

Notice of KEY Executive Decision

Subject Heading:	Approval to implement the Waste Services Business Continuity Plan in Response to Covid-19 Outbreak should resource levels drop below the prescribed threshold and agree the service option outlined in this report.
Cabinet Member:	Councillor Osman Dervish
SLT Lead:	Barry Francis
Report Author and contact details:	Jacki Ager, Ext. 3363, jacki.ager@havering.gov.uk
Policy context:	Ensure Havering is kept Clean and Safe
Financial summary:	<p>If refunds are issued, suspension of the garden waste service would result in a nett financial loss of between £0.029m and £0.040m per week to the waste collection service until the service is reinstated.</p> <p>Should Serco cite force majeure and require payment for an injection of resource, this may cost Havering Council an additional £0.002m per crew, per week. This is on top of the current contract cost of £0.0825m per week.</p>
Reason decision is Key	(c) Significant effect on two or more Wards
Date notice given of intended decision:	23 rd March 2020

Key Executive Decision

Relevant OSC:	Environment
Is it an urgent decision?	Yes
Is this decision exempt from being called-in?	<p><i>The decision will only be exempt from call-in if action is required following the taking of the decision so urgently as to justify exemption from being called in and the Chairman of the relevant OSC has agreed to the exemption.</i></p> <p><i>Please consult Committee Administration before proceeding.</i></p>

The subject matter of this report deals with the following Council Objectives

- Communities making Havering
- Places making Havering
- Opportunities making Havering
- Connections making Havering

Key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Serco is the waste service provider for Havering Council. Its workforce experienced a 30% reduction in numbers on 18th March 2020, increasing to 46% by Friday 20th March due to coronavirus-related sickness and self-isolation. Numbers of staff may reduce further over the coming weeks as a result of the government decision to close all schools and/or as the impacts of the virus worsen

In line with the Public Realm Waste Service Business Continuity Plan (Appendix A), and additional Public Realm Coronavirus Business Continuity Plan (appendix B), officers seek approval to implement the following, should resource levels drop below the threshold cited in the Business Continuity Plan:

- Suspension of garden waste collection service
- Suspension of garden waste subscription sign-ups
- Suspension of bulky waste collection service
- Suspension of bulky waste collection bookings
- Suspension of container deliveries

In the event of staff numbers reducing to such a level that it becomes impossible to continue to deliver a weekly waste and recycling collection a reduction of kerbside refuse and recycling collections to a fortnightly frequency would be necessary. Details of this are provided in section titled, "Statement of the Reasons for the Decision".

These measures will enable Serco to direct all available resource to higher-risk waste services such as high rise properties, flats above shops and clinical waste whilst maintaining a regular, albeit reduced frequency kerbside refuse and recycling service.

Garden waste customers will be advised to either home compost, take their garden waste to Gerpins Lane Reuse and Recycling Centre (as long as it remains open), or await further advice. No decision has been made on reimbursement to customers, however should this be actioned it would cost the waste collection service approximately between £0.029m and £0.040m per week. The cost will be dependent on whether Havering is required to continue paying for this service under *force majeure* conditions, or not.

Customers requiring bulky waste collections will be advised to either utilise local charities, take their items to Gerpins Lane Reuse and Recycling Centre (as long as it remains open), or await further advice. Customers with existing bookings will either be offered a refund, or the chance to remain on a waiting list until such time as the service can be reinstated. They could also be directed to other bulky waste collection service providers. Suspension of this service will cost Havering some £733 per week in lost revenue.

Serco have requested resource from Havering of 1 x 7.5 tonne caged tipper truck driver and 2 operatives to support the reduced service, which would come out of existing resource. Additional resources from Havering's street cleansing and grounds maintenance teams will be made available as appropriate. Although this will have an impact on the quality, this is considered preferable to leaving uncollected waste. On top of this, Havering has offered up to 3 x HGV drivers at a cost of approximately £572 per week.

Legal services have asked for their views on which organisation is likely to be responsible for funding of the new resource

Key Executive Decision

To summarise, the Decision Maker is asked to:

1. Approve enacting the Waste Services Business Continuity Plan in line with the trigger levels outlined in the plan, including suspension of non-essential services in the first instance.
2. In line with the Waste Services Business Continuity Plan, agree to introduce fortnightly collections as set out in this report for kerbside service provision.
3. Approve the suspension of garden waste subscriptions and bulky waste bookings until such time as full services can be reinstated.

