

Supplementary Committee Agenda



Neighbourhoods and Communities Select Committee Tuesday, 19th January, 2016

Place: Committee Room 1, Civic Offices, High Street, Epping

Time: 7.30 pm

Committee Secretary: A Hendry, Directorate of Governance
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11. RESPONSE TO DCLG TECHNICAL CONSULTATION ON THE NPP (Pages 3 - 16)

To receive a report the DCLG consultation on the proposed changes to the National Planning Policy.

Report attached.

13. FOLLOW UP TO THE WASTE REVIEW MEETING (Pages 17 - 32)

(Director of Neighbourhoods) to consider a short report summarising the conclusions reached at the recent special Neighbourhoods and Community Services Select Committee meeting held on 17 December 2015, looking at the waste contract.

Report attached.

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Report to Neighbourhoods and Communities Services Select Committee

Date of meeting: 19 January 2016

Subject: Response to “Proposed changes to national planning policy” consultation

Officer contact for further information: Amanda Thorn (x4543) or Ken Bean (x4610)

Committee Secretary: Adrian Hendry (x4246)



Recommendations/Decisions Required:

To consider and agree the proposed responses to the questions set in the Government’s consultation paper on changes to the National Planning Policy Framework.

Report:

1. The National Planning Policy Framework (NPPF) was published in 2012, and is supported by the online Planning Practice Guidance. Amendments are now proposed to the NPPF which encompass the following:
 - Broadening the definition of affordable housing, to expand the range of low cost housing opportunities for those aspiring to own their new home; (this includes the Government’s intention to introduce Starter Homes as a type of low cost home ownership)
 - Increasing the density of development around commuter hubs, to make more efficient use of land in suitable locations;
 - Supporting sustainable new settlements, development on brownfield land and small sites (up to 10 units), and delivery of housing allocated in plans; and
 - Supporting delivery of starter homes.
2. The consultation period commenced on 7 December 2015, and has now been extended to 22 February 2016. There are nine sections contained within the consultation paper, and 23 questions on which answers are sought. A discussion of the issues that arise in response to the proposed changes in the NPPF in accordance with the questions posed is in Appendix 1.
3. Members are asked to endorse the attached as the basis of the Council’s response to the consultation.
4. In summary, the key issues raised are:
 - a. likely impacts of the mandatory requirement to achieve an element of Starter Home provision on all suitable sites. There is a concern that this will mean that affordable rented housing will not be viable in addition, and therefore meaning that those in the highest level of housing need will have to wait longer for suitable affordable properties to become available;
 - b. that Starter Homes will not remain available in perpetuity;
 - c. the position of Epping Forest District on the borders of four London Boroughs, where the maximum cost of a Starter Home would be substantially higher than

- in Epping Forest District. With regards the provision of starter homes it is not clear what control there would be to give priority to those with existing links to the District over those that come from elsewhere;
- d. Starter Homes will be accessible to first time buyers that are under 40 years of age. In accordance with the Equalities Act 2010, the legality of this approach is questioned;
 - e. Increasing density around commuter hubs (defined by the consultation document) is supported in principle, but it is not clear to what extent authorities will be able to refuse permission where there may be other impacts;
 - f. Further support for the development of small scale brownfield land is proposed. In principle this is acceptable, but it is considered the sites in question should be limited to 5 or less units.
 - g. The implementation of the "Housing Delivery Test" is not clear, and particularly in instances where an up-to-date Local Plan is not in place. Further it is not clear what sanctions there might be for developers that do not deliver in a timely fashion in accordance with planning consent that has been granted. A parallel CLG consultation is currently open on changes to the New Homes Bonus, which it would appear is linked to these proposals. A report on this additional CLG consultation will be presented to the Resources Select Committee on 9 February 2016.
 - h. The reuse of brownfield land for the development of Starter Homes is proposed, however it is not clear how the development of Starter Homes would be balanced with the need to provide for other types of development. Proposals only relate to an emphasis on the delivery of Starter Homes, which leads to some concern about the achievement of sustainable development.
 - i. Whether small scale Starter Homes developments should be allocated by neighbourhood plans on brownfield land in the Green Belt. Whilst there could be some merit in this approach, there is little detail, and the proposed draft response highlights concerns that the piecemeal incursion of small areas of development in the Green Belt could undermine the integrity of the Green Belt on the whole.

Reason for decision: To ensure that Government is fully appraised of the comments and concerns that this Council has regarding the proposed changes to the National Planning Policy Framework (NPPF).

Options considered and rejected: Not to respond to the consultation.

Resource implications: Consideration of this consultation has been undertaken within the Planning Policy Team liaising closely with the Director of Communities and the Assistant Director responsible for Development Management.

Legal and Governance Implications: The proposed policy changes being consulted on by Government would, if brought into effect, apply nationally. In order to implement policy changes it is likely that in most cases the Government will need to introduce secondary legislation in the form of regulations.

Safer, Cleaner Greener Implications: As the consultation comprises a series of questions and limited narrative text it is difficult at this stage to assess likely implications for the District.

Consultation Undertaken: None required – the recommendations of this report and the Council's response to the consultation will be considered by the Neighbourhoods and Community Services Select Committee on 19th January 2016.

Background Papers: Consultation by the Department for Communities and Local Government on: Consultation on proposed changes to national planning policy – December 2015.

Impact Assessments and Risk Management: There are no direct impact assessment or risk management implications arising from the recommendations of this report.

Equality: The proposed changes to national planning policy are being advanced by Government. Whilst there are no immediate direct equality implications for Epping Forest District Council, as noted in paragraph 4d above, in respect of Starter Homes limiting accessible to first time buyers that are under 40 years of age is questioned given that age is one of the protected characteristics under the Equalities Act 2010. It is noted however that the Government has produced and is seeking views on a draft Equalities Statement for these proposals.

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Appendix 1

Draft response to the Government's consultation on proposed changes to national planning policy

a) Affordable Housing

Q1. Do you have any comments or suggestions about the proposal to amend the definition of affordable housing in national planning policy to include a wider range of low cost home ownership options?

Epping Forest District Council understands that the proposals currently being consulted on would introduce a further low cost home ownership option, through the provision of Starter Homes. Further detail is awaited on exactly how this might be implemented, and is often the case, it is difficult reach a complete view without the full details.

In Epping Forest District, on suitable sites, 40% of the total numbers of properties are sought as affordable housing. Within this 40%, 70% are required to be affordable homes for rent with the remaining 30% being provided as Shared Ownership. With the introduction of Starter Homes, it is not clear what capacity there will continue to be for provision of Shared Ownership properties. There is a concern that this affordable option for home ownership will no longer be available.

It is likely that most councils will wish to maximise the amount of affordable rented housing obtained on development sites and, dependent on the level of Starter Homes prescribed in Regulations must be provided, the overall amount of affordable rented housing is likely to be reduced in any event, leaving little or no scope for Shared Ownership to be provided. The Council is concerned that, although Starter Homes will provide an important benefit for certain people wanting to access home ownership, there will be a further category of people who will still be unable to afford a Starter Home, but could afford a Shared Ownership home – but for whom this option will no longer be available.

The Council is also concerned about the effect the requirement to include Starter Homes on sites will have on the level of affordable rented housing that is provided. Any reduction on the amount of affordable rented housing that can be provided would impact on those that are in the highest categories of housing need, resulting in more people being in unsuitable housing for longer, and more people being added to the Council's Housing Register, which already comprises in excess of 1,500 households from within Epping Forest District.

