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JOINT WASTE AND RECYCLING COMMITTEE MEETING

Friday 23 October 2020 – 10:00am

Remote Meeting

Councillors appointed to the Joint Waste and Recycling Committee:

East Sussex County Council: C. Dowling (Substitute D. Elkin)

Hastings Borough Council: P. Barnett and M. Evans
(Substitutes appointed as and when required)

Rother District Council: K. Field and S. Prochak
(Substitutes C. Bayliss and T. Byrne)

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 3 July 2020 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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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. SERVICE IMPROVEMENT PLANNING (CONTRACT YEAR 2) (Pages 1 - 24)

9. FINANCIAL POSITION 2020-21 AND BUDGET PROVISION 2021-22 (Pages 25 - 28)

10. UK ENVIRONMENT BILL: INITIAL PREPARATIONS AND CONSIDERATION OF FOOD WASTE REQUIREMENTS (Pages 29 - 36)

11. MEETING DATES 2021 (Pages 37 - 38)

12. TRANSFER OF ADMINISTERING AUTHORITY (Pages 39 - 60)

13. DATE OF THE NEXT MEETING

- Friday 8 January 2021, 10:00am. To be held remotely on MS Teams.

Malcolm Johnston
Secretary to the Joint Waste and Recycling Committee

Agenda Despatch Date: 15 October 2020

Joint Waste and Recycling Committee

Date	-	23 October 2020
Report of the	-	Contract Manager, Madeleine Gorman
Subject	-	Service Improvement Planning (Contract Year 2)

Recommendation: It be RESOLVED: That:

- 1) the Annual Report be accepted as an accurate analysis of performance and activity during Contract Year 1;
 - 2) officers be authorised to support delivery of the actions and activities proposed by Biffa in the Annual Service Improvement Plan;
 - 3) the distribution of stickers and associated local communication efforts to reinforce recycling messages be supported;
 - 4) officers be authorised to review bulky waste collection systems and improve customer satisfaction;
 - 5) officers be authorised to specify thicker pink plastic sacks;
 - 6) that electronic communications channels are prioritised (and consequently annual calendars will not be posted to all residents);
 - 7) it be noted Rother will consider proposals for improving the management of litter at Camber;
 - 8) officers be authorised to assess the feasibility and commercial benefits of a collaborative wheeled bin cleaning opportunity; and
 - 9) officers be authorised to invite and include Biffa in local climate change and carbon reduction forums.
-

Report Author: Madeleine Gorman, Waste Partnership Manager

Introduction

1. The Biffa Annual Services Improvement Plan (ASIP) seeks to address how future improvements to the Services can be made. Based on consideration of service performance and operational information during the previous contract year, the ASIP provides a mechanism for all parties to the Contract to consider the priorities and resources available to drive future improvements. The ASIP is provided as Appendix 1 to this report.
2. The Partnering Board, which involves representatives from each Council and Biffa, has considered the Integrated Annual Report and ASIP 2020 presented by Biffa and the following matters require client consideration and/or involvement. The Joint Waste and Recycling Committee (JWRC) is asked to consider the recommendations as follows:

a) Recycling Stickers

East Sussex County Council (ESCC) will circulate a recycling information leaflet this Winter 2020 to promote correct use of the dry recycling system to all households. A sticker will accompany the leaflet and residents will be asked to apply the sticker to their recycling wheelie bin. These communications seek to reduce the number of incorrect items (contamination) being presented by residents in their bins and allow grey wheeled bins being used for recycling by residents in the Wealden area to be identified separately from grey bins being used for residual waste. The leaflet is being funded by ESCC and the sticker is being funded by Biffa.

Incurring nil cost for the partner councils, it is recommended that the JWRC acknowledge this activity and support local communication efforts to reinforce the recycling messages for residents.

b) Bulky Collection Booking Process

Bulky Collection services require review because operational issues are arising from the ability to book one collection slot for multiple bulky items which then leaves insufficient space on the vehicle to fulfil the remaining collection slots that day.

Biffa and the Councils need to cooperate with regard to online booking controls to improve the customer experience through greater reliability of service and reduce carbon footprint through improved logistical management. With nil cost impact, it is recommended that the JWRC acknowledge and support officer involvement in this activity.

c) Customer Satisfaction Survey Feedback

Two requested improvements were identified by residents during the Customer Satisfaction Survey and the JWRC is therefore asked to consider:

i. Increased thickness for Pink Recycling Sacks

Alternate (thicker) sacks have been sourced at similar cost so it is recommended that JWRC support the purchase of 30 microns sacks (minimum) for the remaining term of the Contract.

ii. Paper Calendars

Although valued by residents, at a total cost c£100k per annum to prepare, print and post paper calendars, it is recommended that the JWRC do not support the issue of paper calendars to residents.

d) Camber Sands

Biffa experiences at Camber during the summer holiday seasons of 2019 and 2020 has prompted consideration of waste (litter) containment and the various types of beach use(s) which result in particularly high volumes of uncontained litter. Uncontained litter poses an immediate risk of unacceptable marine pollution.

Proposals to deal with the volumes of litter being produced and control the impact of uncontained litter will be developed over the Winter period. This matter is identified in the Biffa ASIP but unlikely to require partnership wide consideration. The JWRC are therefore asked to note that this matter is being actioned but is specific to Rother.

e) Container Management

Significant cost is incurred by each Council to fulfil residents demand for wheeled bins. It is proposed that a review of the policies and systems through which bins are provided could identify opportunities for service improvements and financial savings.

It is recommended that the JWRC authorise the Contract Manager to pursue benefits for all parties and complete any necessary changes to the Contract.

f) Wheeled Bin Cleaning

It is recommended that the JWRC authorise the Contract Manager to assess the feasibility and benefits of a collaborative business opportunity utilising an existing Biffa asset to provide a new service for residents. It is further recommended that the Lead Director be authorised to conclude this matter and if appropriate, make any contractual commitment(s) considered necessary to protect each Councils' legal and financial positions.

g) Sustainability Joint Working Group

Biffa are committed to several activities which will reduce the carbon impact of the services being delivered through the Joint Waste Contract and they are keen to support each Councils' carbon reduction declarations and aspirations towards being carbon neutral by 2030. The carbon impact of waste collection and street cleaning activities is significant so it is recommended that the JWRC support Biffa's inclusion in the appropriate working group(s) and forums that are being established to enable the changes that are required to ultimately achieve carbon neutral operations.

Madeleine Gorman
Joint Waste Contract Manager

Risk Assessment Statement

No risks arise from the recommendations of this report.

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East Sussex Joint Waste Partnership

Waste Collection & Cleansing Services Contract

Annual Improvement Plan 2020



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1 Overview

1.1 The Biffa Group

Since the award of this East Sussex Joint Waste Partnership Contract, the Municipal Division within Biffa continues to win contracts, with Anglesey waste and recycling contract being the most recent tender successes.

This year has also seen the agreement between Manchester City Council and Biffa to replace half of its refuse collection vehicles with pure-electric models. 27 RCVs have been ordered and these new electric RCVs will replace diesel-powered models.

Biffa have achieved a silver rating for our Corporate Social and Responsibility performance in 2020.

Biffa opened a £27.5m Plastic Recycling plant in Seaham, which is capable of recycling 57,000 tonnes of plastic, or 1.3bn bottle per year.

It was also announced that Biffa made it onto the FTSE250, which means we are one of the top UK companies listed on the stock exchange.

1.2 Introduction

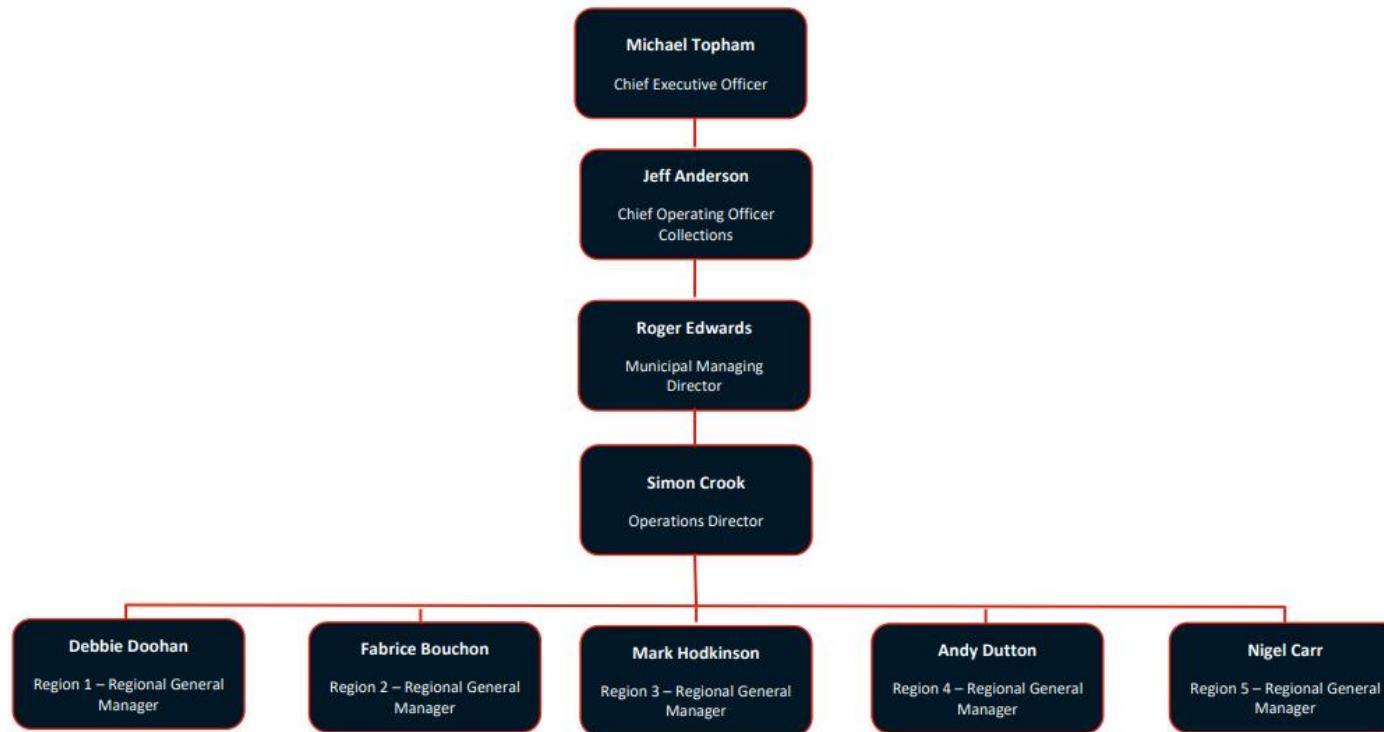
For Biffa East Sussex, 2019/20 has been a year driven by mobilisation and compromised by challenge. Whilst we anticipated and legislated for a certain degree of challenge, under no circumstances did we envisage the level we incurred.

From Day 1, and beyond we encountered legacy after legacy from the previous contractor, from adopting depots in a state of untidiness, to inheriting 1,000's of outstanding container tasks, and receiving inaccurate Employee Liability Information. Nevertheless, our resilience prevailed, and our performance throughout our first festive period highlighted such. As we entered the second half of the year, frustratingly our efforts were further disrupted, and we had no option but to succumb to a worldwide pandemic.