The situation will be reviewed on 30th May 2020, taking into account any updated guidance from central government.

AUTHORITY UNDER WHICH DECISION IS MADE

2.5 The following Functions may be delegated to individual Cabinet members by the Leader.

- (j) To consider and recommend plans in respect of the portfolio allocated.

STATEMENT OF THE REASONS FOR THE DECISION

The coronavirus outbreak has led to a significant number of people self-isolating due to either exhibiting symptoms, or coming into close contact with others displaying those symptoms. Serco have experienced a 30% reduction in their workforce, meaning that all services normally offered can no longer be provided to their full extent. In line with our BCPs Serco are making every effort to recruit additional staff from agencies and other sections within Havering's Environment Team have been asked to assist but to date it has not been possible to recruit to enough staff to operate the full range of waste collection services. There is concern that the resourcing will deteriorate further as the situation develops. Havering's Business Continuity Plan for Public Realm Waste Services recommends the following RAG approach:

Level	Staff	Staff available %	Services running	Services suspended
Green	65	100 %	No disruptions, normal service delivery	None
Amber	52	80%	Part suspended. All low rise rounds prioritising black sacks over orange sacks if need be, one narrow access vehicle plus high rise services to mitigate fire risks, and clinical waste.	Garden waste, bulky waste and bin deliveries suspended. Bulky bookings suspended.

Key Executive Decision

Red	28	43%	Skeleton service. All low rise = Driver + 1 loader. Redeployment of agency and LBH staff to ensure hotspot areas such as high rise are kept clear and safe. Clinical waste cleared assuming specialist drivers still available, and if none available, customers contacted.	Garden waste, bulky waste and bin deliveries suspended. Bulky bookings suspended, reduced resource on refuse and recycling.
-----	----	-----	--	--

The current reduction in staff places Serco between amber and red RAG status. Havering is attempting to help mitigate this by investigating the transfer of staff resource from its non-essential DSO services to Serco and Serco are actively seeking to recruit additional agency staff

As a first step, it is recommended to formally suspend non-essential services in order to ensure higher risk services such as household waste/recycling, high rise waste/recycling and clinical waste are sufficiently resourced.

Garden waste collections are considered non-essential, as they constitute a resource of 2 drivers and 2 loaders (until April), 3 drivers and 3 loaders (until July), and 4 drivers and 4 loaders (July to October). This staff resource could be utilised to collect black sacks and orange bags, which would have a positive impact on a much greater volume of customers (approximately 4-fold). Non-collection of garden waste, whilst an inconvenience, is less likely to attract vermin due to the nature of the waste, and customers have the option of home-composting should they so wish.

It should be noted that this is a paid for service, and therefore communication is vital in retaining customer confidence. It is therefore recommended that, along with enactment of the Business Continuity Plan, the subscription and payment functions be suspended on the website and telephone line until such time as the service is fully operational.

Bulky waste collections are considered non-essential, as they account for approximately 50 collections per week at this time of year, but constitute a resource of one driver and vehicle that could be utilised to collect black sacks and orange bags, which would have a positive impact on a much greater volume of customers. Non-collection of bulky waste, whilst an inconvenience, is unlikely to attract vermin due to the nature of the waste. Customers are instructed to keep bulky waste on their properties in order to reduce the risk of fly-tipping.

As with garden waste, this is a paid for service. Therefore it is recommended that the booking and payment functions be suspended on both the website and telephone line until such time as the service is fully operational.

Should these actions not be taken a lack of sufficient resourcing is likely to lead to incomplete refuse and recycling rounds, which would create a knock-on effect, causing higher levels of complaints and less certainty with the public around when

Key Executive Decision

general waste and recycling will be collected. It may also lead to a build-up of waste in bulk bin stores at blocks of flats if this service cannot be sufficiently resourced, and associated vermin and fire risks.

Suspending non-essential services as per the Business Continuity Plan will increase Serco's ability to resource more essential / higher risk services.

Next step:

Serco are currently working with a number of agencies to resource additional staff. Havering employees are also being asked to assist and to date three drivers (there is a particular problem recruiting HGV drivers) have volunteered to help. Street cleansing and Grounds Maintenance staff will also be providing a limited number of staff to assist. Although this will have an impact on standards and the frequency of cleansing in residential streets may reduce this is thought preferable than leaving uncollected waste. The intention is that these staff will be trained and inducted during this week however there are concerns that even with these additional resources there will still not be enough to maintain business as usual services. The focus of these additional staff will be to preserve the kerbside waste collection service.

