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JOINT WASTE AND RECYCLING COMMITTEE MEETING

Friday 27 September 2019 – 2:30pm

or at the conclusion of the Joint Waste Committee meeting, whichever is the later
Council Chamber, Muriel Matters House, Hastings Borough Council

Councillors appointed to the Joint Waste and Recycling Committee:

East Sussex County Council:	C. Dowling (Substitute D. Elkin)
Hastings Borough Council:	P. Chowney and C. Fitzgerald (Substitutes appointed as and when required)
Rother District Council:	K. Field and S. Prochak (Substitutes C. Clark and Mrs D. Earl-Williams)
Wealden District Council:	R. Galley and R. Standley (Substitutes R. Cade and P. Lunn)

AGENDA

1. **MINUTES**

To authorise the Chairman to sign the Minutes of the meeting held on 7 June 2019 as a correct record of the proceedings.

2. **APOLOGIES FOR ABSENCE**

3. **ADDITIONAL AGENDA ITEMS**

To consider such other items as the Chairman decides are urgent and due notice of which has been given to the Secretary by 9:00am on the day before the meeting.

4. **DISCLOSURE OF INTERESTS**

To receive any disclosure by Members of personal and disclosable pecuniary interests in matters on the agenda, the nature of any interest and whether the Member regards the personal interest as prejudicial under the terms of the Code of Conduct. Members are reminded of the need to repeat their declaration immediately prior to the commencement of the item in question.

5. **MEMBER QUESTION TIME**

To answer questions from Members of the constituent authorities, if any, in accordance with the Joint Waste and Recycling Committee Executive Decision Procedure Rules. (Maximum time limit 30 minutes).

At the discretion of the Chairman, the order of the items set out in the agenda may be varied
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julie.hollands@rother.gov.uk, Tel: 01424 787811

6. **ALLOTTED NON-COMMITTEE MEMBER SPEAKING TIME**

Those non-Committee Members who have notified the Chairman of their wish to speak on any agenda item or other matter within the remit of the Committee, if any, be called upon to speak in accordance with the Joint Waste and Recycling Committee Executive Decision Procedure Rules. (Maximum time limit 30 minutes).

7. **BIFFA UPDATE**

To receive a presentation from the Contractor on the Waste Collection, Recycling, Street and Beach Cleaning and Associated Services Contract.

8. **PERFORMANCE DURING THE INITIAL PERIOD AND TRANSITION TO THE LONG-TERM ROUTINE SERVICES PROGRAMME** (Pages 1 - 12)

9. **2020/21 MEETING DATES** (Pages 13 - 14)

10. **DATE OF THE NEXT MEETING**

Friday 29 November 2019, 2:00pm. To be held at County Hall, Lewes.

Malcolm Johnston
Secretary to the Joint Waste & Recycling Committee

Agenda Despatch Date: 19 September 2019

Joint Waste and Recycling Committee

Date	-	27 September 2019
Report of the	-	Lead Director, Dr Anthony Leonard
Subject	-	Performance During the Initial Period and Transition to the Long-term Routine Services Programme

Recommendation: It be **RESOLVED:** That the performance and progress made be noted.

