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Date: 31st March, 2023

Dear Sir/Madam,

A meeting of the **CABINET** will be held in the Council Chamber, Town Hall, Nuneaton, on **Wednesday, 12th April 2023** at **6.00 p.m.**

The public can follow the decision making online:-
www.nuneatonandbedworth.gov.uk/virtual-meeting.

Please note that meetings are recorded for future broadcast.

Yours faithfully,

BRENT DAVIS

Chief Executive

To: Members of Cabinet

Councillor K. Wilson (Leader of the Council and Business and Regeneration)
Councillor C. Golby (Deputy Leader and Housing and Communities)
Councillor S. Croft (Finance and Corporate)
Councillor S. Markham (Public Services)
Councillor R. Smith (Planning and Regulation)
Councillor J. Gutteridge (Health and Environment)

Also invited:

Councillor C. Watkins (Leader of the Main Opposition Group and Observer)

AGENDA

PART I

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 Lloyds 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.

I would also advise that all or part of the meeting will be live streamed and recorded for future broadcast.

2. APOLOGIES - To receive apologies for absence from the meeting.

3. DECLARATIONS OF INTEREST

To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 6**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

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 Audit and 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. MINUTES - To confirm the minutes of the Cabinet meeting held on the 8th March 2023 (**Page 9**)
5. PUBLIC CONSULTATION – Members of the Public will be given the opportunity to speak on specific agenda items if notice has been received.
6. LEISURE OPERATOR PROCUREMENT UPDATE – report of the Strategic Creditors and Procurement Manager and the Leisure and Health Manager attached. (**Page 17**)
7. BEDWORTH CIVIC HALL – UPDATE – a report of the Leisure and Health Manager (**Page 22**)
8. INFRASTRUCTURE MAINTENANCE FRAMEWORK – a report of the Parks & Greenspace Manager (**Page 34**)
9. TREE SERVICE FRAMEWORK 2023 – 2027 – a report of the Parks & Greenspace Manager (**Page 40**)
10. CO-MINGLE RECYCLING MATERIAL COLLECTIONS - a report of the Strategic Director – Public Services attached (**Page 46**)

11. BUILDING A BETTER BOROUGH (BABB) 2022 / 2025 – REVIEW OF ASSESSMENT DOCUMENT FOR 2023/24 a report of the Strategic Director - Economy & Transformation (Deputy Chief Executive) **(To follow)**

12. HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLES INSPECTION FRAMEWORK a report of the Strategic Director – Public Services attached **(Page 60)**

13. RECOMMENDATIONS FROM OVERVIEW AND SCRUTINY PANELS –

a) Business and Regeneration OSP – 9th March 2023

At the meeting of the Business, Regeneration and Planning OSP held on the 9th March 2023, the Lilypad Fountain was discussed by the panel members and following was agreed:

- Permanent seating is essential as it is a popular area for people to rest and meet.
- Timescales are requested as soon as possible, along with an opportunity for the panel to view the plans.
- Seating, even temporary in the short term, would be advisable as soon as possible.
- Alternative seating was discussed, and it was agreed seating doesn't need to be 'like for like' but is required.
- Councillor Wilson agreed to take the issue to Cabinet, and to try and ensure plans and timescales would be available at the next OSP meeting.

RESOLVED that:

- a) A request be made for temporary seating to be used in the interim period if possible, until permanent seating is installed; and
- b) For plans and timescales to be brought to the next OSP meeting; and
- c) For the item to be requested to be discussed at a Cabinet meeting.

14. ANY OTHER ITEMS - which in the opinion of the Chair of the meeting should be considered as a matter of urgency because of special circumstances (which must be specified).

a) LILY PAD FOUNTAIN SEATING PLAN – a report of the Principal Building Surveyor **(To follow)**

15. EXCLUSION OF PUBLIC AND PRESS

RECOMMENDED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 3 of Part I of Schedule 12A to the Act.

16. PROCUREMENT OF WEBSITE PLATFORM a report of the Strategic Director - Economy & Transformation (Deputy Chief Executive)

Nuneaton and Bedworth Borough Council

Building A Better Borough

Nuneaton and Bedworth 2032: working in partnership, restoring pride in our borough

AIM 1: LIVE

We want to make our borough a place where our residents enjoy living and in which others choose to make their home.

Priority 1: Promote residents' health and wellbeing

Priority 2: Enable appropriate housing development

Priority 3: Sponsor a sustainable green approach

Priority 4: Prioritise community safety and empowerment

AIM 2: WORK

Using our prime location within the national road and rail networks and responding to the needs of private companies, we want to make our borough a place in which businesses choose to locate and where our residents enjoy a range of employment options.

Priority 1: Grow a strong and inclusive economy

Priority 2: Champion education and skills

Priority 3: Embrace new and emerging technology

Priority 4: Support local businesses

AIM 3: VISIT

Taking advantage of our open green spaces, our heritage, and our location within the West Midlands, we want our borough to be a vibrant destination for residents and visitors alike. A place where people and families want to spend time relaxing, socialising and taking part in leisure and cultural activities.

Priority 1: Create vibrant and diverse town centres

Priority 2: Stimulate regeneration

Priority 3: Celebrate and promote our heritage

Priority 4: Improve the physical environment

Cabinet - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board West Midlands Employers	
	C. Golby		Member of Warwickshire County Council Membership of Other Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Safer and Stronger Communities Partnership • Nuneaton and Bedworth Community Enterprises Ltd. • Nuneaton and Bedworth Home Improvement Agency • Safer Warwickshire Partnership Board • Warwickshire Housing and Support Partnership • Warwickshire Police and Crime Panel • George Eliot Hospital 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>NHS Trust – Public/User Board</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <p>Member of NABCEL</p>	
	S. Markham	County Councillor – W.C.C.	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee 	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Older Peoples Forum <ul style="list-style-type: none"> • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	

NUNEATON AND BEDWORTH BOROUGH COUNCIL**CABINET****8th March 2023**

A meeting of Cabinet was held on Wednesday 8th March, 2023 in the Council Chamber which was recorded and live streamed.

Present

Councillor K. Wilson (Leader and Business and Regeneration (Chair))
 Councillor C. Golby (Deputy Leader and Housing and Communities)
 Councillor S. Croft (Finance and Corporate)
 Councillor J. Gutteridge (Health and Environment)
 Councillor S. Markham (Public Services)
 Councillor R. Smith (Planning and Regulation)

CB114 **Apologies**

None

CB115 **Declarations of Interest**

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

CB116 **Minutes**

RESOLVED that the minutes of the Cabinet meeting held on 8th February 2023, be approved, and signed by the Chair.

CB117 **Procurement and Accounts Payable Strategy 2023 - 2027**

The Strategic Creditors and Procurement Manager submitted the proposed new Procurement & Accounts Payable Strategy for 2023 – 2027 to Cabinet for approval.

RESOLVED that the Procurement and Accounts Payable Strategy for the period 2023 – 2027 be approved.

Speakers:

None

Options

Accept the recommendations; or
 Reject the report

Reasons

- a) The current procurement strategy expires at the end of this financial year and has been in place since 2017.
- b) The new procurement and accounts payable strategy identifies the national supply challenges faced and the importance of procurement and accounts payable within the public sector. The strategy also outlines the vision and aims of the Council, noting links with the Corporate Plan (Building a Better Borough).
- c) This strategy shall underpin guidance documentation (such as the Contract Procedure Rules (CPR's)), processes within the function and across each

Directorate to assist in the achievement of the key themes and aims set out in the strategy.

CB118 General Fund Revenue Budget Monitoring 2022/23 Q3

The Director – Finance & Enterprise submitted a report to Cabinet updating the financial performance of the General Fund and anticipated outturn position.

RESOLVED that

- a) the forecast outturn position for the General Fund for 2022/23 be noted, with consideration given to key variances; and
- b) the proposed fees and charges from 1st April for the Museum listed in Appendix 1 of the report be approved.

Speakers:

Michele Kondakor
Ian Calvert
Councillor Keith Kondakor
Councillor Brett Beetham

Options

Accept the recommendation; or
Request further information on the forecast outturn position.

Reasons

The Council is required to achieve a balanced budget each year.

CB119 Housing Revenue Account Budget Monitoring 2022/23 Q3

The Director – Finance & Enterprise submitted a report to Cabinet updating the financial performance on the Housing Revenue Account and anticipated outturn position.

RESOLVED that the forecast outturn position for the Housing Revenue Account for 2022/23 be noted, with consideration given to key variances.

Speakers:

Councillor Keith Kondakor

Options

To accept the recommendations
Request further information on the forecast outturn position.

Reasons

The Council is required to achieve a balanced budget each year

CB120 Capital Budget Monitoring 2022/23 Q3

The Director – Finance & Enterprise submitted a report to Cabinet updating the capital expenditure for both the General Fund and Housing Revenue Account.

