

Subject:	Travellers Waste Contract Procurement		
Date of Meeting:	24 January 2012		
Report of:	Strategic Director - Place		
Contact Officer:	Name:	Sam Smith	Tel: 29-2083
	Email:	sam.smith@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No: ETSCMM24839	
Ward(s) affected:	All		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 The purpose of this report is to seek approval for the procurement of a new Traveller waste contract.
- 1.2 The contract will cover waste removal and disposal from official and unauthorised Travellers sites on council land in Brighton & Hove, and other associated services. The scope of the proposed contract also includes some services for the Horsdean Transit Site (including the provision of cleaning for the shower and toilet block).
- 1.3 The quantity of waste being deposited at unauthorised sites varies and there are therefore no defined quantities for this element of the contract.
- 1.4 The successful bidder will be expected to provide a prompt, efficient and sustainable service. Brighton and Hove City Council requires that materials are recycled or reused wherever possible

2. RECOMMENDATIONS:

- 2.1 That the Environment Cabinet Member approves the tender of a Traveller Waste Contract and give delegated authority to the Strategic Director Place in consultation with the Director of Finance to award the contract.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton and Hove is mainly visited by Irish Travellers, English Gypsies, Roma and New Travellers. Nomadic life is not illegal, and Travellers have a basic right to this way of life. The council recognises that this has to be balanced with the rights of the general public to enjoy private and public land. Nomadic groups have existed in this country for hundreds of years. They may come from one of the groupings of traditional travelling people such as the Romanies who arrived in England in 16th and 17th centuries or Irish Travellers arrived mainly in the last 150 years. Alternatively they may come with the category known as 'New Travellers' or 'New Age Travellers'. There are often high levels of need with these groups and they may have difficulties accessing health and educational services.

- 3.2 Management of unauthorised encampments is carried out in line with the council's Traveller Strategy, following government guidance on the use of enforcement powers. If immediate action is required Police powers under Section 61 or Section 62 of the Criminal Justice and Public Order Act 1994, which do not require the involvement of the Courts, may be used. If their removal from the land is not deemed to be an immediate requirement, action will usually be taken through Part 55 Civil Procedures or through the use of Section 77-78 (of the Criminal Justice and Public Order Act 1994).
- 3.3 Current arrangements for waste disposal and associated services have been made through a contract awarded to Tim Jordan Grounds Maintenance. This contract was awarded following a procurement process carried out in spring 2007.
- 3.4 Council officers from Housing & Social Inclusion, City Clean and the corporate Finance, Legal and Procurement teams have undertaken an analysis of different options for the future provision of waste and associated services to unauthorised Traveller encampments and the Horsdean Transit Site. These include:
- Returning to previous ad-hoc arrangements
 - Re-procuring the current contract
 - Bringing the contract in-house (City Clean)
 - Bringing the contract in-house (Housing Estate Service)
 - Mixed option (bringing some services in-house and re-procuring the remainder)
- 3.5 The analysis of risk, benefits and costs identified the mixed option as the preference; this option would bring some of the current services in-house and re-procure the remainder. This option was found to have the best balance of risks and benefits and has the potential to create financial savings on current costs.
- 3.6 The option would look to utilise City Clean for waste collection from the Horsdean Transit site, which could be added to existing rounds and therefore generate a potential annual saving in the region of £24,000 on current costs. The council would also look to use our housing Repairs & Improvement Partner, Mears Limited, for relevant repairs at Horsdean, an approach which is currently being piloted. The majority of the remaining services would be re-procured to ensure that the contract was still seen as attractive to potential bidders and therefore maximise value for money.
- 3.7 There are fluctuating levels of occurrence of unauthorised encampments through the year and the council needs to ensure that it has a timely and flexible response in order to minimise disruption to other users of the affected public spaces. The planning and resourcing of a full in-house service would be more costly than a procured option as contractors are able to mobilise resources flexibly from across the contracts they provide in response to demand, whereas the council would need to procure vehicles and employ staff to be ready for a speedy response to encampments as they arise.
- 3.8 Services for unauthorised encampments that will be covered within the scope of the tender include:
- Weekly collections of waste for recycling and disposal

- Provision of litter picks
- Removal of special and hazardous waste
- Provision of bins at unauthorised encampments
- Clearing of litter and domestic waste
- Removal of fly tips
- Provision of portable toilets

3.9 Services for Horsdean that will be covered within the scope of the tender include:

- Cleaning of toilet block at the Horsdean Transit Site
- Some repairs and maintenance (also covered by Mears)
- Provision of litter picks
- Removal of special and hazardous waste
- Removal of non-domestic waste, excess waste and fly tips

3.10 The council plans to increase its education and enforcement work with Travellers at both unauthorised encampments and the Horsdean transit site. The aim will be to reduce levels of waste, litter and fly-tipping, and increase levels of recycling.

