



ADVANCE PUBLICATION OF REPORTS

This publication gives five clear working days' notice of the decisions listed below.

These decisions are due to be signed by individual Cabinet Members and operational key decision makers.

Once signed all decisions will be published on the Council's Publication of Decisions List.

- 1. BOROUGH CAPITAL PROGRAMME 2023/24 - HIGHWAYS AND STREET SCENE** (Pages 1 - 20)
- 2. WASTE CONTAINER REPAIR & DELIVERY IN-HOUSE SERVICE** (Pages 21 - 26)

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London Borough of Enfield

Title:	Borough Capital Programme 2023/24 – Highways and Street Scene
Report to:	Cabinet Member for Environment – Cllr Rick Jewell
Date of Report:	2023
Cabinet Member:	Cllr Rick Jewell
Directors:	Doug Wilkinson - Director of Environment and Operational Services Simon Pollock - Executive Director – Environment and Communities Department
Report Author:	John Grimes - john.grimes@enfield.gov.uk
Ward(s) affected:	All
Key Decision Number	KD 5589
Implementation date, if not called in:	
Classification:	Part1 Public
Reason for exemption	

Purpose of Report

1. As the Highway Authority, Enfield has a duty under s41 of the Highways Act to maintain a safe and usable highway for all users. This report provides details of schemes to be funded from the Borough Capital Programme 2023/24 for Highways and Street Scene. It comprises a list of highways, highway structures, and seeks the necessary financial and scheme approvals so that works can be undertaken.

Recommendations

That the Cabinet Member for Environment;

- I. Approve to spend the 2023/24 Highways & Street Scene budget of £5,600,000, approved as part of the 10 year Capital programme, by Council on 23rd February 2023 (KD5502).
- II. Approve the proposed breakdown of funding as shown in table 1 and the proposed schedules of schemes associated with the breakdown for carriageways, footways, bridge maintenance, contained in Appendices 1 to 3 of this report.
- III. Delegate to the Head of Highways, Traffic and Parking and to the Head of Highway Operations to grant approval for the placing of orders through any existing relevant term contracts, or to issue invitation to tender / quotation, evaluation and award of individual scheme contracts as appropriate.
- IV. Delegate authority to the Director of Environment and Street Scene to amend the programme of works and funding allocations within the approved budgets as necessary for operational reasons.
- V. Delegate authority to the Head of Highways, Traffic and Parking and to the Head of Highway Operations to adjust the approved estimated costs of individual schemes within the Highways and Street Scene capital programme as a result of progressing the detailed designs, subject to costs being contained within the overall agreed programme allocations and to reporting of revised costs to the Director of Environment and Street Scene on a quarterly basis.

Background and Options

2. As the Highways Authority, Enfield has a duty under s41 of the Highways Act to maintain a safe and usable highway for all users. The budgets for these programmes were included within the 10 year Capital Programme approved by Council on 23rd February 2023 (KD5502). as part of an ongoing commitment to highway maintenance
3. In line with Council capital budget for 2023/24, the funding identified against programme items, within the approved budgets are shown in table 1 below.

Item Description	Allocation (£)
Highways and Street Scene:	
Programmes Managed by the Head of Highways, Traffic and Parking	
Carriageways - Renewal / Resurfacing Programme	1,100,000
Footways – Renewal / Resurfacing Programme	600,000
Highway Defect Repairs	2,400,000
Bridge Maintenance Programme	200,000
Bridge Renewal Programme - Feasibility	100,000
Minor Highway Improvements	30,000
Total 2023/24 Highways and Street Scene budget	4,430,000
Bridge Schemes (2022/23 allocation reprofiled to 2023/24 subject to approval)	415,000
Total available Highways and Street Scene budget 2023/24	4,845,000
Total 2023/24 Capital Budget	4,845,000

Table 1

4. Carriageways (£1,100,000): The carriageway schemes identified as being of highest priority for planned works treatment during 2023/24 are listed in Appendix 1, table 1. Table 2 contains a list of reserve / future schemes which will be substituted for the programmed schemes if, for any reason, a scheme needs to be postponed for network management reasons. Additional schemes will also be implemented from the reserve list if scheme outturn costs result in savings within the main programme. In addition to the main schemes identified in Appendix 1, an allocation for smaller partial resurfacing has been included, which allows for appropriate treatments to be undertaken at specific locations or short sections of

resurfacing in order to target the worst areas of carriageway where treatment.

