

REQUEST FOR DIRECTOR DECISION – DD2414

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 implement the Mayor's objective to ensure all boroughs produce a Reduction and Recycling Plan (RRP) by 2020. Praxis Consulting are familiar with the GLA's policy drivers, boroughs and GLA approval processes and therefore offer the most efficient way to ensure that the RRP review and approval process is completed and that follow-up with boroughs can be undertaken in 2020 to ensure identified actions are being delivered.

In addition, support is required by the GLA Waste Team to respond to the Heathrow Airport Development Consent Order (DCO) consultation.

Continuing with the current level of support and additional work will cost £45,000 for a further period of 8 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 of Development, Enterprise and Environment approves:

1. Expenditure of a further £45,000 to Praxis Sustainability to continue provision of services required to support the waste provisions of the London Environment Strategy (taking total expenditure to £150,000 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: Debbie Jackson

Position: Interim Executive Director for Development, Enterprise & Environment

Signature:



Date:

07/11/19

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 This requirement was superseded by the Localism Act 2011 for the Mayor to produce a London Environment Strategy (published 31 May 2018) setting out provisions for effectively managing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 Interim Executive Director of Development, Enterprise and Environment approved the engagement of Praxis Sustainability on an interim arrangement to undertake specific work relating to liaison with London boroughs and support of the review and approval of Reduction and Recycling Plans.
- 1.3. Implementation of the Mayor's objective to have ensure that all boroughs produce a Reduction and Recycling Plan (RRP) by 2020 has been more onerous and time consuming than originally anticipated. Additional support has been required by the boroughs in producing RRP's and the approval process has taken longer than expected so the previously approved budget has been used quicker than expected. A member of the GLA Waste and Green Economy Team key to the review and approval of RRP's is leaving the team on 01 November 2019 meaning making additional support to the team critical.
- 1.4. Praxis Consulting are familiar with the policy divers, boroughs and GLA approval process and so offer the most efficient and effective way to ensure that the RRP review and approval process is completed and that follow-up with boroughs can be undertaken in 2020 to ensure identified actions are being delivered.
- 1.5. In addition, support is required by the GLA Waste and Green Economy Team to respond to the Heathrow Airport DCO consultation. Praxis Consulting have already contributed to this process and are required to provide sufficient resource within the team to provide further support as the process continues.
- 1.6. This DD seeks approval for expenditure of up to £45,000 on the continuation of consultancy support to Consultants Praxis Sustainability for a further period of 8 months to undertake specific roles to support the delivery RRP's and the GLA response to the Heathrow Airport DCO and support the implementation of the Mayor's Environment Strategy waste provisions.
- 1.7. Approval of £45,000 would take total expenditure to £150,000. Previous expenditure of up to £50,000 was approved by the Assistant Director of Environment under cover of DAR and a subsequent ADD (ADD2250). Further expenditure of £55,000 was approved by the Interim Executive Director of DEE under cover of a Delegated Authority Record and DD2310, taking the previous total to £105,000.
- 1.8. Officers acknowledge that Part C, section 9 of the GLA's Contracts and Funding Code requires, where the expected value of a contract for services is between £25,000 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.
- 1.9. 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 London boroughs. This includes, but is not limited to, prior dialogue with boroughs on the development and approval of their RRP's and provision of support on the waste aspects GLA response to the Heathrow Airport DCO consultation. This puts Praxis Sustainability 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 resource and technical knowledge 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.

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:

- review and recommendation for approval of borough Reduction and Recycling Plans (RRPs);
- liaison with boroughs and review of actions set out in the RRP's after they have been approved; and
- provision of technical support to the GLA response to the Heathrow Airport DCO consultation and related enquiry.

2.2. The expected outcomes are:

- agreement and approval of RRP's for all 33 London Boroughs;
- engagement and support with all boroughs to ensure actions identified in their RRP's are delivered as detailed on time and to an appropriate standard and that learning is captured and disseminated to the benefit of all boroughs and Londoners; and
- technically robust and consistent waste management element of the GLA response to the Heathrow Airport DCO examination process.

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. 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 Sustainability 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

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 Sustainability 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 £45,000 is fixed to the amount of time available (8 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 Sustainability will ensure progress is on track.</p>
3. 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 work 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.
- 4.2. No person involved in the drafting or clearance of this form has any conflict of interest to declare with regards to this approval.

5. Financial comments

- 5.1. This decision seeks approval for expenditure of £45,000 to enable consultancy services provided by Praxis Sustainability to continue. This is in addition to the expenditure approved under ADD2250 and DD2310 which takes the total spend to £150,000.
- 5.2. This consultancy cost will be funded from Environment team's 2018-19 and 2019-2020 Waste programme budgets.

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 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 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 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 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
Contract variation [for externally delivered projects]	Oct 2019
Delivery Start Date [for project proposals]	Oct 2019
Final evaluation start and finish (external)	May 2020
Delivery End Date [for project proposals]	May 2020
Project Closure: [for project proposals]	May 2020

Appendices and supporting papers:

None.

Public access to information

Information in this form (Part 1) is subject to the Freedom of Information Act 2000 (FoIA) 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 it has been approved 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 – Sensitive information

Only the facts or advice that would be exempt from disclosure under FoIA should be included 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:

Andrew Dunwoody has drafted this report in accordance with GLA procedures and confirms the following:

✓

Assistant Director/Head of Service:

Aram Wood 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

This decision was agreed by the Corporate Investment Board on 4 November 2019.

EXECUTIVE DIRECTOR, RESOURCES:

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

Signature



Date

03.11.19

TOM MIDDLETON ON BEHALF OF MARGIN CLARKE