

North Yorkshire County Council

Executive

23 March 2021

Collaboration Agreement Relating to Shared Waste Arrangements with City of York Council

Report of the Corporate Director – Business and Environmental Services

1.0 Purpose of Report

- 1.1 North Yorkshire County Council entered into a Joint Waste Management agreement with City of York Council in 2011. This report seeks approval to update that arrangement and delegate the authority to the Corporate Director – Business and Environmental Services in consultation with Assistant Chief Executive (Legal and Democratic Services) to take such steps as are necessary to complete the agreement.

2.0 Background

- 2.1 North Yorkshire County Council (NYCC) entered into a Joint Waste Management agreement with City of York Council (CYC) in 2011, which supported NYCC contracting with AmeyCespa (AWRP) SPV Ltd (AmeyCespa) for the provision of a long term waste management service at Allerton Waste Recovery Plant (AWRP). In September 2014 the Executive approved subject to full Council to proceed to Financial Close for the long term waste management service.
- 2.2 The AWRP contract is between NYCC and AmeyCespa and the CYC has signed a Joint Waste Management Agreement which flows down the relevant obligations of the contract to CYC and sets out payment provisions and governance. The overall costs to the authorities for the service totalled over £35m in 2019/20. CYC pays a contribution to NYCC for the contract management work undertaken on their behalf.
- 2.3 Separately both NYCC and CYC have entered into a Services Agreement with Yorwaste for the provision of Waste Management Services including the bulking and transport of waste to AWRP as well as the management of the council's Household Waste Recycling Centres and Waste Transfer Stations.

Current Management Arrangements

- 2.4 The contract with AmeyCespa is managed by NYCC and is led by the Assistant Director for Transport, Waste and Countryside Services. There are a number of boards and joint meetings arranged in order to manage the contracts between the parties including :

Meeting	Attendees	Frequency	Key Purpose
AWRP Project Board	NYCC Director and support / CYC Assistant Director / Amey / Shareholders	6 Monthly	Commercial / Contractual Issues
AWRP Joint Meeting	NYCC / CYC / Amey	Monthly	Operational Updates
NYCC / CYC	NYCC / CYC	Monthly	Commercial / Finance / Operational

Drivers for Change

- 2.5 CYC acknowledge that they are heavily reliant on NYCC's contract management function and, having managed the contract for a number of years now, NYCC has greater insight into the resources required to manage the contract with AmeyCespa. NYCC has advised CYC that a greater contribution to NYCC's resources and overheads is required.
- 2.6 The forthcoming Government review of waste is expected to add new obligations on councils in terms of waste collection and recycling. This will likely impact the service at Allerton Park and closer collaboration with CYC and the District and Borough Councils is anticipated.
- 2.7 There are significant linkages between the AWRP contract and Yorwaste particularly in relation to bulking and delivering waste from transfer stations and transporting waste to AWRP. Any delays at the transfer station have ongoing financial implications to the councils. There is also a requirement for Yorwaste to source commercial waste from within North Yorkshire to deliver to AWRP in order to maximise the commercial benefit of the AWRP contract rates. The benefit is shared between NYCC and CYC.

Proposal

- 2.8 There are significant synergies between CYC and NYCC regarding its Waste Disposal Authority services. Officers commenced preliminary discussions in 2019 to explore whether the benefits of greater collaboration through shared waste arrangements could benefit the two organisations. Officers from both authorities have concluded that a shared waste arrangement would be the preferred solution for NYCC to provide the following functions to CYC:
- Contract Management of AmeyCespa
 - Contract Management of Yorwaste
 - Client Management of Household Waste Recycling Centres
 - Payment of Invoices on behalf of authorities
 - Provision of Management Information including completion of Waste Data Flow
- 2.9 Excluded from the scope of the Collaboration Agreement are the Waste Collection Authority functions delivered by CYC in their capacity as a Unitary Authority, including kerbside collections, bulky waste collections from households, and local bring recycling centres. CYC retain their responsibility to determine the level of service provided to City of York residents at their Household Waste Recycling Centres and kerbside collection services. The Collaboration Agreement does not affect CYC's existing commitment to jointly work with NYCC to treat residual waste through AWRP as set out in the original Joint Waste Management Agreement.
- 2.10 The service will be managed by a Head of Service who will jointly report to the Assistant Director Transport, Waste and Countryside Services at NYCC and the Assistant Director Transport, Highways and the Environment at CYC. The staff will be employed by NYCC.

