



Meeting	Cabinet (additional meeting)
Date and Time	Friday, 15th November, 2019 at 9.30 am.
Venue	Walton Suite, Winchester Guildhall

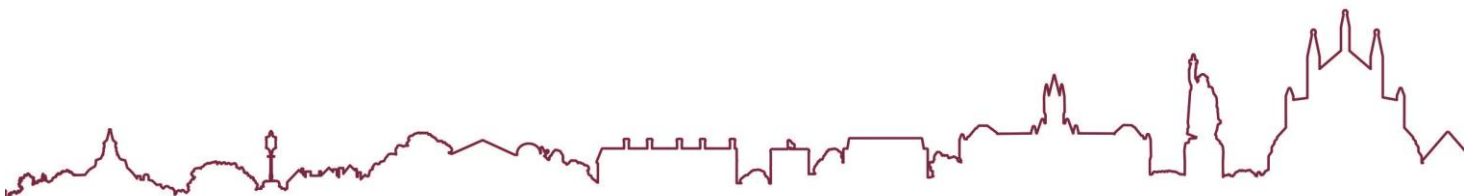
AGENDA

PROCEDURAL ITEMS

- 1. Apologies**
To record the names of apologies given.
- 2. Membership of Cabinet bodies etc.**
To give consideration to the approval of alternative arrangements for appointments to bodies set up by Cabinet or external bodies, or the making or terminating of such appointments.
- 3. Disclosure of Interests**
To receive any disclosure of interests from Members and Officers in matters to be discussed.
Note: Councillors are reminded of their obligations to declare disclosable pecuniary interests, personal and/or prejudicial interests in accordance with legislation and the Council's Code of Conduct.
- 4. To note any request from Councillors to make representations on an agenda item under Council Procedure Rule 35**
Note: Councillors wishing to speak about a particular agenda item are requested to advise the Democratic Services Officer before the meeting. Councillors will normally be invited by the Chairman to speak during the appropriate item (after the Cabinet Member's introduction, questions from Cabinet Members and public participation).

BUSINESS ITEMS

- 5. Minutes of the previous meeting held on 23 October 2019 (Pages 5 - 14)**



6. **Public Participation**

– to note the names of members of the public wishing to speak on general matters affecting the District or on agenda items (in the case of the latter, representations will normally be received at the time of the agenda item, after the Cabinet Member's introduction and any questions from Cabinet Members).

7. **Leader and Cabinet Members' Announcements**

8. Environmental Services - Award of Contract (less exempt appendices)
(Pages 15 - 24)

Key Decision (CAB3202)

9. To note the future items for consideration by Cabinet as shown on the December 2019 Forward Plan. (Pages 25 - 30)

10. EXEMPT BUSINESS:

To consider whether in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

- (i) To pass a resolution that the public be excluded from the meeting during the consideration of the following items of business because it is likely that, if members of the public were present, there would be disclosure to them of 'exempt information' as defined by Section 100 (I) and Schedule 12A to the Local Government Act 1972.

9. Environmental Services - Award of Contract (exempt appendices)

Key Decision (CAB3202)

Lisa Kirkman
Strategic Director: Resources and Monitoring Officer

Members of the public are able to easily access all of the papers for this meeting by opening the QR Code reader on your phone or tablet. Hold your device over the QR Code below so that it's clearly visible within your screen and you will be redirected to the agenda pack.



7 November 2019

Agenda Contact: Nancy Graham, Senior Democratic Services Officer
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**With the exception of exempt items, Agenda, reports and previous minutes are available on the Council's Website www.winchester.gov.uk*

CABINET – Membership 2019/20

Chairperson: Councillor Thompson (Leader and Cabinet Member for Communications)

Councillor Cutler (Deputy Leader and Cabinet Member for Finance and Risk)

Councillor	-	Cabinet Member
Learney	-	Cabinet Member for Housing and Asset Management
Murphy	-	Cabinet Member for Environment
Porter	-	Cabinet Member for Built Environment and Wellbeing
Prince	-	Cabinet Member for Sport, Leisure and Communities
Tod	-	Cabinet Member for Service Quality and Transformation
Weir	-	Cabinet Member for Local Economy

Quorum = 3 Members

Corporate Priorities:

As Cabinet is responsible for most operational decisions of the Council, its work embraces virtually all elements of the Council Strategy.

Public Participation

Public Participation is at the Chairperson's discretion. If your question relates to an item on the agenda, you will normally be asked to speak at the time of the relevant item. Representations will be limited to a maximum of 3 minutes, subject to a maximum 15 minutes set aside for all questions and answers. If several people wish to speak on the same subject, the Chairperson may ask for one person to speak on everyone's behalf. As time is limited, a "first come first served" basis will be operated.

To reserve your place to speak, you are asked to arrive no later than 10 minutes before the start of the meeting to register your intention to speak. Please contact the Democratic Services Officer in advance for further details.

Filming and Broadcast Notification

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Disabled Access:

Disabled access is normally available, but please phone Democratic Services on 01962 848 264 or email democracy@winchester.gov.uk to ensure that the necessary arrangements are in place.

Terms Of Reference

Included within the Council's Constitution (Part 3, Section 2) which is available [here](#)

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CABINET

Wednesday, 23 October 2019

Attendance:

Councillor Thompson (Chairperson)	– Leader and Cabinet Member for Communications
Councillor Cutler (Vice-Chair)	– Deputy Leader and Cabinet Member for Finance and Risk
Councillor Learney	– Cabinet Member for Housing and Asset Management
Councillor Murphy	– Cabinet Member for Environment
Councillor Porter	– Cabinet Member for Built Environment and Wellbeing
Councillor Prince	– Cabinet Member for Sport, Leisure and Communities
Councillor Tod	– Cabinet Member for Service Quality and Transformation
Councillor Weir	– Cabinet Member for Local Economy

Others in attendance who addressed the meeting:

Councillors Bell, Godfrey, Horrill, Pearson and Williams

Others in attendance who did not address the meeting:

Councillor Brook

1. MEMBERSHIP OF CABINET BODIES ETC.

RESOLVED:

That Councillor Weir replace Councillor Murphy as one of the Council's representatives on the Southampton International Airport Consultative Committee for the remainder of 2019/20.

2. DISCLOSURE OF INTERESTS

Councillor Learney declared an interest as a member of Littleton Parish Council in respect of Report CAB3194 and did not speak or vote regarding that item.

Councillors Porter and Tod both declared personal (but not prejudicial) interests in respect of various items on the agenda, due to their role as County Councillors.

Councillor Tod also declared a personal (but not prejudicial) interest in respect of Report CAB3195 due to his role as Chief Executive of the Men's Health Forum.

3. MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the previous meeting held 18 September 2019 be approved and adopted.

4. PUBLIC PARTICIPATION

Teresa Skelton spoke during public participation stating that she had not received a response from Councillor Porter to comments made at the previous Cabinet meeting, as had been promised. She also reiterated general comments regarding the need for an effective and open liaison between the Council and the Police and allegations regarding police corruption, as she had stated at a number of previous Cabinet and other Committee meetings.

In response, it was confirmed that a response had been emailed to Mrs Skelton, but as this had not been received further checks would be made to confirm the correct contact details and the response resent.

Linda Warren (Shedfield Parish Council) spoke regarding Report CAB3194 and her comments are summarised under the relevant minute below.

At the invitation of the Leader, Councillor Bell addressed Cabinet and, in summary, highlighted that the Winnall Moors Walking Therapy offered by Youth Counselling was under threat due to antisocial behaviour in Winnall Moors. She had raised this matter with the Police and the Community Safety Team.

5. LEADER AND CABINET MEMBERS' ANNOUNCEMENTS**Station Approach**

Councillor Porter announced that the City Council, as Local Planning Authority, were very recently on notice of impending proceedings in the High Court in respect of the granting of outline planning permission at Station Approach. The Council were engaging with Counsel and would take all reasonable and prudent steps in this regard and Cabinet would be kept updated.

In response, and as Cabinet Member with responsibility for the City Council's landowning position at Station Approach, Councillor Weir proposed that Report CAB3197 be deferred, until the position in respect of the outline planning permission was clearer. In addition, an amendment would be required regarding the CIL funding allocation (Report CAB3194) as detailed below.

General

The following other announcements were made:

- A trial of audio and video recording was being undertaken at the meeting and Councillors and member of the public present were asked to note that these recordings could be made public at a future date;

- New Cabinet Member with responsibility for Service Quality and Transformation, Councillor Tod, was welcomed to the meeting;
- The launch of the rental exchange scheme for Council tenants was welcomed;
- Success of recent business mentoring sessions offered by the Council in partnership with the M3 Local Enterprise Partnership (LEP);
- Tenders had been received for the new Environmental Services Service contract and a decision would be required at an additional Cabinet meeting in early November (date to be confirmed).

6. **DRAFT COUNCIL PLAN 2020-25**
(CAB3195)

The Leader introduced the Report and emphasised that it reflected the Council's revised priorities and ensured that these priorities were embedded in the budget process, as contained in Report CAB3178 below. The draft Plan would be out for consultation for five weeks as set out in the report.

At the invitation of the Leader, Councillors Pearson, Horrill, Bell and Godfrey addressed Cabinet as summarised below.

Councillor Pearson:

- considered that the consultation period was too short;
- inconsistencies throughout Plan regarding use of 'District' or 'district';
- no specific mention of elderly people;
- query regarding the calculation of the target for new home delivery;
- request for clarity regarding statements on energy efficiency in new builds;
- offer to discuss further with the Cabinet Member and officers the detailed proposals to tackle the climate change emergency.

Councillor Horrill:

- thanked for opportunity to consider a presentation on the draft Plan at the Business and Housing Policy Committee on 7 October 2019 and reiterated some of the comments raised at that meeting, as summarised in paragraph 6.4 of the report;
- requirement for partnership working to achieve many of the outcomes and practical difficulties that this raised;
- query why no specific mention of the requirements of an ageing population, those "hidden" residents of a predominantly wealthy District and the balance between urban and rural requirements of the District;
- support proposals for more homes;
- should be more explicit regarding proposals for key projects;
- consultation period was too short for such a significant Plan.

Councillor Bell:

- Consider re-wording of statement regarding reducing levels of waste and increasing recycling to take account of the aim to also reduce overall consumption (which might in turn impact on recycling levels).

