
EXTRAORDINARY ENVIRONMENT COMMITTEE

MINUTES of the Meeting held in the Council Chamber, Swale House, East Street, Sittingbourne, ME10 3HT on Friday, 12 August 2022 from 10.30 am - 11.36 am.

PRESENT: Councillors Mike Baldock (substitute for Councillor Sarah Stephen), Richard Darby, Steve Davey, Oliver Eakin, James Hall, Mike Henderson (substitute for Councillor Eddie Thomas), Ken Ingleton (substitute for Councillor Nicholas Hampshire), Denise Knights, Pete Neal, Julian Saunders (Chair), David Simmons, Tim Valentine (Vice-Chair), Mike Whiting (substitute for Councillor Ann Hampshire), Tony Winckless and Corrie Woodford.

OFFICERS PRESENT: Martyn Cassell, Lisa Fillery and Jo Millard.

OFFICERS PRESENT (Virtually): Billy Attaway and David Clifford.

ALSO IN ATTENDANCE: Councillor Roger Truelove.

ALSO IN ATTENDANCE (Virtually): Councillors Cameron Beart, Mike Dendor and Carole Jackson.

APOLOGIES: Councillors Ann Hampshire, Nicholas Hampshire, Sarah Stephen and Eddie Thomas.

235 **Emergency Evacuation Procedure**

The Chair outlined the emergency evacuation procedure.

236 **Declarations of Interest**

No interests were declared.

237 **Waste and Street Cleansing Contract Extension**

The Head of Environment and Leisure introduced the report by explaining that the current ten-year Waste and Street Cleaning joint contract with the Mid-Kent Waste Partnership consisting of Maidstone, Ashford and Swale Borough Council (SBC), was due to end in October 2023. He gave a background of the stages of the tender process that had been carried out to date and said that the final stage of the tender process was about to start in which the final tender specification would be released and bidders would submit their prices. This would then be followed by an evaluation and the contract awarded to the successful bidder.

The Head of Environment and Leisure advised that during the stages of competitive dialogue that had taken place, all bidders had raised issues of availability of vehicles necessary to deliver the service. He said that a ten-month mobilisation period had been built into the contract originally from December 2022/January 2023 to the expiry of the existing contract in October 2023 but due to the supply issues highlighted, ten months would not now be long enough.

The Head of Environment and Leisure referred to the options to address the supply issues, as set out in the report, and the partnership had all agreed that in order to achieve a

smooth transition from the old to the new contract, an extension of the existing contract by 5 months from October 2023 to March 2024 would be necessary. He said that if the supply situation worsened, options could be considered again. The Head of Environment and Leisure highlighted the financial impact to the Council detailed in the exempt appendix. He said that it was key that a decision was made as soon as possible and an Urgent Decisions meeting would follow the Extraordinary Environment meeting, to consider the financial implication of the extension of the contract.

The Chair opened up the debate to Members, highlighting that discussion on the exempt appendix should take place in closed session.

Members raised points and asked questions including:

- It was the Committee's role to scrutinise the recommendations and it was being asked to make a decision without knowing full details of the new contract or specification;
- despite the short notice of the meeting, full attendance illustrated how important the decision was;
- the Committee had not been working with the external consultants for 2 years, as officers had, so did not have all details required to make a decision;
- why had the officers/external consultants not flagged up supply issues sooner?;
- did the new contract stipulate certain vehicles were unsuitable and if so, why?;
- the option of asking the current contractor to sell their current vehicles to the Council gave the message that they would not be awarded the new contract;
- had there been frequent dialogue with the joint authorities?;
- what was the timetable for the joint authorities?;
- there was no political input into Recommendation 3;
- Members had to respond to public complaints but had no knowledge of the details of the contract, worked on by officers;
- was there any evidence that the supply issue could become worse?;
- at what point would the Committee receive information and feedback?;
- the details had previously been discussed under the Cabinet system;
- there were many reasons for supply issues;
- could not see any other option but to extend the current contract;
- the report gave the straight forward problem which had been addressed by officers so could not see the problem;
- there was no better option;
- had Government kept authorities advised of changes in legislation?;
- the recommendation sought to extend the current contract, not discuss the new contract; and
- what was the alternative if the extension was not agreed?

