

South Hams Executive



Title:	Agenda						
Date:	Thursday, 11th November, 2021						
Time:	10.00 am						
Venue:	Repton Room - Follaton House						
Full Members:	<p style="text-align: center;">Chairman Cllr Pearce</p> <p style="text-align: center;">Vice Chairman Cllr Bastone</p> <p><i>Members:</i></p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%; text-align: center;">Cllr Baldry</td> <td style="width: 33%; text-align: center;">Cllr Holway</td> <td style="width: 33%;"></td> </tr> <tr> <td style="text-align: center;">Cllr Hawkins</td> <td style="text-align: center;">Cllr Hopwood</td> <td></td> </tr> </table>	Cllr Baldry	Cllr Holway		Cllr Hawkins	Cllr Hopwood	
Cllr Baldry	Cllr Holway						
Cllr Hawkins	Cllr Hopwood						
Interests – Declaration and Restriction on Participation:	Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest.						
Committee administrator:	Democratic.Services@swdevon.gov.uk						

1. Urgent Business

brought forward at the discretion of the Chairman;

2. Division of Agenda

to consider whether the discussion of any item of business is likely to lead to the disclosure of exempt information;

3. Declarations of Interest

Members are invited to declare any personal or disclosable pecuniary interests, including the nature and extent of such interests they may have in any items to be considered at this meeting;

4. Garden Waste Collections

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Report to: **Special Executive**

Date: **11 November 2021**

Title: **Garden Waste Collections**

Portfolio Area: **Cllr Keith Baldry, Executive Lead Member for Environment**

Wards Affected: **All**

Urgent Decision: **N** Approval and clearance obtained: **Y**

Date next steps can be taken:

Author: **Steve Mullineaux** Role: **Director, Customer Service Delivery**

Contact: Steve.mullineaux@swdevon.gov.uk

RECOMMENDATIONS

That the Executive:

- 1. Considers the concerns of the Overview and Scrutiny Committee at its meeting on 4 November, detailed in Appendix B of this report and sets out its response to those concerns for full Council on 25 November 2021.**
- 2. Reviews the learning from Woolwell and authorises payment for the services of the private contractor.**
- 3. Authorises officers to continue to explore all options for resuming the service and that the Executive receives a further report by the Director, Customer Service Delivery in the Spring on future options.**

1. Executive summary

- 1.1 On 14 October 2021 the Executive agreed to suspend the garden waste service until Spring 2022 (Minute E.56/21 refers) (**Appendix A**).
- 1.2 In accordance with the Council Constitution, the Chairman of the Overview and Scrutiny Committee 'Called in' the decision and the Overview and Scrutiny Committee subsequently considered the call-in on 4 November 2021. The Committee agreed with the call-in and raised a number of concerns (**Appendix B**). The Committee has referred its concerns to full Council.

- 1.3 Full Council will consider those concerns at its meeting to be held on 25 November 2021. If Council agrees with them, it will refer the decision back to the Executive for reconsideration. On the other hand, if Council does not agree that the concerns are well-founded, the decision will stand and become effective immediately.
- 1.4 As the contractor FCC Environment ("FCC") continues to face significant challenges daily with ensuring all waste collections rounds are sent out each day, this report invites the Executive to set out its response to the concerns raised by the Overview and Scrutiny Committee, so that Council can be apprised fully when it considers whether the decision should be referred back to the Executive.
- 1.5 In reaching its decision, the Executive explored a wide range of options to identify whether it would be possible to restore the garden waste service in the short-term or provide a single collection for all residents ahead of the winter. Implementing any of these options would result in significant additional disruption to the statutory residual and recycling collections. This report updates the report considered previously.
- 1.6 A private contractor carried out a one-off emptying of the garden waste bins in Woolwell. The assessment of this piece of work is detailed in Section 4.3.

