



Email: committeeservices@horsham.gov.uk
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Cabinet

Thursday, 22nd July, 2021 at 5.30 pm
Park Suite, Parkside, Chart Way, Horsham

Councillors:	Paul Clarke	Leader
	Tony Hogben	Deputy Leader and Horsham Town, Parking & Communications
	Chris Brown	Local Economy
	Philip Circus	Environment, Waste, Recycling & Cleansing
	Lynn Lambert	Planning & Development
	Richard Landeryou	Finance & Assets
	Roger Noel	Leisure & Culture
	Claire Vickers	Community & Wellbeing
	Tricia Youtan	Housing & Public Protection

You are summoned to the meeting to transact the following business

Glen Chipp
Chief Executive

Agenda

	Page No.
1. Apologies for absence	
2. Minutes	3 - 6
To approve as correct the minutes of the meeting held on 10 June 2021 (Note: If any Member wishes to propose an amendment to the minutes they should submit this in writing to committeeservices@horsham.gov.uk at least 24 hours before the meeting. Where applicable, the audio recording of the meeting will be checked to ensure the accuracy of the proposed amendment.)	
3. Declarations of Members' Interests	
To receive any declarations of interest from Members of the Cabinet	
4. Announcements	
To receive any announcements from the Leader, Cabinet Members or the Chief Executive	
5. Public Questions	
To receive questions from and provide answers to the public in relation to matters which in the opinion of the person presiding at the meeting are relevant to the business of the meeting	

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|-----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------|
| 6. | Gatwick Airport Development Consent Order
To consider the report of the Cabinet Member for Planning & Development | 7 - 14 |
| 7. | Sustainable Procurement Charter
To consider the report of the Cabinet Member for Environment, Waste, Recycling & Cleansing | 15 - 34 |
| 8. | Electric Vehicle Charge Point Contract
To consider the report of the Cabinet Member for Environment, Waste, Recycling & Cleansing | 35 - 42 |
| 9. | Museum Opening Hours
To consider the report of the Cabinet Member for Leisure & Culture | 43 - 48 |
| 10. | Overview & Scrutiny Committee
To consider any matters referred to Cabinet by the Overview & Scrutiny Committee | |
| 11. | Forward Plan
To note the Forward Plan | 49 - 58 |
| 12. | To consider matters of special urgency

Collection of Business Waste from West Sussex schools
To consider the report of the Cabinet Member for Environment, Waste, Recycling & Cleansing | 59 - 64 |
- This item was not published on the Forward Plan with 28 days' notice because the tender bid needs to be submitted within a short timescale. It is therefore submitted under the Special Urgency rules set out at 4g.22 of the Constitution*

Agenda Item 2

Cabinet 10 JUNE 2021

Present: Councillors: Paul Clarke (Leader), Tony Hogben (Deputy Leader), Chris Brown, Philip Circus, Lynn Lambert, Richard Landeryou, Roger Noel, Claire Vickers and Tricia Youtan

Apologies: Councillors: Liz Kitchen

Also Present: Councillors: Karen Burgess, Peter Burgess, Billy Greening, Tim Lloyd, Josh Potts and David Skipp

EX/1 MINUTES

The minutes of the meeting of the Cabinet held on 25 March were approved as a correct record.

EX/2 DECLARATIONS OF MEMBERS' INTERESTS

There were no declarations of interest.

EX/3 ANNOUNCEMENTS

The Cabinet Member for Environment, Waste, Recycling & Cleansing made the following announcements:

- The 25 May launch of the small electrical items and textile collection service had been successful, with 570 bookings already, 95% of which were made on-line, and no contamination. The kerb-collection of household batteries, launched on the same day, was also proving popular. Analysis of the impact of these services on residual waste would be made in due course.
- After a public appeal regarding a fly-tipping incident, a suspect had been identified and would be brought to Crawley Magistrates Court in July. The Cabinet Member stated the importance of pursuing such incidents and the need to do what we can to stop such anti-social and polluting behaviour.

EX/4 PUBLIC QUESTIONS

No questions had been received.

EX/5 TRANSFORMATION FUND 2021/22

The Cabinet Member for Finance & Assets introduced the report on the use of the Transformation Reserve during the current financial year. He reminded Members that the Council had operated a Transformation Reserve for a number

of years, and it had been used for the modernisation of operations, including the digitalisation of a number of services.

This year the fund would be used to update Environmental Health & Licensing services onto the new cloud-based planning and regulatory system. This would require the redesign of many of the department's processes, and ultimately lead to a more efficient service. Over the next two to three years, Building Control & Planning systems would also be updated.

Cabinet had topped up this fund from operational surpluses every year to keep these projects moving forward. The Cabinet Member advised that the Council's operating overspend in 2020/2021, caused by the pandemic and resulting pressures on services, had been compensated for by one-off government grants, thus enabling the Council to generate a surplus, as detailed in the report. The Cabinet Member proposed using part of this surplus to top up the fund as in previous years.

He also proposed that, as suggested by the Finance & Assets PDAG, delegation of the authority to use the fund as appropriate would include himself as well as the Leader and Chief Executive.

RESOLVED

- i) To approve the transfer of £111k from the General Fund reserve to the earmarked transformation reserve.
- ii) To delegate to the Chief Executive, in consultation with the Leader and Cabinet Member for Finance and Assets, the authority to use the transformation fund as appropriate.

REASON

To top up of the earmarked transformation reserve for projects that will help transform the Council in the future; being effectively funded from the 2020/21 budget surplus.

EX/6 **OVERVIEW & SCRUTINY COMMITTEE**

There were no matters currently outstanding for consideration.

EX/7 **FORWARD PLAN**

The Forward Plan was noted.

EX/8 **TO CONSIDER MATTERS OF SPECIAL URGENCY**

There were no matters of special urgency to be considered.

To consider a report containing exempt or confidential information

RESOLVED

That, under Section 100A 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 involved the likely disclosure of exempt information, as defined in Part I of Schedule 12A of the Local Government Act 1972, by virtue of paragraph 3 regarding information relating to the financial or business affairs of any particular person, including the authority holding that information, and in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

EX/9 **SALE OF COMMERCIAL PROPERTY ASSET**

The Cabinet Member for Finance & Assets presented the report on the proposed sale of a property asset. Cabinet considered the report and it was

RESOLVED

- i) To approve the sale of the freehold interest in a property currently let by Horsham District Council.
- ii) To delegate to the Director of Place approval of the legal documentation.

The meeting closed at 5.46 pm having commenced at 5.30 pm

CHAIRMAN

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Report to Cabinet

22 July 2021

By the Cabinet Member for Planning and Development

KEY DECISION



**Horsham
District
Council**

Not Exempt

Gatwick Airport Development Consent Order - Governance Arrangements

Executive Summary

Gatwick Airport Ltd (GAL) have prepared a Masterplan for the future development of the airport. This includes proposals to bring the standby runway into routine use alongside the existing runway. This would result in two runways in operation at the airport.

The planning application to bring the standby runway into routine use would be considered a 'Nationally Significant Infrastructure Project'. This means that planning consents for these schemes are determined by the Secretary of State through an application process known as a Development Consent Order (DCO).

To participate in the DCO process, the Council will be required to make representations within prescribed timetables set out in law. To ensure the views of this Council can be submitted in accordance with these deadlines, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Development and the Local Economy, to respond to the relevant consultation or engagement stages of the Development Consent Order process.

Recommendations

The Cabinet is recommended:

- i) To delegate authority to the Director of Place, in consultation with the Cabinet Member for Planning and Development and the Cabinet Member for the Local Economy, to respond to procedural consultations and engagement as part of the Development Consent Order application process.

Reasons for Recommendations

Without delegated authority it is unlikely that the Council will be able to effectively engage with the DCO process. If responses are not submitted in accordance with the statutory timescales they cannot be taken into account. Without the requested delegation in place,

this could result in a recommendation made to the Secretary of State regarding the future of Gatwick Airport which does not fully take account of impacts upon Horsham District.

Background Papers

- Gatwick Airport Master Plan 2019
- The Planning Inspectorate Advice Note Two: The role of local authorities in the development consent process

Wards affected: All wards.

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Background Information

1 Introduction and Background

- 1.1 Gatwick Airport Ltd (GAL) have prepared a Master Plan for the future development of the airport. This was published in 2019. This Master Plan includes proposals to bring the standby runway into routine use alongside the existing runway. This would result in two runways in operation at the airport. This is referred to by GAL as the “Northern Runway Programme”.
- 1.2 The proposal to bring the standby runway into routine use is of a scale that means the proposal is considered to be a ‘Nationally Significant Infrastructure Project’. Planning consents for these schemes are determined by the Secretary of State through an application process known as a Development Consent Order (DCO). The process is managed by the Planning Inspectorate (PINS).
- 1.3 To participate in the process, the Council will be required to make representations within prescribed timetables. To ensure that these timescales can be met and that the views of the Council can be represented, this report sets out a request to delegate authority to the Director of Place, in consultation with the Cabinet Members for Planning and Development and the Local Economy, to respond to these consultation or engagement aspects of the Development Consent Order process.

2 Relevant Council policy

- 2.1 In 2015, this Council agreed to strongly oppose runway expansion at Gatwick Airport in response to the Airports Commission’s assessment of an additional runway at Gatwick Airport in 2015. This is currently the agreed position of the Council on any runway expansion at Gatwick Airport. Once the details and evidence base of the Northern Runway Programme become known, any decision to change this position would need to be determined by the Council.
- 2.2 In considering any proposals put forward by GAL as part of the Development Consent Order the Council will also need to take account of the Horsham District Council Corporate Plan 2019 – 2023, the planning policies within the Local Plan, currently the Horsham District Planning Framework (HDPF) November 2015, the Economic Strategy 2017 – 2027 and the Visitor Economy Strategy 2018 – 2023.

