

GREATER LONDON AUTHORITY

REQUEST FOR ASSISTANT DIRECTOR DECISION – ADD2250

Title: Implementing the Mayor's municipal waste provisions in his London Environment Strategy (LES): additional work to DAR

Executive Summary:

Short term external resource is necessary to deliver bespoke work to implement the Mayor's London Environment Strategy municipal waste provisions.

The Assistant Director of Environment approved (under cover of DAR) expenditure of up to £10,000 on consultancy support to undertake specific roles supporting implementation of the Mayor's Environment Strategy waste provisions on an interim basis between 1 June and mid-July. Consultants Praxis Sustainability were awarded the contract. Praxis Sustainability were engaged on an interim arrangement to undertake work including leading on engagement with the London Waste and Recycling Board, engaging with the commercial waste sector, and establishing a new engagement framework with London's waste authorities. The need has arisen to continue with this work and to carry out additional tasks related to LB Barnet's decision to drop its food waste service.

Continuing with the current level of support and additional work will cost £40,000. We propose to continue to use Praxis Sustainability to undertake this additional work as it represents work that cannot be separated from the recent service they have provided, and elements of the work are significantly time pressured.

Decision:

That the Assistant Director of Environment approves:

- expenditure of a further £40,000 on Praxis Sustainability's continued provision of services required to support the waste provisions of the London Environment Strategy (taking total expenditure to £50,000 including work already undertaken); and
- a related exemption from requirement of the GLA's Contracts and Funding Code to procure such services competitively.

AUTHORISING ASSISTANT DIRECTOR/HEAD OF UNIT:

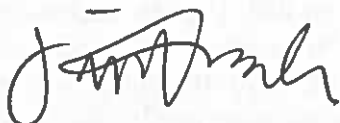
I have reviewed the request and am satisfied it is correct and consistent with the Mayor's plans and priorities.

It has my approval.

Name: James Hardy on behalf of Patrick Feehily

Position: Energy Efficiency and Delivery Manager

Signature:



Date: 17-7-18.

PART I - NON-CONFIDENTIAL FACTS AND ADVICE

Decision required – supporting report

1. Introduction and background

- 1.1 The Mayor, under the GLA Act 1999 is required to publish a municipal waste management strategy. This requirement was superseded by the Localism Act 2011 for the Mayor to produce a London Environment Strategy (published 31 May 2018) setting out provisions for effectively managing London's municipal waste. Waste authorities in undertaking their waste functions have a duty under s355 of the GLA Act to act in general conformity with the Mayor's Environment Strategy municipal waste provisions.
- 1.2 Under cover of a Delegated Authority Record, the Assistant Director of Environment approved the engagement of Praxis Sustainability on an interim arrangement to undertake specific work including leading on engagement with the London Waste and Recycling Board, engaging with the commercial waste sector, and establishing a new engagement framework with London's waste authorities. The intention is for this work to be brought in house once a new manager of the Waste and Green Economy team has been recruited (autumn 2018).
- 1.3 On 5 June 2018, five days after the Environment Strategy was published, LB Barnet at its Environment Committee meeting agreed to drop its separate food waste collection service without any consultation with the Mayor or recognition of this decision breaching the Mayor's waste provisions. This unexpected decision, if implemented in full, would put LB Barnet in breach of London Environment Strategy Proposal 7.2.1.a that sets a minimum level of household recycling service for all waste authorities to provide, including separate food waste collection
- 1.4 LB Barnet's unexpected decision has triggered a range of action and the requirement to engage with Barnet more closely, investigate and critique this decision, and provide recommendations for how the Mayor should respond.
- 1.5 This ADD seeks approval for expenditure of up to £40,000 on the continuation of consultancy services from Praxis Sustainability to undertake this additional work and to continue to lead on engagement with the London Waste and Recycling Board (LWARB), engage with the commercial waste sector, and establish a new engagement framework with London's waste Authorities. These functions will be brought in house by autumn 2018.
- 1.6 Officers acknowledge that section 9 of the GLA's Contracts and Funding Code requires, where the expected value of a contract for services is between £10,000 and £150,000, that such services be procured competitively or called off from an accessible framework. Section 10 provides however, that an exemption from this requirement may be approved where the proposed contractor has had previous involvement in a project or is to continue existing work which cannot be separated from the new project/work.
- 1.7 Officers propose that Praxis Sustainability are contracted to undertake the additional work as it represents work that cannot be separated from the recent service they have provided. The work undertaken by Praxis Sustainability is intrinsically linked to work already undertaken specifically on engagement with the waste authorities including prior dialogue with LB Barnet on its food waste collection service, and development of a strategy for effective engagement within a tight frame. The work will include an extension of existing activity (engagement with LWARB, waste authorities and the commercial waste sector) and require an assessment of the rationale and evidence for Barnet's decision, and to prepare evidence and recommendations for the Mayor to consider by August 9. This puts Praxis in a unique position to undertake the additional urgent work needed related to the Barnet decision and the wider extension of existing activity. This ensures a consistent and robust approach is taken in fulfilling the Mayor's statutory function relating to waste management. Given these

