



East Cambridgeshire District Council

Minutes of a meeting of the Operational Services Committee held in the Council Chamber, The Grange, Nutholt Lane, Ely on Monday 13 November 2023 at 4:30pm

PRESENT

Cllr Julia Huffer (Chairman)
Cllr Christine Ambrose Smith
Cllr Charlotte Cane (Substitute for Cllr Mary Wade)
Cllr Christine Colbert
Cllr Martin Goodearl
Cllr Mark Inskip
Cllr Kelli Pettitt
Cllr Alan Sharp (Vice-Chairman)
Cllr John Trapp (Substitute for Cllr Kathrin Holtzmann)
Cllr Lucius Vellacott
Cllr Christine Whelan

OFFICERS

Isabel Edgar – Director, Operations
Sarah Burton – Housing Options Team Leader
Tracy Couper - Democratic Services Manager
Liz Knox – Head of Environmental Services/Head of Street Scene
Angela Parmenter – Housing and Community Safety Manager
Karen See - Senior Environmental Health Officer
Anne Wareham – Senior Accountant

IN ATTENDANCE

Paul Remington – Chairman, ECSS
John Hill – Managing Director, ECSS
Emma Grima – Director Commercial, ECSS
Nigel Ankers – Finance Manager, ECSS
Catherine Sutherland – Waste Development and Support Manager, ECSS
Angela Haylock – CEO, Voluntary Community Action East Cambridgeshire (VCAEC)

37. PUBLIC QUESTION TIME

No public questions were submitted.

38. APOLOGIES AND SUBSTITUTIONS

Apologies for absence were received from Cllr Kathrin Holtzmann and Cllr John Trapp was acting as Substitute Member and Cllr Mary Wade and Cllr Charlotte Cane was acting as Substitute Member.

39. DECLARATIONS OF INTEREST

No declarations of Interests were made by Councillors.

40. MINUTES

It was resolved:

That the minutes of the meeting of the Committee held on 18 September 2023 be confirmed as a correct record and be signed by the Chairman.

41. CHAIRMAN'S ANNOUNCEMENTS

The following announcements were made by the Chairman:

The Chairman advised Members that John Hill, Paul Remington, Nigel Ankers and Emma Grima were in attendance at the meeting to answer any questions regarding ECSS items on the Agenda.

The Chairman reminded Members of the two seminars taking place as follows:
Health and Wellbeing – 21 November 2023
Sanctuary Housing Association – 14 December 2023

The 10 new Refuse Freighters had been delivered and were in use.

42. ECSS BUSINESS PLAN – HALF YEARLY UPDATE

The Committee considered a report, Y80 previously circulated, containing a half yearly progress update on the East Cambs Street Scene (ECSS) Business Plan 2023/24 covering the period 1 April to 30 September 2023.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

Further follow-up questions then were asked by Members and responded to as follows:

A Member asked if the 'other KPIs' referred to in a question response could be shared with Members of the Committee. The Director Commercial ECSS stated that some of these were operational targets but that she would investigate further and respond.

A Member requested the electronic link included in a question response be circulated to Members of the Committee.

The Chairman requested that a copy of the Memorandum of Agreement (MoA) be provided to all Members of the Committee.

In response to a question by a Member, the Director Commercial ECSS explained the dual carriageway sweeping contract arrangements.

It was resolved:

That the ECSS Business Plan half yearly update report be noted.

43. ECSS FINANCE REPORT

The Committee considered a report, Y81 previously circulated, providing an update on the current ECSS financial position. The Director Commercial and Finance Manager ECSS explained that ECSS were working to mitigate the level of the overspending.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

Further follow-up questions/comments were raised by Members and responded to as follows:

In response to a question by a Member, it was confirmed that there was no separate Budget for Service efficiencies.

A Member queried why the Kings Coronation Bank Holiday and overtime had not been factored into the Budget since this was known about when the Budget had been signed-off on 21 February 2023. The Finance Manager, ECSS, confirmed that this had been an oversight.

A Member asked for further clarification on a question as to whether further expenditure would be required to deliver the MoA requirements for Street Cleansing and the Director Commercial confirmed that this would be part of the Street Cleansing review.

In response to a question by a Member, the Director Commercial confirmed the number of Agency staff factored in at present.

Members questioned if the proposed review would result in spending being brought back to within the Budget provision and it was stated that the review would examine all aspects and options be submitted to this Committee in January 2024.

A Member expressed grave concerns that the ECSS was not meeting its KPIs and at the level of the overspending. They commented on the apparent lack of urgency to resolve the issues and the fact that proposals to mitigate the overspending would not be brought to the Committee until January. The ECSS

Managing Director confirmed that this was a realistic timescale to enable a meaningful review to take place.