However even taking these additional staff into account, should resourcing reduce further, into the red status, and having exhausted all other measures to inject staff resource, the Business Continuity Plan recommends moving collections to a fortnightly basis to ensure all customers receive a regular collection service on a prescribed day in the medium- to long-term. This will reduce confusion for customers by providing a structured schedule. The risk of not doing so would almost certainly lead to a "snowball" effect of missed roads being carried over to subsequent days, creating uncertainty amongst residents. This approach is captured in the table below:

Service	Week 1	Week 2	Timescale
Refuse / recycling	Rounds 1-7	Rounds 8-14	Repeat until staff numbers increase sufficiently enough to reinstate weekly service
Bulky containers refuse and recycling	1 round	1 round	Repeat until staff numbers increase sufficiently enough to reinstate weekly service
High rise containers e.g. chutes	No change, key blocks identified.	No change, key blocks identified.	Where a build up of waste would pose a fire risk, retain a weekly collection.
Cage tipper	All properties requiring a weekly collection, e.g. flats above shops	All properties requiring a weekly collection, e.g. flats above shops	Repeat until staff numbers increase sufficiently enough to reinstate weekly service
Clinical waste	No change	No change	Repeat as usual



OTHER OPTIONS CONSIDERED AND REJECTED

Agency staff:

Recruiting additional agency staff and seconding LBH staff to maintain BAU is currently taking place. To date it has not been possible to recruit sufficient staff to achieve this aim however efforts will continue.

Serco have been tasked with maximising their workforce numbers through agency supply. Currently approximately 20% of the workforce is supplied through an agency. However, it is becoming increasingly difficult to source agency workers due to the impacts the current pandemic is having on all workforces. Serco are working with three agencies, but are only able to source an additional 2-3 staff per day. Some of these staff are being sent home after displaying Covid-19 symptoms. A shortage of HGV-2 drivers is also impacting, with many agencies directing their resource into Central London.

Havering staff: From week commencing 23rd March, Havering staff (Highways and Street Cleansing) are to be used to support waste collections. However, as set out above, to date it has not prevented some services from being suspended. Should the situation deteriorate further, the Business Continuity Plan will still require enacting.

Gerpins Lane: Advising customers to take waste to Gerpins Lane Reuse and Recycling Centre (operated by ELWA) will be encouraged in order for customers to dispose of bulky waste and garden waste in particular. However, it must be recognised that this is not practicable for all householders and would potentially overwhelm the site. The site workforce is small and vulnerable to the impacts of Covid-19 and in this event could be closed. Furthermore, it is likely that government advice to limit movements of the general public will continue to become more stringent.

Business as usual: This is not possible, as Serco are unable to resource the full complement of waste services. As it stands, the bulky waste and garden waste services are currently suspended through necessity, and customers are being advised of delays to collection on a daily basis via the website and contact centre. Taking a corporate decision on this will enable these services to be officially suspended, and allow officers to notify customers and manage their expectations accordingly. Attempting to adopt a BAU approach will still lead to missed collections as Serco continue to prioritise general waste and recycling, but with less ability to complete their rounds on a daily basis. This will lead to work carrying over, and provide less clarity to residents over when their waste and recycling will be collected.

Key Executive Decision

N/A

NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER

Name:

Designation:

Signature:

Date:

Part B - Assessment of implications and risks

LEGAL IMPLICATIONS AND RISKS

Havering, as a waste collection authority, discharges its duties to collect household waste under the Environmental Protection Act 1990. However, there is no duty to collect household waste to a prescribed frequency.

Under the Controlled Waste Regulations 2012, garden waste and domestic bulk items are considered household waste, albeit one a type for which a charge may be applied for collection. As Havering wishes to suspend and / or reduce the frequency of collections only, it is not refusing to discharge its duty altogether. Furthermore, the East London Waste Authority continues to provide Gerpins Lane Reuse and Recycling Centre for the purpose of householders to dispose of their domestic waste.

Serco have cited force majeure, and in doing so there may be considerable financial implications, both in terms of paying for suspended services, as well as funding additional resource. Legal advice has been sought on this.

FINANCIAL IMPLICATIONS AND RISKS

All costs are indicative and further legal advice is being sought on the impact of force majeure conditions.

