

Extraordinary Council Meeting



Report of Head of Housing and Environment

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Temporary suspension of the garden waste service

It is recommended the Council note this report and the current position with the garden waste service

Purpose of Report

1. The purpose of the report is to inform Council of the situation regarding the temporary suspension of the garden waste service and the steps officers have taken to seek to re-start services in discussion with Biffa. Council is then invited to discuss and debate the current temporary suspension of the Garden Waste Service.

Strategic Objectives

2. Not applicable to the recommendations in this report.

Background

3. The collection of garden waste service is provided by Biffa under the terms of a contract agreed in 2009 and extended in 2014 to cover the period 2017-2024.
- 3.1 The garden waste (GW) is a chargeable service and is collected every other week with the green recycling bin. There are 54,000 GW customers overall, in South (29,000) and Vale (25,000). Waste is collected from 122,000 households in total. The GW service is therefore used by 44 per cent of our customer base. Some households have more than one bin and the total number of GW bins is 57,000. The terms and conditions of service are posted on the website and on the reverse of the annual invoice. Customers are entitled to a minimum of 20 collections over the 12-month period. The cost of the service is £51.50 per bin per annum, payments are made by direct debit.
- 3.2 In addition to the contract, there is also a Business Continuity Plan (BCP) which has been agreed between the contractor and the councils.
- 3.3 Throughout the pandemic officers have worked closely with local and regional managers to ensure that the kerbside waste service is delivered. There were several times during this period when driver levels had to be monitored and Biffa took actions agreed through the BCP to maintain the service.

Climate and ecological impact implications

4. Whilst there are clearly implications in relation to the garden waste collection service, there are no implications arising from the recommendations in this report.

Financial Implications

5. The financial implications arising from the suspension of the garden waste service are still being assessed by officers as discussions with Biffa continue. Once the discussions are finalised officers will work to quantify the financial impact.

How is the contract managed?

6. The contract is managed operationally by officers in the following ways:
 - Daily contact between client team officers and local Biffa managers/supervisors
 - Technical officers monitor the crews on a daily basis, joint site visits are held with Biffa supervisors to review specific issues.
 - Operational meetings are held monthly to review day to day issues (issues which are not satisfactorily resolved are escalated to senior managers)

- Remediation notices are issued where an ongoing issue has not been satisfactorily resolved. If it still remains unresolved a Default is issued, and a deduction made from Biffa's monthly invoice.
- Key Performance Indicators (KPI) are measured and recorded monthly to measure the effectiveness of the contract. KPIs one and two relate to missed bins and rectification of missed bins, a high standard is set and consequently this has resulted in a negative bonus since 2014. (no more than 50 missed bins per 100,000)
- Meetings with the regional Biffa managers and senior council officers, as required to review strategic matters and initiate projects (e.g. round reviews).
- Board meetings are held quarterly to review the KPIs, meetings are attended by senior officers and lead members.
- Joint scrutiny, to review the annual performance report including a review of KPI performance. The assessment for the period 1 January 2020 to 31 December 2020 has been assessed as "good". This was considered by joint scrutiny on the 14 September 2021.

Circumstances leading to the Suspension of Garden Waste Collection

7. On the 28 July 2021, Senior Management Team (SMT) received a verbal briefing as officers were concerned that the waste service was reaching a point where Biffa may need to activate the Business Continuity Plan (BCP) – see below.
- 7.1 The reason for this was the national shortage of HGV drivers which was impacting on Biffa's ability to recruit and retain drivers. There are a number of reasons for the shortage of HGV drivers which have been well publicised on national media, but it is considered that the impact of drivers returning home as a consequence of Brexit and the impact of the pandemic in restricting the training and testing of new drivers are the main causes of the current issue. Biffa reported that they were 9 drivers short. (For context they employ 56 drivers in total). Other councils are also experiencing difficulty as set out below.
- 7.2 Leaders and Lead Members were sent an email on the 29 July making them aware of concerns, but Biffa did not actually activate the BCP until the 2nd of August. This was the first time the Council was informed that, in order to ensure that priority waste collections were maintained, GW collections would need to be suspended.

Business Continuity Plan (BCP)

8. The BCP is agreed with the contractor to enable the parties to identify the actions which need to be taken to maintain critical services following disruptive incidents. It is rarely activated. Should it be necessary to do so, it is fundamentally an operational decision which is taken in conjunction with

discussions and agreement with lead members and SMT. The waste hierarchy, is a key element of the BCP and is in line with Defra advice [Defra service priority guidance - letsrecycle.com](http://letsrecycle.com). It is designed to protect other kerbside collections received by all households: food, recycling, and residual (rubbish) from significant disruption.