A Member queried if the Accounts were being reviewed on a monthly basis by the Performance Management Group as defined in the MoA. The Managing Director and Director Commercial confirmed that regular ECSS officer review meetings were taking place, even if the format differed from that defined in the MoA. The Member expressed concern that ECSS were not following the requirements within the MoA.

The Member also expressed serious concerns regarding the timescale for completion of the October Management Accounts and the fact that consideration of them by the ECSS Board would not take place until January. This did not seem to afford the current financial situation the priority it required.

However, another Member commented that Waste Services both locally and nationally had faced unprecedented challenges over the past 2 years.

In response to a statement by a Member on the Reserves of the Trading Company, the Chairman reported that this was more of a cashflow matter and it was hoped that the overspending could be mitigated.

Some Members emphasised that it was the role of this Committee to scrutinise the issues and understand the full financial position. Therefore, Members of the Committee needed training on the issue. The current report was helpful but did not give reassurance that the overspending could be resolved by the year end. Concern also was expressed at the apparent lack of urgency to resolve the situation and that mitigation proposals may include reduction of Service Levels to below the MoA standards.

A Member warned against 'scaremongering' at this stage regarding a possible reduction in Service levels. The Chairman also highlighted that there were a number of newly elected councillors on this Committee still developing their understanding of the different aspects of its role and responsibilities.

It was resolved:

That the update report on the current ECSS financial position be noted.

44. QUARTER 2 PERFORMANCE REPORT FOR WASTE & STREET CLEANSING SERVICES

The Committee considered a report, Y82 previously circulated, detailing the quarter 2 Performance for Waste & Street Cleansing Services by ECSS for the period July to September 2023.

The Waste Development and Support Manager, ECSS, summarised the contents of the report.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

Follow-up questions and further questions/comments were raised by Members and responded to as follows:

A Member raised a number of questions on street cleansing inspection arrangements and metrics which were responded to by the Waste Development and Support Manager, ECSS. The member expressed concern at the lack of ability to measure performance in this area.

Other Members queried if information could be provided as to when particular roads would be swept, as advance warning to local residents would assist in possible preparations for this. In that connection, Members emphasised the importance of such a timetable being produced and published for rural areas where street cleaning was much less frequent.

A Member expressed concern at the apparent lower level of community engagement and social media presence of the Service demonstrated by the metrics. Therefore, action was required to improve interactivity.

It was resolved:

That the quarter 2 Performance Report for Waste & Street Cleansing Services by ECSS be noted.

45. HYDROTREATED VEGETABLE OIL (HVO) OPTIONS

The Committee considered a report, Y83 previously circulated, detailing costed options, short and long term, for the introduction of the use of Hydrotreated Vegetable Oil in the Refuse Collection Vehicle (RCV) waste fleet.

The Head of Street Scene explained the current situation and highlighted that a procurement exercise and trial of a storage tank at the depot on a trial basis were being progressed.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

Councillor Inskip proposed an amendment to the Motion to note the report which was seconded by Councillor Trapp as follows:

1. To note there has been a net underspend of £33,000 on fuel by ECSS in the first six months of the financial year and that a further underspend for the full year is likely.
2. To further note that it would cost £35,925 to run the full RCV waste fleet on HVO for the rest of the current year.

3. Instruct officers to work with ECSS with the objective of running the RCV fleet of 16 vehicles on HVO for the remainder of the financial year, utilising the existing and projected underspend such that the total fuel expenditure continues to remain within the 2023/24 budget figure.
4. To note that this has the potential to deliver 240tCO₂e savings and align with the council's 2023 Environment plan and climate emergency declaration.

Speaking in support of his amendment, Councillor Inskip highlighted that the Refuse Freighters were the biggest single contributor to the Council's Carbon emissions and he had been advocating for a number of years for measures to reduce these. A report had been submitted to this Committee in March allowing for the purchase of HVO within certain criteria. Whilst the threshold had been breached by the current cost of HVO, the underspend on fuel due to the lower cost of diesel at present could be used to run the RCV waste fleet on HVO for the rest of the current year. As the Council had committed in its Environment Plan to reduce its carbon footprint, such a measure was justifiable.

Other Members expressed the view that the underspending on fuel was required to mitigate the current overall overspend on the ECSS Service, rather than possibly committing the Council to additional expenditure which may impact upon Council Taxpayers within the District. Therefore, the Committee should await the outcome of the pilot of running one RCV on HVO and the overall Waste Services review which was proposed.

