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AGENDA

ENVIRONMENT COMMITTEE MEETING

Date: Thursday, 8 September 2022

Time: 7.00 pm

Venue: Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT*

Membership:

Councillors Richard Darby, Steve Davey, Oliver Eakin, James Hall, Ann Hampshire, Nicholas Hampshire, Denise Knights, Pete Neal, Julian Saunders (Chair), David Simmons, Sarah Stephen, Eddie Thomas, Tim Valentine (Vice-Chair), Tony Winckless and Corrie Woodford.

Quorum = 5

Pages

Information for the Public

*Members of the press and public may follow the proceedings of this meeting live via a weblink which will be published on the Swale Borough Council website.

Link to meeting: To be added.

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The Chair will inform the meeting that:

- (a) in the event of the alarm sounding, everybody must leave the building via the nearest safe available exit and gather at the Assembly points at the far side of the Car Park. Nobody must leave the assembly point until everybody can be accounted for and nobody must return to the building until the Chair has informed them that it is safe to do so; and
- (b) the lifts must not be used in the event of an evacuation.

Any officers present at the meeting will aid with the evacuation.

It is important that the Chair is informed of any person attending who is disabled or unable to use the stairs, so that suitable arrangements may be made in the event of an emergency.

- 2. Apologies for Absence and Confirmation of Substitutes
- Minutes

To approve the Minutes of the Meeting held on 30 June 2022 (Minute Nos. 153 – 164) and the Extraordinary Meeting held on 12 August 2022 (Minute Nos. to-follow) as correct records.

Declarations of Interest

Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.

The Chair will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:

- (a) Disclosable Pecuniary Interests (DPI) under the Localism Act 2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.
- (b) Disclosable Non Pecuniary Interests (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.
- (c) Where it is possible that a fair-minded and informed observer, having considered the facts would conclude that there was a real possibility that the Member might be predetermined or biased the Member should declare their predetermination or bias and then leave the meeting while that item is considered.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part B reports for the Environment Committee to decide

- 5. Forward Decisions Plan Report to-follow
- 6. Waste and Street Cleansing Contract Update

5 - 12

7. Levelling-Up Parks Fund

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Issued on Wednesday, 31 August 2022

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of this Committee, please visit www.swale.gov.uk

Chief Executive, Swale Borough Council, Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Environment Committee Meeting	
Meeting Date	8 September 2022
Report Title	Waste and Street Cleansing Contract
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Alister Andrews, Environmental Services Manager
Classification	Open
Recommendations	Agree to hold an All-Member Briefing on the Waste and Street Cleansing future contract.
	Agree to a recorded version of the briefing being made available to all Councillors.

1 Purpose of Report and Executive Summary

- 1.1 The report details the tender process so far. The Committee are asked to approve further Member briefings so all members are aware of what will happen with Waste and Street Cleansing over the next 18 months.
- 1.2 The committee are asked to approve a recorded version of the briefing being made available to all members following the briefing.

2 Background

- 2.1 The current Mid Kent Waste Contract was due to end in October 2023 after a 10-year period. The Mid Kent partner authorities (Ashford, Maidstone and Swale Borough Councils) have been working with an external waste consultant to consider the current contract and future options for the last two years.
- 2.2 A recent Extraordinary Environment Committee approved a contract extension until March 2024 following updates from bidders that vehicle lead in times had increased significantly in recent months and that they could not guarantee new fleet by October. The new contract will therefore start on 24th March 2024.
- 2.3 The Cabinet meeting in June 2021 agreed the following recommendations;
 - 1. To remain within the Mid Kent Waste Partnership.
 - 2. To retain an Alternate Weekly Collection (AWC) for co-mingled kerbside recycling and residual waste. To collect food waste weekly and to provide separate chargeable garden waste and bulk waste collection services. This is based upon current assumed costings and the assumption that a material recycling facility

- (MRF) continues to operate within an affordable distance. It is also dependent upon potential national legislative changes.
- 3. To agree to keep the collection services contracted out as the preferred service delivery model and develop a waste collection specification to meet coalition priorities on climate emergency and recycling rates.
- 4. To keep street cleansing contracted out but to adapt the future contract specification to improve flexibility of resource and improve service.
- 2.4 Cabinet also agreed the following priorities for the service;

Objective

Delivering a reliable waste collection service that meets all aspects of the recycling objectives in partnership with KCC

Reducing the carbon footprint of service

Sufficient flexibility and control that should allow for responses to legislative changes

Reliable street cleaning regimes with improved traffic management arrangements/ schedules

Minimising future service costs (or maximising income generation opportunities from disposal arrangements with KCC or legislation changes e.g., Deposit Recycling Schemes/ plastic tax income).