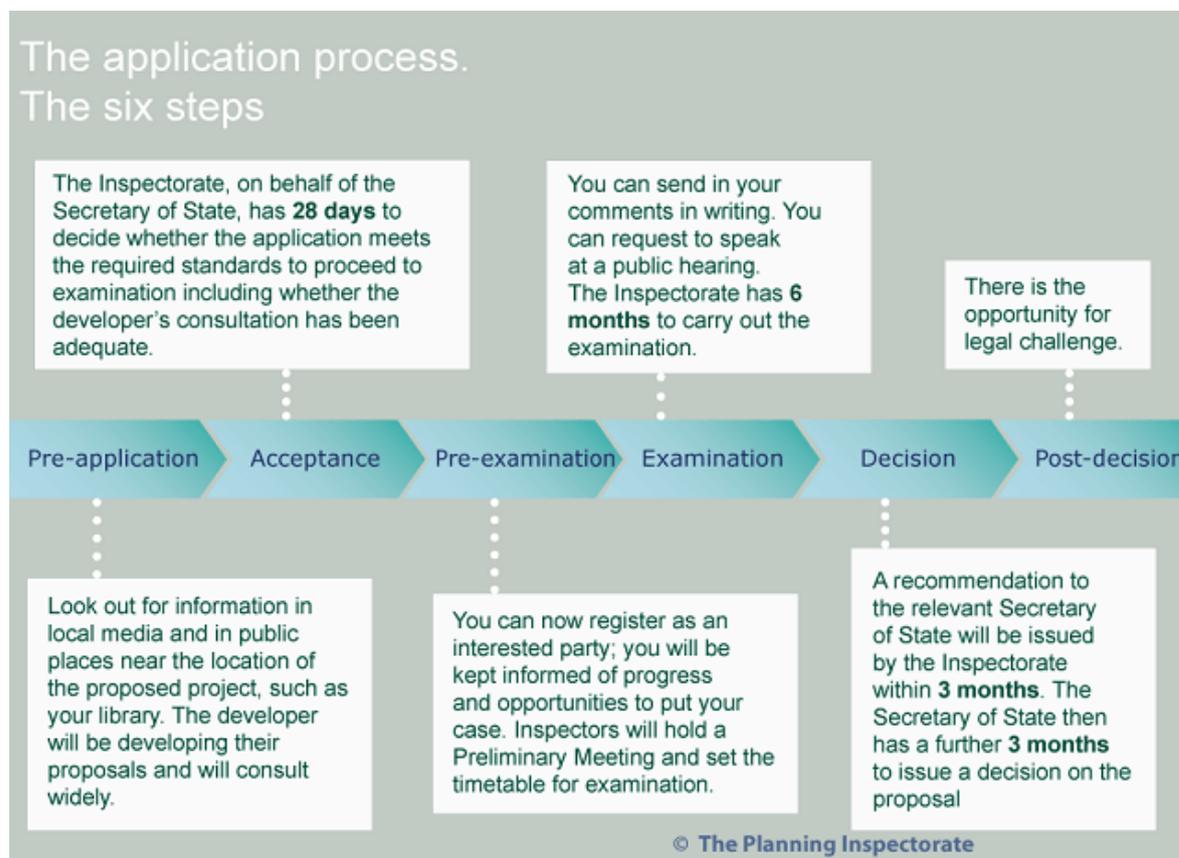
3 Details

The Development Consent Order Process

- 3.1 As outlined in the section 1 of this report, the proposals by GAL are of a scale which mean they are classified as a Nationally Significant Infrastructure Project (NSIP), and planning consent must be obtained through the Development Consent Order

process. The decision is ultimately taken by the relevant Secretary of State, but the application is submitted to and examined by the Planning Inspectorate.

- 3.2 The Development Consent Order process has six stages: pre-application, acceptance, pre-examination, examination, decision and post-decision. The diagram below sets out a summary of the process together with key timescales and the means by which the public and others can become involved.



The Gatwick Northern Runway Programme Development Consent Order Application

- 3.3 Gatwick Airport Ltd initially commenced the the Northern Runway Programme with the publication of its Final Master Plan in 2019. The programme was however paused by the airport as a result of the Covid-19 pandemic. In December 2020 Gatwick Airport Ltd wrote to this Council advising of the re-commencement of the Development Consent Order application.
- 3.4 Gatwick Airport Ltd has identified 10 local authorities regarding its Northern Runway Programme. Under the terms of the DCO, the local authorities in which the administrative boundary the application falls are termed 'host' authorities. These are:
- (i) Crawley Borough Council
 - (ii) West Sussex County Council
 - (iii) Surrey County Council
 - (iv) Mole Valley District Council

- (v) Reigate & Banstead Borough Council
- (vi) Tandridge District Council

3.5 Adjoining authorities to the planning application area are termed 'neighbouring authorities'. These are:

- (i) Horsham District Council
- (ii) Mid Sussex District Council
- (iii) East Sussex County Council
- (iv) Kent County Council.

3.6 Both host and neighbouring authorities have a statutory role in the DCO process, both as the local planning authority and their wider role in terms of supporting local communities and businesses.

3.7 From the information provided by Gatwick Airport Ltd to the host and neighbouring authorities, the anticipated key stages and dates of the Development Consent Order process are set out below.

- 'Section 42' Statutory Consultation (Sept / Oct 2021)
- Development Consent Order application submission to PINS (Jul 2022)
- Acceptance of the application by PINS (Aug 2022)
- Pre-examination preparation (Sept 2022 – Jan 2023)
- Examination conducted by PINs (Jan – Jul 2023)
- Secretary of State review (June – Sept 2023)
- Earliest decision by the Secretary of State (Jan 2024)

3.8 At this stage the full details of the application have not been published by GAL. It is therefore not possible to form a view on the impact of the proposals currently. It is however envisaged that the proposals will potentially have significant impacts on Horsham District on matters such as noise, air quality and transport. It is therefore paramount that the Council is in a position to fully engage with the Development Consent Order process to ensure that the range of potential impacts are understood and taken into account, prior to the decision by the Secretary of State.

3.9 To participate in the DCO process, the Council will be required to make representations during the pre-examination and examination phases to ensure relevant impacts of development are addressed. This will include, but is not limited to:

- Attendance of and input to Topic Working Groups convened by GAL
- Making representations on the Environmental Impact Assessment (EIA) Scoping Report
- Preparing and submission of responses as part of the pre-examination consultation
- Attendance at meetings convened by the Planning Inspectorate during pre-examination stage
- Preparation and submission of the 'Local Impact Report' to PINs
- Input into Statements of Common Ground

- Preparation and submission of representations to the Planning Inspectorate during Examination
- Responses to the Examining Authority's (PINS) written questions
- Attendance of hearings during examination phase

3.9 The submission of many of the reports and representations are set out in statute as part of the DCO process. Many of these timescales are very short (typically 14 or 28 days). In addition, much of the work will be of a technical nature, requiring professional knowledge and understanding of planning and environmental matters.

4 Next Steps

4.1 Given the detailed nature of the work required, together with the tight timescales, it is not considered it will be possible to gain Cabinet consent for officers to make representations at the required times within the DCO process. This could prevent the Council making representations regarding the impact of the airport, and could result in a recommendation made to the Secretary of State regarding the future of Gatwick which does not fully take account of impacts upon Horsham District.

4.2 The Cabinet is asked to delegate authority to the Director of Place, in consultation with the Cabinet Member for Planning and Development and the Cabinet Member for the Local Economy, to ensure that the Council can respond to the consultation or engagement aspects of the Development Consent Order process in accordance with the relevant timescales. Where appropriate, the Cabinet Members will seek the views of other Members through the respective Policy Development Advisory Groups.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

5.1 Officers of the Council presented to the Planning and Development Policy Development Advisory Group on 8 March 2021 in which they outlined the DCO process and the context in which the proposals for additional runway capacity at Gatwick Airport will be considered. The Group noted the role of local authorities in the application process and discussed the expected timescales for this application.

5.2 The views of the Monitoring Officer, Director of Corporate Resources and the Head of Finance have been incorporated into this report.

5.3 The Development Consent Order process will be run by the Planning Inspectorate. Gatwick Airport, as the applicant, will conduct public consultation on the proposals when they emerge in due course. PINS Advice Note Two on the role of local authorities in the development consent process (February 2015) is very clear that *“there should be no ambiguity about who and where members of the public should provide their comments to. In this context, it is not helpful for local authorities to run their own consultation events in relation to a NSIP project”*. Given this, and the potential for divergent views to emerge on any proposals across the District, it is not the intention of the Council to organise any consultations on the Airport's expansion proposals. It is however considered that the Council should help make the

community aware of any public consultation and indicate where they can submit their views.

6 Other Courses of Action Considered but Rejected

- 6.1 It has been considered whether authority of the Cabinet should be sought at the different stages of the DCO process. As set out in para 4.1 this has been rejected due to the need to meet statutory timescales and the risk that the application would be determined without taking account of the impacts upon Horsham District.
- 6.2 The Council could also decide not to respond to the DCO process. This course of action has also been rejected as the impacts of Gatwick's Northern Runway Programme on local communities within the District would not be taken into account and any opportunity to secure mitigation for the impacts would be lost.

7 Resource Consequences

- 7.1 This report relates only to the governance arrangements for responding to the Gatwick Airport DCO and therefore there are no direct resource or financial implications arising from the delegation of authority.

8 Legal Considerations and Implications

- 8.1 The legal requirements governing the determination of the DCO process are set out in the Planning Act 2008. As has been indicated in this report, the Development Consent Order process sets out response timescales by statute. By agreeing this delegation of authority, the Council will be in a position where it can respond to the legal obligations placed upon the authority in its role as a 'neighbouring authority'

9 Risk Assessment

- 9.1 It is considered that by agreeing this delegation of authority, the key risk to the Council of being unable to respond to the DCO can be avoided.

