

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

**MEETING HELD IN THE ROOM 2, DISTRICT COUNCIL OFFICES, GERNON ROAD,
LETCWORTH GARDEN CITY, HERTS, SG6 3JF
ON TUESDAY, 2ND JULY, 2024 AT 7.30 PM**

MINUTES

Present: *Councillors: Matt Barnes (Chair), Tom Tyson (Vice-Chair), Jon Clayden, Elizabeth Dennis, Martin Prescott, Claire Winchester, Donna Wright, Daniel Wright-Mason, Claire Strong.*

In Attendance: *Ian Couper (Service Director – Resources), Chloe Hipwood (Service Manager), Caroline Jenkins (Committee, Member and Scrutiny Officer), Sarah Kingsley (Service Director - Place), James Lovegrove (Committee, Member and Scrutiny Manager), Jeevan Mann (Scrutiny Officer) and Anthony Roche (Managing Director).*

Also Present: *At the commencement of the meeting there were no members of the public present.*

Councillors Ian Albert, Amy Allen and Daniel Allen were also in attendance as Executive Members.

19 APOLOGIES FOR ABSENCE

Audio recording – 1 minute 16 seconds

Apologies for absence were received from Councillors Louise Peace, Tina Bhartwas, Ralph Muncer and Laura Williams.

20 CHAIR'S ANNOUNCEMENTS

Audio recording – 1 minute 45 seconds

- (1) The Chair advised that, in accordance with Council Policy, the meeting would be recorded.
- (2) The Chair 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.
- (3) The Chair advised that for the purposes of clarification clause 4.8.23(a) of the Constitution does not apply to this meeting.

21 PUBLIC PARTICIPATION

Audio recording: 2 minutes 25 seconds

There was no public participation at this meeting.

22 PRODUCTIVITY PLAN

Audio Recording: 2 minutes 29 seconds

The Leader of the Council, Councillor Daniel Allen, presented the report entitled 'Productivity Plan' and advised that:

- The Cabinet was required to approve the Productivity Plan, as requested by the Department of Levelling Up, Housing and Communities (DLUHC), before returning the Plan.
- The Plan had been published on the North Herts Council website.

The following Members asked questions:

- Councillor Jon Clayden
- Councillor Elizabeth Dennis
- Councillor Donna Wright
- Councillor Claire Strong

In response to questions, the Managing Director advised:

- There were no defined ways to measure productivity as each Council measures itself differently. At the last meeting of the committee, new measures were discussed about the performance of the Council services and these would be used to measure productivity. Due to the Council work being qualitative rather than quantitative, this made this process difficult.
- Many of the questions provided by DLUHC were not around productivity.
- When the General Election was announced, the Local Government Association (LGA), the District Council Network (DCN) and DLUHC were all contacted to confirm if the plan was still required with a possible change of government, and it was confirmed that the Plan was still required.
- It was also thought that a neat summary of information about what the Council has been working on and its achievements would not be such a bad idea for any incoming government to see.
- White papers from the LGA, Cooperative Councils Network (CCN) and DCN all came out after the plan has been drafted, therefore content from those documents were not taken into account.
- It was felt that most points in the white papers were already covered in the Plan, and those that were not covered, did not apply to this Council.
- Further clarification and statistics could be added to the report where available, including the figures around the letting of office space. If Members had any further areas where statistics could be included, they should inform the Managing Director. This needed to be balanced with keeping the plan high level.
- The plan highlighted areas, specifically within Green Spaces and the use of technology, where the Council had made improvements to productivity and further examples could be added if suggested by Members. The attempt was to highlight more recent improvements.
- Very little money had been spent by the Council on equality, diversity and inclusion training or consultants, however this was not included within the Plan due to the nature of the question posed.

Councillor Claire Winchester proposed recommendation 2.1 of the report and this was seconded by Councillor Tom Tyson.

The following members took part in debate:

- Councillor Claire Strong
- Councillor Elizabeth Dennis
- Councillor Tom Tyson
- Councillor Matt Barnes

Points raised during the debate included:

- Some Members felt that Item 2.1 should be recommended to Cabinet. Officers had already carried out good work on the Productivity Plan and to add more workload was felt too much. Members felt to recommend the plan as it is now.
- Others felt that the 2.2 option would be more advantageous to the Cabinet. It did not state that items needed to be added to the plan, it just gave the option that they could if felt necessary.
- It was also noted that Cabinet could make its own decision on the plan when given the recommendations from this committee.

Having been proposed and seconded and following a vote, it was tied. The Chair cast the deciding vote and the motion was lost.

The Chair moved to a vote on recommendation 2.2 and, following a vote, it was:

RECOMMENDED TO CABINET: That Cabinet delegates to the Leader of the Council and Managing Director authority to agree any amendments required to the Productivity Plan as a result of discussion at either Overview and Scrutiny Committee and/or Cabinet and authority to submit the Plan on behalf of the Council.

