

Subject:	City Environment Modernisation Update		
Date of Meeting:	25 June 2019		
Report of:	Executive Director, Economy, Environment & Culture		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Environment, Transport & Sustainability Committee last received an update on the City Environment Modernisation Programme at its meeting on 22 January 2019. This report provides a further update on progress of the Programme, in addition to two other related reports on this agenda – Graffiti Reduction Strategy Update and Environmental Enforcement Update.
- 1.2 This report also presents the revised Waste Management for Charitable Organisations Policy for Committee approval and seeks permission to consult on a communal recycling scheme for the Lewes Road Triangle.

2. RECOMMENDATIONS:

- 2.1 That the Committee notes the progress made through the City Environment Modernisation Programme.
- 2.2 That the Committee approves the updated Waste Management for Charitable Organisations Policy at Appendix 1.
- 2.3 That the Committee agrees the commencement of a consultation in relation to the introduction of a communal recycling scheme for the Lewes Road Triangle as outlined in Appendix 2.

3. CONTEXT/ BACKGROUND INFORMATIONOperator's Licence (green)

- 3.1 Under the Goods Vehicle Licensing Act, Brighton & Hove City Council has an obligation to satisfy the Traffic Commissioner that council vehicles are operated properly and within current legislation. If these obligations are not met, the Traffic Commissioner will enforce sanctions which could result in the loss of the Operator's Licence.
- 3.2 In February 2019, an Operator's Licence Compliance Audit was completed by the new Head of Fleet. This identified that standards were significantly below that which was required. Following this discovery, a letter was sent to the Traffic

Commissioner informing her that: the audit had uncovered some serious problems with how the Operator's Licence had been managed, and that an action plan had been developed to resolve these issues. Additional resources deployed to deliver the required actions including a compliance team and assistance has been provided by the Freight Transport Association. City Environment committed to share progress on delivery of the action plan with the Traffic Commissioner every two to three weeks.

- 3.3 An Operations Manager is training as a Transport Manager to improve compliance with the Operator's Licence within the operations side of the service. All relevant managers, including all senior managers, have attended Operators Licence awareness training.
- 3.4 The City Environment Management Fleet is being reviewed and a new replacement plan is under development.
- 3.5 Since February, many improvements have been implemented and two further audits have taken place. The audit compliance score has improved considerably, but there is more work to do. Additional support has been provided to continue with these improvements and drivers, operatives, managers and trade unions are committed to these improvement activities.

Health & Safety (amber)

- 3.6 A new Health & Safety Business Partner was appointed in January 2019 and has identified a number of areas for improvement. A Health and Safety action plan has been created to track progress.
- 3.7 All risk assessments are being reviewed and safe systems of work are being produced and disseminated to staff. Highest risk areas are being prioritised.
- 3.8 Managers have all completed refresher health and safety training. Staff have started tailored programmes of refresher training. Some staff will be identified for more intensive specialised health and safety training.
- 3.9 City Environmental Management buildings have been transferred to corporate estates management and surveys, risk assessments and work space inspections are being completed. Where repairs, maintenance and safe working procedures are required to bring buildings up to standard, this is being progressed.
- 3.10 A Site Manager has been appointed to ensure that operations and activities on the site are carried out in a safe way.
- 3.11 For the highest risk areas, the corporate Health & Safety Team are providing additional time to undertake audits and assisting to deliver required improvements.

Waste management for charitable organisations (green)

- 3.12 Through the Modernisation Programme it has become evident that the current waste management charity policy, agreed in May 2010, requires a refresh. This is because the collection and charging mechanisms are not clear and a number

of ad-hoc arrangements are in place. For example, some charities are charged for waste collection and some not. For those that are charged, there are discrepancies as to how this is calculated.

