

Brighton & Hove City Council

Environment, Transport & Sustainability Committee

Agenda Item 8

Subject: City Environment Modernisation Update

Date of meeting: 21 June 2022

Report of: Executive Director Economy, Environment & Culture

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Ward(s) affected: All

For general release

1. Purpose of the 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 21 September 2021. This report provides a further progress update.
- 1.2 The report also provides updates on other key activities since the last update including:
 - Service delivery
 - Environmental Enforcement
 - Graffiti reduction
 - Trade waste
 - Government consultation on changes at Household Waste Recycling Centres (“HWRCs” known as Household Waste Recycling Sites in Brighton & Hove, or commonly as tips)
 - Refuse collections in Coleman Street

2. Recommendations

- 2.1 That Committee note the progress of the Modernisation Programme, including the updates in Appendix 1.
- 2.2 That Committee agrees to add the roads listed in Appendix 2 to the current T-Zone area.
- 2.3 That Committee agrees the establishment of a trade recycling and glass sack service which uses existing communal bin infrastructure.
- 2.4 That Committee delegates authority to the Executive Director Economy, Environment & Culture (following consultation with the Chief Finance Officer) to revise the trade recycling sack service prices in response to the prevailing market prices for the services provided at least annually.

- 2.5 That Committee approves the response to the government's HWRC consultation which is contained in Appendix 4.
- 2.6 That Committee approves for a consultation to take place with the residents of Coleman Street to determine whether to remain with communal refuse bins, or move to refuse wheelie bins, pending a wider piece of work as part of the Modernisation Programme.

3. Context and background information

- 3.1 The City Environment Modernisation Programme is developing a sustainable future for the service in Brighton & Hove in the context of reducing council budgets, increasing customer demand and forthcoming legislative changes through the Environment Act. Many City Environment services are statutory and under a lot of scrutiny. The service has an integral role in resident, business and visitor perceptions of Brighton & Hove and is fundamental to the success and attraction of the city.
- 3.2 The depth, breadth and complexity of the issues being addressed cannot be underestimated. A significant proportion of management time and effort is used to address these issues to build a strong foundation, which is required to ensure visible and sustainable improvements in service delivery for the future.

Highlights from the Modernisation Update

- 3.3 Some key milestones achieved over the last few months include:
- Implementing new approach to manage commercial bins on the highway
 - Preparing all documentation to issue the Invitation to Tender for Digital Cityclean to procure waste management software
 - Completing the Environmental Enforcement: ticketing and software system project
 - Receiving approval to grow the electric fleet as per the Fleet Strategy
 - In-sourcing the public toilet cleaning and maintenance team
 - Securing £0.330m government funding to increase the number of Changing Places Facilities in the city
- 3.4 Appendix 1 contains an update on each of the key projects within the Modernisation Programme. A green RAG rating means the project is on track, an amber rating means the project is slightly off track and red means the project is off track.

Service delivery

- 3.5 During October 2021, the service experienced industrial action. Since that time, the City Environment Management Team has been operating within the Operational Agreement. Any issues have been dealt with by the management team and the trade union working collaboratively to resolve them.

- 3.6 Cityclean has introduced a new job description for Driver Supervisors and provided supervisory and digital skills training to enable them to fulfil these new roles. A full-service redesign has taken place and a new management team has been created, increasing the number and skills of managers. Additional resources have been recruited in areas where it was identified improvements were needed including health & safety, engagement, and training. Engagement with Driver Supervisors has improved, starting with a piece of work to reorder beat sheets. The one-to-one process has been reviewed so that it is more user friendly and relevant to staff. Ahead of the redevelopment of Hollingdean Depot, improvements to office accommodation and the canteen are planned to ensure these facilities provide a good space for people to work and to ensure staff who work outside all day have access to good facilities.
- 3.7 In addition, Cityclean has also reviewed the strike contingency plans and refined these in light of feedback received from East Sussex Fire and Rescue Service and Sussex Police, plus the council's Public Health, Environmental Protection and HR teams.
- 3.8 Seasonal recruitment started earlier this year a new approach was adopted for 2022 to attract people where using computers to apply can be a barrier, such as people with dyslexia or where English is a second language. On 22 and 23 February, a recruitment day was held at Hove Town Hall to recruit 40 seasonal Street Cleansing staff. Senior Supervisors and Managers interviewed applicants on the day. Unfortunately, despite improved efforts, only 10 of the 40 vacancies were filled by 6 June. Cityclean continues to try and fill these roles, but this may place additional pressure on the service and operatives will need to be deployed to the areas of greatest need.

