

SOUTH HAMS COUNCIL



Minutes of a meeting of the **South Hams Council** held on **Thursday, 17th June, 2021** at **2.00 pm** at the **Chamber - Kilworthy Park**

Present: **Councillors:**

Chairman Cllr Foss
Vice Chairman Cllr Austen

Cllr Abbott	Cllr Baldry
Cllr Bastone	Cllr Brazil
Cllr Brown	Cllr Hawkins
Cllr Hodgson	Cllr Holway
Cllr Hopwood	Cllr Jackson
Cllr Jones	Cllr Long
Cllr McKay	Cllr O'Callaghan
Cllr Pannell	Cllr Pearce
Cllr Pennington	Cllr Pringle
Cllr Reeve	Cllr Rowe
Cllr Smerdon	Cllr Spencer
Cllr Sweett	Cllr Taylor
Cllr Thomas	

In attendance:

Officers:
Chief Executive
Deputy Chief Executive
Monitoring Officer
Head of Practice – Commissioning & Contracts
Democratic Services Manager

29. **Chairman's Introductory Comments**

29/21

The Chairman welcomed those in attendance at this Special Council Meeting and proceeded to make the following introductory comments to set out how he intended for the Meeting to be conducted:

- It was the overriding aim of the meeting to achieve a constructive outcome that focused on resolving the performance issues

associated with the waste service for the benefit of South Hams residents;

- It was evident from the extraordinary meeting of the Overview and Scrutiny Committee meeting held on 10 June 2021 that the current level of performance was not acceptable (Minute O&S.3/21 refers). As a result, the Chairman urged the wider membership to focus on solutions and agreeing a way forward and not on re-visiting the issues that had already been raised at that Committee meeting;
- Members were advised that FCC Environment Services (UK) Limited ("FCC") (the Council's Waste Service Provider) representatives would be outlining their proposals to bring about a sustained and continuous improvement in due course and Members would have the opportunity to ask questions of the representatives about these proposals;
- At the point when the Council was to debate the FCC proposals, it was his intention to invoke Council Procedure Rule 12.4: 'Content and Length of Speeches' and therefore limit individual Member speeches to five minutes each. To reinforce his point, the Chairman urged all Members to avoid repetition and be clear and succinct in making their points to the meeting.

30. **Declarations of Interest**

30/21

Members were invited to declare any interests in the items of business to be considered during the course of the meeting, but there were none made.

31. **Council's Waste and Recycling Service - Performance**

31/21

At the invitation of the Chairman, the Deputy Chief Executive conducted a presentation to the Meeting that focused on:

- The current status of the Recycling Collection service;
- Historic (2016/17 to 2020/21) Performance data;
- FCC Performance data;
- Key issues that were identified as being:
 - o The level of missed collections were unacceptable;
 - o Missed collections were not getting revisited;
 - o No spare capacity to manage operational issues;
 - o Insufficient resources to problem solve repeat missed collections;
 - o The volume of recycling; and
 - o The capacity of the Ivybridge Transfer Station.
- What the Council was doing. Key points raised were:
 - o Consulting External Advisors (including the Local Government Association);
 - o Embedding senior management within FCC at both depots. In addition, Council officers continued to supplement FCC resources and the Locality Service was shadowing the new co-mingled rounds and delivering info; and
 - o Holding FCC to account through: daily reviews on previous days performance; proactive problem solving on the day; and weekly performance meeting with Executive Members.

- The current officer view being that FCC need to implement:
 - o Effective use of data and IT;
 - o Proactive management and reporting of daily rounds;
 - o Effective management and supervision by:
 - Communication with crews;
 - Motivation and morale of workforce;
 - Training of crews;
 - Recruitment of supervisors; and;
 - Effective administrative support;
 - o Public assurance that no recycling went to landfill / incineration;
- A summary of the FCC Plan as follows:
 - o To get back to collecting recycling from every property, every week;
 - o For 26,000 residents to remain on kerbside sort;
 - o In the interim to:
 - Move 11,000 properties (phases 5, 6 and 7) to a weekly kerbside co-mingled service, with food waste placed in the grey (residual) bin;
 - 8,500 households (phase 4) remaining on blue/clear sacks; and
 - o That the long-term solution be completed by end of 2021.