Report Author: Madeleine Gorman, Waste Partnership Manager

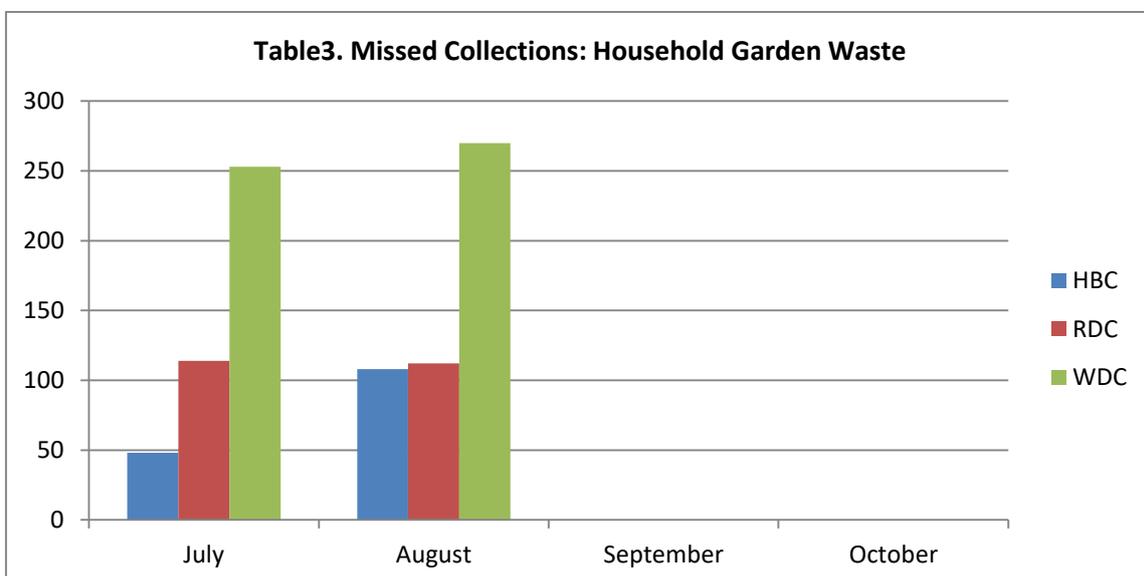
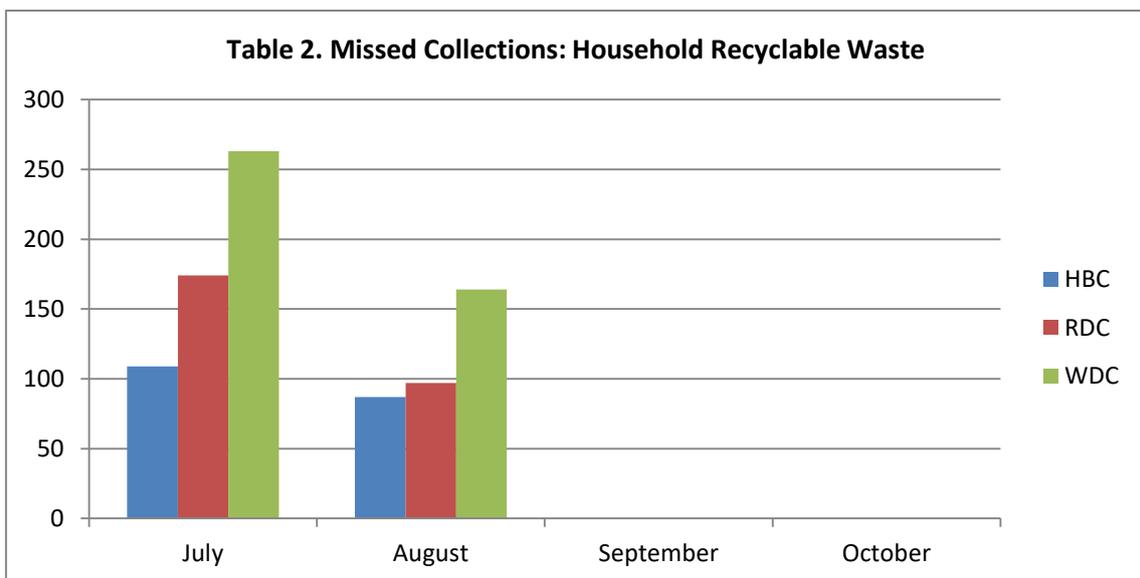
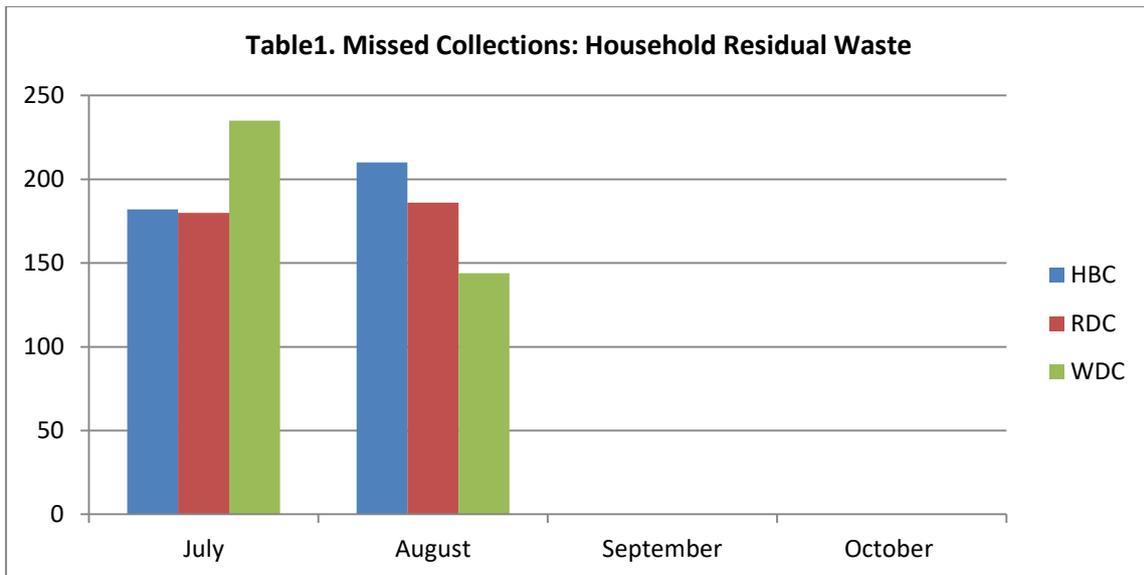
Introduction