- 3.13 The council values the work of charities across Brighton & Hove but has to act consistently for all charities in the city. Cityclean cannot continue to provide waste disposal free of charge as this is not a sustainable arrangement that can be replicated for all.
- 3.14 The Controlled Waste Regulations (CWR) 2012 in conjunction with the Environmental Protection Act (EPA) 1990 is used to classify waste as household, commercial or industrial waste. The regulations also govern whether local authorities can charge for collection and disposal of waste.
- 3.15 Waste is classified as household waste under CWR 2012 if it is from a charity shop or a charity or community interest company involved in the reuse of domestic waste. However, despite this designation, under CWR 2012, charities can be charged for the collection of waste from these premises. However, the disposal costs cannot be recovered.
- 3.16 The entitlement to free waste disposal only applies if the charity is involved in the reuse of goods donated from domestic premises, or if the premise is a place of workshop or used for public meetings. Waste of a non-domestic nature from charity premises e.g. office space, workshops, studios and open spaces, is classed as commercial waste and can be charged for both collection and disposal. Waste from premises used for the boarding or stabling of animals is classed as industrial waste and can also be charged for both collection and disposal.
- 3.17 This means under CWC 2012, charitable status or classification of waste does not automatically entitle the organisation to the free disposal of waste.
- 3.18 Taking this into account, the policy has been revised to:
 - Make it clear what charitable organisations are entitled to in terms of kerbside collections
 - Make it clear how charitable organisations in communal bin areas can use these bins
 - Explain how charitable organisations can access the Hove Household Waste Recycling Site (HWRS) and what can and cannot be deposited, including volume of waste and recycling
 - Make the arrangements for event waste management clearer
 - Explain the process for charities to request additional free containment or waste management at events if they believe they should receive more
- 3.19 Using the costing models developed as part of the commercial service, charitable organisations will be given a quote for the services they require. Each quote will contain a charitable discount in recognition of the service they provide to the city.
- 3.20 The revised policy is attached at Appendix 1 and includes under what circumstances collection costs are charged and when disposal costs are charged.

Increasing recycling (amber)

- 3.21 Building on the results and feedback from the communal bin trial in the Montpellier area of the city, Project Officers are finalising the new design of signage to be placed on communal bins across the city. This design is also being used to prepare a suite of promotional materials depicting what can and cannot be put in each container. These designs are much clearer and easier to understand.
- 3.22 Procurement of new litter bins, which offer the opportunity to recycle, has commenced. Again building on the feedback from the trial, these bins will be different colours to differentiate between the different materials that can be placed in them –turquoise for mixed recycling, burgundy for glass and black for general rubbish. This colour scheme will also be used for communal bin lids as they come to be replaced.
- 3.23 An A-Z has been published on the council website to advise residents on how to reduce, reuse, recycle or dispose of almost 180 different materials. This is a live resource which will be amended as more opportunities to reduce, reuse and recycle become available. Videos to support how to reduce, reuse and recycle are being developed and posted on social media.
- 3.24 Cityclean is working closely with the Sustainability Team and partner agencies to work toward the promotion and development of a circular economy in the city.

Commercial Services (amber)

- 3.25 The Commercial Team has been recruited to manage all Cityclean's commercial operations. This includes a Business Development Manager, a Sales & Marketing Officer, an Operations Team Leader and a Finance & Administration Officer. The team are self-funding from the income generated by the commercial services.
- 3.26 The trade waste container service terms and conditions have been updated to provide a more robust service. A capacity audit has been completed to identify the opportunities to take on new customers. Significant work has gone into improving the back office system to ensure paperwork, including Duty of Care, and payments are up-to-date.
- 3.27 The terms and conditions for trade waste sacks have also been updated to make the service more robust.
- 3.28 There are currently over 7,700 garden waste customers, with over 2,000 on the waiting list. The new digital application to manage garden waste renewals has been launched which has improved the customer experience and back office functionality.
- 3.29 With the Commercial Team in place, consideration is being given as to how to further improve the commercial services. This includes:
- Expanding the trade waste sack service as it provides the additional benefit of reducing the number of bins stored on the highway

- Improving the approach to waste management at events, including the drafting of terms and conditions to make it clear what customers can expect from the council and what the council expects in return and a charging schedule
- Procurement of a trade waste system
- Identifying and taking action to improve the customer experience

Round restructures (amber)

- 3.30 A Programme Board has been established to manage and monitor progress of this work. There are a number of dependencies for this work which will need to be completed to enable it to move forward. This includes the communal bin audit, the recycling wheelie bin audit, fleet procurement and in-cab technology. A Business Analyst is assisting with scoping options for improved technology.
- 3.31 The implications of the Resources and Waste Strategy are currently unknown but will impact on the future model of waste and recycling services e.g. potential mandatory food waste collections. Once the outcomes are known, it will be incorporated into this programme.
- 3.32 A series of stakeholder engagement workshops are being planned to obtain insight and feedback from those involved in refuse, recycling and street cleansing services to identify what currently works well in the services, what does not work well and what should be changed.