2 Contract Management Overview

2.1 Municipal Senior Leadership Team

Municipal Division Senior Leadership Team - Structure



2.2 East Sussex Structure

2.2.1 Management Team

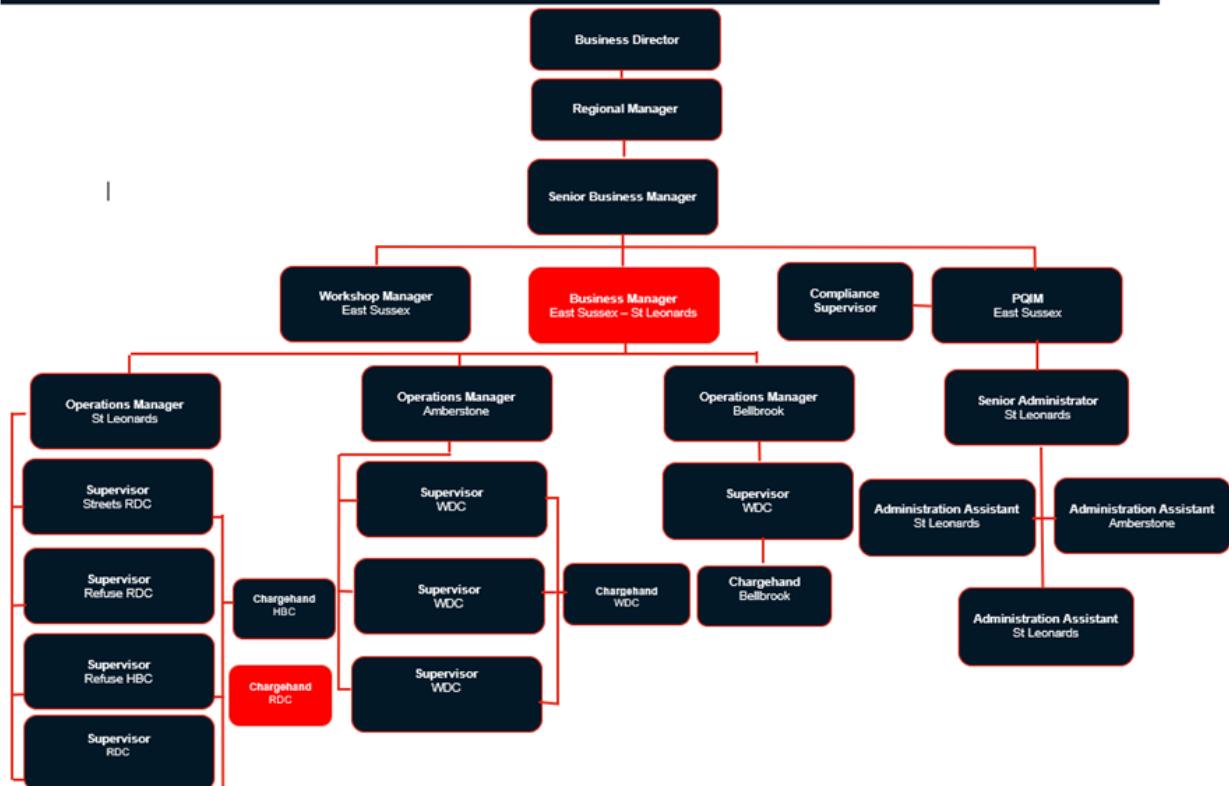
The Local Management Structure (ref MS1.6) has been revised as follows.

The management team of East Sussex has taken the majority of 2019/20 to become stable and settled. Team spirit and commitment to the contract is very strong.

All personnel identified in the structure are available from 07.00am to 05.00pm Monday to Friday

East Sussex Organisation Chart

Biffa



2.2.1.a Key Amendments

Role	Commentary
Workshop Manager	<p>Within MS1.6 a Transport Manager was included within the structure. At time of transfer we established the existing Transport Manager (TM) was supported by a Fleet Compliance Supervisor. With respect to Biffa's Fleet Department's infrastructure and competency the decision was made to replace the TM role with a Workshop Manager position, with the legislative requirements towards transport management then being owned by the Operations Manager, Business Manager and Senior Business Manager, each having CPC competency.</p> <p>The introduction of the Workshop Manager position, offers greater benefit through;</p> <ul style="list-style-type: none">■ Satisfying the traffic commissioner through having multiple CPC holders■ Increased focus towards transport legislation■ Improved focus towards vehicle maintenance scheduling■ Reduced vehicle downtime
Compliance Supervisor	The Compliance Supervisor was not included within MS 1.6; however the decision was made to retain this position to support all elements of compliance towards Biffa's ISO accreditations.
Operations Manager	Within MS 1.06 the structure included three Operations Managers (OM's), two being based at St Leonards and one based at Amberstone. Following a review towards Business Risk, it was decided to remove the second OM from St Leonards and transfer this position to Bellbrook, thus offering consistent management process at each location.
Business Manager	The Business Manager (BM) role was not included within MS 1.6; however, the decision was made to introduce a BM position to offer greater resilience within the management team. This role will be operated from St Leonards.
Senior Administrator	Within MS 1.06 the structure included four Administration Assistants, two based at St Leonards and two based at Amberstone. It was decided to replace one administration role with a Senior Administrator (SA) position, to support training and management requirements. The SA reports directly to the PQIM, and oversees the administration team, which now functions with two Administration Assistants based at St Leonards, and one based at Amberstone. All administrators cover all authorities, to offer consistency.
Chargehand	Following the commencement of contract, it was decided to introduce Chargehands across all three depots to offer greater strength and depth towards the location management team, and vigour at times of operational challenge.

2.3 Vehicles, Mobile Plant and Equipment

2.3.1 Operator's Licence

Our fleet is subject to Transport Operators Licence OK1021795 as tabled below:

Operating Centre	Vehicles	Trailers
AMBERSTONE COUNCIL DEPOT BEXHILL ROAD, HAILSHAM BN27 1PE	40	2
BELLBROOK DEPOT, BRAMBLESIDE, BELLBROOK INDUSTRIAL ESTATE, UCKFIELD, TN22 1QQ	18	2
BULVERHYTHE COUNCIL DEPOT, BULVERHYTHE ROAD ST. LEONARDS-ON-SEA, TN38 8AF	40	4

2.3.2 CPC Holders

- Trevor Elliott - Senior Business Manager, ESJWP
- Liam Carey - Operations Manager, Amberstone
- Paul Thomson - Operations Manager, Bellbrook
- Paul Fitzgerald - Operations Manager, St Leonards
- Paul Barton - Workshop Manager, ESJWP

2.3.3 Waste Carrier Licence

Biffa Waste Services Ltd Waste Carriers licence was renewed on Wednesday 24th April 2019 and is valid until Monday 23rd May 2022. Appendix 1 – *Waste Carriers Licence*

2.3.4 Vehicles

2.3.4.a Long Term Routine Service Vehicles – Residual, Recycling and Garden Waste Service

As per MS8 the below table shows the number of vehicles currently in use across the partnership. – *Residual, Recycling and Garden Waste Service*

Location	Contract	Crew	Vehicle Reg	Vehicle Type	Drivers	Loaders	Service
Amberstone	Wealden	ANA01	GN69 WTV	7.5t RCV	1	1	AWC Refuse/Recycling (Narrow Access)
Amberstone	Wealden	ANA02	FM19 BWW	16t RCV	1	1	AWC Refuse/Recycling (Narrow Access)
Amberstone	Wealden	AW01	VA19 KNS	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW02	VA19 KME	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW03	VA19 KMF	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW04	VA19 KMG	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW05	VA19 KNC	26t Narrow Body RCV	1	1	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW06	VA19 KNF	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW07	VA19 KND	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW08	VA19 KNE	26t Narrow Body RCV	1	1	AWC Refuse/Recycling Collections
Amberstone	Wealden	AW09	VA19 KMX	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Amberstone	Wealden	AGW01	VA19 KKR	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
Amberstone	Wealden	AGW02	VA19 KKV	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
Amberstone	Wealden	AGW03	VA19 KKT	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
Amberstone	Wealden	AGW04	VA19 KKU	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
Amberstone	Wealden	AGW05	VA19 KKW	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
Amberstone	Wealden	AGW06	VA19 KKX	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
Bellbrook	Wealden	BW01	VA19 KLS	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW02	VA19 KKZ	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW03	VA19 KLL	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW04	VA19 KMZ	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW05	VA19 KLO	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW06	VA19 KLP	26t Narrow Body RCV	1	2	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW07	VA19 KNB	26t Narrow Body RCV	1	1	AWC Refuse/Recycling Collections
Bellbrook	Wealden	BW08	VA19 KLU	26t Narrow Body RCV	1	1	AWC Refuse/Recycling Collections
St Leonards	Hastings	HDW01	VA19 KKY	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Hastings	HDW02	VA19 KLE	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Hastings	HDW03	VA19 KNR	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Hastings	HDW04	VA19 KNL	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Hastings	HNA01	GN69 WUA	7.5t RCV	1	1	Refuse/Recycling/ Garden (Narrow Access)
St Leonards	Hastings	HDW-SUP	Double Shifted	26t Narrow Body RCV	1	1	Refuse Collections
St Leonards	Hastings	HYR01	VA19 KNJ	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Hastings	HYR02	VA19 KNN	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Hastings	HYR03	VA19 KNK	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Hastings	HYR04	Hire	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Hastings	HGW01	VA19 KLD	26t Narrow Body RCV	1	2	AWC Garden Waste Collections
St Leonards	Rother	RDW01	VA19 KNH	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Rother	RDW02	VA19 KLX	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Rother	RDW03	VA19 KNP	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Rother	RDW04	VA19 KNM	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Rother	RDW05	FM19 BWX	16t RCV	1	1	Refuse Collections
St Leonards	Rother	RNA01	GN69 WTZ	7.5t RCV	1	1	AWC Refuse/Recycling/ Garden (Narrow Access)
St Leonards	Rother	RDW07	Hire	26t Narrow Body RCV	1	2	Refuse Collections
St Leonards	Rother	RRY01	Hire	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Rother	RRY02	VA19 KNG	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Rother	RRY03	Hire	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Rother	RRY04	VA19 KLV	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Rother	RRY05	VA19 KNO	26t Narrow Body RCV	1	2	Recycling Collections
St Leonards	Rother	RRY06	FM19 BWV	16t RCV	1	1	Recycling Collections
St Leonards	Rother	RGW01	VA19 KNU	26t Narrow Body RCV	1	1	AWC Garden Waste Collections
St Leonards	Rother	RGW02	VA19 KLJ	26t Narrow Body RCV	1	1	AWC Garden Waste Collections
St Leonards	Rother	RGW03	VA19 KLC	26t Narrow Body RCV	1	1	AWC Garden Waste Collections
St Leonards	Rother	RGW04	FM19 ZRD	16t RCV	1	1	AWC Garden Waste Collections

Currently we have 5 additional RCVs in service across the partnership compared to the tendered position.

The table below shows the current spare vehicles used across the partnership - Residual, *Recycling and Garden Waste Service*

**Vehicle Summary
(August 2020)**

Location	Tender	Actual
Hastings	11	11
Rother	17	17
Wealden	21	25
	49	53

Spare Fleet Details	Vehicle Type	Vehicle Reg
	26t RCV	Hire
	26t RCV	Hire
	15t RCV	PE61 MXH
	26t RCV	VA19KMY
	26t RCV	VA19KKS
	7.5t RCV	GN69 WTU
	26t RCV	VA19KLZ

2.3.4.b Collection Fleet Variants



**Dennis Elite 26t
Narrow Body RCV**

16t DAF LF RCV.