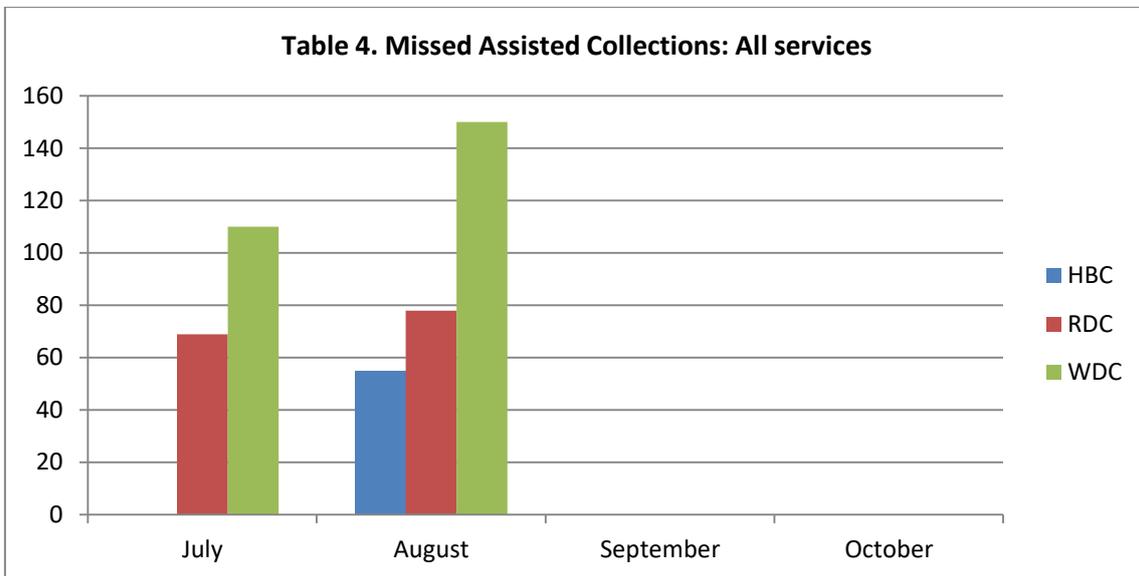
1. The Waste, Recycling, Street and Beach Cleaning and Associated Services Contract commenced in Hastings, Rother and Wealden on 29 June 2019. The Councils have been working with Biffa Municipal Limited since the award decision was taken last year and the Joint Waste and Recycling Committee (JWRC) has received reports and updates throughout the mobilisation period.
2. This report offers commentary on the initial eight week period of the Contract and the planned transition to the long-term Routine Services Programme (RSP). The RSP is the scheduled programme of collection and cleansing activities required to deliver the specified services. The Councils acknowledge that the previous contractor may not have been operating services with maximum efficiency but to avoid service disruption during the initial period while Biffa settle in, Biffa are contractually required to maintain the same collection rounds as before.
3. The Contract provides for a 12 week period of grace during which the Performance Management Framework (PMF) is suspended. This period is commonly known as the honeymoon period and applies to all collection and cleansing services. A further honeymoon of eight weeks will apply to collection services (only) if/when round changes are made.