In discussion on the presentation, particular reference was made to:-

- (i) the performance information not taking account of the vast numbers of residents who had simply given up reporting their missed collections; and
- (ii) phases 5, 6 and 7 of the Plan. In reply to a request, officers agreed to circulate a copy of the areas that were included in phases 5, 6 and 7 of the FCC Plan.

At this point, the Chairman invited Mr Mark Barnfield (Head of Municipal Collections and Street Scene) and Mr Brian Ashby (Area Manager for South Hams and West Devon areas) from FCC to set out in more detail the draft Improvement Plan. In so doing, they highlighted that:

- on behalf of their organisation, they wished to apologise to those residents of the South Hams who have been adversely affected;
- to overcome the current situation, the organisation were allocating extensive additional resources. However, the representatives stated that this was not a long-term sustainable solution;
- there was a desperate need to relieve the current pressures on the waste transfer station. In highlighting the intention of the Plan to build up service resilience, the organisation was currently investigating securing land to develop an additional waste transfer station;
- 11 rounds would be taken off of kerbside collection with co-mingled rounds being supplemented with a further two rounds until the collection backlog had been satisfactorily cleared; and

- staff retention and, in particular, keeping suitably qualified drivers, was proving to be a real challenge to the organisation. In an attempt to offset these challenges, the organisation was undertaking a number of measures including: reviewing its staff pay rates and terms and conditions.

Members were then invited to ask questions of the FCC representatives during which the following points were raised:-

- (a) A number of Members reiterated their deep frustrations at the current service position. These frustrations included:
 - o A belief that FCC had not taken into adequate account the influx of tourists and second home owners into the South Hams;
 - o Members lacking in confidence that the assurances that they had received from FCC would be implemented and result in service improvements'
 - o The inappropriateness of certain vehicles in some of the smaller South Hams villages;
 - o the particularly poor approach to assisted collections. A number of Members felt that assisted collections should be given absolute priority by FCC and instances whereby some had been missed for over six weeks was simply not acceptable;
 - o the lack of meaningful management information and data that was being produced by the current software system;
 - o disappointment that the FCC UK Manager had not been in attendance at either this meeting or the Overview and Scrutiny Committee meeting held on 10 July 2021; and
 - o a number of FCC staff feeling unsupported by the organisation. Based upon informal discussions with Members, the view was expressed that staff morale was very low within the organisation;
- (b) The representatives recognised the need for additional recruitment to be undertaken at supervisory level within FCC;
- (c) In order to appease some of the most unhappy town and parish councils, the representatives confirmed that they would speak to some local Ward Members outside of this meeting in an attempt to set up a meeting with those councils;
- (d) Members were given a number of assurances that, in the event of the Improvement Plan being adopted, FCC would see performance levels return to a steady state by mid-July 2021;
- (e) A number of Members urged the representatives to keep local Ward Members informed of any imminent changes that were proposed to be implemented;

- (f) The representatives informed that the proposal to 'bag split' was unfortunate and would only be a very short-term measure in order to reduce the backlog;
- (g) With regard to it being anticipated that the long-term solution would be completed before the end of 2021, the representatives informed that this was felt to be a realistic target date. However, the organisation would look to bring this date forward if it was at all deemed possible;
- (h) A Member emphasised the importance of a clear communications campaign that reiterated that those households on a co-mingled service would still have their materials recycled and not sent to landfill;
- (i) It was confirmed that FCC should be returning to collect those missed collections by the end of the next working day from when it was formally reported;
- (j) A motion was **PROPOSED** and **SECONDED** that read as follows:

*'That Council be **RECOMMENDED** to:*

- 1. apologise to those residents who have experienced service disruption;*
- 2. state its dissatisfaction with FCC's failure to roll out the kerbside recycling service effectively and that it will continue to hold FCC to account for such failure;*
- 3. recognise all the efforts of Council officers working with FCC to try to resolve the service issues;*
- 4. insist FCC continue to report its performance to the Executive on a weekly basis; and*
- 5. express its extreme disappointment with FCC's continued failure to respond to media and press enquiries.'*

