

## **HAMBLETON DISTRICT COUNCIL**

**Report To:** Cabinet  
5 July 2016

**Subject:** **COLLECTION AND DISPOSAL OF SHARPS - WAIVING OF PROCUREMENT RULES**

**All Wards**  
**Portfolio Holder for Environmental Health, Waste & Recycling: Councillor S Watson**

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### **1.0 PURPOSE AND BACKGROUND:**

- 1.1 This report seeks approval to waive the procurement rules set out in the Council's Procurement Manual in relation to the provision of a service to collect and dispose of sharps produced as a result of clinical waste.
- 1.2 Hambleton District Council is Waste Collection Authority and is therefore obliged under the Environmental Protection Act 1990 to collect and dispose of clinical waste including needles as a result of self-administering in the home. The Authority may make a charge to the resident to recover the cost of providing this service.
- 1.3 Until mid-2015 there was no demand for this service from residents as Pharmacies and GP Practices would take needles back when returned to them after use. The funding to the surgeries and pharmacies has been cut for this service and as a result they no longer accept needles. This means that the Council has no choice but to provide a needle collection service. The responsibility for disposal of needles lies with North Yorkshire County Council.
- 1.4 Four options are available to the Council to address this new need:
- 1) Provide an in-house door to door collection service.
  - 2) Outsource a door to door collection service from a third party.
  - 3) Provide an in-house pharmacy collection service.
  - 4) Outsource a pharmacy collection service.
- 1.5 **Option 1 - In house door to door service**  
The Waste and Street Scene Service does not have the resource to provide this service. The advice from North Yorkshire Pharmacies is that approximately 1,000 patients per month receive needles within the Hambleton District. Patients are advised to return sharps boxes full or otherwise every 3 months at most. To provide a door to door service to collect these would cost an estimated £20,000 in vehicle and staffing costs.
- 1.6 **Option 2 - Outsourced door to door collection**  
To provide this service would be prohibitive on the grounds of cost. A one off collection can cost as much as £258 + VAT. Though it is likely costs would reduce with a larger number of collections, with 1000 potential patients to consider, this would be uneconomical.
- 1.7 Options 1 and 2 carry the additional risks of wasted visits due to patients not being at home and sharps boxes being left in public areas.

1.8 **Option 3 - In house collections from pharmacies.**

This would involve residents taking their used sharps to designated pharmacies and then the Council collecting these at an agreed interval. While less demanding on in-house resources than option 1, this would still place a burden on the service that would be difficult to meet from within existing resources. Most importantly this would require a separate agreement with the pharmacies, specialised training for staff and an appropriate storage area at the depot with associated licence implications. Pharmacies are unwilling to enter into a separate agreement with the Council for this option but if there was a change of mind minimum costs of £600 per month for storage of sharps bins and collation of patient details would be incurred as well as collection costs from a suitably authorised clinical waste collection company. The costs of this option are estimated to be greater than that detailed in option 4.

1.9 **Option 4 - Outsourced pharmacy collection**

This option is the same as option 3 but with a contractor collecting the sharps from designated pharmacies rather than the Council. There is already a contractor providing a collection service from the pharmacies. The Council could piggy back onto an existing arrangement thereby reducing transport costs and making the collection more efficient. The contractor is happy to undertake a similar service for the Council and the pharmacies are happy to facilitate the service and provide the required documentation for our records. This enhanced service is expected to cost £16,800 per annum. However, North Yorkshire County Council could be recharged for disposal costs which are estimated at £10,080 per annum which would leave an estimated net cost to the Council of £6,720 per annum.

**2.0 APPLICATION TO WAIVE PROCUREMENT RULES:**

2.1 Option 4 above is the preferred method of service delivery as it represents best value to the Council. Under normal circumstances a procurement exercise would be carried out and three quotes sought depending on the value of the contract to be awarded. However, the number of providers of this service has been investigated and there is only one collection provider that is able to deliver this service in partnership with the local pharmacies that is SRCL.

2.2 There is provision in the Council's procedure rules (as set out in the Procurement Manual) for Cabinet to provide an exemption to those rules in exceptional circumstances. A waiver of the procurement rules may be agreed by Cabinet, if they are satisfied, after considering a written report, that the waiver is justified because:

- I. The nature of the market for the works to be carried out for the goods or services to be provided has been investigated and is demonstrated to be such that a departure from the requirements of the Procurement Procedure Rules is justified;
- II. The contract is for works, goods and services that are required in circumstances of extreme urgency that could not reasonable have been foreseen;
- III. The circumstances of the proposed contract are covered by legislative exemptions;
- IV. The goods are proprietary items and no satisfactory alternative is available;
- V. Requirements are needed to match a partial replacement or an addition to existing goods or installation;
- VI. There are other circumstances which are genuinely exceptional.

2.3 Any exemption must be justified on the basis that in the particular circumstances of the case it will deliver Best Value for the Council.

2.4 This report requests Cabinet to approve a waiver of the Council's procurement rules on the basis that there are circumstances which are genuinely exceptional (point 2.2vi above), namely that there is only one provider which can provide the service and, therefore, best value.

**3.0 LINK TO COUNCIL PRIORITIES:**

3.1 This report links to the Health and Wellbeing priority in that provision of this service will best ensure public areas are kept clear of sharps and thus ensures that risk of injury to members of the public is kept low. Additionally, the service would best meet the needs of the community who it is considered some could be deemed as vulnerable.

**4.0 RISK ASSESSMENT:**

4.1 The key risks in not approving the recommendation are as shown below:-

<b>Risk</b>	<b>Implication</b>	<b>Prob*</b>	<b>Imp*</b>	<b>Total</b>	<b>Preventative action</b>
Existing service withdrawn by participating pharmacies	Customer/patient dissatisfaction, increased risk of injury (due to inappropriately disposed sharps)to member of the public or patient with subsequent negative publicity, insurance claims	3	5	15	Introduce service
Service not introduced	Customer/patient dissatisfaction leading to their confusion about how to return/dispose sharps. Increased risk of injury to member of the public with subsequent negative publicity, insurance claim. Requests from members of the public for collections of sharps from private property increasing costs in administration and service for which there is no budget.	5	4	20	Introduce service

Prob = Probability, Imp = Impact, Score range is Low = 1, High = 5

**5.0 FINANCIAL IMPLICATIONS:**

5.1 The revenue effects of sharps collection have been anticipated with £11K being allocated in the 2016/17 budget and it is anticipated that costs will come within this.

**6.0 LEGAL IMPLICATIONS:**

6.1 The authority is legally obliged to provide this service (collection of sharps as a result of patients self-administering in the home) as detailed within Environmental Protection Act 1990.

**7.0 EQUALITY/DIVERSITY ISSUES:**

7.1 The service will cover all associated possibilities including a collection from the property from patients who are unable to return needles to pharmacies.

**8.0 HEALTH AND SAFETY ISSUES:**

8.1 Approving the recommendation reduces the risk of injury to members of the public due to needles being inappropriately disposed of and removes the risk of injury due to incorrectly transported needles.

**9.0 RECOMMENDATION:**

9.1 That Cabinet grant an exemption from the Council's procurement rules and approve the implementation of Option 4 set out at paragraph 1.9 above.

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**Background papers:** Environmental Protection Act 1990  
Controlled Waste Regulations 1992

**Author ref:** GB - Sharps collection

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