The overall premise of Starter Homes is questioned. Such properties will not be available as affordable housing in perpetuity, and can be sold on the open market following five years of occupation. This is likely to only serve the first owner, therefore providing only a short term solution to the provision of more affordable homes for those entering the housing market. It is suggested that, at the very least, the initial occupation term should be extended to at least 10 years. This would provide scope for existing Starter Homes to be available, as Starter Homes, to other households in the future.

Another concern is that, it is not clear what, if any, mechanism will exist to transfer Starter Homes to another type of affordable housing, should there be insufficient demand for those properties as Starter Homes. It is suggested that the first recourse in such an instance, should be for any such properties to be transferred into either shared ownership or affordable rented properties.

Epping Forest District is a high value area, and the recently completed Strategic Housing Market Assessment (2015) identifies that average house prices in Epping Forest District are in excess of £276,000, and for the most part, in excess of £332,000. Clearly, some properties will be beneath these average values, but it suggests the opportunities for accessing a range of types/sizes of Starter Home will be limited at best. Starter Homes are most likely to comprise one-bed flats, which would only meet the housing needs of a limited range of people.

Further Epping Forest District borders four London Boroughs (Enfield, Redbridge, Havering and Waltham Forest). There is a very real concern that the disparity between the property value limit in London Boroughs (£450,000) compared with Districts immediately outside of London such as Epping Forest (£250,000), could lead to demand for properties from people currently in residence outside of the District. It is not clear what the mechanism for registering an interest in purchasing a Starter Home would be, or how this would be managed.

It is not clear whether extensions would be permitted on appropriate properties. Any extension would increase the value of a property, therefore putting it further out of reach of the people it is intended to help.

Q2. Do you have any views on the implications of the proposed change to the definition of affordable housing on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

The Council does not have evidence to offer on this matter, but would question the legality, under the Equalities Act of applying an upper age limit on those able to buy a Starter Home, since this would appear to discriminate unfairly against first time buyers over 40 years of age.

If the intention is to enable more first time buyers to access the housing market, it should not matter how old they are. Clarity would also be required for instances where for example one partner is under 40 years of age, and the other is over 40 years of age; or where a buyer turns 40 during the purchase process.

b) Increasing residential density around commuter hubs

Q3. Do you agree with the Government's definition of commuter hub? If not, what changes do you consider are required?

The principle of focusing development around commuter hubs is supported, and the Council has extant planning policies that seek this broad approach. However, there is no mention within the consultation document of the capacity of public transport services, and their ability to support growth in housing development in the vicinity.

In Epping Forest District, access to frequent public transport services (as defined within the consultation document) would mean that development should be encouraged in close proximity to Central Line stations, where these are further served by appropriate bus connections. However, the Central Line is very congested at peak times, and the demand for commuter parking far outstrips supply.

There is a disparity between the charging regimes for London Underground services compared with mainline rail services, meaning people are often willing to travel considerable

distances to access the Underground network. Reliance on the bus network, where a large proportion of this is privately operated, increases the risk that services will cease, therefore reducing the opportunities for residents to avoid personal car use. Public transport provision in the District is restricted to the larger settlements, with the links between settlements also often limited. Unless travel to and from London is required, the opportunities for use of public transport are not as readily available as perhaps may be first thought.

Focusing further growth around the Central Line stations is considered appropriate in principle, but careful consideration of parking provision, design and access to amenity space would also be needed. Epping Forest District Council would not wish for the unintended consequences of poorly designed schemes to become problematic for existing and new residents. Further, the impacts on other infrastructure provision would need to be considered in determining whether development is appropriate, including, but not limited to education, health and social facilities. In addition it is important to take into account the capacity of the local highway network to cope with the level of additional journeys generated, particularly at peak times such as school pick up and dropping off times.

As currently drafted, the proposed definition of a commuter hub is very broad and would arguably apply to all public transport interchanges by virtue of inclusion of reference to being able to continue the journey by walking or cycling.

Q4. Do you have any further suggestions for proposals to support higher density development around commuter hubs through the planning system?

The NPPF already includes a position of policy support for this approach as a matter of principle. It seems unnecessary to further adjust the policy approach in this regard. In an area such as Epping Forest District, where development opportunities within existing settlements are relatively limited, elected Members and residents alike wish to be fully engaged in the process. Strengthening the prescription of national planning policy at the expense of limiting the weight able to be accorded to local considerations, appears to be in direct contradiction to other stated aims around public engagement and the ethos envisaged by the introduction of Neighbourhood Planning.

Q5. Do you agree that the Government should not introduce a minimum level of residential densities in national policy for areas around commuter hubs? If not, why not?

Yes. Development proposals should respond to the character and surrounding environment of the scheme. Overall design and massing, access to amenity space, car parking and other matters are just as important, or arguably more so, than an arbitrary approach to density on all available sites. As above, consideration of the capacity of the overall infrastructure of an area is required to ensure developments are successful.

c) Supporting new settlements, development on brownfield land and small sites, and delivery of housing agrees in Local Plans

Q6. Do you consider that national planning policy should provide greater policy support for new settlements in meeting development needs? If not, why not?

No. The NPPF already provides support (para 52) for new settlements in appropriate locations, where evidence suggests this is necessary. The Council is of the view that it

should be for each authority, or relevant group of authorities working in cooperation in accordance with a defined Housing Market Area (HMA), to determine whether new settlement(s) are required. The Local Plan process is the appropriate mechanism for bringing forward new settlements, and all of the associated infrastructure requirements. The proposed strengthening of guidance around the operation of the Duty to Co-operate, as heralded in the Productivity Plan (July 2015), may be helpful in order to determine the appropriate distribution of housing across a HMA.

Q7. Do you consider that it would be beneficial to strengthen policy on development of brownfield land for housing? If not, why not and are there any unintended impacts that we should take into account?

In principle, the emphasis on using brownfield land as a priority is supported. However, it is important to recognise that the creation and maintenance of sustainable and balanced communities is reliant on providing sites for a range of different land uses in addition to housing.

Details on the implementation of the Brownfield Register are not yet known and it is difficult to judge the extent to which any further strengthening of national policy would be necessary without knowing the full requirements on this matter.

Whilst recognising the benefits of maximising development on brownfield land where possible, there is a concern around the extent to which such an approach may be damaging to the character of an area. In Epping Forest District, the majority of planning applications received are for developments of less than 10 units, and it is often found that these small schemes create a high level of public interest. If there is a presumption in favour at the outset, subject only to approval of a small range of details, it would appear likely that a number of existing residents would be frustrated in not feeling that their voices have been heard. As per the response to question 4, it would appear there is a contradiction between this approach, and that envisaged by the introduction of Neighbourhood Planning.

Concerns on the implementation of this approach in respect of brownfield land in the Green Belt are explored across a number of the subsequent questions.

Q8. Do you consider that it would be beneficial to strengthen policy on development of small sites for housing? If not, why not? How could the change impact on the calculation of the local planning authorities' five year land supply?

Q9. Do you agree with the Government proposal to define a small site as a site of less than 10 units? If not, what other definition do you consider is appropriate, and why?

Taking Q8 and Q9 together, it is not considered that any further change to planning policy is needed in this regard.

Amendments would be required to the way in which Local Planning Authorities calculate the five year land supply, and it could perhaps be assumed that a subset of the information would need to be created to monitor the numbers of homes coming forward on small sites where there is an in-principle agreement to development.

Epping Forest District Council considers that a threshold of 5 units or less would be appropriate. In addition, to prevent threshold abuse, it may also be appropriate to introduce a site size threshold in addition. An appropriate figure for identification of small sites might be below 0.25ha. Please see details provided in response to Q7 for further information.

Q10. Do you consider that national planning policy should set out that local planning authorities should put in place a specific positive local policy for assessing applications for development on small sites not allocated in the Local Plan?