- 2.5 These clearly aligned with the priorities separately identified by Ashford and Maidstone Members. Since then, officers from the Mid Kent waste partners have refined the contract documents, specification and produced tender documents to achieve these priorities. The documents were created using existing parts of the contract that work well, the priorities above, the Cabinet decisions and feedback from Members in the Area committees and resident's survey.
- 2.6 The specification has kept the collections side of the service very similar with wheeled bins being the preferred mechanism of storage, alternate collections of refuse (green bin) and recycling (comingled in the blue bin) and weekly food waste. Residents will still be able to book bulky waste collections as a paid for service and a subscription for garden waste collections.
- 2.7 Key changes on collections will be that we no longer collect small electrical equipment, textiles or batteries at kerbside. These items were previously left by residents next to their wheeled bins and has not been a reliable service. There are easy to use alternatives in place such as household recycling centres, charity textile collections and supermarkets.
- 2.8 The Council has also been trialling alternative weekly collections for some of the properties that cannot have wheeled bins. These are currently proving successful so we hoping to roll these out to as many of the 'exempt' properties as possible.

- 2.9 The specification also requires much improved technology and data to better inform residents of collections issues. This includes in-cab technology and a smoother back office system that will provide real time information to our call centre and eventually residents via the internet.
- 2.10 Street cleansing was a service that didn't rate well on the resident surveys. There are clear national guidelines for street cleansing which suggest zoning roads based on where they are. This in turn dictates how regularly they are inspected and cleansed based on footfall etc. In response we have specified the need for a more flexible service, with rural and residential roads placed in the correct zone. The technology will also provide us with much more detail than we currently receive, which in turns means we will be able to give residents clearer information on when roads were last cleansed or are due to be cleansed. It also picks up how contractors should deal with high speed roads that need traffic management for cleansing to occur.
- 2.11 The specification also highlights our intentions to provide a greener service. It asks bidders to detail how they will help reduce the carbon footprint of the service.
- 2.12 Finally, the contract documents have been amended to give a wider ability to manage the performance of the contractor and in turn be more responsive to failure in service when residents report a problem.
- 2.13 The tender went live on 30 November 2021 with the publication of an OJEU notice. The process was published to include 'Competitive dialogue', a process which has various stages of submission from bidders and allows formal sessions of negotiation/clarification for all parties involved.
- 2.14 The tender process has now completed three stages
 - 'Selection Questionnaire' where bidders show their interest in being part of the tender process and are selected if they meet minimum criteria
 - 2) 'Invitation to Submit Detailed Solutions' where they set out their initial proposals and prices which is followed by set of dialogue meetings and
 - 3) 'Invitation to Submit Refined Solutions' where they submit more detailed plans and then further dialogue sessions are held.
- 2.15 We are now in the final stage of the process where we ask bidders to 'Submit Final tenders' and it will close on 19 October 2022.
- 2.16 Due to LGA guidance on commissioning and procurement and as part of our Commissioning and Procurement Strategy and Financial regulations, officers have to conduct the live tender process without Member involvement. Therefore, we cannot report or discuss matters of commercial sensitivity in this committee. The contract award report due in December 2022 will however detail how the tender process has been evaluated and how it has met the strategic priorities in

- section 2.4. In order to keep Members engaged in the process, the consultation section of this report also details how officers have worked with Members throughout.
- 2.17 Bidders have also expressed a view that they would prefer the Boroughs to provide the funding for the vehicles. Senior finance officers (section 151 officers) at all three Boroughs agree that it would be beneficial for us to borrow the capital funding rather than the private sector. This is because public bodies can borrow at a cheaper rate than the private sector and there would be profit margin added on top from the bidders. There is also an additional risk management benefit to the Council owning the fleet of vehicles in the event that the contractor gets into financial difficulty and is no longer able to operate the contract as the Council will own and therefore control the fleet for immediate use by another contractor in the event of any issues. We have already experienced challenges regarding the lead in times for vehicle procurement and this addresses this problem. A report will go to Policy and Resources committee to agree to add the funding of the vehicles to the capital programme on completion of the tender process.

3 Proposals

- 3.1 Agree to hold an All Member briefing on the Waste and Street Cleansing future contract.
- 3.2 Agree to a recorded version of the briefing being made available to all Councillors.