Service Performance (July – August 2019)

4. Biffa's Process, Quality and Information Manager (PQIM) supports the need for daily service data to be collected, analysed and used to inform management decisions. This role has worked closely with Biffa's internal ICT function and external system providers to develop the ICT infrastructure to meet the specified service requirements and report information to the Councils via the Joint Waste Office (JWO). The JWO has verified that the weekly, fortnightly and monthly report contents are accurate for invoicing and performance management purposes.
5. The key performance indicators for each service are described in the PMF (Schedule 8 of the Contract) so that stakeholders, Council officers and Biffa managers all understand the standards to be achieved. The JWO and Biffa PQIM will ensure that performance is monitored and the provisions of Schedule 8 applied.

6. It is proposed that a summary analysis of collection services and street cleansing performance is reported to the JWRC which builds on the information previously reported to the Joint Waste Committee in 2018/19. Members are invited to consider the information presented as follows:





7. Under the terms of the previous joint waste contract, the contractor held responsibility for also handling the disposal of dry recycling so the monthly recycling data was acquired and audited by the JWO. The Committee were accustomed to receiving reports which included the dry recycling and total recycling rates calculated as a percentage of the total waste being collected by the Contractor. That information always excluded the waste and recycling material that residents brought to household waste and recycling sites themselves. It is therefore proposed that future reports to the JWRC use data prepared by East Sussex County Council (ESCC) so that all sources are included and the stated rates match other reporting sources such as the national Waste Data Flow system.

Container Management

8. The Contract requires Biffa to complete work which is related to containers within 2 weeks. This work includes deliveries to newly occupied homes and subscribed garden waste customers, replacement of broken or lost bins, repairs to hinges, lids and wheels and removal of brown bins from households that have not subscribed to council garden waste services.
9. During procurement the estimated demand for the delivery of containers was 16,000 items per annum and the Biffa tender was evaluated as having sufficient resource to meet this level of demand (which equates to 350 deliveries per week). However, the situation has been complicated by other container related “projects” which are in addition to the normal level of incoming daily demand (average of 70 deliveries per weekday). These projects are:
 - Requests for containers stopped being accepted by Kier during the last 2 weeks of June so that requests made up to 14 June could be handled within the 10 day target. By 28 June there were approximately 1,200 jobs which Biffa agreed they would complete on the basis that some extra resource could be acquired to deal with the extra work and coordinating all container work would quickly establish the stock and container management systems required under the Contract. This project is known as the “Kier Legacy”.

- The provision of brown bins to newly subscribed customers and recovery of bins from unsubscribed households (including work to return them to stock in good condition) in Wealden. This project was initiated pre-contract and at the end of August some 1,300 jobs remained due. Biffa devoted additional resources from w/c 2 September and the backlog was cleared by 7 September.
 - The recovery of brown bins from unsubscribed households in Rother. The project is due to the renewal deadline for the Rother garden waste service and some 750 jobs remain due at the end of August.
10. In summary, some 3,250 extra container jobs were requested at the start of this initial period of the new Contract. This equates to almost 10 weeks of the tendered level of resource.
 11. Unfortunately, the summer holiday season has undoubtedly had a negative impact across the contract. With both management and operational staff taking periods of leave the daily focus has necessarily been on performance of the waste collection services. The summer season has also had a negative impact on the potential to utilise agency resources and sub-contractors who have all had availability issues in July and August.
 12. It is essential that a stable service position is achieved as quickly as possible so that residents receive the equipment they need to use the collection services. Council officers and Biffa managers are working together to tackle the outstanding work by securing use of additional resource. Completion for all outstanding container work is due by the end of September.

