Dear Sir/Madam,

The Cabinet Member for Health and Environment (Councillor N.J.P. Phillips) is to consider the following reports and make decisions on Tuesday, 30th October, 2012 at 6.00 p.m. in Interview Room D, Town Hall, Nuneaton.

Yours faithfully,

ALAN FRANKS
Managing Director

AGENDA

PART 1
PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside the Yorkshire Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.
2. **PUBLIC CONSULTATION** - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

3. **DECLARATIONS OF INTEREST** - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members’ Code of Conduct.

   **Note:** Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room.

   Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

   Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

   **Note:** Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

   Where a Member has a Deemed Disclosable Interest, the Council’s Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. **TRADE WASTE COLLECTION SERVICE** - report of the Director – Assets and Street Services. *(Page 3).*
Date: 30th October 2012

Subject: Trade Waste Collection Service

Portfolio: Health and Environment [Councillor N. J. P. Phillips]

From: Director – Assets & Street Services

Summary: This report seeks approval for a proposal for partnership working with Coventry City Council (CCC) to deliver and improve the trade waste collection service available to businesses within Nuneaton and Bedworth.

Recommendations: That the proposal for partnership working with Coventry City Council (CCC) to deliver and improve the trade waste collection service available to businesses within Nuneaton and Bedworth be approved and that the first stage of the arrangements, for the actual collection of waste, commence from 1st January 2013.

Reasons: To reduce the cost to the Borough Council of the operation of a trade waste service to businesses within Borough and to improve the service delivered to businesses.

Options: Agree the recommendation.

Do not agree the recommendation.

Subject to call-in: Yes.
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forward plan:</td>
<td>No</td>
</tr>
<tr>
<td>Corporate priorities:</td>
<td>Aim 3</td>
</tr>
<tr>
<td>Relevant statutes or policy:</td>
<td>Environmental Protection Act 1990.</td>
</tr>
<tr>
<td>Equal opportunity implications:</td>
<td>No direct equal opportunity implications.</td>
</tr>
<tr>
<td>Human resources implications:</td>
<td>At least two employees will potentially be subject to the Transfer of Undertakings [Protection of Employment] Regulations [“TUPE”]. However, there are opportunities to redeploy the driver and loader affected by the initial change to working arrangements to the Borough Council’s domestic refuse collection team should they so wish.</td>
</tr>
<tr>
<td>Financial implications:</td>
<td>Will lead to a reduction in the net cost incurred by the Borough Council in providing the Trade Waste Service of between £16,000 and £32,000 in 2013/14.</td>
</tr>
<tr>
<td>Health inequalities implications:</td>
<td>No direct health inequality implications.</td>
</tr>
<tr>
<td>Risk management implications:</td>
<td>Due to the size of the trade waste operation run by Coventry City Council via their “Waste Solutions” section the proposed partnership arrangements will lead to a reduced business continuity risk and an enhanced robustness of service delivery.</td>
</tr>
<tr>
<td>Environmental implications:</td>
<td>No direct environmental implications.</td>
</tr>
<tr>
<td>Legal implications:</td>
<td>The main legal implication is the requirement for the Borough Council to operate in accordance with the requirements of the Environmental Protection Act 1990.</td>
</tr>
</tbody>
</table>
**Contact details:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sarah Elliott</td>
<td>Waste and Cleansing Manager</td>
<td>024 7637 6049</td>
</tr>
<tr>
<td>Brent Davis</td>
<td>Director – Assets and Street Services.</td>
<td>024 7637 6347</td>
</tr>
</tbody>
</table>
1. Purpose of Report

1.1 To seek approval for a proposal for partnership working with Coventry City Council (CCC) to deliver and improve the trade waste collection service available to businesses within Nuneaton and Bedworth.

2. Recommendations

That the proposal for partnership working with Coventry City Council (CCC) to deliver and improve the trade waste collection service available to businesses within Nuneaton and Bedworth be approved and that the first stage of the arrangements, for the actual collection of waste, commence from 1st January 2013.

3. Background

3.1 The Council has a statutory duty under the Environmental Protection Act 1990 to provide a chargeable waste collection service to businesses within the borough if requested. Nuneaton and Bedworth Borough Council (NBBC) has provided such a service to businesses across the Borough for over 20 years.

3.2 Due to a combination of increased costs in providing the service and significant competition from alternative service providers operating in the area that has forced the “market price” down, the Borough Council has failed to cover the cost of providing the service over a number of years.