10 Procurement implications

- 10.1 There are no direct procurement implications arising from the contents of this report. It is possible that participation in the Development Consent Order process will require some external resources and this will be addressed through the usual budgetary expenditure processes. If required, any procurement would take place in accordance with the Council's procurement policies.

11 Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no specific equalities or human rights implications arising from the contents of this report. Any impact on these matters arising from the runway proposals published by GAL will be considered in due course and can be fed back as part of the DCO process.

12 Environmental Implications

- 12.1 There are no specific environmental implications directly arising from the contents of this report. Any environmental issues as a result of the Development Consent Order application to bring the standby runway into routine use will be considered as part of the Development Consent Order process.

13 Other Considerations

- 13.1 There are no GDPR / data protection or crime and disorder consequences arising from the contents of this report.

Report to Cabinet

22nd July 2021

Cabinet Member for Environment, Waste, Recycling
and Cleansing



DECISION REQUIRED

Not Exempt

Sustainable Procurement Charter

Executive Summary

The report seeks Cabinet approval to adopt a Sustainable Procurement Charter. The Charter would fulfil several objectives.

The Charter will start the progress towards becoming a carbon neutral organisation for its indirect emissions by 2050 (this includes the emissions from the supply chain). One of the commitments in the Charter asks suppliers to demonstrate that they are working to reduce their carbon emission. The Charter commits suppliers delivering higher value contracts to provide data on their carbon emissions. This will improve the accuracy of the annual reporting of the Council's carbon emissions.

The Council must comply with the requirements of the Public Services (Social Value) Act 2012, alongside the recently published National Procurement Policy Statement in connection with procurement activity. This requires Councils to have regard to wider economic, social, and environmental well-being benefits for their area and communities in its procurement activities. The Council has, therefore, sought to secure these benefits through the procurement process for several years. The Charter would provide greater transparency to officers and suppliers on the Councils priorities relating to delivering social value.

The Charter includes four priorities underpinned by several commitments. These would not be mandatory for all contracts. There are three tiers for delivering the commitments; each is related to the value of the contract. Suppliers for the lowest value (tier 1) contract can voluntarily deliver the commitments. Tier 2 are mid-range value contracts where generally a best efforts approach would be encouraged. The commitments are generally only mandatory for the highest value contracts (tier 3).

Recommendations

Cabinet is recommended to:

- i) Approve the Sustainable Procurement Charter for implementation (as set out in the appendix to the report), with a formal review after 12 months to take account of feedback from businesses.

- ii) Delegate authority to the Director of Corporate Resources to finalise the Charter and make arrangements for the future monitoring and reporting mechanisms and to make minor amendments to the Sustainable Procurement Charter when required due to changes in policy or legislation. The latter will be in consultation with the Cabinet Member for Finance and Assets.
- iii) Note the process for obtaining carbon data from suppliers delivering high value contracts flows from one of the commitments in the Charter.

Reasons for Recommendations

A Sustainable Procurement Charter ensures all of the Council's priorities relating to its environmental and socio-economic ambitions, along with compliance with procurement best practice and legislation are stated in one document, with a proportionate and transparent approach to the commitments required of suppliers

Background Papers

Cabinet report: Organisational Carbon Reduction – Target and Action Plan (24th September 2020)

National Procurement Policy Statement – HM Government June 2021
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/990289/National_Procurement_Policy_Statement.pdf

Wards affected: All

Contact: Helen Peacock, Project Developer 01403 215513
Jo Newton-Smith, Procurement Manager 01293 438363

Background Information

1 Introduction and Background

- 1.1 The Council has a target to become carbon neutral by 2050 for the emissions that are not within its direct control. This includes emissions generated from our supply chain. Although this is a longer term target to Council needs to work with its supply chain now in order to achieve it. There are two aspects to this; obtaining more accurate data from suppliers on their carbon emissions and encouraging them to take action to reduce their emissions. Both of these were included in a short term carbon reduction action plan that was approved by Cabinet in September 2020.
- 1.2 The Council must comply with the requirements of the Public Services (Social Value) Act 2012. This requires public authorities to have regard to economic, social, and environmental well-being when procuring contracts
- 1.3 In June 2021, HM Government issued a National Procurement Policy Statement (NPPS). The NPPS sets out the strategic priorities for public procurement and how contracting authorities can support their delivery (a link to the Statement is included in the list of background documents relating to this report). It states that contracting authorities should have regard to the following national priorities alongside any additional local priorities in their procurement activity:
 - Creating new businesses, new jobs, and new skills
 - Tackling climate change and reducing waste; and
 - Improving supplier diversity, innovation, and resilience
- 1.3 The Government will be introducing new measures to strengthen the application of the Modern Slavery Act 2015 which will include asking contracting authorities to manage the risks of exposure in their own Supply Chains, this is also reflected in the NPPS. The Council will be required to produce an annual Modern Slavery Transparency Statement setting out the steps the organisation has taken to ensure that slavery and human trafficking is not taking place in our supply chains
- 1.4 This report recommends that Cabinet adopts a Sustainable Procurement Charter (see the appendix to this report). This makes the Councils priorities in delivering social value more transparent. It will also assist in delivering on the Councils longer term carbon reduction target; namely to reduce the carbon emissions from its supply chain.

2 Relevant Council policy

- 2.1 The Corporate Plan 2019-2023 includes the theme a Cared for Environment which prioritises the “protection of our environment as we move to a low carbon future”. This includes a commitment to produce an action plan to move towards becoming a carbon neutral organisation. Approving a Sustainable Procurement Charter is one of the projects in a short term action plan that was approved by Cabinet in September 2020. The priorities in the Charter directly relate to the priorities in the Corporate Plan.

3 Details

- 3.1 The proposed Sustainable Procurement Charter was produced by a project team consisting of representatives from Community Development and Economic Development and led by officers with expertise in procurement and the environment. The content of the Charter also drew on research and examples from other Council's and best practice guidance, this helped ensure that the Charter was sufficiently balanced so as not to be onerous to the supply chain but not too simplistic that it would not deliver the outcomes required
- 3.2 The Charter has four priorities -
- A thriving economy where residents have access to employment and skills development opportunities
 - A strong, safe, and healthy community by being a responsible employer
 - Support local community organisations and businesses and sustainable economic growth
 - A cared for environment by applying good environmental business practices.
- 3.3 Each priority is supported by several commitments. The requirements placed on suppliers in delivering the commitments relates to the value of the contract and these are placed in three tiers. Tier 1 is lower value contracts (less than £50,000k for goods and services, and £100,000 for works). In this case suppliers can volunteer to undertake the commitments. For tier 2 contracts some commitments are mandatory, but most are best efforts. A mandatory requirement to deliver the commitments is only placed on suppliers delivering tier 3 contracts over £189,000 for goods and services and £2 million for works).
- 3.4 The commitments in the Charter are aligned to the priorities in the Corporate Plan. Furthermore, they are commitments that the Council has been incorporating into contracts for many years, in order to comply with the requirements of the Public Services (Social Value) Act 2012, and best practice guidance. The Charter makes these requirements more transparent to suppliers.
- 3.5 The Government has recently produced a National Procurement Policy Statement (June 2021). All contracting authorities (including Councils) must have regard to the Statement which will help to deliver national strategic priorities. Several of the commitments in the Charter reflect the above national priorities. By adopting and implementing the Charter the Council will be able to demonstrate that it is helping to deliver the national strategic priorities.

4 Next Steps

- 4.1 Once approved, the Charter will be designed and will be published on the Council's website for prospective suppliers to view. It will also be included in the procurement documentation for new contracts that fall within Tier 2 or 3 (above £50,000). The Charter will also be promoted to suppliers with existing high value contracts and they will be encouraged to report on the relevant aspects of their contracts to the Council. Though this will not be a requirement for current contracts.

- 4.2 The requirement to provide the Council with an annual report on supplier's carbon emissions and the actions that they are taking to reduce them will start the process of securing more accurate carbon data for calculating and monitoring the Council's carbon footprint. The focus will initially be on obtaining data from suppliers delivering high value contracts.
- 4.3 Contract managers will receive advice and training on the Charter, as they will be responsible for monitoring the outcomes of the commitments and obtaining the carbon data from suppliers. This will allow the Council to capture measures of success from implementing the contract and the commitments in the Charter.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 There was a full debate on the proposed Charter at the meeting of the Environment, Waste, Recycling and Cleansing Policy and Development Advisory Group (PDAG) at its meeting on 12th July. No changes were requested to either the Charter or the Cabinet report. PDAG were supportive of the Charter's priorities and format and were pleased to note that there will be a review of the Charter after 12 months, to incorporate any feedback from businesses.
- 5.2 The Monitoring Officer and the Director of Corporate Resources were consulted on the report and no amendments were required.

6 Other Courses of Action Considered but Rejected

- 6.1 The do-nothing option of not producing a Charter was considered. The Council has set a target of net zero emissions, it also has a requirement to have due regard of economic, social, and environmental well-being in its procurement activity as included in the Public Services (Social Value) Act 2012 and National Procurement Policy Statement (June 2021). In addition, the Council must comply with the Modern Slavery Act 2015 and following parliamentary approval will be required to produce a Modern Slavery Transparency Statement. Given that Council has been delivering social value in its procurement processes for many years, the priorities and commitments in the Charter will be familiar to most suppliers and have been already been included in Horsham's specifications and contracts, where relevant. The advantage of the Charter is that it makes the Council's priorities relating to socio-economic and environmental issues transparent. These are linked to the priorities in the Corporate Plan, it also sets a higher ambition in terms of reporting what has been delivered, particularly in relation to carbon data.
- 6.2 Another course of action was to introduce a Charter or Policy which just focused on securing environmental improvements via procurement. However, having a Charter which encapsulated all of the Council's priorities, including the social and economic priorities, is considered to be best practice. It is also important in clearly demonstrating how the Council is fulfilling its social value obligations.

