

# Public Document Pack

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

TUESDAY, 11TH DECEMBER, 2018

### SUPPLEMENTARY AGENDA

Please find attached supplementary papers relating to the above meeting, as follows:

<b>Agenda No</b>	<b>Item</b>
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| 3. | <b><u>MINUTES - 18 SEPTEMBER 2018</u></b> (Pages 1 - 10) |
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To take as read and approve as a true record the minutes of the meeting of this Committee held on the 18 September 2018.

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# Agenda Item 3

## NORTH HERTFORDSHIRE DISTRICT COUNCIL

### OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE COUNCIL CHAMBER, COUNCIL OFFICES,  
GERNON ROAD, LETCHWORTH GARDEN CITY  
ON TUESDAY, 18TH SEPTEMBER, 2018 AT 7.30 PM

#### MINUTES

**Present:** *Councillors Cathryn Henry (Chairman), Elizabeth Dennis-Harburg (Vice-Chairman), Ian Albert, Kate Aspinwall, Sam Collins, Steve Deakin-Davies, Steve Jarvis, Ian Moody, Michael Muir, Helen Oliver, Janine Paterson, Val Shanley, Martin Stears-Handscomb, Bill Davidson (In place of Ben Lewis) and Mike Rice (In place of Jean Green)*

**In Attendance:** *Jose Ramon Sanchez (Urbaser), Mark Piggott (Urbaser), Councillor Lynda Needham (Leader of the Council). Anthony Roche (Deputy Chief Executive), Vaughan Watson (Service Director - Place), Ian Couper (Service Director - Resources), Chloe Hipwood (Service Manager - Waste and Recycling), Gavin Ramtohal (Contracts Lawyer), Sarah Kingsley (Communications Manager), Kirstie Wilson (Temporary Scrutiny Officer) and Hilary Dineen (Acting Committee and Member Services Manager)*

**Also Present:** *At the commencement of the meeting Councillors Paul Clark, Faye Frost, Tony Hunter, David Levett, Lisa Nash and Harry Spencer-Smith and 24 member of the public.*

#### 29 ANNOUNCEMENT REGARDING FIRE SAFETY AND AUDIO VISUAL EQUIPMENT

*Audio recording – Session 1 - 12 seconds*

The Acting Committee and Member Services Officer made an announcement regarding fire safety and instructed Members on how to use the new audio visual equipment, including the voting system.

#### 30 APOLOGIES FOR ABSENCE

*Audio recording – Session 1 - 1 minutes 44 seconds*

Apologies for absence were received from Councillors Ben Lewis, Jean Green and Gerald Morris.

Having giving due notice Councillor Bill Davidson advised that he would be substituting for Councillor Ben Lewis.

Having giving due notice Councillor Mike Rice advised that he would be substituting for Councillor Jean Green.

#### 31 MINUTES - 12 JUNE 2018

*Audio recording – Session 1 - 2 minutes 4 seconds*

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 12 June 2018 be approved as a true record of the proceedings and be signed by the Chairman.

**32 MINUTES - 24 JULY 2018**

*Audio recording – Session 1 - 2 minutes 12 seconds*

The Deputy Chief executive advised that, in relation to Minute 24, the subject was discussed at Senior Management Team and confirmed that existing technology did allow for comments and complaints to be analysed, progressed and recorded. Therefore rather than obtaining new technology, the capabilities of the existing system were being explored.

**RESOLVED:** That the Minutes of the Meeting of the Committee held on 24 July 2018 be approved as a true record of the proceedings and be signed by the Chairman.

**33 NOTIFICATION OF OTHER BUSINESS**

*Audio recording – Session 1 - 2 minutes 58 seconds*

No other business was submitted for consideration by the Committee.

**34 CHAIRMAN'S ANNOUNCEMENTS**

*Audio recording – Session 1 - 3 minutes 2 seconds*

- (1) The Chairman thanked all who had attended the meeting;
- (2) The Chairman advised that she would be altering the order of the agenda and would take Item 6 - Public Participation immediately prior to Item 9 - Information Note: Mobilisation of Waste, Recycling and Street Cleansing Contract.
- (3) The Chairman asked Members to speak into the microphones;
- (4) The Chairman reminded those present that, in line with Council policy, the meeting would be audio recorded;
- (5) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question. Members declaring a declarable interest, wishing to exercise a 'Councillors speaking right' must declare this at the same time as the interest;
- (6) The Chairman reminded all present that this was not a single item meeting, there was other business on the agenda.