3.3 The budgeted out-turn for the Trade Waste service for 2012/13 is a loss of £16,000.

4. Coventry City Council

4.1 Waste Solutions is the commercial waste service provided by Coventry City Council [CCC]. Waste Solutions currently utilises six refuse collection vehicles which provide waste collection, disposal and recycling services to over 2,500 businesses within Coventry.
4.2 Following discussions with CCC a partnership proposal was received for Waste Solutions to carry out commercial collections to NBBC’s current commercial waste customers whilst allowing NBBC to retain full ownership of customer base and identity in the commercial waste market.

4.3 As outlined above, the proposal is initially for the provision of employees, vehicles, waste disposal and day to day management of the collection services to be provided by Waste Solutions. However, following implementation of the collections by Waste Solutions, it is proposed to review the way in which administration of the service including dealing with customer queries, setting up new accounts, invoicing, payment monitoring, dealing with complaints and all legal documentation is currently carried out to explore if there could be advantages in moving these areas of work from the Borough Council to Waste Solutions.

5. **Employee Implications**

5.1 Under the Transfer of Undertakings (Protection of Employment) Regulations the employees currently undertaking the actual collection of trade waste (1 Driver and 1 Loader) would have the right to transfer to CCC with the service with no changes to their terms and conditions of employment. CCC has confirmed this as part of the proposed partnership working agreement.

5.2 There is however capacity within the NBBC refuse collection service for these two employees to be retained in the Borough Council’s employment to provide operational cover for holidays and sickness in the domestic refuse collection team. This could be achieved at no additional cost as the salaries of the two employees concerned would be offset by a reduced need to make use of “pool” employees on “zero hours” contracts to cover holidays and sickness.

5.3 It is therefore proposed that the two employees undertaking the actual collection of trade waste be given the choice to transfer to CCC or remain with NBBC according to their preference.

5.4 The employment implications for employees involved in providing the administration of the service including dealing with customer queries, setting up new accounts, invoicing, payment monitoring, dealing with complaints and all legal documentation will become clearer as part of the review into Waste Solutions providing these services in the future. However, for employees who spend more than 50% of their working time engaged in activities relating to the administration of the trade waste service, TUPE regulation will clearly apply.
6. **Financial Implications**

6.1 The modelling that has been carried out in respect of the price that Waste Solutions will charge the Borough Council to collect and dispose of trade waste from the existing customer base, and the income that the Borough Council currently receives from these customers, predicts the budgeted deficit of a £6,500 loss for 2013/14 changing into a surplus of £9,500, i.e. a £16,000 net improvement in the “bottom line”.

6.2 While, as indicated above in paragraph 4.3, further work is required to explore if there could be advantages in Waste Solutions undertaking the administration of the service, early indications point to a further £16,000 of savings being possible.

7. **Service Benefits**

7.1 The benefits of the proposal include:

- **Savings against current budgets on:**
  - Vehicle and fuel costs
  - Employee costs
  - Waste disposal and landfill tax costs
- Improved services for local businesses since Waste Solutions have stated they will be able to provide full recycling services to all commercial waste customers wishing to participate
- Experienced employees that will be able to identify ways to expand the service further
- Continued compliance with statutory requirements.
### 8. Timescales

#### 8.1 An outline of the proposed timescales for the introduction of the partnership working arrangements are shown below:

<table>
<thead>
<tr>
<th>Action</th>
<th>Target date to be completed by</th>
<th>Action by</th>
</tr>
</thead>
<tbody>
<tr>
<td>Forma approval of proposal by NBBC via a Single Member decision</td>
<td>31&lt;sup&gt;st&lt;/sup&gt; October 2012</td>
<td>NP</td>
</tr>
<tr>
<td>Service Level Agreement agreed and signed off</td>
<td>30&lt;sup&gt;th&lt;/sup&gt; November 2012</td>
<td>NBBC &amp; Waste Solutions</td>
</tr>
<tr>
<td>Finalise operational details and inform all present customers of new partnership arrangements</td>
<td>30&lt;sup&gt;th&lt;/sup&gt; November 2012</td>
<td>NBBC &amp; Waste Solutions</td>
</tr>
<tr>
<td>Commence collections</td>
<td>1&lt;sup&gt;st&lt;/sup&gt; January 2013</td>
<td>Waste Solutions</td>
</tr>
<tr>
<td>Complete the review of current administrative arrangements to determine what advantages there may be moving these areas of work to Waste Solutions.</td>
<td>28&lt;sup&gt;th&lt;/sup&gt; February 2013</td>
<td>NBBC &amp; Waste Solutions</td>
</tr>
<tr>
<td>Monitor performance and identify service improvements</td>
<td>On going</td>
<td>Waste Solutions</td>
</tr>
<tr>
<td>Examine ways in which the business can grow</td>
<td>On going</td>
<td>Waste Solutions</td>
</tr>
</tbody>
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BRENT DAVIS