RESOLVED that

- a) the forecasted capital outturn position for 2022/23 for the General Fund and HRA be noted; and
- b) the addition of five new project budgets on the General Fund as detailed in the report be noted and recommended to Council for approval

Speakers

Michele Kondakor
Councillor Keith Kondakor

Options

To accept the recommendations; or
Request further information.

Reasons

To comply with regulations.

CB121 Resource and Waste Strategy Consultation

The Director – Public Services submitted a report to Cabinet setting out the Warwickshire Waste Partnerships (WWP) joint responses to the Governments consultations on the Resource and Waste Strategy.

RESOLVED that the Warwickshire Waste Partnerships joint consultations back to Government and, the contents of the report be noted.

Speakers

Councillor Keith Kondakor

Options

Accept the recommendation in full; or
Do not accept the recommendation.

Reasons

To ensure members are kept updated on the direction of future Resource and Waste Management strategies.

CB122 Recommendations From Overview and Scrutiny Panels

None

CB123 Any Other Items

None

CB124 Exclusion of Public and Press

RESOLVED that under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following item, it being likely that there would be disclosure of exempt information of the description specified in paragraph 3 of Part I of Schedule 12A to the Act.

Speakers

Michele Kondakor

CB125 Etone Leisure Agreement

The Leisure and Health Manager submitted a report to Cabinet on the Etone Leisure Agreement.

RESOLVED that

- a) the arrangements to review the agreement with the Matrix Academy Trust at the earliest possible date be approved; and
- b) Delegated Authority be given to the Director – Public Services in consultation with the Portfolio Holder for Public Services, to implement the arrangements as set out in the report.

Speakers

Councillor Keith Kondakor

Options

To accept the recommendations in full; or
Do not accept any of the recommendations.

Reasons

The approved Council budget 2023/24 requires financial savings within the Leisure Management Contract.

CB126 Top Farm – Leisure Update

The Director – Public Services submitted an update report to Cabinet on the Top Farm site.

RESOLVED that

- a) site D1 as set out in Appendix A to the report be confirmed as the proposed site for the Leisure Provision; and
- b) the proposed Leisure Site be identified in any new leisure management procurement process.

Speakers

Councillor Keith Kondakor

Options

Accept the recommendations in full; or
Do not accept the recommendations.

Reasons

To seek approval for the Land Take option at the Top Farm site (D1) as part of the S106 agreement be considered for medium/long term strategic leisure planning.

Chair

PUBLICATION DATE: 15TH MARCH 2023

DECISIONS COME INTO FORCE: 23rd MARCH 2023

Cabinet - Schedule of Declarations of Interests – 2022/2023

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
	General dispensations granted to all members under s.33 of the Localism Act 2011			Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board West Midlands Employers	
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	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>NHS Trust – Public/User Board</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <p>Member of NABCEL</p>	
	S. Markham	County Councillor – W.C.C.	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee 	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington; Trustee of Bulkington Sports and Social Club;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • Representative on the Nuneaton and Bedworth 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Older Peoples Forum <ul style="list-style-type: none"> • West Midlands Combined Authority and Land Delivery Board 	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	Deputy Chairman – Nuneaton Conservative Association Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director. Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	



Report Summary Sheet

Date: 12th April 2023

Subject: Leisure Operator Procurement Update

Portfolio: Public Services (Councillor S. Markham)

From:

Strategic Creditors and Procurement Manager and Leisure and Health Manager

Summary:

This report provides Cabinet with an update on the progress of the Leisure Operator Procurement for the operation of Council Leisure facilities within the Borough.

Recommendation:

1. That the Leisure Operator Procurement update be noted.

Options:

- a) The update to be noted.
- b) That further information is requested.

Reasons:

The Leisure Operator Procurement began in October 2021 with soft market testing, followed by a series of Member Workshops to discuss and agree key priorities for the new Leisure Management Contract as Leisure is a key strategic outcome for the Council, supporting residents with opportunities for improvements in their health and wellbeing.

Consultation undertaken with Members/Officers/Stakeholders

Director Public Services and Portfolio Holder - Public Services and Members Working Group.

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Building A Better Borough Aim 1: Live

Priority 1: Promote residents' health and wellbeing

Relevant statutes or policy:

Contract Procedure Rules (CPR's)
Procurement & Accounts Payable Strategy
Concession Contract Regulations 2016
Leisure Facilities Needs Assessment Strategy

Equalities Implications:

No direct equal opportunities implications

Human resources implications:

There would be a TUPE process for all current employees of the incumbent operator.

Financial implications:

There is anticipated financial savings and possibly capital investment for Leisure Sites, however these will not be confirmed until the Tenderers' bids are awarded.

Health Inequalities Implications:

The adopted Leisure Facilities Needs Assessment Strategy supports the Council's Building a Better Borough in improving health and wellbeing by providing opportunities and facilities for residents to access and take part in physical activity at all levels across the Borough.

Section 17 Crime & Disorder Implications:

The increase or provision of new facilities or different leisure pursuits will give opportunities for more residents to take part in physical activities. This will support improved outcomes for crime and disorder, whereby opportunities are taken up by young people in particular instead of other less desirable activities.

Risk management implications:

There are ongoing risk management issues that will need to be managed in relation to the procurement process such as contract risks such as Operator failure or failing to find a successful operator and external impacts such as rising utility costs.

Environmental implications:

Within the new Leisure contract there will be the expectation and requirement that the Operator supports all opportunities to provide and increase active travel to the facilities; reduction in operational costs; optimising energy-savings wherever possible; optimising green technologies wherever possible.

Legal implications:

Legal support is being provided by Freeths, who were appointed by formal tender in June 2022 to develop the contract and advise on all legal matters during the process and the Council's Contract procedures Rules (CPR's) will be followed.

Contact details:

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Matthew Wallbank - Strategic Creditors and Procurement Manager
Tel: 024 7637 6258
E-mail: Matthew.Wallbank@nuneatonandbedworth.gov.uk

AGENDA ITEM NO:6

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: 12th April 2023

From: Strategic Creditors and Procurement Manager and Leisure and Health Manager

Subject: Leisure Operator Procurement Update

Portfolio: Public Services (Councillor S. Markham)

Building A Better Borough

Aim 1: Live

Priority 1 : Promote residents' health and wellbeing

1. Purpose of Report

- 1.1 This report provides Cabinet with an update on the progress of the Leisure Operator Procurement for the management of Council Leisure facilities within the Borough.

2. Recommendation

- 2.1 That the Leisure Operator Procurement update be noted.

3. Project Background and Current Status

- 3.1 The incumbent Leisure Operator for the Council leisure sites is SLM - Everyone Active In line with the ending of the Council and SLM's contract and the impending developments to Bedworth Leisure Centre to create Bedworth Physical Activity Hub (BPAH) there is the requirement to review, develop and re-procure the leisure contract for the Council Leisure facilities.
- 3.2 Council officers begun the Leisure Operator procurement process in October 2021 with a soft-market testing bidders day with Leisure operators, to introduce the developments and engage interest from proposed new operators. A timeline of actions was then produced with a proposed date to appoint the new Leisure Operator in early 2024.
- 3.3 This work has been undertaken by NBBC Officers and Strategic Leisure Limited (Leisure consultants supporting the Council) with legal support from Freeths LLP, who were appointed by formal tender in June 2022 to develop the contract and advise on all legal matters during the process.
- 3.4 To support with the contract procurement there have been several Member workshops during the specification development stage to identify

with Members the risks, commercial model, objectives, and outcomes of the proposed new contract.

- 3.5 These workshops provided a clear steer on what Members want to see from the re-procurement, and what they would like the contract to achieve.
- 3.6 The Leisure Management Specification that has been drafted and includes requirements such as the cycling hub and Mountain Bike Trails in Bedworth.
- 3.7 The procurement is scheduled to go to the market in summer 2023 with the final tender submission in December 2023. The operator appointment will be confirmed early 2024. With a three-month mobilisation period proposed.
- 3.8 The Sport England contract model has been used as a template for the basis of the new contract documents and specification.
- 3.9 The approved recommendation at Cabinet on 8th March 2023 is also being considered as part of any new arrangements made with the Matrix Academy Trust in relation to Etone Sports Centre.

4. Financial Implications

- 4.1 The current budget is anticipated to meet the required financial costs. However, these costs will not be confirmed until the Tenderers' bids are awarded.

ENDS

Matthew Wallbank
Strategic Creditors and Procurement Manager
Katie Memetovic-Bye
Leisure and Health Manager

Appendices

None supplied

Report Summary Sheet

Date: 12th April 2023

Subject: Bedworth Civic Hall – Update

Portfolio: Public Services (Councillor S. Markham)

From: Leisure and Health Manager

Building a Better Borough

Aim 1: Live

Priority 4: Prioritise Community Safety & Empowerment

Summary: This report provides Cabinet with options for consideration on the next stage of the future operation of the Civic Hall (Venue) following the expression of interest submissions.

