Tendring District Council

Record of Officer's Decision

The Openness of Local Government Bodies Regulations 2014 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Date of Decision:	9 December 2025
Decision Maker (Officer):	Tim Clarke, Assistant Director - Housing & Environment
Authority for Delegated Decision (Cabinet/Committee Decision or Scheme of Delegation – provide reference):	Part 3, Schedule 3 – Responsibility for Executive Functions delegated to Officers paragraph 4.3 (1) – the Corporate Director has delegated authority to discharge executive functions within their respective service areas (Part 3.38). All delegations are subject to consultation where considered appropriate in the circumstances (paragraph 4.3 (4(ii) – Part 3.39). The Corporate Director; Damian Williams has delegated operational matters relating to the Clinical Waste collection contract to the Assistant Director - Housing & Environment.
Identify which Portfolio Holder(s)/Committee Chairman consulted?	Cllr Adrian Smith Cllr Mark Stephenson
Ward Member(s) consulted?	No
Is it a Key Decision?	No
Is it subject to call-in?	No
Decision Made:	To agree an exemption from the Council's Procurement Procedure Rules (on the basis of urgency) and to appoint General Business Holdings to provide clinical waste collection services on a six-month contract running from 1st January 2026 to 30th June 2026
Reason for Decision (if a report was produced to	Under the Environmental Protection Act, the provision of a clinical waste collection service is a statutory

support the Decision, refer to or attach it):	requirement of the Council as the Waste Collection Authority. As part of the Council's Waste and Recycling service there are currently approximately 3500 clinical waste customers who utilise the service per annum. The service is provided at no cost to the households and customer support is managed by the contractor The current contract for the collection and disposal of household clinical waste is for a total of three years duration and is set to expire on the 31st December 2025 with the incumbent contractor being General Business Holdings (GBH) who are a SME based in Witham, Essex. Current annual contract costs are approximately £40,000 of which Essex County Council contribute towards 30% of these costs to reflect the disposal costs for which as the Waste Disposal Authority they are responsible for. The procurement process to find a contract from January 2026 onwards was initially commenced in May 2025 supported by the Essex Procurement Partnership and was undertaken in accordance with the Procurement Act 2023. The contract opportunity was published on Contracts Finder in September 2025 for the provision of a contractor to provide a clinical waste service to commence on 1st January 2026 for a fixed duration of 3 years with no option to extend and therefore would end on 1st January 2029. The contract term was chosen to align with Local Government Reorganisation (LGR) so that the new Unitary Authority has the timely ability to procure a new contract as part of the larger organisation. Three bids were received for evaluation, two of which were deemed non-compliant at the ITT stage and the remaining bid, following evaluation, was also deemed non-compliant. With no compliant bids received, the current contracted service provision is set to expire on 31st January 2025. The timeline required to initiate a new procurement process does not align with the current contract expiry date and will result in the Council not having a service provider in place and will be unable to deliver this statutory service.

	The direct award of a six-month contract to the incumbent contractor, on the same terms as existing, will allow for the market and the Authority to refresh for the next round of bids, combined with the Essex Procurement Partnership providing training sessions to bidders on how to comply with the Procurement Act 2023 procedures and requirements. The incumbent contractor is prepared to enter into a six month contract extension with the Authority at current service costs. This will equate to £24,000, 30% of which will be recouped from Essex County Council. A decision is required in respect of the decision to exempt this procurement from the requirements in the Procurement Procedure Rules in the Council's constitution. The decision is exempted from the Procurement Procedure Rules based on urgency as there is no insufficient time to run the procurement process again before the expiry of the current contract at the end of December 2025.
Highlight any associated risks/finance/legal/equality considerations:	By making a direct contract award value for money has not been tested through a competitive tender process. In this instance the contract is being awarded on the same terms and pricing as the existing contract and on that basis the price is known to be reasonable.
Details of any Alternative Options Considered and rejected (together with reasons):	Do nothing and allow the current contract to expire. The collection of household clinical waste is a statutory requirement of Tendring District Council as the collection authority and is carried out as a doorstep collection service and consequently continuity in service provision has to be maintained and to do nothing is not a viable option. Collection carried out by current residual waste and recycling contractor (Veolia ES). Due to clinical waste being classified as hazardous, specialist collection contractors and disposal routes are required for clinical waste and as such it cannot be collected by the contractor for household residual waste and recycling as they do not possess the permits required for the collection, handling, storage and transportation of this hazardous material.

	To go back out to market to acquire clinical waste contractor before the current contract expires. Due to the timescales, and requirements of Procurement Act 2023 it is not practicable to successfully procure a new contractor to commence the service by 1st January 2026.	
Details of any declarations of interest (by Portfolio Holder/Committee Chairman who was consulted by the officer, which related to the decision) **If relevant, a note of the dispensation granted by the Monitoring Officer:**	N/A	
Reason Decision, or supporting Report, is not published: *Tick one or more of the specific exemptions,* ***and*** *Give more information in the final box with regards to why the exemption applies and outweighs the public interest test (which is in favour of disclosure).*	x	Not applicable – Decision [and report] to be published
	If Report is not to be published – tick one of the following boxes:	
		The report supporting the Decision contains confidential information
		The Report supporting the Decision falls within an exemption pursuant to Schedule 12A of the Local Government Act 1972 Information:
		• Relates to an individual
		• Likely to reveal the identity of an individual
		• Relating to financial or business affairs of a person or organisation
		• Relates to a claim for legal professional privilege in legal proceedings
		• Reveals that the Council proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or to make an order or direction under any enactment
		• Relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime
	And is exempt if and so long, as in all the circumstances of the case, the public interest in maintaining the	

	exemption outweighs the public interest in disclosing the information Reasons: [insert]

Officers

Signed: Jonathan Hamlet

Title: Waste and Recycling Manager

Signed: Tim R. Clarke

Title: Assistant Director, Housing and Environment

Signed: Damian Williams

Title: Corporate Director, Operations and Delivery

In consultation with:

Signed: Councillor Adrian Smith

Portfolio Holder for Environment & ICT

Signed: Councillor Mark ~~Stepehnson~~ Stephanson

Portfolio Holder for Finance & Governance

Signed: Richard Barrett

Corporate Director for Finance & IT

Dated: 09/12/2025