



## **JOINT WASTE COMMITTEE MEETING**

### **Friday 29 September 2017 – 2:00pm**

### **Council Chamber, Muriel Matters House, Hastings**

Minutes of the Joint Waste Committee meeting held in the Council Chamber at Muriel Matters House, Hastings on Friday 29 September 2017 at 2:00pm.

Joint Waste Committee Members present: Councillors J. Dow (EBC) (Chairman), C. Fitzgerald (HBC), P. Franklin (LDC), R. Galley (WDC), M. Kenward (RDC), G. Mattock (EBC) and R. Standley (WDC).

Advisory Officers present:

**East Sussex County Council:** Assistant Director Operations and Contract Management and Waste Team Manager.

**Eastbourne Borough Council:** Senior Head of Community and EHL (in part), Strategy and Partnership Lead for Quality Environment and Specialist Advisor (Waste).

**Hastings Borough Council:** Director of Operational Services, Head of Environmental Services and Head of Communications and Marketing.

**Rother District Council:** Executive Director of Business Operations (Lead Director), Executive Director of Resources (Secretary), Service Manager – Finance and Welfare, Service Manager – Community and Economy, Neighbourhood Services Manager and Democratic Services Officer.

**Wealden District Council:** Director of Environment and Community Services, Lead Head of Service and Waste Management Officer.

**Central Client Team:** Joint Waste Partnership Manager.

**Kier Services Limited:** Commercial Director (in part) and Operations Manager (in part).

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Publication Date: 13 October 2017

The decisions made under PART II will come into force on 23 October 2017 unless they have been subject to the call-in procedure.

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## JWC17/12. **MINUTES**

The Chairman was authorised to sign the minutes of the meeting held on 16 June 2017 as a correct record of the proceedings.

## JWC17/13. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors N. Bennett (ESCC), P. Chowney (HBC), D. Elkin (ESCC), A. Ganly (RDC), and Carl Valentine – Head of Transport and Operational Services (ESCC).

**PART II – EXECUTIVE DECISIONS** – subject to call-in procedure under Item 10 of the Joint Waste Committee Constitution by no later than 4:00pm on 20 October 2017.

## JWC17/14. **KIER SERVICES UPDATE** (7)

Nigel Quelch – Commercial Director and Gary Britton – Operations Manager (Wealden area), led Members through Kier's presentation which provided an update on the current performance of the East Sussex Waste Collection, Recycling, Street & Beach Cleaning and Associated Services Contract.

A significant challenge for Kier had been the introduction of a new regional management structure, recruitment to the structure, as well as dealing with staff sickness and agency workers. Members were reassured that all of these issues had been addressed and it was anticipated that service performance would improve.

**Missed (Assisted) Collections:** A quality management system was introduced and included the following: management and responsibility; resource management; service realisation; and measurement analysis and improvement. In the last 30 days improvements had been realised; monitoring would be ongoing.

**Street Cleansing:** The following had been introduced to improve performance: a new barrow in St Leonards town centre; mobile zonal charge-hand to manage maximum/high intensity areas; mobile service team through revision of street cleansing regime and sweeping/litter picking methodologies; and trained staff to carry out weed spraying operations. Improvements had been realised. Since 1 September 2017, the following initiatives had also been actioned: additional seasonal staff; additional street cleansing machinery (eight week period from October 2017); revised weekly schedules; additional supervision at weekends; and twin wheeled bins to be strategically placed in high tourist areas to alleviate overflowing bins and vermin/seagull attacks. The following unaddressed issue was also highlighted: residential and commercial fly-tipping in and around recently emptied litter bins. Co-operation from the Partnership authorities was essential in order to address this issue and improve performance. Members were advised that domestic/commercial waste was being found in the seafront litter bins.

**Weeds:** Since August 2017, weed killing had been implemented in addition to scheduled services. Four members of staff had been trained to carry out hydraulic and rotary weed spraying, as well as modifications to a quad bike to assist with large area weed killing operations.

**Planned and Unplanned Events:** Increased resources were implemented to assist with planned and unplanned events, particularly in Eastbourne and Hastings. 45 tonnes of refuse and recycling was removed over Eastbourne's four day Airbourne Airshow; positive feedback had been advertised in the local press and disseminated to all employees. Kier had noticed an increase in planned and unplanned events across the Partnership and particularly on Hastings Pier; this had caused significant staffing resource issues. Sub-standard performance was also linked to inclement weather conditions, particularly the extremely hot weather over the August Bank Holiday, where visitors to both Eastbourne and Hastings had significantly increased.

**Graffiti:** Kier was contractually obligated to remove graffiti from private properties in Hastings but work was only undertaken once consent was received from the Council.

**Staffing (Agency):** Kier was addressing all staffing issues with its sub-contractor (Smart Solutions Ltd), regular meetings were being held, induction training undertaken and performance monitored. Ideally, Kier aimed to reduce reliance on agency staff.

**Wealden Overview:** New Operations Manager recruited (Gary Britton) and measures implemented to address operation issues experienced.