REASONS FOR RECOMMENDATION: The recommendations are to ensure that the Council complies with the requirements set out by DLUHC to produce a Productivity Plan.

23 EXCLUSION OF THE PRESS AND PUBLIC

Councillor Matt Barnes proposed and Councillor Tom Tyson seconded and, following a vote, it was:

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the said Act (as amended).

24 WASTE, RECYCLING AND STREET CLEANSING CONTRACT AWARD PART 2

N.B. As this item was considered in private session, no audio recording is available.

Councillor Matt Barnes proposed and Councillor Jon Clayden seconded and after a vote it was:

RECOMMENDED TO CABINET: That the Part 2 report be noted.

25 WASTE, RECYCLING AND STREET CLEANSING CONTRACT AWARD PART 1

Councillor Amy Allen presented the report entitled 'Waste, Recycling and Street Cleansing Contract Award Part 1' and advised that:

- The report sought consideration by the Overview and Scrutiny Committee of the work which had gone into preparing for the award of the contract.

- North Herts Council were the lead authority in the partnership with East Herts Council, who considered a similar report at their meeting of Overview and Scrutiny yesterday. East Herts Council would be seeking similar recommendations to award the contract on 9 July.
- Cabinet agreed the service design for the new contract on 12 December 2023.
- The agreed aim and principles of the Shared Service were based around delivering services which were both financially and environmentally sustainable.
- The contract had been built around collaborative working, encouraging bidders to work cross boundary with a shared service design for the greatest efficiencies.
- Officers had completed an extensive procurement and will be seeking a decision from Cabinet to award the contract to the preferred bidder on behalf of both Councils.
- Although the preferred bidder had been determined, the report also sought a delegation to the Chief Finance Officer on the decision to Capital fund vehicles. The preferred bidder would need to swiftly order vehicles once the necessary standstill period is complete, for them to be available when needed at the start of the contract.
- The delegation was to prevent a delay in ordering vehicles and to make the most up to date assessment of the financial benefit to the council in relation to the options.
- A new joint project board was proposed to oversee the start of the new contract, as this will require input from many corporate teams to ensure its success, in particular, digital transformation, communication and customer service and the start of the new services.
- The report also contained information on the developing plans for mobilisation, which will ensure the successful implementation of services and for which the joint mobilisation project board will provide oversight, this includes a work programme and a draft communications plan.
- Overview and Scrutiny should note that during the procurement exercise the Government released draft guidance to support their proposals for 'Simpler Recycling' linked to new legislation introduced by the Environment Act in response to the 2018 Resources and Waste Strategy. This guidance is yet to be officially published but the legislation required that Councils had due regard for any guidance.
- An additional recommendation will be considered by Cabinet to reconfirm the collection of residual waste on a three-weekly basis, which was originally agreed in October 2022 and reconfirmed in the revised service design presented at Cabinet in December 2023.

The following Members asked questions:

- Councillor Elizabeth Dennis
- Councillor Tom Tyson
- Councillor Martin Prescott
- Councillor Donna Wright
- Councillor Matt Barnes
- Councillor Jon Clayden
- Councillor Claire Strong
- Councillor Claire Winchester
- Councillor Daniel Wright-Mason

In response to the questions, the Service Manager – Waste advised that:

- The recommended guidance on the 9-month timeline included procuring the fleet vehicles with any additional costs. It was noted that it was tight on time for the vehicles and temporary vehicles needed and this may fall back to the Council as our delay to the programme. The vehicles themselves were not "off the shelf" and building slots would need to be organised. The supplier was aware that East and North Herts Councils would be purchasing a lot of vehicles, with different makes and models. It was noted that if any other purchaser paid for vehicles before the Council, this could amend the timeline of work and delay the production longer.

