

Notice of Non-Key Executive Decision

Subject Heading:	Approval to procure 15 Food Waste Vehicles through waste contract with FCC Environment.
Decision Maker:	Imran Kazalbash
Cabinet Member:	Councillor Barry Mugglestone
ELT Lead:	Neil Stubbings
Report Author and contact details:	Rebecca Wild, Waste Project Manager for Environment rebecca.wild@havering.gov.uk 01708 433173
Policy context:	Havering's Climate Change Action Plan aims to ensure plans are in place to address the added impact of climate change on issues of disease, food safety, waste and climate-enhanced pandemics. The Council will play a key role in supporting recycling, reusing and reducing the amount of waste we throw away across the borough and produced by Council buildings and operations. The introduction of a borough-wide separate food waste collection service will support the following goal within Havering's Climate Change Action Plan 2024-2027: "To drive reductions in waste across the borough and accelerate a step change in rates of recycling."
Financial summary:	Havering has received just under £1.9m of new burdens funding from DEFRA via a Section 31 grant and have had notice from DEFRA of further transitional (revenue) funding of £0.365m for 2024/2025. Further

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	transitional funding of £0.165m is due in 2025/2026. The anticipated cost of the vehicles is £1.568m. DEFRA offer for vehicles was £1.125m which is a difference of £0.443m. Havering has included up to £4.650m in its Capital programme to fill any capital funding gap but will utilise all New Burdens funding received prior to spending any of this in order to stay within the initial £4.650m budget envelope.
Relevant Overview & Scrutiny Sub Committee:	Place Overview and Scrutiny Sub-Committee
Is this decision exempt from being called-in?	<i>The decision will be exempt from call in as it is a Non key Decision</i>

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The subject matter of this report deals with the following Council Objectives

People - Supporting our residents to stay safe and well

X Place - A great place to live, work and enjoy

Resources - Enabling a resident-focused and resilient Council

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION
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The Environment Act 2021 requires all local authorities to implement weekly collections of food waste from all households by 1st April 2026. The Director of Environment as delegated authority to make all decisions relating to the implementation of a new food waste collection service in the borough. This decision seeks to obtain approval to start commencing the procurement of 15 food waste vehicles through the contract that LBH currently has with waste collection provider FCC. There is already provision within the current contract, via a deed of variation, to procure the vehicles.

The number of vehicles required to deliver the service has been calculated by modelling the likely volumes of separate food waste to be collected (see Appendix 5. Modelled Assumptions), reviewing the size of the borough and housing stock, and inputting this into tried and tested route optimisation software, operated by Havering's waste collection contractor, FCC. Designated vehicles will be deployed to collect the waste on a weekly basis, from commonly used receptacles with appropriate risk assessments in place for staff, and guidance provided to residents.

The 15 vehicles will be integrated into the main waste collection operations at Central Depot on Rainham Road. These include 13 new designated collection vehicles, and 2 electric supervisor vans.

Delivery timescales for FCC's preferred supplier have extended, with projected delivery dates moving from September 2025 to January 2026. Therefore, this decision requests permission to begin this procurement so that LBH are not in a position where delivery timescales exceed the government's deadline of the 1st April 2026.

AUTHORITY UNDER WHICH DECISION IS MADE

Cabinet 22nd January 2025:

- Cabinet agreed to implement the weekly household waste collection from all domestic properties in Havering from October 2025.
- Cabinet delegated authority to the Director of Environment to take all necessary steps to complete the contact variation with FCC for the delivery of the food waste collection service.

General powers

(a) To take any steps necessary for proper management and administration of allocated portfolios.

STATEMENT OF THE REASONS FOR THE DECISION

The provision of weekly food waste collections is a statutory requirement, and Havering has an obligation to deliver this service by April 2026.

OTHER OPTIONS CONSIDERED AND REJECTED

Joint Procurement: Havering officers have been in touch with their counterparts at the other ELWA Constituent Councils to discuss timescales and opportunities for joint procurement. Timescales for purchasing of vehicles may vary, due to demand from other Local Authorities

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on the market, and may impact on the service commencement date. Therefore, this option was considered and rejected

Do nothing: This would place Havering in direct contravention of the Environment Act 2021. Ring-fenced funding has been provided by DEFRA for the purpose of purchasing capital assets to enable the rollout of this service. The funding would need to be returned, and Havering would be in breach of the Act.

PRE-DECISION CONSULTATION

Not Applicable

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name: Jacki Ager

Designation: Waste and External Contracts Manager

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

The Council has a general power of competence under section 1 of the Localism Act 2011 to do anything an individual may generally do subject to any statutory limitations. The arrangements now sought are in accordance with these powers.