Environmental Enforcement

- 3.9 Since the last update, the Environmental Enforcement Framework has been updated to include new offences, including Community Protection Warnings (CPWs) and Community Protection Notices (CPNs) for graffiti removal and a new approach to managing commercial bins on the highway.
- 3.10 Since February 2022, CPWs and CPNs have been issued to statutory undertakers and businesses when the property owner does not follow the council's request for graffiti to be removed from a property. Between February and 5 June 2022:
- 75 CPWs have been issued (includes those that were subsequently rescinded e.g. duplicate)
 - 46 CPWs have been adhered to, meaning graffiti has been cleared as requested
 - 23 CPNs have been issued, meaning the CPW was not complied with in the timescales
 - 6 of the CPNs that have been issued, have not been complied with meaning graffiti has not been cleared
 - 6 FPNs have been issued for failure to comply with the CPN
 - No cases have been sent to prosecution

- 3.11 Since 1 April 2022, a new approach for managing commercial bins on the highway has been in place following a public consultation and approval of the scheme by this committee. Between 1 April and 5 June 2022, 224 Fixed Penalty Notices (FPNs) were issued for failure to comply with the new approach. Appendix 3 shows the impact this new approach has had on the cleanliness of the city. One compliment received stated “just wanted to say how much better it is on St James Street now you've been able to relocate the commercial waste bins. So much more space to walk and it feels cleaner and nicer. Thank you!” City Environment will continue to monitor the impact of the approach and provide feedback as necessary to this committee.
- 3.12 In launching the new scheme, it has been noted that there are some roads within the current T-Zone (time banding) area that did not appear on the T-Zone list approved by committee. It is recommended that the roads listed in Appendix 2 are included into T-Zones.

- 3.13 During 2021/22 the following were issued:

Offence	Number of FPNs issued
Littering	1296
Littering from vehicle	45
Spitting, defecating or urinating	112
Unauthorised Flyering	25
Graffiti	3
Fly-posting	7
Dog fouling	3
Dog exclusion	65
Industrial and commercial bin offences	354
Failure to produce a Duty of Care	359
Fly-tipping	381
Disposing of commercial waste illegally	570

- 3.14 There are 281 pending court actions for failure to pay an FPN. The courts are severely backlogged due to Covid and cases are being heard sporadically.

Graffiti Reduction

- 3.15 A three-month graffiti removal trial took place on London Road between 1 November 2021 and 31 January 2022. The aim was to test evidence which suggests that increased removal results in fewer occurrences of graffiti, as it is believed that the incentive for graffiti vandals will diminish as their graffiti will be quickly covered over. Ahead of the start date, all businesses, residents, and property owners within the trial area were written to, explaining the purpose of the trial and how they would be affected. Cityclean also engaged with statutory undertakers, inviting them to support the trial by making a concerted effort to remove graffiti from their property in the area.
- 3.16 The trial took place in two stages. The first involved an initial removal of all graffiti in the area. It took six weeks to remove 81 areas of graffiti (many containing multiple pieces) from property including commercial and residential buildings, bins, lampposts, bus stops, phone kiosks and utility

boxes. The second stage involved daily monitoring and removal of any new pieces of graffiti that appeared in the previous 24 hours.

- 3.17 During the trial:
- 229 areas of graffiti were removed or painted over
 - an average of three new pieces of graffiti were found in each 24-hour period
 - 85% of graffiti was tagging
 - the most common was non-offensive tagging on commercial property
 - 906 hours of operative time was used
 - £0.013m of materials were used
- 3.18 The trial evidenced that the removal of graffiti from all types of property on London Road required considerable amounts of daily operative time. This, in turn, had a detrimental effect on the removal work in other areas of the city and therefore, this it is not possible to roll out this approach further across the city.
- 3.19 The learning from the graffiti removal pilot has been used to develop a new approach, introducing Targeted Action Zones. CPWs will be issued to property owners in a designated area to encourage removal from their premises. If the CPW is not complied with, a CPN will be issued. At the same time, Cityclean will remove graffiti from council property. Before these activities start, Cityclean will aim to engage with businesses and volunteers to complete a clean-up week. This approach will lead to a visible difference in a given area and encourage property owners to keep their premises clear.

