

Rother District Council

Report to:	Cabinet
Date:	11 December 2023
Title:	Rother District Council Public Conveniences Cleaning Contract 2024
Report of:	Deborah Kenneally, Head of Neighbourhood Services
Cabinet Member:	Councillor Timpe
Ward(s):	All
Purpose of Report:	To procure a new contract for the cleaning of Rother District Council Public Conveniences.
Decision Type:	Key
Officer Recommendation(s):	It be RESOLVED: That the Director – Place and Climate Change be granted delegated authority to appoint a new public convenience cleansing contractor from 1 April 2024, once relevant procurement procedures have been completed.
Reasons for Recommendations:	To support the Council in continuing to offer a public convenience service across the district.

The Chair of Council has already agreed that, subject to the approval of Cabinet, this decision can be taken as an urgent decision to enable the Council to commence the tender process without delay and meet the tight timescales.

Introduction

1. The current public convenience (PC) cleansing contract with Specialist Hygiene Services, which has been in operation for over 20 years, ends on 31 March 2024 and there is no option to extend so a new cleaning contract is required to support this non-statutory service.
2. The Council has recently reduced the number of facilities that are currently open to the public (from 27 down to 15) on a trial basis due to financial pressures on the Council's budget. The trial will be supported, and the outcome evidenced by feedback received from the budget public consultation that is currently in the public domain and ends in December 2023.
3. The facilities are aging and in need of refurbishment; some may require significant structural repairs; others suffer from regular vandalism. It is hoped that the running of many of these facilities will be taken on by Parish Town Councils (P&TCs), and local community groups to provide a more sustainable level of service for local residents into the future.

4. Whilst the Council waits for the results of the consultation and work continues with devolving this service, it is important that the facilities that remain open are locked and unlocked and cleansed daily. It is necessary to start a competitive tender exercise as soon as possible to complete the procurement process for a new contract in time for service mobilisation by the end of February 2024. The Council cannot wait for the budget consultation process to be completed if there is to be a contract in place for 1 April 2024. The timelines for procurement are as follows:
 - Tender ready by Friday 15 December 2023
 - Tender issue Friday 22 December 2023
 - Tender return Friday 2 February 2024
 - Evaluation w/c 5 February 2024
 - Contract award 28 February 2024
 - Service mobilisation March 2024 for a start date of 1 April 2024
5. Officers recognise that following the consultation it may be that changes will be made to which facilities are open or closed. Also, in time, some services may be devolved to P&TCs and community groups, so the new contract specification has been designed to allow as much flexibility as possible.
6. The tender will set out the facilities in four lots inviting tenders for individual lots in any combination, or all four lots as a whole:
 - **Lot 1 – Bexhill PCs** – Egerton Park, Channel View, East Parade (summer only), West Parade, Polegrove (match fixtures), Little Common Rec (match fixtures) Bexhill cemetery.
 - **Lot 2 – Battle PC** – Battle Market.
 - **Lot 3 – Rye PCs** – Lucknow Place and Station Approach; Winchelsea Beach (disabled only - open to all users; summer only) and Winchelsea Town (disabled only - open to all users).
 - **Lot 4 – Camber PCs** – Central car park; Western car park new and old blocks (summer only).
7. The contract specification is attached at Appendix A. As the numbers of facilities open to the public has reduced the new specification allows for an increased level of cleaning in these facilities to account for a potential increase in usage.
8. The contract length is offered for an initial period of three years plus a further extension period of two years and one year, and, with a six-month break clause included, will further increase flexibility. There is a risk that in asking for such a flexible contract, this may limit the numbers of bidders for the contract. If this happens it may be that officers will need to remove the break clause, shorten the length of the contract at procurement stage, or rely on a variation to the contract to facilitate devolvement of individual facilities.
9. Emphasis in the new contract will be placed on quality and performance management through improved contractor reporting mechanisms and the application of defaults if the service is not up to the correct standard.

Conclusion

10. A new public convenience cleansing contract is required from 1 April 2024 to support the provision of public conveniences across the district.

Financial Implications

11. The current contract value for 2023/2024 is c£273K. It is difficult to determine how much a new contract may cost at this stage. The requirement for a new contractor to operate ultra-low emission vehicles may prove a costly addition to the specification.
12. The new specification does allow for increased cleaning to some sites that are currently open, and with inflation and use of ultra-low emission vehicles, officers do not expect a new contract to cost less than the existing contract. However, it will be significantly less than if a new contract were procured to operate all 27 toilets.
13. The Council's current financial situation is challenging. Any additional contract costs could have a significant effect on the council's ability to fulfil its statutory functions, leading to a forced re-evaluation of service provision to identify areas that could be discontinued.

Legal Implications

14. The East Sussex Procurement Hub, in conjunction with shared legal services, has been advising on the procurement process. Legal services will be required to draft the contract once a contractor has been appointed.

Environmental Implications

15. As with any cleansing activity, there are various chemicals that are used as part of that process. The specification seeks contractors to ensure that use of chemicals deemed harmful to the environment are not used in the Councils facilities. Any chemicals included within the service would need to be used in the way directed by the manufacturer to protect the environment, the cleaning operative and customers using the facilities. These requirements have been built into the service specification.
16. The specification seeks the use of ultra-low emission vehicles in place of traditional diesel or petrol vans, supporting the Councils commitment to reduce carbon emissions throughout the district.
17. The contractor will be required to provide details of their annual fleet emissions to contribute to the Council's annual scope 3 emissions reporting.

Equalities and Diversity

18. Public conveniences are used by a wide range of people who expect these facilities to be accessible and kept in a clean and tidy condition. The service specification does not allow for cleaner attendance at all times when the facilities are open so a reporting mechanism will enable customers to raise any issues between cleans.

Risk Management

19. There is a risk that the tender will not receive any bids due to the flexibility required in delivering the service. In this instance officers may be able to

negotiate aspects of the tender, including but not limited to the removal of the 6-month break clause, to agree a contract, and subsequently rely on a contract variation to facilitate devolvement of individual facilities.

20. Failing success of the above and in the event no contractor is appointed, it is proposed the current incumbent will be asked to continue providing the service for a further 6 months whilst the specification is reviewed and a new tender submitted. This would require special exemption from the procurement process and is not ideal.

Other Implications	Applies?	Other Implications	Applies?
Human Rights	No	Equalities and Diversity	Yes
Crime and Disorder	No	Consultation	Yes
Environmental	Yes	Access to Information	No
Risk Management	Yes	Exempt from publication	No

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Appendices:	Appendix A – Specification
Relevant Previous Minutes:	-
Background Papers:	-
Reference Documents:	-