

 Brent	Decision of Cabinet Member for Cleaner Streets, Transport and Public Realm
	Report from the Corporate Director, Neighbourhood and Regeneration
Authority to vary contract for Integrated Street Cleansing, Waste Collection & Winter Maintenance Service with Veolia Environmental Services (UK) Ltd	

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
List of Appendices:	N/A
Background Papers¹:	N/A
Contact Officer(s): (Name, Title, Contact Details)	Rashmi Agarwal, Head of Service Development & Contracts Performance 020 8937 2514 rashmi.agarwal@brent.gov.uk

1.0 Executive Summary

- 1.1 This report requests individual Cabinet Member approval to vary a contract in respect of Integrated Street Cleansing, Waste Collection and Winter Maintenance Service with Veolia Environmental Services (UK) Limited in accordance with paragraph 13 of Part 3 of the Constitution. The report summarises the reasons for the request to vary.

2.0 Recommendation(s)

That the Cabinet Member for Cleaner Streets, Transport and Public Realm, having consulted with the Leader:

- 2.1 Approves the variation of the contract for Integrated Street Cleansing, Waste Collection and Winter Maintenance Service with Veolia Environmental Services (UK) Limited to undertake additional works at the cost of £1,540,000 for a period of 12 months as set out below:

- (a) To include the provision of two small mechanical street sweepers to address street cleansing;
- (b) To widen the scope of the contract to include 5 additional litter pickers in each Brent Connect area to cover town centres and high streets cleaning;
- (c) To widen the scope of contract to include nighttime street cleansing and waste collection;
- (d) To widen the scope to include a dedicated Persistent Organic Pollutants (PoPS) waste collection 7 days a week;
- (e) To widen the scope to include waste collection from unregistered land;
- (f) To widen the scope to include a weekend rapid response street cleaning crew; and
- (g) To widen the scope to trial an additional resource of a vehicle and two crew members for our Brent Housing Estates.

3.0 Detail

3.1 Contribution to Borough Plan Priorities and Strategic Context

- 3.1.1 The proposed contract variation supports several of the priorities and outcomes set out in Brent's Borough Plan, particularly the strategic priority of a 'Cleaner, Greener Future' which focuses on maintaining clean streets, reducing environmental nuisance, and improving public spaces. The contract variation will increase the Council's capacity to maintain cleaner streets and public spaces whilst minimising disruption through night-time cleansing and waste collection.
- 3.1.2 The variations also support the Borough Plan outcome of creating a safe borough by helping tackle environmental crime, fly-tipping, littering, and poor environmental conditions that negatively impact residents' perception of safety and wellbeing.
- 3.1.3 In addition, the proposals contribute to the Borough Plans priorities of 'Thriving Communities' and 'A Healthier Brent' by creating cleaner and subsequently healthier public spaces as well as fostering community pride.

3.2 Background

- 3.2.1 The Council entered into a contract for Integrated Street Cleansing, Waste Collection and Winter Maintenance Service with Veolia Environmental Service (UK) Limited on 5 April 2023 (the "Contract").
- 3.2.2 Officers consider that the contract should be varied and have entered into discussions with Veolia Environmental Services (UK) Limited (the "Contractor") to vary the Contract as follows:

- (a) **To include the provision of two small mechanical street sweepers to address street cleansing**

Following recent funding from NCIL, mechanical sweepers were trialled for additional street cleaning, and they have been key in keeping Brent's side roads

and residential roads clean and have made a huge difference to the look and feel of the public realm.

(b) To widen the scope of the contract to include 5 additional litter pickers in each Brent Connect area to cover town centres and high streets cleaning

Litter pickers were another feature trialled recently. This brought in a significant change in the borough cleanliness. Litter pickers are important as they pick up surface litter that would be missed, as many roads are swept once a month even with rapid response crew help. This proposal of extra litter pickers operating on weekdays and weekends to cover from Friday- Tuesday, will help deal with extra pressure and demands generated over the weekends.

(c) To widen the scope of contract to include nighttime street cleaning and waste collection

Brent currently has a trial in place for nighttime street cleaning/waste collection. This overnight service from 9.00pm till 6.00am has improved the look and feel of our town centres in terms of overnight dumped waste. The borough looks much cleaner in the morning and the morning collection crew are able to complete their rounds efficiently and on time. The service feels that this initiative will immensely help towards maintaining a cleaner borough.