Local Performance: Hastings Borough Council

13. A good standard of service has been achieved by Biffa over the first few months of the collection contract in Hastings. Communication has been key to establishing a good working relationship between Biffa's collection operatives and the Council's in-house cleansing service. With the exception of a few minor teething problems during the very early stages of the contract, this relationship has resulted in a much improved service, with low levels of missed collections and reduced numbers of complaints.
14. Moving forward, emphasis is being placed on establishing the correct collection frequency for on-street waste facilities, thus reducing the impact of split waste on the highway, as well as continuing to drive service improvement through the prioritisation of attention to detail, ensuring that the job is done right the first time. Overall, Hastings is very pleased with the progress made by Biffa to implement the new collection contract thus far and anticipates further improvements throughout the next few months.

Local Performance: Rother District Council

15. The new contract got off to a good start with minimum disruption and missed collections and Officers are maintaining a good working relationship with the local Supervisors. Officers continue to meet weekly with the local Biffa management to raise current and historic operational issues.

16. The introduction of daily collections from the 1 July in Bexhill along 4 roads (Monday to Friday) has on the whole been trouble free and feedback has been positive for this trial period.
17. Daily deployment sheets are often incomplete as missed whole roads are not always included on these sheets resulting in high call volumes to the customer services department, with contract officers being unaware there is a problem. Communication also needs to be improved on with unanswered e-mails.
18. The backlog of container deliveries and collections continues to raise customer complaints, but it is encouraging to see that additional resource has now been put in place to clear the backlog.
19. Bring site emptying has been a particular concern with containers being full to overflowing and additional recyclate and fly tipping accumulating and we hope to move away from a reactive service in this area.
20. We still await the routine street cleansing schedule.

Local Performance: Wealden District Council

21. Liaison with Biffa has been positive since contract start with good working relations established at a local level and a refreshing proactive approach to resolving day-to-day issues. Collection performance got off to a good start but slipped a little in late July and into August primarily due to staffing issues during the holiday period and some flux as crews settled in to new ways of working. Performance began to improve in late August and early September and we would expect this trend to continue. Levels of missed assisted collections and ability to regularly service bring banks have been areas of concern but these are being addressed. Senior officers have met with senior Biffa managers to seek assurance that Wealden's performance will be turned around. This close liaison will need to be maintained whilst and until underlying and longstanding issues, such as heavy reliance on agency staff are resolved.
22. Container delivery, and for garden waste containers in particular, has been a cause of considerable concern with a significant backlog of deliveries leading to high volumes of customer contacts. Senior officers held meetings with Biffa which eventually led to a focused intervention in early September to tackle the backlog of garden waste containers. Performance on container delivery will need to remain a focus of attention over the next few weeks to ensure it is consistent and timely.
23. Good progress has been made to develop schedules for street cleansing. Whilst this remains a work in progress, day-to-day performance has seen improvement since contract start and shows positive signs of sustainability.
24. Performance for fly-tip clearance is consistently good. There have been IT system issues with bulky and clinical waste collections but these early teething issues are being addressed.