7 Resource Consequences

- 7.1 There are no direct financial consequences from introducing the Charter. Any financial implications will arise on a case by case basis depending on contract specific requirements placed on suppliers, for example a move to electric fleet, however these will be proportionate to the value of the contract and fully considered prior to the issue of tender documentation. Hence, the tiered approach in the Charter where the commitments are generally mandatory on higher value contracts.
- 7.2 The main resource implication is that contract managers will need to annually monitor what has been achieved by its contractors and where appropriate acquire the carbon data annually; the intention is that this will initially be focused on the very high value contracts where suppliers are often collating this type of information to report to Government.
- 7.3 Comments from the Director of Corporate Resources awaited.

8 Legal Considerations and Implications

- 8.1 The Public Services (Social Value) Act 2012 requires public authorities to have regard to economic, social, and environmental well-being in connection with public services contracts, and for connected purposes. This places a duty on Councils at the “pre-procurement” phase to consider how the procured service could improve the economic, social, and environmental well-being of the relevant area. The proposed Charter makes the Council’s priorities in terms of social value transparent to suppliers.
- 8.2 Procurement Policy Note PPN 05/21 – National Procurement Policy Statement was issued by the Cabinet Office in June 2021, It takes immediate effect. The NPPS sets out the strategic priorities for public procurement, it states that contracting authorities should have regard to the national social value priorities as identify in para 1.3 alongside any additional local priorities in their procurement activity. It also states that contracting authorities should consider whether they have the right policies and processes in place to ensure the delivery of the NPPS.
- 8.3 The NPPS states that all contracting authorities should take measures to identify and mitigate modern slavery risks in their contracts. Therefore, authorities need to with in partnership with suppliers to improve labour standards in their operations and supply chains and be transparent about the steps taken.

9 Risk Assessment

- 9.1 There is a risk that potential suppliers will be deterred from bidding by the policy commitments that they may be required to commit to. However, from market research there is no evidence that this is likely, particularly as the Council has taken a proportionate approach. The Council has successful engaged with suppliers in its procurement activity for many years which have included the obligations required in the Public Services (Social Value) Act 2012 The Charter does not, therefore, introduce substantially new requirements on suppliers, the greatest change is in the monitoring and reporting arrangements.

10 Procurement implications

- 10.1 The Charter relates to procurement and states the priorities and commitments that suppliers should be adhering to, according to the value of the contract and which should be proportionate and relevant to the specific contract. The Procurement Manager co-authored the Charter.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 Introducing a Sustainable Procurement Charter is likely to have a positive equalities implications. Many of the commitments encourage positive social benefits for the residents of the District, such as encouraging training opportunities and local recruitment, particularly for those who are unemployed and disadvantaged.

12 Environmental Implications

- 12.1 The proposed Sustainable Procurement Charter includes five commitments relating to encouraging good environmental business practices. It will, therefore, contribute to improvements to the local environment and reduce wider negative environmental impacts.

13 Other Considerations

- 13.1 There are no GDPR or crime and disorder implications from the proposal in this report.

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DRAFT SUSTAINABLE PROCUREMENT CHARTER

The Horsham District is a large predominantly rural area in West Sussex with a high-quality environment and is a much sought-after place to both live and work. It is in a prime location and is well connected; being mid-way between London and the south coast, with Gatwick Airport on the doorstep, regular rail access to London and close proximity to all the South East's major ports.

The District offers first class business accommodation, together with a highly skilled workforce, with educational attainments amongst the highest in the country. It is a place with a positive and dynamic atmosphere and a progressive Council committed to supporting business - making it one of the most desirable locations in the UK for business.

The Sustainable Procurement Charter has been developed to ensure that organisations working with the Council through a procurement process are responsible and ethical employers and are committed to supporting economic, social, and environmental improvements in the District. The Charter also helps the Council manage its responsibility to ensure that slavery and human trafficking is not taking place in our supply chains.

Although the Charter is new it pulls together many issues that the Council already seeks to deliver through procurement. The Charter makes these issues transparent and allows suppliers to clearly understand the Council's priorities.

The Charter supports our Corporate Priorities, 2019-2023 which includes ensuring that the District remains a great, healthy, and safe place to live, with well-balanced communities that meet resident's needs, a supply of affordable homes and a strong voluntary sector. It aims to have a thriving economy by increasing economic growth and creating new jobs so that residents have access to a wide range of local employment opportunities. It also recognises the need to protect and enhance the District's high quality environment, whilst tackling climate change and improving waste management. The Council has targets to become a carbon neutral organisation and wants to work with suppliers so they can help the organisation reach these targets by reducing their own emissions.

In addition to the Council's own priorities, the Charter also reflects national strategic priorities for public procurement, as set out in the National Procurement Policy Statement June 2021, which are: -

- creating new businesses, new jobs, and new skills,
- tackling climate change and reducing waste,
- improving supplier diversity, innovation, and resilience.

Sustainable Procurement Charter Priorities

The Charter contains four priorities which are linked to the Council's Corporate Plan. These are: -

1. A thriving economy where residents have access to employment and skills development opportunities
2. A strong, safe, and healthy community by being a responsible employer
3. Support local community organisations and businesses and sustainable economic growth
4. A cared for environment by applying good environmental business practices

Each principle has several commitments we want suppliers to work to achieve in a proportionate way depending on the value of the contract. Further details of each commitment and when it applies are shown in Table 1 at the end of this document.

Implementing the Charter Through Our Procurement Processes

The Council regularly undertakes procurement processes for the supply of goods, works and services. Details of the Council's procurement processes, and forthcoming tender opportunities can be found [here](#).

The Council is keen to ensure that through its procurement processes it delivers value for money contracts along with wider benefits for the environment as well as the local economy and community. Under the Public Services (Social Value) Act 2012¹ the Council has a duty to consider social value in all relevant procurements. The Charter is a tool to assist in the delivery of these requirements and, therefore, encourages all its suppliers to use the Charter either voluntarily, in a reasonable efforts approach, or through full mandatory compliance, depending on the value of the contract.

In some sectors we appreciate that it might be difficult to deliver on some of the commitments; hence why we include a reasonable efforts approach. For example, if you are a supplier that is not based locally you may not be able to recruit or provide apprenticeship opportunities directly within the Horsham District.

Each procurement process is unique, the Charter ensures a proportionate and flexible approach is taken. The expectation is that the supplier will confirm their willingness to deliver on the commitments (tier 2 and 3) as part of their tender submission. Suppliers may also be asked as part of the quality evaluation to set out the specifics of what their organisation can commit to deliver through the life of the contract; this will be evaluated as part of the tender process. If you have any queries about the Charter, please email the Procurement Team at procurement@horsham.gov.uk or visit the procurement section of the Council's website www.horsham.gov.uk/business/procurement-and-contracts.

¹ Referred to as the Social Value Act in this document

	Charter Tender Requirements		
	Tier 1	Tier 2	Tier 3
Type and value of the contract	All goods and services contracts below £50,000 and all works contracts below £100,000	Contracts for services and goods between £50,000 and the threshold £189,330* Contracts for works between £100,000 and £2,000,000	Contracts for services and goods above the threshold £189,330* Contracts for works above £2,000,000
When does the Charter apply? See full commitments at the end of the document in Table 1	Charter is not mandatory; suppliers may sign up voluntarily	Charter is mostly applicable in a “reasonable efforts” approach, however, some requirements are mandatory	Charter is applicable mostly on a mandatory basis
How do we evaluate against the Charter in the procurement process?	N/A	The supplier will be asked to confirm that they meet any mandatory requirements of the Charter and will be assessed on a pass / fail basis. The use of specific questions related to social value may be used as part of the quality assessment if relevant and proportionate	The supplier will be asked to confirm that they meet any of the mandatory requirements of the Charter and will be assessed on a pass / fail basis. Relevant and proportionate questions as part of the quality assessment are used to test commitment to social value
Monitoring arrangements	N/A, unless it is a voluntary signatory, in which case annual update will be required through your contract management mechanisms	Monitoring arrangements to be agreed by contract manager to ensure commitments are delivered. Contractors are required to provide an annual report capturing achievements made where appropriate	An action plan is drawn up by the contractor during the contract implementation phase. Contractors are required to report and monitor progress and outcomes through the life of the contract and at least annually

*Thresholds can be found through the following [link](#).

The procurement team and the Council's contract managers will consider how to best apply the Charter on a case-by-case basis, regardless of the tiers above, by considering the relevance and proportionality to each individual contract.

Suppliers are encouraged to be innovative in considering how they might go about achieving social value outcomes for the Horsham District.

Some of the practical initiatives your organisation could consider are:

- Monitor and report on carbon emissions and have a plan to reduce these year on year
- Support the Council's Wilder Horsham District programme by enhancing habitats (such as restoring or planting hedgerows) or inspiring the local community to appreciate local wildlife
- Attend local recruitment fairs. Set targets to source employees from the local community
- Create apprenticeship and traineeship opportunities as part of your work in Horsham or through the supply chain. Attend apprenticeship events to promote these opportunities. Be clear on how many placements you support
- Consider providing work-based learning such as work shadowing, work experience placements/ summer internships and interactive work 'taster' events
- Create volunteering opportunities for your organisation's employees to help within the community. The Council can help with this via its online portal and connections to local businesses. You could mention how many hours you will provide
- Consider working with schools and colleges to promote working in your sector and inspiring young people to be ambitious in their career aspirations
- Identify opportunities to do business with the local supply chain and commit to setting a target for sourcing a percentage of work from the local community
- Host and/or participate in supplier workshops or seminars to engage with local businesses, such as the "Meet the Buyers" event in the local area

How is progress against the Charter monitored?

It's important that organisations are active in ensuring they deliver against any commitments they have made.

Organisations who have committed to deliver against the Charter through a successful procurement process should report progress through contract management reporting. This will help the Council to understand what has been achieved and also what is planned for the future. The carbon data that is provided by suppliers (where relevant) will form part of the Council's annual reporting on its carbon emissions.