5. Footway Replacement Programme (£600,000). The footway schemes identified as being of highest priority for treatment during 2023/24 are listed in Appendix 2, table 1 and include further phases to some larger schemes started in previous years. Appendix 2 also contains a list of reserve schemes (in table 2) which will be substituted for the programmed schemes if, for any reason a scheme needs to be postponed for network management reasons. Additional schemes will also be implemented from the reserve list if scheme outturn costs result in savings within the main programme.
6. Highway Defect Works (£2,400,000). There is always a need to undertake reactive works on the highway network. These are smaller capital works by nature but high volumes which are required to make improvements to the highway network.
7. Bridge Maintenance Programme (£200,000). This is critical for high priority structural repairs to be undertaken to bridges and culverts. The schemes are identified in Appendix 3, table 1.
8. Bridge Renewal Programme - Feasibility (£100,000). Table 2 of Appendix 3 lists the feasibility studies to be undertaken into a number of bridges and highway structures, which require extensive repairs or replacement, in order to ascertain the most appropriate course of action.
9. Minor Highway Improvements (£30,000), This allocation is generally used to implement minor capital improvements where highway assets are continually being damaged and works are needed to implement schemes which deal with the cause of the problem. The allocation is also used to improve the street scene through improvements and enhancements to street furniture, signs and guard railing etc. and to continue the ongoing programme of corroded signpost replacement.
10. During 2023, the Carriageway Resurfacing and Recycling Contract will come to an end and will be retendered and awarded. Rates are not confirmed yet but are likely to increase, which may affect outturn costs, particularly the carriageway renewal programme and therefore the extent to which the individual schemes outlined in Appendix 2 can all be accommodated. In line with paragraphs 6 and 7, the Director of Environment and Street Scene and the Head of Highways, Traffic and Parking will adjust the programme accordingly to ensure works are contained within the budget envelope.
11. The Highways and Minor Works Contract is currently operating under an extension. A new contract is being tendered and will either be brought into operation in November 2023 or at the start of the 2024/25 financial year. A number of schemes covered in this report are to be constructed and implemented through this contract. Rates are not confirmed yet but are likely to increase, which will affect outturn costs and therefore the extent to which the individual schemes outlined in Appendices 2 and 3, can all be

accommodated. In line with paragraphs IV and V, the Director of Environment and Street Scene, the Head of Highways, Traffic and Parking will adjust the programme accordingly to ensure works are contained within the budget envelope.

Options Considered

12. Local highway authorities should adopt asset management principles of 'predict and prevent' and planned works is an essential element in order to ensure the safety and resilience of the highway network. Any alternative to sustained levels of capital funding would go against prevention and proper asset management and the principles set out in Well Maintained Highway Infrastructure Assets: A Code of Practice, which all local highway authorities are expected to follow. Any reductions in budget and therefore programme of investment and works is detrimental to this concept and will result in greater reactive maintenance, continued deterioration of the highway network and other associated assets, for which even greater capital funding may be required in the future.

Risks that may arise if the proposed decision and related work is not taken

13. A sustained level of capital funding is essential to maintain the highway network. Any alternative to sustained levels of capital funding would go against the Code of Practice - Well Maintained Highway Infrastructure Assets, prevention and proper asset management principles, resulting in greater reactive maintenance and continued deterioration of the highway network and other associated assets.
14. Enfield has a duty under s41 of the Highways Act to maintain a safe and usable highway for all users. If this programme is not approved, it will compromise Enfield's ability to demonstrate compliance with s41.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

15. The key risks and their mitigation are shown in the table below.

<i>Risk Category</i>	<i>Comments/Mitigation</i>
<i>Strategic</i>	Risk: Approved schemes do not maximise prevention of deterioration of the highway network. Mitigation: The schemes are the result of surveys, inspections and analysis to prioritise schemes and optimise treatment.
<i>Operational</i>	Risk: Disruption during works. Mitigation: Works are planned, and residents / businesses informed. Works will also be co-ordinated to take account of other work in the area.