No. It would seem unnecessary for national planning policy to be this prescriptive. It should therefore be left for each local authority to determine the appropriate approach to the development of small sites for its area. It may not be necessary to adopt a specific approach to the redevelopment of small sites, but to take each opportunity on its merits.

Q11. We would welcome your views on how best to implement the housing delivery test, and in particular:

- **What do you consider should be the baseline against which to monitor delivery of new housing?**
- **What should constitute significant under-delivery, and over what time period?**
- **What steps do you think should be taken in response to significant under-delivery?**
- **How do you see this approach working when the housing policies in the Local Plan are not up-to-date?**

Care must be taken to avoid weakening of the planning system through the introduction of these proposed amendments. It is not clear whether a new “housing delivery test” would differ greatly from the current approach of calculating and monitoring the five year supply of deliverable sites. It should be recognised, that in most cases, local authorities do not usually own and manage land that is subject to development proposals. Whilst authorities are responsible for giving planning consent, and creating a positive environment in which appropriate development may occur, once consent is granted the onus is on the development industry to deliver. It is felt neither appropriate nor reasonable to penalise authorities where planning consent is granted, but developers for whatever reason have chosen not to implement consents in a timely manner. Where necessary to do so, the mechanisms already exist for planning obligations to be renegotiated to take into account shifting economic viability considerations. In addition, consideration needs to be given to the availability of suitably qualified and skilled tradesmen that will be required to build new homes at the rate that the Government is seeking.

Local Plans are currently required to plan for appropriate housing growth over a minimum of 15 years, with reducing levels of certainty throughout the plan period (NPPF para 47). Any measure of successful housing delivery should be calculated on at least a five year basis; anything less would be likely to penalise authorities where anomalies occur. The basis for any calculation should be set out clearly within national guidance to prevent a continuation of the current position in which significant time is spent in determining planning applications, at appeal and as part of Local Plan preparation, establishing the correct way to measure a five year land supply.

It would appear appropriate that “significant under delivery” is measured on a percentage basis over a five year period. It would appear that this proposal is linked to another CLG consultation on changes to the New Homes Bonus. A full report on this matter will be considered by the Council’s Resources Select Committee on 9 February 2016.

Where an authority is deemed to have triggered any threshold that is put in place, a mechanism for further investigation prior to sanction would be required. Consequences for significant under delivery would need to be understood, and it is unlikely that a “one size fits all” approach to remedial actions would be appropriate. Equally, the onus is not entirely on

local authorities to ensure delivery, and there must also be a mechanism for those that are in receipt of planning consent to deliver their schemes in a timely manner.

This cannot be a blunt instrument, but must be treated as an incentive to deliver growth. What reward would there be for meeting (and exceeding) any targets set out?

It is not clear what “up to date” means in this context, and any amendment to the NPPF or PPG should be clear on this. Given the raft of changes in the recent past, this could refer to instances where a Local Plan predates the NPPF, or where local circumstances indicate a review of the policy approach is required. Frequent changes to the planning policy narrative do not help local authorities to progress production of up to date Local Plans in a timely manner. There should be a transitional period prior to any housing delivery test being introduced, to provide an opportunity for local planning authorities to put adopted plans in place or make necessary amendments.

Q12. What would be the impact of a housing delivery test on development activity?

It is unclear to the Council how the introduction of a housing delivery test would assist in terms of implementation. It would however be hoped that where planning consent is granted, delivery rates will increase. As always, the detail is important, and delivery of new homes is reliant on far more than the planning system.

d) Supporting delivery of starter homes

Q13. What evidence would you suggest could be used to justify retention of land for commercial or similar use? Should there be a fixed time limit on land retention for commercial use?

Epping Forest District Council currently requires evidence to be presented with applications for change of use from an existing/previous employment use. This evidence needs to demonstrate that there is no viable alternative to the use being sought, and that reasonable steps have been taken to market the property for the current commercial use. The intention of this policy is to ensure that a range of appropriate commercial property/land opportunities remains available for use by businesses, although recognising that the demand for commercial uses is constantly changing.

As noted in the response to question 7 above, an integral part of achieving sustainable development is to ensure there is an appropriate balance between all types of development.

Q14. Do you consider that the starter homes exception site policy should be extended to unviable or underused retail, leisure and non-residential institutional brownfield land?

No. It is not clear how such a policy approach would accord with other campaigns for example, around the protection of pubs, and indeed any Assets of Community Value which are registered as such with local authorities.

A blanket approach to the provision of residential development on land previously used for other purposes could have an unintended consequence of putting pressure on the remaining uses to change working practices, relocate or close, if there are, for example, complaints from new residents about noise/nuisance.

The overall purpose of the planning system should be on the achievement of sustainable development, which should remain about balancing the requirements for homes and jobs whilst respecting the existing environment.

Q15. Do you support the proposal to strengthen the starter homes exception site policy? If not, why not?

Additional detail on the application of this policy approach would be welcomed.

The proposed grounds on which planning permission might be refused appear narrow, however, and it is disappointing there is no reference to the overall achievement of sustainable development, and the creation of successful places. It is considered that the “design” clause should also include a reference to amenity to both protect the interests of existing and proposed residents.

Q16. Should starter homes form a significant element of any housing component within mixed use developments and converted unlet commercial units?

No. The proportion of Starter Homes within mixed use developments should be the same as for developments of solely residential units. Requiring developments to contain a high proportion of a particular tenured property could potentially be harmful to achieving an overall mix of housing types within a locality.

Q17. Should rural exception sites be used to deliver starter homes in rural areas? If so, should local planning authorities have the flexibility to require local connection tests?

The NPPF now allows for market homes to be provided as part of rural exception schemes, if they are required to make the development viable. Previously, all dwellings had to be provided as affordable housing in perpetuity.

It is suggested that the emphasis for rural exception schemes should continue to be on seeking to provide affordable housing in perpetuity – which, of course, Starter Homes will not do, since they can become market housing after 5 years.

As much affordable housing in perpetuity as possible should be retained within rural exception schemes, to enable such provision to be available to local residents in the future. It is therefore suggested that Starter Homes should only be allowed to be included within rural exception schemes, where they are required to assist with the viability of the development and, even then, should be provided instead of market housing (which would otherwise be required to make developments viable).

The Council strongly agrees that local planning authorities should be afforded the flexibility to require local connection tests. This is important in areas such as Epping Forest District where housing costs are very high making it very difficult for local people to buy property and remain in the area.

Q18. Are there any other policy approaches to delivering starter homes in rural areas that you would support?

No.

Q19. Should local communities have the opportunity to allocate sites for small scale starter home developments in their Green Belt through neighbourhood plans?

Epping Forest District Council recognises there is merit to identifying possible brownfield land opportunities within the Green Belt and this is a matter that needs to be considered in the context of the preparation of the Local Plan. The proposed approach would give further weight to the Neighbourhood Planning approach, which has seen a number of local Town/Parish councils frustrated by the limitations of the Neighbourhood Planning remit. However, there is a concern that devolving the ability to undertake small scale reviews of the Green Belt may lead to a disjointed approach with regards to a very important strategic policy consideration.

The evidence required to permit development in the Green Belt requires that exceptional circumstances are demonstrated. It is not clear from the consultation whether Town/Parish Councils would be expected to meet this requirement. If they are, there would be a significant resource implication for Town/Parish Councils, and it is not clear whether they would be equipped in terms of resources and skills to deliver such evidence.

If this proposal is to be taken forward, there should be a clear definition of what is considered “small scale”. Within Epping Forest District, where the majority of planning applications are for 10 or less units, it would be considered appropriate to set this limit to 5 or fewer units with a 0.25ha site size threshold.