However, other Members emphasised that the RCV fleet accounted for 2/3 of the Council's Carbon emissions, which could be significantly reduced by the amendment. This would send a clear message to the local community that the Council was committed to reducing its emissions.

A Member queried whether the additional costs for HVO fuel had been included in the 2023/24 Budget. The Head of Street Scene stated that it had not been included.¹

The Chairman stated that the Council could not direct ECSS as to how to spend its management fee and that Members should await the outcome of the HVO trial.

A recorded vote having been requested on the amendment, upon being put to the vote was declared to be lost, with voting as follows:

FOR (5): Cllrs Cane, Colbert, Inskip, Trapp and C Whelan.

AGAINST (6): Cllrs Ambrose-Smith, Goodearl, Huffer, Pettitt, Sharp and Vellacott.

ABSTAIN: (0)

¹ *During questions to the report author a statement was made that has since been clarified as follows: When setting the 2023/24 ECSS fuel budget it did partly take into account the higher costs for HVO fuel as well as the price for diesel.*

A Member queried if the new RCVs had lower emissions when operating on Diesel than the older fleet and it was agreed that a response would be provided to Members of the Committee.

It was resolved:

That the report be noted.

46. VOLUNTARY COMMUNITY ACTION EAST CAMBRIDGESHIRE (VCAEC) UPDATE

The Committee received an update presentation by Angela Haylock CEO for VCAEC for the period April to October 2023.

The presentation covered the following areas:

- Overview July to October
- Car Scheme 2023
- Car Scheme Survey feedback
- Volunteer Centre enquiries statistics
- Gardening Scheme 2023
- Gardening Scheme Survey feedback
- CVS Functions 2023
- Social Value

Ms Haylock highlighted that VCAEC was on target for the majority of its statistics and remained a trusted and much-loved service. It was estimated to add over £142K of social value to the local economy. In response to a question by a Member, Ms Haylock explained how this social value was calculated.

With regard to a question on the average age of volunteers, Ms Haylock reported that these ranged from 40s to 80s, with the majority being retired, although the gardening volunteers tended to be younger due to the physicality of the role. A Member queried the insurance position for volunteer drivers and Ms Haylock reported that volunteers were advised to contact their insurance company in the first instance, but the VCAEC did consider safety issues in respect of older drivers.

A member commended the data provided in the presentation and asked how the VCAEC managed demand. Ms Haylock stated that there was an average 8 week wait for gardening services in the peak summer period, but this was generally accepted. The Car Scheme requested as much notice as possible, but would try to accommodate short notice periods, where possible.

On the recruitment of volunteers, Ms Haylock reported that Facebook was a good source of volunteers and VCAEC were considering other social media platforms in order to attempt to recruit younger volunteers.

The Chairman thanked Ms Haylock for her presentation and commended the excellent community work of VCAEC.

It was resolved:

That the update be noted.

47. BUDGET MONITORING REPORT

The Committee considered a report, Y84 previously circulated, containing details of the latest 2023/24 financial position for Services under the remit of this Committee.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

In response to a follow-up question by a Member, the Director Operations explained the current position on Planning income and the measures being taken to mitigate the reduction in income from Planning applications.

A Member queried if the Disabled Facilities Grant Team had the ability to give double grants for larger projects to reflect the significant increase in the cost of materials. It was agreed that a written response would be provided to Members of the Committee.

It was resolved:

1. That the projected year end revenue overspend on Operational Services Committee of £407,000 when compared to its approved budget of £6,968,362 be noted.
2. That the projected Capital Programme outturn of £3,747,647, an underspend of £1,890,172 when compared to its revised Capital budget, be noted.

48. DOMESTIC ABUSE POLICIES

The Committee considered a report, Y85 previously circulated, containing draft Supporting Residents Experiencing Domestic Abuse and Employee Domestic Abuse Policies.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

Councillor Vellacott proposed an amendment to the recommendations in the Officer's report which was seconded by Councillor Pettitt, which added certain sections from the employee policy into the residents' policy.

Members commended the excellent policies and requested that these be widely publicised to residents and employees.

It was resolved unanimously:

1. That the Supporting Residents Experiencing Domestic Abuse Policy attached at Appendix 1 to the submitted report be approved, subject to insertion of clauses 2.3-2.5 of the employee policy into section 2 of the residents' policy as follows:

‘2.4. This definition also includes honour-based abuse, female genital mutilation and forced marriage, and is clear that victims are not confined to one gender, religion or ethnic group.

2.5. What constitutes domestic abuse is commonly misunderstood, and it is important to remember that no single act defines it. There are a wide range of activities and behaviours that amount to domestic abuse which are often dangerous and can be life threatening.