This vehicle configuration is deployed to service awkward access properties across the partnership



7.5t Fuso RCV

This vehicle configuration is deployed to service restricted access properties across the partnership



2.3.4.c Long Term Routine Service Vehicles – Street and Beach Cleansing

Location	Contract	Crew	Vehicle Reg	Vehicle Type	Drivers	Loaders
St Leonards	Rother	Large Mechanical Sweeper	FD19 JUX	16t Sweeper	1	
St Leonards	Rother	Medium Mechanical Sweeper	FD19 JTV	7.5t Sweeper	1	
St Leonards	Rother	Small Mechanical Sweeper	GX69 LGA	4.5t Mini Mech	1	
St Leonards	Rother	3.5t District Cleansing Team	KX19 CVB	3.5t Cage Van	1	1
St Leonards	Rother	3.5t District Cleansing Team	KX19 CVC	3.5t Cage Van	1	1
St Leonards	Rother	3.5t District Cleansing Team	KX19 CVA	3.5t Cage Van	1	1
St Leonards	Rother	3.5t District Cleansing Team	KX19 CVD	3.5t Cage Van	1	1
St Leonards	Rother	7.5t Rapid Response	FD19 JUV	7.5t Cage Tipper with T	1	1
St Leonards	Rother	3.5t District Cleansing Team - Late	Double Shifted Vehicle	3.5t Cage Van	1	
St Leonards	Rother	Tractor and Rake	OU10 CDV	Tractor and Rake	1	
Bellbrook	Wealden	3.5t District Cleansing Team	KX19 CVG	3.5t Cage Van	1	1
Bellbrook	Wealden	7.5t Rapid Response	FD19 JUU	7.5t Cage Tipper with T	1	1
Amberstone	Wealden	3.5t District Cleansing Team	KX19 CVE	3.5t Cage Van	1	1
Amberstone	Wealden	3.5t District Cleansing Team	KX19 CVF	3.5t Cage Van	1	1
Amberstone	Wealden	3.5t District Cleansing Team	ML19 UGW	3.5t Box Van	1	1
Amberstone	Wealden	Large Mechanical Sweeper	FD19 JUT	7.5t Sweeper	1	
Amberstone	Wealden	Medium Mechanical Sweeper	FM19 BWU	16t Sweeper	1	

Total Vehicles

16

Vehicle Summary

(August 2020)

Location	Tender	Actual
Large Mechanical Sweeper	2	2
Medium Mechanical Sweeper	2	2
Small Mechanical Sweeper	1	1
3.5t District Cleansing Team	7	9
7.5t Rapid Response	2	2
Tractor and Rake	1	1
Total	15	17

Currently we have 2 additional district cleansing teams compared to the tendered position, both operating as driver plus one basis.



16t Large Mechanical Scarab Sweeper.

7.5t Medium Mechanical Scarab Sweeper



4.5t Mini Mechanical Scarab Sweeper

3.5t Cage Vehicle, deployed for Street Cleansing Mobile teams



2.3.4.d Long Term Routine Service Vehicles – Clinical, Bulky and Container Management

As per MS8 the below table shows the number of vehicles currently in use across the partnership - clinical, Bulky, and Container Management

Location	Service	Vehicle Reg	Vehicle Type	Drivers	Loaders
St Leonards	Clinical	ML19 UGV	Clinical Waste -3.5t Van	1	
St Leonards	Bulky	FD19 JUV	7.5t Cage Van - Taillift	1	1
Bellbrook	Bin Deliveries	Hire	3.5t Box Van	1	
Bellbrook	Bin Deliveries	Hire	3.5t Box Van	1	
Bellbrook	Bin Deliveries	YN19FEG	Luton Van with Tail Lift	1	
Total Vehicles			5		



7.5t Cage Vehicle with Tail Lift, individually deployed on both Bulky Waste Collections and on Rapid Response Teams

2.3.4.e Plans for replacement or purchase of new vehicles in the next 12 months

- We plan to purchase 4 additional RCVs at a 26t specification to replace current hire vehicles.
- We also plan to purchase 2 replacement vehicles to support the container management service. These are currently covered by hire vehicles. The original purchased vehicles were unsuitable.

2.4 Labour Resource

Biffa is aware that the commitment, skills, and experience of our people form the backbone of our business. We are continuously ensuring that all Staff are competent to carry out their allocated work and ensure that they are all provided with appropriate training.

2.4.1 Current Labour Resource

Our Full Time Employed (FTE) headcount is at 215 frontline staff, leaving 17 vacancies, covered by agency staff.

Including pool staff, we operate with a required headcount of 232 staff, in comparison to the tender assumption of 209, this is an increase of 23 staff.

The increase towards the tendered position is predominantly due to the requirement of 5 additional collection crews, and an increase in our Streets driver numbers to 17 from a tender assumption of 14.

Seasonal resource was deployed in line with MS7 7.2.8.

Bulky, Clinical and Container Resource is deployed as per MS7 7.2.6.

The table below shows our current resource model per service.

Actual	Collections	Shared	Streets	Seasonal	Pool	Total
Driver	53	5	17		23	98
Operatives	91	1	10	8	24	134
Total	144	6	27	8	47	232

2.5 Depot

St Leonards, Amberstone and Bellbrook are all managed responsibly by Biffa waste services, to comply with current Health and Safety and Environmental Legislation.

Biffa have continued to maintain the site throughout the first contract year.

Ongoing investment to date includes;

- Amberstone - Refurbishment of the Portacabin to re-purpose as the Operational Office Hub.
- Amberstone – Transfer of existing Operations Office to Employee Canteen and social area.
- Amberstone – Replacement of existing facades of 2 outbuildings, to utilise as secure storage areas
- Statutory Compliance - Asbestos Management at each depot.
- Statutory Compliance – Fixed Appliance Testing compliant at each depot.
- Statutory Compliance – Legionella compliant at each depot.
- Statutory Compliance - Portable Appliance Testing compliant at each depot.
- Statutory Compliance - Firefighting Equipment compliant at each depot.
- St Leonards – installation of Armco at walkway.
- St Leonards – installation of Palisade Fencing.
- St Leonards – repair to potholes in lorry park area.
- St Leonards – extension of vehicle workshop elevated working platform.
- Bellbrook - repairs to Potholes.
- Bellbrook - lighting installed to container external storage halls.
- Bellbrook - pressure washer installed.

In addition to the above, we have also adapted each site to comply with a Covid Secure status.

3 Performance Improvement Plan

3.1 Improvement Plans

3.1.1 Improvement Plans and Innovations

Innovation Improvement	Description	Perceived possible Benefit
Environmental and Political Page 20	Recycling Stickers Consideration is sought towards the supplying of stickers to residents, to enable them to affix to recycling containers, thus re-defining the grey DMR containers in Wealden.	<ul style="list-style-type: none">■ Reduction in DMR contamination.■ Reduction in the number of missed complaints.
Operational Performance	Improve Employee Engagement <ul style="list-style-type: none">■ Employee of the Month Awards■ Crew Performance Leader Board■ 100% Attendance Awards	<ul style="list-style-type: none">■ Workforce ownership and accountability■ Reduction in the number of service complaints
Operational Performance	Bulky Collection Booking Process Consideration is sought towards the reduction of items classified as a single collection or Slot. Currently our bulky collection Slots have no consideration towards the number of items per, and we are consistently experiencing an increase in the number of Slots with more than 3 items.	<ul style="list-style-type: none">■ Improved customer experience through greater reliability of service.■ Reduction in carbon footprint through improved logistical management.

	<p>We propose the following.</p> <ul style="list-style-type: none"> ■ 1-3 Items – 1 Collection Slot ■ 4-6 Items – 2 Collection Slots ■ 7-9 Items – 3 Collection Slots ■ 10-12 Items – 4 Collection Slots <p>The number of Slots available to clients would remain as per current.</p>	
Political and Environmental	<p>Customer Satisfaction Survey Feedback</p> <ul style="list-style-type: none"> ■ Consideration is sought towards increasing thickness (Microns) of currently supplied Pink Recycling Sacks. ■ Consideration is sought towards the issuing of Paper Calendars to residents. 	<ul style="list-style-type: none"> ■ Improved customer experience through having greater confidence in product. ■ Increased resident participation.
Political and Environmental	<p>Camber</p> <ul style="list-style-type: none"> ■ Consideration is sought towards the removal of waste containers from the beach and subsequent placement to car parks etc. ■ Consideration is sought towards the policing of and enforcement towards existing publicised By-Laws and Notifications. 	<ul style="list-style-type: none"> ■ Improved visitor experience through being aesthetically pleasing. ■ Removes the potential to harm visitors through falling on waste placed around containers. ■ Reduces the environmental impact of litter pollution.
Operational Performance	<p>Alternate Weekly Collection (AWC).</p> <p>Our objective is to transfer existing collection schedules from independent Refuse and Recycling to AWC, (HBC & RDC specific).</p>	<ul style="list-style-type: none"> ■ Lesser knowledge requirement of operatives through servicing only the 1 property as opposed to 2. ■ Improved customer experience through a reduction in missed collections. ■ Reduction in carbon footprint through reduced requirement to return.

Safety and Environment	Monitoring Towards Operative Behaviours In conjunction with our Manchester Control Room, monitoring of staff will be increased via the assistance of vehicle CCTV.	<ul style="list-style-type: none"> ■ Reduction in preventable incidents, personal and Third Party. ■ Reduction in carbon footprint through a lesser requirement to travel to on-site monitoring.
Safety and Environment	Vehicle Security / Disablement Install vehicle disablement equipment (Identag's) to all 2-person operated collection vehicles who operate within areas of high density.	<ul style="list-style-type: none"> ■ Prevent opportunity for serious incidents occurring through the unlawful taking of a large goods vehicle whilst crews are distracted carrying out their duties.
Operational Performance Page 22	Time and Attendance Management We have installed at each location a biometric console which will offer us transparency towards hours worked and attendance.	<ul style="list-style-type: none"> ■ Improve support towards absence management through enhanced data collation. ■ Greater visibility towards actual hours worked, thus supporting collection re-scheduling. ■ Reduction in administrative hours allowing greater opportunity to support other elements for required improvement.
Financial	Container Management <ul style="list-style-type: none"> ■ Carry out a supportive review of current procedure with client to establish if any improvements could be gained. ■ Trial more robust garden waste containers. 	<ul style="list-style-type: none"> ■ Reduction in container requests ■ Client financial savings through reduced purchasing
Environmental	End of Life Containers <ul style="list-style-type: none"> ■ Disposal weight to be included within recycling rate. ■ 50% share of revenue generated from end of life containers. 	<ul style="list-style-type: none"> ■ Improved recycling rate ■ Client financial benefit

Financial	<p>Wheeled Bin Cleaning</p> <p>Consideration is sought towards a collaborative business opportunity with ESJWP in offering a cleaning service to residents, utilising an existing Biffa asset.</p>	<ul style="list-style-type: none"> ■ Client financial revenue benefit ■ Client financial savings through extending life of wheeled bins, and ensuing decrease in tasks. ■ Social and Environmental benefit
Environmental and Operational Performance	<p>Fuel Tanks (Derv).</p> <p>Installation of free-standing tanks at both St Leonards and Bellbrook in November 2020. Currently we are limited to minimal fuel stations across the contact area.</p>	<ul style="list-style-type: none"> ■ Reduction in carbon footprint ■ Reduction in crews non-productive time.
Environmental	<p>St Leonards Workshop</p> <p>Installation of a “waste oil heating system” enabling the re-use of spent oils created by our operations.</p>	<ul style="list-style-type: none"> ■ Reduction in carbon footprint
Environmental	<p>Sustainability Joint Working Group</p> <p>Consideration is sought towards initiating a sustainability working group, to support each local authority's carbon neutral declaration and aspirations towards being carbon neutral by 2030.</p> <ul style="list-style-type: none"> ■ Carbon mapping of our footprint (followed by how to improve it) ■ Diversity and Inclusion ■ Anything we can do with energy – solar panels, LED 	<ul style="list-style-type: none"> ■ Improved social and environmental values ■ Reduction carbon footprint

4 Social Plans

As per MS2 Social Value and Innovation, Biffa can offer the following updates

Commitment	Update
Apprenticeships	<p>Apprenticeships were initially suspended due to the COVID pandemic however it has been decided that the workshop apprenticeship scheme will be managed by our Group Fleet Department</p> <p>With reference to Administration, we are exploring the opportunity to introduce an apprentice to cover impending maternity leave.</p>
Staff Incentive Scheme	<p>Following the success on the year 1 transitional bonus we have continued with the monthly bonus to support our performance objectives.</p> <p>We are altering this bonus to align with our contractual PMF and to include Biffa KPI elements.</p>
Voluntary Action Group Commitments	<p>Rental of Cleaning Equipment – Biffa have donated Litter pickers, Bag Hoops and Gloves to the Great British Spring Clean.</p> <p>Removal of Waste after a Community Clean Up Event – Biffa continue to support this commitment with over 30 collections completed between Jan 2020 and May 2020. We have also committed to collecting all waste retrieved from the Great British Spring Clean.</p> <p>Biffa Award Eligibility – All East Sussex Entities are eligible to apply for the grant.</p> <p>Volunteer days for each employee – no uptake yet, however Biffa Engagement Champions have been nominated and the individual will promote this commitment.</p> <p>Advertisement of volunteer opportunities - no uptake yet, however Biffa Engagement Champions have been nominated and the individual will promote this commitment.</p> <p>Plastic Free Status – We have eliminated all single use cutlery at all three depots. We continue to issue all staff with refillable water bottles along with refill stations at each depot.</p> <p>Local Race Charity Clean Up – No update yet, however Biffa continue to support this commitment.</p> <p>Promotion of Reuse and pop-up Bulky Waste Service - Unfortunately, after meeting with various charity shops regarding the reuse of bulky collected items, we are unable to progress this any further due to charity shops not accepting the items once they have been left outside.</p>
Driving Recklessly on Pavements (DRoPs)	With the support of the ESJWP we have been reporting DRoPs via the JWO. We are actively promoting the reporting of these incidents, and motorists have received letters of concern issued by the Police.