Recommendations:

1. That a Lease Agreement approach for the Venue be approved.
2. That delegated authority be given to the Strategic Director - Finance & Governance and Strategic Director - Economy & Transformation in consultation with the Leisure & Health Manager and Portfolio Holder for Public Services to negotiate the terms of the lease agreement.

Reasons: At cabinet on 9th November 2022, the recommendation for Cabinet to approve 'Expressions of Interest' (EOI's) to be sought from suitable interested parties for the potential future operation and management of the Bedworth Civic Hall was approved in full.

EOIs have been received and an evaluation process has been conducted. Recommendations need to be chosen to proceed with the next stage of the process.

Options: Accept recommendations in full.

Do not accept the recommendations.

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Equal opportunity implications:

No impacts at this time.

Human resources implications:

No impacts at this time.

Financial implications:

If a lease agreement is approved by Cabinet for the next stage for the Venue, then financial implications will have to be reviewed in line with any negotiations held with interested parties.

Health Inequalities Implications:

None identified at this time.

Section 17 - Crime and Disorder Implications:

There is a risk that anti-social behaviour or crime may be committed on or in the Venue if it stands dormant. Interim measures are in place to monitor the building and support security.

Risk management implications:

The Council has assessed the submitted EOI's as per agreed process by Cabinet and the Localism criteria and this provides options to look at suitable operators for the Venue.

This report provides information on the next stage of the process and identifies three options to be considered, Freehold, Lease or Procurement. Any one of these options will

have a risk to the Council and will need to be managed to limit financial implications going forward.

Environmental implications:

None

Legal implications:

The Freehold, Lease or Procurement concession contract options will require support from the Estates and Legal teams, or external support procured

Contact details:

Katie Memetovic-Bye – Leisure and Health Manager

Telephone 024 7637 6147

e-mail: katie.memetovicbye@nuneatonandbedworth.gov.uk

AGENDA ITEM NO:

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: 12th April 2023.

From:
Leisure and Health Manager

Subject: Bedworth Civic Hall – Update

Portfolio: Public Services (Councillor S. Markham)

Building a Better Borough

Aim 1: Live

Priority 4: Prioritise Community Safety & Empowerment

1. Purpose of Report

- 1.1 In order to move the expression of interest process to the next stage, approval needs to be provided on the preferred option for the Council of a freehold, lease, or procurement concession service contract of the Civic Hall (Venue) building.

2. Recommendations

- 2.1 That a Lease Agreement approach for the Venue be approved.
- 2.2 That delegated authority be given to the Strategic Director - Finance & Governance and Strategic Director - Economy & Transformation in consultation with the Leisure & Health Manager and Portfolio Holder for Public Services to negotiate the terms of the lease agreement.

3. Background

- 3.1 At Cabinet on 9th November 2022, the recommendation for Cabinet to approve 'Expressions of Interest' (EOI's) to be sought from suitable interested parties for the potential future operation and management of the Venue was approved in full.
- 3.2 This subsequently led to an EOI period running from 11th November 2022 until 12pm on Monday 30th January 2023, for interested parties to submit an EOI.
- 3.3 One change was made to the EOI submission questionnaire form to enable the Council to gather additional information, and this was republished on 22nd November 2022. The Council had already received a number of EOI submissions before this change, some of which had provided recommendations and comments about the closure. Each of these interested parties received five emails before the deadline informing them of the updated questionnaire and requesting them to resubmit if they had a genuine EOI.
- 3.4 The Venue was registered as a Community Value Asset as of 11th January 2023.
- 3.5 The Council received two genuine EOI submissions by the deadline, and these have undergone an evaluation process in line with this stage of the process. All EOI's have identified potential options for moving forward dependent on the recommendation chosen by the Council.

4. Current position

- 4.1 In order to move the process to the next stage, approval needs to be provided on the preferred option. Appendix A shows the options for the Venue and the

breakdown of what each option means for the Council and associated risks of a freehold, lease, or procurement concession service contract.

4.2 Summary of options:

Freehold	Lease	Procurement – concession service contract
<ul style="list-style-type: none"> • Future control of building lost – impact on transforming Bedworth vision • Hard to enforce upkeep and appearance requirements of the building – negative image for the Council • No future financial requirements for the Council 	<ul style="list-style-type: none"> • Long term lease can have break clauses to accommodate future plans for the Borough • Can enable the Council to ensure the property is kept in good repair via lease agreement • Long term lease would be required due to the capital investment required by a tenant • The Council can retain a right to inspect the premises and could monitor the use to ensure that the community uses and the outcomes/outputs – Community Use agreement 	<ul style="list-style-type: none"> • A concession contract length can be determined • Restriction of use provisions can be factored into the specification and contract • The Council would retain ownership of the asset • The Council would be responsible for the structure of the facility and as the landlord, it would retain responsibility for the site • The Council would potentially retain the risk with utilities

4.3 A contingency plan will need to be discussed when choosing the options, if one route was unsuccessful to find a suitable operator, another option could be attempted afterwards, if both options were to be unsuccessful then the Council would be in a position where no operator is found, and the venue remains closed with some financial implications.

5. Financial Implications

5.1 As approved within the cabinet report of 9th November 2022, any suitable proposal will require no financial subsidy from the Council. The options on Appendix A do show some financial risks to the Council that will need to be considered in the next steps, once approved.

5.2 Summary of financial risk:

Freehold	Lease	Procurement – concession service contract	Building Remains closed

<ul style="list-style-type: none"> • Initial capital receipt to NBBC. • Risk should the site be required to accommodate a redevelopment/regeneration scheme then the property would have to be bought back by agreement or rely on Compulsory purchase powers to do so. 	<ul style="list-style-type: none"> • Required capital investment will have a significant impact on the term of the lease and any incentives (e.g. rents, capital contribution, etc.) as the tenant will require a term sufficient for them to secure a return on their investment. • All financial risks handed to the operator under the agreement 	<ul style="list-style-type: none"> • Legal support costs (contract drafting, negotiating and execution subject to Legal team capacity and knowledge. • NBBC retain responsibility for costs (such as potential landlord maintenance and repair costs, an ongoing management cost, on-going utility risk, insurance provision and potential NNDR depending on the winning entity). • Potential requirement to pay an ongoing management fee (similar to the current SLM Leisure Contract). • Support requested in the event of another Covid 19 pandemic (or equivalent) as it would be classed as a Council Service which would bring risk of reputational damage (not applicable to lease, or freehold) if the Council failed to 	<ul style="list-style-type: none"> • Annual estimated cost to the council of maintaining venue unoccupied is £532k p/a - £468k of which are central recharges / capital costs. <p>N.B: Utilities have been estimated at a third for now, NNDR will be revalued, central recharges & capital costs will still occur subject to status changes & contractual obligations will need to be terminated or may continue for term of contract.</p>
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		<p>act (again a difficult decision for Cabinet to face).</p> <ul style="list-style-type: none"> • Further reputational and service risk if an operator at time of tender was financially stable but during the operation were to struggle and face financial administration and insolvency – again, the Council would be faced with the consequences as it is in a service contract with the operator due to the service link. 	
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6. Summary

- 6.1 Based upon the evaluation of EOIs and the review and analysis of the options detailed above. A lease option would appear to be the most effective proposal for the Council to consider at this stage. This would enable the ownership of the building to remain with the Council which will aid future visioning of Bedworth, it would also enable external partners to operate the venue, albeit negotiations would be required by the Estates and Legal teams and further financial implications for NBBC may apply. The procurement service concession route could be retained as a contingency option should the lease route be unsuccessful.

KATIE MEMETOVIC-BYE
Leisure and Health Manager

Appendices

Appendix A – Options for the venue

Appendix A – Options for the venue

	FREEHOLD	LEASE	RISK/ISSUE	PROCUREMENT – CONCESSION SERVICE CONTRACT	RISK/ISSUE
Ability to deal with property	Any opportunity to deal with the property would be lost and within the sole gift of the freeholder purchaser.	Although a lease is usually granted for a fixed term (e.g.10 years) break clauses can be inserted to provide for various occasions.	In terms of a Freehold disposal the Council would have no control over the future of the building. Should its site be required to accommodate a redevelopment/regeneration scheme then the property would have to be bought back by agreement, or rely on Compulsory purchase powers to do so. Under a Lease the Council, as Landlord, could seek to include a redevelopment break clause to protect any future redevelopment /regeneration of the site and adjoining area.	Full property ownership and the operator is entrusted with the provision and the management of services which consists either solely in the right to exploit the services that are the subject of the contract or in that right together with payment; and involve the transfer to the concessionaire of an operating risk (it is not guaranteed to recoup the investments made or the costs incurred in operating the works or the services) in exploiting the services encompassing demand or supply risk or both; and the part of the risk transferred to the concessionaire shall involve real exposure to the vagaries of the market, such that any potential estimated loss incurred by the concessionaire shall not be merely nominal or negligible.	This will require a procurement process which could take up to 12 months and result in cost for legal support. Furthermore, there is no guarantee an operator would come forward and be successful in a competitive exercise so this would be subject to the level of interest and quality of the returns submitted. Furthermore, it is likely the Council would retain responsibility for costs (such as potential landlord maintenance and repair costs, an ongoing management cost, on-going utility risk, insurance provision and potential NNDR depending on the winning entity). This would replicate the Leisure Service Contract except SLM are setup in a way that means no NNDR costs.