2. Background

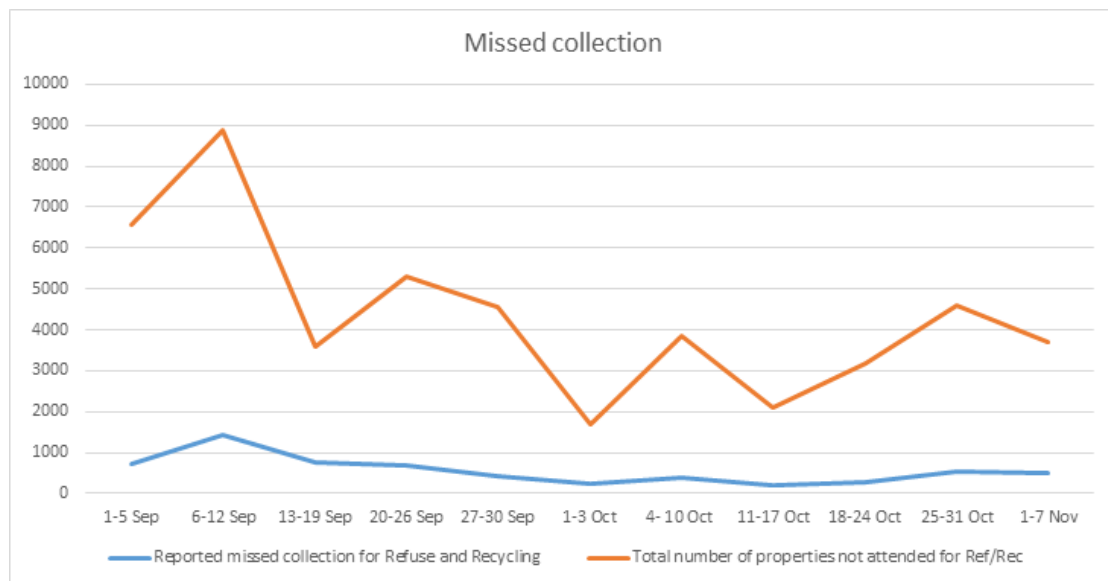
- 2.1. The collection of garden waste is provided by FCC under the terms of the agreed contract. The garden waste service is free of charge to residents and there are currently 43,350 households in the South Hams that are eligible to receive a garden waste collection. The properties receive a collection once per fortnight and the contractor currently manages this over approximately 30 collection rounds per week.
- 2.2. South Hams is the only authority in the Devon County area that offers a free, year round garden waste service.
- 2.3. There have been significant issues with the performance of the waste contract following the implementation of the round changes in October 2020. The roll out of the Devon aligned service had to be halted with alternative collection methods put in place as an interim solution.
- 2.4. As previously reported to the Executive on 16 September 2021, due to the worsening performance of FCC in delivering the waste and recycling collection service, the operational decision was taken to suspend the garden waste collection service on 16th August 2021. This was to ensure that FCC directed all available resources to deliver the Council's statutory waste and recycling

collections. Additional challenges such as staff sickness, direct impact from the round review undertaken in October 2020, as well as the highly publicised national HGV shortage has exacerbated the issues around service delivery.

- 2.5. Regrettably, due to the short notice in which the garden waste suspension had to be initiated, it was not possible to communicate with all residents in advance. The Executive recognised the suspension of garden waste was at very short notice and caused considerable disruption for residents. Some residents may have filled their bin and still have outstanding waste to be collected.
- 2.6. Following the decision of the Executive on 14 October, all residents have now been sent a letter apologising and explaining the decision. The letter details a number of frequently asked questions.

3. Current Performance / Issues

- 3.1. Performance of the waste service as a whole improved when the garden waste service was suspended, however this gradually declined despite efforts of Officers and FCC management. For the month of September, FCC failed to collect in excess of 22,000 recycling collections. October has seen an improvement in FCC’s performance and so far they have been able to run all the statutory residual and recycling services.
- 3.2. The graph below illustrates the weekly missed collections reported by residents and non-completed rounds since the suspension:



- 3.3. The operational challenges faced by FCC at a local level has seen very little improvement. This has been exacerbated by the national shortage of HGV drivers, which has been well documented in the press and is affecting many other sectors nationally.
- 3.4. FCC advised the Overview and Scrutiny Committee on 13 October that they had 20% vacancies across their South Hams workforce and that for HGV/LGV drivers they have 27% unfilled vacancies.
- 3.5. A number of Devon Authorities have experienced significant disruptions to waste collections with suspensions or delays to garden waste collections, as well as impacting other waste streams. It has also been documented nationally that Local Authorities are also facing significant serious disruptions.
- 3.6. Officers will provide a report to a further meeting of the Executive in Spring 2022 to consider future options for garden waste that assesses and reflects the Council's commitment to biodiversity and the climate change emergency. This will consider the waste hierarchy and options for greener ways of recycling garden waste such as home composting and supporting community composting groups.

