

# GREATER LONDON AUTHORITY

## REQUEST FOR DIRECTOR DECISION – DD2310

### **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 a Delegated Authority Record and ADD2250) expenditure of up to £50,000 on consultancy support from Consultants Praxis Sustainability to undertake specific roles supporting the implementation of the Mayor's Environment Strategy waste provisions.

LB Barnet had originally decided to drop its separate food waste collection service which would have been in breach of the London Environment Strategy.

Following reaching agreement with LB Barnet that the suspension of their food waste service would be temporary the need has arisen to continue to work with LB Barnet, procure a service review and ensure this is acted upon. In addition, there is a requirement to respond to Government's consultation on its Resources and Waste Strategy and develop the case for more waste management powers and additional funding for London.

Continuing with the current level of support and additional work will cost £55,000 for a further period of 12 months. 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 time limited.

#### **Decision:**

That the Executive Director, Development, Enterprise and Environment approves:

1. Expenditure of a further £55,000 to Praxis Sustainability's to continue provision of services required to support the waste provisions of the London Environment Strategy (taking total expenditure to £105,000 including work already undertaken); and
2. A related exemption from the requirements of the GLA's Contracts and Funding Code to procure such services competitively.

#### **AUTHORISING DIRECTOR**

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:** Lucy Owen

**Position:** Interim Executive Director,  
Development, Enterprise and Environment

**Signature:**



**Date:**

20.12.18

## **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 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.
- 1.3 LB Barnet at its Environment Committee meeting agreed to drop its separate food waste collection service. This unexpected decision, if implemented in full, could have put LB Barnet in breach of London Environment Strategy Proposal.
- 1.4 LB Barnet's unexpected decision triggered a range of actions and the requirement to engage with LB Barnet more closely to agree a position with them. This includes liaising with Resource London to procure and oversee a service review of Barnet's waste services, to comment on and ensure that the review is acted upon and to provide recommendations for how the Mayor should proceed.
- 1.5 In addition the Government has confirmed that the consultation on its forthcoming Resources and Waste Strategy will commence before Christmas 2018 and that three related consultations will follow in January 2019. These relate to Extended Producer Responsibility (EPR), Deposit Return Schemes (EPS) and consistency of service for waste collections. This represents a significant opportunity to influence waste management in London and the UK for years to come, ensuring that London's requirements are recognised, and Government facilitates the achievement of the Mayor's waste targets.
- 1.6 This DD seeks approval for expenditure of up to £55,000 (taking total expenditure to £105,000) on the continuation of consultancy services from Praxis Sustainability to undertake this additional work and to continue to lead on engagement with LB Barnet, responding to Government's consultation on its Resources and Waste Strategy and developing the case for more waste management powers and additional funding for London.
- 1.7 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.
- 1.8 Officers propose that Praxis Sustainability are contracted to undertake the additional work as it represents work that cannot be satisfactorily 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. This includes, but is not limited to, prior dialogue with LB Barnet on its food waste collection service and the delivery of the agreed approach to the service review. Through this review we will work towards the reinstatement of residential food

waste collection service in line with the requirements in the London Environment Strategy. This puts Praxis in a unique position to undertake the additional urgent work needed. 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. Officers are working with TfL Commercial and a Single Service Justification (SSJ) is currently going through the approval process.

## **2. Objectives and expected outcomes**

2.1 In support of the waste provisions of the London Environment Strategy the objectives of the work are to:

- Engage with LB Barnet through the service review liaise with Resource London to procure a service review and ensure this is acted upon;
- Respond to Government's consultation on its Resources and Waste Strategy, and those related to EPS, DRS and consistency of service; and
- Develop the case for more waste management powers and additional funding for London.

2.2 The expected outcomes are:

- Agreement with LB of Barnet and the reinstatement of their residential food waste collection service in line with the requirements of the London Environment Strategy;
- Timely Mayoral response to Government consultations, setting out a clear, robust case for recognition of London's requirements to reduce waste and increase recycling; and
- Clear, logical articulation of the case for more waste management powers and additional funding for London, coordinated with stakeholders and raised through engagement with DEFRA and submitted to Government in time for the forthcoming Comprehensive Spending Review (CSR).

## **3. 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 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 timeline is being kept to.</p>
2. Additional budget is insufficient to complete the original objectives.	<p>The additional work value £55,000 is fixed to the amount of time available (12 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>

- 4.1 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 Executive Director's approval is sought for expenditure up to £55,000 for the extension of the appointment of consultants Praxis Sustainability to deliver tasks related to LB Barnet's decision to drop food its food waste service, responding to Government's consultation on its Resources and Waste Strategy and developing the case for more waste management powers for additional funding within the GLA. This is in addition to the expenditure approved under a ADD for £50,000 therefore taking the total spend for this consultancy up to £105,000.
- 5.2 This consultancy cost will be funded from Environment team's 2018-19 and 2019-2020 programme budgets and is expected to be delivered in 2019 calendar year.

## 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	December 2018
Engagement with LB Barnet	Ongoing throughout 2019
Response to Government consultations	Mar/April 2019
Contribute to GLA's CSR submission	Summer 2019

**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? NO**

If YES, for what reason:

Until what date: (a date is required if deferring)

**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 to  
confirm the  
following (✓)

**Drafting officer:**

Jamie Wallace has drafted this report in accordance with GLA procedures and confirms that:

✓

**Assistant Director/Head of Service:**

Patrick Feehily has reviewed the documentation and is satisfied for it to be referred to the Sponsoring Director for approval.

✓

**Financial and Legal advice:**

The Finance and Legal teams have commented on this proposal, and this decision reflects their comments.

✓

**Corporate Investment Board:**

The Corporate Investment Board reviewed this proposal on 17 December 2018

**EXECUTIVE DIRECTOR, RESOURCES:**

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

Signature

*M. D. Allen*

Date

17.12.18