Appendix A – Options for the venue

<p>Investment & return on investment</p>	<p>Securing a return on investment in the property would not present an issue for the purchaser given that they would have the security of the freehold interest.</p>	<p>The Lease would need to be of sufficient term to enable the Tenant to secure a return on their investment in the property.</p>	<p>Significant capital investment is required in the premises to address the significant repair and maintenance issues outstanding (e.g. boilers) prior to any fitting out works required by the user.</p> <p>Whilst this may not be an issue for purchaser, it will have a significant impact on the term of the lease and any incentives (e.g. rents, capital contribution, etc.) as the tenant will require a term sufficient for them to secure a return on their investment. Given the level of costs associated with outstanding repair work this may not be achievable.</p>	<p>A concession contract length can be determined by the Council noting the following:</p> <ul style="list-style-type: none"> - The duration of concession contracts shall be limited (i.e. not be open ended). - For concession contracts lasting more than 5 years, the maximum duration of the concession contract shall not exceed the time that a concessionaire could reasonably be expected to take to recoup the investments made in operating services (initial investments and investments made during the life of the contract) together with a return on invested capital taking into account the investments required to achieve the specific 	<p>Significant capital investment is required in the premises to address the significant repair and maintenance issues outstanding (e.g. boilers) prior to any fitting out works required by the user.</p> <p>This will have a significant impact on the term of the contract and may as a result limit the number of potentially interested parties to operate and manage the site due to the large investment needed (which will require a large working capital up front) and limit any incentives as the operator will require a term sufficient to secure a return on their investment.</p>
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Appendix A – Options for the venue

				contractual objectives.	
Restriction on use	Control on use would be though a Restrictive Covenant on the Title which are notoriously difficult, and expensive to enforce. Over time owner will have the opportunity to challenge restriction on use through the Lands Tribunal. This could put the delivery of the community benefits at risk and enable the site to be redeveloped for other uses (i.e. residential).	Through a restriction on use in the Lease which tends to be easier and cheaper to enforce.	<p>Risk is that outcomes/outputs may not be delivered in the long term through a freehold and there is no guarantee or control over the use evolving/changing from a community use to a quasi-commercial operation, and ultimately to a commercial use. Enforcement would be difficult.</p> <p>Under a Lease the Council would retain a right to inspect the premises and could monitor the use to ensure that the community uses and outcomes/outputs were met taking enforcement action as necessary. Additional controls could be achieved by a linking the Lease to a Community Use Agreement</p> <p>If the asset has been disposed of at an under value then the Council would be rightly criticised for failing to protect the long term community benefit from the asset.</p>	Control on key provisions of the service via the use of a specification and formal contract setting out the provision, outcomes, objectives and targets to be achieved.	Please note, given the nature of a concession contract (allowing the operator to exploit the service), the operator may use the facility/site for other uses and benefits. The Council would need to ensure the specification and contract is clear on use and key restrictions on the basis they do not negate the ability for the operator to explore the service.

Appendix A – Options for the venue

Repair/Maintenance	Difficult to enforce against freeholder and the Council could be criticised should the property fall into disrepair.	Can enforce against tenant and there are pre-determine processes that can lead, ultimately, to the lease being forfeited. Enables the Council to ensure the property is kept in good repair.	Risk to the Council is that if the property falls in to disrepair the Council will be criticised for disposing of an asset without safeguarding it's future use.	As the Council would retain ownership of the asset, the Council would be responsible for the structure of the facility and as the landlord, it would retain responsibility for the site. Furthermore, like the leisure operator contract, it is also likely the Council would retain the risk with utilities (like the leisure operator contract). There could however be capital investment put forward by the operator for the initial period and during the contract term, but this would become clear during the procurement process and is not guaranteed. It is also worth noting (based on the two EOI's received), it is likely the Council would need to invest officer time to ensure the property is safe and officer time to effectively manage the contract for the service. It is unlikely either operator that have submitted an EOI would have the knowledge and expertise to maintain the property. That said, there	This would be an ongoing risk to the Council for cost of repairs and maintenance where it falls outside scope of the maintenance schedule covered under the contract. There would need to be NBBC officer time.
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Appendix A – Options for the venue

				could be another operator during the procurement process which has the relevant expertise and knowledge.	
Insurance	No process to ensure premises are insured. Whilst unlikely, when budgets are tight renewing building insurance is often seen as an easy, low risk option.	Provision can be made for obligation to insure building and to provide proof of insurance	Risk to the Council is that if the property is uninsured and suffers a loss there will be criticism of the Council for disposing of an asset without safeguarding it's future use for the community.	The Council would be required to insure the property.	This would be an ongoing cost for the Council to maintain sufficient insurance cover for the premises.

Report Summary Sheet

Date: 12th April 2023

Subject: Infrastructure Maintenance Framework

Portfolio: Health and Environment

From: Parks & Greenspace Manager

Summary:

Infrastructure maintenance and improvements are currently procured on an ad-hoc basis. A Framework contract with several contractors available for differing lots of work, will enable cost effective and timely repairs and maintenance to be carried out for the authority.

Recommendations:

1. The procurement of a new Infrastructure Maintenance Framework for the Corporate Assets/Parks and Greenspace Service, utilising existing revenue budgets be commenced.
2. That delegated authority be given to the Strategic Director - Public Services to award the procurement of a new Infrastructure Maintenance Framework and enter into a Framework Agreement with multiple contractors.

Options:

Accept the recommendation(s) and continue with the establishment of an Infrastructure Framework.

Do nothing: This may place the Council in breach of its Contract Procedure Rules & Financial Standing Orders.

Reasons:

To ensure ongoing compliance with Contract Procedure Rules, Financial Standing Orders & to contribute to the discharge of our duty to comply with health & safety legislation.

Consultation undertaken with Members/Officers/Stakeholders

The portfolio holder for Health and Environment has been consulted, alongside Management Team.

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Building a Better Borough Aim:

Aim 1: Live

Aim 3: Visit

Building a Better Borough Priority:

Priority 1: Sponsor a sustainable green approach

Priority 4: Improve the physical environment

Relevant statutes or policy:

Nuneaton and Bedworth Borough Council Contract Procedure Rules & Financial Standing Orders.

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<p>Equalities Implications: (Does this require an Equalities Impact Assessment? If so, please append.) N/A</p>
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<p>Human resources implications:</p> <p>Framework contract and associated management implications are within existing Parks and Green Space and Corporate Assets team structures.</p>
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<p>Financial implications:</p> <p>We have assumed a zero-inflation approach to budgeting (currently £285k p/a combined) for the lifetime of the contract/framework from existing revenue budgets.</p>
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<p>Health Inequalities Implications:</p> <p>The maintaining of our infrastructure supports people visiting and using our parks and benefiting from health and wellbeing through open space, physical activity.</p>

<p>Section 17 Crime & Disorder Implications:</p> <p>The maintaining of our infrastructure supports people safely visiting and using our parks and open spaces.</p>

<p>Risk management implications:</p> <p>Management and maintenance of NBBC's (Nuneaton and Bedworth Borough Council) hard landscaping and infrastructure minimises the risk of assets failing and causing potential injury to the public and damage to public and/or private property.</p>

<p>Environmental implications:</p> <p>Correct and timely maintenance of our infrastructure will ensure structures have the longest lifetime value and will reduce unnecessary spending on new assets due to poor maintenance.</p>
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<p>Legal implications:</p> <p>Procurement and tendering process will be followed as per NBBC (Nuneaton and Bedworth Borough Council) policies.</p>

<p>Contact details:</p>

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AGENDA ITEM NO.8

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 12th April 2023

From: Parks & Greenspace Manager

Subject: Infrastructure Maintenance Framework 2023-2027

Portfolio: Health and Environment - (Cllr J. Gutteridge)

Building a Better Borough Aim: 1 – Live, 3 – Visit.

Building a Better Borough Priority: 3 – Sponsor a sustainable green approach, 4 - Improve the physical environment.

1. Purpose of Report

- 1.1 To seek approval for the creation of an Infrastructure Maintenance Framework.

2. Recommendations

- 2.1 The procurement of a new Infrastructure Maintenance Framework for the Corporate Assets/Parks and Greenspace Service, utilising existing revenue budgets be commenced.
- 2.2 That delegated authority be given to the Strategic Director of Public Services to award the procurement of a new Infrastructure Maintenance Framework and enter into a Framework Agreement with multiple contractors.