- 8.1 On Monday 2 August, Biffa informed the councils that the number of suitably qualified staff they had available to work on that day was such that the BCP had to be activated. They were 9 drivers short and suspending the GW service would release 8 drivers. In order to protect the collection of critical services, officers had no alternative other than to agree to the temporary suspension of the garden waste service for a period of 4 to 6 weeks. The 6-week period expired on the 10 September.
- 8.2 The impact to the waste service was an increase in missed rounds and there was a relatively a high volume of email from councillors and residents. The impact is further evidenced in the graph below which shows the increase in time (seconds) a resident was waiting for their call to be answered to the Biffa call centre.



- 8.3 Biffa managers informed officers that they are actively recruiting but with limited success due to the competition in the market. In order to retain drivers, they had implemented a £500 (nett) per quarter retention bonus for drivers on 1st July, so £1500 would be payable per driver this year. In addition, the agency pay rates across the sector were increasing. The issue was also exacerbated by the number of drivers who needed to take leave having worked additional hours without leave over a prolonged period.

National Situation

9. The shortage of HGV drivers is well documented in the press and is adversely impacting many sectors. We are aware that the following local authorities who also contract Biffa to deliver their waste services have faced disruption:

- Swale – GW suspended from 3 August
- Winchester – GW reinstated following a suspension which started 16 August
- Arun – delays in the service from 23 July
- Tandridge – GW suspended for two weeks from 24 August

In addition, the following areas are facing serious disruption, and some may not see services resume until 2022.

3 September - At least 18 councils across the UK confirmed on Thursday that they are experiencing ongoing disruptions to their bin collection services.

[Councils hit by bin collection delays due to driver shortage - BBC News](#)

9 September “The postponement of garden waste collections by a council is expected to continue for a third month. Central Bedfordshire Council said the disruption, since July, was due to a national shortage of HGV drivers [Bedfordshire disruption continues BBC](#)

9 September - Four Surrey boroughs will not have their garden waste collected again until next year due to a national HGV driver shortage. Residents who subscribe to the service had been expecting it to resume tomorrow (Friday), but councils in **Elmbridge**, **Mole Valley**, **Surrey Heath** and **Woking** have today announced collections are “now suspended for the foreseeable future”.

[No garden waste collections until 2022 Surrey](#)

Communications

10. Regrettably, given the short notice at which the BCP had to be initiated, it was not possible to communicate with all GW customers in advance of the suspension. Furthermore, the speed of direct communication with customers was further exacerbated by the fact that the councils did not have a complete data set in terms of email addresses. By way of explanation, data relating to GW customers was recently provided to the councils when the exchequer services was brought back in house, having been outsourced as part of the Capita 5C’s contract. However, unfortunately, only 37 per cent of the records for GW customers had email addresses and this data had not been cleansed so there was a lack of confidence that it was up to date. It was important from a GDPR perspective that officers corresponded with the correct customers.

- 10.1 As a matter of course, the majority of direct customer communication, including the issuing of invoices, is by post. Whilst it is possible to contact all GW customers by email or letter, the system is not fully automated, and the process is time-consuming. The team considered that by the time the data was abstracted, the message would already be “*out there*” by other means. In order to get the message out as quickly as possible, steps were taken to ensure that customers were regularly updated via the website and social medial. Emails were also issued to all district councillors and to the town and parish councils.
- 10.2 The council recognises that steps will need to be taken to ensure that the dataset is as accurate as possible to enable direct communications to be sent to customers when services are likely to be disrupted. However, this is someway short of the functionality and automation offered by a CRM system. It is important to note, the lack of CRM is not an issue which has been caused by Biffa this relates to previous historic corporate decisions regarding the contract with the 5C’s contract.
- 10.3 In terms of the next stage, arrangements are being put in place to update customers directly by email / letter in advance of any future changes to the service agreed with Biffa. As soon as officers have an agreed plan, they will contact customers to give them as much notice as possible. We will be seeking to collect email addresses as part of this exercise.

A summary of all communication activity is set out in Appendix One.

Reimbursements

11. The need to offer reimbursements by delaying the collection of direct debits (DDs) to stretch this years’ service is being carefully considered by SMT. Extending customers subscription period to give them a free period is the most straight forward option. It is appreciated and accepted that the Council is not providing the level of service customers expect and are most likely to delay the collection of customers next direct debit payment by three months to make up for the collections that they have missed whilst the service has been suspended.

Current Position

12. Suzanne Malcolm, Deputy Chief Executive Place, is leading the negotiation with Biffa supported with legal advice from Bevan Brittan who have supplied advice notes. (these are subject to legal advice privilege and have not been disclosed as this would be a waiver of privilege).
- 12.1 Following an exchange of formal letters, officers met with Biffa managers on Monday 13 September to discuss in more detail their proposal to restart GW from 20 September on a 4-weekly cycle. However, in order to ensure that the position regarding the revised service can be clearly communicated to all households, the timescale needed to be clarified by Biffa, as well as how this would work operationally. The implications to other services and the financial impact on monthly payments will all need to be factored in.