Joint Waste and Recycling Committee

Date	-	23 October 2020
Report of the	-	Contract Manager, Madeleine Gorman
Subject	-	Financial Position 2020/21 and Budget Provision 2021/22

Recommendation: It be **RESOLVED:** That each partner make adequate budget provision with regard to Joint Waste Contract costs for the financial year 2021/22.

Report Author: Madeleine Gorman, Contract Manager

Introduction

- At the Joint Waste and Recycling Committee meeting in July 2020, Members were advised to make 2% allowance for inflation on 2019/20 contract costs.
- Inflation has now been applied at 1.37% and all bill rates (pricing schedules) have been updated and communicated to all concerned.

Core

- The 2020/21 core sums for each partner as well as the total annual core sum is provided in Table 1.
- Table 1 : Total core cost per partner council:

Core incl. pension (£)				
Month	HBC	RDC	WDC	TOTAL
Apr-20	169,404.09	400,389.20	490,814.13	1,060,607.42
May-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Jun-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Jul-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Aug-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Sep-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Oct-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Nov-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Dec-20	169,404.09	400,389.20	490,814.13	1,060,607.42
Jan-21	169,404.09	400,389.20	490,814.13	1,060,607.42
Feb-21	169,404.09	400,389.20	490,814.13	1,060,607.42
Mar-21	169,404.09	400,389.20	490,814.13	1,060,607.42
Total annual core cost	2,032,849.08	4,804,670.40	5,889,769.56	12,727,289.04

- All partner payments are made on a monthly basis via bank transfer to the Administering Authority.
- Pending completion of the PPN 02/20 Variation please be advised that a credit will be applied to the core payments as follows:

Table 2: Total core credit due to each partner

Reconciliation amount due to each partner (£)			
HBC	RDC	WDC	TOTAL
-3,411.59	-48,528.45	-23,346.88	-75,286.92

Non-Core

7. Table 3: Total non-core (variable) spend per partner in Q1 2020/21.

Quarter 1 Non-core spend (£)				
Month	HBC	RDC	WDC	TOTAL
Apr-20	2,451.20	9,914.44	14,855.48	27,221.12
May-20	4,032.18	19,454.48	22,002.46	45,489.12
Jun-20	2,276.63	21,738.89	31,502.32	55,517.84
Quarter 1 Total	8,760.01	51,107.81	68,360.26	128,228.08

Administering Authority Costs (Joint Waste Partnership)

8. The annual expenditure forecast for 2020/21 is £220,690. This sum is invoiced to the partners once a quarter with quarter four adjusted for actual spend.
9. Table 4: Summary of Administering Authority recharges:

	Annual Budget (£) 2019-20	Per authority per quarter (£)		
		HBC (27%)	RDC (36.5%)	WDC (36.5%)
Joint Waste Staff (includes salaries, mileage and expenses)	153,110.00	10,334.93	13,971.29	13,971.29
Supplies and Services (includes ICT, stationery and external audit)	22,130.00	1,493.78	2,019.36	2,019.36
Support Services (includes premises, accountancy, cashiers etc.)	45,450.00	3,067.88	4,147.31	4,147.31
TOTAL	£220,690.00	£14,896.59	£20,137.96	£20,137.96

Recoverable Items (Container pass through costs)

10. Table 5: Quarter 1 Recoverable items spend

Quarter 1 Recoverable items spend (£)				
Month	HBC	RDC	WDC	TOTAL
Apr-20	1,875.40	4,311.25	12,586.34	18,772.99
May-20	5,895.90	7,462.92	13,233.04	26,591.86
Jun-20	2,103.90	5,770.39	17,086.34	24,960.63
Quarter 1 Total	9,875.20	17,544.56	42,905.72	70,325.48

11. It is expected that the cost of recoverable items will be highest during Quarters 1 and 2 (Spring/Summer) and lowest during Quarters 3 and 4 (Autumn/Winter). This is due to the seasonal fluctuation in garden waste tonnages and therefore use of the garden waste bins along with the annual renewal process for garden waste subscriptions (April in HBC, June in RDC and WDC).

Budget Provision 2021/22

12. Previously we have advised to allow for inflation at 2%, in line with the Bank of England target. This year however due to the unprecedented circumstances the economy has and is yet to face we suspect it may be lower and therefore advise that allowance of 1.8% is made by each partner Council.
13. Each partner Council should also consider local demand for non-core services to ensure that sufficient budget provision is made for 2021/2022.

Madeleine Gorman
Contract Manager

Risk Assessment Statement

The report recommendation seeks to mitigate the risk of inadequate financial planning and management of future costs in 2021/2022.

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Joint Waste and Recycling Committee

Date	-	23 October 2020
Report of the	-	Contract Manager, Madeleine Gorman
Subject	-	UK Environment Bill: Initial Preparations and Consideration of Food Waste Requirements

Recommendation: It be **RESOLVED:** That this report be forwarded to each partner Council with the recommendation that the Joint Waste and Recycling Committee be authorised to:

- 1) consider and finalise the service requirements for food waste collections;
 - 2) consider and establish operational policies with regard to food waste collections; and
 - 3) consider and determine the fleet requirements to enable food waste collections (including use of low-carbon technologies).
-

Report Author: Madeleine Gorman, Joint Waste Contract Manager

1. This report is provided for the Joint Waste and Recycling Committee (JWRC) to ensure local awareness of matters arising as a consequence of the UK Environment Bill (EB) currently (October 2020) progressing through the UK Parliament.

Policy Background: The Circular Economy

2. Waste and pollution are consequences of the decisions which are taken during the design stage for a product and it is this time when the majority of environmental impacts are determined. New mechanisms are needed to influence the decisions that are taken with regard to what products (and their packaging) are made from and how these materials are bonded, attached and assembled together. Mechanisms to consider the full lifecycle of materials and the principles which underpin such mechanisms are commonly termed "The Circular Economy".

Policy Principles: The UK Environment Bill

3. The UK EB creates a new statutory cycle of monitoring, planning and reporting against the 25 Year Environment Plan.
4. The UK EB is currently in progress through the UK Parliament and is due to be enacted late 2020 with implementation of several key requirements by 2023. This briefing has been prepared for Members of the JWRC in advance of the EB being enacted because each partner Council will need to take various key decisions in order for the service implications to be appropriately managed during 2021-2022.
5. The UK EB is the UK legislation (originally drafted to meet the requirements of the EU Circular Economy package 2015), which will help to deliver the

Government's manifesto commitment to an ambitious environmental programme and step-change in environmental protection and recovery. The introduction of the EB follows the UK's departure from the European Union (reference the Waste Framework Directive from which much of the UK's waste legislation derives) and DEFRA has stated that the EB will transform how resources and waste are managed in the UK.

6. The aim is for environmental principles to protect the environment from damage by making environmental considerations central to the policy development process across the Government. The EB legally obliges policy-makers to have due regard to the environmental principles policy statement when choosing policy options, for example by considering the policies which cause the least environmental harm. The principles are:
 - i. environmental protection should be integrated into policy-making principle;
 - ii. the preventative action to avert environmental damage principle;
 - iii. the precautionary principle;
 - iv. environmental damage should as a priority be rectified at source principle; and
 - v. the polluter pays principle.

Consideration of the Bill: Waste Management

7. This report focuses on the proposed provisions that are specific to waste collection and disposal matters. The EB seeks to transform how the UK manages waste by enabling powers that will require companies to take more responsibility for the products and materials they place on the market, especially when they become waste. It also introduces a consistent approach to recycling, tackling waste crime, creating powers to introduce bottle deposit return schemes and enabling more effective litter enforcement. Further powers that stop the export of polluting plastic waste to less developed countries will seek to ensure the UK deals with more of its own waste. The EB also creates powers to introduce new charges for single use plastic items with the aim that single use is minimised and suitable incentives are created for reusable alternatives.
8. Members are invited to consider the following matters as initial preparation for the key Cabinet decisions which will be required in 2021/22.

Deposit Scheme (or Deposit Return Scheme – DRS)

9. The EB makes provision to introduce Deposit Scheme(s). Subject to further information and the development of actual schemes in practice, the intention is to collect and recycle single use drinks containers e.g. drinks cans, drinks bottles and possibly coffee cups. In principle, consumers would pay a deposit on each drink they purchase in a single-use container and would get this back if they return the container. The headline benefit is that more single-use containers should be captured for recycling.
10. For local authorities, the implementation of DRS could have the following impacts:
 - i. Fewer recycling collection vehicles needed, because there are fewer recyclables to collect.
 - ii. Lower sorting costs, because there are fewer recyclables to sort.

- iii. Less income from selling recyclables, because there are fewer recyclables to sell.
 - iv. Lower residual treatment/disposal costs, because there are fewer drinks containers in residual waste.
 - v. Lower litter clearance costs, because used drinks containers will have a cash value so will not end up as litter. However 'bin diving' (searching through bins for drinks containers) could lead to some litter of other materials.
 - vi. Lower recycling rates, because it is unlikely that containers returned to shops etc. would be included in local authority recycling figures.
11. The forecast impact on the Joint Waste Partnership (JWP) will be analysed when sufficient information and knowledge concerning the details of potentially different DRS being implemented either nationally, regionally or locally become available.

Resource Efficiency

- 12. The new Office for Environmental Protection (OEP) which is being established under the main provisions of the EB, will be responsible for the matrix of policies, plans and targets required to fully implement the principles of the EB. The waste management sections of the EB enable new regulations to be developed with regard to resource efficiency. Local authorities will be required to submit data returns and meet the obligation to pursue the targets yet to be set.
- 13. The OEP will take a lead on future environmental policies, investigate complaints and take legal action against any authorities breaking environmental laws. It is likely that the fundamental basis of the established Waste Data Flow system will be retained but various aspects (reporting periods, data formats etc.) could be redeveloped.
- 14. The data recording systems being used by the JWP should be capable of meeting whatever data reporting is required. The key risk to the JWP councils is most likely to arise from the need to appropriately resource the administrative burden created by any new measurement and reporting requirements to the OEP.

Consistency

- 15. The EB seeks to reduce householder confusion around what can and cannot be recycled. The items / materials collected for recycling by all UK waste collection authorities are very similar. The main differences relate to tetra packs, plastic bags, foils, films and aerosols.
- 16. In terms of collection systems, it is widely accepted that better quality recycling is obtained through systems which require the resident (or kerbside collection staff) to separate items at the point they are collected. Material Recovery Facilities (MRF) separate mixed recycling quite effectively but the nature of co-mingled or mixed collection systems means that inappropriate items (contamination) are easily concealed within bins. However, the EB still retains the provision for two or more recyclable waste streams to be collected together where it is not technically or economically practicable (or the environmental benefits of separation are equal to those of mixed). Greater

scrutiny over the technical and economic assessment process is expected from the OEP and new conditions apply.