3. Background

- 3.1 Infrastructure maintenance and improvements are currently procured on an ad-hoc basis. A Framework contract with several contractors will enable cost effective and timely repairs and maintenance to be carried out.

4. Body of Report

- 4.1 The infrastructure maintenance framework will utilise revenue budgets from both the green spaces team and corporate assets. Corporate Assets have had a framework agreement in place for the past 4 years, but this has come to an end with no extension available.

- 4.2 Currently infrastructure maintenance (the maintenance of paths, fences, gates, street furniture, etc.) in public open spaces is carried out on an ad-hoc basis and is not part of a call-off framework. The Council employs several local contractors to carry out work in public open spaces, often through a competitive quote process or, if below the procurement threshold, a direct award.
- 4.3 We have assumed a zero-inflation approach to our budgets (currently £285k p/a combined) for the lifetime of the contract/framework in preparing this report, as has previously been the case with our revenue budgets in the last 15 to 20 years. However, the contracts will have an annual uplift provision in them (based upon Sept CPI or as agreed with procurement). This will mean that over the lifetime of the contract(s) the quantity of work that can be undertaken will diminish in real terms.
- 4.4 The framework will be 2yrs +1+1 and latest extension will be to 2027.

5. Conclusion

- 5.1 A new Infrastructure Maintenance Framework will combine works from corporate assets (maintenance of car parks and associated town centre street furniture) and green spaces to provide a cost effective and value for money framework for a number of common tasks. Utilising a joint framework for both teams will make the potential works more attractive to local small & medium sized enterprises (SME's), who will be able to bid for one or more lots in the framework, depending on their specialty and capacity.

6. Appendices (if none, state none)

- 6.1 None.

7. Background Papers (if none, state none)

- 7.1 Procurement and Accounts Payable Strategy Report – Cabinet 8th March 2023
- 7.2. General Fund Revenue Budget 2023/24 – Cabinet 8th February 2023
- 7.3. Housing Revenue Account Budget 2023/24 – Cabinet 8th February 2023.

Report Summary Sheet

Date: 12th April 2023

Subject: Tree Service Framework 2023 - 2027

Portfolio: Health and Environment

From: Parks & Greenspace Manager

Summary:

The current tree framework commenced in October 2019 and was let initially for 2 years with 1 + 1yr extensions. The framework ends on 30th September 2023 with no ability to extend further. We propose to establish a new framework agreement and to tender that in the second quarter of 2023, with a view to the new contractor(s) being in place for 1st October 2023.

The framework will be offered as before on a 2yr +1+1 basis, ending in September 2027, with minor amendments to the Schedule of Rates (SORs) to reflect lessons learnt from the existing framework and best practice.

Recommendations:

1. The procurement of a new Tree Service Framework for the Council, utilising existing revenue budgets be commenced.
2. That delegated authority be given to the Strategic Director - Public Services to award the procurement of a new Tree Services Framework and enter into a Framework Agreement with contractor(s).

Options:

Accept the recommendation(s) and continue with the establishment of a Tree Services Framework.

Do nothing: This may place the Council in breach of its Contract Procedure Rules & Financial Standing Orders.

Reasons:

To ensure ongoing compliance with Contract Procedure Rules, Financial Standing Orders & to contribute to the discharge of our duty to comply with health & safety legislation.

Consultation undertaken with Members/Officers/Stakeholders

The portfolio holder for Health and Environment has been consulted, alongside Management Team.

Subject to call-in: Yes

Ward relevance: All

Forward plan: Yes

Building a Better Borough Aim:

Aim 1: Live

Aim 3: Visit

Building a Better Borough Priority:

Priority 1: Sponsor a sustainable green approach

Priority 4: Improve the physical environment

Relevant statutes or policy:

Nuneaton and Bedworth Borough Council Contract Procedure Rules & Financial Standing Orders.

Equalities Implications:

(Does this require an Equalities Impact Assessment? If so, please append.)

N/A

Human resources implications:

Framework contract and associated management implications are within existing Parks and Green Space and Corporate Assets team structures.

Financial implications:

We have assumed a zero-inflation approach to our budgets for the lifetime of the contract/framework in preparing this report. However, the contracts will have an annual uplift provision in them (based upon Sept CPI or as agreed with procurement). This will mean that over the lifetime of the contract(s) the quantity of work that can be undertaken will diminish in real terms.

Implications re HRA (Housing Revenue Account)/GF (General Fund) split:

GF/HRA split has been in place for several years. GF (General Fund) budget is for Parks and Cemetery tree maintenance and HRA (Housing Revenue Account) budget is specifically for trees on housing land totalling £124.8k p/a.

Health Inequalities Implications:

The maintaining of our tree infrastructure supports people visiting and using our parks & open spaces and benefiting from the health and wellbeing derived through their access to open spaces.

Section 17 Crime & Disorder Implications:

The maintaining of our infrastructure supports people safely visiting and using our parks and open spaces.

Risk management implications:

Management and maintenance of NBBC's tree infrastructure minimises the risk of assets failing and causing potential injury to the public and damage to public and/or private property.

Environmental implications:

Correct and timely maintenance of our tree infrastructure will ensure they have the longest lifetime value and will reduce unnecessary spending on new trees due to poor maintenance.

Legal implications:

Procurement and tendering process will be followed as per NBBC (Nuneaton and Bedworth Borough Council) policies.

Contact details:

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AGENDA ITEM NO.9

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 12th April 2023

From: Parks & Greenspace Manager

Subject: Tree Services Framework 2023-2027

Portfolio: Health and Environment - (Cllr J. Gutteridge)

Building a Better Borough Aim: 1 – Live, 3 – Visit.

Building a Better Borough Priority: 3 – Sponsor a sustainable green approach, 4 - Improve the physical environment.

1. Purpose of Report

1.1 To seek approval for the creation of a Tree Services Framework.

2. Recommendations

2.1 The procurement of a new Tree Services Framework for the Council, utilising existing revenue budgets be commenced.

2.2 That delegated authority be given to the Strategic Director - Public Services to award the procurement of a new Tree Services Framework and enter into a Framework Agreement with contractor(s).

3. Background

3.1 The current tree framework commenced in October 2019 and was let initially for 2 years with 1 + 1yr extensions. The framework ends on 30th September 2023 with no ability to extend further.

4. Body of Report

4.1 We propose to work with the procurement team to put together a new framework agreement and to tender that in the second quarter of 2023, with a view to the new contractor(s) being in place for 1st October 2023.

4.2 The framework will be offered as before on a 2yr +1+1 basis, ending in September 2027, with minor amendments to the Schedule of Rates (SORs) to reflect lessons learnt from the existing framework and best practice.

4.3 We have assumed a zero-inflation approach to our budgets, currently £124.8k p/a combined, (Parks & Greenspaces £65.8k, Cemetery's £20.83k and Housing £38.17k) for the lifetime of the contract/framework in preparing this report. The GF (General Fund) /HRA (Housing Revenue Account) split has been in place for several years. The GF (General Fund) budget is for Parks and Cemetery tree maintenance and the HRA (Housing Revenue Account) budget is specifically for trees on housing land. However, the framework will have an annual uplift provision in it (based upon Sept CPI or as agreed with procurement). This will mean that over the lifetime of the framework the quantity of work that can be undertaken will diminish in real terms.

4.4 The framework will be 2yrs +1+1 and latest extension will be to 2027.

5. Conclusion

5.1 A new Tree Services Framework will build on the lessons learned from the current contract and the combined works from both the GF & HRA budgets will provide a cost effective and value for money service. Utilising a joint framework for both service areas will also make the potential works more attractive to local small & medium sized enterprises (SME's).

6. Appendices (if none, state none)

6.1 None.

7. Background Papers (if none, state none)

7.1 Procurement and Accounts Payable Strategy Report – Cabinet 8th March 2023

7.2. General Fund Revenue Budget 2023/24 – Cabinet 8th February 2023

7.3. Housing Revenue Account Budget 2023/24 – Cabinet 8th February 2023.

Cabinet

Report Summary Sheet

Date: 12th April 2023

Subject: Co-Mingle Recycling Material Collections

Portfolio: Public Services

From: Head of Waste and Transport

Summary:

Proposals for Changes to recycling collections from dual stream (Caddie and Bin) and Dry Mixed Recycling (DMR) to a Co-Mingled (all in) recycling collection.

Recommendations:

The recycling collection method change from the current dual-stream recycling collection system to a fully co-mingled service, removing the requirement for residents to separate Dry Mixed Recycling (DMR) and Paper and Card material.

Options:

1. Support the recommendations contained in this report and move to a single bin (Co-Mingled) approach to recycling collections.
2. Not support the recommendations contained in this report and continue with a dual stream recycling collection approach.
3. Request more information.