4 Alternative Options considered and discounted

4.1 Not to have a member briefing. This was considered as there had been previous briefings for all members, all members had access to the cabinet report from June 2021 and the matter has been discussed at Area Committees. This option has been discounted as it is essential that all members can hear the most up to date information regarding the procurement process

5 Consultation Undertaken or Proposed

- 5.1 A range of consultation has taken place. Residents were asked to respond to a waste survey, and we received an excellent return with themes that fed into the specification for all three councils.
- 5.2 All Councillors were asked for their opinions on the priorities at the Area Committees along with what matters they felt needed adjustment in the new contract.
- 5.3 Members had the opportunity to speak at the Cabinet meeting in June 2021 and also call in the June 2021 Cabinet decision for further scrutiny and discussion. In addition, a full member briefing was held on 5 January 2022.

- 5.4 A Member Waste working group has been held throughout the process with representatives from the administration and since the change of governance, the opposition spokesperson for waste has been invited to these meetings.
- 5.5 Subject to the agreement of committee, a set of All Member briefings is proposed for September/early October. One will be an afternoon slot to help those with busy evening calendars and one will be an evening to accommodate working Members.

6 Implications

Issue	Implications
Corporate Plan	A new waste collection and cleansing service offers the opportunity to consider the priority 'Investing in our environment and responding positively to global challenges', with particular reference to 2.5 'Work towards a cleaner borough where recycling remains a focus and ensure that the council acts as an exemplar environmental steward, making space for nature wherever possible.'
Financial, Resource and Property	The contract extension was considered by the Extraordinary Environment committee and then an amendment to the MTFP was made by the Urgent Decisions committee.
	There is a complex balance between the costs of the service and the income that can be obtained from external sources e.g. enabling payments from KCC as the disposal authority and garden waste subscriptions, bin sales and bulky waste collections which are paid for services managed by ourselves. This is complicated further by the unknown effects of any new legislation under the government's Waste and Resources Strategy, and we are still yet to see any financial detail relating to these changes.
	With all of the external issues affecting industry at the moment (driver shortages, fuel increases, labour rates, cost of vehicles) the new contract will inevitably be at an increased cost. This is being factored into the Medium Term Financial Plan for 23/24 onwards. The final impact of this will be known when we present the contract award in December 2022. As a result, officers continue to work on alternative options such as running the services through a Local Authority Controlled company (LATCo).
Legal, Statutory and Procurement	Delivering this service is a requirement under the Environmental Protection Act 1990. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Environmental Protection Act 1990.

	The contract extension was managed under the 'Public Procurement legislation' and in compliance with our own Commissioning and Procurement Strategy and Contract Standing orders.
	Mid Kent Legal have provided the legal advice during the tender process and will complete the final contract documents.
	Ashford's procurement team have conducted the tender on behalf of the Partners. No further changes can be made to the contract documents at this point. Evaluation criteria is already set in the tender documents and will be undertaken individually by each Authority and then combined to agree the final outcome. Further detail of this will be shown in the contract award report.
Crime and Disorder	Providing a clean environment which is free from litter and graffiti is known to contribute to how 'safe' an area feels to residents.
Environment and Climate/Ecological Emergency	The waste and street cleansing contract is the most significant contributor to the Council's carbon footprint and therefore any reductions in this are critical to achieving the Climate and Ecological Emergency Action Plan targets. This process will allow reductions in carbon emissions to be considered and built into any new specifications.
	Collection methods and materials, along with innovation to boost recycling figures will all have a positive impact on the environment ensuring the Council contributes to the Circular Economy process.
Health and Wellbeing	Providing a high-quality refuse, recycling and street cleansing service will support public health objectives through regular waste collections and the delivery of an attractive environment.
Safeguarding of Children, Young People and Vulnerable Adults	The contract provides services for vulnerable adults and children through clinical waste collections and assisted bin collections.
Risk Management and Health and Safety	The preferred course to minimise risk is to continue with contracted services as a collective as the Mid-Kent Joint Waste Partnership.
	Health and Safety is a key consideration as part of the tender process and forms part of the evaluation process of bid, requiring bidders to meet all of the relevant health and safety legislation.
Equality and Diversity	The existing standards to ensure services are accessible to all residents will remain in place, regardless of the actual service provider. These include assisted collections for residents that require that support. As such and with little change, a full Equalities Impact Assessment is not required.