Recycling wheelie bins (amber)

- 3.33 Residents tell us that it's not always easy to recycle using the black boxes; they are not easy to lift, the recycling gets wet or blown away in inclement weather and the boxes themselves can get blown away. The provision of recycling wheelie bins provides residents with more capacity for recycling, avoids recycling materials becoming spread across pavements and roads and allows our collection crews to work more efficiently.
- 3.34 A recycling audit is being completed for each recycling round to determine which type of container is appropriate for each road across the city. There is a set of criteria which is being used to determine whether a road is suitable for a wheelie bin. Every household in the street must have the same type of container to allow the collections teams to work effectively and efficiently.
- 3.35 Rollout has started for two rounds. A further four have been audited and conversations are now taking place with crews to obtain their feedback on the recommendations. Following this, the rollout of wheelie bins for these rounds will commence. Residents will receive a leaflet informing them of the changes (there will be no changes to collection days), which will also detail what can and cannot be put in the recycling bin. Ward members will also receive an update.

Communal bins (amber)

- 3.36 Communal bin guidelines are being developed to inform future placement of bins. The guidelines will be informed by feedback from a range of stakeholders and

reflecting on the experience of the existing placement of communal refuse, recycling and glass bins.

- 3.37 A communal bin audit is being completed, using the agreed guidelines, which means there may be a need to reposition some bins, particularly if they are causing a hazard.
- 3.38 Consideration is being given to whether to change the communal bin system and associated fleet to improve efficiency and reliability of the service.
- 3.39 A proposed consultation for the introduction of a communal recycling for the Lewes Road Triangle Area is attached in Appendix 2. While it was not originally intended to consider the extension of communal refuse and recycling prior to round restructuring, there is an anomaly in this area of the city whereby a communal refuse service is provided but recycling is collected from black boxes. A number of residents have made representations to the council to have communal recycling introduced but we are also aware that not all residents are in favour of such a scheme. We are therefore proposing that a consultation is initiated to establish the views of residents as to whether the scheme should be introduced and if so their views on the locations of the bins. The outcomes of the consultation will be presented to a future ET&S Committee meeting with a recommendation on how to proceed, depending on the outcome of the consultation.

Customer experience (amber)

- 3.40 All Cityclean content on the council website has been reviewed and transitioned onto the new website platform. This means all content is in plain English and mobile friendly and therefore accessible when and where it is needed.
- 3.41 City Environment is making better use of the data available to understand more about the customer experience. Using this data, such as: reason for telephone calls, reasons for emails contact volumes and response times, City Environment is designing improvements to respond in the best way to customers and design services to make it easier for residents to contact the service.

4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 4.1 The City Environment Modernisation Programme is developing a sustainable future for City Environment services in Brighton & Hove in the context of reducing council budgets, increasing customer demand and an expanding service offer. Within this, work is taking place to improve performance on refuse, recycling, garden and trade waste collections, and street cleansing, as well as adopt a more commercial approach to managing income generating services. Without the continuation of the Programme, there is a risk that improvements will not be delivered and there will be further pressures on the City Environment budget.

5. COMMUNITY ENGAGEMENT & CONSULTATION

- 5.1 Previous community and consultation activities in relation to City Environment are detailed in the committee reports listed as Background Documents below. New activities as part of the Modernisation Programme for graffiti enforcement

and managing trade waste bins on the highway are detailed in their respective reports on today's agenda. Community engagement and consultation will take place in relation to communal recycling in the Lewes Road Triangle.

6. CONCLUSION

- 6.1 This report provides Environment, Transport & Sustainability Committee with a progress report on the Modernisation Programme. Improvement and modernisation work continues to be delivered, but there is still some way to go.
- 6.2 The revised Waste Management for Charitable Organisations will make it clearer to charities across the city how they can access the waste management services of Cityclean. Providing a clear policy means that Cityclean can be fair and consistent to all charities in Brighton & Hove.
- 6.3 The consultation on communal recycling in Lewes Road Triangle will inform future service delivery in the area.

7. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 7.1 The costs associated to the City Environment Modernisation Programme are funded from a combination of existing revenue resources and approved Modernisation Funding. An allocation of £0.168m of Modernisation Funding towards the City Environment Modernisation Programme has been approved by the council's Corporate Modernisation Delivery Board. It is anticipated that the various modernisation activities identified will support an improved customer experience, service efficiencies and a more commercial approach to provide value for money and contribute to the service budget proposals.
- 7.2 The financial implications of the recommended Waste Management for Charitable Organisations Policy are not certain as it is unclear what impact the updated policy will have on charges and level / type of waste collected, however the financial implications are expected to be minimal compared to current provision. Where charges are applied, these will be based on costing models developed as part of the commercial service to ensure that the costs of providing services are considered.
- 7.3 Costs associated to the consultation in relation to the introduction of a communal recycling scheme for the Lewes Road Triangle are expected to be £2,000 and will be funded from existing revenue resources within the City Environment service. There will be one-off costs of implementing the scheme depending on the outcome of the consultation which are expected to be in the region of £7,000 and will be funded from approved resources. It is anticipated that communal recycling would result in efficiencies relating to collection costs, however the financial impact of changes in volume and type of waste being disposed will also need to be considered.

Finance Officer Consulted: Steven Bedford

Date: 07/06/19

Legal Implications:

- 7.4 Under the Environmental Protection Act 1990, the Council has a duty to collect commercial waste if requested to do so and has the power to charge a 'reasonable' fee for the service. The Council is also able to make a reasonable charge for the collection of household waste in some circumstances, which include garden waste and waste from charitable organisations, as described in the report. This is specifically provided for at Section 45(3) Environmental Protection Act 1990 and Sched 1 para 4 of the Controlled Waste (England and Wales) Regulations 2012. Case law (R (Western Riverside WA) v Wandsworth [2005] EWHC 536) is clear that what 'reasonable' does is not mean costs recovery only and can be at the prevailing market rate, or higher.
- 7.5 In relation to the proposed consultation for communal bin recycling in the Lewes Road Triangle, the Council has powers to specify and provide the type of receptacles to be used for depositing waste for collection and may also require particular locations, including the highway, to be used. In carrying out consultation the Council is under a general duty to ensure that any consultation is fair. This means that it must be carried out when proposals are being formulated, that adequate time and information about the proposals must be given to consultees to ensure that they can provide a proper response, and that any consultation responses must be properly considered in reaching the decision.

Lawyer Consulted: Elizabeth Culbert

Date: 03/06/2019

Equalities Implications:

- 7.6 Equalities implications in relation to City Environment are detailed in the committee reports listed as Background Documents below.

Sustainability Implications:

- 7.7 The City Environment Modernisation Programme is seeking to increase recycling rates and improve street cleanliness.

SUPPORTING DOCUMENTATION

Appendices:

1. Waste Management for Charitable Organisations
2. Consultation on communal recycling in the Lewes Road Triangle

Documents in Members' Rooms

None

Background Documents

1. [Recycling and Refuse Collections for Charity Shops policy](#)

2. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 22 January 2019
3. Environmental Enforcement Framework Report to Environment, Transport & Sustainability Committee on 27 November 2018
4. Graffiti Reduction Strategy Report to Environment, Transport & Sustainability Committee on 27 November 2018
5. Public Convenience Report to Policy, Resources & Growth Committee on 11 October 2018
6. City Environmental Management – Modernisation Programme Update Report to Environment, Transport & Sustainability Committee on 9 October 2018
7. City Environmental Management – Modernisation Programme Update Report to Policy, Resources & Growth Committee on 12 July 2018
8. Update on Chargeable Garden Waste Collection Service Report to Environment, Transport & Sustainability Committee on 28 June 2016
9. Proposals for a Chargeable Garden Waste Collection Service Report to Environment, Transport & Sustainability Committee on 13 October 2015
10. Cityclean Service Plan and Priorities Report to Policy & Resources Committee on 9 July 2015