The Council is currently undertaking a comprehensive review of the Green Belt in the District, with a view to determining the extent to which land performs against the nationally defined purposes of the Green Belt. It is important that the achievement of sustainable development remains at the core of decisions around the allocation of land for development. Consideration of the Green Belt Review, alongside a raft of other evidence, will indicate the most appropriate locations for growth in Epping Forest District. Where a Town/Parish Council seeks to allocate a small scale opportunity to develop Starter Homes in the Green Belt, this should be founded on full and robust evidence, to ensure that the overall integrity and purpose of the Green Belt is not undermined. This evidence should be brought forward in concert with the Local Planning Authority, to ensure there is no conflict in approach.

The overall Objectively Assessed Need is determined at Housing Market Area level which often crosses local authority boundaries. This evidence is used as a starting point to determine the most appropriate housing target for an area, taking into account policy constraints and aspirations. Any consideration of the need to release Green Belt land must take account of the requirement for new homes to be delivered. There is the potential for a difference of opinion where a Town/Parish Council identify small scale opportunities for Starter Homes, and the District/Borough authority identify a larger, more strategic allocation for a range of development types. In this instance it would be necessary to give very careful consideration as to how such a difference might be reconciled.

Further, there is an inherent conflict in this approach, in that Neighbourhood Plans are not bound by the Duty to Cooperate in the same way that a District/Borough Local Plan is; the Green Belt, and potential release of land from within it, would be identified as a cross boundary strategic matter, therefore triggering discussions and actions under the Duty to Cooperate. It is not clear where the remits for each type of Plan would fall, and what would be done in the event of conflict between the two plan levels.

It is also not clear how the infrastructure requirements that will arise from the development of new Starter Homes will be addressed. It has been stated that Starter Homes will not be subject to the normal range of planning contributions (whether s106 obligations or CIL),

however, the increase in population arising would inevitably place additional demands and strain on existing services. This may be of particular importance on sites that are currently in the Green Belt which, by their nature, are likely to be more remote from existing services. Given the nature of Starter Homes (with their focus on young people), the demand for school places and health facilities particularly will increase as there will be an increase in the number of children.

Q20. Should planning policy be amended to allow redevelopment of brownfield sites for starter homes through a more flexible approach to assessing the impact on openness?

No. Piecemeal encroachment into the Green Belt that impacts on the overall integrity of the Green Belt should not be permitted. There is a concern that by amending the way in which openness is assessed in respect of Starter Homes, will undermine the purpose and function of the Green Belt. It is not appropriate to adjust the definition of a strategic policy approach for a single type of development.

In any event, where previously developed land exists, there will already have been an impact on the openness of the particular site, and this would be taken into account when considering proposals for redevelopment.

e) Transitional arrangements

Q21. We would welcome your views on our proposed transitional arrangements.

The transitional arrangements are insufficient. The changes proposed within this consultation will require evidence on Objectively Assessed Housing Need to be reviewed and revised.

Where a number of authorities are working together, such a review will take at least 12 months, this including time to seek Member agreement, but also in terms of the capacity of consultants to deliver a number of reviews in a short time frame.

f) General questions

Q22. What are your views on the assumptions and data sources set out in this document to estimate the impact of the proposed changes? Is there any other evidence which you think we need to consider?

No.

Q23. Have you any other views on the implications of our proposed changes to national planning policy on people with protected characteristics as defined in the Equalities Act 2010? What evidence do you have on this matter?

See response to question 2.

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Report to the Neighbourhoods and Communities Select Committee



SCRUTINY



Date of meeting: 19 January 2016

Portfolio: Environment

Subject: Review of Waste and Recycling Collection Arrangements

Responsible Officer: Derek Macnab (01992 564050)

Democratic Services: Adrian Hendry (01992 564246)

Recommendations/Decisions Required:

That Members consider the outcome of the Review of the Council's Waste and Recycling Collection Arrangements in order to advise Overview and Scrutiny Committee of any key findings.

Introduction

(1) The Council's contract with Sita, its previous waste, recycling and street cleansing contractor, came to an end after a seven year period on 3 November 2014. The process of awarding a new contract began in 2013, with competitive dialogue chosen as the procurement methodology, in recognition of the scale and complexity of the contract.

(2) At the final tender stage, all the remaining contractors bid on both a five-day collection and a four-day collection basis. The most advantageous tender, in terms of price and quality, was submitted by Biffa Municipal Ltd, who were appointed by Council in May 2014. The contract mobilisation and handover went well and Biffa performed satisfactorily during the period from November 2014 up until May 2015, during which time they were operating the previous five-day collection arrangements.

(3) However, following the switch to the four-day collection schedule and the introduction of new vehicles and technology on 12 May, it quickly became apparent that the contractor was struggling to provide the service required of them. Over a period of several weeks, an unacceptably high level of missed collections were reported and the service is only now fully stabilised. The Council's Environment Portfolio Holder, believes that it is very important to establish the reasons behind this service failure, not only to help in rectifying any ongoing problems and achieving an acceptable level of future service, but also to help in identifying any lessons for the Council, with respect to the letting of other major service contracts.

(4) To this end, the Environment Portfolio Holder formally requested that Overview and Scrutiny Committee undertake a review on his behalf, the outcomes to be formally reported back to Cabinet. Overview and Scrutiny Committee subsequently agreed the request and determined that the Neighbourhoods and Communities Select Committee was best placed to undertake the review, by virtue of their Terms of Reference.

The Review Process

(5) Given the likely level of both Member and Public interest, particularly with respect to the introduction of the revised 4-day collection arrangements, it was agreed that an additional meeting of the Select Committee would be dedicated to this single subject. Given the Work Programme of the Committee, the availability of external contributors to the review and to allow a period of time for the contract to fully stabilise, a date of the 17 December 2015 was set.

(6) In order to ensure that the review focused on the main issues that Members wished to explore, the Committee in September 2015 established the scope of the review and how the meeting will be practically undertaken. As a result, it was agreed that the review would be undertaken in 4 parts, covering the following issues.

Part One – Procurement Process

- i. Why the Council elected for Competitive Dialogue;
- ii. The Procurement Process and Key Considerations;
- iii. Contractors' Service Improvements identified through Competitive Dialogue;
- iv. Rationale behind the adoption of 4-Day Collection;
- v. Final Tender Evaluation and Award.

Part Two – Mobilisation and First 6 months of Contract

- i. Mobilisation in run-up to Contract Start Date November 2014;
- ii. Operation of 5 Day Service during initial 6 months;
- iii. Procurement of new fleet and depot relocation;
- iv. Preparation for Service Change to 4 Day Collection;
- v. Communication/Information to residents.

Part Three – Revised Arrangements from the 12 May 2015;

- i. Problems encountered by Residents. Type and Scale;
- ii. Operational issues faced by Contractor;
- iii. Remedial Actions and Recovery Plan;
- iv. Current Performance of Contract and Future Prospects.

(7) The aim of the final, **Part Four** of the review, was to reach a set of conclusions around what could have been done better and to recommend any key considerations with respect to how the Council could improve procurement and implementation of any future major service contracts. This report seeks to reflect on the discussion that took place on the 17 December 2015, in order to fulfil this requirement.

Outcome and Findings of the Review Meeting:

(8) The notes of the meeting of the Neighbourhoods and Communities Select Committee on the 17 December 2015, which undertook the Review of the Waste and Recycling Arrangements, are attached as an appendix to this report. The notes reflect the totality of the discussion and the lines of questioning undertaken.