Garden waste

Assuming that *force majeure* comes into play, meaning Havering may continue to pay Serco for the service, and assuming that customers are reimbursed for any loss of service, this would represent a financial loss to the waste collection service of approximately £0.040m per week. If Havering does not pay Serco for the suspended service, but reimburses customers, this would represent a nett loss of £0.029m per week, until the suspension is lifted. This does not include disposal cost savings, which form part of the ELWA Levy. The cost of this would not be realised until 2022 and could be affected by a range of service-related issues.

The service is considering options to refund customers that have already paid for the 2020/21 service.

Bulky waste

Suspension of the bulky waste service would represent a loss of income to the waste service of £733 per week, until the suspension is lifted. This does not include disposal cost savings, which form part of the ELWA Levy. The cost of this would not be realised until 2022 and could be affected by a range of service-related issues.

Household waste and recycling

Under force majeure circumstances, it is unlikely that Havering will have the ability to seek reimbursement for any loss of service. Furthermore, Serco have indicated that force majeure may lead them to recover the cost of any additional resource input. The Service believes this claim is valid, however is seeking legal advice.

Key Executive Decision

Havering currently pays Serco £0.0825m per week to collect this waste, including £0.011m for garden waste collections. Costs of employing additional resource to maintain a weekly collection are shown in Serco's Bill of Quantities, provided in Appendix C. To provide an example, Should Serco cite force majeure and require payment for an injection of resource, this may cost Havering Council approximately £0.002m per crew, per week in addition to the contract cost.

HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)

Havering outsources its waste collection services to Serco. Where street cleansing staff are diverted to collect household waste, this will still be tasks broadly in line with their job descriptions, therefore it is unlikely to have any HR implications.

Where a Havering driver is required to drive for Serco, the HR implications are as yet unknown, and further HR advice is being sought, with union engagement. However, as far as insurances are concerned, where Havering staff are acting as Serco's agents, Serco's insurances would apply.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

- 1.1. The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:
- 1.2. (i) The need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- 1.3. (ii) The need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- 1.4. (iii) Foster good relations between those who have protected characteristics and those who do not.
- 1.5. Note: 'Protected characteristics' are age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.
- 1.6. The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The suspension of the bulky waste and garden waste services may disproportionately affect those residents that have limited mobility, are elderly, or do not own a car. However, as the services will be reinstated once the workforce numbers increase

Key Executive Decision

sufficiently to allow this, residents will have the opportunity to utilise re-enrol / re-book, and any build-up of waste will be cleared. In the meantime, garden waste customers will be advised to either home compost, arrange for their waste to be taken to Gerpins Lane Reuse and Recycling Centre, or wait until such time as the service is reinstated, whilst customers requiring a bulky waste collection will be advised of alternatives, or recommended to check the website in the coming weeks.

Uncertainty around waste collection, rather than the actual change in arrangements, would likely have an impact, particularly on more vulnerable customers. It is therefore important that any service change is communicated honestly and clearly, with defined parameters. A move to a fortnightly collection will enable the service to communicate the situation accordingly. Should an attempt be made to maintain the service with inadequate resource, there runs a high risk of the service still operating on a fortnightly basis, albeit informally and with less certainty around collection days for customers. It must be noted that assisted collections will be maintained, albeit at the reduced frequency.

HEALTH AND WELLBEING IMPLICATIONS AND RISKS

There has traditionally been a perceived public health implication of collecting waste on a fortnightly basis. However, at least three quarters of councils now collect waste to this frequency, or less. Moving to a fortnightly schedule poses a significantly lower risk than unplanned service changes. The importance is ensuring the message is communicated, along with guidance on appropriate storage between collections. Encouraging residents to recycle as much of their waste as possible will ensure there is sufficient capacity within their properties to store black bag waste securely. Continuing to promote home composting as a way to dispose of most unavoidable food waste will also assist with this, as well as wrapping any non-compostable food waste before placing it in black sacks.

Uncertainty around waste collection, rather than the actual change in arrangements, would likely have an impact, particularly on more vulnerable customers. It is therefore important that any service change is communicated honestly and clearly, with defined parameters. A move to a fortnightly collection will enable the service to communicate the situation accordingly.

Key Executive Decision

BACKGROUND PAPERS

N/A

Key Executive Decision

Part C – Record of decision

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

Decision

Proposal agreed

Delete as applicable

Proposal NOT agreed because

Details of decision maker

Signed

Name:

Cabinet Portfolio held:

CMT Member title:

Head of Service title

Other manager title:

Date:

Lodging this notice

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Committee Officer in Democratic Services, in the Town Hall.

For use by Committee Administration

This notice was lodged with me on _____

Signed _____