Reasons:

1. New Sherbourne Material Recycling Facility (MRF) smart technology to manage Co-Mingled material more effectively and maintain income thresholds for on sale of material – subject to recycling price index fluctuations.
2. Cost reductions to NBBC for the replacement of containers.
3. Limited supply of manufacturers producing the 40ltr container (caddie) currently used by NBBC.
4. Improved H&S risk management by removing the lifting and carrying of caddies for our team members and all associated risks of this.

Consultation undertaken with Members/Officers/Stakeholders

1. Questionnaire submitted to NBBC customers in 2021 supporting the changes – contained within the body of the report.

Subject to call-in: Yes**Ward relevance: All****Forward plan:****Yes**

Building a Better Borough Aim:

Aim 1

Building a Better Borough Priority:

Priority 3: Sponsor a sustainable green approach.

Relevant statutes or policy:

Controlled Waste Regulations
Environmental Protection Act 1990

Equalities Implications: No**Human resources implications:**

Officers within the Waste and Transport Team will be required to review the operational delivery and service provision to meet the needs of service if changed.

Financial implications:

Pro's

1. New Sherbourne MRF smart technology to manage co-mingled material more effectively and maintain income thresholds for on sale of material – subject to recycling price index fluctuations.
2. Cost reductions to NBBC for the replacement of containers (caddies no longer required)
3. Potential lower contractual operational costs due to improvements to service delivery, reduced specification for vehicle purchases.

Con's

1. Possible cost increases associated with increased contamination within bins, if residents do not adhere to the recycling material only.

Health Inequalities Implications:

None

Section 17 Crime & Disorder Implications:

None

Risk management implications:

1. Improved H&S risk management.
2. Higher contamination costs.
3. Easier fleet procurement.

Environmental implications:

Changes to waste management operations

Legal implications:

Compliance with Statutory functions

Contact details:

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AGENDA ITEM NO.10

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: 1Mth April 2023

From: Head of Waste and Transport

Subject: Co-Mingled Recycling Collection Collections

Portfolio: Public Services - (Cllr S Markham)

Building a Better Borough Aim: 1

Building a Better Borough Priority: 3 Sponsor a sustainable green approach.

1. **Purpose of Report**

- 1.1 To provide Members with the required information on the proposed changes from dual stream recycling collections (Caddie and Bin & Dry Mix Recycling) to co-mingled collections (all in recycling) and to enable Members to assess and approve recommendations.

2. **Recommendations**

- 2.1 The recycling collection method change from the current dual-stream recycling collection system to a fully co-mingled service, removing the requirement for residents to separate Dry Mixed Recycling (DMR) and Paper and Card material be approved.

3. **Background**

3.1 **Dry Mixed Recycling Service**

- 3.1.1 Nuneaton and Bedworth Borough Council's (NBBC) dry recycling Kerbside service is carried out to an estimated 63,200 households in the Borough, over a two-week period (fortnightly collections). In October 2018, the material recycling processing contract was awarded to HW Martin Waste, whilst also entering into a shared service partnership agreement to carry out the collections on behalf of NBBC.

3.1.2 The recycling material managed by HW Martins on behalf of NBBC is currently stored at Williams LTD waste facility on the A5 and moved to Alfreton Derbyshire and Leeds, respectively for processing.

3.1.3 Subsequent to the above contract being agreed, NBBC entered into negotiations with other neighbouring authorities to discuss the options for a state-of-the-art Material Recycling Facility (MRF) in Coventry to process NBBC recycling material from August 2023. Considerable financial and officer time commitment was made by NBBC in the setting up of a management company 'Sherbourne Recycling LTD to oversee the facility and it is expected the change to co-mingled collections would make material presentation significantly easier to process.

3.2 Dry Mix Recycling Collection Methods

3.2.1 Multiple recycling collection and treatment processes exist within the UK. When considering the overall question: which collection system is the best, in particular, whether kerbside sort systems or co-mingled collections are to be preferred? WRAP (Waste & Resources Action Programme) explains that "there is no simple answer, and certainly no one-size-fits-all solution."

3.2.2 "Local authorities have to make choices that are right for their local circumstances. Provision for recycling needs to be considered alongside requirements for refuse, garden and increasingly food waste and taking account of factors such as the physical characteristics of collection areas and property types." (WRAP, 2017)

3.2.3 Overall, the decision should be based on, in no order:

- Cost efficiency
- Cost effectiveness
- Material quality and environmental impact
- Public acceptability and participation

3.2.4 The most dominant dry recycling collection methods used in the UK currently, can be categorised as:

- Co-mingled (otherwise known as single stream) involves the collection of materials in a single compartment vehicle with the sorting of these materials occurring at a MRF (Materials Recovery Facility).
- Dual-Stream residents are provided with two recycling containers and are asked to place different materials in each container, typically paper/card (fibre) or glass in one and other mixed materials in the other. These materials are kept separate but collected in one

vehicle which has two chambers.) This being the system currently used by NBBC.

3.3 Collection methods currently used by Local Authorities in the UK

- 3.3.1 In recent surveys undertaken by Waste and Recycling Action Programme (Wrap), statistics have shown that 50% of Local Authorities have opted for a Co-mingled collections process for its recycling material.
- 3.3.2 30% of Local Authorities have opted for a Dual-Stream collection method, with 20% preferring a multi stream (Kerbside sort) approach.
- 3.3.3 It is also noted that a small percentage of Authorities will have more than one collection scheme in use.

4. Nuneaton and Bedworth collection method

- 4.1 NBBC currently use a dual-stream dry recycling collection method for kerbside recycling, whereby mixed recyclables are kept in the main body of the bin and a 40L container insert (caddy) which sits within the bin is provided for fibres (paper and cardboard). Residents are expected to sort recycling and bins are rejected for collection if they are fully mixed, or beyond an acceptable point of mixed.
- 4.2 Health and Safety of the workforce and the reduction of incidents is paramount to NBBC. Following the implementation of the dual stream service in the borough, a 55ltr container insert was provided to residents for the separation of paper and card from the body of the bin. However, following increased concerns caused by manual handling injuries, our supplier ceased manufacture of this size container in 2020. It is envisaged that the change to co-mingled collections would significantly reduce the risk to collection staff and considerably impact on lost time and sickness events, taking pressure off operational budgets.
- 4.3 Subsequent to the removal of the 55ltr caddy, NBBC waste management officers undertook a cost versus caddy / bin compatibility appraisal, and it was determined that our current supplier Creamer LTD, offered the best alternative for a reduced 40ltr caddy. Although this approach was deemed safer, NBBC have received ongoing complaints due to reduced recycling capacity since the container inserts were introduced.

- 4.4 In response to the issues experienced above, provision was made for residents to present additional cardboard at the side of the bin, in a suitable recyclable container (cardboard box etc). This has unfortunately led to misuse of the option with other, non-target, material being left on streets, leading to increased associated street cleansing issues with windblown material and material collection refusal etc.

5. Future Recycling Improvements

5.1 Sherbourne Recycling LTD

- 5.1.1 As detailed in paragraph 3.1.3, It is anticipated that from August 2023, NBBC will start directing commissioning household recycling material to the MRF located in Coventry
- 5.1.2 The facility has been designed as a next generation smart MRF with interconnectivity technology which does not exist in other UK sorting facilities. It also incorporates tried and tested technology and sorting principles (trommels, ballistic separators and optical sorters). NBBC officers have clarified that the change to a co-mingled collection service, from dual stream will have limited effect on end material quality.
- 5.1.3 Machinex's A1 systems will provide a final level of quality control that will ensure the facility produces high quality outputs, and current end market agreements are fully UK based.
- 5.1.4 All paper will be separated into 3 streams of material – news and pamphlets, cardboard and mixed paper. All aiming for >99% (actual not just sample) purity level which places material quality on par, or better than, kerbside sort – which has generally always had the highest level of fibre quality output.

5.2 Sherbourne presentation.

- 5.2.1 An update presentation was received form Sherbourne Recycling LTD at the January 2023 shareholder meeting and representatives stated
- “as a team, we are committed to produce material that can be processed in the UK in the most environmentally friendly way therefore we commit to never cut corners when it comes to quality of our recycled products.” (Appendix 1)

6. Public perception and participation

6.1 Recycle rates.

6.1.1 Annual recycling rates benchmarked in conjunction with Warwickshire Waste Partnership (WWP) local authorities are shown in the table below. Nuneaton and Bedworth recycle rates are the lowest within Warwickshire, contributing factors likely include demographics and ease of use as well as green waste directed toward general waste. NBBC are also the only Council currently not collecting co-mingled.