circumstances it is deemed that this approach represents value for money, demonstrating an effective use of time and resources instead of procuring different contractors, and reflects that the technical knowledge and expertise required is not available in house. Approval of an exemption from the requirements of section 9 of the GLA's Contracts and Funding Code is therefore, sought on that basis.

Objectives and expected outcomes

- 2.1 In support of the waste provisions of the London Environment Strategy the objective of the work is to:
- Undertake specific work included leading on engagement with the London Waste and Recycling Board.
 - Lead on engaging with the commercial waste sector in support of achieving the Mayor's recycling targets.
 - Establish a new engagement framework with London's waste authorities.
 - Supporting ongoing engagement with LB Barnet and reviewing and preparing evidence to support the viability and benefits for LB Barnet continuing its food waste collection service.
- 2.2 The expected outcome is:
- Increased engagement with London's waste authorities particularly in the development of their new Recycling and Reduction Plans
 - Increased engagement with the commercial waste sector in support of achieving the mayor's recycling target.
 - Advice, and a robust evidence base and recommendations to the Mayor on what actions he should take with regard to Barnet

2. Equality comments

- 3.1 Under Section 149 of the Equality Act 2010 (the "Equality Act") the Mayor and the GLA must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and those who do not. Protected characteristics under the Equality Act comprise age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage or civil partnership status.
- 3.2 This additional work furthers actions and policies set out in the London Environment Strategy which have both been consulted on publicly and sought input from all groups and communities. All responses to those consultations have been analysed properly to help ensure the final document reflects their diverse views and needs. 85 per cent of the 2095 public responses to two surveys supported the Mayor's measures to set a consistent level of recycling service including separate food waste service. This overwhelming public response is reflected in the Mayor's London Environment Strategy Proposal 7.2,1.a setting a minimum level of recycling service including separate food waste, paving the way for every Londoner to have equal access to a good recycling collection service regardless of what borough or household they live in.
- 3.3 The findings from the proposed additional work by Praxis will further support the evidence base of policies in the Environment Strategy and support the Mayor's leadership role in helping London to cut waste and boost recycling to reduce the environmental impact of its waste management.

4. Other considerations

- a) Key risks and issues

Risk/issue	Mitigating actions
1. Additional task not completed in relevant time periods	<p>The additional task has been reviewed and narrowed down to ensure only the most essential elements are completed. A specific number of days has been allocated to each task to ensure the work is completed in time, based on the time available and the nature of the work required.</p> <p>Any slippage will be reviewed through weekly catch ups with Praxis to ensure the project timely is being kept to.</p>
2. Additional budget is insufficient to complete the original objectives.	<p>The additional work value £40,000 is fixed to the amount of time available (6 months) and the availability of the contractor to perform the allocated tasks based on previous experience. Support will also be made available for the GLA Environment Team as needed</p> <p>Weekly catch-ups with Praxis will ensure progress is on track.</p>
2. Lack of knowledge which will impact on the additional work required	<p>Praxis Sustainability are being employed because of their industry expertise.</p> <p>There will be a short period for handover with the new Waste and Green Economy manager</p>

- b) This works links the Mayor's Environment Strategy, new draft London Plan waste policies and the ambition for London to be a zero waste city by 2050.