How can I find more information?

The Council can offer help and advice on the commitments in the Charter. The Employment Support Team can help with apprenticeships, local recruitment, and opportunities to attend events with Horsham District based businesses. For more information on this and local business networking groups go to www.horsham.gov.uk/business.

The Council hosts the local Voluntary Support Service which can provide you advice on volunteering and also promotes volunteering opportunities www.horsham.gov.uk/voluntary-sector-support.

More information on the Councils climate change aspirations and actions, as well as the Wilder Horsham District project can be found here www.horsham.gov.uk/climate-and-environment.

Table 1 – Sustainable Procurement Charter; priorities and commitments

Key: N/A – non-applicable B – “reasonable efforts” ✓ – mandatory

Sustainable Procurement Charter Tier		1st tier	2nd tier			3rd tier			
Type and value of contract		All goods and services contracts below £50,000 and all works contracts below £100,000	Services	Goods	Works	Services	Goods	Works	
			Between £50,000 and threshold (£189,330)	Between £50,000 and threshold (£189,330)	Between £100,000 and £2,000,000	Above threshold (£189,330)	Above threshold (£189,330)	Over £2,000,000	
Priorities	Charter commitments:								
Page 28 1 A thriving economy where residents have access to employment and skills development opportunities	1A	Recruit local labour, in particular those who are unemployed and disadvantaged and promote the benefits of a diverse workforce	N/A	R	N/A	R	✓	N/A	✓
	1B	Employ apprentices and provide work experience opportunities	N/A	R	R	R	✓	✓	✓
	1C	Promote wide ranging career aspirations in the local area and help ensure people are equipped with the right skills to match the labour market	N/A	R	N/A	R	✓	N/A	✓
	1D	Contribute to the broader community by applying corporate social responsibility policies and practices within the Horsham District	N/A	R	R	R	✓	✓	✓

Sustainable Procurement Charter Tier		1st tier	2nd tier			3rd tier		
Type and value of contract		All goods and services contracts below £50,000 and all works contracts below £100,000	Services	Goods	Works	Services	Goods	Works
			Between £50,000 and threshold (£189,330)	Between £50,000 and threshold (£189,330)	Between £100,000 and £2,000,000	Above threshold (£189,330)	Above threshold (£189,330)	Over £2,000,000
Priorities	Charter commitments:							
2 A strong, safe, and healthy community; be a responsible employer	2A	Ensure a positive commitment to the health and wellbeing of employees.	N/A	✓	✓	✓	✓	✓
	2B	Operate inclusive, fair, and transparent recruitment processes that safeguard vulnerable users and ensure high quality training and skills development opportunities for employees.	N/A	✓	✓	✓	✓	✓
	2C	Help foster a loyal and motivated workforce by having fair and transparent employment policies and contracts. Minimise the use of zero-hours contracts.	N/A	✓	✓	✓	✓	✓

Sustainable Procurement Charter Tier		1st tier	2nd tier			3rd tier			
Type and value of contract		All goods and services contracts below £50,000 and all works contracts below £100,000	Services	Goods	Works	Services	Goods	Works	
			Between £50,000 and threshold (£189,330)	Between £50,000 and threshold (£189,330)	Between £100,000 and £2,000,000	Above threshold (£189,330)	Above threshold (£189,330)	Over £2,000,000	
Priorities	Charter commitments:								
3 Support local community organisations and businesses and sustainable economic growth	3A	Make all sub-contracting opportunities accessible to a diverse supply chain including local suppliers, SMEs and third sector organisations.	N/A	R	R	R	✓	✓	✓
	3B	Provide prompt payment throughout the supply chain	N/A	✓	✓	✓	✓	✓	✓
	3C	Support local community organisations and/or improve local facilities/areas through staff volunteering, resources, or expertise.	N/A	R	R	R	✓	✓	✓
	3D	Promote the Charter and encourage the uptake of these commitments within your supply chain.	N/A	R	R	R	R	R	R

Sustainable Procurement Charter Tier		1st tier	2nd tier			3rd tier			
Type and value of contract		All goods and services contracts below £50,000 and all works contracts below £100,000	Services	Goods	Works	Services	Goods	Works	
			Between £50,000 and threshold (£189,330)	Between £50,000 and threshold (£189,330)	Between £100,000 and £2,000,000	Above threshold (£189,330)	Above threshold (£189,330)	Over £2,000,000	
Priorities	Charter commitments:								
4 Cared for environment by applying good environmental business practices	4A	Demonstrate that you are working towards becoming a carbon neutral organisation by reducing energy consumption, using renewable/low carbon technology and green energy tariffs, as well as reducing travel and non-sustainable forms of transport	N/A	✓	✓	✓	✓	✓	
	4B	Support the enhancement and conservation of local biodiversity and green/public spaces.	N/A	R	N/A	R	✓	N/A	✓
	4C	Adhere to ethical and responsible sourcing practices Note 1: All paper or timber products purchased are required to be recycled or sourced from sustainable forests, with a clear chain of custody. Fairly traded alternatives (e.g. those carrying Fairtrade mark) should be considered.	N/A	✓	✓	✓	✓	✓	✓

<p style="text-align: center;">4</p> <p style="text-align: center;">A Cared for Environment by applying good environmental business practices</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 32</p>	<p>4D</p> <p>Reduce the use of natural resources and support the principles of a circular economy</p> <p>Note 2: a circular economy is based on the principles of designing out waste and pollution, ensuring that products can easily be reused and are designed to last longer, as well as using natural systems where possible (such as the use of renewable energy)</p>	N/A	R	R	R	✓	✓	✓
	<p>4E</p> <p>Avoid the creation of waste (including reducing or eliminating the use of single-use plastics) and promote reusing and recycling</p> <p>Note 3: Minimise waste including packaging waste, construction waste, the disposal of any consumables and the disposal of assets at end of their life. When we refer to “single-use plastics” we mean lightweight plastic bags, disposable utensils, stirrers, beverage containers, coffee capsules, wet wipes, etc.</p>	N/A	R	✓	✓	✓	✓	✓



Notes

This Charter is not intended to be onerous or force partners to adhere to unrealistic expectations and targets. Organisations are requested to use all reasonable efforts to comply with these priorities, which means doing what is reasonable to increase the likelihood that local benefits will be realised.

Signing up does not override the requirements to adhere to rules governing procurement, employment, fairness, competition, etc.

Definition of 'local' in priority order. Local is described as people and companies located in the:

1. Horsham District administrative boundary
2. West Sussex County Council administrative boundary
3. Gatwick Diamond area (within the administrative boundaries of Crawley Borough, Mid Sussex District, Epsom and Ewell Borough, Mole Valley District, and Reigate and Banstead Borough Council)

DRAFT

Report to Cabinet

22nd July 2021

By the Cabinet Member for the Local Economy



DECISION REQUIRED

Not exempt

EV Charge Point Network – Concession Contract

Executive Summary

Cabinet approved an Electric Vehicle (EV) Charge Point Strategy on 26th March 2020. One aspect of this is to support the installation of charge points on Council owned land to encourage the take up of electric vehicles. The main focus is to provide charge points for residents that do not have access to off-street parking and are, therefore, unable to charge their vehicles at home. Supporting the take up of electric vehicles would make a significant contribution to reducing carbon emissions across the District, as well as assisting with improving air quality.

A fully compliant OJEU tender process was undertaken last year to secure a concessionaire that would purchase, install, and operate a countywide network of Electric Vehicle Charge Points. The overall aim of the project is to install hundreds of charge points on publicly owned land to form a cohesive and comprehensive network but at no net cost to the Council's involved. West Sussex County Council led the procurement process, but the Council had significant input. Cabinet approved the award of a concession contract in November 2020. Sadly, the procurement process had to be abandoned, but following a review and market testing, a new above threshold tender process is currently underway.

This report seeks approval to delegate the contract award and agreement to enter into any related leases (and serve any notices required to exclude the security of tenure provisions in respect of such leases) to the Cabinet Member for the Local Economy, so that the project commences as soon as a supplier has been identified.

Recommendations

That the Cabinet is recommended:

- i) To delegate authority to the Cabinet Member for the Local Economy to award and enter into the contract to secure a supplier to purchase, install, maintain, and operate a network of Electric Vehicle Charge Points to the preferred supplier.
- ii) To delegate authority to the Director of Place in consultation with the Cabinet Member for the Local Economy to grant any leases required under the contract terms (and serve any notices required to exclude the security of tenure provisions in respect of such leases).

Reasons for Recommendations

A fully compliant above threshold tender process is underway, and a preferred supplier should be identified in August. However, the next Cabinet meeting is not scheduled until 23 September 2021. Therefore, delegated approval is sought to ensure there is no delay in starting the project.

Background Papers

Electric Vehicle Charge Point Strategy - Cabinet Report dated 26th March 2020
EV Charge Point Network – Concession Contract. Cabinet report dated 26th November 2020

Wards affected: All

Contact: Helen Peacock, Project Developer 01403 215513

Background Information

1 Introduction and Background

- 1.1 The Government has set a challenging target for the take up of EV; that from 2035 new cars should not be petrol, diesel, or hybrid. This approach supports the UK's mandatory target to become net zero carbon by 2050.
- 1.2 Increasing the take up of Electric Vehicles (EV) can contribute to reducing carbon emissions across the District, as well as improving air quality. One of the barriers to the take up of EV's is the lack of charging infrastructure. Studies confirm that most EV users charge their vehicles at home. However, this is difficult for residents without off-street parking. The Council has been collaborating with most of the councils in West Sussex (with the exception of Chichester District Council) to deliver a network of Electric Vehicle Charge Points (EVCP), primarily to support residents without off-street parking. The charge points would be installed on public land.
- 1.3 All of the councils involved required a net no cost solution for providing the network. This would be delivered by procuring a supplier via a concession contract. A fully compliant OJEU procurement was carried out last year. Cabinet approved the award of contact in November 2020. Sadly, the procurement had to be abandoned after a supplier had been identified. A new procurement process is currently underway. This is also above threshold.
- 1.4 The purpose of this report is to seek delegated approval to award and enter into the contract and to grant any leases required under the contract terms once a supplier has been identified. This will ensure that this is no delay in starting the project.