(9) Officers have reviewed the notes and have identified what would appear to be some key learning points from the meeting. Members are invited to consider these issues and any others that they identify, as the basis for a further report to Overview and Scrutiny Committee.

Part One - Procurement:

- Competitive Dialogue proved to be an effective means of procuring the new Waste Contract, from both the Client and Contractors perspective.
- Although the Members interview only scored 10% of the quality scores, and on this occasion did not materially affect the final award, it is considered that Member Interviews are still beneficial for future service contracts.
- The role that cross-party Portfolio Holder Advisory Groups play in shaping service contracts was recognised as a positive.
- With contracts which involve major service changes, the costs to the Council should not be underestimated in terms of advising residents etc. The £50,000 on the Waste Contract was in hindsight, too small.

Part Two – Mobilisation and First Six Months:

- Overall the Waste and Recycling Contract mobilisation went well, with service quality maintained over the period November 2014 to May 2015.
- Although TUPE Arrangements were satisfactorily completed for staff transferring from SITA to BIFFA, there were some concerns highlighted regarding communication with staff despite Biffa's best endeavours.
- The innovation forum established between client officers and contractor, proved useful in addressing service issues and identifying areas for improvement, this should be encouraged as good practice.
- The original start date for the change to 4-day collection was not achieved, due to delays in vehicle acquisition and transfer of depots. However, the revised date of 12 May was still in retrospect too early.
- The number and type of informal arrangements that exist between householders and collection crews, should not be underestimated and should be specifically addressed in terms of debriefing at end of contract periods.
- Whilst it was felt that the problems encountered around the change to 4-day collection were not simply attributable to the prior notification information provided, it was felt that the letter to all residents could have been clearer.
- The information contained on the Council's Website was helpful, particularly the tool which converted postcodes into revised day collection arrangements.

Part 3 – Introduction of Revised Arrangements:

- Start date for change to 4-day collection too optimistic in as much as new fleet was only delivered days before implementation, preventing crew familiarity and ability to address technical failures.

- A phased approach was not adopted and had not been elsewhere, to the best knowledge of consultants and contractor. However, should not be ruled out in future contracts, certainly there would have been value in test rounds with the new fleet.
- The new IT system would have benefited from earlier implementation and a longer period of testing. The round information from the start of revised collections was inaccurate, leading to whole streets being missed. Lack of integration with client system also a major problem.
- Biffa lost 20% of the workforce that transferred from Sita, the outgoing contractor. This was a loss of valuable local knowledge which should have been captured in some way. Changing staff onto rounds in areas that they were not familiar with and an initial reluctance to utilise knowledge of waste client officers, compounded the problem.
- Some of the fleet purchased was not fit for purpose e.g. Street Sweepers that could not deal with rural road network. In future, demonstration vehicles may prevent re-occurrence.
- A need to utilise agency staff to cover additional rounds and cover vacancies, delayed the stabilisation of the contract. Whilst tender evaluation demonstrated that adequate resources were to be employed, did not take into consideration the effect of staff turnover. Issue to be explored in future contracts.

General Conclusion

It would appear that a number of the problems encountered by Biffa when introducing the revised 4-day collection arrangements, could have been avoided with additional time, e.g. to improve staff training and familiarisation with new vehicles and IT, to test drive new routes more thoroughly, to retain and utilise local knowledge of existing staff, to fully run in new fleet and to have operated longer from new depot locations, before the service change.

**EPPING FOREST DISTRICT COUNCIL
NOTES OF A MEETING OF NEIGHBOURHOODS AND COMMUNITIES SELECT
COMMITTEE
HELD ON THURSDAY, 17 DECEMBER 2015
IN COUNCIL CHAMBER, CIVIC OFFICES, HIGH STREET, EPPING
AT 7.00 - 9.45 PM**

Members Present:	M Sartin (Chairman), H Brady (Vice-Chairman), N Avey, L Hughes, R Jennings, S Neville and B Surtees
Other members present:	K Angold-Stephens, W Breare-Hall, R Morgan, G Waller, C Whitbread, J M Whitehouse and D Wixley
Apologies for Absence:	R Gadsby, L Mead and A Patel
Officers Present	D Macnab (Deputy Chief Executive and Director of Neighbourhoods), J Barnard (Office Manager), T Carne (Public Relations and Marketing Officer), K Durrani (Assistant Director (Technical Services)), D Marsh (Waste and Recycling Manager), A Hendry (Senior Democratic Services Officer) and S Mitchell (PR Website Editor)

35. WEBCAST ANNOUNCEMENT

The Chairman reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

36. SUBSTITUTE MEMBERS (COUNCIL MINUTE 39 - 23.7.02)

It was noted that there were no substitute members for this meeting.

37. DECLARATIONS OF INTEREST

There were no declarations of interest made pursuant to the Member's Code of Conduct.

38. REVIEW OF WASTE AND RECYCLING COLLECTION ARRANGEMENTS

The Chairman welcomed the members of the public, officers, councillors and invited guests to this special meeting of the Neighbourhoods and Communities Select Committee. The meeting was to review the new domestic waste and recycling contract and following the switch to the four day collection schedule and the introduction of new vehicles and technology. This resulted in an unacceptably high level of missed collections. The Council's Environment Portfolio Holder noting that this was an important service, formally requested that the Overview and Scrutiny undertake a review on his behalf and that the outcome to be formally reported back to the Cabinet. The Overview and Scrutiny Committee agreed that this request should be determined by the Neighbourhoods and Communities Select Committee. Given this, a single, one off meeting of the Select Committee be dedicated to this single subject.

In addition to the Environment Portfolio Holder and the Council's lead officers on Waste and Recycling, senior representatives from Biffa municipal were present; they

were: Mr Dickson, Biffa's Commercial Director, Mr Smith, the contractor supervisor, Mr Crook the Operations Director and Mr Edwards their Managing Director. Also in attendance was Mr Attrill, the Consultant from White Young and Green, who supported the Council through the procurement process. They were invited to give evidence and answer questions.

Mr Macnab, the Committee's lead officer and the Director of Neighbourhoods outlined the procedure for the night and the history behind the awarding of the Council's waste contract. He noted that due to uncertain variables the Council had elected for competitive dialogue. The council was unsure as to whether it wished to keep Grounds Maintenance Services and/or Fleet Management in-house or whether it wished to include these services within the contract for Waste Collection and Street Cleansing Services. The Council also wished to consider alternative means of collecting waste, including the use of wheeled bins for dry-recyclables plus the option of including glass in the co-mingled mix. They also wished to discuss ICT solutions which would give better management information so as to better inform customers. Finally it was necessary for the contractor to provide their own depot, as the Council would be redeveloping Langston Road. The variables meant that using the traditional procurement procedure was inappropriate as the Council could not, at the outset, identify the precise requirements of the contract. The Competitive Dialogue procedure had given good results on other authorities waste procurements exercises.

It was noted that the 4 day collection model was offered by several bidders. It was a model used by a number of authorities to (a) improve productivity and thereby reduce costs; and (b) to avoid 'catch up' or 'slipped day' collections following Bank Holidays and in particular, because the new depots were outside or at the edge of the District's boundary, the longer working day associated with the four-day week allows for the longer travelling times at the start and end of each day. Allowing for the four day collection reduced collection costs to the Council.

Mr Macnab noted that the most advantageous tender in terms of price and quality was submitted by Biffa Municipal Ltd. who were appointed by the Council in May 2014.

Mr Macnab advised that the meeting would be broken down into three parts as indicated on the report attached to the agenda. The first part would look at the initial procurement process, while the second part would consider the mobilisation and the first six months of the contract. The third part would concentrate on the problems encountered. The fourth part indicated on the report, conclusions and recommendations, was a bit too ambitious to tackle tonight and reach conclusions. Officers would take away all the information gained this evening and write it up into a formal report to go to the select committee's next meeting and from there to the parent Overview and Scrutiny Committee meeting and onwards from there back to the Cabinet.