Financial	Risk: Cost escalation / underspend Mitigation: Contracts are in place to deliver the works at agreed rates. However, rates will increase during the year due to renewal of contracts and inflationary allowances. These will be managed. Reserve schemes identified to ensure full spend if some approved schemes cannot be programmed.
Reputational	Risk: Poor delivery of the programme Mitigation: Experienced contractors employed under direct supervision and management of council officers.
Regulatory	Risk: Failure to comply with statutory requirements. Mitigation: Experienced contractors used, ensuring compliance with all environmental, street works and health and safety requirements.

Preferred Option and Reasons for Preferred Option

16. Approval of this report and programmes of work will allow the Council to continue to be compliant in the duty as the Highway Authority under s41 of the Highways Act to maintain a safe and usable highway for all users by investing and improving the highway network through the capital works programme set out in this report.

Relevance to Council Plans and Strategies

17. Enfield's highway network is probably the largest and most visible community asset with an estimated value of £768,000,000 for which Enfield is responsible and fundamental to the economic, social and environmental well-being of the community. The road, cycleway and footway networks are essential to travel and connectivity. The continued planned highway capital investment programme ensures that roads, pavements, associated structures are in a safe and usable condition so that they remain usable for all road users. The planned highway capital investment programme ensures roads remain safe and serviceable, enabling safe and reliable journeys for the whole community and its needs and encouraging healthier forms of travel. The local economy is dependent on good and serviceable highway network, particularly for the passage of goods, services and people.

A well managed highway network supports all three of the Council's priorities-

Good homes in well-connected neighbourhoods

Safe, healthy and confident Communities

An economy that works for everyone

Financial Implications

(Finance implications provided on 22/05/2023)

Summary

18. This report is requesting approval to spend £4.43m, plus £0.415m subject to agreement, on the highways and street scene capital investment programme. In total this report is seeking authority to spend £4.84m.
19. The 2023/24 capital programme presented to cabinet in Feb-23 included a budget allocation of £4.43m for these works. Subject to approval £0.415m will be carried forward within the capital programme from 2022/23 for urgent works to bridges.

Revenue Budget Impact

20. Total value of works funded from borrowing is £4.84m. This will result in an annual financing charge to the revenue budget of £335k, based on an asset life of 25 years and an interest rate of 4.7%.
21. No other impact on the revenue budget.

Capital Budget Impact

22. Total cost of the capital works is just over £4.43m. There is a budget allocation for these works in the 2023/24 capital programme that was approved by Cabinet in Feb-23.
23. The current capital programme has highways and street scene expenditure financed by £4.43m borrowing. If approved £0.415 will be carried forward into 2023/24 from the 2022/23 underspend on the bridges budget, taking the total for 2023/24 to £4.84.
24. No other impact on the capital programme.

Borrowing impact

25. Programme will be funded by £4.84m borrowing which will result in annual financing costs of £335k based on an interest rate of 4.7% over 25 years
26. Borrowing can only be used as a funding source for capital spend. Capital spend is defined as all direct costs incurred to establish or enhance an asset.

Taxation

27. The council will reclaim all VAT on expenditure through its regular submissions for input VAT. No other known tax implications.

Accounting Treatment

28. Cost will be accounted for in compliance with the Councils capitalisation policy. Any costs that cannot be capitalised will be charged to the revenue budget.

29. All costs identified with the highways and street scene programme will contribute towards the enhancement of the highways asset and therefore meet the criteria for capitalisation.