2 Relevant Council policy

- 2.1 The installation of a EVCP network across the County contributes to several activities/projects in the 2019-2023 Corporate Plan: -
 - "Work with partners to become a carbon neutral District"
 - "Work with partners to increase the number of electric vehicle charging points across the District"
 - "Target improvements of our air quality management areas".

3 Details

- 3.1 The councils listed in the contract are Key Delivery Organisations. Each Organisation is putting forward land assets for charge point installation which have been included in the contract. The Council has submitted some of its car parks. Once the contract has been awarded other public sector organisations (including Parish Councils) will be able to join the contract (known as Collaborating Organisations) and offer sites for charge point installations.
- 3.2 Due to the high value of the contract (to the supplier) a fully compliant above threshold procurement process is being followed. A single procurement process is

being undertaken, led by West Sussex County Council and the following organisations are listed as named delivery authorities:

- Horsham District Council
- Crawley Borough Council
- Adur District Council
- Worthing Borough Council
- Arun District Council
- Mid Sussex District Council

- 3.3 Following the abandonment of the first procurement all of the Key Delivery Organisations confirmed that they were still committed to securing a supplier to install and run an EVCP network and that a no net cost solution was required. Research was undertaken to confirm if a concession contract was the best way to proceed. Further market testing and discussions with suppliers took place to understand why the procurement had to be abandoned.
- 3.4 It was concluded that a concession contract was still the best way forward to achieve the aims of the project. One of the main reasons for this is that the project is taking a portfolio approach to the EVCP, where financially viable EVCP's support the installation of less viable sites but which have value to the local community, for example, providing EVCP for residents without off-street parking in smaller villages.
- 3.5 Market testing confirmed that a concessionaire requires a longer contract length to obtain a sufficient return on investment. The most significant change from the previous procurement process is the length of the contract. This is now 15 years plus the option to extend for a further five years. It was previously seven years plus extensions, to a maximum of ten years. Given this change in contract length, the list of car parks that the Council put forward for inclusion in the project was reviewed. Any that might have development potential have been excluded from the list.
- 3.6 Full details of the procurement process and its outcome are set out in section 10 of this report.

4 Next Steps

- 4.1 The procurement process is likely to be completed in September, with the service commencing in October to allow for mobilisation. The first stage in progressing the project is to establish the Strategic Management and Tariff Setting Board and the Partnership Board. Horsham District Council will have representation on both of these. The Boards will oversee the production of a Network Plan and an associated Delivery Plan. Some priority sites have been identified to be delivered early in the contract. These include some charge points in the Horsham District.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 The Local Economy and Parking Policy Development Advisory Group received a presentation on the draft Electric Vehicle Charge Point Strategy and the principle of joining a collaborative approach with other Council's in West Sussex to procure a supplier in March 2020. The Group supported these. At its meeting on 2nd November 2020 the Advisory Group also supported awarding the contract to the preferred supplier from the first open tender procurement process.
- 5.2 The comments from the Monitoring Officer and The Director of Corporate Resources have been incorporated into the report.

6 Other Courses of Action Considered but Rejected

- 6.1 The main alternative course of action is not to enter into the contract with a third-party supplier. However, this would mean that the Council would not be part of the collaborative approach to install a cohesive and comprehensive network of charge points across West Sussex.

7 Resource Consequences

- 7.1 The approach outlined in the report to Cabinet in March 2020 is that the installation of the charge points should be via a no net cost solution to the Council. This is being achieved by using a concession contract to procure the supplier. The supplier will work collaboratively with the councils in West Sussex to produce a network plan identifying potential EV charge point sites. The supplier will then purchase and install the charge points, be responsible for maintaining them, as well as operating the back office support for the whole network.

8 Legal Considerations and Implications

- 8.1 Section 1 of the Local Government (Contracts) Act 1997 confers power on the local authority to enter into a contract for the provision of making available assets or services for the purposes of, or in connection with, the discharge of the function by the local authority.
- 8.2 The Council has a wide general power of competence under Section 1 of the Localism Act 2011 to do anything that individuals generally may do. The existence of the general power is not limited by the existence of any other power of the Council which (to any extent) overlaps the general power. The Council can therefore rely on this power, where appropriate, to undertake the proposals contained in the Electrical Vehicle Charge Point Strategy.
- 8.3 The Local Government Act 2000, supplemented by Local Government & Public Involvement in Health Act 2007 and Sustainable Communities Act 2007, provides the principal statutory powers by means of which local authorities are currently engaged directly in helping to tackle climate change.

- 8.4 Under the Public Contract Regulations 2015 where a Public Authority is to enter into a contract for the supply of goods & services, and the value of those goods and services exceed a financial limit of £189,330 any procurement exercise to contract for those goods and services must be conducted in accordance with the Regulations and any failure to do so may be declared as anti-competitive and in breach of the Regulations.
- 8.5 Although the chosen contract arrangement falls under the definition of a 'concession', there is a risk that the contract could be deemed a public services contract. Therefore, the contract is being procured in compliance with both the Concession Contract Regulations 2016 and the Public Contracts Regulations 2015.
- 8.6 A draft of the template lease to be used has been prepared by the property lawyer at WSCC in conjunction with the property lawyers of the delivery authorities. Horsham District Council's property lawyers will be responsible for undertaking the work to facilitate the grant of the required leases in that form subject to any required revisions. The EV charge point provider tenant will be responsible for all outgoings associated with its use and occupation of any charge point site for the term of the lease. In the event that a charge point provider tenant is required to relocate the charge point (owing to redevelopment), relocation costs will be paid to the EV charge point provider tenant by the relevant delivery authority. If relocation proves to be unviable, compensation will be paid by the relevant delivery authority to the EV charge point provider tenant. The precise value of such costs/compensation is unknown but does include financial caps.

9 Risk Assessment

- 9.1 The procurement process has been robust with a review and market testing prior to the decision to proceed and legal teams from all of the councils involved in reviewing and agreeing the documentation. There is a risk that a preferred supplier will not be identified but due diligence has been completed to minimise this risk. Risks to delivery will be managed by the appointed Governance Board. The arrangements for establishing and running the Board are included in the contract. Horsham District Council will have representation on the Board.

10 Procurement implications

- 10.1 As the value of the contract (to the contractor) is above threshold, a fully compliant above threshold tender process is currently being undertaken. West Sussex County Council is leading the procurement process for the concession contract. Horsham District Council had significant input to drawing up the procurement documentation.
- 10.2 A Contract Notice was issued on Contracts Finder on 2nd June 2021 (ref CF1dcae6c5-fbce-4750-974d-2ddfd86fca7b) in relation to the concession procurement process. Further promotion of the requirement was made for both procurements through the West Sussex e-Sourcing Portal and Contracts Finder. The tender process closes on 11 July 2021 and the bids will be evaluated during July and August by a multi partner (including Horsham District Council) and multi-disciplinary panel.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 The public sector equality duty will apply to the delivery of the services which fall within the contract, and the terms of the contract will ensure that they enable the County Council to fulfil its obligations through the delivery of the contract, and provide sufficient assurance that the duty will be complied with.

12 Environmental Implications

- 12.1 The proposed contract will ensure that charge points are installed across the County as part of a cohesive and comprehensive network. This will assist with improving air quality and contribute to reducing carbon emissions, which is the main contributor to climate change.

13 Other Considerations

- 13.1 Data Protection requirements were incorporated into the specification and contract.

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Report to Cabinet

22 July 2021

By the Cabinet Member for Leisure and Culture

DECISION REQUIRED



Not Exempt

Horsham Museum – Opening hours

Executive Summary

Horsham Museum is currently closed due to the impact of Covid-19. The displays are being refurbished in readiness for re-opening in autumn 2021.

In order to:

- Improve accessibility
- Maximise the customer experience
- Ensure safety of staff, volunteers and customers within the Museum
- Ensure effective use of staff time
- Modernise the Museum offer

It is proposed that the Museum has a flexible approach and is able to amend opening days and hours when needed and in response to customer patterns.

Initially to be open to the public up to five days a week:

- Reopening regularly Tuesday – Saturday, 10am-4pm
- With the ability to trial Sunday openings on key weekends
- To be able to have a flexible approach if needed (for example shorter or longer opening hours when needed)
- With the potential to be open on both Saturdays and Sundays in the future (and for the Museum to be closed to the public for two days within the working week), if customer demand evidences that this is a better service offer. To also potentially be open on some bank holidays.

Members will be kept informed and updated. We will regularly communicate and engage with the Museum visitors, Friends and volunteers.

Recommendations

That the Cabinet is recommended:

- i) To delegate authority for the decision on altering opening hours at Horsham Museum to the Director of Community Services, in consultation with the Cabinet Member for Leisure and Culture.

Reasons for Recommendations

The ability to have a flexible approach to opening hours will enable the service to focus its resources effectively to serve the needs of its customers, volunteers and other stakeholders.

Background Papers

None

Wards affected: All wards

Contact:

Vicky Wise, Head of Leisure and Culture

Vicky.wise@horsham.gov.uk

Background Information

1 Introduction and Background

- 1.1 Horsham Museum has been closed to the public since the first Covid-19 lockdown in March 2020, in-line with Government legislation. It is currently undergoing refurbishment and improvement of exhibition displays ready for reopening in autumn 2021.
- 1.2 Prior to the Covid-19 pandemic, the Museum was open to the public six days a week (Monday – Saturday), 10am-5pm.
- 1.3 Many museums throughout the UK are open during the weekend and are closed for one – two days in the week instead, to ensure that they are as accessible as possible for all visitors. This particularly enables children, young people and families to access museums during the weekend. Many museums also open on occasional/regular evenings.