3.0 Equalities

- 3.1 Consideration has been given to the potential for any adverse equality impacts arising from the proposed standards. It is the view of officers that the proposals will not have significant adverse impact on any groups of people with protected characteristics identified in the Equalities Act 2010. Proper regard has been given to the public sector equality duty and a 'decision not to EIA' document has been completed and is appended at Appendix 1.

4.0 Finance

- 4.1 NYCC currently recharge CYC approximately £140,000 per annum made up of a contribution of £85,000 towards NYCC staffing and £55,000 towards advisors costs.

4.2 The estimated cost to CYC of the proposed new shared waste service through the proposed Collaboration Agreement is approximately £60,000 greater than the current cost in order to provide a significantly enhanced service, and is more reflective of the value that CYC derives.

5.0 Legal

5.1 NYCC and CYC have the power to collaborate as set out in the Local Authorities (Goods and Services) Act 1970, s1 of the Localism Act 2011, s93 of the Local Government Act 2003 and s101 and s111 of the Local Government Act 1972.

5.2 The arrangements contemplated by the Collaboration Agreement do not require a procurement process to be carried out as they are in accordance with the provisions of regulation 12(7) of the Public Contracts Regulations 2015 (Regulations) regarding collaboration arrangements between authorities. Regulation 12(7) recognises that the public procurement rules as set out in the Regulations are not designed to interfere with the freedom of public authorities to perform the public service tasks conferred on them by using their own resources which includes the possibility of cooperation with other public authorities.

5.3 NYCC and CYC entered into the JWMA on 26th August 2011 which provides for sharing of costs between NYCC and CYC relating to the procurement of the long term service provided by AmeyCespa but does not extend to arrangements for formal management of the AWRP Contract.

5.4 The Collaboration Agreement allows the authorities to collaborate in the management of contracted waste disposal services including AWRP, HWRCs, and the submission of mandatory performance information to discharge the duties of the Waste Disposal Authorities.

6.0 Climate Change

6.1 The shared waste arrangements include the contract management of waste services delivered by AmeyCespa and Yorwaste. The contractors performance is monitored and reviewed with regards to reuse, composting, recycling and diversion of waste from landfill and waste haulage, to ensure that the waste hierarchy is applied, the value recovered from waste where practicable, and the impact from vehicle movements is minimised. Further details appended in the Climate Change Assessment at Appendix 2.

7.0 Recommendation

- 7.1 The Executive is asked to agree to enter into the 'Collaboration Agreement. Relating to: Shared Waste Arrangements' with City of York Council, and to delegate to the Corporate Director – Business and Environmental Services in consultation with Assistant Chief Executive (Legal and Democratic Services) to take such steps as are necessary to complete the agreement.

KARL BATTERSBY
Corporate Director – Business and Environmental Services

Author of Report:
Peter Jeffreys, Head of Waste, Business and Environmental Services

Background Documents: Joint Waste Management Agreement, 26 August 2011
Financial Close for the long term waste service contract,
Executive, 9 September 2014. Summary.
Draft Collaboration Agreement Relating to: Shared Waste
Arrangements

Initial equality impact assessment screening form	
This form records an equality screening process to determine the relevance of equality to a proposal, and a decision whether or not a full EIA would be appropriate or proportionate.	
Directorate	BES
Service area	TWACS
Proposal being screened	Collaboration Agreement Relating to Shared Waste Arrangements with City of York Council
Officer(s) carrying out screening	Andy Holmes
What are you proposing to do?	North Yorkshire County Council entered into a Joint Waste Management agreement with City of York Council (CYC) in 2011. This report seeks approval to update that arrangement and delegate the authority to the Corporate Director – Business and Environmental Services in consultation with Assistant Chief Executive (Legal and Democratic Services) to take such steps as are necessary to complete the agreement.
Why are you proposing this? What are the desired outcomes?	<p>CYC acknowledge that they are heavily reliant on NYCC's contract management function and, having managed the contract for a number of years now, NYCC has greater insight into the resources required to manage the contract with AmeyCespa. NYCC has advised that these will need to increase including a contribution to NYCC's overheads.</p> <p>The forthcoming Government review of waste is expected to add new obligations on councils in terms of waste collection and recycling. This will likely impact the service at Allerton Park and closer collaboration with CYC and the District and Borough Councils is anticipated.</p> <p>There are significant linkages between the AWRP contract and Yorwaste particularly in relation to bulking and delivering waste from transfer stations and transporting waste to AWRP. Any delays at the transfer station have ongoing financial implications to the councils. There is also a requirement for Yorwaste to source commercial waste from within North Yorkshire to deliver to AWRP in order to maximise the commercial benefit of the AWRP contract rates. The benefit is shared between NYCC and CYC.</p>
Does the proposal involve a significant commitment or removal of resources? Please give details.	The estimated cost to CYC of the proposed new shared waste service through the proposed Collaboration Agreement is approximately £60,000 greater than the current cost but provides a significantly enhanced service and is