Part one – the Procurement Process

The Committee went on to review the procurement process. Len Attrill, the consultant from White Young and Green, who supported the council through the procurement process gave a brief description of why the council chose to go for Competitive Dialogue, the procurement process, any key considerations and service improvements identified. Mr Attrill noted that this process enabled the bidders to take into consideration:

- the grounds maintenance service;

- establish synergies between grounds maintenance and street cleansing services;
- to market test the in-house service for fleet management and maintenance;
- to seek a solution in relation to depot provision;
- an innovative approach to the provision of trade waste collection and recycling;
- achieve a minimum average recycling rate in excess of 60%;
- the provision of up to date ICT; and
- where affordable to endeavour to go for innovation and added value.

The council had expressed a wish to move from their current depot and explore alternative type of fleet contract and would also examine the contract term, which should be longer than the former 7 years.

They wanted to explore if grounds maintenance or if the contract for arboriculture services was to be included. The Council wanted, through this contract to help Small or Medium Size Enterprise (SME's) in the district by having their trade waste collected and to see how this could work.

They were also looking at how recycling, composting etc. could be improved; the procurement process was wholly designed to see how contractors would tackle this.

The procurement process allowed for 3 levels of dialogue and 3 stages for tender consideration which was felt was entirely necessary.

It was asked if during the process, any consideration was given to any problems that could occur and how to deal with them. Mr Attrill said it was set out how to handle such things in a "Model of Performance Management". There was always the possibility that things could go wrong so this mechanism was there to deal with that.

In the end the council was able to maintain the quality of the service, vacate the depot and achieved a service lower in cost than the previous contractor; in addition to the service improvement identified.

Councillor Jennings commented that given all the other things going on, was the saving of money on this contract from the previous contract too good to be true, or was there something that was specific to EFDC? Mr Attrill said that he did not think it was entirely unique to Epping Forest; other councils were procuring roughly the same services. There were a number of reasons why costs were lower than they used to be, such as the cost of fuel which was lower than it has been for nine years, interest rates were low and low wage inflation for a couple of years. Things that have not helped was that the value of recyclables had fallen, part of the world collapse in commodity prices. Generally the trend was where councils that had decided to radically change services had seen significant cost increases.

Mr Attrill noted that a 4 day collection period was not innovative; other authorities have been operating this system for years. This usually happened in rural areas when the population was a long way from the waste depot and this came about for EFDC as they were considering moving their depot. Most of the contenders bidding for the contract had depots outside the District boundary and options for a 4 day week were put on the table as this had operated successfully for other authorities. This also avoided the 'catch up' or 'slip day' collections following bank holidays, although there may be some need for catch up over the Christmas and Easter holidays. However it was noted that the introduction of a four day collection model

would incur costs to the Council. These additional costs were estimated at £50,000 and with the benefit of hindsight perhaps the figure should have been higher. This figure was then added to the contract and £5,000 was added per year over a 10 year period.

Councillor Neville noted that when other Councils moved to a 4 day week, did they start with a pilot scheme? Mr Attrill replied that he knew of no Council that ran a pilot scheme. That did not mean that none were run, just that he did not know of any. The Chairman asked the Biffa officers if they knew of any pilot schemes, they replied that they did not.

Councillor Surtees commented that he was not critical of the whole system just interested in the journeys to the depot. The depot was quite away from Epping; were there other journeys that had to be undertaken to take waste material to other sites or was it just to and from the depot. Mr Attrill said it depended entirely on the waste stream. Some of the waste streams go to a transfer station in Harlow. The key point was that we have identified the waste disposal facilities for residual, garden and food waste. Those were fixed. Where the contractor had their depots was their choice, but we did scrutinise that at the evaluation. But at looking at the distances involved and the travelling time we felt they were entirely achievable. Councillor Surtees asked if the variables he had identified were taken into account and was there some wiggle room if more stuff had to go to one place rather than another. Mr Attrill agreed that there was, the waste industry was highly competitive and simply making decisions on how finely tuned you made your model would be what makes these lower cost tenders. But the more fine tuned you make them the greater the risk that it would not bed down as it should. This was partly why we took the view of having the £50,000 buffer, and with hindsight we may have undercooked that.

The Chairman asked the Portfolio Holder if he had any comments on the adoption of the 4 day collections. Councillor Breare-Hall the Environment Portfolio Holder said that he supported the rational behind the process and confirmed that all the options were considered. Ultimately it came down to a cost/benefit analysis and a judgement call to what was better for our residents.

Councillor Jon Whitehouse asked what was the difference between the number of staff and vehicles required for the 4 day system to the 5 day system. Mr Attrill replied that he could not answer that question without doing some research on the different bids made. Councillor Whitehouse asked him to go for the tender adopted rather than the various options considered. Mr Attrill replied that you had to remember that each bidder was tailoring their services on the basis of where their depot would be. One contractor had theirs next to the Harlow Transfer Station and for them a 4 day week did not add much so they chose the 5 day option. But they were not the winner of the tender. There was no general principal that the 4 day week delivers better results everywhere. There were a lot of variables and this would establish a model for the most advantageous tender. Councillor Whitehouse then asked what was the difference between a 4 day and a 5 day service under Biffa. A Biffa representative said that there was a saving in overtime and fuel.

In summarising the final tender evaluation and award, Mr Macnab noted that the procurement exercise had started in March 2013. 8 bidders started and were reduced to 4 who proceeded to the final stage of the Competitive Dialogue. There were two bids for each 4 and 5 day tenders, with two days of tender dialogue set aside for each bidder. The final tender process went for a 50/50 split (quality and price). There was also a member interview that accounted for 10% of the score.

Once completed the Council considered the bids and Biffa was considered the most advantageous bid (giving a saving of £416k per year on the previous contract) and Cabinet took the decision in May 2014, which was also considered by full council.

Councillor Surtees asked that with hind sight was there anything that could have been done differently? Mr Attrill replied that the procurement process was seen to be thorough; the only thing they would have done differently would have been to ask for more than the £50k. The council had a new depot, a new fleet and recycling compliant with the waste framework directive. Councillor Surtees said that whatever problems that happened after, was not due to the procurement process. Mr Attrill agreed that it was not the fault of that process.

The Chairman asked if the officers from Biffa thought that there was anything we could have done differently. The officers from Biffa concurred with Mr Attrill that the procurement process was well handled and ran to time. Mr Attrill added that the three companies that lost the contract were also very happy with the process they went through.

The Chairman noted that as part of the member interview panel their 10% did not seem to have any influence on the final outcome. Mr Macnab said that this was not by design. In the end the 10% did not have any effect on the outcome, but may have done on a closer fought exercise. Mr Attrill added that it was mathematically possible for the member's marks to make a difference in a tighter competition.

The Portfolio Holder, Councillor Will Breare-Hall noted that he was ably assisted by a cross party advisory group, giving member involvement throughout the process.

Part two – Mobilisation and the first 6 months of Contract

The meeting then went on to consider the second part of the review, the mobilisation and the first 6 months of the contract.

Mr Durrani, the Assistant Director (Technical Services) advised the meeting that the decision to award the contract was made by the Cabinet in May 2014. After that there was a handover period from Sita to Biffa. The first thing was to get Biffa set up at the Langston Road depot; TUPE staff transfer over to Biffa; transfer assets like vehicles and the stock of wheelie bins and other containers etc. This was carried out successfully and Biffa operated the 5 day collection service from 4 November 2014. Mr Marsh, the Waste and Recycling Manager added that the council acted as a buffer between the outgoing and incoming contractors.