2.6. Some examples of domestic abuse are controlling behaviour, coercive behaviour, harassment and stalking.

2.6.1. Controlling behaviour This is a range of acts designed to make a person subordinate and/or dependent by isolating them from sources of support, exploiting their resources and capacities for personal gain, depriving them of the means needed for independence, resistance and escape, and regulating their everyday behaviour.

2.6.2. Coercive behaviour This is an act or a pattern of acts of assault, threats, humiliation and intimidation or other abuse that is used to harm, punish or frighten their victim.

2.6.3. Harassment This is a crime involving behaviour that takes place more than once and the perpetrator's actions must have an unwanted effect on the victim. Under the Protection from Harassment Act 1997, it is an offence for a person to pursue a course of conduct that amounts to harassment of another person, and that they know (or ought to know) amounts to harassment. The Act defines harassment and states: "References to harassing a person include alarming the person or causing the person distress." A 'course of conduct' in the case of harassment of a single person must involve conduct on at least two occasions.

2.6.4. Stalking There is no specific legal definition of stalking. However, it is helpful to know that in cases of stalking there is a pattern of unwanted, fixated and obsessive behaviour which is intrusive. It can include harassment that amounts to stalking or stalking that causes fear of violence or serious alarm or distress.'

2. That the Employee Domestic Abuse Policy attached at Appendix 2 to the submitted report be approved.

49. ENVIRONMENTAL CRIME ACTION PLAN

The Committee considered a report, Y86 previously circulated, containing a draft Environmental Crime Action Plan.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

Members commended the Action Plan.

It was resolved unanimously:

That the Environmental Crime Action Plan 2023/24 attached at Appendix 1 to the submitted report be approved.

50. ENVIRONMENTAL CRIME FIXED PENALTY NOTICES CHARGING STRUCTURE 2023

The Committee considered a report, Y87 previously circulated, containing a draft charging matrix for Environmental Crime Fixed Penalty Notices (FPNs).

It was resolved unanimously:

To approve:

1. Adoption of the matrix and associated Environmental Crime FPN Charges contained in Appendix 1 and 2 of the submitted report, to allow individual charges to be levied up to the maximum penalty levels contained in the Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023.
2. Remaining with the current policy of no percentage reduction for early payment of all environmental crime penalties.
3. A date for implementation of the new penalty charges of January 2024

51. SERVICE DELIVERY PLANS – 6 MONTH PERFORMANCE UPDATE

The Committee received a report, Y88 previously circulated, which contained the update reports on 6-month performance against Service Delivery Plans (SDPs) for services within the remit of this Committee.

A number of questions relating to this item had been provided prior to the meeting from Members and these, along with answers provided by officers, were set out in Appendix 1 to these minutes.

In response to further questions by Members, the Director Operations agreed to provide responses to Members of the Committee on the following:

The Corporate Objective/Policy themes and colour coding used within the SDPs.

The analytics for the Explore East Cambs website from the website host.

Details of the changes in the revised RFQ for the digital marketing strategy for the website.

Further information on the Communications Service Social Media analytics and the intermittent telephone fault from 7 September to 2 October 2023.

The reasons for the reduction in the use of the Housing Community Bus.

Charging to ECSS for the Customer Services Bartec Database set-up.

Reasons for unsuccessful grant application for Bottisham Swimming Pool and how Council supporting body.

A Member commented that the SDPs would benefit from a RAG rating/colour coding to show whether performance measures on target.

It was resolved:

That the SDP 6-month performance reports for services within the remit of this Committee be noted.

52. STRATEGIC SERVICE REVIEW (WASTE AND RECYCLING)

The Committee considered a report, Y89 previously circulated, detailing a recommendation from Audit Committee on 16th October 2023 for a strategic review of the future Waste and Recycling Service.

As a result, the report proposed the establishment of a Waste Services Review Working Party and a timetable for submission of recommendations to this Committee.

A question relating to this item had been provided prior to the meeting and this, along with answer provided by officers, was set out in Appendix 1 to these minutes.

The Officer recommendations in the report were proposed by the Chairman and seconded by Councillor Sharp.

The following amendment then was proposed by Councillor Cane and seconded by Councillor Inskip:

Recommendations:

2.3 Insert after section 4.3 ', with Terms of Reference as amended,' Working Party (Appendix 1)

2.1 Delete 'it remains a cost effective and high quality service' and replace with 'it delivers a cost-effective and high quality service'

3.1 3rd bullet add at end ', including considering bringing services 'in-house', contracting with ECSS or contracting with unrelated third party.'