17. The EB defines recyclable waste to be:

- i. glass
- ii. metal
- iii. plastic
- iv. paper and card
- v. food waste
- vi. garden waste

The Key Conditions

- glass, metal, plastic and paper may not be mixed with food waste or garden waste.
- food waste must be collected weekly.

18. As currently drafted, the majority of consistency provisions in the EB can be met by the JWP because a variety of separated collection systems were analysed prior to contract procurement and the technical and economic assessment supported our decision for a fully co-mingled/mixed collection system.

19. The requirement to collect food waste separately and weekly has the most significant impact for the JWP and it is this matter which Members are asked to give most initial consideration to as follows.

Separate Food Waste Collections

20. Awareness that food waste collections were likely to become a statutory service requirement enabled the JWP to include basic provisions for this service as a provisional contract item that can be implemented under the terms of the Joint Waste Contract (Minute JWRC17/12 refers).

21. The detailed service requirements could not be fully described at that time so a number of key decisions and subsequent work will be required to finalise how food waste collection services will be fully implemented in order to meet the requirements of the EB. Implementation of a new food waste collection service will have policy and budget implications. Members are therefore advised that the matters listed in Appendix A will need to be considered by the JWRC and potentially each Council. Officers will plan the implementation project and make recommendations as to how the necessary approvals can be achieved when the final EB becomes law.

22. The EB as currently drafted (October 2020) requires food waste collections to be implemented by 2023. This would require key decisions (and procurement activity) to be taken by the majority of UK local authorities through 2021-2022.

23. The JWP is well placed to take advantage of the provisional item already included in the Joint Waste Contract. However, communication with DEFRA suggests that the Government could offer exemptions to local authorities with existing contractual commitments which make it unrealistic or economically unviable to implement food waste services by 2023. Clarification on the legal position of the JWP with regard to the timescale for implementing food waste as required by the EB will be sought from Government in due course.

24. Members are advised that a key commercial consideration will be procurement of the vehicle fleet. The available funding options for the level of capital expenditure required will need to be analysed and determined in due course.

25. Officers consider that a new collection service could offer the Councils an opportunity to consider procurement of new low-carbon collection vehicles. The mileage incurred by visiting every household every week will be a significant addition to each Council's current carbon footprint. Officers will therefore develop initial proposals to explore the opportunity to procure new vehicle technologies for deployment on new food waste collection services.
26. On the basis that “worst case” the JWP will be required to implement food waste collections from the beginning of 2023, initial planning has begun and for Member awareness the project milestones are tabled as follows:

Dates	Activity	Responsibility
Autumn 2020	Begin awareness and approval processes for new policy and budget commitments. Make recommendation to each Cabinet that JWRC be authorised to consider and take decisions on behalf of each Council concerning food waste services.	JWRC Cabinets
Winter 2020 - Spring 2021	Engage with East Sussex County Council (ESCC) to understand how separate food waste can be delivered to waste transfer locations.	JWP
Winter 2020 - Spring 2021	Design food waste service and specify all key requirements (Assumes JWRC has been authorised by each Council to take the decisions required. Alternately, each council may elect to procure their own food waste collection services separately from the Joint Waste Contract).	JWRC
Spring 2021	Forecast fleet requirements and start discussions with Biffa on vehicle purchase and leasing arrangements.	JWP Biffa
Spring 2021	JWRC and Cabinet agreement(s) to final budget commitments. (For the capital purchase of food waste containers and the collection vehicle fleet).	Cabinet(s)
June 2021	Finalise vehicle specification and place vehicle orders.	JWP
Autumn 2021 – Summer 2022	Manage vehicle procurement process and any ancillary requirements (e.g. power infrastructure, fuel storage, container storage and delivery etc.).	JWP Biffa
Autumn 2022	Biffa service mobilisation (Develop procedures, recruit staffing, undertake training etc.).	JWP Biffa ESCC/Veolia
Christmas 2022	Public communications re: new service.	JWP
2023	Service starts.	

27. The financial and policy implications for each Council requires each Council to either authorise the JWRC to take the series of decisions which will be required or prepare their own internal decision making schedules. It is therefore proposed that this report be forwarded to each partner Council with the recommendation that the JWRC be authorised to:

- 1) consider and finalise the service requirements for food waste collections;

- 2) consider and establish operational policies with regard to food waste collections; and
- 3) consider and determine the fleet requirements to enable food waste collections (including use of low-carbon technologies).

Free Garden Waste Collections

28. An earlier draft of the EB included a provision which would prevent councils charging residents for garden waste collections. This provision is not included in the current EB which is progressing through Parliament but on 18 June 2020 the Environment Secretary, George Eustice strongly stated that although local authorities had expressed concerns, “inconsistent outcomes” are produced by charged for services and free garden waste collections were the “best approach”.
29. The financial implications for the JWP would be significant so Members will be urgently advised if this provision is re-introduced into the EB at any stage.

Funding the New Requirements – Charges for single-use plastics, carrier bags and the new plastic tax

30. Government ministers have consistently advised that new public services will be funded by the Government with new financial mechanisms and taxation proposals due to be introduced from 2022. The EB makes provisions for charges to be introduced for single-use plastic items and for the carrier bag charge to be increased. New taxation is also proposed for the production and import of plastic packaging in the UK.
31. However, with the long-term economic impact of the COVID-19 pandemic unknown, it is uncertain whether the Government will maintain its commitment to environmental policy (as indicated by the main provisions of the UK EB) or necessarily control the financial burden new taxation will have on retailers, manufacturers and importers.
32. Officers holding Section 151 responsibilities are aware of the financial risks arising from new statutory service requirements and Members will be advised when the financial implications can be quantified and managed.

Funding the New Requirements – Extended Producer Responsibility

33. The EB includes powers to introduce new extended producer responsibility schemes which will make producers responsible for the full net costs of managing their products when they are ready to be thrown away. The key outcomes being sought are:
 - More packaging is designed to be re-useable and recyclable.
 - A reduction in unnecessary packaging.
 - For more packaging to be recycled (at least 70% by 2030).
 - For less packaging to be littered.
 - To generate demand for recycled materials and support industry to move towards a more circular economy.
34. As currently drafted, the EB makes provision for businesses to bear the full net cost of managing the packaging they handle or place on the market at end

of life. The Government has indicated that this is the mechanism through which the additional financial burdens to local authorities for the delivery of new services such as food waste recycling will be reimbursed.

35. The anticipated period of consultation on the final draft EB in 2021 should provide detail of how funding will be handed down to local authorities.

Madeleine Gorman
Contract Manager

Risk Assessment Statement

No risks arise from the recommendations of this report. The final provisions and requirements of the UK EB may incur various risks which it will be necessary to consider in due course.

Joint Waste and Recycling Committee: UK Environment Bill

Considerations necessary to develop a detailed Specification for Food Waste Collections

1. Will the Bill require or for equality reasons will the partner councils require that food waste services are made available to all types of household?
2. If bins store and other communal storage areas are to be used, what type of bulk containers for food waste will be required and will managing agents accept responsibility for spillages and cleaning?
3. What containers will residents on the alternate weekly system need?
4. Will food waste containers (e.g. caddies) be provided for all types of property for internal use or will the councils provide containers intended for external storage use?
5. If containers for internal use are provided, will liners also be required? If liners are required, will they be funded by the councils or will residents need to purchase them?
6. For customer convenience, will the collection rounds need to be coordinated with existing rounds so that all types of bin go out on the same day of the week? (Note: The tendered price is based on the premise that this will not be a requirement so the rounds can be developed as efficiently as possible).
7. What waste transfer (tipping) facilities will be available? Other food waste disposal matters will need to be addressed so members are advised that this paper only considers matters related to collection services.
8. What style, number and size of food waste collection vehicles will be required to service the number of households and types of property?
9. Given that collection services incur very high carbon impacts, do the councils want to utilise this new service opportunity to test low carbon vehicles? (E.g. electric, hydrogen or other).
10. Will the councils fund the required vehicle fleet through capital reserves or public borrowing? Or do the councils want to investigate options for Biffa to purchase (and own) the vehicles?
11. What vehicle leasing or other terms of use will the councils need Biffa to accept?
12. What form of vehicle procurement is required?
13. If ancillary benefits are being pursued by the councils (e.g. purchase of electric vehicle fleet), what support infrastructure will also need to be secured? (E.g. local power networks and charging facilities).

Joint Waste and Recycling Committee

Date	-	23 October 2020
Report of the	-	Contract Manager, Madeleine Gorman
Subject	-	2021 Meeting Dates

Recommendation: It be RESOLVED: That:

- 1) the following meeting dates be agreed for the Joint Waste and Recycling Committee for 2021:
26 March
2 July
1 October
7 January 2022; and
 - 2) all meetings be held on MS Teams, until such times as the legislation allowing virtual meetings is repealed and start at 10:00am.
-

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 2021 meetings of the Committee, apart from Friday 8 January 2021.
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 2021/22.
3. In order to avoid any other meetings of the Partner authorities, the JWRC has previously tended to meet on a Friday at 10:00am. It is proposed for the JWRC meetings to take place on the first Friday of specified months namely April (Good Friday is on 2 April 2021 – suggest 26 March instead), July and October for 2021 and January for 2022. Therefore it is proposed that the following meeting dates are set:

26 March
2 July
1 October
7 January 2022

Timings of Meetings

4. The Specification describes the reporting and meeting requirements between council officers and Biffa managers. The schedule of committee meetings for 2021 has been planned to support quarterly reporting and allow officers to

prepare reports in time for the committee meeting dates recommended in this report.

Location

5. The JWRC's Constitution stipulates that meetings of the JWRC shall be held at such times, dates and places as may be notified to Members by the Secretary and that the venues for the meetings rotate around the Partner authorities. As a result of the COVID-19 pandemic, committee meetings have been successfully held on MS Teams and it is proposed that, until such times as the legislation allowing virtual meetings is repealed, all future meetings continue on this platform.

Madeleine Gorman
Contract Manager

Risk Assessment Statement

There is no operational risk arising from this report.

Joint Waste and Recycling Committee

Date	-	23 October 2020
Report of the	-	Secretary to the Joint Waste and Recycling Committee
Subject	-	Transfer of Administering Authority

Recommendation: It be **RESOLVED:** That the Joint Waste and Recycling Committee:

- 1) recommends to the Partnership Authorities that Rother District Council ceases to act as the Administering Authority for the Joint Waste Partnership from 1 April 2021;
 - 2) nominate Averil Price, Director Community and Customer Services at Wealden District Council, as the Lead Director with immediate effect; and
 - 3) recommends that Wealden District Council be appointed as the Administrative Authority with effect from 1 April 2021.
-

Report Author: Malcolm Johnston, Secretary to the Joint Waste and Recycling Committee

Introduction

1. Rother District Council (RDC) has served as the Administering Authority for the Joint Waste Contract (JWC) since its inception in 2011 and the role is defined in the Constitution of the Joint Waste and Recycling Committee (JWRC). To change any aspect of the Constitution requires the approval of all partnership authorities.
2. Due to recent changes at RDC, which have included the departure of the Lead Director for the JWRC from the Council, Dr Anthony Leonard, the Council is no longer able to continue with this role. The Lead Director role sits under the Administrative Authority within the governance structure for the Joint Waste Partnership. Although it is noted that a nominated Lead Director is a requirement of the JWC rather than the JWRC Constitution.
3. Discussions among the Waste Authority Lead Officers have resulted in Wealden District Council (WDC) offering to take over the role of Administering Authority with its associated functions. The relocation/transfer from Rother to Wealden will necessarily include TUPE arrangements for Joint Waste Office staff and application of Wealden Officer Employment Procedure Rules, the establishment of new cost centres/budgets and administrative compliance with regard to the Wealden Standing Orders for Contracts and Financial Regulations. Normal contract management activity must be maintained in parallel with the relocation/transfer activities taking place so the Contract Manager will be responsible for ensuring that both areas of work are appropriately planned and coordinated.
4. It is therefore recommended that the roles and functions of the Administering Authority fully relocate/transfer to WDC from 1 April 2021. It is also

recommended that Averil Price, Director Community and Customer Services at WDC be nominated to fulfil the Lead Director role with immediate effect (to ensure that the contractual requirement is met).