Councillor Jennings asked what was the reaction of the staff to the change from a 5 day to a 4 day collection. Mr Durrani said that they knew it would be a 4 day service. Biffa was preparing the staff for this change and also the need to move to a new depot and the change of vehicles. A member of Biffa added that it was fair to say that a lot of questions came out of this opportunity to work one day less. There were a few cases of concern, but generally they got on with it. Councillor Jennings was pleased that they held one to ones with the staff concerned as it would have impacted everyone. Biffa did a good job. The Chairman noted that the TUPE had also raised some concerns.

Councillor Surtees noted that the transfer went well, but he had heard stories that some residents were dissatisfied with the service, what sort of percentage would that be? A representative from Biffa said that only 1 or 2 residents had expressed any concerns.

Councillor Whitehouse said it had been mentioned how critical it was to get the geography of the services right. Were collection points missed at first, and how was this list maintained and how accurate was it. Mr Durrani said that the first six months of the Biffa contract was run as if they were Sita, doing everything that Sita did for the last seven years. The crews had paper based list, the change to the new IT system came in under the 4 day system. For the first six months nothing changed; only when they went to the 4 day service did it change.

Mr Marsh noted that it was a smooth transfer, the use of the Sita schedule meant no initial change and a seamless transition; the crews knew the routes, although there were some problems with some narrow access systems.

Members of Biffa noted that they had inherited the Sita fleet, purchased from this Council, but they could not run them for the whole 10 year period of the contract. They used this fleet at their Stratford upon Avon contract, which was shorter, and at EFDC tendered for a new fleet of vehicles. The drivers took time to get familiar with the operation of new vehicles. There was also change in the depot location to add to the mix. The changes caused an unsettling period, but they were planning for the next 9½ years.

Councillor Neville asked Biffa if they had considered the size of the new vehicles, as it was difficult for the bigger vehicles to get around our small rural roads. Why did they choose bigger vehicles and not smaller ones and, how much experience did they have in the software in other situations as it seemed it had glitches. He was told that the new vehicles were no longer or wider than the other vehicles, it may be that they put larger vehicles on other routes. Councillor Surtees asked if the correct number of vehicles were obtained at first. He was told that they had the right amount of vehicles but they did lay on extra vehicles and crews to help them settle in.

Mr Durrani noted that preparation for the commencement of the four day collection service started soon after the award of the contract. An Innovation Forum consisting of Biffa and Council officers was formed by the Waste Partnership Board to oversee the changes to a 4 day service. There were a number of key changes – the purchase and introduction of a completely new fleet of vehicles and the movement of the workforce from the operational base from the Langston Road depot to the Biffa depot in Waltham Cross. The Partnership Board also looked at a number of other issues such as any problems with the staff and TUPE and the change of the depot location. A lot of work was put in by our IT department in conjunction with Biffa on their new system such as putting in information onto their live feed systems etc. Mr Marsh added that they had carried out projects like this before and had used their experience to facilitate this move.

The Chairman noted that the original date for this move was originally scheduled to be earlier; would there have been adequate time for this earlier date? Mr Durrani said that in terms of the information available at the time, it seemed that it would have been the right time carry out this change. But we were not as ready as we thought we were.

Councillor Surtees asked how robust were their contingency arrangements to handle the situation that arose? Biffa said that they had their contingency plan that covered their IT and vehicles etc. and on how they should react. They had put in a lot of hard work and good will to recover their position.

Councillor Whitehouse noted that the transfer from a paper database to an IT one had its problems. Was this picked up at the transfer stage? Mr Durrani said that they believed that everything was covered on the IT systems. Ms Barnard, the Admin and Customer Services Manager, noted that all the information held on the Council's database was transferred over to the Biffa system. Mr Attrill noted that there were also some informal arrangements between householders and crews that no one else would know about and may not have been passed on.

Mr Durrani noted that every household received a letter about the change over, with a calendar showing the collection dates, information was also put on our website with a search tool to enable householders to check the date and type of waste and recycling collection, and this proved very successful. We have had criticism for not having enough publicity, but the problem was not that but that collections were missed.

Councillor Surtees noted the informative letter had been sent out, but what about people with learning disabilities who may have encountered problems, could an easier way be found to communicate. Mr Macnab said that was a learning point to take on board and if they did something like this again they would run pilot schemes etc.

The Portfolio Holder, Councillor Breare-Hall added that with hindsight the letters were not as clear as they could have been. But more broadly, we had done a good job communicating by using the website and other means.

Part three – Revised Arrangements, Problems, Operational Issues & Remedial Actions

Mr Durrani noted that the 4 day collection consisted of Tuesday to Friday collections, a one pass collection for dry recycling and glass and new ICT and Customer relationship Management systems for the management of customer contact and also the new collections for small electrical equipment, textiles and batteries. A lot of things have come together and a lot of things have changed and this was where things could go wrong. We needed to check these services now and to explore how we could improve things.

Mr Marsh commented that with change, inevitably problems cropped up, especially with big changes in the schedules. At the start we had feedback that the collections were not happening as effectively as they should have been. Some houses were missed and this was coupled with a lack of knowledge of some of the areas being covered. Staff did not necessarily know the location of some of the bins as there were some unusual places they were being kept. This ended in missed collections and staff had to do some relearning of the 'ins' and 'outs' of an area. Some rural areas had consistent problems at this time.

The Chairman said that this went back to the question asked by Councillor Whitehouse about information being passed over. A Biffa officer noted that the information being passed over was OK but they lacked the local knowledge of the old crew members.

Ms Barnard said that the volume of calls were about missed collections and repeated missed collections. At its peak the contact centre was getting about 750 calls a day and they handled this by drafting in staff from other areas to answer calls and emails. An additional problem was that officers had to learn new ways of processing the new systems, at the start the lines of communication were not that clear, but this had

changed now. For some numbers on missed collections; in May 2015 we took 3616 reports on missed collections and 291 missed assisted collections. In June it dropped slightly to 2999 missed collections and 363 missed assisted collections. In October 2015 it had dropped down to 636 missed collections and 86 missed assisted collections and in November it was 468 missed collections and 36 missed assisted collections. In context the number of missed collections overall was less than 1%.

Councillor Angold-Stephens wanted to know how much the switchover to the 4 day collection period was dependant on the software, was that a cause of the problem. An officer from Biffa replied that the change over was not reliant on the IT systems.

Councillor Avey noted that Biffa had the ability to pick up small electrical items and textiles, how did this work, how has it been addressed and was it successful? Mr Durrani said that initially it had caused delays but it has since got better. Initially a lot had been put out and Biffa could not handle that quantity and needed to have extra collections. Councillor Brady said that she had tried putting batteries and textiles out but they had not been collected and she had to put in a complaint.

The Chairman noted that assisted collections had a lot of problems. Mr Marsh noted that this was due partly to not having the information of where they stored their bins. All assisted collections need to be logged to aid the management tool. Biffa noted that a lot of effort had been put in to address this as quickly as they could. Partnership working with officers and IT systems helped.

Councillor Waller commented that most organisations depended on the tacit knowledge of workforce, not recorded anywhere. Were attempts made to assign teams to areas that they knew? An officer from Biffa said they were where they could do so, but they did organise it in a different way once they were familiar with the routes.

Councillor Surtees noted the number of missed collections and asked if officers had comparative figures for what it was like before the contract was entered into. Could you give us any information to say what it was like in November and what it was like in May? Ms Barnard said she did not have the exact figures but in April 2015 we were taking 2788 calls and in May 2014 we took 2735 calls. So very similar to where we were before.