Trade Waste

- 3.20 Most of the waste in the city is generated by businesses and industry, not households. There are numerous commercial waste collection providers in the city, which vary in terms of the quality and cost of service they provide to business customers.
- 3.21 The council has substantial waste and recycling infrastructure (vehicles, Waster Transfer Station, Materials Recovery Facility, Energy Recovery Facility, In-Vessel Composting Facility and communal bins). This infrastructure can be used to collect business waste, increasing the return on investment the council has made in this infrastructure.
- 3.22 In July 2015, Policy & Resources Committee approved the establishment of a commercial waste collection service which included provision for businesses to purchase rolls of refuse sacks from the council to be disposed within communal refuse bins across the city. Many businesses prefer to have one provider for refuse, recycling and glass collections and the council does not have provision whereby business customers can utilise on-street recycling and glass bins. Given the popularity of refuse sacks, permission is sought to extend this to recycling and glass.
- 3.23 In line with the input specification for the MRF, businesses will be required to dispose of their recycling loose into the communal recycling and glass bins.

The charging model for recycling and glass will be different to refuse sacks. Businesses signing up to the new service will be charged monthly, based on a review of their recycling volumes over the previous 12 months. For existing customers, council data will be reviewed to understand tonnage, frequency of collections, any ad-hoc collections and seasonal variations. For new customers, the Commercial Team will review their waste transfer notes from the previous 12 months to charge the appropriate monthly fee. All accounts will be reviewed on an annual basis to ensure the charge is accurate.

- 3.24 It is proposed the pricing model is managed in the same way to existing commercial services, as agreed by this committee in October 2018, by delegating authority to the Executive Director Economy, Environment & Culture (following consultation with the Chief Finance Officer) to revise the trade recycling collection prices in response to the prevailing market prices for the services provided at least annually.
- 3.25 Commercial waste within any domestic collection cannot exceed 20% of the total amount of waste collected. Commercial refuse collected from the communal bins equates to approximately 0.75% of the total refuse collected from the communal bin infrastructure. If all current council trade customers within the communal bin area opted to use this new recycling service, this would equate to approximately 5.5% of the total recycling collected. Therefore, there are no concerns that the 20% limit would be reached.
- 3.26 Capacities within communal recycling and glass infrastructure will be monitored to ensure enough capacity moving forward.

Public consultation on changes at Household Waste Recycling Sites

- 3.27 At its meeting on 24 November 2020, this committee approved for a public consultation to take place on proposals to introduce changes at the two HWRS:
- to introduce charges for some types of non-household waste
 - to introduce ID checks.
- 3.28 The government is currently holding a consultation on preventing charges for DIY waste at HWRS and calling for evidence on booking systems and therefore this work will not be progressed until the outcomes of the government consultation are known.
- 3.29 Committee is asked to approve Brighton & Hove City Council's draft response to the consultation which is contained in Appendix 4.

Refuse collections in Coleman Street

- 3.30 At its meeting on 16 November 2021, this committee approved for a consultation to take place with the residents of Washington Street to determine whether to remain with communal refuse bins or move to refuse wheelie bins, pending a wider piece of work as part of the Modernisation Programme. At its meeting on 18 January 2022, this committee agreed to

provide refuse wheelie bins to households in Washington Street based on the results of the consultation.

- 3.31 This change has had a knock-on effect to residents of Coleman Street, which runs parallel to Washington Street. The November 2021 report provides information on the issues caused by having communal refuse bins serving this street only.
- 3.32 Permission is sought to hold a consultation with the residents of Coleman Street on how to manage their refuse. The results of the consultation will be brought to a future committee to decide the way forward.
- 3.33 As part of the City Environment Modernisation Programme, containment across the city is being reviewed. Therefore, any future decision taken by committee will be a temporary solution pending a more strategic approach to waste containment and management across the wider Hanover & Elm Grove area (as well as the rest of the city).