Risks

30. Main Risks and mitigations shown in the table below:

Risks	Mitigations
Costs increase	Contracts are in place to deliver the works at agreed rates. However, rates may increase during the year due to renewal of contracts and inflationary allowances. These will be managed through budget monitoring, as the service will only place order for works for which they have budget for. i.e if rates increase, LBE will commission fewer works to remain within budget.

Legal Implications

(Note: The lawyer will insert his or her name here and the date of their approval/comments. Their initials should be deleted by the report author once the report is signed off by EMT)

31. The Council is required as a best value authority under section 3 of the Local Government Act 1999 to make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.

32. The Council has a general power of competence under section 1(1) of the Localism Act 2011 to do anything that individuals may do, provided it is not prohibited by legislation. This includes, pursuant to section 1(4):

- (a) power to do it anywhere in the United Kingdom or elsewhere,
- (b) power to do it for a commercial purpose or otherwise for a charge, or without charge, and
- (c) power to do it for, or otherwise than for, the benefit of the authority, its area or persons resident or present in its area.

33. The Council may exercise the general power of competence for its own purpose, for a commercial purpose and/or for the benefit of others. The Council, moreover, has power under s.111 Local Government Act 1972 to do anything which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions (which would include childcare functions). The recommendations within this report are in accordance with these powers.

34. The Highways Act 1980 places a duty on the Council as Highway Authority to maintain the highways for which it is responsible to an appropriate standard for their respective uses.
35. Any procurement of works and professional services relating to the proposals in this report should be carried out in compliance with the Council's Contract Procedure Rules (CPR), the public procurement regime and the Council's obligations relating to the obtaining of best value under the Local Government (Best Value Principles) Act (1999).
36. When commissioning public services, the Public Services (Social Value) Act 2012 requires the Council to think about how it can also secure wider social, economic, and environmental benefits.
37. The Council has a general duty under section 149(1) of the Equality Act 2010 (the Equality Act) to have due regard, in the exercise of its functions, to the need to:
 - Eliminate unlawful discrimination, harassment, victimisation and any conduct prohibited by the Equality Act;
 - Advance equality of opportunity between people who share a protected characteristic and people who do not share it ; and
 - Foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation

38. Any legal agreements (and ancillary documents where relevant) arising from the matters described in this report must be approved in advance of contract commencement by Legal Services on behalf of the Director of Law and Governance.
39. Any legal agreements arising from the matters described in this report must be approved in advance of commencement, by Legal Services on behalf of the Director of Law and Governance.
40. This report constitutes a Key Decision under the Council's Constitution and, as such, must comply with the Key Decisions process.

(Legal implications provided on 28/04/2023)

Equalities Implications

41. It is important to consider the needs of the diverse groups with protected characteristics when designing and delivering services or budgets so people can get fairer opportunities and equal access to services. An Equalities Impact Assessment was undertaken for the 2022/23 programme. It identified that the activities within this capital programme can make a significant positive contribution for some protected groups, but

during works they could be more adversely affected. Where appropriate, further Equalities Impact Assessments will be carried out for specific schemes to ensure compliance to the Equalities Act 2010.

Environmental and Climate Change Implications

42. Carriageway resurfacing operations will continue to make greater use of warm mix asphalt, asphalt rejuvenators, surface treatments and greater use of recycled materials. The asphalt industry is continuing to respond to climate change and carbon reduction. This also includes considering products by their durability, reflective property (albedo) and by their whole life carbon footprint to reduce the frequency of application.
43. Ethical and Sustainable Procurement Policy principles will be implemented when procuring carriageway maintenance and resurfacing contracts.
44. The specification of materials used in highway scheme works will be constantly reviewed in light of the continued development of sustainable, recycled and re-useable materials that give a whole life valued approach.

Public Health Implications

45. Transport has obvious public health implications in terms of physical activity, air pollution and access to employment, shops, services etc. Climate change has been described as the greatest threat to public health in the 21st century.