2 Relevant Council policy

- 2.1 The decision supports the Corporate Plan. In enabling Horsham Museum to open in a flexible manner it fits within the goal: 'A Great Place to Live' – providing culture opportunities to improve the health and wellbeing of our communities. The decision also supports the goal: 'A modern and flexible council' – the Council continues to provide quality, value for money services that people need throughout the 2020s.

3 Details

- 3.1 Horsham Museum was closed during the first Covid-19 lockdown in March 2020, in-line with Government legislation. Due to the nature of the building, which doesn't lend itself to social distancing requirements, the decision was made to keep the Museum closed throughout the initial stages of the pandemic. Instead, an improvement programme with investment in the displays was undertaken. The refurbished Museum is expected to reopen in autumn 2021.
- 3.2 As part of the re-opening plans we are looking at the possibility of changing opening hours to provide more flexibility to the service. Rather than having fixed opening hours, we would like the ability to be open any day of the week (including Sundays and some bank holidays) and to be able to open early or late if needed.
- 3.3 Initially, it is likely that we would wish to open to the public five days a week, to enable staff to have appropriate time off and to effectively recruit additional volunteers. This would also allow staff to spend one day a week carrying out focused work, behind the scenes at the Museum, without needing to respond to visitors. Therefore, it is likely that the Museum would be open from Tuesday to Saturday with occasional Sundays on a trial basis (when open on both a Saturday and Sunday, the Museum would be closed for two days during the working week, potentially a Monday and Tuesday).

- 3.4 There are strong marketing and engagement opportunities with local community groups, particularly for trialling initial occasional Sunday openings. These may be linked to special events in the town or to celebrate key historical moments for the District. It is proposed that the first Sunday trial will take place during the re-opening weekend in the autumn.
- 3.5 Depending on visitor numbers into the town at weekends, there is potential for the Museum to be open on Saturdays and Sundays every week as well as possibly some bank holidays. This is a longer-term option, it will be trialled and we will respond to the evidence of visitor numbers and feedback. Sunday opening hours would be restricted and aligned with Sunday retail trading hours.
- 3.6 The core opening hours would be standardised and marketed effectively so that there is no confusion from visitors. However, with a flexible approach, the hours would be able to be regularly reviewed to ensure that they fit the season, the specific exhibitions on offer and any changes in visitor behaviour. This flexibility in opening hours should ensure that the Museum and exhibitions are more easily accessible to all sectors of the community.
- 3.7 Horsham Museum is reliant on the excellent team of volunteers who give their time to support the service. Many of the volunteers are in the at-risk categories for Covid-19 and, as such, are uncertain about ongoing commitment to all aspects of the changing nature of the Museum. There is a need to expand this support, carrying out a recruitment campaign to attract and retain additional volunteers. A flexible approach to opening hours would also enable the staff to respond accordingly to ensure appropriate time is spent in recruiting, training and supporting the volunteers.
- 3.8 Officers will take a pragmatic approach to all operational aspects at Horsham Museum such as ad-hoc closure or shortened opening hours if due to staff or volunteer shortages the Museum cannot be safely opened to the public.
- 3.9 As part of the refurbishment programme and reopening plans, the longer-term digital offer and modernisation of the service is also underway, looking at opportunities to improve the customer experience and widen access to the Museum's collection and information about the District's rich heritage.

4 Next Steps

- 4.1 To reopen the Museum in autumn 2021.

5 Views of the Policy Development Advisory Group and Outcome of Consultations

- 5.1 Leisure and Culture PDAG members were consulted on 14 July 2021.
- 5.2 The Monitoring Officer and the Director of Corporate Resources have been consulted and no legal concerns have been raised.

- 5.3 The Human Resources & Organisational Development Manager has been consulted.
- 5.4 Friends of Horsham Museum have also been consulted.

6 Other Courses of Action Considered but Rejected

- 6.1 To keep the opening hours the same as they were when the Museum was last open, before the Covid-19 pandemic. This is possible and offers continuity for previous visitors. However, the pandemic has forced a long break on the service and so the reopening is a good time to make changes to the opening hours. The proposed way forward should ensure that the Museum is more accessible for additional visitors.
- 6.2 Agreeing new fixed opening hours. Maximum flexibility is needed due to the uncertainty for both the changing nature of visitor expectations as well as the ability to recruit volunteers to support the museum as we come out of the pandemic.

7 Resource Consequences

- 7.1 There are no financial resource consequences.

8 Legal Considerations and Implications

- 8.1 There are no legal comments arising. Specific legal advice has been given and further will be provided as required.

9 Risk Assessment

- 9.1 There are always possibilities of reputational damage, confusion and community perception surrounding changes to a service. The aims are to improve accessibility through the flexible approach to opening hours, so we are not anticipating a negative response. The reopening of the Museum will be managed through consistent messaging within HDC communications to visitors, volunteers, Friends of the Museum and the public.

10 Procurement implications

- 10.1 None

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 None – the proposal is to improve accessibility, therefore this should not exclude or disproportionately impact any groups with protected characteristics.

12 Environmental Implications

- 12.1 None

13 Other Considerations

- 13.1 Any implications regarding GDPR and data protection legislation have been considered. Regular security patrols during periods of closure are in place and will continue to mitigate any crime and disorder difficulties.

FORWARD PLAN

This notice sets out details of key decisions that the Cabinet or a Cabinet Member intend to make, and gives 28 days' notice of the decision under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The notice also includes details of other decisions the Council intends to make.

The reports and any background documents that have been used to inform the decisions will be available on the Council's website (www.horsham.gov.uk) or by contacting Committee Services at the Council Offices.

Whilst the majority of the Council's business will be open to the public, there will be occasions when the business to be considered contains confidential, commercially sensitive or personal information. This is formal notice under the 2012 Regulations that part or all of the reports on the decisions referred to in the schedule may be private because they contain exempt information under Part 1 of Schedule 12A to the Local Government Act 1972 (as amended) and the public interest in withholding the information outweighs the public interest in disclosing it.

If you wish to make representations about why part or all of the papers should be open to the public, please contact Committee Services at least 10 working days before the date on which the decision is to be taken.

If you wish to make representations to the Cabinet or Cabinet Member about the proposed decisions, please contact Committee Services to make your request.

Please note that the decision date given in this notice may be subject to change.

To contact Committee Services:
E-mail: : committeeservices@horsham.gov.uk
Tel: 01403 215123

Published on 01 July 2021

What is a Key Decision?

A key decision is an executive decision which, is likely –

- (i) to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates; or
- (ii) to be significant in terms of its effects on communities living or working in an area comprising two or more wards in the District.

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
1.	Horsham District Council Local Development Scheme	Cabinet	15 Jul 2021	Open	Catherine Howe, Head of Strategic Planning catherine.howe@horsham.gov.uk Cabinet Member for Planning & Development (Councillor Lynn Lambert)
2.	Horsham District Local Plan regulation 19	Cabinet Council	15 Jul 2021 28 Jul 2021	Open	Catherine Howe, Head of Strategic Planning catherine.howe@horsham.gov.uk Cabinet Member for Planning & Development (Councillor Lynn Lambert)
3.	Housing Strategy 2021 - 25	Cabinet Council	22 Jul 2021 1 Sep 2021	Open	Rob Jarvis, Head of Housing & Community Services robert.jarvis@horsham.gov.uk Cabinet Member for Housing & Public Protection (Councillor Tricia Youtan)
4.	Sustainable Procurement Charter	Cabinet	22 Jul 2021	Open	Adam Chalmers, Director of Community Services adam.chalmers@horsham.gov.uk Cabinet Member for Environment, Waste, Recycling & Cleansing (Councillor Philip Circus)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
5.	Electric Vehicle Charge Point Contract	Cabinet	22 Jul 2021	Open	Adam Chalmers, Director of Community Services adam.chalmers@horsham.gov.uk Cabinet Member for Environment, Waste, Recycling & Cleansing (Councillor Philip Circus)
6.	Museum Opening Hours	Cabinet	22 Jul 2021	Open	Vicky Wise, Head of Leisure and Culture Vicky.Wise@horsham.gov.uk Cabinet Member for Leisure & Culture (Councillor Roger Noel)
7.	Gatwick Airport DCO - Governance Arrangements	Cabinet	22 Jul 2021	Open	Catherine Howe, Head of Strategic Planning catherine.howe@horsham.gov.uk Cabinet Member for Planning & Development (Councillor Lynn Lambert)
8.	Trade Waste tender bid	Cabinet	22 Jul 2021	Part exempt	Adam Chalmers, Director of Community Services adam.chalmers@horsham.gov.uk Cabinet Member for Environment, Waste, Recycling & Cleansing (Councillor Philip Circus)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
9.	Annual update to the Pay Policy Statement - Financial Year 2021/22	Council	1 Sep 2021	Open	Robert Laban, Head of HR & OD robert.laban@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)
10.	Taxi Licensing Policy Review	Council	1 Sep 2021	Open	Marc Rankin, Head of Environmental Health & Licensing marc.rankin@horsham.gov.uk Cabinet Member for Housing & Public Protection (Councillor Tricia Youtan)
11.	Medium Term Financial Strategy	Cabinet	23 Sep 2021	Open	Dominic Bradley, Head of Finance & Performance dominic.bradley@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)
12.	Contract variation for the Revenues and Benefits computer system	Cabinet	23 Sep 2021	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
13.	New CIL Enforcement Policy	Cabinet Council	23 Sep 2021 13 Oct 2021	Open	Emma Parkes, Head of Development & Building Control emma.parkes@horsham.gov.uk Cabinet Member for Planning & Development (Councillor Lynn Lambert)
14.	Local Enforcement Plan	Cabinet Council	23 Sep 2021 13 Oct 2021	Open	Emma Parkes, Head of Development & Building Control emma.parkes@horsham.gov.uk Cabinet Member for Planning & Development (Councillor Lynn Lambert)
15.	Conservation Area Appraisals for: Richmond Road, Horsham; London Road, Horsham; and Horsham Town Centre	Cabinet	23 Sep 2021	Open	Catherine Howe, Head of Strategic Planning catherine.howe@horsham.gov.uk Cabinet Member for Planning & Development (Councillor Lynn Lambert)
16.	Drill Hall	Cabinet Council	23 Sep 2021 13 Oct 2021	Open	Adam Chalmers, Director of Community Services adam.chalmers@horsham.gov.uk Cabinet Member for Leisure & Culture (Councillor Roger Noel)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
17.	Highwood Community Centre	Cabinet Council	23 Sep 2021 13 Oct 2021	Open	Adam Chalmers, Director of Community Services adam.chalmers@horsham.gov.uk Cabinet Member for Leisure & Culture (Councillor Roger Noel)
18.	Athletics Track - future options	Cabinet	23 Sep 2021	Open	Vicky Wise, Head of Leisure and Culture Vicky.Wise@horsham.gov.uk Cabinet Member for Leisure & Culture (Councillor Roger Noel)
19.	Grounds Maintenance Contract Award	Cabinet	23 Sep 2021	Part exempt	Vicky Wise, Head of Leisure and Culture Vicky.Wise@horsham.gov.uk Cabinet Member for Leisure & Culture (Councillor Roger Noel)
20.	Medium Term Financial Strategy update	Cabinet	25 Nov 2021	Open	Dominic Bradley, Head of Finance & Performance dominic.bradley@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
21.	Arboriculture Contract Award	Cabinet	25 Nov 2021	Part exempt	Vicky Wise, Head of Leisure and Culture Vicky.Wise@horsham.gov.uk Cabinet Member for Leisure & Culture (Councillor Roger Noel)
22.	Council Tax Reduction Scheme	Cabinet Council	27 Jan 2022 9 Feb 2022	Open	Dominic Bradley, Head of Finance & Performance dominic.bradley@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)
23.	Business Rates Discretionary Charitable Relief	Cabinet Council	27 Jan 2022 9 Feb 2022	Open	Jane Eaton, Director of Corporate Resources jane.eaton@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)
24.	Budget and Medium Term Financial Plan	Cabinet Council	27 Jan 2022 9 Feb 2022	Open	Dominic Bradley, Head of Finance & Performance dominic.bradley@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)