Councillor Whitehouse said that he tried to use the internet to report any problems, but it seemed that the internet was not as automated as he thought it would be. Do the reports go directly into the Biffa system? Ms Barnard replied that any forms completed on the internet went directly to her team to be manually inputted into the Biffa database. They were looking to improve this process.

Councillor Surtees said that as they were looking at the problems that the residents had experienced. We have heard about missed bin collections but there were other things such as kerbs being damaged by freighters and vehicles being damaged by refuse freighters and I wondered if that was something that needed to be taken into account when assessing the size of the problem being faced. Also, it seems that not everybody was reporting every incident, so there must be an element of under reporting. So the figures given would not be the whole picture. Mr Marsh agreed that there was an element of under reporting happening.

The Chairman noted that the refuse vehicles had 360 degree cameras mounted on them. Were they in operation and being used to pick up any problems? She was told that they were and were being used to solve some reported problems and to show

that they had not hit someone's car. The Chairman then asked if there were instances where it showed that it did hit a car. She was told that yes, it had.

The Chairman asked if the attending member of the public would like to put her question now.

The member of the public said that she had received her recycling calendar for May to October for which she thanked the officers. But, right from the beginning her general waste was collected but her recycling waste wasn't. On numerous occasions during May and July when she reported it she were told that Biffa would be informed of this. She has since found out that that her bin was in the wrong place. Up until May her recycling was always collected correctly, but now they seemed just to be going to the other block of flats. She did not report this in September and October, but by the end of November it had become a really big problem and she sent an email reporting it. An officer came out and said it was because they had contaminated the bin with black waste sacks. But living in flats she had never received the clear sacks. She generally collected hers from the local council offices. If they had been delivered to the flats then probably people would not have used the black sacks. But, she thought that they had not seen the bins as the glass had not been collected and that had not been contaminated. When they did come they took away the black sacks and put the warning stickers on the bins to say no black sacks. Since then unfortunately some black sacks did go in and were taken out and the bins photographed by the Biffa staff to show it had been emptied. Unfortunately, these sacks were just dumped outside the bin store, where they will stay.

Officers from Biffa apologised for this and said they would take her relevant details, investigate and rectify it.

The three written questions sent in before the meeting were then considered. Mr Macnab gave an undertaking to write to them individually giving them an answer.

The first question along with the third were considered together as they were similar as they were both about the returning of the emptied bins to their original location. Biffa officers said that they should have been returned to the point from where they were collected from and that should have been monitored by our camera system. If they have the address then we can check up on this. Councillor Waller noted that in rural areas bins have been left in the middle of the driveway and people have to stop their car on the road to move them; which is dangerous on rural roads. The Chairman added that almost all councillors have experienced this problem.

The second question asked if the separation of waste requirements had been relaxed. Officers from Biffa noted that they did not set the policy so there was no change. But there were occasion where they would be catching up on missed collections and would take everything regardless.

The Chairman noted that there had been recycling sacks piled up in one place, were operators encouraged to do this? She was told that that should not be happening; they were currently working through these issues. Mr Marsh added that they should not be there for more than an hour. But this was also a national problem.

Councillor Brady said that she believed that the size of the bins had got smaller, was this the Council's idea or Biffa's. She was told that the overall size had not changed but the design had, it just looked smaller.

Officers from Biffa noted that the new ways of working required change. They should have been using local crews; and once they started operating they were not achieving what they should. They then had to run three 'mop-up' crews to deal with the problems that arose. A combination of various issues caused a perfect storm. They also lost some employees and with them local knowledge. The new vehicles were different and needed some time for familiarisation; they were also slower which impacted on the length of the rounds. They were also relying on the new IT system which had teething problems and the longer working days meant that they got caught up in traffic as well. They noted that they did not have enough resources and introduced four new rounds and also had to bring in new people.

They had lost 20% of their workforce and had to train up the new replacements, and they were just coming to grips with this now. They were now delivering the service that was expected. There were more improvements to come to bring the service up to a much higher level.

Mr Macnab noted that the scale of the problem was not appreciated at first by Biffa. Once the full scale of the problem was realised it was accepted that the only way was to work in partnership. There were weekly meetings with top management which produced a recovery plan. They also engaged another contractor for a weekend to clear up the backlog. EFDC and Biffa worked together to turn this around.

Councillor Surtees noted that over the summer some of the crews looked very tired working their new 10 hour shift instead of 8 hours. Has there been any increase in accidents, Health and Safety matters or a rise in the sickness levels. He was told that Health and Safety was high on their list. However, sometimes they had a number of agency and new staff not in a settled state, and they could take months to settle down. In the short term they would experience more accidents with new staff.

Councillor Surtees then asked if they could provide regular figures to this Committee on absenteeism, sickness etc.? Mr Macnab said that they had a Partnership Board that looked at the management information; they would look at this and share the information with members.

Mr Durrani in summation of the recent events and their current prospects noted that EFDC and Biffa had learnt a lot over the past months and have made a significant improvement in the service provided. The challenge was to continue to improve standards, achieve the recycling target and improve the work on the cleansing side; especially as the crews were now gaining experience and knowledge of our roads.

Officers from Biffa commented that they had employed more resources than they initially thought they would, but were now getting back to their tendered model, by addressing the challenges they faced. They had a problem with the street vehicles they used for street cleansing, which were not fit for purpose, but their new vehicles would bring this up to standard.

Councillor Neville noted that street cleansing consisted not just of the small vehicles but of people going out litter picking. How many missed areas had been reported? Mr Marsh replied that he did not have those statistics with him. He agreed that they had taken their eye off the ball for street cleansing as they were concentrating on the collection problems, but they were now getting to grips with it.

Councillor Surtees said that he was appreciative of all that had been done so far. He wanted to know how long before all freighters were as stated in the contract and we would no longer need agency staff; and would they have need of more vehicles?

Officers from Biffa said that they would not give a time scale but were working as quickly as possible to normalise things. As for freighters they were looking to normalise this and were taking a long term view of this contract and were looking to build up that trust and confidence with the residence. They were working in partnership with EFDC to develop their services.

Councillor Whitehouse asked if they still used the extra staff. He was told that nowadays they did not use extra mop-up crews, just the normal crews to put things right so that they could learn the problems on their routes.

Councillor Brady commented that they had made tremendous improvements over the last seven months and thanked them for that. However, with Christmas coming was it all under control? She was assured that it was and they were prepared for it and foresaw no problems.

Councillor Surtees asked what he should say to his residents when they asked why their recyclables had not been collected. Biffa officers said that at the start there had been some confusion with the workforce and who collected what, also there was more recyclables than they had anticipated. Now, if the cage was full, the crews would call the supervisor to arrange for their collection. They hardly got any missed collections now.

The Chairman asked what the future prospects for our recycling figures were. Mr Attrill said that this was a national problem. A plastic bottle of the same size weighed less now than it did some years ago, that same went for glass bottles. Less paper was recycled as we as a society used less paper. The percentages and kilos would drop nationally because of this. But, they were starting to see new set of indicators coming through.

The Chairman asked the Biffa representatives if they were happy to attend a meeting of the Neighbourhoods and Community Services Select Committee in a few months time to update them on this matter. They agreed that they be happy to attend.

The Chairman noted that the next meeting of the Neighbourhoods and Community Services Select Committee would receive an interim report in January about tonight's meeting and a fuller report would go to the February Overview and Scrutiny Committee and onward to a future Cabinet meeting.

She thanked everyone present, the staff, Mr Attrill, the Biffa representatives and members of the public for participating in this interesting and informative meeting.

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