**Delivery of Service:** Management and operational staffing issues had caused significant service disruption. Interim appointments had identified service and operational areas which required improvement. Recruitment and resource management measures implemented to improve performance.

**Rother Overview:** Designated Operations Manager (Scott Coughlan) and Street Cleaning Supervisor (SCS) recruited. SCS would be supporting the Collection Supervisor to address sub-standard service and improve performance. Crew monitoring would be a key function.

**Crew Monitoring:** Several actions had been implemented to improve performance which included additional daily and round monitoring.

**Slab Usage (in Cab technology):** Target was 90% usage; results were currently between 66 to 74%. Slab reports identified repeated missed collections and which crews were underperforming. Training was scheduled for staff. Improvements had been realised within Eastbourne and Rother.

**Missed Bin Figures:** Significant improvement had been realised during week commencing 18 September 2017.

**Health and Safety:** Eastbourne's depot achieved a silver award for an excellent safety record (no time lost incidents within the last six months). Overall Kier's safety performance was improving year-on-year.

At the conclusion of the presentation, Members had the opportunity to ask questions and the following was noted:

- **Service Performance:** Councillor Fitzgerald (HBC) acknowledged that improvements were being realised but expressed his disappointment at the lack of consistency, particularly with street cleansing in high profile areas and along Hastings seafront. He felt that the borough was being treated like a "loss leader" and reserved judgement on whether service performance would improve. Kier acknowledged that service performance in Hastings had deteriorated, however reiterated that improvements were anticipated with the introduction of the new regional management staffing structure.
- **Staffing:** The Chairman expressed his concern that staffing problems were a common issue and appeared to be bringing the contract to "its knees". Therefore assurance was sought that staff consistency would remain a high priority measure for Kier across the Partnership. Kier advised that staffing for the contract was extremely complex and demanding; assurance was given that all necessary measures would be undertaken to ensure resilience and consistency was maintained, where possible.

Members were encouraged to forward any specific concerns directly to Nigel Quelch.

The Chairman thanked Nigel Quelch and Gary Britton for their presentation.

**RESOLVED:** That the presentation be noted.

JWC17/15. **SERVICE PERFORMANCE UPDATE**  
(8.1)

The report of the Lead Director updated Members on performance across the Joint Waste Contract providing the total workflow, recycling levels, missed bin performance, street cleanliness as well as project work undertaken across the Joint Waste Partnership (JWP), and the current risks to joint waste services.

In terms of total workflow for the June to end of September 2017 period, analysis showed that insufficient resources and organisation had resulted in high volumes of missed collections. Missed bins were a primary measure of service so remained a concern for all of the Councils. For comparison across the JWP area, the numbers of missed bins were calculated per 100,000 collections due; current figures indicated over 100 missed bins (JWP target was 60). Kier's ability to complete daily scheduled work had been inconsistent and remained a concern for the JWP. The Joint Waste Partnership Manager advised that there were discrepancies on how missed collections were logged between Kier and the Partnership. Significant

improvements were still being sought to ensure that daily scheduled work could be completed. It was also noted that only a few minor route reorganisations would be permitted to improve performance.

The Mutual Exit Agreement required Kier to ensure competent staff were in place to manage the service. All key operational manager and supervisor positions had been filled and a new regional management structure implemented. Both positive and negative impacts had been realised and officers continued to work with Kier to manage service performance. The councils were also supporting Kier to recruit drivers and crews, where possible. Kier's arrangement for agency staff had fallen short of expectations over the summer period. It was noted that Kier had taken action to increase the number of agency staff.

Work was continuing on the ICT Review project and the focus was to ensure that both depot and customer service staff were using the systems as designed and intended. However, the introduction of new regional management staffing structure had delayed improvement.

The recycling (including garden waste/kerbside collections) and dry recycling rates for each authority were demonstrated within the report identifying that the average annual rates were considered normal for the time of year across the whole of the JWP.

The April to July 2017 tranche of NI195 street cleansing surveys had been collated, indicating that service performance was unsatisfactory and consequent payment deductions had been received. Particular issues had been experienced in Hastings with high volumes of litter along the seafront and incidents of overflowing litter bins in the town. Kier had developed action plans prioritising the work needed to improve standards in key locations and reviewed scheduled cleansing work.

An update position for each individual Partner authority was provided as follows:

**Eastbourne Borough Council:** Performance remained high for both street cleansing and waste collections. The number of missed collections remained consistently low for all collection types. The results of the last street cleanliness survey were positive, however minor improvements were required in industrial locations and on public footpaths. These issues were being addressed at local level.

**Hastings Borough Council:** Performance had improved on twin bin waste and recycling collections however higher than normal missed garden waste collections, particularly blocks of flats and street communal bins had been realised. Street cleansing performance remained a significant concern with inconsistencies experienced across the borough, but particularly in high profile areas along the seafront/foreshore and town centre. Sufficient resources were not deployed resulting in rubbish along the seafront particularly over the August Bank Holiday. Kier was currently addressing these problems.