Whilst appreciating the sentiments of the motion, a Member felt that it should be strengthened and an amendment was therefore **PROPOSED** and **SECONDED** as follows:

- 6. that failure by FCC to fulfil its commitments in respect of the Waste and Recycling Collection Service before the end of July 2021 will result in the Council giving consideration to putting the contractor on formal notice of termination of the contract.*

At this point, the Chairman felt that the Monitoring Officer should be invited to provide the Council with some legal advice and it was therefore **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that:

RESOLVED

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the following items of business as the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A to the Act is involved.

Having heard and considered the legal advice given, and following a recorded vote in accordance with Council Procedure Rule 14.6, the amendment was declared **LOST**.

Members then considered how the Council should respond to FCC's 16 June 2021 Proposal and, in so doing, agreed to authorise the Director of Customer Service and Delivery to respond.

It was then **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED** that the press and public be re-admitted to the Meeting. After a short debate, it was **PROPOSED, SECONDED** and when put to the vote declared **CARRIED** that:

RESOLVED

1. That an apology be issued to those residents who have experienced service disruption;
2. That the Council state its dissatisfaction with FCC's failure to roll out the kerbside recycling service effectively and that it will continue to hold FCC to account for such failure;
3. That all the efforts of Council officers working with FCC to try to resolve the service issues be recognised;
4. That the Council insist that FCC continue to report its performance to the Executive on a weekly basis;
5. That extreme disappointment be expressed with FCC's continued failure to respond to media and press enquiries;
6. That the exempt legal and commercial advice received be noted;
7. That the Director of Customer Service and Delivery be authorised to respond to FCC on a 'without prejudice' and 'subject to contract' basis that the Council is minded to agree in principle the company's 16 June 2021 Proposal subject to (i) FCC providing the full details of its proposal (which should incorporate any feedback provided by the Council to date) by way of a Change Control Notice in accordance with the Change Protocol in Schedule 11 of the Contract; and (ii) the Council agreeing the terms of the associated Change, noting those terms must offer the Council sufficient assurance in respect of:
 - (a) acceptable performance service levels being achieved by 12 July and such performance being reported back on a weekly basis to the Executive;
 - (b) maintaining current resource levels;
 - (c) effective use of the data and IT;
 - (d) effective management, supervision and communication with the workforce;
 - (e) proactive management and reporting of performance on a daily basis to the Council;

- (f) public assurance that no recycling goes to landfill or incineration;
 - (g) A plan for the systematic review of the existing rounds by 12 July 2021 which should include how local knowledge, including ward Members, will be gathered and fed into plan;
 - (h) a detailed plan regarding the transfer station and an outline plan for the whole district change-over to DAS being provided by 12 July 2021;
 - (i) the Executive being provided a weekly report evidencing resourcing and activity undertaken together with the plan for the following week) in respect of:
 - a. Container / Bin / Sack Deliveries;
 - b. A38 litter picking;
 - c. Litter Bin Emptying;
 - d. Summer additional service;
 - e. Street Cleaning; and
 - f. Public Convenience Cleaning;
8. That the Director of Customer Service and Delivery be authorised to negotiate with FCC the details of the Contract Control Notice and in consultation with the Leader and the Lead Member to accept the Change to the Contract and Services if the Director is satisfied that the agreed terms of the Change (and any associated documents) provide the necessary details and assurances.
9. That FCC be provided with confirmation (on an 'open' basis) that the Council will express no view as to whether FCC should implement the 16 June 2021 Proposal in advance of the terms of the proposed Change being agreed by the Council save that, should FCC do so, FCC does so at its own risk. This confirmation should expressly reserve the Council's rights;
10. That the Council ensure that it is reimbursed for the staff and on costs it is incurring in currently supporting FCC in the delivery of its Waste and Recycling Contract.

The Meeting concluded at 6.15 pm

Signed by:

Chairman