5. Financial comments

- 5.1 Assistant Director's approval is sought for expenditure up to £40,000 for the appointment of consultants Praxis Sustainability to lead on the Environment team's work with LWARB, the commercial waste sector, London's boroughs and to support the Mayor's response to LB Barnet's decision to drop its food waste service. This is in addition to the expenditure approved under a DAR for £10,000 therefore taking the total spend for this consultancy up to £50,000.
- 5.2 This consultancy cost will be funded from Environment team's 2018-19 programme budget and is expected to be delivered in 2018-19.

6. Legal comments

- 6.1 The foregoing sections of this report indicate that the activity in respect of which approval is sought may be considered to be facilitative of and conducive to the exercise of the GLA's general powers to undertake such activity as may be considered to promote the improvement of the environment in Greater London and have complied with the Authority's related statutory duties to:

- (a) pay due regard to the principle that there should be equality of opportunity for all people;
 - (b) consider how the proposals will promote the improvement of health of persons, health inequalities between persons and to contribute towards the achievement of sustainable development in the United Kingdom; and
 - (c) consult with appropriate bodies.
- 6.2 In taking the decisions requested, the assistant director must have due regard to the Public Sector Equality Duty; namely the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Equality Act 2010, and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic (race, disability, gender, age, sexual orientation, religion or belief, pregnancy and maternity and gender reassignment) and persons who do not share it (section 149 of the Equality Act 2010). To this end, the assistant director should have particular regard to section 3 (above) of this report.
- 6.3 Section 9 of the GLA Contracts and Funding Code (the 'Code') requires the GLA to call off the services required from an accessible framework or conduct a competitive procurement exercise for the same. The assistant director may however, approve an exemption from this requirement under section 10 of the Code upon certain specified grounds. One of those grounds is that an exemption may be approved where the proposed contractor has had previous involvement in a specific current project or the work is continuation of existing work that cannot be separated from the new project/work. Officers have indicated at section 1 of this report that this ground applies. The assistant director may therefore, approve the exemption proposed if satisfied with the supporting content of this report.
- 6.4 Should the approvals sought be granted officers must ensure that appropriate contract documentation is put in place and executed by the GLA and Praxis Sustainability before the commencement of the additional services

7. Planned delivery approach and next steps

Activity	Timeline
Award contract	July 2018
Analysis complete with findings	July 2018
Initial analysis completed	EO July 2018
Borough Guidance Issued – RRP	Summer 2018
Commercial waste sector engagement events	Summer/Autumn 2018

Appendices and supporting papers:

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FOI Act) and will be made available on the GLA website within one working day of approval.

If immediate publication risks compromising the implementation of the decision (for example, to complete a procurement process), it can be deferred until a specific date. Deferral periods should be kept to the shortest length strictly necessary.

Note: This form (Part 1) will either be published within one working day after approval or on the defer date.

Part 1 Deferral:

Is the publication of Part 1 of this approval to be deferred? YES

If yes, for what reason:

The information within this ADD relates to our approach to LB Barnet that may result in legal action. Until the GLA decides how it wants to take forward the situation in relation to Barnet's waste collection the information in this document can be considered sensitive.

Until what date: (December 2018)

Part 2 Confidentiality: Only the facts or advice considered to be exempt from disclosure under the FOI Act should be in the separate Part 2 form, together with the legal rationale for non-publication.

Is there a part 2 form – NO

ORIGINATING OFFICER DECLARATION:

Drafting officer:

Patrick Feehily has drafted this report in accordance with GLA procedures and confirms that the Finance and –if relevant– Legal teams have commented on this proposal as required, and this decision reflects their comments.

Corporate Investment Board:

The Corporate Investment Board reviewed this proposal on 16 July. 2018.

HEAD OF FINANCE AND GOVERNANCE:

I confirm that financial and legal implications have been appropriately considered in the preparation of this report.

Signature:



Date:

17.07.18