	19/20	20/21	21/22	22/23 (as predicted December 2022 from data A - O 2022 and N 2021 - M 2022)	Collection scheme	Green charging started
North Warwickshire	19.5%	18.3%	14.3%	19.8%	Comingled (previously dual stream until 2019)	April 2021
NBBC	18.1%	19.2%	18.3%	17.6%	Dual Stream	February 2018
Rugby	24.4%	21.7%	21.6%	25.1%	Comingled	April 2017
Stratford	22.3%	23.9%	23.3%	25.5%	Comingled	April 2021
Warwick	20.0%	22.0%	21.2%	22.5%	Comingled since August 2022	August 2022

6.2 Recyclables within black bins

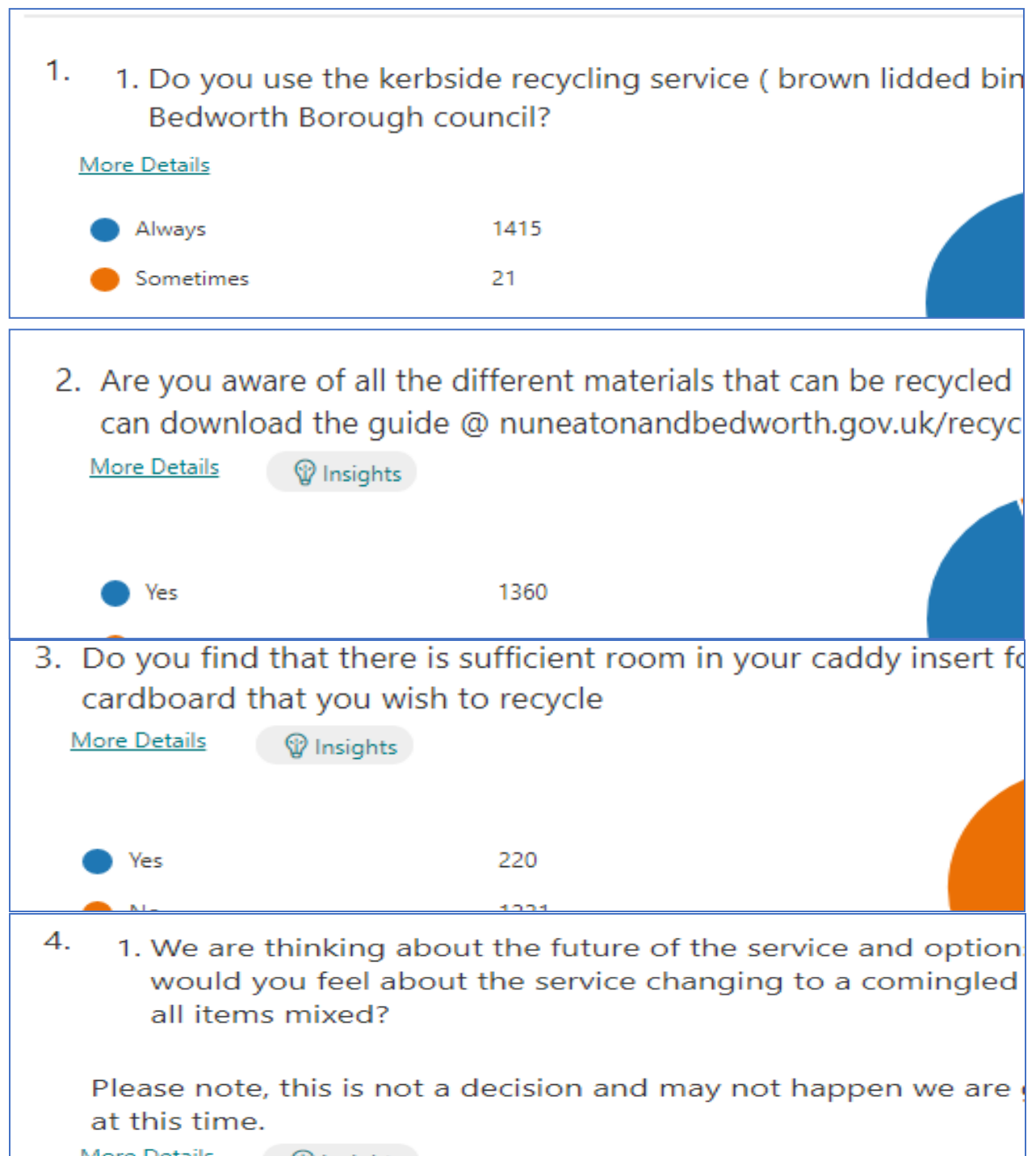
6.2.1 The most recent composition analysis carried out was in April in 2022, of the residual waste (black bin) gives an indication to potential additional recyclates which can be captured. It reported that in NBBC, 12.22% of waste being put in residual waste, could be recycled in the dry household collection service. The composition analysis was managed by Warwickshire County Council and carried out by M.E.L Research LTD. (Appendix 2)

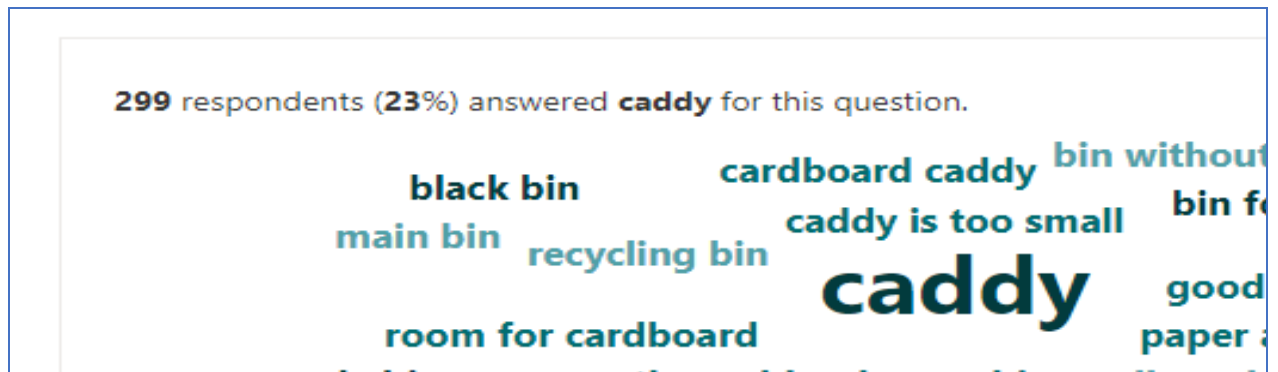
6.3 Resident survey results

6.3.1 A short survey ran for nine days, promoted via Council's social media channels in Sept 2021. 1445 residents took part in the survey. An overview of all results can be found in the tables below.

6.3.2 Survey results suggested that the service is well used and residents believe they have a good understanding of materials accepted. 84% of respondents said they don't have sufficient space in their container insert for paper and card, which echoes findings from an initial survey carried out in 2017.

Survey results.





7. Financial Implications

7.1 Co-Mingled Savings / Cost Implications

- 7.1.1 Table 7.2 below offers assumptive comparisons of for both dual stream and Co-mingled collections. The data contained within the table is predicated on current processing facilities available. As outlined above, the new Sherbourne MRF is anticipated to offer shareholders innovative approaches to material processing and offers increased material acceptance (film) and sorting capabilities moving forward.
- 7.1.2 It is anticipated that a reduced service time per property of between 3 and 5 seconds, dependent upon volume of waste within the insert, is achievable. This includes removal of insert/caddy from bin, emptying caddy/insert into slave bin and return of caddy/insert to bin), Realising an estimated per daytime saving of one hour per vehicle.
- 7.1.3 In addition to the time saving there will also be a commensurate saving in fuel and wear and tear for the vehicle as it is now on the road for a reduced period (this would also include a calculated saving for the more even distribution of wastes across the vehicle)
- 7.1.4 It is estimated that the additional saved time associated with Co-mingled collections will enable us to further review the current round structure, in association with our current shared service agreement and negate the need to increase crews with new developments planned, within NBBC, for the foreseeable future.
- 7.1.5 The cost of resupply of caddies which are free to residents at present, will save purchase cost, the cost of processing requests and the cost of delivery.
- 7.1.6 Fleet replacement savings are also anticipated following the introduction of a Co-mingled service, in negating the need to purchase 'split bodied' vehicles to accommodate the separation of paper and card and DMR, principally generated by up front capital cost savings, running-cost savings, increased capacity on vehicles, lower repair and maintenance costs etc.

7.1.7 When comparing current market prices, approximate savings could be made of up to 20% on a regular Refuse Collection Vehicle (RCV) equalling an approximate £35,000 per vehicle.

7.1.8 At present there are seven recycling vehicles deployed on NBBC recycling collection contract generating a potential replacement saving of circa £245,000.

7.2 The table below outlines assumptive cost outlay overview by collection profile.

	Dual-stream	Co-mingled
Collection	<p>Medium</p> <p>Additional container requirements, Specialist split bodied vehicles, Additional labour requirement Increased manual handling issues. Decreased contamination potential.</p>	<p>Lower</p> <p>Single container collections Normal RCV configuration no additional labour Collection Time savings Limited manual handling issues</p> <p>Potential increased contamination costs</p>
Sorting and processing	<p>Higher / Medium</p> <p>MRF required for co-mingled materials, Potential increase if sorting bay required for paper/card not available. Lower sorting costs for DMR</p>	<p>Higher</p> <p>MRF required for co-mingled materials. Increased sorting costs Potential lower on sale material opportunities</p>

7.3 Operational costs breakdown

7.3.1 As detailed in the **operational cost breakdown** table below, there are potentials that changing to a Co-mingled collection approach would lead to an increase in contaminated waste in recycling loads, leading to increased disposal costs and loss of recycling credit income.