Property Implications

46. The streets, roads, pavements and bridges which are subject to works are all adopted public highway and therefore have no property implications.

Procurement Implications

47. Any tender required in relation to this programme, outside of any existing term contract must be undertaken in accordance with the Councils Contract Procedure Rules (CPR's) and the Public Contracts Regulations (2015), this includes the use of the London Tenders Portal as necessary. Procurements of a value in excess of the Public Contract Regulations thresholds must be processed through the Procurement Services Assurance Process.
48. At the end of the sourcing process, authority to award any contract will be sought in line with the CPR's and Council's Governance. The Service Area shall ensure this procurement activity takes place via the Council's e-Tendering portal and will be promoted to the Council's Contract Register, and the upload the executed contracts/agreements.

49. All awarded projects must be promoted to Contracts Finder to comply with the Government's transparency requirements. Contact Procurement.procurement@enfield.gov.uk for any support.
50. For any subsequent contract over £100,000 in value the CPR's state that the contract must have a nominated contract owner in the Council's e-Tendering portal.
51. For any subsequent contract over £500,000 in value, the CPR's state that the contract must have a nominated Contract Manager in the Council's e-Tendering portal and there must be evidence of contract management, including, operations, commercial, financial checks (supplier resilience) and regular risk assessment uploaded into the Council's e-Tendering portal.

Report Author: John Grimes
Head of Highway Operations
John.Grimes@enfield.gov.uk
020 8132 0741

Appendices

#Departmental reference number, if relevant: PL2223_024

Appendix 1

Carriageways Programme 2023/24

Table 1: Proposed Schemes

Road Name	Extent (Whole road unless otherwise stated)	Area (m2)	Estimated Cost	Ward
Oakthorpe Road/ Riverway N13 Phase 1	TBC	1000	£30,000	Palmers Green
Carterhatch La/ Russell Road Phase 1 EN1	TBC	1650	£47,000	Whitewebbs
The Rise N13		1000	£55,000	Palmers Green
Palmerston Cres Phase 1 N13	TBC	1500	£85,000	Palmers Green
Jeffreys Road Phase 1 EN3	TBC	2500	£75,000	Brimsgate
Wolves Lane Phase 1 N13	TBC	1700	£50,000	Bowes
Nags Head Road EN3	53-130 & 196-203	2800	£85,000	Ponders End
Beverley Close N21		1820	£55,000	Bush Hill Park
Rowantree Road N21		1300	£37,000	Bush Hill Park
Middleham Avenue N18	Hawas Road – Dysons Road	1700	£50,000	Upper Edlington
Silver Street N18	Haselbury Road – Strand Place	2500	£50,000	Haselbury
Willow Road Phase 1 EN1	TBC	2000	£70,000	Town

Road Name	Extent (Whole road unless otherwise stated)	Area (m2)	Estimated Cost	Ward
Pretoria Road North N18	Shaftsbury Avenue – Commercial Road	1500	£45,000	Upper Edmonton
Alma Road EN3	King Edwards Road – No. 355	2500	£75,000	Brimmsdown
Queens Road EN1		1575	£45,000	Southbury
Partial Resurfacing			£245,000	
Total			£1,100,000	

Table 2: Reserve Schemes 2023/24

Road Name	Extent (Whole road unless otherwise stated)	Area (m2)	Estimated Cost	Ward
Oakthorpe Road Phase 2	TBC	1000	£30,000	Palmers Green
Carterhatch Lane/ Russell Road Phase 2	TBC	1650	£47,000	Whitewebbs
Palmerston Cres Phase 2	TBC	1500	£85,000	Palmers Green
Jeffreys Rd Phase 2	TBC	2000	£60,000	Brimsgate
Wolves Lane N13 Phase 2	TBC	1700	£48,000	Bowes
Willow Road Phase 2	TBC	2000	£69,000	Town
Hedge Lane Phase 1	TBC	1400	£42,000	Winchmore Hill
Norfolk Road EN3	Northfield Rd to Lincoln Rd	1300	£37,000	Jubilee
Russell Road N13 Phase 1	TBC	1200	£34,000	New Southgate
The Ridgeway	Crofton Wy to Lavender Hill	2800	£84,000	Ridgeway
Rosemary Avenue En2		1500	£82,500	Whitewebbs
Northfield Road EN3	Suffolk Rd to No.46	2600	£73,500	Jubilee
Lakenheath N14	Merrivale Sth to Chase Road	2840	£85,500	Southgate
Eaton Park Road N13		1950	£107,500	Winchmore Hill
Barrowell Green N21	No.96 to Firs Lane	2400	£68,000	Highfield