**35 PUBLIC PARTICIPATION**

*Audio recording – Session 1 - 4 minutes 35 seconds*

Mr David Leal-Bennett thanked the Chairman for the opportunity to address the Committee and gave a verbal presentation regarding the new waste contract.

He expressed many concerns including:

Treatment of staff.

Whether, in some cases, employment law was being broken.

The Contract.

NHDC appeared to have entered into a large contract, without clearly identifying the risks and with damning results.

Legal advice alone did not provide for a robust contract.  
The Contract was not yet complete.

#### Complaint Handling

Telephone response times were lamentable.  
Statistics were unprofessional.  
Urbaser should not be handling complaints about their own service

#### Crisis Management Strategy

Why, after 4 months, did Urbaser still appear to be in crisis management

#### Finances.

He had reviewed the accounts of Urbaser and found them troubling  
Had the accounts of Urbaser been looked at during the bidding process?  
Were the financial risks on the Risk Register?  
Did the contract have a cast iron guarantee from the parent company?

Mr Leal Bennett advised that his main concern was that without a meaningful contract and without any real penalties an insolvent company would be able to walk away.

He acknowledged that, in spite of the problems people were working hard to resolve the issues.

Mr Leal-Bennett concluded by stating that he hoped that the Committee would be able to get to the bottom of the failure, however he felt there was a culture of withholding information by NHDC.

### **36 URGENT AND GENERAL EXCEPTION ITEMS**

*Audio recording – Session 1 - 4 minutes 6 seconds*

The Chairman advised that since the last meeting she had agreed, as Chairman of the Overview and Scrutiny Committee, the following urgent/general exception items:

- Cabinet - 31 July 2018 – St Ippolyts Neighbourhood Planning Area;
- Delegated Decision - 17 September 2018 – Business Rates Pilot and Pooling.

### **37 CALLED-IN ITEMS**

*Audio recording – Session 1 - 4 minutes 26 seconds*

No items had been called-in since the last meeting of the Committee.

### **38 INFORMATION NOTE: MOBILISATION OF WASTE, RECYCLING AND STREET CLEANSING CONTRACT**

*Audio recording – Session 1 - 12 minutes 52 seconds*

The Chairman advised that the item would be considered in the following order:

1. Referral from Hitchin Committee;
2. Referral from Southern Rural Committee;
3. Presentation of the Information Note;
4. Debate and Questions.

1. Referral from Hitchin Committee

The Chairman of Hitchin Committee presented the following referral from that Committee, made at its meeting held on 11 September 2018, in respect of The New Waste Contract.

“Members discussed the recent experiences of Hitchin residents regarding the operation of the Waste Contract and made the following observations:

- There were some responsibilities for emptying litter bins that seemed to sit with John O’Connor, whilst some responsibilities were with Urbaser these should be co-ordinated;
- Monitoring of waste bins should happen at least every 28 days, what monitoring was actually taking place?
- Public waste bins in well used places such as King George V playing fields were often overflowing. It was important to ensure sufficient provision of waste bins in these areas;
- Why was the provision of large bins to the Town Centre events not included in the contract;
- There are no signs of improvement in the residential waste collection;
- There are a number of specific issues as well as general issues such as which roads should have their bins collected, that seem to have fallen through the cracks between the outgoing contract and the new contract;
- Trust in the waste system is at an all time low;
- There were hotspots that continually experience problems;
- Residents still raised issues about the length of time it was taking to get through on the phones in order to report problems such as missed bins;
- One Member sought assurance that the data regarding those who had paid for the garden waste collection met all of the requirements of GDPR.

**RECOMMENDED TO THE OVERVIEW AND SCRUTINY COMMITTEE:** That the comments made by the Hitchin Committee, as noted above, be considered when discussing the new waste contract at the meeting due to be held on 18 September 2018.”

1. Referral from Southern Rural Committee

The Chairman of the Southern Rural Committee presented the following referral from that Committee, made at its meeting held on 13 September 2018, in respect of Experiences Regarding the New Waste Contract.