	more reflective of the value that CYC derives. The scope of a management information system to validate contractor financial transactions has been extended to include those relating to CYC in order to streamline the process.		
<p>Is there likely to be an adverse impact on people with any of the following protected characteristics as defined by the Equality Act 2010, or NYCC's additional agreed characteristics?</p> <p>As part of this assessment, please consider the following questions:</p> <ul style="list-style-type: none"> To what extent is this service used by particular groups of people with protected characteristics? Does the proposal relate to functions that previous consultation has identified as important? Do different groups have different needs or experiences in the area the proposal relates to? <p>If for any characteristic it is considered that there is likely to be a significant adverse impact or you have ticked 'Don't know/no info available', then a full EIA should be carried out where this is proportionate. You are advised to speak to your Equality rep for advice if you are in any doubt.</p>			
Protected characteristic	Yes	No	Don't know/No info available
Age		X	
Disability		X	
Sex (Gender)		X	
Race		X	
Sexual orientation		X	
Gender reassignment		X	
Religion or belief		X	
Pregnancy or maternity		X	
Marriage or civil partnership		X	
NYCC additional characteristic			
People in rural areas		X	
People on a low income		X	
Carer (unpaid family or friend)		X	
Does the proposal relate to an area where there are known inequalities/probable impacts (e.g. disabled people's access to public transport)? Please give details.	No		
Will the proposal have a significant effect on how other organisations operate? (e.g. partners, funding criteria, etc.). Do any of these organisations support people with protected characteristics? Please explain why you have reached this conclusion.	No		
Decision (Please tick one option)	EIA not relevant or proportionate:	X	Continue to full EIA:

Appendix 1

Reason for decision	The proposal does not change any outcomes for any protected characteristic.
Signed (Assistant Director or equivalent)	Michael Leah
Date	4 March 2021



The purpose of this assessment is to help us understand the likely impacts of our decisions on the environment of North Yorkshire and on our aspiration to achieve net carbon neutrality by 2030, or as close to that date as possible. The intention is to mitigate negative effects and identify projects which will have positive effects.

This document should be completed in consultation with the supporting guidance. The final document will be published as part of the decision making process and should be written in Plain English.

If you have any additional queries which are not covered by the guidance please email climatechange@northyorks.gov.uk

Please note: You may not need to undertake this assessment if your proposal will be subject to any of the following:

Planning Permission
Environmental Impact Assessment
Strategic Environmental Assessment

However, you will still need to summarise your findings in in the summary section of the form below.

Please contact climatechange@northyorks.gov.uk for advice.

Title of proposal	Collaboration Agreement Relating to Shared Waste Arrangements with City of York Council
Brief description of proposal	North Yorkshire County Council (NYCC) and City of York Council (CYC) are to provide shared waste arrangements to deliver the Contract Management of AmeyCespa, Contract Management of Yorwaste, Client Management of Household Waste Recycling Centres, Payment of Invoices on behalf of authorities, and Provision of Management Information including completion of Waste Data Flow.
Directorate	BES
Service area	TWACS
Lead officer	Peter Jeffreys
Names and roles of other people involved in carrying out the impact assessment	Not applicable
Date impact assessment started	March 2021

Options appraisal

Were any other options considered in trying to achieve the aim of this project? If so, please give brief details and explain why alternative options were not progressed.

The contract with AmeyCespa to provide Allerton Waste Recovery Park is managed by NYCC and is led by the Assistant Director for Transport, Waste and Countryside Services. CYC acknowledge that they are heavily reliant on NYCC's contract management function and, having managed the contract for a number of years now, NYCC has greater insight into the resources required to manage the contract with AmeyCespa. Separately both NYCC and CYC have entered into a Services Agreement with Yorwaste for the provision of Waste Management Services including the bulking and transport of waste to AWRP as well as the management of the council's Household Waste Recycling Centres and Waste Transfer Stations.

An alternative approach is for CYC to continue to manage its contract with Yorwaste and to reimburse NYCC for its role in contract managing AmeyCespa. However, this duplication of tasks is not an efficient use of the two Council's resources and a shared service seeks to deliver an efficient and improved contract management function.

What impact will this proposal have on council budgets? Will it be cost neutral, have increased cost or reduce costs?

Please explain briefly why this will be the result, detailing estimated savings or costs where this is possible.