In response, the Head of Environment and Leisure explained that there had been presentations to Area Committees before setting the priorities for the new contract, a Member briefing had taken place which was reasonably attended and there had been a good response to a residents' survey which had provided some good feedback on what the specification should include.

Referring to the vehicles needed, the Head of Environment and Leisure said that the hire market was currently very competitive, the specific vehicles required were not available to

hire and changes to the collection method might be needed. He said that due to the changes in Government legislation, driver shortages, high fuel prices and supply issues, most authorities were not currently letting contracts if not necessary and were using extension clauses in their contract, but SBC and its partners did not have that ability in the current contract. This meant they were all trying to hire vehicles rather than buy new for a short period.

The Head of Environment and Leisure referred to paragraph 4.2 of the report, which explained why the existing contractor had been approached about selling their vehicles he said all options had to be set out, and there had been open and honest negotiations with the contractor who understood the need to pursue all possible outcomes.

The Head of Environment and Leisure said that all three partners in the waste contract set their priorities at the same time and were working to the same timetable. He said the decision to extend the contract was an Officer Decision at Ashford Borough Council and an urgent Cabinet decision would be undertaken the following week at Maidstone Borough Council.

The Head of Environment and Leisure reminded the Committee that the report recommended extending the current contract and this should be the focus. He added that the Environment Committee would consider the new contract in the future.

Referring to the supply of vehicles issue, the Head of Environment and Leisure said the external waste consultants had raised this previously and a nine-month lead-in time was built into the contract accordingly, but the manufacturers had only recently advised that the original planned timetable could not be met. The suppliers updated with information regularly, and some vehicles might be available in time but not having enough vehicles was too much of a risk.

The Head of Environment and Leisure said that information from Central Government about the changes in legislation was received periodically, a number of information workshops had been held, and the Department for Environment, Food and Rural Affairs (DEFRA) had also provided some information. He said that whilst the direction of journey was known, the finer detail was yet to be provided.

The Head of Environment said the Mid Kent Waste Partnership would continue without SBC if the extension was not agreed and this would lead to sporadic waste collection services and there would likely be an additional financial burden on Swale without economies of scale.

Councillor Mike Baldock proposed, and Councillor Mike Henderson seconded that Members moved to the vote. On being put to the vote, the chair used his casting vote and the motion to move to the vote was lost.

Members then discussed the exempt Appendix.

Councillor Mike Henderson proposed, and Councillor Tim Valentine seconded the recommendations.

In accordance with procedure rule 3.1.19 (2), a recorded vote was taken in respect of recommendation (2), and voting was as follows:

For: Baldock, Darby, Davey, Hall, Henderson, Knights, Saunders, Valentine, Winckless, Woodford. Total equals 10.

Against: Total equals 0.

Abstain: Eakin, Ingleton, Neal, Simmons and Whiting. Total equals 5.

Resolved:

(1) That the existing contract be extended to enable mobilisation and the procurement process be continued as previously agreed.

(2) That it be recommended to the Urgent Decisions Committee that provisions for the additional waste and street cleansing contract extension costs should be included in the revised 23/24 Medium Term Financial Plan.

(3) That, conditional upon the Urgent Decisions Committee agreeing recommendation (2), delegated authority be given to the Head of Environment and Leisure and the Director of Resources to complete the negotiation and undertake the required paperwork for the contract extension.

238 Exclusion of Press and Public

Resolved:

(1) That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3.

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

239 Waste and Street Cleaning Contract Exempt Appendix I

Members considered the Exempt Appendix. The Head of Environment and Leisure and Director of Resources responded to questions.

240 Adjournment

The meeting was adjourned at 11.28 am and reconvened at 11.31 am.

Chair

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All minutes are draft until agreed at the next meeting of the Committee/Panel