4. Options available and considerations of risk

- 4.1. As a Waste Collection Authority, the Council has a duty to provide statutory waste collections as outlined in the Environmental Protection Act 1990 – Section 45. The garden waste service is a non-statutory service, which is why other waste streams were prioritised when FCC began to experience daily operational challenges. This is in line with Defra advice 'service priority guidance' which is designed to protect other kerbside collections received by all households: food, recycling and residual (black bag rubbish) from further disruption. This was a key consideration in the decision making process.
- 4.2. The options and relevant appraisals detailed in the 14 October report remain the same. These are:
 - Option 1 - FCC restore the service to contracted levels with immediate effect.
 - Option 2 – Use local composting / community composting schemes.
 - Option 3 – Use an alternative provider to carry out the green waste service.
 - Option 4 – FCC carry out a one-off collection to empty of all green waste bins as soon as is possible.
 - Option 5 - The service is suspended until Spring next year and the Council offers no further collection of the green waste bins.

4.3. Woolwell

4.3.1. Following the misinterpretation of Officer advice, the Member for Woolwell commissioned a local private contractor to carry out a one-off collection of the garden waste bins. Notwithstanding the circumstances in which the work was commissioned, the exercise has provided valuable learning and addresses the Overview and Scrutiny Committee's concern that the option was not sufficiently considered. The background facts are:

- There are circa 1,300 properties;
- The suburban nature of Woolwell is not typical of the majority of the South Hams and the properties are located within a relatively small area;
- The contractor took 3 days to complete the emptying of the bins and disposal of the waste;
- The contractor used 2 vehicles, one of which broke down before the end of day 2 due to the excessive weight;
- The contractor completed the work for a fixed cost of £3,500; and
- This equates to approximately £2.70 per bin.

4.3.2. The conclusions from this one-off piece of work show that:

- If the figure were applied to the remaining 42,000 properties, it would cost a minimum of £113,000; and
- Likewise on an average of 430 properties per day, it will take at least 100 days (5 months).

4.3.3. Both of these figures are the absolute minimum and due to the complexity of collecting across the South Hams (the size and rurality of some communities and properties) in reality, the costs would be significantly greater.

4.3.4. The contractor used vehicles that would be considered unsuitable for high volume work and the fact that within 2 days the contractor broke a vehicle suggests that we would have more complex failures across a wider roll-out.

4.3.5. Even if a local or multiple contractors could be found to carry out the work meeting the requirements set out above, officers consider that:

- Costs would be between £150,000 - £200,000;
- It would take between 100 and 150 days minimum (5-7.5 months);
- It would require a period of time before the service could begin due to procurement rules;
- There would be significant work to procure the contractors; co-ordination and management required and there is currently no capacity to do this;
- There is no guarantee that there would be a sufficient number of contractors to provide a comprehensive garden waste service and this would result in areas of the District not being served so leading to an unequal situation; and
- There would be a need to operate consistently across the District in a safe and appropriate way.

4.4. The Executive has asked FCC to provide a detailed plan to the Council by 31 December 2021 for restarting the service by 31 March 2022 or sooner.

4.5. The Executive continues to hold FCC to account with meetings with FCC's senior management on a regular basis. These meetings review:

4.5.1 FCC's overall management and performance of the contract; and

4.5.2 FCC's recruitment and overall staffing position.

5. Conclusions

5.1. The report considered by the Executive explained the options that were available; dealt with the advantages and disadvantages of each. This report has provided further confirmation, if it was required, that Option 3 is unrealistic at this time and would not provide a quick fix. The report correctly identified that there were no financial implications.

5.2. Given the additional information that has been able to be obtained, as a one-off, the Executive is asked to authorise the payment of the invoice £3,500 for the collection of garden waste in Woolwell. As a solution, this localised approach would not work for vast areas of the District and therefore create an unequal service for residents. In the circumstances, officers will continue to explore options for the Council to carry out a one-off collection of the garden waste bins.

6. Implications

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a duty to arrange for the collection of household waste within its area. The arrangements must include the collection of at least two types of recyclable waste. The contract with FCC sets out those arrangements. Devon County Council as the waste regulation authority directs the Council to the appropriate composting facility.
Financial implications to include reference to value for money	Y	£3,500 from the existing waste budget to pay the Woolwell contractor
Risk	Y	Detailed in Section 4 of the report
Supporting Corporate Strategy		
Climate Change - Carbon / Biodiversity Impact		
Comprehensive Impact Assessment Implications		
Equality and Diversity		Non as a direct impact of this report
Safeguarding		None as a direct impact of this report
Community Safety, Crime and Disorder		None as a direct impact of the report
Health, Safety and Wellbeing		None as a direct impact of the report
Other implications		None

Supporting Information

Appendices:

Appendix A: Executive Minute E.56/21 Garden Waste Service (14 October 2021)

Appendix B: Overview and Scrutiny Committee Concerns 4 November 2021.