7.3.2 Currently, our disposal costs for non-recyclable material is £66,620 per annum. A reasonable assumption of a 10% contamination increase has been worked into the figures below and has raised the potential cost to £73,282. Increased contamination costs would also have a negative affect on recycling income currently generated and identified below as an annual loss of £37,839.

7.3.3 In comparison with caddie's purchase and replacement savings per annum. It is anticipated that an overall financial cost increase of £6,501.70

Table 7.3.4

Implementation and running cost breakdown	Dual-stream	Co-mingled	Variance
Container requirement for service	1 240L or 140L bin and 1 container insert*	1 140L or 240L bin	£0
Actual containers required by NBBC if chosen to implement.	None	None (remove container insert)	£0
Implementation and ongoing container costs (replacements)	Retain current brown lid bins and caddie inserts. £0	Retain current brown lid bins £0 Removal and recycling of caddie inserts: £(potential income)	£0
Annual Caddie Costs	£38,000	£0	-£38,000
Annual Contamination Cost	£66,620	£73,282 *Estimated 10% increase	£6,662
Annual Recycling credit Income	-£378,397.00	-£340,557 *Estimated 10% Decrease in material	£37,839
Total Variance			£6,501.70

8. **Conclusion**

- 8.1 NBBC are the only local authority currently in the waste partnership operating a dual stream collection method. There is evidence outlined in this report highlighting both time and cost benefits to co-mingled recycling collections. Especially when the new Sherbourne MRF is up and running. It is anticipated that material quality will be maintained and on sales unaffected by changing to co-mingled.
- 8.2 Local Authority employers have a duty of care to their employees and adopting a co-mingled approach significantly lowers the risk of manual handling injury.
- 8.3 Potentials for contamination increases exist when changing to a co-mingled collection, however, new inspection protocols proposed at the new MRF which will allow Local Authorities the opportunity to be notified of increases and enable officers to work with the facility to address unwanted material presentation and mitigate disposal cost increases.
- 8.4 Notwithstanding the above, evidence identified earlier in the report suggests that associated peripheral savings mitigate disposal increases aligned to co-mingled collections overall, therefore offer the best collection method for both residents, NBBC waste management and recycling collection partners.
- 8.4 Based on evidence presented in this report Members should support the change from dual stream recycling collections to co-mingled collections.

10 **Appendices**

- 10.1 Sherbourne Recycling LTD Presentation (Appendix 1)
- 10.2 MEL 2022 waste composition analysis (Appendix 2)
- 10.3 Background papers for the establishment of the MRF Finance and Public Services OSP 23rd September 2021.
- 10.4 All Members update/briefing notes 18th March 2022.
- 10.5 Presentation and drown footage presented at Finance and Public Services OSP on 30th March 2023.

Cabinet/Individual Cabinet Member Decision

Report Summary Sheet

Date: 12th April 2023

Subject: Hackney Carriage and Private Hire Vehicles Inspection Framework

Portfolio: Public Services

From: Head of Safety and Environmental Health

Summary: The purpose of this report is to ask Cabinet to approve contracts for the inspection of hackney carriages and private hire vehicles licenced by Nuneaton and Bedworth Borough Council.

Recommendations:

- 2.1 Delegated Authority be given to the Strategic Director – Public Services, in consultation with the portfolio-holder for Public Services, to award the Contract upon conclusion of the current procurement process; and
- 2.2 The decision be marked “not for call in” due to the imminent ending of the current contract

Options:

A) Approve the contract; or

B) Not approve the contract

Reasons:

The current contract for the inspection of hackney carriages and private hire vehicles which are licenced by Nuneaton and Bedworth Borough Council expires on the 23rd April 2023. This has been in place since 2017. A new contract is needed to allow for MOT and Compliance testing of these licensed vehicles.

Consultation undertaken with Members/Officers/Stakeholders

None

Subject to call-in:

No

Ward relevance:

Borough wide

Forward plan: Yes

Building a Better Borough Aim:

Live & Work

Building a Better Borough Priority:

Priority 4: Prioritise Community Safety & Empowerment

Priority 4: Support local businesses

Relevant statutes or policy:

Local Government (Miscellaneous Provisions) Act 1976

Town and Police Clauses Act 1847

Equalities Implications:

(Does this require an Equalities Impact Assessment? If so please append.)

There are no equalities implications

Human resources implications:

There are no human resource implications

Financial implications:

The contract value is estimated to be between £130,000 and £150,000 for the full term. the Council will recharge the compliance centres fee directly to the vehicle driver/operator. There should be no direct cost to the Council from these arrangements.

Health Inequalities Implications:

None identified.

Section 17 Crime & Disorder Implications:

None identified.

Risk management implications:

None identified

Environmental implications:

None identified

Legal implications:

The Council has a duty to ensure that Licensed vehicles are mechanically sound and safe for use on the public highway.

Contact details:

Head of Safety and Environmental Health

Rachel Fleeson

024 7637 6402

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Cabinet - 12th April 2023

From: Head of Safety and Environmental Health

Subject: Hackney Carriage and Private Hire Vehicles Inspection Framework

Portfolio: Public Services – (Councillor S. Markham)

Building a Better Borough Aim: Live , Work

Building a Better Borough Priority: Prioritise Community Safety & Empowerment
Support local businesses

1. Purpose of Report

The purpose of this report is to ask Cabinet to approve contracts for the inspection of hackney carriages and private hire vehicles licenced by Nuneaton and Bedworth Borough Council.

2. Recommendations

2.1 Delegated Authority be given to the Strategic Director – Public Services, in consultation with the portfolio-holder for Public Services, to award the Contract upon conclusion of the current procurement process; and

2.2 The decision be marked “not for call in” so that the contract can be awarded to maintain service continuity.

3. Background

3.1 The Town Police Clauses Act 1847 (‘the Act’) is the primary legislation governing the licensing of hackney carriage vehicles (HCVs). Part II of the Local Government (Miscellaneous Provisions) Act 1976 makes provision for local authorities (LAs) outside London to license private hire vehicles (PHVs).

3.2 All HCVs and PHVs must have their own vehicle licence. The purpose of licensing HCVs and PHVs is to ensure the provision of a safe and accessible service to the public. The vehicles used must be safe, suitable and reliable.

- 3.3 Part of an application to license a vehicle as an HCV or PHV is the requirement to arrange an MOT and compliance test at a garage appointed by the Council. Additional compliance tests of HCVs and PHVs that are older vehicles are also required in the Council's Policy to determine that the vehicle is fit to be used. This is over and above the standard MOT test.
- 3.4 HCVs and PHVs are vehicles used for hire and reward purposes and as such are subject to much higher annual mileages and more arduous driving than normal private vehicles. Therefore, in the interests of passenger and other road user's safety, a more stringent maintenance and inspection regime is required. The purpose of the HCV & PHV compliance testing is to confirm vehicles meet these more stringent standards.

4. Appointment of Contractors

- 4.1. Since May 2017 the MOT and compliance checks of HCVs and PHVs have been carried out under a contract agreement with independent garages within the Borough. This contract is coming to an end on the 23 April 2023. Due to the timeframes, there is a recommendation that this report be marked as "not for call in".
- 4.2 The Council has invited competitive proposals for the provision of MOT and compliance testing for HCVs and PHVs, which operate and are licenced within the Nuneaton and Bedworth area. Only centres within the Nuneaton and Bedworth Borough Council boundaries can be approved.
- 4.3 Subject to the outcome of the procurement exercise, the Council is aiming to award a contract to two local garages within the borough with an aim of ensuring sufficient capacity and agility to manage demand. The approval of this contract will provide the mechanism for ensuring that HCVs and PHVs are compliant with the conditions set out in the Council's policy document. This will bring about increased safety and confidence for members of the public when using HCVs or PHVs.
- 4.4 The proposed agreement is for a two-year initial term with the option to extend for two further 12 month periods. The Council estimate the value of the agreement to be £130,000 - £150,000 (Net of Value Added Tax (VAT) over the lifetime of the agreement (4 years) but the agreement shall be based entirely on orders raised with no firm commitment to meet the estimated value of the agreement.
- 4.7 The Council will charge the compliance centres fee directly to the vehicle licence proprietor. This contract will provide a cost effective but high quality service for drivers and operators.

5. Conclusion

It is necessary for the Council to have a mechanism in place for HCVs and PHVs to undertake MOT and compliance checks. The contract will provide this mechanism and it is recommended that the contract is approved following the tendering process.

6. Appendices

7. Background Papers (if none, state none)

None