Road Name	Extent (Whole road unless otherwise stated)	Area (m2)	Estimated Cost	Ward
Somerset Road N18		2100	£59,500	Upper Edmonton
Pine Close N14		680	£19,500	Southgate
Duchy Road EN4		1400	£37,000	Cockfosters
Bridgenhall Road EN1		1300	£39,500	Whitewebbs
Fraser Road N9 Phase 1	TBC	1300	£37,000	Edmonton Green
Beech Avenue EN2		1500	£45,000	Whitewebbs
Beech Hill Avenue EN4 Phase 1	TBC	1750	£52,500	Cockfosters
Total			£1,213,000	

Appendix 2

Footways Programme 2023/24

Table 1: Proposed Schemes

Road Name	Extent	Area (m2)	Estimated Cost	Ward
Chase Road N14	No.133 to No.185 - West Side	455	£45,500	Southgate
Conway Road N13	Harlech Road to Ulleswater Road - South Side	435	£43,500	Palmers Green
Old Park Road N13	Aldermans Hill to No.11 – West side	237	£23,700	Palmers Green
Galliard Road N9	Hill Rise to Elmcroft Avenue - North Side	534	£53,400	Jubilee
Lytton Avenue EN3	Bilton Way to no.46 - South Side	411	£41,100	Enfield Lock
Bush Hill N21	No.37 to No.49 - East Side	367	£36,700	Grange
Cuckoo Hall Lane N9	Outside Woodpecker Hall Academy to Mottingham Road	373	£37,300	Jubilee
Hazelwood Lane N13	No.25 to Riverway - South Side	326	£32,600	Palmers Green
Clay Hill EN2	Opposite Mavann to Kingswood House	465	£46,500	Whitewebbs
Fraser Road N9	Plevna Road to No.42 - both sides	475	£47,500	Edmonton Green
Montagu Crescent N18	T.B.C	220	£22,000	Edmonton Green

Road Name	Extent (Whole road unless otherwise stated)	Area (m2)	Estimated Cost	Ward
Charlton Road N9	No.14 to No.32 - West Side	185	£18,500	Jubilee
Sandhurst Road N9	Charlton Road to Mottingham Road - South Side	327	£32,700	Jubilee
Suffolk Road EN3	Northfield Road to No.28 both sides	360	£36,000	Jubilee
Balmoral Road EN3	Larmans Road to No.56 - West Side	590	£59,000	Bullsmoor
Edward Close N9	Whole Road	340	£34,000	Haselbury
Total			£610,000	

Table 2: Reserve Schemes 2023/24

Road	Extent	Area (m2)	Estimated Cost	Ward
Coldham Grove EN3	T.B.C	500	£50,000	Enfield Lock
Ingleton Road N18	T.B.C	500	£50,000	Upper Edmonton
Beech Road N11	T.B.C	500	£50,000	New Southgate
Petersfield Close N13	T.B.C	500	£50,000	Bowes
Elmdale Road N13	T.B.C	475	£47,500	Palmers Green
Mandeville Road EN3	Chestnut Road to Hertford Road - Both sides	500	£50,000	Enfield Lock
Windmill Hill EN2	Waverley Road to Old Park Road - South Side	500	£50,000	Ridgeway
Total			£347,500	