Transition to Long-Term Routine Services Programme: Collections

25. Biffa's tender as accepted by the Councils, planned for round efficiencies and service changes to be made from 7 October 2019. This met the specified requirement for full mobilisation of the intended long-term RSP for Collections by 6 January 2020. However, Biffa's analysis of the operational information that has been collected since the start of the Contract has concluded that more time is needed to ensure that changes will be productive rather than disruptive. A revised plan for implementation of round changes is provided at Appendix 1 and the final timetable remains subject to some further (minor) revision following consultation with Biffa staff and the Councils.
26. There are no financial implications for the Councils as a result of this extension to the implementation date for the long-term RSP for Collections.
27. Operational changes such as the types of vehicle used, number of loaders on a crew and driver routing can all be made without necessarily changing the collection day for a property. Biffa will continue to refine their plans and consult with their staff and the Councils to develop the RSP until each of the Supervising Officers give their approval in writing not less than two months in advance of the proposed change(s). It is noted that each Council requires a minimum of four weeks to properly consider and verify that the revised round structures meet the specified requirements and to start the internal processes needed to support such changes.
28. With implementation of any changes being planned from February 2020, the key implication for each of the Councils concerns Christmas collection arrangements and the production of service calendars (if required) for 2020. With reference to Minute JWRC18/24, a sum of £200,000 was allowed in the Biffa tender for resident communications to support service change(s). Now that service changes will not be taking place until February, it is unlikely that Christmas 2019 can be merged with new 2020 service information in a single calendar style communication. The Councils must therefore make the necessary arrangements to let their residents know what their collection schedule will be for Christmas and the New Year period separately from any subsequent communications prepared by Biffa to support the round changes when they happen.
29. At present, the extent of collection day changes as they will affect residents is unknown. It is vital that residents properly understand their collection system(s) and when they should present their containers. Changes will be supported by two notifications to all properties affected by a service change. The first notification shall be provided four weeks prior to the intended service change and the second two weeks before the change is brought into effect.
30. The Partnership Manager will liaise with Biffa concerning the £200,000 allowed in the Biffa tender for resident communications to ensure the Councils obtain value from that sum.

Transition to Long-Term Routine Services Programme: Street Cleansing

31. The previous contractor rarely operated street cleansing services to a planned schedule and over time, the visible standards for litter, detritus, dog fouling and weeds have all deteriorated. During the last year of the Contract, client

efforts to ensure good standards were being achieved became increasingly difficult with cleansing efforts finally being focused on the highest impact locations. In practice this means that Biffa has started from a low baseline and need time to apply the efforts required to improve street cleansing standards across the Rother and Wealden areas.

32. A new Operational Supervisor with specific street cleansing capabilities has been recruited with the potential for cleansing activities to be more effectively planned and coordinated across the rural geographies of Rother and Wealden. Recruitment has only recently been completed so the impact of this new approach to cleansing work will be reviewed at the end of the year.
33. The Partnership has re-appointed WYG Limited as the NI195 inspectors for the Contract and monitoring will continue in line with the NI195 approach (as described in the Contract given that national indicators are no longer monitored by the Government). Tranche 1 started 1 August 2019 so the outcomes for each Council area will be reported to the JWRC's first meeting in 2020.

Annual Services Improvement Plan

34. The Annual Services Improvement Plan (ASIP) seeks to address how future improvements to the services can be made. The aim is to improve the way that services are delivered having regard to a combination of economy, efficiency and effectiveness. The ASIP will be submitted by Biffa in September each year as the starting point for the annual management and reporting cycle for the Contract.
35. The 2019 ASIP naturally incorporates the majority of its content from the Biffa tender plus matters which were identified during the mobilisation period (January to June 2019). The JWRC holds a key decision making role in the management cycle and will have opportunity to consider the ASIP at its next meeting in November. During 2020, the JWRC is being asked to meet quarterly (see Agenda Item 9 elsewhere on this Agenda).
36. Members are advised that the most potentially significant impact on the delivery of services from next year (2020) could be the provisions of the anticipated UK Environment Bill. It is proposed that new legislation will support the principles set out in the 25 Year Environment Plan (published in January 2018) to improve waste management and resource efficiency. The Partnership Manager responded to the initial consultation opportunities on behalf of the Councils earlier this year, and anticipates further opportunity for consultation during the legislative process. In summary, the following matters are expected to be included in the Bill when drafted:
37. Consistency in recycling collections in England
 - i) The Government has stated that it will seek to amend legislation to require all English local authorities to collect at least the following dry materials from 2023:
 - glass bottles and containers – including drinks bottles, condiment bottles, jars;