(d) To widen the scope to include a dedicated Persistent Organic Pollutants (PoPS) waste collection 7 days a week

In 2024, PoPS legislation came into effect and PoPS could not be mixed with other waste and necessitated a separate arrangement for PoPs collection. Due to the urgency and limited time period to put arrangements in place, a rapid response crew from Wembley North was re-directed to collect PoPs instead without incurring additional costs to the Council. The PoPs collection has worked so far but this has had an impact in street cleansing standards in the North of Wembley. Therefore, the service will benefit from having a separate collection crew and brining the Wembley North crew back to meet the core contract requirement.

(e) To widen the scope to include waste collection from unregistered land

The NCIL project funding for waste on private land clearance has helped neighbourhood managers to get ad hoc cleaning done on parts of land that gets neglected and becomes an issue for ASB or a hot spot for dumping waste. If these ad hoc services are agreed and arranged with Veolia then it will help neighbourhood managers to keep on top without it turning into a big problem requiring huge resources for clearance.

(f) To widen the scope to include a weekend rapid response street cleansing crew

In the current contract there are no pick-up crews collecting from residential areas during weekends. Due to the high volume of waste and fly-tip events occurring over the weekend period, this results in delayed responses and backlogs that significantly impact service delivery and Monday operations. The accumulation of waste over two days creates operational challenges and increases the workload for weekday crews. The introduction of two morning shift pick-up crews to collect from residential areas, with one crew covering the South and one crew covering the North of the Borough will help keep our streets clean. The shift will operate from 07:00 until 13:30.

(g) To widen the scope to trial an additional resource of a vehicle and two crew members for our Brent Housing Estates

There is a requirement for a dedicated service to support Brent's housing estates in the collection of Fly-tipped and excess waste. Due to the high volume of this type of waste on our estates, the existing in-house service is unable to cope. Officers have worked with Veolia to come up with a solution which would cover these services on 15 of our estates which needs additional service. This service will consist of 1 x 26t tonne RCV and 1 x Caged vehicle (Rapid Response) and a supervisor. The RCV will be used to collect Fly-tips (non POPS) and excess waste. The Caged vehicle will be used to clear POPS items as well as provide a rapid response element which can be quickly dispatched to attend to priority jobs. The supervisor is needed to co-ordinate the teams and act as a direct contact between Brent Council and the crews. The service is proposed to run for a trial of 12 months, Monday – Friday during normal working hours.

3.2.3 There has been extensive discussion with the contractors on the service requirement and the improvement it will bring to the borough. Quotes received were discussed, clarified. Each recommendation contains the 12 months estimated costs as listed below and are based on the hourly rates provided in the contract. Following the 12 months period, viability of projects and improvements made will be assessed and a longer-term plan for individual projects will be discussed with senior members and finance to establish budgets and additional contract expenditure.

- (a) To include the provision of two small mechanical street sweeper to address street cleansing -£150k
- (b) To widen the scope of the contract to include 5 additional litter pickers in each Brent Connect area to cover town centres and high streets cleansing- £250k.
- (c) To widen the scope of contract to include Nighttime Street cleansing and waste collection- £120k.
- (d) To widen the scope to include a dedicated Persistent Organic Pollutants (PoPS) waste collection 7 days a week -£180k.
- (e) To widen the scope to include waste collection from unregistered land-£150k.
- (f) To widen the scope to include a weekend rapid response street cleansing crew-£140k.
- (g) To widen the scope to trial an additional resource of a vehicle and two crew members for our Brent Housing Estates -£550k,

3.2.4 The Contract contains express provision permitting variation. The Contractor has confirmed its agreement to the proposed variation.

3.2.5 Under section 3(b) of the table at paragraph 9.5 of Part 3 of the Constitution, Corporate Directors may only vary contracts and agreements provided that:

- (a) The extension, variation, renegotiation, novation or assignment would not be in breach of the Procurement Legislation.

- (b) The extension, variation, renegotiation, novation or assignment does not substantially alter the terms and conditions of the contract.
- (c) There is sufficient existing budgetary provision.
- (d) Provided that in the case of any variation (other than an extension):
 - (i) the total value of the variation is less than £1m; and
 - (ii) if the total value of the variation (and any previous variations agreed under this provision) is more than £50k it is not more than 50% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract).
- (e) The relevant cabinet member shall be consulted prior to a decision within (d) (i) or (ii) above and may request that the decision instead be referred to them.

3.2.6 In respect of paragraph 3.2.5 (a) the variation is made under the Contract's express review provisions and Regulation 72(1)(a) PCR 2015 and is not in breach of the Procurement Legislation; (b) it does not substantially alter the terms and conditions or the overall nature of the Contract, which remains a contract for integrated street cleansing, waste collection and winter maintenance; (c) sufficient budgetary provision exists (paragraph 5.2); and (d) the total value of the variation (£1.5m) is £1m or more.