CYC will contribute an additional ~£60,000 per annum to NYCC to reflect the existing and new functions delivered by the shared waste service.

Appendix 2

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>	
<p>Minimise greenhouse gas emissions e.g. reducing emissions from travel, increasing energy efficiencies etc.</p>	Emissions from travel		x		Residual waste generated in the City of York area is currently hauled and treated at the Allerton Waste Recovery Park which remains unchanged through this proposal.	Not applicable	Effective contract management of AWRP improves the diversion of waste from landfill to minimise CO ₂ emissions.
	Emissions from construction		x		Not applicable (no construction is envisaged through this proposal)	Not applicable	Not applicable
	Emissions from running of buildings		x		It is not envisaged that the running of buildings will change through this proposal.	Not applicable	Not applicable
	Other						
<p>Minimise waste: Reduce, reuse, recycle and compost e.g. reducing use of single use plastic</p>	x			Consolidating the contract management of HWRCs in CYC and NYCC in a single team will deliver best practice across the whole area and	Not applicable	Service improvements and lessons learnt will be considered when seeking	

Appendix 2

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	<p>Positive impact (Place a X in the box below where</p>	<p>No impact (Place a X in the box below where</p>	<p>Negative impact (Place a X in the box below where</p>	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> • Changes over and above business as usual • Evidence or measurement of effect • Figures for CO₂e • Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
				<p>maximise the amount of waste reused, recycled and composted.</p>		<p>service improvements in order to recover value from waste and promote the circular economy.</p>
<p>Reduce water consumption</p>		<p>x</p>		<p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>
<p>Minimise pollution (including air, land, water, light and noise)</p>	<p>x</p>			<p>Benefits to air pollution can be delivered by the shared waste service by ensuring the efficient compaction of waste materials at HWRCs to minimise the transport requirement, and working with the contractor to minimise bulk vehicle movements to haul waste to AWRP by loading vehicles effectively and securing fuel efficient vehicles.</p>	<p>Not applicable</p>	<p>Engaging with Yorwaste (the Council's Teckal waste company) in an open and transparent way to contribute towards the Council's aim of carbon neutrality by 2030.</p>
<p>Ensure resilience to the effects of climate change e.g. reducing flood risk, mitigating effects of drier, hotter summers</p>		<p>x</p>		<p>Not applicable</p>	<p>Not applicable</p>	<p>Not applicable</p>

<p>How will this proposal impact on the environment?</p> <p>N.B. There may be short term negative impact and longer term positive impact. Please include all potential impacts over the lifetime of a project and provide an explanation.</p>	Positive impact (Place a X in the box below where	No impact (Place a X in the box below where	Negative impact (Place a X in the box below where	<p>Explain why will it have this effect and over what timescale?</p> <p>Where possible/relevant please include:</p> <ul style="list-style-type: none"> Changes over and above business as usual Evidence or measurement of effect Figures for CO₂e Links to relevant documents 	<p>Explain how you plan to mitigate any negative impacts.</p>	<p>Explain how you plan to improve any positive outcomes as far as possible.</p>
Enhance conservation and wildlife		x		Not applicable	Not applicable	Not applicable
Safeguard the distinctive characteristics, features and special qualities of North Yorkshire's landscape		x		Not applicable	Not applicable	Not applicable
Other (please state below)		x		Not applicable	Not applicable	Not applicable

Are there any recognised good practice environmental standards in relation to this proposal? If so, please detail how this proposal meets those standards.

A six monthly report will be prepared by the shared waste service, which will include the environmental performance and availability of Allerton Waste Recovery Park and HWRCs managed through this agreement. The waste service regularly engages with best practice organisations such as NAWDO, LARAC, APSE, ADEPT and WIDP to ensure that best practice environmental standards are considered and adopted where practicable.

Summary Summarise the findings of your impact assessment, including impacts, the recommendation in relation to addressing impacts, including any legal advice, and next steps. This summary should be used as part of the report to the decision maker.

The shared waste arrangements include the contract management of waste services delivered by AmeyCespa and Yorwaste. The contractors performance is monitored and reviewed with regards to reuse, composting, recycling and diversion of waste from landfill and waste haulage, to ensure that the waste hierarchy is applied, the value recovered from waste where practicable, and the impact from vehicle movements is minimised.

Sign off section

This climate change impact assessment was completed by:

Name	Peter Jeffreys
Job title	Head of Waste
Service area	TWACS
Directorate	BES
Signature	Peter Jeffreys
Completion date	3/3/21

Authorised by relevant Assistant Director (signature): Michael Leah, Assistant Director, Transport, Waste and Countryside Services

Date: 4 March 2021