So, Recommendations would read –

2.1. Members are requested to:

2.2. Approve a Strategic Service Review of the Waste and Recycling Service, including potential delivery models.

2.3. Approve a member working group as set out in section 4.3, with Terms of Reference as amended, and nominate 3 members to act on behalf of the committee.

2.4. To note the timeline of the review and subsequent implementation

Working Party TOR would read:

2.0 OBJECTIVES

2.1 To review the existing domestic waste and recycling collection service provision for the district and make proposals on ensuring it delivers a cost-effective and high quality service.

2.2 To review the existing street cleansing service and make proposals to ensure it delivers a cost-effective and high quality service.

3.0 TERMS OF REFERENCE

3.1 The Working Party's terms of reference shall be to:

- review the existing domestic waste and recycling service to determine any changes to service required to achieve:
 - o Compliance with emerging environmental legislation
 - o Improved service quality and safety
 - o Increased recycling rates for dry mixed recycling, food waste and garden waste and a reduction in refuse.
- review the existing street cleansing service to determine service levels for quality and scheduling, 'including considering bringing services 'in-house', contracting with ECSS or contracting with unrelated third party.
- consider potential service delivery models.
- make recommendations to March 2024 Operational Services Committee.

Councillor Cane explained that the amendment was proposed in the interests of clarity.

Other Members commented that the Terms of Reference for the Working Party were clear and that the review would consider other possible delivery models.

Upon being put to the vote, the amendment was declared to be lost.

The Democratic Services Manager then was advised of the nominations for Members of the Working Party.

Some Members expressed concern at the fact that the TOR now would not be explicit about considering the 3 possible delivery models and at the very short timeframe for the review process, due to the contract notice period.

However, other Members referred to the delays in the relevant Environmental legislative provisions by Central Government, which had hampered this and other Councils in making informed decisions on future Waste and Recycling arrangements.

It was resolved:

1. That a Strategic Service Review of the Waste and Recycling Service, including potential delivery models, be approved.
2. That approval be given to the establishment of a Member Working Party as set out in section 4.3 of the submitted report and the Terms of Reference

set out in Appendix 1 to the report and the appointment of 3 Members on the Working Party as follows:

Councillor Julia Huffer
Councillor Mark Inskip
Councillor Kelli Pettitt

3. That the timeline of the review and subsequent implementation as set out in section 4.4 of the submitted report be noted

53. ANGLIA REVENUES PARTNERSHIP JOINT COMMITTEE MINUTES

It was resolved:

That the Minutes of the ARP Joint Committee meeting held on 12 September 2023 be noted.

54. FORWARD AGENDA PLAN

The Committee received its Forward Agenda Plan. In the light of the above discussions,

It was resolved:

That the Forward Agenda Plan be noted and the following items be added to the Agenda Plan:

- ECSS Finance Report – January meeting
- Waste Service Review: Report of Working Party – March meeting

55. EXCLUSION OF THE PRESS & PUBLIC

It was resolved unanimously:

That the press and public be excluded during the consideration of the remaining items because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt information of Categories 1, & 3 of Part I Schedule 12A to the Local Government Act 1972 (as amended).

56. PROCUREMENT OF DRY MIXED RECYCLING CONTRACT

The Committee received a report giving an update on work being undertaken by Recycling in Cambridgeshire and Peterborough (RECAP) Waste Partnership in preparation for arrangements beyond the current Dry Mixed Recycling (DMR) contract, due to end in August 2024, and requesting delegated authority to award the contract in accordance with the timeline.

A number of questions relating to this item had been provided prior to the meeting from a Member and these, along with answers provided by officers, were circulated to Members of the Committee.

It was resolved unanimously:

1. That the progress to date on the procurement of the DMR tender process be noted.
2. That the Director of Operations be given delegated authority, in consultation with the Chair of Operational Services Committee, to approve the contract award.

57. ECSS MANAGEMENT ACCOUNTS – SIX MONTHS TO SEPTEMBER 2023

The Committee received a report containing a summary of the management accounts for the 2023/24 financial year.

A question relating to this item had been provided prior to the meeting and this, along with answer provided by officers, was circulated to Members of the Committee.

Further follow-up questions and comments were raised by Members and responded to by officers.

It was resolved:

That the contents of the report be noted.

58. ECSS BOARD MEETING MINUTES

The Committee received the Minutes of the ECSS Board Meeting held on 12 September 2023.

It was resolved:

That the Minutes of the ECSS Board meeting held on 12 September 2023 be noted.

The meeting concluded at 7:38pm.

Chairman:

Date: