



Report to:	Environment and Neighbourhood Committee	Date:	17 September 2015
Report title:	Inter Authority Agreement for the procurement of services currently being conducted by members of the South London Waste Partnership		
Report from:	Mary Morrissey, Strategic Director – Environment, Housing & Regeneration		
Ward/Areas affected:	Borough Wide		
Chair of Committee:	Councillor Jill Whitehead		
Author(s)/Contact Number(s):	Matt Clubb – Acting Executive Head of Environment Commissioning 020 8770 6116		
Corporate Plan Priorities:	A Smarter Council		
Open/Exempt:	Open		
Signed:		Date:	4 September 2015

1. Summary

- 1.1 The four boroughs of the South London Waste Partnership are bound by Inter Authority Agreements with regards Phase A and B in relation to the procurement and contracts relating to waste disposal (IAA).
- 1.2 This report seeks approval to agree a new IAA relating to the current environmental services project for the procurement of Waste Collection (including Commercial Waste), Street Cleaning, Fleet Management and Parks, including grounds maintenance and their associated services.

2. Recommendation

That the Environment and Neighbourhoods Committee:

- 2.1 Agree the Inter Authority Agreement relating to the environmental services procurement.
- 2.2 Agree the governance arrangements for de-selection of bidders at 4.6.

3. Background

- 3.1 Sutton, along with RB Kingston, LB Merton and LB Croydon have been part of the South London Waste Partnership since 2004. In establishing the Partnership it was a legal requirement to fully constitute a Joint Waste Committee (JWC), underpinned by an IAA. As stated above, previous IAAs have only related to the procurement and contract of waste disposal activities.
- 3.2 In November 2014, it was agreed at the Environment and Neighbourhood Committee to commence a joint procurement for waste collection, street cleaning, winter maintenance (gritting), commercial waste and vehicle maintenance (LOT1) and grounds maintenance including parks, arboriculture and grass verges (LOT2). It was also agreed that



delegated authority be given to the Chair of Management Group in consultation with the Management Group, Strategic Steering Group, the Partnership legal lead and members of the Joint Waste Committee to deselect bidders and agree the specification at each stage up to and including the invitation to submit final tender.

4. Issues

- 4.1 The existing IAAs relate to the agreement between the partner boroughs for their waste disposal contracts, this includes the procurement arrangements and management of contracts.
- 4.2 This IAA relates solely to the procurement of Lots 1 and 2 by the boroughs and sets out amongst other things the principles for sharing costs of the procurement. The procurement of Lots 1 and 2 is not covered by previous IAAs, as this procurement is not being carried out by the SLWP itself, but by the Boroughs who are jointly procuring these services and utilising the relationships and experience that has come from the SWLP. This current IAA formally evidences by way of a Deed the principles agreed via a signed letter by the Chief Executive dated 26 January 2015.
- 4.3 Officers have taken the principles set out in this letter and the arrangements in current IAAs and created a revised document. This document relates to the procurement phase only of the project with a contract management section to be added prior to contract commencement in April 2017.
- 4.4 The main principles remain consistent with those in existing agreements. The points below summarise the main elements of the agreement;
1. London Borough of Croydon will act as the procuring authority.
 2. Each of the boroughs will agree to indemnify others in the event of their withdrawal from the procurement.
 3. Partners will equally share the cost of procurement (25% each).
 4. All partners will commit the required resources to the project.
 5. Any depots made available by partners will be for the duration of the contract.
 6. The revised governance arrangements.
- 4.5 The current governance arrangements involve formal recommendations from the JWC that oversee the waste disposal activity via their delegated authority. This committee does not however have any jurisdiction over the services being procured through this project.
- 4.6 It is proposed that the authority to deselect bidders is given to the Steering Group (Environment Directors of each of the partners, chaired by a Chief Executive) in conjunction with the Partnership legal lead and Members of the JWC. Each of the partners will require formal committee approval to award the contract (in summer 2016) and these arrangements will provide an endorsement from the Members of JWC prior to individual borough decision.

5. Impacts and Implications

Financial

- 5.1 There are no additional financial implications relating to the amendments to the IAA. The financial exposure are implicitly agreed in principle through the IAA by the committee and are already limited to that arising from the main elements of the IAA summarised above under section 4.4 of this report.

Legal

- 5.2 As stated in the main body of this report the IAA relates to a joint procurement being carried out by the four Councils who are also members of the SLWP. The lead Authority for the procurement is Croydon.
- 5.3 The joint procurement for Lots 1 and 2 is being carried out in pursuance of the Council's powers under sections 101 (5) and 101 (5B) and 102 Local Government Act 1972, section 20 Local Government Act 2000 as amended by Local Authorities (Arrangements for the Discharge of Functions) (England) (Amendment) Regulations 2001, the Local Authorities (Goods and Services) Act 1970, Section 1 to 8 Localism Act 2011 and all other relevant enabling powers.
- 5.4 A second IAA will be required with regards contract management prior to the four Councils entering into a contract for the lots.

Communities

- 5.5 There is no impact on Communities as a result of amendments to the IAA

One Planet Sutton

- 5.6 There are no implications on One Planet Sutton as a result of the amendments to the IAA.

Integrated Impact Assessment

- 5.7 This report does not require an IIA.

6. Appendices and Background Documents

Appendix Letter	Title
N/A	

Background Documents
Proposed IAA document for the current environmental services project held by the Acting Executive Head of Environment Commissioning
Previous IAA documents held by the Acting Executive Head of Environment Commissioning



Audit Trail		
Version	Final	Date: 4 September 2015
Consultation with other officers		
Officer	Comments Sought	Comments checked by
Finance	Yes	Akin Akintola
Legal	Yes	Fabiola Hickson