- 12.2 At the time of writing this report, officers can confirm that an interim arrangement has been agreed with Biffa to resume GW collections as of the 27 September. This will be on the basis of 4 weekly collections of GW subject to review, with the first review date being 25 October 2021 and a second review date at 1 December 2021 (should it be required).
- 12.3 Officers are organising a multi-media communications approach to inform customers of the interim arrangements which will include a hard copy letter to each customer, content on social media and an update on the Council's website.

Legal Implications

13. Whilst there are legal and contractual issues involved in this matter generally, there are no specific legal implications arising from the recommendation in this report, which is being provided primarily to provide an update to members and the public.

Risks

14. Whilst progress has been made, the period of altered service provision, whilst subject to review, remains uncertain and is likely to extend to Christmas. The arrangement with Biffa will be formalised in a legal document that will have review dates built in. As stated above, the first review will be on the 25th of October and a second review on the 1st of December. This is necessary in order to be able to give customers and members reasonable notice of the continuation of the reduced service or notice of further change.

Conclusion

15. The operational decision to implement the BCP was unavoidable but necessary as a result of a situation outside of the control of the councils and was taken to mitigate the impact on priority collections. An interim arrangement has been reached which will resume GW collections, albeit on a four week basis.
- 15.1 The ability to communicate with customers effectively has been hindered due to the absence of a corporate CRM although officers did the best that they could with the resources available to them.
- 15.2 It is recognised that the situation has caused inconvenience to the council's customers which is regrettable and officers are cognisant of the need for communications to be improved to ensure that customers are made aware of issues as soon as is reasonably practicable. Furthermore, it is accepted that perhaps an early decision regarding the collection of direct debit payments may have reduced further inconvenience / annoyance.

Background Papers

None

Appendix One

Summary of Communication Activity

All communications messages are signed off by a senior manager before they are issued.

Emails to all councillors:

- **19 July** – all councillor email summary: “Biffa were experiencing staffing issues which were seriously disrupting the service due to the HGV driver shortage. If bins are missed households are encouraged to leave their bin out for 3 days. We apologised for the inconvenience caused”
- **2 August** – all councillor email summary: “Setting out the disruptions – due to the HGV driver shortage - are nationwide. After consultation with cabinet members we have taken the difficult decision to activate the BCP for Waste and suspend the GW service. We stated that we were confident that we could honour our commitment to provide a minimum of 20 collections a year for this paid service. The note also pointed out that leisure centres may be affected.”
- **5 August** – briefing note re Garden Waste issues: a detailed summary of the issues and advice as to how councillors may respond to residents.
- **13 August** - all councillor email summary: “We continue to monitor the situation around the suspension of GW collections. Extended both councils’ apologies to customers and appreciated the frustration this causes.”
- **3 September** - all councillor email summary: “Now that August has ended, we wanted to give you an update on the suspension of the Garden Waste service. We continue to work closely with our contractor, Biffa, and are pressing them to urgently update us as how they propose to reinstate their contracted services.

We have received a letter from Biffa, setting out their position and some options. We have taken external legal advice on the contract position and have written to them to remind them of their obligations under the contract.”

Binzone

We initially pushed a message out to Binzone users in August, although the system struggled to deal with number of people accessing it at once.

This issue has been fixed, and we were able to successfully push a message out to Binzone users at the start of September to alert them of the suspension.

Garden waste bins have been temporarily removed from the app for when someone opens it to see which bins will be collected in a given week, and a temporary message is in place to explain why – this ensures anyone who missed the notification but subsequently opens the app will understand the situation.

Website posts updated:

2 August – We have taken the difficult decision to suspend the GW collections

27 August – We said we would review the situation at the end of the month before providing an update. We continue to work closely with our contractor Biffa and hope to provide a further update next week. Garden waste collections remain suspended at this time

3 September - We regret to inform you that garden waste collections in our districts will remain paused at this time to ensure we can continue to provide core waste collections – rubbish, recycling, and food – without major disruptions.

Social media:

- 19 July – *Likely disruption to service* - Facebook (FB) post
- 21 July – *Supporting Biffa with recruitment of drivers* - FB post to
- 2 August – Update message - FB, Instagram (Inst), Twitter – South and Vale 6 posts
- 27 August – *Update message* - FB, Inst, Twitter – South and Vale 6 posts
- 3 Sept – *Update message* - FB, Inst, Twitter – South and Vale 6 posts

Radio interviews:

Catherine Webber interviews:

- BBC HGV driver shortage 24 May
- BBC Radio Oxford 5 August
- South Today 5 August