Background Papers:

None

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E.56/21

Consideration was given to a report that presented a range of options to identify whether or not it would be possible to restore the garden waste collection service in the short term or to provide a single collection for all residents ahead of the winter.

During discussion, the following points were raised:

- (a) It was noted that the report that underpinned this agenda item was published just before this Executive meeting had started due to alternative solutions being sought right up until the last minute;
- (b) A number of Members expressed their upset, reluctance and disappointment that they were being asked to continue the suspension of garden waste collections until Spring 2022;
- (c) Members acknowledged that a one-off collection of garden waste by FCC Environment would unfortunately result in significant additional disruption to the statutory residual and recycling collections;
- (d) The Chairman of the Overview and Scrutiny Committee highlighted the presentation delivered by FCC representatives at its meeting held on 13 October 2021 and the totally unsatisfactory responses that were provided by the representatives to Member questions. The Member proceeded to highlight the public perception that the Council was not being sufficiently robust in its dealings with FCC and reminded the meeting that the delivery of a garden waste collection service was part of their contractual obligations;
- (e) Members recognised that the shortage of qualified HGV drivers was a national problem and that a number of other local authorities were experiencing similar issues. Notwithstanding this issue, a Member also expressed the view that FCC Environment had woefully underestimated the number of drivers and operatives that it would require to deliver the new service;
- (f) The tireless work of all Members on the front line dealing with multiple constituent complaints and the lead officers who were trying to deliver service improvements were recognised;
- (g) An additional recommendation was **PROPOSED** and **SECONDED** that read as follows:

‘That delegated authority be granted to the Director for Customer Service and Delivery, in consultation with the Leader of Council and the lead Executive Member, to produce a letter to be sent on behalf of the Executive to all residents in the South Hams that provides an update on the waste and recycling collection service.’

In discussion on the addition, Members felt that it was now right and proper for the Council to write to all of its residents setting out the current position and, when put to the vote, the addition was declared **CARRIED**;

- (h) At this point, Members wished to discuss the exempt minute of the Overview and Scrutiny Committee at its meeting held on 13 October 2021. As a result, it was **PROPOSED** and **SECONDED** and when put to the vote declared **CARRIED**:

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.

The Executive then considered and discussed the view of the Overview and Scrutiny Committee meeting (as set out at Exempt Appendix A to these minutes) and reached an agreed conclusion.

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.

It was then:

RESOLVED

1. That the Executive has considered the range of options (as set out in section 4 of the published agenda report) and agrees to continue the suspension of garden waste collections until Spring 2022;
2. That a further report be produced by the Director for Customer Service and Delivery (to be presented to the next Executive meeting to be held on 2 December 2021) on future options; and
3. That delegated authority be granted to the Director for Customer Service and Delivery, in consultation with the Leader of Council and the lead Executive Member, to produce a letter to be sent on behalf of the Executive to all residents in the South Hams that provides an update on the waste and recycling collection service.

The constitution provides for O&S to express its concerns and to call for reconsideration of the decision of the Executive taken at its meeting held on 14 October 2021 in respect of the suspension of the garden waste collection. The O&S has concerns and it calls for reconsideration. These concerns and a call for reconsideration be submitted to the Full Council meeting to be held on 25 November 2021. Full Council will then be able to make its views known to the Executive.

These are the concerns to be submitted.

- 1. There was insufficient consideration and/or reporting given to the implementation of Option 3 being the use of an alternative provider and in particular the possibility of the garden waste collection being taken back in-house.*
- 2. The supporting report incorrectly states that there are no financial implications arising. The suspension of the garden waste collection service from mid-August 2021 until Spring 2022 will in all probability have financial implications.*
- 3. There was insufficient consideration and/or reporting given to the provisions of the contract with FCC.*
- 4. The decision to suspend the garden waste collection until an open-ended Spring date leaves many residents with their brown bins containing waste for an indefinite period.*
- 5. Council tax levied by the Council includes a sum for the collection of garden waste and yet taxpayers are not receiving a service for which they have paid for.*

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