**Rother District Council:** Despite regular communications, performance overall on collections had been inconsistent. Missed bin

collections had risen from 57 to 111 per 100,000 during August. Non-servicing of whole roads and irregular individual collections over a number of weeks were of particular concern despite these incidents being reported within specified timeframes. Catching up with missed collections had resulted in inconsistent garden waste collections. Bring sites were overflowing and in poor condition. Poor performance was attributed to staffing issues (shortages and lack of experience). Street cleansing remained a concern, particularly the spraying of weeds across the district. Kier was currently addressing these problems and assurance was given that improvements would be realised once bin collections were back on track.

**Wealden District Council:** Overall missed bin performance had plateaued and was consistently higher than the agreed target. Delayed performance improvement was attributed to staffing issues and age of some of the vehicles. Kier advised that they had changed their fleet supplier and that older vehicles were regularly serviced; monitoring of fleet management would be ongoing. The backlog of container deliveries remained a serious concern with approximately 1,000 still outstanding with an estimated delivery time of approximately six weeks. Performance for fly-tip clearance, bulky and clinical waste collections remained consistently good. High levels of detritus remained a concern. To improve performance, routine mechanical sweeper schedules were implemented; monitoring would be ongoing. Recycling performance remained strong and exceeded target (51.9%, an increase of 2.8% on the previous year). However, mixed glass contamination levels remained a concern. Kier advised that co-mingled collections could only be authorised by the supervising Authorisation Managers, separate glass pods were not fitted to all vehicles and that mixing of materials should only occur at the end of a round when pods were full. Assurance was given that this issue would be closely monitored.

The JWP Risk Register was maintained as a current document by the JWP Manager and was available to Members on request. The Committee noted that one significant risk (management staffing to commission resources and plan work effectively) had escalated over the summer period; action was undertaken by Kier which had mitigated the risk. There were no 'very high' or 'high' risks currently recorded.

Kier reiterated their resilience and commitment to maintaining and improving service performance across the Partnership.

**RESOLVED:** That the performance and progress made since the last meeting be noted.

## **JWC17/16. (8.2) INTER-AUTHORITY AGREEMENT AND PROCUREMENT OF JOINT WASTE SERVICES**

At the last meeting, it was resolved that each council formally sign the Inter-Authority Agreement (IAA) no later than 18 July 2017 in order to proceed with the joint procurement of Waste, Recycling and/or Street Cleansing Services. It was also resolved that the Joint Waste Committee (JWC) comply with EU Public Procurement rules to procure

a Joint Waste, Recycling and Street Cleansing Contract but that the procurement method to be used be determined at a future meeting.

After each Council had considered the IAA, it was noted that both Rother and Wealden District Councils (RDC/WDC) had formally agreed to sign the document indicating no fundamental changes to the current specification. Hastings Borough Council (HBC) had agreed to formally sign the IAA with the option to co-opt out of street cleansing (including bulky waste and fly-tipping). Eastbourne Borough Council (EBC) would be withdrawing from the contract. Both EBC and Lewes District Council (LDC) had requested being named on the Official Journal of the European Union (OJEU) notice for potential future access to the contract by variation. It was noted that both EBC and LDC had not formally agreed their decisions.

The Joint Waste Partnership's appointed legal and technical waste consultants, together with EBC/LDC's lawyer considered each councils' position, through various scenarios to ensure how each authorities' requirements could be met, as well as identifying potential risks and associated cost increments. Consensus was not reached as significant risks could be realised by all parties, therefore it was recommended that both EBC and LDC would not be named on the OJEU notice. HBC, RDC and WDC had signed the IAA and agreed sufficient budget approvals to proceed with the procurement project. It was noted that the IAA remained unchanged, as previously reported, except that the agreement omitted EBC and LDC and amended references to the JWC.

From now on, the primary function of the JWC was to consider performance and development of the current contract with Kier until 28 June 2019 and thereafter the JWC would cease to exist and its constitution would be terminated. The procurement considerations for the new contract starting on 29 June 2019 would be handled by a new committee known as the Joint Waste and Recycling Committee (JWRC). Each committed Council had formally approved the establishment of the JWRC and Constitution.

The primary function of the JWRC would be operational delivery of the collection and cleansing services, the chosen mix and disposal of dry recycling materials, as well as potential consideration of EBC and LDC inclusion in future. Data from Waste Resource Action Programme's (WRAPs) analysis would be used to inform the contract specification for the new service. Disposal arrangements for all materials were yet to be finalised therefore, opportunity to work with EBC/LDC on their requirements would be investigated.

**RESOLVED:** It be noted that:

- 1) the Joint Waste Committee would remain until 28 June 2019 to conduct business in relation to and provide oversight of the existing joint contract; and
- 2) Hastings Borough Council, Rother District Council and Wealden District Council had signed the Inter-Authority Agreement and a new Joint Waste and Recycling Committee had been constituted

to advance the procurement of a new joint contract for the three councils.

**JWC17/17. DATE OF NEXT MEETING**  
(9)

The next meeting was scheduled to be held on Friday 10 November 2017 at 2:00pm in the Council Chamber, County Hall, Lewes.

**CHAIRMAN**

The meeting closed at 2:55pm

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