Section 45 of the Environmental Protection Act 1990 sets out the duty placed upon a Waste Collection Authority, to arrange for the collection of household waste in its area and section 45A of the Environmental Protection Act 1990 (as amended by Section 57 of the Environment Act 2021) requires, with effect from 1 April 2026, all recyclable household waste to be collected separately from other household waste, for recycling or composting at least once a week.

Capital funding has been partially provided by way of a Section 31 grant, under the New Burdens doctrine. A separate Executive Decision report notes acceptance of this grant.

The contract with FCC provides for household waste collection services and can be invoked at the discretion of the Council. The contract also provides the mechanism to purchase the vehicles and equipment necessary to implement the household food waste collection service. Legal shall draft the variation agreement to reflect the agreed changes to the contract pursuant to this approval. Legal can confirm that the variation of the contract and the procurement of the vehicles are in accordance with the contract provisions and is not in breach of procurement law.

FINANCIAL IMPLICATIONS AND RISKS

The cost of introducing food waste collections has been included as an anticipated change in Havering's integrated waste collection and street cleansing contract pricing with FCC. FCC have obtained quotations for vehicles, as outlined in Appendix A (Exempt)

Depending on the time of purchase the type of vehicle may change but the cost will not exceed the anticipated cost of the vehicles which is £1.6m, as outlined in Appendix B (Exempt)

Havering has already received capital funding of £1.894m, £1.125m of which has been allocated by DEFRA to be used to contribute towards the purchase of vehicles. £0.880m in capital funding still remains as part of Havering's original vehicle purchase allocation for the FCC contract. The anticipated cost of the vehicles is just under £1.568m. The DEFRA offer for vehicles was £1.125m which is a difference of £0.443m which will be covered by the existing remaining capital funds for vehicles. Havering has also included up to £4.650m in its Capital programme to fill any capital funding gap to cover other items such as caddies, but will utilise all New Burdens funding received prior to spending any of this in order to stay within the initial £4.650m budget envelope, as agreed by Cabinet on 22nd January 2025, whilst the Council continues to lobby for this shortfall to be made up centrally.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

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Havering contracts out its household waste and recycling collection service to FCC, who will be responsible for the provision of the separate food waste collection service throughout the life of this contract (initial term expires 2031) with costs provided for anticipated service changes at the time of tender. There are temporary implications on Havering staff resourcing as follows:

- Project Manager: a 2-year fixed term post, ending June 2026 has been filled, to provide management of this large-scale project.
- Project oversight: Programme Board and Project Working Group comprising of existing staff within relevant service areas, including Environment, Finance, Procurement and Transformation is in place
- Project Implementation: Existing staff are currently being utilised on the project, from with the Waste Team and Business Support Teams. Staff resourcing continues to be reviewed and discussed at Programme level.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have 'due regard' to:

- (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) Foster good relations between those who have protected characteristics and those who do not.

Note: 'Protected characteristics' are age, disability, gender reassignment, marriage and civil partnerships, pregnancy and maternity, race, religion or belief, sex/gender, and sexual orientation.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

Health and wellbeing impacts have been considered as part of the Equalities and Health Impact Assessment (Appendices C), utilising Havering's Health and Wellbeing tool, and will continue to be reviewed accordingly throughout the life of the project, and service provision.

There are no significant health and wellbeing implications arising from the implementation of home food waste collection.

Reduced food spillage from roadside black bag refuse may offer health and wellbeing benefit by reducing risk of associated pedestrian slips or trips while improving street scene.

Alongside new food waste collections, complementary efforts to support households to improve shopping habits and reduce food waste offers a route to improve the financial wellbeing of residents.

ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS

Havering Council is compelled by the Environment Act 2021 to introduce food waste collections for all households in the borough by 1st April 2026. The compulsory introduction of a separate food waste collections is a proven way to reduce overall household waste. With residents recognising the amount of food waste they produce, many will look to reduce this in a bid to be less wasteful, either for financial, environmental or ethical reasons.

The risks with regards to purchasing the 15 vehicles will be around the additional carbon outputs emanating from them. These vehicles are required to operate the collections. Havering and FCC will continue to review fuel options, with an option to switch to biofuel should this become more economically viable. In the meantime, FCC have committed to reducing fuel consumption throughout the life of their contract with Havering, via telematics and driver training, and report back to Havering on monthly fuel use. FCC have also committed to carbon offsetting via an ISO accredited tool and offsetting programme.

BACKGROUND PAPERS

None

APPENDICES

Appendix A	<i>Havering Food Waste Vehicles Comparative Table</i>
Appendix B	<i>Anticipated Cost of Vehicles</i>
Appendix C	<i>Equalities and Health Impact Assessment</i>

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Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Details of decision maker

Signed

A handwritten signature in black ink, appearing to read 'I. Kazalbash', is written over a light blue horizontal line.

Name:

Imran Kazalbash

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date: 13/05/2025

Lodging this notice

The signed decision notice must be delivered to Committee Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

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Signed _____