4. Analysis and consideration of alternative options

- 4.1 As noted above, the City Environment Modernisation Programme is developing a sustainable future for the service in Brighton & Hove in the context of reducing council budgets, increasing customer demand and forthcoming legislative changes through the Environment Act. Within this, work is taking places to improve performance on refuse, recycling, garden and trade waste collections and street cleansing, as well as adopting a more commercial approach to income generating services. Without the continuation of the Programme, there is a risk that improvements will not be delivered.
- 3.34 The introduction of a new trade recycling service will offer flexibility to businesses as they will be able to dispose of their recycling as it is generated, rather than wait for a collection. In turn, this will help increase business' recycling rates. It also helps businesses comply with the new approach to managing commercial bins on the highway. It will also reduce the number of HGV movements in the communal bin area as these bins are already being emptied.

5. Community engagement and consultation

- 5.1 It is requested that committee approves for a consultation to take place with residents of Coleman Street on how to manage their refuse. If approved, the consultation will inform the next stages for this work.
- 5.2 Previous community and consultation activities in relation to the Modernisation Programme are detailed in the committee reports listed as Background Documents below.

6. Conclusion

- 6.1 This report provides Environment, Transport & Sustainability Committee with a progress report on the Modernisation Programme and other areas of Cityclean service delivery. Improvement and modernisation work continues to be delivered, but there is still some way to go.

7. Financial implications

- 7.1 This report is an update report on progress on existing initiatives which are funded from existing resources. There are no direct financial implications arising from the recommendation in section 2.2 of this report. Any surplus income from Fixed Penalty Notices, are legally ring fenced to support specific environmental purposes. Enforcement will be carried out within existing resources, but any additional spend is expected to be funded from additional income and any significant variation to budget will be reported as part of the council's monthly budget monitoring process.
- 7.2 There are no direct financial implications arising from the recommendations in sections 2.3 to 2.5 of this report. By managing the trade recycling pricing model in the same way as the existing commercial services, prices to commercial customers will reflect any changes in disposal costs and the prevailing market price of the service. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.
- 7.3 There are no direct financial implications arising from the recommendation in section 2.6 of this report. Costs associated with public consultation with residents of Coleman Street on how to manage their refuse will be contained within existing City Clean Budgets. Any significant variations to budget will be reported as part of the council's monthly budget monitoring process.

Name of finance officer consulted: John Lack Date consulted: 23/05/2022

8. Legal implications

- 8.1 In relation to the recommendation to add roads to the current T-Zone area, the power of waste collection authorities to require that occupiers of premises take steps to facilitate the collection of commercial waste, and for the placing of receptacles for the purpose of facilitating the emptying of them, is found in section 47 of the Environmental Protection Act 1990. Section 47ZA of the Act provides that fixed penalty notices may be issued where the waste collection authority's requirements are not complied with.
- 8.2 Regarding the establishing of a trade recycling and glass collection service, the Council has a duty, under s45 of the 1990 Act, to collect commercial waste if requested to do so and has the power to make a "reasonable charge".
- 8.3 In relation to the consultation on communal refuse bins/wheelie bins, s46 of the 1990 Act provides that it is for waste collection authorities to decide on the appropriate receptacle for the collection of household waste. There is no

duty to consult on this but, as a matter of law, once consultation has taken place conscientious consideration must be given to the consultation responses before a decision is made.

Name of lawyer consulted: Hilary Woodward Date consulted 19/05/2022

9. Equalities implications

- 9.1 There are no direct equalities implications arising from the report's recommendations.

10. Sustainability implications

- 10.1 Many of the projects within the City Environment Modernisation Programme have sustainability implications. This includes objectives to reduce waste, encourage reuse, increase recycling, reduce litter and enhance biodiversity.

Supporting Documentation

Appendices

1. Programme Update
2. Roads to be added to T-Zones
3. Before and after photographs of T-Zones
4. Response to government consultation on changes at Household Waste Recycling Centres

Background documents

1. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 29 September 2020 (item 29)
2. [City Environment Modernisation Update Report](#) to Environment, Transport & Sustainability Committee on 21 September 2021 (item 41)
3. Report to Environment, Transport & Sustainability Committee on [Washington Street: permission to consult on changes to refuse collections](#) on 16 November 2021
4. Report to Environment, Transport & Sustainability Committee on [Washington Street: outcome of consultation on changes to refuse collections](#) on 18 January 2022