Councillor Godfrey:

- Reiterated comments above regarding consultation period being too short;
- Unsure that Plan provided a proper balance between offering affordable housing but also ensuring adequate decent employment opportunities in the district;
- Unclear why there was particular reference to young people, as opposed to other groups;
- Welcomed the brevity of the Plan but considered it should contain more detailed targets.

The Leader thanked Councillors for their comments which would be fed into the consultation process.

Cabinet Members introduced sections of the Plan relevant to their area of responsibility and responded to Councillors comments, as summarised below:

- Whilst families and young people were specifically mentioned, the “Homes for All” section of the Plan emphasised the requirement for additional affordable housing across all demographic groups;
- Building new council homes would remain a priority and a further report would be submitted outlining the target to be achieved;
- Recognition that some residents would require additional support due to other difficulties such as mental health issues or substance abuse;
- Aim to be more transparent in terms of publishing performance levels and setting specific goals;
- Agreement that the Plan should be amended to include more specific reference to the importance of partnership working;
- Agreement that the wording should be amended to emphasise the priority of reducing consumption as well as reducing waste;
- Recognition of the importance of rural public transport however also emphasising developing employment opportunities across the district to reduce travel to work.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

That the draft Council Plan 2020-25 be approved for consultation with stakeholders, residents and businesses until the 29 November 2019.

7. **OUTCOME BASED BUDGET CHALLENGE**
(CAB3178)

Councillor Cutler introduced the Report which contained a medium term budget projection over a four year period and emphasised Appendix B which set out the projected shortfalls. With the aim to be as transparent as possible, the report set out a number of possible options to address the predicted budget deficit. Councillor Cutler welcomed comments on the options presented, in addition to any other suggestions.

In response to questions, the Leader confirmed that a Parish Briefing on the proposed budget options would take place in November 2019. The Strategic Director: Services (Interim) advised that the Magdalen Hill Cemetery was within the Winchester Town Account, but the option at paragraph 11.66 also related to more general income proposals.

At the invitation of the Leader, Councillors Godfrey, Pearson and Horrill addressed Cabinet as summarised below.

Councillor Godfrey:

- Did not consider that the Report adequately referred to desired outcomes and instead focussed on raising various charges to address the predicted deficit;
- Disappointed about lack of focus on delivering Council projects, such as Central Winchester Regeneration “meanwhile uses” which could generate additional income;
- Opposition to any proposal to introduce a charge for the collection of garden waste as 70% of households currently used the service, increasing recycling levels;
- Had consideration been given to the impact on options to introduce parking charges on a Sunday to local businesses? However, if a charge was introduced, he did not consider a flat rate charge was appropriate and the standard day rate should be considered.

Councillor Pearson:

- Options to increase parking charges should include justifications, for example to enable introduction of improved technology to tackle vehicle emissions;
- If charges for garden waste were introduced, the possibility of offering wheelie bins for collection should be considered.
- Any proposals regarding responsibility and financing for provision of public conveniences should be very carefully considered.

Councillor Horrill:

- Welcomed any proposals that would be of benefit to the whole district but did not consider the options presented would achieve this;
- Believed the proposals to introduce additional parking charges and charging for garden waste were unnecessary;
- Disappointed regarding rejection of income generation ideas and lack of progress on short term projects;
- Should include more active consideration and review of the Council’s existing assets;
- Opposition to possibility of ending CCTV monitoring;
- Budget Simulator only offered limited options and no opportunity for other ideas to be submitted.

Cabinet Members responded to Councillors comments, as summarised below:

- Disputed that seeking income generation through acquisition of new assets was always appropriate and a clear plan was required to justify in each case;
- Highlighted that the income to be generated from current major projects would not be received for a long time and the budget shortfall had been forecast a number of years ago

- Emphasis that that the report set out options for possible savings for the future in the interests of being as transparent as possible and to consult on the proposals;
- The significant financial impact of the Government's withdrawal of funding, together with the County Council's decision to introduce charges for the handling of contaminated recyclable material;
- A forthcoming Parking Strategy report would further consider the possibilities regarding changes to parking charges, including the impact on carbon emissions.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

1. That the projected shortfalls on the General Fund in the medium term, the proposed options for addressing those shortfalls be considered in order to determine in December which of the options should be included within the medium financial plan.
2. That creation of a Transition Reserve, utilising the projected underspend forecast for the current financial year, be approved.
3. That one-off revenue expenditure proposals for additional Local Plan resource at £160k to fund 2 x 2 year fixed term posts as set out in paragraph 11.12 be approved.
4. That the requirement to increase the charge for On Street Permits to £50 for first permits be phased over 3 years (£30 from April 2020, £40 from April 2021 and £50 from April 2022).

8. **STATION APPROACH - PURCHASER SELECTION PROCESS**
(CAB3197)

For the reasons outlined in the Leader and Cabinet Member announcements earlier in the meeting (and noted above), Cabinet agreed that this report be deferred.

Cabinet agreed to the following for the reasons set out above.

RESOLVED:

That the Report be deferred to a future Cabinet.

9. **RIVER PARK LEISURE CENTRE - FUTURE USE OF SITE**
(CAB3190)

Councillor Learney introduced the Report and emphasised that there were no plans to develop on or otherwise remove any of the green space surrounding the existing RPLC building. As the area was predominantly used by Winchester

Town residents it was proposed that the Winchester Town Forum oversee the work relating to the improvement of the North Walls recreation area.