Privacy and Data Protection	There are no further privacy or data protection implications resulting from decisions in this report that were not considered in the Cabinet report June 2021. The review process has considered how we use data from the contractor to update residents on the
	service, but SBC maintain the complaints reporting and monitoring

function through our customer services and back office teams.

7 Appendices

7.1 n/a

8 Background Papers

Cabinet report 9 June 2021 can be found here.

Link to contract documents on the Procurement Portal here.



Agenda Item 7

Environment Committee Meeting	
Meeting Date	8 September 2022
Report Title	Levelling up Parks Fund
EMT Lead	Emma Wiggins, Director of Regeneration and Neighbourhoods
Head of Service	Martyn Cassell, Head of Environment and Leisure
Lead Officer	Graeme Tuff, Greenspaces Manager
Classification	Open
Recommendations	To delegate to the Head of Environment and Leisure to submit a bid for 'Levelling Up Parks Fund' for Barton's Point.

1 Purpose of Report and Executive Summary

1.1 The Committee are asked to consider the opportunity for the council to bid for Levelling Up Parks fund and decide which area to focus the bid.

2 Background

- 2.1 On 1 August 2022, the Government launched the Levelling Up Parks Fund. The purpose of this fund is to give grants to the places the Government have identified as most in need of quality green space.
- 2.2 Swale Borough Council has been identified as one of the 85 Councils nationally who meet these criteria. To qualify, the council had to satisfy 2 criteria.
 - i) Are in the top 2 deciles of the 2019 Index of Multiple Deprivation (IMD)
 - ii) Less than 5% of the total LSOA area is covered by, or within 200m of, an accessible green space of at least 0.5Ha. This includes public or country parks, local nature reserves and playing fields, and access land.

The Government used Natural England's 2021 analysis of Green Infrastructure to check for these criteria.

- 2.3 The funding for this scheme is £85,000. This is an equal grant for all areas. The grant must be spent in the following way:
 - 1. Up to £47,500 capital for creation or improvement of the park
 - 2. Up to £18,500 revenue for project prep, creation and maintenance
 - 3. Up to £19,000 'tree uplift' for tree planting and related costs

Eligible councils will also receive an initial site assessment by Green Flag Awards, which the department has paid for to the value of £450.

- 2.4 The Government have set out their expectations as to what items should be funded from the grant:
- 2.4.1 Creation or improvement of the park.

This includes hard landscaping, e.g. boundaries, paving, paths, metal fencing to children's play area, natural play spaces, artwork, signs, benches, lighting, fencing and gates sculpture, and soft landscaping e.g. bulb planting, trees, shrubs, wildflowers, turfing, seeding, wildlife features such as bird and bat boxes.

2.4.2 Project preparation, creation and maintenance

This can be used for consultants or landscape architects, site surveys, training or events to celebrate the opening and ongoing maintenance and evaluation. We will also receive an initial assessment of the project by Green Flag Awards.

2.4.3 Tree Uplift

There is no separate application process for the 'tree uplift' funding, which is provided by Defra. This can be used to cover the cost of preparation, purchase, planting, or related cost of trees in any of the urban green spaces within scope of this project. We will just be asked to explain how the Council plans to spend the trees uplift funding in the project proposal.

2.5 The Government have set the following timescales for delivery of this grant.

Activity	Deadline
Eligible local authorities contacted and asked to complete opt-in form	1 August 2022
Opt-in form completion deadline.	5 September 2022

Councils asked to prepare a project proposal and invited to organise pre-project site assessment with Green Flag Awards	September 2022
Councils required to attend workshops with stakeholders.	Date to be confirmed
Project proposal and 'memorandum of understanding' deadline. Letters of determination and grants sent when these are received.	3 October 2022
Pre-project site assessments undertaken by Green Flag Awards.	By 30 October 2022

- 2.6 Officers used delegated powers to 'opt in' to the scheme, however site proposal needs to be drawn up and submitted by 3 October 2022
- 2.7 Officers have looked closely at the criteria and believe there are three possibilities that meet the requirements of the scheme.

A) Barton's Point - Isle of Sheppey

Capital improvements within the park would include re surfacing the car park, improving current facilities including signage, gates and the provision of additional benches across the site. Further work could include ongoing maintenance to other structures on site such as bridges. To help enhance the green side of the park new trees could be planted close to the play park, car park and entrance to help provide shade. There is an abundance of wildlife that use this area meaning nature trails and habitats could be created around the water's edge. Funding within this park would also include £5k spent on monitoring and evaluating park usage to help make better informed long term management plans. Barton's Point is located close to Sheerness which has high levels of deprivation and is also a strong candidate for future Green Flag judging. Barton's Point is the site that closest meets the requirements of the grant.