- All vehicles would be new, but in mixed stages of condition towards the last 3 months of the contract. With ongoing technical advancements, for example with electric vehicles, the fleet could be swapped part way through the contract.
- The recent “flex collect” trial was highlighted. This was a trial collection of soft plastics in Knebworth. Soft plastic was not recycled much in the UK, with different types of plastic being recycled into new products or chemical recycling, which was not as useful but was still seen as recovering a product.
- The recycling of plastics depended on the capacity and capabilities of the sorting facilities. The tender companies all had sufficient capacity for 2025, all with viable solutions.
- Some residents required additional services, such as larger bins for Incontinence wear or properties with larger families.
- During the changeover stages of the service staff would be on hand, doorstepping residents to reassure them of any details during the major service change.
- The contractor would also be in contact with the Councils over any changes and introduction of the service and communications required. Parish and Town Councils would be informed for more rural areas, Roadshows would be utilised, and local press will help move messages to residents. Elected Members will also be asked to update residents with details on social media.
- It was agreed that both Councils have different set ups, but it was concluded to have the most appropriate members on the project board. It was suggested that the Leader of the Council should clarify who should sit on the project board.
- It was noted that £60,000 had been allocated across the two authorities for the first year for the communications plan. This budget was lower than the sum of activities in the draft communications plan. Any difference once the final plan is agreed would go through the budget round. The Council would try to keep communication costs down but had to factor in postage of bespoke letters to households, to avoid poor communications.
- There would be no return for bins that had not been put, where the fault was with residents. This was a very expensive resource to deliver. Additional staff will be hired to manage the waste and residents would be asked to pay attention when reminders were sent out to put bins out. It was thought that residents would remind each other as to bin collection days and encourage their street to put bins out on the correct day.
- Recyclable side waste would be collected if left beside the bin in a recyclable or reusable bag. Any black bags would not be collected in the new contract. Waste would also be taken if placed in a paper bag, a recyclable or reusable container. Card and paper will be split to a new bin collection.
- The new service would see a wheely bin being collected each week for a three-week cycle, together with the usual food caddy and garden waste (if subscribed).
- A phone app was being looked at to help with the roll out of the new contract. It was hoped that in the future, functions such as planning applications, complaints and library opening times.
- Residents will be asked to put their bins on the boundary of their property. If residents are on holiday, neighbours will be encouraged to put their bins out for them. There will be a list of frequently asked questions (FAQs) provided online.
- There will be contingency issues with a new service and possibly small items of fly tipping. Black sacks beside the road will be cleared by the contractor. It was also noted that the average resident doesn't fly tip in the area.
- If there was a change of contractor and which would also mean a change of some staff, it was noted that the service may not start as 100% perfect. From a client perspective, the contractor should provide a quick and efficient service with residents in more rural areas being able to get through to the Council to report any queries or complaints.
- The customer services manager would be responsible for the resources of call data. Complaints would be encouraged to be logged online, leaving the telephone lines free for those with no access to the internet.
- Residents would be encouraged to carry out more home composting on biodegradable items.

- There would not be a single project manager for this, however the majority of the project management work would be the responsibility of the Service Manager – Waste.

In response to questions, the Managing Director advised that:

- Both Councils may not make the same decision regarding the contract. This is procured for both authorities and the contract award was not viable with a unilateral decision. The project came with difficult decisions and joint cross party working parties would be required for agreements to be made.
- It was unlikely that frequency of collection of residential waste becomes a law. There was other legislation regarding the production of waste to pay for packaging disposal.

The following Members took part in debate:

- Councillor Elizabeth Dennis
- Councillor Claire Winchester
- Councillor Martin Prescott

Points raised during the debate included:

- That challenges were clear from the previous contract and the correct Executive Member should be chosen to be part of the project board. Councillor Ian Albert was suggested.
- It was agreed to amend 2.3 to “Executive Member for Finance and IT”.
- It was suggested that members of the Community Forums should be added as partners on the Project Board and consulted on contracts.
- The Project Board was noted to be joint with East Herts Council. It was recommended that all councillors receive briefings from the board.
- It was agreed that communications should plan an element of councillor interaction. The communications plan should be revised to include more engagement with Members.
- There were concerns with the issue of missed bin collections. It was reassured that bins missed by the contractor would be collected, residents will have to report this. Repeat issues would be investigated to stop them happening.
- It was agreed that recommendations would be made for Cabinet to decide.

During the debate, Councillor Daniel Allen advised that Councillor Ian Albert had already been approached and was happy to be recommended to Cabinet for the position on the Project Board.

Councillor Matt Barnes proposed, as amended, and Councillor Tom Tyson seconded and, following a vote, it was:

RECOMMENDED TO CABINET:

- (1) That Cabinet agrees to award the waste, recycling and street cleansing contract to the preferred bidder, as identified in Part 2 of this report.
- (2) That Cabinet agrees to the delegation of powers to the Director of Resources and the Director of Place in consultation with the Executive Members for Finance and IT and Recycling and Waste Management to determine whether the Council Capital funds vehicles.
- (3) That Cabinet agrees to approve the formation of a joint mobilisation project board to include the Executive Members responsible for Finance and IT as well as the Executive Member covering waste, recycling and street cleansing services for both EHC and North Herts to monitor the progress of the mobilisation of the waste, recycling and street cleansing contract.

- (4) That Cabinet has regard for the draft statutory guidance in Appendix 6 and taking into account the matters set out in this Part 2 report and any Part 2 clarifications, reconfirms the decision on the 3-weekly collection frequency of residual waste collections made by Cabinet as per 7.5 and provides clear reasons for the decision.

REASONS FOR RECOMMENDATIONS:

- (1) An extensive procurement exercise has been undertaken for waste, recycling and street cleansing services.
- (2) The procurement including specification development has been supported by external consultants Eunomia and legal advisors from Sharpe Pritchard.

The meeting was closed at 22:09

Chair