to comply with Section 3 LGA 1999 took place from 17 May to 28 June 2021 and the results of this exercise and how these have influenced the Final RLS Delivery Model are set out in section 4 of this report, with further detail in Appendix 1.

Further general consultation on future street cleansing and waste collection services

- 12.4 It is proposed that consultation with the general public is undertaken in relation to future street cleansing and waste collection services.
- 12.5 It is proposed that this consultation takes place this autumn following the ITT advert and prior to the commencement of dialogue sessions with bidders. The potential solutions for the next contract will still be at the formative stage.
- 12.6 It is proposed that this consultation would comprise an online consultation questionnaire, Brent Connects sessions, meetings with local resident and environmental groups, businesses and local third sector organisations, and focus groups with randomly selected residents to reflect Brent's diverse population.
- 12.7 A communications plan for the RLS commissioning strategy is being developed, focusing on the following phases.

Table 7: RLS Communications Plan

Phase	Activity	Timing
Phase 1	Updating local people on relevant council decisions and their implications via news stories & reactive press	May 21 – Aug 21
Phase 2	Open up the conversation and build support via organised groups (targeted engagement with Resident Associations, special interest groups)	Sep 21- Jul 22
Phase 3	 Communicating changes and supporting transition, tying into 'Working Hard for Brent' narrative Education linked to the climate emergency, to support behaviour change 	Q3 – Q4 2022-23
Phase 4	Demonstrating improvements with data and case studies/imagery, tying into 'Working Hard for Brent' narrative	Apr 2023 onwards

Related Document:

Decision of Cabinet Member for Environment- 13 May 2021 - Redefining Local Services: Delivery Model Options for Statutory Consultation

Report sign off:

CHRIS WHYTE Operational Director Environmental Services