- paper and card – including newspaper, cardboard packaging, writing paper;
 - plastic bottles – including clear drinks containers, HDPE (milk containers), detergent, shampoo and cleaning products;
 - plastic pots tubs and trays; and
 - steel and aluminium tins and cans.
- ii) The Government has stated that it will legislate to ensure that every local authority provides householders with a separate food waste collection.
- iii) The Government has stated that it will give further consideration to the costs and benefits before making a final decision on whether garden waste collections should be free of charge, or whether charging should be a matter for local decision making.
38. Reforming the UK packaging producer responsibility system
- i) The Government has stated that it will seek to ensure that the plastic packaging tax being developed by HM Treasury complements the reforms to the packaging producer responsibility system. The tax will create greater demand for recycled plastic with the packaging EPR system incentivising both the design and use of easier-to-recycle plastic packaging and the collection and separation of plastic packaging for recycling.
39. Introducing a Deposit Return Scheme in England, Wales and Northern Ireland
- i) The Government has stated that it will take powers to introduce deposit return schemes in the Environment Bill and will consider which drinks containers are to be included. This could be drinks containers up to 3L in volume.
40. Plastic Packaging Tax
- i) The Government has stated that it will set out the next steps related to the tax at Budget 2019.

Risk Register

41. The Joint Waste Partnership Risk Register monitors service risks from a client perspective. The scope of the Risk Register is limited to matters affecting the joint waste team and the "whole" contract or Partnership. Identifying risks together with assessment of impact and likelihood is the responsibility of the Joint Waste Partnership Manager. All managers and officers involved with the services in any capacity (finance, customer services, legal, operational) share responsibility to ensure that awareness of risk is maintained and action taken as/when necessary. Supervising Officers, Biffa managers and other responsible officers connected with the services (e.g. Customer Service and ICT Managers) are responsible for the local actions required to control or mitigate risks. The Risk Register is maintained as an active file available on request from the JWO but with risks monitored and updated by the Partnership Manager at least monthly.
42. For joint waste matters, equal weighting is given to assessment of both the impact and likelihood of a risk occurring. By using a four category (very high,

high, medium and low) risk rating system there is no scope for indecisive action (i.e. too many "medium" risks). Very High risk requires immediate action. High risk requires a mitigation plan that is ready for action. Medium risk requires ongoing monitoring. Low risk requires awareness but minimal monitoring. This report offers Members a status update on very high and high risks which require action to mitigate or control.

43. None of the risks currently described in the Joint Waste Partnership Risk Register require immediate action or active planning.
44. Members are advised that several BREXIT related risks are being monitored and might be expected to escalate significantly depending on post-BREXIT impact with regard to fuel supplies, vehicle parts, staff of EU origin and availability of container supplies. Any negative impacts would be felt nationally and could therefore affect all waste contractors and local authorities. All parties to the Contract (each of the Councils and Biffa Municipal Ltd) have specific BREXIT mitigation plans in place so Members are assured that both Biffa and the Councils clearly understand the potential risks and which services will be prioritised if a Force Majeure Event (such as BREXIT) causes the termination of, or substantial interference with, performance of the services.

Administering Authority Update

45. The Contract was fully and properly executed with all parties prior to the start date on 29 June 2019.
46. The core invoicing, payment and cost recovery processes are working well to all parties satisfaction to date.
47. The non-core invoicing, payment and cost recovery processes for Hastings and Rother failed to meet the agreed deadlines (due to client staff absences) so July work cannot be agreed (or invoiced) and Biffa will not receive payment on time.
48. Following a procurement process, WYG Limited has been re-appointed as the NI195 inspectors for the Partnership and have engaged with Biffa staff to ensure common understanding as to the standards being monitored through this process.
49. The contract management and reporting structure has been considered and will be confirmed with all concerned so that a schedule of meetings can be arranged for 2020. In line with the specified requirements, the schedule includes:
 - Weekly engagement with Supervising Officers to deal with local matters arising.
 - Monthly engagement with managers and officers to deal with performance and payments matters.
 - Quarterly engagement with Service Heads and Directors to deal with performance issues, service improvements and cost.
 - Quarterly engagement with JWRC.
 - Bi-annual engagement with Highways service representatives to deal with working relationships and communications.

- Bi-annual engagement with ESCC and Veolia South Downs Limited to deal with working relationships and service improvements.

Dr Anthony Leonard
Lead Director

Risk Assessment Statement

Failure to understand the new contractual arrangements will lead to pre-conceptions and assumptions which will have to be corrected as and when they are identified.