Appendix 3

Bridge Maintenance Programme 2023/24

Table 1: Proposed Schemes

Project	Work Category	Estimated Costs
LBE 049 Lea Valley Road over Railway	Construction - Re-paint works, special investigation & rail possessions	£65,000
LBE 078 Carterhatch Lane over Railway	Construction - Re-paint works, special investigation & rail possessions	£45,000
LBE 154 Causeway Bridge	Construction - Re-paint works	£15,000
LBE 166 Argon Road Bridge	Construction - Re-paint works and sealants replacement	£15,000
LBE 167 Advent Way Bridge	Construction - Re-paint works and sealants replacement	£15,000
LBE 831 Covert Way Footbridge	Construction - Brick Repairs	£10,000
Parks Bridge Access Maintenance/ Improvements	Maintenance - Bridge maintenance/ improvement	£25,000
Contingency or ad hoc work		£10,000
Total		£200,000

Bridge Renewal Programme 2023/24

Table 2: Proposed Schemes

Project	Work Category	Estimated Costs
LBE 049 Lea Valley Road Bridge	Feasibility - Bridge Refurbishment/ Strengthening/ Replacement	£25,000
LBE 095 Latymer Road Bridge	Feasibility - Bridge Refurbishment/ Strengthening/ Replacement	£25,000
LBE 101 Montagu Road Bridge	Feasibility - Bridge Refurbishment/ Strengthening/ Replacement	£25,000
LBE 116 Turkey Street Bridge	Feasibility - Bridge Refurbishment/ Strengthening/ Replacement	£25,000
Total		£100,000



London Borough of Enfield

Report Title	Waste Container Repair & Delivery In-House Service
Report to:	Doug Wilkinson
Date of Report:	11 th May 2023
Cabinet Member:	Cllr Rick Jewell
Directors:	Simon Pollock
Report Author:	Julian Minta
Ward(s) affected:	All
Key Decision Number	KD 5611.
Implementation date, if not called in:	21 st May 2023
Classification:	Part I
Reason for exemption	N/A

Purpose of Report

1. The Council as a Waste Collection Authority has a duty to collect residual waste and material for recycling from households within its area and to provide commercial waste collections, where requested to do so. Waste Services (WS) deploy approx. 7200, 1100 litre trade waste wheeled bins across the borough, to all premise's types including residential and commercial.
2. In order to comply with this duty, the Council requires a service that can move, repair and refurbish waste containers. Currently this service is delivered under a third-party contract, which has been in place since 2017. Due to increased contract costs over the term of the contract, there is an

opportunity for the Council to achieve a three-year cost efficiency, whilst also delivering service improvements, by bringing the service in house.

Recommendations

1. Agree To approve the business case titled 'Waste Container Repair & Delivery In-House Service Business Case, attached in confidential Appendix 1. As outlined in the business case there is an opportunity to return the service back in house, which would reduce service costs. The proposed investment will support the commercial waste service existing offer, by delivering a quicker and more efficient bin repair service for customers, whilst also delivering efficiencies for LBE.
2. Agree that authority be delegated to the Director of Environment and Operational Services to approve allocations and decisions within the approved budgets as necessary for operational reason as and when required, including the decision to insource the service and approve any ancillary processes and documents required.

Background and Options

3. Please refer to confidential appendix 1

Preferred Option and Reasons for Preferred Option

- 4 To return the service back in house, which would reduce service costs. The decision will also allow us greater flexibility and control over the service and allow for expansion as and when required.

Relevance to Council Plans and Strategies

- 5 The Enfield council commercial waste department is a key part of the operation and services commercial clients as well as all council owned properties. A well-managed and operated service will ensure, that we continue to deliver to all customers and stakeholders

Good homes in well-connected neighbourhoods

An efficient service will ensure that commercial waste and waste from council owned properties can be effectively stored prior to collection causing minimal disruption to people who live, work and travel in the council area.