5. The partner authorities each need to consider and approve the recommendations of this report so the Constitution can be updated – as attached in Appendix A.

Malcolm Johnston
Secretary to the Joint Waste and Recycling Committee

Risk Assessment Statement

No risks arise from the recommendation of this report.



JOINT WASTE AND RECYCLING COMMITTEE CONSTITUTION

This Constitution has been approved by East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council as the Constitution of the Joint Waste and Recycling Committee.

1. Establishment of the Joint Waste and Recycling Committee

- 1.1 The Joint Waste and Recycling Committee shall be the “East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council Joint Waste and Recycling Committee”.
- 1.2 The Joint Waste and Recycling Committee is established under Sections 101(5) and 102 of the Local Government Act 1972, Section 20 of the Local Government Act 2000 and Regulation 11 of the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012 by the Executives of East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council.

2. Objectives of the Joint Waste and Recycling Committee

- 2.1 The Authorities have established the Joint Waste and Recycling Committee with the intention of facilitating the Authorities in working together to procure, manage and oversee a new waste, recycling, street cleaning and beach cleaning contract with a view to improving the quality and effectiveness of the discharge of their waste collection functions under the Environmental Protection Act 1990.
- 2.2 To work in partnership with East Sussex County Council as the Waste Disposal Authority to maximise integration opportunities.

3. Powers Delegated to and Matters Reserved from the Joint Waste Committee

- 3.1 The Joint Waste and Recycling Committee and Officers reporting thereto shall have such powers as are delegated and set out in Appendices 1 and 2 and such further powers as may from time to time be delegated to the Joint Waste and Recycling Committee by the Leader or Executives of the constituent Authorities or of any of the constituent Authorities.
- 3.2 In so far as any powers may from time to time be delegated to the Joint Waste and Recycling Committee, the following functions (the Reserved Matters) are matters reserved to each of the Authorities making such delegation and shall not be within the powers of the Joint Waste and Recycling Committee:

- 3.2.1 All non-executive functions of any of the Authorities.
- 3.2.2 Any decision which is contrary to or not wholly in accordance with the budget approved by each Authority for the Joint Waste and Recycling Committee, or is contrary to an approved policy or strategy which has been approved as part of the Policy and Budget Framework of that Authority.
- 3.2.3 Any decision in respect of which a scrutiny committee of any of the appointing authorities has notified the Secretary to the Joint Waste and Recycling Committee in writing of the Authority's formal objection to the proposed decision in accordance with Paragraph 10.1 (below).
- 3.2.4 Approval or amendment of any Joint Working Agreement between the appointing Authorities in respect of the discharge of the appointing Authorities' waste disposal functions.
- 3.2.5 Any decision by an Authority to withdraw its Membership from the Joint Waste and Recycling Committee.
- 3.2.6 Approval of the final award of a Contract for the collection of waste and recycling services to have effect on and from 29 June 2019.
- 3.2.7 In the case of East Sussex County Council the power of direction as to the place of disposal of waste, and the power of objection to recycling arrangements, respectively under sections 48 (1) and 48(4) of the Environmental Protection Act 1990.
- 3.2.8 Any powers delegated to the Joint Waste and Recycling Committee.

4. Membership and Appointment of the Joint Waste and Recycling Committee

- 4.1 The Joint Waste and Recycling Committee shall comprise seven Members, being two Members appointed from the Executive of each of the Authorities with at least one such member for each Authority being the member with responsibility for waste, recycling and street and beach cleaning services together with one Member appointed by East Sussex County Council.
- 4.2 The Joint Waste and Recycling Committee shall also have power to permit additional membership of the Committee, in particular Members appointed from Eastbourne Borough Council and Lewes District Council, in either a co-opted role without voting rights, or as a Full Member of the Committee with equal status and rights as the other District and Borough Members of the Committee.
- 4.3 Each Member of the Joint Waste and Recycling Committee shall be appointed for the term of office, or the balance of the term of office, of the Executive of the appointing Authority.
- 4.4 The appointment of Members of the Joint Waste and Recycling Committee to fill any vacancy for such Members shall be made by the Executives of each Authority:

- 4.4.1 as soon as practicable following the adoption of this Constitution by the Executive of that Authority;
 - 4.4.2 as soon as practicable after the appointment of the Executive of that Authority in accordance with that Authority's Constitution; and
 - 4.4.3 as soon as practicable after a vacancy arises in respect of a seat on the Joint Waste and Recycling Committee to which the Executive of that Authority has the power to make an appointment.
 - 4.5 A Member of the Joint Waste and Recycling Committee shall cease to be a member of the Joint Waste and Recycling Committee, and a vacancy shall automatically arise, where:
 - 4.5.1 the Member resigns from the Joint Waste and Recycling Committee by giving notice in writing to the Secretary to the Joint Waste and Recycling Committee;
 - 4.5.2 the Member ceases to be, or is suspended under Part III of the Local Government Act 2000 from acting as, a Member of the appointing Authority, or a Member of the Executive of the appointing Authority; and
 - 4.5.3 the Member is removed from membership of the Joint Waste and Recycling Committee by notification in writing from the Leader of the appointing Authority to the Secretary of the Joint Waste and Recycling Committee.
 - 4.6 All appointments to membership of the Joint Waste and Recycling Committee shall be made by notification in writing from the Leader or the Chief Executive (or equivalent executive officer) of the appointing Authority to the Secretary of the Joint Waste and Recycling Committee.
 - 4.7 Upon being made aware of any Member ceasing to be a Member of the Joint Waste and Recycling Committee, the Secretary of the Joint Waste and Recycling Committee shall write to that Member confirming that he/she has ceased to be a Member of the Joint Waste and Recycling Committee, and notifying the appointing Authority and the other Members of the Joint Waste and Recycling Committee accordingly.
 - 4.8 Each Authority will appoint a substitute Executive Member of the Joint Waste and Recycling Committee on the same terms as the Authority's appointed Member of the Joint Waste and Recycling Committee. The substitute Executive Member will attend any meeting of the Joint Waste and Recycling Committee with all the powers of the Authority's appointed Member in the event that an appointed Member is unable to attend a particular meeting.
- 5. Chairman and Vice-Chairman of the Joint Waste and Recycling Committee**
 - 5.1 At the first meeting of the Joint Waste and Recycling Committee after the annual meetings of each Authority in any year, the Joint Waste and Recycling Committee shall elect a Chairman of the Joint Waste and Recycling Committee and a Vice-Chairman of the Joint Waste and Recycling Committee

for the following year from among the Members of the Joint Waste and Recycling Committee, save that any co-opted Members shall not be entitled to election as Chairman or Vice-Chairman of the Joint Waste and Recycling Committee.

- 5.2 By convention, if the Chairman of the Joint Waste and Recycling Committee in any year is a Member of one of the Authorities, the Chairman of the Joint Waste and Recycling Committee for the next year would normally be a Member of another of the Authorities.
- 5.3 The Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee shall each hold office until:
 - 5.3.1 a new Chairman or Vice-Chairman of the Joint Waste and Recycling Committee is elected in accordance with Paragraph 5.1 above;
 - 5.3.2 he/she ceases to be a member of the Joint Waste and Recycling Committee; or
 - 5.3.3 he/she resigns from the office of Chairman or Vice-Chairman by notification in writing to the Secretary of the Joint Waste and Recycling Committee.
- 5.4 Where a casual vacancy arises in the office of Chairman or Vice-Chairman of the Joint Waste and Recycling Committee, the Joint Waste and Recycling Committee shall at its next meeting elect a Chairman or Vice-Chairman, as the case may be, for the balance of the term of office of the previous Chairman or Vice-Chairman.
- 5.5 Where, at any meeting or part of a meeting of the Joint Waste and Recycling Committee, both the Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee are either absent or unable to act as Chairman or Vice-Chairman, the Joint Waste and Recycling Committee shall elect one of the members of the Joint Waste and Recycling Committee present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate.

6. Secretary to the Joint Waste and Recycling Committee

- 6.1 The Joint Waste and Recycling Committee shall be supported by the Chief Executive (or equivalent executive officer) or nominated officer of the Administering Authority in his/her capacity as Secretary to the Joint Waste and Recycling Committee.
- 6.2 The functions of the Secretary of the Joint Waste and Recycling Committee shall be:
 - To maintain a record of membership of the Joint Waste and Recycling Committee.
 - To notify the Chief Executive (or equivalent executive officer) of each appointing Authority of any anticipated decisions to be taken by the Joint Waste and Recycling Committee over the year (whether or not key decisions) and updated on a monthly basis, to enable such decisions to be included in the Forward Plans of each appointing Authority as required by

the Local Authorities (Access to Information) (England) Regulations 2001 and in accordance with their respective constitutions.

- To carry out such notification to and consultation with Members of the appointing Authorities as may be necessary to enable the Joint Waste and Recycling Committee to take urgent decisions which have not been included in the Forward Plans of appointing Authorities.
- To notify the Chief Executives (or equivalent executive officer) of the Authorities of the dates, times and venues of meetings and to publish the dates times and venues.
- To summon meetings of the Joint Waste and Recycling Committee in accordance with paragraph 7 below.
- To prepare and send out the agenda for meetings of the Joint Waste and Recycling Committee in consultation with the Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee and the Authority Lead Officers.
- To keep a record of the proceedings of the Joint Waste and Recycling Committee.
- To take such administrative action as may be necessary to give effect to decisions of the Joint Waste and Recycling Committee.
- To undertake such other functions as may be determined by the Joint Waste and Recycling Committee.

7. Convening of Meetings of the Joint Waste and Recycling Committee

7.1 Meetings of the Joint Waste and Recycling Committee shall be held at such times, dates and places as may be notified to the Members by the Secretary to the Joint Waste and Recycling Committee, being such time, place and location as:

7.1.1 the Joint Waste and Recycling Committee shall from time to time resolve;

7.1.2 the Chairman of the Joint Waste and Recycling Committee, or if he/she is unable to act, the Vice-Chairman of the Joint Waste and Recycling Committee, shall notify to the Secretary of the Joint Waste and Recycling Committee; or

7.1.3 the Secretary of the Joint Waste and Recycling Committee, in consultation where practicable with the Chairman and Vice Chairman of the Joint Waste and Recycling Committee, shall determine in response to receipt of a request in writing addressed to the Secretary of the Joint Waste and Recycling Committee:

- from and signed by two Members of the Joint Waste and Recycling Committee, or
- from the Chief Executive (or equivalent executive officer) of an Authority, or
- from the Leader of an Authority which request sets out an item of business within the functions of the Joint Waste and Recycling Committee that needs to be considered prior to the next scheduled meeting of the Joint Waste and Recycling Committee.

7.2 The Secretary of the Joint Waste and Recycling Committee shall formulate the agenda for any meeting of the Joint Waste and Recycling Committee after

consulting, where practicable:

- 7.2.1 the Project Manager, Senior Waste Officer of the Administering Authority and Waste Authority Lead Officers;
- 7.2.2 the Chairman and the Vice-Chairman of the Joint Waste and Recycling Committee;
- 7.2.3 And shall incorporate in the agenda any items of business and any reports submitted by:
 - any two Members of the Joint Waste and Recycling Committee in accordance with Paragraph 7.1.3 above;
 - the Leader of any of the Authorities;
 - the Chief Executive (or equivalent executive officer) of any of the Authorities (or their nominated officers);
 - the Senior Waste Officer of the Administering Authority and Waste Authority Lead Officers;
 - the Chief Finance Officer / Section 151 Officer to any of the Authorities;
 - the Monitoring Officer to any of the Authorities; and
 - such other officers as the Joint Waste and Recycling Committee may determine for this purpose.