“Members discussed the recent experiences of Southern Rural residents regarding the operation of the Waste Contract and made the following observations:

- The “Collect and return service”, for those vulnerable people unable to place their bins out for collection, which had worked under the previous contract, was not now happening. This meant that vulnerable people were having difficulty getting their bins collected.
- The same properties are experiencing problems week on week with the garden waste and food caddy services.
- The contractors are not collecting bins from properties in small closes, even when the residents leave the bins at the previously agreed collection point. The residents in these areas only get the bins collected if they walk them to the main road.
- Outlying houses were being regularly missed.
- Residents living in narrow roads or roads with tight turning spaces are not having their bins collected although they had been collected under the previous contract. Officers had been consulted and advised that smaller lorries should be sent to collect bins from these properties.
- Members were pleased that the food caddy service had been introduced. However, food caddy collection was a problem. The contract operatives had advised that they used small vehicles to collect this waste, which meant they had to unload in Buntingford and return to continue the round. This meant that they could run out of time to complete a round.
- It was the recyclables and brown bins that caused the most problems.

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- New residents, particularly those in new houses and those requiring replacements are not receiving bins, despite requesting them.
- Residents who have not taken up the garden waste service have not had their bins collected, despite requesting removal
- Urbaser seemed to have a high turnover of agency staff resulting in a lack of knowledge of the rounds.
- Whole roads are missed.
- Residents who have not paid for the garden waste collection are getting their bins collected resulting in those who have paid being very dissatisfied.
- Contacting Urbaser by phone remains a major problem with residents and Councillors waiting 30 – 40 minutes for the phone to be answered.
- Members would like data about how many calls are received by Urbaser, the average length of time spent waiting for calls to be answered, the average length of a call and how many calls are abandoned.
- Paid for bulky waste collections have been collected late.
- Waste crews are tipping paper waste into the recycling when collecting causing residents to question why they are separating their waste. Members queried how much paper was removed from the general recycling as a result.

***RECOMMENDED TO THE OVERVIEW AND SCRUTINY COMMITTEE:*** That the comments made by the Southern Rural Committee, as noted above, be considered when discussing the new waste contract at the meeting due to be held on 18 September 2018.”

## 2. Presentation of the Information Note

The Service Manager – Waste and Recycling made a PowerPoint presentation regarding the information note entitled Mobilisation of Waste, Recycling and Street Cleansing Contract.

She presented details of:

- The background to the contract.
- The Waste Team;
- The actions taken regarding missed bin complaints;
- The performance monitoring regime;
- Future expected audits and scrutiny of the contract and service.

The following Members commented and asked questions:

- Councillor Ian Albert;
- Councillor Steve Jarvis.

Mr Mark Piggott, Urbaser, gave a PowerPoint presentation regarding the new waste contract.

Mr Piggott presented details of:

- The context;
- The issues encountered;
- What was being done to resolve the issues.

Mr Piggott apologised for the problems that had been encountered and stated that Urbaser would do everything they could to resolve the issues.

## 3. Debate and Questions

The Chairman advised that she was aware that there were likely to be some issues raised by members, for example employment matters, which would need to be discussed in Part 2.

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She asked Officers to indicate whether their answer to an issue would include Part 2 information and suggested that all of those points be collected for discussion once all Part 1 issues had been debated.

The Chairman advised that she would like to keep as much debate as possible in Part 1 for the benefit of the public in attendance.

The Chairman announced a brief adjournment to enable Members to consider the information contained in the presentations.

*Audio recording – Session 2 – 7 seconds*

There was a lengthy session of questions and a thorough debate in which the following Members took part:

- Councillor Kate Aspinwall;
- Councillor Steve Jarvis;
- Councillor Sam Collins;
- Councillor Helen Oliver;
- Councillor Elizabeth-Dennis – Harburg;
- Councillor Ian Albert;
- Councillor Michael Muir;
- Councillor Janine Paterson;
- Councillor Steve Deakin – Davies;
- Councillor Ian Moody;
- Councillor Martin Stears – Handscomb.

The following responded to the above questions:

- The Manager - Waste and Recycling;
- Mr Mark Piggott, Urbaser;
- Service Director – Resources;
- Deputy Chief Executive;
- Mr Jose Ramon Sanchez, Urbaser.

it was proposed, seconded and:

**RESOLVED:**

- (1) That a Task and Finish type review of the waste contract be undertaken shortly following the publication of the SIAS review of the service;
- (2) That the following issues be referred to the Task and Finish review mentioned in (1) above:
  - (i) Why a decision was made to mobilise the contract in an unrealistic timescale;
  - (ii) Why, when there was such a short mobilisation period, was a decision made to make major changes to the service in what were already challenging circumstances, rather than delay the implementation of changes to the service for one year;
  - (iii) Why sufficient staff resources were not made available prior to implementation of the contract;
  - (iv) What happened when high volumes of calls were received in terms of systems and staff;
  - (v) Consider the differences between area where the service worked well and those where the service was poor.