B) Faversham Recreation Ground

Funding within the park could be used to resurface the path leading from the top of the site down towards Whitstable Road entrance. We would look to use permeable pathways or the creation of biospheres for collecting water runoff. Other work would include planting standard trees across the park and further enhancements to natural areas and new habitat creation i.e. bird and bat boxes. Funding within this park would also include £5k spent on monitoring and evaluating park usage to help make better-informed long-term management plans. A negative of this location is that it is not in an area of deprivation (LSOA 1) although it is close to the Millfield estate. Faversham Recreation Ground is the most likely of our three proposed locations to be awarded a green flag.

C) Milton Recreation Ground

Milton recreation ground would benefit from funding through improved paths and better vehicle access onto the site and improvements to the seating area and sports court areas. Green improvements within the park would include a mixture of whip and standard tree planting and the introduction of bird and bat boxes. We could also include some wildflower areas to help draw new wildlife and increase the overall diversity of the park. Funding within this park would also include £5k spent on monitoring and evaluating park usage to help make better-informed long-term management plans. This area is least likely to achieve the Green Flag status.

3 Proposals

- 3.1 The Officer recommendation is to apply for the Grant for Barton's Point. The reasons for the recommendation are
 - a) The proposal most closely fits the criteria as set out by the Government
 - b) The work would lead on from the Levelling Up Bid submitted by Officers. Barton's Point was flagged during Levelling Up Fund consultation as a target for investment, and whilst Beachfields was found to be the best fit for LUF, the desire to invest in Barton's Point was evident
 - c) The area stands a reasonable chance of obtaining a Green Flag.
 - d) The work would complement other works being undertaken at Barton's Point.

4 Alternative Options Considered and Rejected

- 4.1 The other alternatives considered and rejected are
 - a) To not 'opt in' to the funding this was rejected as it is an opportunity to carry out works to improve the green space offer in the Borough.
 - b) To recommend Faversham Recreation Ground Although this site has a good chance of obtaining a Green Flag award, it is not in the LSOA area, it would be a challenge to meet the requirements.
 - c) To recommend Milton Recreation Ground It would be unlikely to be successful due to the challenges with obtaining the Green Flag for the site.
 - d) Going out to consultation via Area Committees and a 'call for projects'. This was rejected due to the tight timescales for this grant and the requirement to work up the successful bid before the deadline of 3 October 2022. Furthermore, the suggestions we did receive would not likely meet the strict criteria.

5 Consultation Undertaken or Proposed

5.1 Due to the short timescale, we have not been able to undertake consultation, however the conditions of the grant require the council to "Consult and engage with your community during project design and delivery whenever possible".

6 Implications

Issue	Implications
Corporate Plan	A successful bid to the fund for Barton's Point would support two of the Council's four corporate priorities, 'Investing in our environment and responding positively to global challenges' and 'Tackling deprivation and creating equal opportunities for everyone'. It would particularly support objectives 2.1, 2.5, 3.2 and 3.5.
Financial, Resource and Property	The financial implications of a bid are as set out in the body of the report. A successful bid could have ongoing implications for the Council's revenue budget, but these are considered to be de minimis and will be considered as part of the future year's budget process once the detail of the scheme is established.
Legal, Statutory and Procurement	In the event of a successful bid, any necessary procurement would be undertaken in accordance with the constitutional contract standing orders.
Crime and Disorder	There is some potential for a successful bid to have a positive influence on crime and disorder through the provision of diversionary activities.
Environment and Climate/Ecological Emergency	A positive bid would have a beneficial impact on Swale's environment and on biodiversity within the Borough.
Health and Wellbeing	Providing a high quality green spaces will support public health objectives through regular access to safe, outdoor space and activity.
Safeguarding of Children, Young People and Vulnerable Adults	No implications identified at this stage.
Risk Management and Health and Safety	In the event of a successful bid, works would be undertaken and the resulting facility managed in compliance with the Council's health and safety policies and procedures.
Equality and Diversity	An equality impact assessment may be necessary in the event of a successful bid, prior to final specification being agreed.
Privacy and Data Protection	No implications identified at this stage.

- **Appendices** None **7** 7.1
- **Background Papers** None 8
- 8.1