8. Procedure at Meetings of the Joint Waste and Recycling Committee

- 8.1 The Joint Waste and Recycling Committee shall, unless the Member of the Joint Waste and Recycling Committee presiding at a meeting or the Joint Waste and Recycling Committee determines otherwise, conduct its business in accordance with the Executive Decision-Making Procedure Rules of the Administering Authority, as set out in Appendix 3 to this Constitution and as set out below.
- 8.2 A meeting of the Joint Waste and Recycling Committee shall be inquorate and shall not be able to discharge any business unless there are at least three Members present, with such members representing at least two of the three District and Borough Council members of the Authorities.
- 8.3 The Chairman of the Joint Waste and Recycling Committee, or in his/her absence the Vice-Chairman of the Joint Waste and Recycling Committee, or in his/her absence the Member of the Joint Waste and Recycling Committee elected for this purpose, shall preside at meetings of the Joint Waste and Recycling Committee.
- 8.4 Whilst the Joint Waste and Recycling Committee shall seek, wherever possible, to work on a principle of consensus, decisions of the Joint Waste and Recycling Committee shall be determined by a majority of the Members of the Joint Waste and Recycling Committee present and voting. In the event of an equality of votes, the person presiding shall have a second or casting vote.
- 8.5 Where the Joint Waste and Recycling Committee are unable to support any motion on a matter, or any individual Full Member of the Joint Waste and Recycling Committee is unable to support any motion on a matter, the decision will be held in abeyance until the next meeting of the and Recycling

Committee where a decision shall be taken in relation to that matter. In such circumstances, the Secretary of the Joint Waste and Recycling Committee will notify the matter to the Leaders of the constituent authorities.

- 8.6 Any decision of the Joint Waste and Recycling Committee is subject to the scrutiny arrangements as set out 10 below.

9. Attendance at Meetings of the Joint Waste and Recycling Committee

- 9.1 Notwithstanding that, in accordance with the provisions of the Local Government Act 1972, a meeting or part of a meeting of the Joint Waste and Recycling Committee may not be open to the press and public the Members and officers specified in Clause 9.2 below of each Authority shall be entitled, in person or by another officer nominated by that officer, to attend all, and all parts, of such meetings, unless the particular Member or officer has a conflict of interest as a result of a personal and prejudicial interest in the matter under consideration.

- 9.2 The following are the elected Members and officers who shall have a right of attendance in accordance with clause 9.1 above:

- all elected Members of the constituent Authorities;
- the Chief Executive (or equivalent executive officer) of any of the constituent Authorities or nominated officers;
- the Directors and officers responsible for waste and street cleansing of the constituent Authorities;
- the Chief Finance Officer / Section 151 officer to any of the constituent Authorities;
- the Monitoring Officer to any of the constituent Authorities;
- any person appointed by the Joint Waste and Recycling Committee to manage particular projects; and
- any other officer of the Authorities at the request of any member of the Joint Waste and Recycling Committee.

10. Call-In by Scrutiny Committees

- 10.1 The delegation of powers from each Authority to the Joint Waste and Recycling Committee is subject to the limitation that all decisions taken by the Joint Waste and Recycling Committee in accordance with delegations from each Authority shall only take effect five clear Working Days after publication of the decisions following a relevant meeting of the Joint Waste and Recycling Committee and shall be ineffective if a relevant scrutiny committee of one or more of the Authorities has given notice in writing to the Chief Executives (or equivalent executive officer) of the other Authorities and to the Secretary to the Joint Waste and Recycling Committee within such period of five clear Working Days.

- 10.2 The Authority seeking call in will need to identify which part or parts of the decision are called in and to give the reasons for call in and must have support of the relevant number of members as set out in the Constitution of that Authority.

- 10.3 If a decision of the Joint Waste and Recycling Committee is called in, it shall not be implemented save where the decision on the call-in:

- is to support or take no further action, in which case the decision shall take effect at the conclusion of that call-in meeting, or
 - where the meeting of the Authority's Scrutiny Committee does not take place within 10 clear working days of the valid submission of a notice triggering a call-in under 10.2 above, the decision shall take effect on the date of the expiry of the ten working day period.
- 10.4 Such matters shall within a further 10 clear working days be referred and considered by a meeting of the relevant Scrutiny Committee(s) with the Senior Waste Officer attending the meeting (or deputy). The relevant Scrutiny Committee(s) may make such recommendations to the next meeting of the Joint Waste and Recycling Committee on the matter as they think fit.
- 10.5 Where an Authority or Authorities have made such objection in respect of a matter, the Joint Waste and Recycling Committee shall then reconsider the matter within a further 10 clear working days and come to a decision. That second decision shall take effect immediately and no Authority can then call-in that second decision.

11. Standing Orders for Contracts, Financial Regulations and Officer Employment Procedure Rules

The Joint Waste and Recycling Committee shall operate under the Standing Orders for Executive Decision Making, Contracts, Financial Regulations and Officer Employment Procedure Rules of the Administering Authority.

12. Amendment of this Constitution

This Constitution can only be amended by agreement of all the Authorities.

13. Definitions

In this Constitution, the following words and phrases shall have the meanings set out below:

“the Administering Authority” means Rother Wealden District Council.

“The Authorities” means East Sussex County Council, Hastings Borough Council, Rother District Council and Wealden District Council, and “Authority” shall refer to any one of the Authorities individually.

“Policy and Budget Framework” means the plans and strategies approved by the Council of each of the Authorities for the purpose of Regulation 4 and Schedule 3 of the Local Authorities (Functions and Responsibilities) (England) Regulations 2000, as may be amended or replaced from time to time.

“Deputy Project Manager”: Responsible person for the project management of the delivery of a joint waste contract with effect on and from 29 June 2017.

“Senior Waste Officer”: Responsible for the preparation of the specification and all documentation in relation to the procurement of the Joint Waste Contract.

“Waste Authority Lead Officers”: Directors responsible for Waste, recycling and beach and street cleaning.

Appendix 1

Joint Waste and Recycling Committee Delegation

1. Save as may be limited by the Reserved Matters set out in the Constitution to exercise all the executive functions of the parties in order to commission, co-ordinate, provide, procure and/or manage any shared waste collection services, recycling services, street cleaning services and beach cleaning services; such powers to be further limited to the extent that the Joint Waste and Recycling Committee are unable able to exercise any executive powers defined above where those powers have been delegated to the Joint Waste and Recycling Committee until such time as any constituent authority withdraws those powers from the Joint Waste and Recycling Committee or the Joint Waste and Recycling Committee is terminated.
2. To provide strategic direction to the officers advising the Joint Waste and Recycling Committee.
3. To develop work programmes and projects in relation to the functions which are delegated to the Joint Waste and Recycling Committee.
4. To regularly report to each of the Authorities on its activities.
5. To facilitate constructive partnership working between the Authorities.
6. To respond to reports and recommendations made by the relevant Scrutiny Committee of any of the Authorities.
7. To monitor the operation of the Joint Waste and Recycling Committee and of any contracts procured thereunder.
8. To propose a budget for the operation of the Joint Waste and Recycling Committee to the Authorities and to monitor and manage any such budget once approved by the Authorities.
9. To review these arrangements from time to time and make recommendations to the Authorities for amendment, improvement and /or alteration of these arrangements.
10. To arrange for the discharge of any of its functions, powers or duties by an Officer or Officers of any of the Authorities.

Appendix 2

Officer Delegation

The Executive Director for Rother Wealden District Council and/ or such other officer(s) of the Authorities as may be nominated by the Joint Waste and Recycling Committee may:

1. give effect to decisions by or on behalf of the Joint Waste and Recycling Committee;
2. procure the completion of all documents etc., as may be required to give effect to decisions by or on behalf of the Joint Waste and Recycling Committee for the purpose of implementing the powers and duties of the Joint Waste and Recycling Committee;
3. authorise any action which is calculated to facilitate, or is conducive or incidental to the discharge of any of the Joint Waste and Recycling Committee's functions;
4. place orders and enter into contracts for the supply of goods and services as authorised by the Joint Waste and Recycling Committee and authorise or incur expenditure for which provision has been made in the appropriate revenue or capital budget by the Joint Waste and Recycling Committee;
5. undertake any necessary consultation internally or externally on behalf of the Joint Waste and Recycling Committee;
6. carry out administrative, professional or technical work to implement the decisions of the Joint Waste and Recycling Committee; and
7. authorise other staff to act in their name and on their behalf in the discharge of these delegations.

Appendix 3

Executive Decision Procedure Rules

1. Application

These procedure rules apply to all meetings of the Joint Waste and Recycling Committee (JWRC), and to any executive decisions taken by officers under powers delegated from the JWRC.

2. Allocation and Delegation of Functions

(a) Sub-delegation

Except in respect of Key Decisions, where the JWRC is responsible for the discharge of a function, it may arrange for the discharge of that function by an officer.

(b) Resumption of delegated functions

Where a function has been delegated by the JWRC, it may at any time resume responsibility for the discharge of that function by notice in writing to the person or body to whom the function has been delegated, with a copy to the Secretary.

Where an officer has been given delegated powers in respect of a function, he/she may at any time refer the matter up for decision to the person or body from whom the power has been delegated.

3. Meetings

- (a)** The JWRC shall meet as necessary for the effective discharge of its functions.
- (b)** The JWRC shall meet at such times, dates and locations as may be determined by the JWRC or by the Chairman of the JWRC and notified to the Secretary.
- (c)** Where one of the Scrutiny Committees of the Authorities has requested the JWRC or a Sub-Committee to reconsider a decision, the decision-takers shall meet and reconsider the decision within 10 working days of the referral by the Scrutiny Committees.
- (d)** Meetings will normally be held at such locations as the JWRC shall determine, but with the intent that the meetings shall rotate around the Authorities.

4. Summons and Agenda Procedure

- (a)** All meetings of JWRC shall be summoned by the Secretary.
- (b)** Except in cases of special urgency, at least five clear working days before the meeting, the Secretary shall prepare and send to each Committee Member, the Leaders of the Authorities, Chairmen of the

appropriate Scrutiny Committees of the Authorities, appropriate officers and the media an agenda setting out:

1. The identity of the body;
2. The time, date and location of the meeting;
3. The business to be transacted at the meeting, including:
 - i. Any reports and recommendations from an Authority.
 - ii. Any reports or recommendations from the JWRC.
 - iii. Any notices of motion to, or referred to, the Committee.
 - iv. Any petitions to, or referred to, the body.
 - v. Any reports to be made by statutory officers.
 - vi. Any matters which the Chairman has notified to the Secretary for inclusion in the agenda.
 - vi. Any reports to be made by other officers appropriate to the proper discharge of the JWRC's business.
 - vii. Consideration of the JWRC's work programme.
 - viii. Where practicable, an indication that the Secretary is of the opinion that it is likely that the press and public will be excluded from all or part of the meeting.

- (c) No business may be transacted at a meeting which is not specified in the agenda or supplementary agenda for the meeting unless the Chairman of the JWRC agrees that the item should be considered as a matter of urgency. The reason for the urgency shall be specified in the statement of decision (the Minutes).
- (d) The agenda shall be accompanied by any reports and documents necessary for the decision-takers to discharge their business effectively. Each such report shall be in such standard form as the Secretary may prescribe and shall include a list of all background documents which the author of the report has relied upon in compiling the report. As a matter of principle, any written report relating to a matter included in the agenda should be made available and circulated at the same time as the agenda, but where this is not practicable because of the urgent nature of the matter, the agenda will state that the report is to follow and the report will be circulated as soon as possible after the circulation of the agenda for the meeting.
- (e) All reports shall be developed following appropriate consultation (including with Leaders and other stakeholders as appropriate).