	Subject/Decision	Decision Taker	Date(s) of decision	Is all or part of this item likely to be dealt with in private	Contact Officer Cabinet Member (NB include name, title and email address)
25.	Council Tax Resolution	Council	9 Feb 2022	Open	Dominic Bradley, Head of Finance & Performance dominic.bradley@horsham.gov.uk Cabinet Member for Finance & Assets (Councillor Richard Landeryou)

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Report to Cabinet

22 July 2021

By the Cabinet Member for Environment, Waste,
Recycling & Cleansing

DECISION REQUIRED



Not Exempt

Collection of Business Waste from West Sussex schools

Executive Summary

West Sussex County Council (WSSCC) are running a tender exercise for the collection of business waste from schools and other WSSCC premises from 1 October 2021. The Council has been invited to bid for the work in the Horsham, Crawley and Mid Sussex districts and due to the tight timescales set out by WSSCC, submitted a bid on 7 July 2021 to tender for this work.

If successful, the opportunity could grow the business waste collection service and make a contribution to other services. This report recommends that we bid for the opportunity and sets out the consequences of committing to this.

As the revenue impact will depend on which areas the Council might win in the tender bid, we will return at a later date to request the revenue budgets as needed.

Recommendations

That the Cabinet is recommended to:

- i) Approve the decision to bid for the collection of school's waste contract.
- ii) Recommend to Council that if successful in the bid, a capital budget of £110k be approved in 2021/22 for the purchase of the bins needed to service the contract.

Reasons for Recommendations

- i) Winning the bid will help grow the business and fill in the gaps on existing rounds, helping to make the service more efficient.
- ii) A capital budget is required before the procurement and expenditure on bins can be made. This needs to be done as soon as possible following the award of the tender contract. Revenue budgets will be requested in due course once areas and numbers are defined from any successful award.

Background Papers: None

Wards affected: All

Contact: Adam Chalmers, Director of Community Services

Background Information

1 Introduction and background

- 1.1 At the end of June 2021, West Sussex County Council (WSCC) invited the Council to tender for the collection of business waste from WSCC premises including schools and libraries starting in October 2021.
- 1.2 The bid is split into three lots for the districts of Horsham, Mid Sussex and Crawley and also across refuse and mixed dry recycling. The contract is for three years with a two-year extension.
- 1.3 The tender presents an opportunity to grow the business, filling in gaps on existing rounds, helping to make the whole service more efficient and doing this without the associated costs of a marketing campaign or discounting services to attract new customers.

2 Relevant Council policy

- 2.1 Corporate Plan 4.3: Minimise waste, increase re-use and recycling
Corporate Plan 5.3: continue to provide the quality, value for money services that people need throughout the 2020s.

3 Details

- 3.1 At the end of June 2021, West Sussex County Council (WSCC) invited the Council to tender for the collection of business waste from WSCC sites including schools and libraries starting in October 2021.
- 3.2 The precise numbers of bins of each type are not currently known, because although WSCC recommend the winning bidder's service, schools can opt out of the WSCC contract and schools also take a varying number of bins. However, using key assumptions, a model has been built that predicts the revenue outcome with income higher than costs, even when hiring a waste collection vehicle in the short term.
- 3.3 The business case has been based on estimated volumes, and stress and scenario tested. Efficiencies for the overall service will also feed through when gaps on current rounds are filled.
- 3.4 The modelled costs include hiring a waste collection vehicle until the full extent of the number of school collections are known. Data for the first two months will be analysed and a more informed decision can be made on whether to buy a second-hand vehicle. This will also tie in to any future decisions being made on the collection of food waste and any further carbon reduction plans for waste collection vehicles. Any change to the capital budget will go through the normal Council approval process at a later date.
- 3.5 As any mixture of lots would vary the income and costs of the contract, revenue income and cost budgets have not been included as a recommendation for Council

approval until the outcome of the exercise is known and there is more certainty on the numbers.

4 Next steps

- 4.1 The outcome of the tender exercise will not be known until the end of July 2021. Council approval of the budget is required before any expenditure can be

5 Views of the Policy Development Advisory Group and outcome of consultations

- 5.1 The views from the Environment, Waste, Recycling & Cleansing PDAG are included in this report. The PDAG were updated on the bid and the bidding process. They were broadly supportive that we completed the tender exercise.
- 5.2 The Chairman of Overview and Scrutiny Committee was also informed of the bid and bidding process, and understood that the very tight timescales for the bid and drafting of the report meant that it was not possible for the Committee to review the report in full in advance of the paper being published for Cabinet.
- 5.3 The Head of Finance and Performance has been involved in stress testing the financial models. The views of the Head of Finance and Performance are included in the report in his role as deputy S151 officer. The views of the Monitoring Officer are incorporated in this report.
- 5.4 If the bid is successful, one driver and one loader will be recruited. The Head of Human Resources & Organisational Development comments that current recruitment difficulties for LGV drivers are widely reported, but that the service has scale to provide some cover internally until new recruits have been inducted. The Head of Procurement has also been consulted and comments that she is satisfied that any requirements can be met in a compliant way. Further comments are included in the procurement implications section of the report.

6 Other courses of action considered but rejected

- 6.1 Not bidding puts at risk the income from a number of schools that the Council already collects business waste from within the district, who may decide to use the West Sussex County Council contract. This could jeopardise up to £100k of income per year.

7 Resource consequences

- 7.1 The estimated capital cost of nearly 1,000 bins is approximately £110k and a recommendation to Council for this additional capital budget has been requested in advance, subject to notification a successful bid, such that the order can be placed to reduce any potential risk of delay with longer lead in times.
- 7.2 The estimated additional revenue income from winning the refuse tender contract across all three areas is approximately £250k and the revenue cost approximately £225k for the part year to 31 March 2022. A further report to Council requesting revenue budgets for the remainder of 2021/22 will be made when the outcome and

extent of the tender bid is known. Future full year budgets would be approved through the normal budget process.

- 7.3 An additional driver and loader will be recruited in time for the commencement of the contract in October 2021. The cost is built into the cost projections.

8 Legal considerations and implications

- 8.1 The council has general authority under the Local Government Act 2003 to undertake commercial activities and the Council's general power of competence in section 1 Localism Act 2011.
- 8.2 A full procurement process will be undertaken, and the Procurement code will be adhered to.

9 Risk assessment

- 9.1 The risks are listed as:
- Logistics for 1,000 bins; procurement, availability, metal or plastic, lead times, distribution.
 - Rate of opt outs higher
 - Capacity of team to deliver in one go
 - Route re-optimisation
 - Costs increase more than inflation over the period

10 Procurement implications

- 10.1 The additional bins required can be secured either via a direct award option through an ESPO framework agreement (best option), or through a variation of the existing contract with a supplier. There are currently supply issues for plastic and steel and lead in times are longer than normal. We are awaiting reassurance from the supplier that the timescales could be met if required, along with options for plastic bins with recycled content.

11. Equalities and Human Rights implications / Public Sector Equality Duty

- 11.1 There are no equalities or Human Rights implications from this business decision report.

12 Environmental implications

- 12.1 The Council's direct carbon emissions would increase as a result of winning this bid as another vehicle would be in use. Note that as the waste collection vehicles are already passing many of the schools on their rounds already, then the impact is not

anticipated to be large. The Council would liaise with the schools to maximise recycling opportunities and promote greener disposal, rather than landfill.

13 Other considerations

- 13.1 We do not anticipate any consequences of any action proposed in respect of GDPR / Data Protection or Crime & Disorder.