3.2.7 For the reasons detailed in paragraphs 3.2.6 the Corporate Director does not have delegated powers to agree the variation but pursuant to paragraph 13 of Part 3 of the Constitution, the Cabinet Member for Cleaner Street, Transport and Public Realm, having consulted with the Leader has delegated powers to:

- a) Agree contract extension, variation or termination where the decision is excluded from officer delegated powers because:
 - (i) in the case of any variation (other than an extension):
 - the total value of the variation is £1 million or more; and
 - the total value of the variation is more than £50k and is more than 50% of the original contract value (calculated over the life of the contract including any extensions or possible extensions and adjusted in accordance with any price review mechanism provided for in the contract)
- b) Agree of other contract extensions, variations or terminations where the Cabinet Member requests that a decision be referred to them pursuant to Part 3 paragraph 9.5.

3.2.8 Subject to consultation with the Leader, the Cabinet Member for Cleaner Street, Transport and Public Realm has delegated powers to agree the proposed variation.

4.0 Stakeholder and ward member consultation and engagement

4.1 Given some of the projects have already been approved by members recently as part of NCIL projects, it has not been considered necessary to consult with the Ward Member or other stakeholders. But the lead member has been consulted and has approved the proposals.

5.0 Financial Considerations

- 5.1 The total value of the Contract is £274m. The estimated value of the proposed variation for 12 months is £1.54m including VAT based on quotes received for carrying out services which will include recruitment of temporary staff, equipment and machinery. A breakdown of this total is shown in section 3.2.3.
- 5.2 The cost of this variation of the Contract will be funded from £3m growth awarded to Public Realm as part of the budget setting process. This was awarded as an investment in Public Realm and Street Cleansing to deliver clearer and more visible improvements in cleanliness across the Borough.

6.0 Legal Implications

- 6.1 Officers recommend the variation of the Contract as set out in paragraphs 3.2.1- 3.2.3
- 6.2 The value of the original contract is such that it is subject to full application of the Public Contract Regulation 2015 (PCR 2015).
- 6.3 The Contract contains express provision permitting the Client to vary the Services. There are clear, precise and unequivocal review clauses within Regulation 72(1)(a) PCR 2015. The variations do not alter the overall nature of the Contract, and their value (approximately 0.6% of the £244m contract value) does not approach the thresholds in Regulation 72. The Council may therefore vary the Contract without a new procurement procedure in reliance on Regulation 72(1)(a).
- 6.4 As set out in paragraph 3.2.7, pursuant to paragraph 13 of Part 3 of the Constitution, the Cabinet Member for Cleaner Streets, Transport and Public Realm, subject to consultation with the Leader, has delegated powers to agree the proposed variation.
- 6.5 Any further variations required after the 12 month period must be considered in line with the Council's Standing Orders and procurement regulations.
- 6.6 This is a Key Decision for the purposes of paragraph 27 of Part 2 of the Constitution. In accordance with paragraph 30 of Part 2, the decision may not be taken unless it has been included in the Forward Plan, with not less than 28 clear days' notice of the intended decision having been given.

7.0 Equity, Diversity & Inclusion (EDI) Considerations

- 7.1 Pursuant to s149 Equality Act 2010 (the "Public Sector Equality Duty"), the Council must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it,
- 7.2 The Public Sector Equality Duty covers the following nine protected characteristics: age, disability, marriage and civil partnership, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

- 7.3 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 7.4 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 7.5 The proposals in this report have been subject to screening and officers believe that there are no adverse equality implications.

8.0 Climate Change and Environmental Considerations

- 8.1 The dedicated Persistent Organic Pollutants waste collection service helps the Council manage hazardous waste safely and in compliance with environmental regulations. This will reduce the risk of pollutants entering the environment. The inclusion of waste collection from unregistered land will also help address accumulations of waste that can negatively impact neurodiversity and public health.
- 8.2 Whilst the additional cleansing and collection services may result in some associated carbon emissions, these impacts are expected to be outweighed by the environmental benefits that come from improved waste management, cleaner public spaces, faster responses to environmental incidents, and reduced levels of littering.

9.0 Human Resources/Property Considerations (if appropriate)

- 9.1 This service is currently provided by an external contractor and there are no implications for Council staff arising from varying the contract.

10.0 Communication Considerations

- 10.1 A detailed campaign plan and delivery timetable will be developed in collaboration with the Communications Team and integrated into the Council's wider environmental communications programme.
- 10.2 Communications activity will align with the Council's "Don't Mess with Brent" campaign and focus on the tangible improvements residents will experience because of the variation.

Report sign off:

Jehan Weerasinghe

Corporate Director Neighbourhood & Regeneration