Biffa Long Term Service Delivery Plan - Collections

East Sussex Joint Waste Partnership Transformation Plan													
Last Update			Todays Date			18-Sep-19							
17-September-2019													
BID Transformation			Comments	Planned	Planned	Actual	Planned	Task					Task
Item	Task	Sub Task		Start	Finish	Finish	Task	Status	Late	Start Day	End Day	Finish Day	Owner
9	Long Term Service Delivery Plan			01-Jul-19	12-Jun-20		250	Ongoing	1	1	348	0	Milestone
9.1	Assess efficiency / productivity - all areas		Started to validate client collections schedule	22-Jul-19	30-Nov-19		95	Ongoing	1	22	153	0	TE
9.2	Determine scale of change required to meet tender bid		This is subject to scale of work required	29-Nov-19	13-Dec-19		11	Not Started	0	152	166	0	TE
9.3	Conclude and gain approval for round restructure plan		This depends when the ESJWP meets with the committee	13-Dec-19	15-Jan-20		24	Not Started	0	166	199	0	TE
9.4	Implement (2nd honeymoon)		8 weeks honeymoon period	02-Mar-20	29-May-20		65	Not Started	0	246	334	0	TE
9.5	Agree review schedule and final deadline for BAU			29-May-20	12-Jun-20		11	Not Started	0	334	348	0	TE

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Joint Waste and Recycling Committee

Date	-	27 September 2019
Report of the	-	Lead Director, Dr Anthony Leonard
Subject	-	2020/21 Meeting Dates

Recommendation: It be **RESOLVED:** That the following meeting dates and times be agreed for the Joint Waste and Recycling Committee for 2020/21:

- 3 April, to be held at 10:00am, Town Hall, Bexhill;
 - 3 July, to be held at 10:00am, Muriel Matters House, Hastings;
 - 2 October, to be held at 10:00am, County Hall, Lewes; and
 - 8 January 2021, to be held at 10:00am, Town Hall, Bexhill.
-

Report Author: Madeleine Gorman, Waste Partnership Manager

Future Meeting Dates

1. Members of the Joint Waste and Recycling Committee (JWRC) will be aware that there are currently no dates set for future 2020/21 meetings of the Committee.
2. Due to the fact that each Partner authority tends to publish their timetables of meetings at different times of the year, covering different periods (i.e. some cover a calendar year, some cover a municipal year), the approach has been taken to 'set' dates in advance of all Partner authorities' timetables of meetings being available for 2020/21.
3. In order to avoid any other meetings of the Partner authorities, the JWRC has previously tended to meet on a Friday at 2:00pm or 2:30pm. It is proposed for the JWRC meetings to take place on the first Friday of specified months namely April, July and October for 2020 and January for 2021. Therefore it is proposed that the following meeting dates are set:
 - 3 April, to be held at Town Hall, Bexhill;
 - 3 July, to be held at Muriel Matters House, Hastings;
 - 2 October, to be held at County Hall, Lewes; and
 - 8 January 2021, to be held at Town Hall, Bexhill.

Timings of Meetings

4. The Specification describes the reporting and meeting requirements which include weekly, monthly and quarterly interactions between council officers and Biffa managers. The schedule of reports and meetings for 2020 has been planned to support the need for officers to prepare reports in time for the committee meeting dates recommended in this report.
5. Given that the JWRC meetings are no longer running concurrently with the Joint Waste Committee, and following a number of committee membership

changes in recent years, it recommended that the meetings commence at 10.00am from April 2020.

Location

6. In accordance with the JWRC's Constitution, venues for meetings rotate around the Partner authorities; it is proposed that this arrangement continue for future meetings. Members are reminded that if the JWRC agree to continue to meet on Fridays, meetings will not be able to take place at the Wealden District Council offices in Hailsham as these meeting facilities are reserved for community use on Fridays. However, changing to another day has proved difficult as they tend to clash with the four Councils' other established meeting arrangements, hence the Friday meetings.

Dr Anthony Leonard
Lead Director

Risk Assessment Statement

There is no operational risk arising from this report.