But it was not financially viable or desirable in terms of environmental impact to keep the existing RPLC buildings once the new Leisure Centre was open. In response to questions, Councillor Learney confirmed that the Town Forum would be responsible for initially considering proposals for the replacement of the cricket pavilion.

At the invitation of the Leader, Councillor Horrill addressed Cabinet as summarised below:

- welcomed the proposed closure of the RPLC building, highlighting that it was essential that following closure the building was properly secured and demolished as soon as possible;
- requested assurance that best consideration would be considered when decisions on future use of brownfield site were made;
- requested sight of the legal advice referred to in the report;
- believed that the space was for the use of the whole district, not just the town area and that the previous River Park area Informal Policy Group should be reformed to consider proposals.

Councillor Learney welcomed the broad support for the proposals and agreed that the relevant legal advice would be made available in due course

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

That the following be noted:

1. The River Park Leisure Centre (RPLC) building will close in January 2021.
2. The feedback from the stakeholder engagement event on 22/23 March 2019.
3. Winchester Town Forum's role in determining the provision of facilities to serve North Walls recreation area, and the ongoing work to resolve the future of the pavilion at North Walls.
4. The legal complexities relating to potential future land uses of the RPLC building and surrounding site.

That the following be approved:

5. That the Winchester Town Forum oversee the work relating to the improvement of the North Walls recreation area, and that the Cabinet Member for Housing and Asset Management leads the work relating to the future use of the RPLC building site and associated buildings and parking areas.

6. That further evaluation, including financial and legal implications, of the options for demolition or securing of the existing RPLC building once it is closed is undertaken and reported back to Cabinet for decision.

7. That an evaluation of options for the provision of toilet and refreshment facilities on site once the existing RPLC building closes in January 2021 is undertaken and considered by the Winchester Town Forum.

10. **COMMUNITY INFRASTRUCTURE LEVY (CIL) SPENDING PROGRAMME (CAB3194)**

Councillor Porter introduced the report and welcomed the proposals to award CIL fundings to a number of projects. The Council would contact unsuccessful applicants to offer advice and assistance with their application should they wish to apply again.

Linda Warren (Chair of Open Space Shedfield Parish Council) spoke during public participation in support of the Parish Council's project which was recommended to receive funding (Recommendation 2.7). In summary, she explained why improvements to the existing pavilion were required and had brought along additional background documentation in support of the application.

The Leader thanked Ms Warren for her comments and asked that she leave the documentation with the officer team

At the invitation of the Leader, Councillor Williams addressed Cabinet as summarised below:

- As a ward councillor, support for the proposed CIL funding for a zebra crossing facility in Otterbourne;
- The crossing was vital on a busy main road which was likely to experience increased traffic with the scheduled upgrade to the M3 motorway;
- Recognised that County Council input was also required.

Councillor Porter thanked Councillor Williams for her comments and confirmed that the County Council would be involved.

In response to the announcement made regarding Station Approach earlier in the meeting (and noted above), Councillor Weir proposed an amendment to Recommendation 4 of the Report to include the words "provisional allocation to be reviewed after 12 months" after the existing words in Recommendation 4.2. This was agreed.

Cabinet agreed to the following for the reasons set out above and outlined in the report.

RESOLVED:

1. That the rolling three year CIL spending programme set out in Appendix A to Report CAB3194 be approved.

2. That the allocation of £635,000 from Winchester City Council CIL income receipts as set out in Section 12.4 of the report and its expenditure under Financial Procedure Rule 7.4 be approved. This includes the allocation of funding for the twelve community led projects recommended by the Informal Panel, subject to any conditions stipulated and included in Appendix A to the report which includes the following specific projects:

- 2.1 Abbotts Barton and Hyde Scout Group – Scout and Community Hall
- 2.2 Colden Common Parish Church- community facility improvements
- 2.3 Colden Common Parish Council – Footway improvements and upgrades
- 2.4 Durley Parish Council – Crossing point near school
- 2.5 Littleton and Harestock Parish Council- Parkour sports facility
- 2.6 Otterbourne Parish Council – Zebra Crossing facility
- 2.7 Shedfield Parish Council – Sports pavilion extension and refurbishment
- 2.8 Twyford Parish Council – Extension of community car park
- 2.9 Twyford parish Council – Footway/Cycleway upgrade
- 2.10 Upham Parish Council – Traffic calming and gateway scheme
- 2.11 Wickham Parish Council – Play equipment and upgrade to sports ground
- 2.12 Havant Borough Council – Completion of missing cycle link

3. That the bringing forward £135,000 of the CIL funded community projects budget from 2020/21 to 2019/20 be approved to bring the total 2019/20 budget to £635,000.

4. That allocation of £675,000 from Winchester City Council CIL income receipts be approved as set out in Section 12.6 of the report. This is for the allocation of funding for the three Council-led projects recommended by the Informal Panel subject to any conditions stipulated and included in Appendix A to the report which includes the following specific projects:

- 4.1 South Downs Way and Blackpath Access Works;
- 4.2 Station Approach Public Realm Improvements (provisional allocation to be reviewed after 12 months);
- 4.3 Chilcomb Sports Pavilion Improvements.

5. That the Central Government revisions to the Community Infrastructure Levy Regulations 2019, as set out in Appendix B of the report be noted.

11. **ADOPTION OF STATEMENT OF LICENSING POLICY WITH RESPECT TO HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES, DRIVERS AND PRIVATE HIRE OPERATORS**
(CAB3200)

Councillor Porter introduced the Report.

Cabinet agreed to the following for the reasons outlined in the report.

RESOLVED:

That the Statement of Licensing Policy with respect to Hackney Carriage and Private Hire Vehicles, Drivers and Private Hire Operators be approved and adopted, as set out in Appendix 1 of the Report.

12. **FUTURE ITEMS FOR CONSIDERATION**

RESOLVED:

That the list of future items, as set out in the Forward Plan for November 2019, be noted.

The meeting commenced at 9.30 am and concluded at 11.30 am

Chairperson

REPORT TITLE: ENVIRONMENTAL SERVICES – AWARD OF CONTRACT

15 NOVEMBER 2019

REPORT OF CABINET MEMBER: Cllr Neil Cutler

Contact Officer: Steve Tilbury Tel No: 01962 848256 Email
stilbury@winchester.gov.uk

WARD(S): ALL

PURPOSE

The current contract for the collection of residual waste, recycling (now including kerbside glass) and garden waste across the district runs until the end of September 2020. An EU compliant procurement process for a new contract has been undertaken to obtain prices for that service over the next 8 years with an option to extend for a further 8 year period.

As agreed by Cabinet, bidders have submitted Initial Offers and these have been evaluated on the basis of a 50:50 price to quality split. A summary of the evaluation process is provided in the Evaluation Report attached to the report as an Exempt Appendix. Prices for a separate food waste collection service have also been submitted as a 'priced option'.

The tender process permits the Council to determine at this stage whether to include a separate food waste collection service in the contract and therefore negotiate and seek Final Offers from all bidders on that basis. If the Council does not wish to proceed with a separate food waste collection service then an immediate award of the contract may be made to the bidder with the highest score based on the published evaluation criteria. The decision on food waste determines the next steps in the procurement process as set out in the report.

The award of this contract would not fetter any decision to change the future operation of the garden waste collection service.

RECOMMENDATIONS:

It is recommended that:

1. The contract for the provision of waste collection services be awarded and let from 26th September 2020 without the inclusion of a food waste collection;
2. The contract for the provision of waste collection services be awarded to Bidder A in the sums tendered and on the terms set out in the procurement documents;
3. The Strategic Director – Services is authorised to issue notification of intention to award contracts to the bidder that received the highest score under the evaluation criteria and methodology used for the purposes of the tender evaluation and enter into the mandatory 10 day standstill period;
4. The Service Lead – Legal is authorised to finalise, prepare and enter into the contract(s) for the provision of waste collection services to commence on 26th September 2020 to give effect to the outcome of the tender process.

IMPLICATIONS:1 COUNCIL STRATEGY OUTCOME

- 1.1 The emerging Council Plan (considered by Cabinet in October 2019 and currently subject to consultation) includes the priority of "Your Services, Your Choice", with a clear aim towards continuous improvement and cost effectiveness in service delivery.

2 FINANCIAL IMPLICATIONS AND COMMENTS OF THE SECTION 151 OFFICER

- 2.1 The tender prices received for the provision of waste collection services, broken down by key separate elements are set out in Exempt Appendix 1. The appendix is exempt due to commercial sensitivity under Paragraph 3 (information relating to the financial or business affairs of any particular person (including the authority holding that information) of Part I of Schedule 12A to the Local Government Act 1972.
- 2.2 Based on the lowest tender price maintaining a 'like for like' service provision of mixed dry recyclables, residual waste, free glass collection and a free garden waste service would require additional budget growth.
- 2.3 Based on the 'priced options' received, introducing a free food waste collection service from 2020 would require additional expenditure, over and above that referred to 2.2 above. It should be noted that tenders prices do not include the provision of "caddies" to all households (which are over and above the cost of collection) or any additional disposal costs charged by the County Council as part of their review of gate fees and other charges to collection authorities.
- 2.4 In light of the increasing budget shortfalls projected in CAB3178 (projected at £1.4m by 20121/22 increasing to £3.4m by 2023/24), the additional costs of a separate food waste collection service cannot be absorbed without significant effect on other services and inclusion of this service is therefore not recommended.
- 2.5 Following the consultation on its future waste strategy produced earlier in the year, the previous government indicated its policy intention to provide additional funding for food waste collection in the future and for this to become a mandatory service after 2023. If a newly elected government pursues these proposals and the financial position changes as a result, the Council can consider procuring this service separately at a time of its choosing. It is therefore important to make clear that the Council is not making a decision never to collect food waste separately, and that it will remain in a position to procure that service in the future.
- 2.6 From the tenders received the cost to the Council of retaining the free kerbside collection of garden waste sacks is apparent. This is a very significant budget item and as indicated in Cabinet report CAB3178 it may be necessary to review this service as part of the budget options.

- 2.7 Cabinet will also be aware that the County Council intends to change the way recycling credits are awarded and charge districts for disposal of contaminated recycling. Figures received from the County Council indicate that the cost to the City Council of these changes is estimated at an additional £500,000 per annum.
- 2.8 Due to its confidential nature, the tender pricing information has only been circulated to members of the Cabinet to aid their decision making.

3 LEGAL AND PROCUREMENT IMPLICATIONS

- 3.1 The legal and procurement implications addressed in this report are additional to those made in previous reports to Cabinet. The procurement process conducted by the Council allows the Council to make a decision on whether to award the contract based on initial tenders (excluding food waste collection) or alternatively to open a negotiation phase of the procurement process if a food waste collection service is to form part of the contract.
- 3.2 If a food waste collection service is to be included, the next step in the procurement process would be to issue a revised set of Instructions to Tenderers, to enter into negotiations and then receive Final Offers for evaluation. There is no obligation for the Council to seek Final Offers if food waste is not included.
- 3.3 The current draft contract documentation enables the Council to remove the free garden waste service from the contract. This would either be done by way of serving 12 months notice, or by way of a “pre-commencement” variation under the Change Control process in the contract. The latter approach would be consistent with the service commencement date of 26th September 2020. The Council may incur some costs in doing so. If the Council were to move to a charged for service it would be advisable to do so prior to the mobilisation of the service by the appointed contractor.

4 WORKFORCE IMPLICATIONS

- 4.1 All work associated with the tender and associated changes in service will be undertaken within current resources.

5 PROPERTY AND ASSET IMPLICATIONS

- 5.1 The new contractor will operate from the existing site located at Bar End.

6 CONSULTATION AND COMMUNICATION

- 6.1 A decision to introduce a food waste collection service is a matter for the Executive and whilst the Council will certainly wish to explain and engage residents with the roll out of such a service, it does not require formal consultation.

- 6.2 The option to implement an improved garden waste service on an opt-in basis has already been identified in the budget paper CAB 3178 considered by Cabinet on 23 October 2019. Although a specific question on a chargeable garden waste service was not asked in the budget simulator, those that responded indicated broad support for an increase in fees and charges across the board. This proposal has been aired in public previously and has been raised, if not discussed in detail, at a recent meeting of the Health and Environment Policy Committee.

7 ENVIRONMENTAL CONSIDERATIONS

- 7.1 The Council considered the environmental impact of various service options throughout the options appraisal and contract preparation period before issuing tender papers. The proposals from Bidder A scored highly in respect of the relevant method statements. All refuse freighters operating on the contract will be Euro 6 compliant and supervisors will use very low emission vehicles. Numerous small but worthwhile measures are proposed to reduce the carbon emissions from the contractor's operation. The new service will therefore be more carbon efficient than the existing service.
- 7.2 A decision to collect food waste as a separate waste stream and to send that material to anaerobic digestion rather than incineration would achieve a net reduction in Winchester's annual carbon emissions estimated at approximately 2,250 tonnes of CO₂e. Although this will not be implemented at the start of the contract the Council will retain the option to collect food waste separately in the future.

8 EQUALITY IMPACT ASSESSEMENT

- 8.1 The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to: (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010; (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and; (iii) foster good relations between those who have protected characteristics and those who do not.
- 8.2 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.
- 8.3 The recommendations in this report are to accept a tender based upon the existing service (with some minor improvements such as the collection of small waste electrical items) and there is therefore no impact on those with a protected characteristic.

9 DATA PROTECTION IMPACT ASSESSMENT

- 9.1 None required at this stage.

10 RISK MANAGEMENT

- 10.1 The Council has been fully supported by expert advice on the procurement process both internally and externally by Hampshire County Council, consultants WYG (waste experts) and Browne Jacobson (legal and procurement). Their advice has been followed throughout the process and no indication has been given by any participant of any concern or issue with the way the tendering has been carried out. The risk of challenge to the award of contract by an unsuccessful bidder always remains until the period for challenge has passed.
- 10.2 Following the award of the contract the mobilisation period represents a period of risk for the contractor and the Council as it prepares for the start of the new service, particularly if there are new service elements to prepare for. Bidders were required to submit a mobilisation plan as a component of their tender submissions and these were part of the evaluation. Bidder A's mobilisation plan was considered to be of good quality and to mitigate risks inherent in the process.

The risk table below has been completed on the basis of the recommendations of the report not in relation to any other possible options or decisions.

Risk	Mitigation	Opportunities
<p><i>Property</i></p> <p><i>That the Council will have purpose built accommodation not let to a contractor</i></p>	<p>This will not occur if a contract is awarded as proposed</p>	
<p><i>Community Support</i></p> <p><i>The collection of waste and recycling is a basic and high profile service which the public expect to be undertaken without problems</i></p>	<p>The appointment of an experienced contractor at a cost commensurate with the specified quality of service delivery</p> <p>The provision of a suitably resourced client team to oversee mobilisation and operation. The provision of good quality and accessible information for householders on the service they can expect and how to help increase recycling.</p>	

<p><i>Timescales</i></p> <p><i>Ensure contractor can mobilise and deliver from contract start date</i></p>	<p>Make a timely appointment of successful bidder in accordance with the procurement timetable as proposed in the report.</p>	
<p><i>Project capacity</i></p> <p><i>Ensure suitably experienced staff are engaged in each aspect of project delivery</i></p>	<p>A project team already exists and will continue to manage the mobilisation and delivery. Additional full time management expertise has recently been added to the establishment</p>	
<p><i>Financial / VfM</i></p> <p><i>Failure to obtain tenders at an affordable level</i></p> <p><i>Inclusion of additional services which are not affordable in the long term</i></p>	<p>Tenders have been received which would allow for an appointment to be made on the basis set out in the report.</p>	
<p><i>Legal</i></p> <p><i>Challenge to the procurement process or contract award</i></p>	<p>Extensive external and internal procurement support and advice has been applied to the project and is reflected in the recommendations of the report.</p> <p>Clarifications and matters raised during the tender process have been dealt with in accordance with the best advice available and with the intention of ensuring compliance with all legislation, regulations and to ensure equitable treatment of all bidders.</p>	

<p><i>Innovation</i></p> <p><i>The Council requires a high level of confidence in service delivery based on good industry practice without unnecessary constraints on innovation or methodology</i></p>	<p>The Council has been clear about the requirements it has and the quality evaluation process which examines service delivery proposals.</p>	<p>Where possible the Council has allowed for innovation in service delivery by bidders.</p>
<p><i>Reputation</i></p> <p><i>Poor implementation or service delivery will have a serious impact on residents' perception of the Council where a contractor is failing</i></p>	<p>The price/quality ratio was agreed by Cabinet to provide for a balance between price and service quality proposals to be reflected in evaluation.</p>	

11 SUPPORTING INFORMATION:

- 11.1 In accordance with the agreed procurement process, the Council has received tender prices for the operation of the waste collection contract. An evaluation based on the score allocation of 50% for price and 50% for quality has been undertaken. A report on the outcome of the evaluation process is attached as Exempt Appendix 2. Disclosure of the tender figures at this time could have serious implications for the Council and for the provision of its waste collection service because they are commercially confidential. For this reason the appendices are restricted in circulation to the decision makers only.
- 11.2 As agreed by Cabinet, bidders also submitted a 'priced option' for the introduction of a separate food waste collection service either from October 2020 (at the start of the contract) or October 2023. The Council has the opportunity to review the range of the tender figures received and advise the bidders whether it wishes to include one of those options in the evaluation of tenders after the receipt of a Final Offer.
- 11.3 The future cost of the service must be looked at in the round and against the background of the Council's Medium Term Financial Strategy and the Section 151 officer's comments and advice are included in the financial section of the report.

- 11.4 The previous central government's proposed waste strategy included a commitment to make the provision of kerbside food waste collections mandatory for all local authorities from 2023. This does not necessarily mean that collections would have to start on this date but more likely from the next convenient operational 'break point'. Importantly, central government held out a promise of additional funding for local authorities to undertake this service via a new system of payments from manufacturers under extended producer responsibility. Due to the general election there is no certainty that this strategy will be translated into legislation and if it is, what the timescales will be. There is still less certainty that the amount of funding provided will bear any relation to the actual costs involved for a given local authority.
- 11.5 Additionally the County Council, in its role as statutory waste disposal authority, is proposing to terminate the existing Project Integra agreement which defines how waste disposal costs and recycling credits are distributed between Hampshire authorities. The effect of this is to create considerable uncertainty over the charges which might apply to food waste presented to the County Council as a separate waste stream. If there is an additional gate fee for disposal of food waste or contaminated recycling material then this will need to be added to the cost of the service.
- 11.6 In light of the financial pressures facing the Council (as described in CAB3178 considered by Cabinet on 23rd October 2019), cost of the core services, and financial considerations as set out in this report, the inclusion of a food waste collection service in the contract is not an affordable option and not advisable to be pursued at this time. If the outcome of the central government's proposals for consistent national waste collection services and funding for these through extended producer responsibility is provided, and the Council is in a financial and legal position to procure a food waste collection service in the future then it will be free to do so. This should not therefore be seen as a decision that the Council will never collect food waste separately, but rather that it will review its options when the legislative and financial picture is clear.
- 11.7 If Cabinet agrees that food waste is not to be included then outcome of the evaluation process is that the tender submitted by Bidder A which scores highest on both financial and quality criteria can be accepted. No additional negotiation is considered necessary following the evaluation process and Cabinet is recommended to make a contract award to Bidder A subject to the completion of the necessary contract documentation.
- 11.8 Tenders were sought on the basis of continuing the existing free garden waste service but with an explicitly stated option to vary the contract either before mobilisation starts or during the contract at 12 months notice, to replace the free service with an improved service on a charged for basis. This would result in a substantial cost saving to the Council which would help to balance other budget pressures. CAB3178 sets this out as a budget option. Under the tender process the Council is not obliged to confirm its decision to the tenderers and therefore is able to adopt the recommendations in this report without pre-empting any decision on this aspect of the service.

12 OTHER OPTIONS CONSIDERED AND REJECTED

- 12.1 The option to introduce a separate food waste collection service in either 2020 or 2023 was considered but is considered unaffordable at this time on the advice of the Section 151 officer.

BACKGROUND DOCUMENTS:-

Previous Committee Reports:-

CAB3178 Outcome Based Budget Challenge – 23 October 2019

CAB3169 Environmental Services Contract Procurement Process – 19 June 2019

CAB3108 Environmental Services Contract Update – 18 December 2018

Exempt Report CAB3044 –19 September 2018

Other Background Documents:-

None

APPENDICES:

Exempt Appendix 1 – Financial Information

Exempt Appendix 2 – Tender Evaluation Report



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Forward Plan of Key Decisions

December 2019

The Forward Plan is produced by the Council under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The purpose of the Plan is to give advance notice of Key Decisions to be made by the Cabinet, Cabinet Members or officers on its behalf. This is to give both Members of the Council and the public the opportunity of making their views known at the earliest possible stage.

This is the Forward Plan prepared for the period **1 - 31 December 2019** and will normally be replaced at the end of each calendar month.

The Plan shows the Key Decisions likely to be taken within the above period. Key Decisions are those which are financially significant or which have a significant impact. This has been decided, by the Council, to be decisions which involve income or expenditure over £250,000 or which will have a significant effect on people or organisations in two or more wards.

The majority of decisions are taken by Cabinet, together with the individual Cabinet Members, where appropriate. The membership of Cabinet and its meeting dates can be found [via this link](#). Other decisions may be taken by Cabinet Members or Officers in accordance with the Officers Scheme of Delegation, as agreed by the Council (a list of Cabinet Members used in the Plan is set out overleaf).

The Plan has been set out in the following sections:

Section A – Cabinet

Section B - Individual Cabinet Members

Section C - Officer Decisions

Anyone who wishes to make representations about any item included in the Plan should write to the officer listed in Column 5 of the Plan, at the above address. Copies of documents listed in the Plan for submission to a decision taker are available for inspection on the Council's website or by writing to the above address. Where the document is a committee report, it will usually be available five days before the meeting. Other documents relevant to the decision may also be submitted to the decision maker and are available on Council's website or via email democracy@winchester.gov.uk or by writing to the above



Regulation 5 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 refers to the requirement to provide notice of an intention to hold a meeting in private, inclusive of a statement of reasons. If you have any representations as to why the meeting should be held in private, then please contact the Council via democracy@winchester.gov.uk or by writing to the above address. **Please follow this link to definition of the paragraphs** (Access to Information Procedure Rules, Part 4, page 32, para 10.4) detailing why a matter may be classed as exempt from publication under the Local Government Acts, and not available to the public.

If you have any queries regarding the operation or content of the Forward Plan please contact David Blakemore (Democratic Services Manager) on 01962 848 217.

Cllr Lucille Thompson

Leader of the Council

Cabinet Members:	Title
• Cllr Lucille Thompson	Leader & Cabinet Member for Communications
• Cllr Neil Cutler	Deputy Leader & Cabinet Member for Finance & Risk
• Cllr Kelsie Learney	Housing & Asset Management
• Cllr Lynda Murphy	Environment
• Cllr Jackie Porter	Built Environment & Wellbeing
• Cllr Malcolm Prince	Sport, Leisure & Communities
• Cllr Martin Tod	Service Quality & Transformation
• Cllr Anne Weir	Local Economy

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
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Section A

Decisions made by Cabinet

Page 27	1	Winnall Flats - Approval of Outline Business Case & Procurement Process	Cabinet Member for Housing and Asset Management	Expenditure > £250,000	St Bartholomew	Andrew Palmer	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Open
		Winchester Parking Strategy Issues and Options	Cabinet Member for Environment	Significantly effects 2 or more wards	All Wards	Andy Hickman	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Open
	3	Guildhall Café Options	Cabinet Member for Housing and Asset Management	Significantly effects 2 or more wards	Town Wards	Susan Robbins	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Part exempt 3
	4	Southern Parishes Sports Facilities	Cabinet Member for Sport, Leisure	Significantly effects 2 or more	All Wards	Andy Hickman	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Part exempt 3

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
		and Communities	wards							
5	Bishops Waltham Depot	Cabinet Member for Housing and Asset Management	Expenditure > £250,000	Bishops Waltham	Kevin Warren	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Part exempt 3
Page 28	Q2 Financial and Performance Monitoring	Deputy Leader and Cabinet Member for Finance and Risk	Significantly effects 2 or more wards	All Wards	Lisa Kirkman	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Open
7	Approval of new Council Plan	Leader and Cabinet Member for Communications	Significantly effects 2 or more wards	All Wards	Amy Tranah	Cabinet Report	Cabinet Council	Dec-19 Jan-20	23-Dec-19 15-Jan-20	Open
8	Climate Emergency Action Plan	Cabinet Member for Environment	Significantly effects 2 or more wards	All Wards	Susan Robbins		Cabinet	Dec-19	23-Dec-19	Open

	Item	Cabinet Member	Key Decision	Wards Affected	Lead Officer	Documents submitted to decision taker	Decision taker (Cabinet, Cabinet Member or Officer)	Date/period decision to be taken	Committee Date (if applicable)	Open/private meeting or document? If private meeting, include relevant exempt paragraph number
9	Budget Update - Fees and Charges	Deputy Leader and Cabinet Member for Finance and Risk	Expenditure > £250,000	All Wards	Darren Kennedy	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Open
10	Land Transaction	Cabinet Member for Housing and Asset Management	Expenditure > £250,000	All Wards	Kevin Warren	Cabinet Report	Cabinet	Dec-19	23-Dec-19	Part exempt 3

Section C

Decisions made by Officers

11	Treasury Management - decisions in accordance with the Council's approved strategy and policy	Deputy Leader and Cabinet Member for Finance and Risk	Expenditure > £250,000	All Wards	Hampshire County Council (HCC) Finance Department on behalf of WCC	Designated Working Papers	Designated HCC Finance staff, daily	Dec-19	Dec-19	Open
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