3.11 The indicative timetable for the procurement and the implementation of the contract is shown below. The contract would therefore be in place in August 2012:

Task	Duration	Start date	End date
Place OJEU advert	1	30/01/12	30/01/12
PQQ response period	42	31/01/12	12/03/12
PQQ evaluation	24	13/03/12	08/04/12
ITT issued	1	09/04/12	09/04/12
Tender period	47	09/04/12	30/05/12
Tender evaluation	48	31/05/12	17/07/12
Agree preferred bidder	1	18/07/12	18/07/12
Approval report agreed	1	19/07/12	19/07/12
Mandatory standstill period	10	19/07/12	29/07/12
Contract award notice		01/08/12	01/08/12
Mobilisation	18	02/08/12	20/08/12
Contract start	1	21/08/12	

4. COMMUNITY ENGAGEMENT AND CONSULTATION

4.1 Feedback that has been received from Travellers and the settled community on the current service will inform the development of the specification and procurement documents.

5. FINANCIAL & OTHER IMPLICATIONS:

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Financial Implications:

5.1 The analysis of risk, benefits and costs identified the mixed option as the preferred option which looks to bring some of the current services in-house and re-procure the remainder. The costs of this service will be met from within existing budget resources. The 2012/13 draft budget for this service has been

prudently calculated using current costs and trends in the Traveller Service and does not include the savings generated by utilising City Clean due to the unpredictable nature of the Traveller Service and the competitive tendering process. Any savings generated (or additional costs) will be reported as part of the monthly budget monitoring reports during the year

Finance Officer Consulted: Monica Brooks Date: 10th January 2012

Legal Implications:

- 5.2 The proposed arrangement will help to ensure that the Council meets its legal obligations in terms of the collection of controlled waste and the protection of public health. The value of the services to be procured is such that the EU Procurement Rules will govern the process to be followed in the letting of the contract. Given that the existing contractual arrangements are due to end in 2012, a notice needs to be placed in the OJEU notice at the earliest opportunity.

Lawyer Consulted: Jill Whittaker Date: 29th November 2011

Equalities Implications:

- 5.5 The council has a duty to promote positive race relations and it is not uncommon for Travellers to face discrimination. The contractor will be expected to work in partnership with the council to promote this and to outline proposals on how this can be best achieved within the tender.

Sustainability Implications:

- 5.6 The procurement process that will be undertaken for the re-letting of this contract will require the Service Provider to demonstrate that they:
- Have policies in place that will improve energy efficiency and encourage awareness of energy issues in terms of their own operations
 - Have a commitment to reducing waste, reusing and recycling resources used in the delivery of the service wherever possible, and aim to ultimately send a minimum amount of waste to landfill
 - Have a commitment to reduce green house gas emissions to the atmosphere arising from its activities including operational and embedded CO2 levels. As part of this commitment the Service Provider should encourage low carbon modes of transport and fuel efficient driving, as well as reducing the need to travel
 - Have a commitment to sustainable procurement and consider the whole life cost of goods and services procured on behalf of the council. All aspects of procurement should be assessed to help reduce significant environmental impacts, whilst also maintaining a balance between social and economic needs of the wider community. This will include, where possible, procuring energy and other natural resources from renewable sources, those with low embodied

energy, the procurement of local materials, or those materials made from renewable or waste resources, wherever possible.

- Actively engage with and improve the performance and sustainability of its own supply chain

Crime & Disorder Implications:

- 5.7 The council has a policy of prosecuting anyone caught fly tipping, and waste enforcement officers in City clean work closely with the police in pursuing any fly tipping offenders or those operating a waste business without the appropriate licences

Risk and Opportunity Management Implications:

- 5.8 Risks associated with this procurement will be managed using the corporate risk management methodology.

Public Health Implications:

- 5.9 This contract will have a positive impact on public health and wellbeing in ensuring continued and safe use of parks and open spaces by all members of the community. The contract will remove hazardous and other waste from areas which are accessed by the public and could therefore be detrimental to public health if not removed.

Corporate / Citywide Implications:

- 5.10 This contract will have positive environmental impacts on parks and open spaces across the city.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 Council officers from Housing & Social Inclusion, City Clean and the corporate Finance, Legal and Procurement teams have undertaken an analysis of different options for the provision of waste and associated services to unauthorised Traveller encampments and the Horsdean Transit Site (see points 3.4 to 3.7).
- 6.2 The analysis of risk, benefits and costs identified the mixed option as the preference; this option would bring some of the current services in-house and re-procure the remainder. This option was found to have the best balance of risks and benefits and has the potential to create financial savings on current costs.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 To ensure the effective removal of domestic and other waste and associated services from Travellers sites and the Horsdean Traveller Transit site.

- 7.2 To provide a clean and well maintained toilet block at the Horsdean Traveller Transit site.