Safe, healthy and confident communities

The return of the contract to an in-house provision will allow the commercial waste team to provide these services on more reactive and continued basis. This will allow waste containers that are damaged or old to be replaced mor quickly causing minimal disruption to residents

An economy that works for everyone

By providing for the needs of the service more efficiently, commercial waste will have a more reactive and cost-effective delivery service allowing greater service levels for commercial clients

Financial Implications

- 6 The annual budget for this service is £114k, which is expected to be exceeded by £169k for the 22/23 period. Based on a typical contract term, Commercial Services have worked with WS and Finance to develop a zero-based costing budget projection for an in-house container delivery and repair service, applying the following assumptions:
- 2.5 x Sc3 Repair Technicians
 - Operational week breakdown of 2 x delivery days, 3 x repair days
 - Average repair time of 1 hour
 - Repairs are expected to cover just wheels, lids and locks
 - Inclusion of waste costs for disposal of waste from collected filled containers
 - Training provided by bin supplier, free of charge
 - In-house service to commence April 2023
 - Vehicle costs based on lease prices

Legal Implications

Provided by OD on 10/05/23 based on report sent to legal on 18th April 2023

- 7.1 S.111 Local Government Act (1972) gives a local authority power to do anything (including insourcing of services) which is calculated to facilitate, or is conducive or incidental to, the discharge of any of its functions, including its housing functions.
- 7.2 Furthermore, the general power of competence under s.1(1) Localism Act (2011) states that a local authority has the power to do anything that individuals generally may do provided it is not prohibited by legislation and subject to Public Law principles. The proposal to procure care providers as mentioned within this report are therefore in accordance with the Council's powers.
- 7.3 The Council must comply with (and continue to comply with) its obligations relating to obtaining best value under the Local Government (Best Value Principles) Act 1999 and must be part of the considerations in relation to insourcing a service.
- 7.4 What must also be taken into consideration are potential staffing costs as a result of any TUPE (The Transfer of Undertakings (Protection of Employment) Regulations 2006 transfers. The Council may be able to rely on changing the job specification for some of the staff on the basis of economic, technical or organisational reasons as required by the internal organisation of

the service and as a result may have some flexibility in deciding whether all staff can be retained on their previous contract terms.

- 7.5 All decisions must be in full compliance with the Council's Constitution and Contract Procedure Rules.

Equalities Implications

8. A stage one EQIA screening questionnaire has been carried out and no equalities implications identified because of the proposed decision

9. HR IMPLICATIONS

- 9.1 If the Waste Container Repair & Delivery Service is insourced, there are direct HR implications for the Council, as follows:

9.2 This is likely to result in the transfer of a small number of Fairport contractor employees into the Council under the Transfer of Undertakings Regulations (TUPE) on their existing terms and conditions of employment. It is anticipated that this would include a minimum of 2 individual members of staff.

9.3 A meaningful consultation process will need to take place ahead of any transfer. This includes review of terms and conditions and consideration of measures relating to the transfer of staff to the Council.

Environmental and Climate Change Implications

- 10 The service will require a delivery vehicle. It is proposed that this vehicle in the initial stages will be a short-term hire vehicle whilst a new electric vehicle is purchased as part of the fleet vehicle replacement programme. This will ensure we continue with our climate action plan of replacing vehicles wherever possible with zero emission vehicles.

Public Health Implications

11. Better control of the service will ensure we are able to respond reactively when it comes to replacing bins that have been damaged, so ensuring start any health issues to the public minimized.

Property Implications

12. Morson Road Depot is based on an industrial site, close to Ponders End. LBE has an agreed lease for the site, which runs for a further 31 year (July 2053). Current provider's staff are currently allocated space within the site to operate. The service would continue to operate from this allocated space. This space will continue to be used for the in-house service

13. Morson Road Depot is surrounded by other industrial units. The proposals outlined in this business case should not have a negative effect on any neighbouring properties.

Report Author: Julian Minta
Head of Fleet & Transport Operations
07790 585086

Appendices

Appendix 1. Confidential Business Case
Appendix 2. Confidential Cost Projections

Background Papers

None

Departmental reference number, if relevant: PL2223_022

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