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- (3) That the Service Manager- Waste be requested to publish details of the statistics regarding reports of missed bins and calls made regarding this and communicate the details publicly;
- (4) That the Service Manager Waste be requested to develop a communication strategy that includes Members that ensures they are kept updated on a regular basis and enables them to bring issues to the attention of Urbaser and/or the waste team;
- (5) That, subject to investigations into GDPR requirements, a list of the “hotspots” of missed bin collections be circulated to Ward Councillors.

**RECOMMENDED TO CABINET:**

- (1) That all efforts are made to ensure that staff resources within NHDC are sufficient to meet the needs of the service;
- (2) That a plan demonstrating the actions to be taken in order to bring the Waste and Recycling Service to a “business as usual” status be published and communicated publicly;
- (3) That Cabinet confirm that a contingency plan detailing what will happen should the current contract continue to underperform is in place;
- (4) That the short term issues of staffing and systems to address the current high levels of calls to report missed bins be considered;

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider the information note entitled Mobilisation of Waste, Recycling and Street Cleansing Contract and make relevant resolutions and recommendations to Cabinet.

**39 2018-19 QUARTER 1 PERFORMANCE INDICATORS**

*Audio recording - Session 3 -.1 second*

**RESOLVED;** That the report entitled 2018-19 Quarter 1 Performance Indicators be noted.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider and comment on the 2018-19 Quarter 1 Performance Indicators.

**40 1ST QUARTER MONITORING REPORT ON KEY PROJECTS FOR 2018-19**

*Audio recording – Session 3 – 6 seconds*

**RESOLVED;** That the report entitled 1st Quarter Monitoring Report on Key Projects For 2018-19 be noted.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to consider and comment on the 1st Quarter Monitoring Report on Key Projects for 2018-19.

**41 REGULATION OF INVESTIGATORY POWERS ACT**

*Audio recording – Session 3 – 14 seconds*

**RESOLVED:** That the report entitled Regulation of Investigatory Powers Act - Quarterly Update be noted.

**REASON FOR DECISION:** To comply with best practice guidance and the Committee’s terms of reference.

**42 MEMBERS' QUESTIONS**

*Audio recording – Session 3 – 20 seconds*

No questions had been submitted.

**43 RESOLUTIONS OF THE OVERVIEW AND SCRUTINY COMMITTEE**

*Audio recording - Session 3 -.25 seconds*

**RESOLVED:** That the report entitled Resolutions of the Overview and Scrutiny Committee be deferred to the next meeting of this Committee.

**REASON FOR DECISION:** To enable the Overview and Scrutiny Committee to review and monitor the progress of resolutions made.

**44 OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME FOR 2018/19**

*Audio recording – Session 3 – 34 seconds*

**RESOLVED:** That the report entitled Overview and Scrutiny Committee Work Programme for 2018-19 be noted.

**45 EXCLUSION OF PRESS AND PUBLIC**

*Audio recording - Session 1 - 1 hours 19 minutes 36 seconds*

**RESOLVED:** That under Section 100A of the Local Government Act 1972, the Press and Public be excluded from the meeting on the grounds that the following reports would involve the likely disclosure of exempt information as defined in the relevant Paragraph of Part 1 of Schedule 12A of the said Act. The relevant Paragraph is set out in the first page of each report.

**46 INFORMATION NOTE: MOBILISATION OF WASTE, RECYCLING AND STREET CLEANSING CONTRACT**

*The Part 2 item was considered following the presentation of, but prior to the debate and vote regarding, the Part 1 item (Minute 38 refers).*

There was a lengthy session of questions and a thorough debate in which the following Members took part:

- Councillor Ian Albert;
- Councillor Steve Deakin – Davies;
- Councillor Steve Jarvis;
- Councillor Kate Aspinwall;
- Councillor Cathryn Henry;
- Councillor Sam Collins;
- Councillor Helen Oliver;
- Councillor Elizabeth Dennis – Harburg.

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The following people responded to comments and questions:

- Deputy Chief Executive;
- Service Manager – Waste and Recycling;
- Contracts Lawyer;
- Service Director - Resources
- Mr Mark Piggott, Ubaser.

The Chairman announced that the meeting would move back into Part 1 and that the press and public could be re-admitted.

The meeting closed at 11.10 pm

Chairman

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