5. Rights of Attendance and Audience

- (a) Agendas of the JWRC meetings and reports, except those marked "Not for Publication", will be available for inspection on request by the public at the offices of the Authorities, during normal office hours as well as being published on the Administering Authority's website.
- (b) The presumption is that all meetings of the JWRC and of any Sub-Committees shall be open to the public.
 - (i) Where the Secretary is of the opinion that it is likely that the press and public will be excluded from all or part of a meeting,

he/she shall so indicate on the agenda and may withhold from the press and public any report or background paper which would disclose confidential or exempt information.

- (ii) The JWRC must exclude press and public from any part of a meeting at which confidential information is likely to be disclosed.
 - (iii) The JWRC may exclude press and public from any part of a meeting:
 - A) at which exempt information is likely to be disclosed; or
 - B) at which officers will provide a briefing to members on a matter on which a decision is likely to be taken on the matter within the next 28 days.
- (e) All documents which are open to public inspection, will normally be available at least five clear days before the relevant meeting. Where a report is not available when the agenda is published, the report shall be made available for public inspection when it is made available to members of the JWRC.
 - (f) The rights of members of any of the Authorities shall be as set out in the protocol at Annex A.

6. Urgent Decisions

- (a) Urgent Decisions
Subject as below, the JWRC shall not take a decision which has not been included in the Forward Plan of each of the Authorities (so far as the same is necessary under their respective constitutions) for the period in which the decision is to be taken unless at least five clear working days' notice of that decision has been given to the Chairmen of the relevant Scrutiny Committees of each Authority setting out the reasons for urgency
- (b) Special Urgent Decisions
The JWRC shall not take a Special Urgent Decision unless notice of the intended decision has been given by the Secretary to the Chairmen of the relevant Scrutiny Committees of each Authority and he/she, or in his absence the Chairman of Council, or in his/her absence the Vice-Chairman of Council, have notified the Secretary that he/she agrees that the decision is specially urgent.
- (c) Reporting Urgent and Special Urgent Decisions
The Secretary shall ensure that a report listing all Urgent Decisions and Special Urgent Decisions is presented to the next convenient meeting of the relevant Scrutiny Committees of each of the Authorities.

7. Departure Decisions

- (a) The JWRC shall not take a decision which is contrary to or not wholly in accordance with the Administering Authority's approved Budget or the Authority's approved plan or strategy for borrowing and capital

- expenditure, and which is not within the approved virement limits, but shall refer the proposed decision to the Administering Authority [Council] for determination.
- (b) The JWRC shall not take a decision which is contrary to the Administering Authority's Policy Framework, but shall refer the proposed decision to [each Authority] for determination.
- (c) Paragraphs (a) and (b) shall not apply where the decision:
- (i) is urgent (in the sense that the interests of the authority, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were to be deferred until the next ordinary meeting of Council); and
 - (ii) the Secretary has notified the Chairmen of the Scrutiny Committees of the relevant Authorities or, if he/she is unable to act, the Chairmen of Council or, if he/she is unable to act, the Vice-Chairmen of Council of the intended decision and the reasons for urgency and those Councillors have notified the Secretary in writing that he/she agrees that the matter needs to be determined as a matter of urgency.
- (d) In each instance where any urgent decision is taken under Paragraph (c) above, the decision taker(s) shall as soon as reasonably practicable after the making of the decision, submit a report to each relevant constituent authorities setting out the particulars of:
- (i) the decision which has been taken;
 - (ii) the reasons why the decision was urgent; and
 - (iii) the reasons for the decision itself.
- (e) The Secretary shall ensure that a report setting out each urgent departure decision is presented to the next convenient meeting of the relevant Scrutiny Committees.

8. Rules of Procedure

- (a) Who presides?
- The Chairman shall preside at meetings of the JWRC. In his/her absence, the Vice-Chairman shall preside. In the absence of both Chairman and Vice-Chairman, the JWRC shall elect one of the members of the JWRC present at the meeting to preside for that meeting or part of the meeting, as appropriate.
- (b) What business is to be transacted?
- (i) Apologies for absence.
 - (ii) Declarations of interest.
 - (iii) Matters set out in the agenda for the meeting.
- (c) The person presiding at a meeting shall conduct the meeting in accordance with these Procedure Rules.

- (d) The person presiding at the meeting may vary the order of business at the meeting.
- (e) The person presiding at the meeting may invite any person, whether a Member or officer of the JWRC or a third party, to attend the meeting and to speak on any matter before the meeting.

9. Quorum

The quorum for a meeting of the JWRC shall be three Members, one from each of the Authorities responsible for waste, recycling and street and beach cleaning services.

10. Record of Attendance

All JWRC members present during the whole or part of a meeting must sign their names on the attendance sheet before the conclusion of the meeting.

11. Disorderly Conduct

- (a) If, in the opinion of the person presiding, any member of the JWRC misbehaves at a meeting by persistently disregarding the ruling of the person presiding, or by behaving irregularly, improperly or offensively, or by willfully obstructing the business of the JWRC, the person presiding may move not to hear the member further. If the motion is seconded it shall be put to the vote without discussion.
- (b) If, in the opinion of the person presiding, the member persistently misbehaves after such a motion has been carried, the person presiding may require the removal of the member for such period as the person presiding shall determine. The person presiding may, if necessary, adjourn or suspend the meeting of the JWRC.
- (c) If a member is required to leave a meeting under this Procedure Rule, the member is not entitled to vote during the period of exclusion.
- (d) If a member of the public or Councillor who is not a JWRC member interrupts the proceedings at any meeting, the person presiding may issue a warning. If the interruption continues the person presiding may order the person's removal from the room in which the meeting is being held.
- (e) In case of general disturbance in any part of the meeting room open to the public the person presiding may order that part cleared. If the person presiding considers it necessary, he may adjourn or suspend the meeting of the JWRC.

12. Voting

- (a) Matters under consideration shall be determined by a majority vote of those members present and voting.
- (b) Voting is generally by a show of hands.

- (c) Any JWRC member may ask for a vote to be recorded, individual votes will then be taken by way of a roll call and recorded in the minutes so as to show how each member present and voting gave his/her vote.
- (d) Any JWRC member may ask that his/her individual vote be recorded in the minutes. Immediately after a particular vote is taken any member may ask for it to be recorded in the minutes that he/she voted for or against the question, or that he/she abstained.
- (e) Whenever a vote is taken by show of hands and not by roll call, the person presiding shall ask for those in favour, and those against to vote in turn. He/she will then ask those abstaining from voting to indicate accordingly. Any member may ask for the number of those in favour, the number of those against and the number of those abstaining to be recorded in the minutes.
- (f) A member of the JWRC may not change his/her vote once he/she has cast it and another member has been called upon to vote.
- (g) If a Committee member arrives during the debate on a particular item but before the casting of votes has commenced, the Chairman will have discretion on whether the Committee Member can vote on this matter.
- (h) A matter shall be considered to be approved if it receives the votes of a majority of those members of the JWRC entitled to vote who are present and voting. In the event that the votes cast for and against a proposal are equal, the person presiding, will have a second and/or casting vote. There shall be no restriction on the manner in which the casting vote is exercised.
- (i) Where there are more than two persons nominated for any position to be filled by the JWRC, and no person receives more than one half of the votes given, the name of the person having the least number of votes will be struck off the list and a fresh vote taken, and so on until a clear majority of votes is given in favour of one person.

13. Recording the Decision

- (a) At the JWRC:
 - (i) The person presiding shall be responsible for ensuring that the Secretary is clear as to the decision taken and the reasons for that decision.
 - (ii) The Secretary shall then, as soon as reasonably practicable after the end of the meeting, but ordinarily within 5 working days of the meeting, prepare a statement of the decisions taken at the meeting (the Minutes), including:
 - A) The members of the JWRC and other persons attending the meeting;
 - B) Any disclosures of personal or prejudicial interests;
 - C) The decisions taken;

- D) Whether any decisions were urgent and should be implemented directly;
- E) A summary of the reasons for the decisions;
- F) The options which were considered at, but rejected by, the meeting.

The Secretary may consult the person presiding at the meeting as to the matters to be recorded in the Minutes.

- (c) Where the statement of decision(s) (the Minutes) would disclose confidential or exempt information, the Secretary shall produce a confidential minute as per current practice ensuring that a coherent account of the matters decided were recorded.
- (d) Where a decision is a reconsideration of a decision which has been subject to the "Call-In" arrangements, the Secretary shall be responsible for reporting that reconsideration decision to all the relevant Scrutiny Committees of the Authorities.
- (e) The Secretary shall be responsible for circulating the statement of decisions (the Minutes) to officers of the authority responsible for the implementation of the decision(s).

14. Implementing decisions

- (a) Decisions shall not be implemented until five clear days from the publication of the statement of decision(s) of the meeting or the decision¹.
- (b) Paragraph (a) shall not apply where the matter is urgent (in accordance with paragraph 6) or the JWRC determines that the interests of one or more of the constituent authorities, its area or the inhabitants of the area are at risk of suffering unacceptable damage if the decision were not to be implemented directly.
- (c) Where a non-urgent decision is called in by any Scrutiny Committee before it is implemented, implementation of the decision will be deferred until JWRC has had the opportunity to consider any request from the Scrutiny Committee for the re-consideration of the matter.

¹ Note that such a deferment of implementation is determined by the JWRC and can be withdrawn if the JWRC is of the opinion that such a deferment prevents the effective discharge of executive functions.

Annex A

RIGHTS OF MEMBERS OF CONSTITUENT AUTHORITIES INSPECTION OF/ACCESS TO DOCUMENTS

All Members of the constituent authorities have the right to access all documents which contain material relating to items considered at meetings of the JWRC.

They also have the right to inspect any other document or have access to any information which they need to properly perform their duties as a Member of one of the Authorities. These rights are, however, subject to the following:

- A Member is not entitled to inspect any document, or have access to any information, relating to a matter where the Member is acting against the Council in a professional capacity.
- In cases where information requested by a Member should not, in the opinion of the Chief Executive (or equivalent executive officer), be disclosed, (e.g. it does not appear to be required to enable the Member to properly perform their duties, or is of a highly sensitive or personal nature or otherwise exempt), the relevant Chief Executive (or equivalent executive officer) may, with good reasons (which should be explained to the Member), refuse access to a document or other information.
- If a Member is not satisfied with this decision, he/she may refer it to the Monitoring Officer of his/her Authority. If a Member remains dissatisfied with the ruling of the Monitoring Officer he/she may ask for the matter to be considered by the JWRC. The ruling of the JWRC is final.

The rules summarised above are complex and based on statutory provisions and case law. If there is any conflict between these rules and the legal provisions, the latter apply.

QUESTIONS

All Members of the constituent authorities may address questions to the Chairman of the JWRC. A period of up to 30 minutes at the beginning of each meeting shall be allowed for questions to be put. Written notice of the question shall be given three working days before the meeting:

The Chairman of the JWRC in responding to the question may;

- Answer the question himself
- Ask an officer to answer the question
- Offer a written answer
- Decline to answer and give his/her reasons

The questioner may ask only one supplementary question, regardless of the number of original questions they asked. The supplementary question must be on the same subject as the original question.

RIGHT TO ATTEND AND PARTICIPATE IN MEETINGS

All Members of the Authorities has the right to attend and speak at any JWRC meeting. Notice of the topic(s) concerned shall be given by 12 noon on the working day before the meeting if the Member wishes to speak at any JWRC meeting.

The Chairman will give Members who have notified their wish to speak the opportunity to speak at the commencement of the meeting to contribute their views on any agenda item or other matter within the remit of the JWRC. A period of up to 30 minutes at the beginning of each meeting shall be allowed for this purpose.

The right to attend remains available when the meeting is considering private (or exempt) business. This is provided that the Member has a legitimate need to be in attendance, and that the attendance does not involve any conflict of interest, which may constitute a prejudicial interest as defined by the Code of Conduct.

The Chairman of the JWRC will exercise discretion on the overall time allowed for Members' participation. This will take into account the issues Members wish to raise and the other business of the meeting.

In managing the meeting, the Chairman has discretion over the management of the participation arrangements.

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