

Members are reminded that they must declare all relevant pecuniary and non-pecuniary interests relating to any items of business to be discussed at this meeting

BIRMINGHAM CITY COUNCIL

CABINET

FRIDAY, 24 NOVEMBER 2017 AT 11:00 HOURS
IN SPECIAL MEETING - COMMITTEE ROOM 2, COUNCIL HOUSE,
BIRMINGHAM B1 1BB, [VENUE ADDRESS]

A G E N D A

1 **NOTICE OF RECORDING**

Chairman to advise/meeting to note that members of the press/public may record and take photographs except where there are confidential or exempt items.

2 **APOLOGIES**

To receive any apologies.

3 **WASTE MANAGEMENT SERVICES**

Report of the Corporate Director of Place.

4 **OTHER URGENT BUSINESS**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

5 **EXCLUSION OF THE PUBLIC**

That in view of the nature of the business to be transacted which includes exempt information of the category indicated the public be now excluded from the meeting:-

Exempt Paragraphs 3 and 4

P R I V A T E A G E N D A

3 - 12

6 **WASTE MANAGEMENT SERVICES**

Report of the Corporate Director of Place.

(Exempt Paragraphs 3 and 4)

7 **OTHER URGENT BUSINESS (EXEMPT INFORMATION)**

To consider any items of business by reason of special circumstances (to be specified) that in the opinion of the Chairman are matters of urgency.

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to: CABINET
Report of: CORPORATE DIRECTOR PLACE
Date of Decision: 24th November 2017
SUBJECT: WASTE MANAGEMENT SERVICE

Key Decision: Yes
Relevant Forward Plan Ref: 004305/2017
If not in the Forward Plan: Chief Executive approved ☐
(please "X" box) O&S Chairman approved ☐
Relevant Cabinet Member(s) or CLLR LISA TRICKETT, Cabinet Member for Clean
Relevant Executive Member : Streets, Recycling and Environment
Relevant O&S Chair: CLLR JOHN COTTON
Wards affected: All

1. Purpose of report:

- 1.1 This report proposes a new approach to the Waste Management Service focusing on waste reduction and increased recycling to promote and deliver the increased effectiveness of the refuse collection service.

2. Decision(s) recommended:

That Cabinet:

- 2.1 Note the proposal to implement a new approach to waste collection and waste reduction in the Waste Management Service. This will focus on citizen engagement and will require the introduction of new posts in order to promote waste reduction, increase recycling and increase the effectiveness of the refuse collection service.
- 2.2 Note further details are set out in the Private Report.
- 2.3 Authorise the City Solicitor to negotiate, execute and complete any necessary and legal documentation to give effect to the recommendations set out in the Private Report.

Lead Contact Officer(s): Jacqui Kennedy, Corporate Director - Place
Telephone No: 0121 303 2047 **Email** Jacqui.kennedy@birmingham.gov.uk;

3. Consultation:

3.1 Internal

- 3.1.1 The Chief Executive, officers from Finance, Legal and Governance, Human Resources and Waste Management have been involved in the preparation of this report.
- 3.1.2 The Leader, Councillor Ian Ward and the Group Leader of the Conservative Group Councillor Robert Alden and the Group Leader of the Liberal Democrat Group Councillor Jon Hunt have been consulted on the proposals set out in this report.
- 3.1.3 The Chair of the Overview and Scrutiny Group Councillor John Cotton has been consulted on the proposals set out in this report.

3.2 External

- 3.2.1 As set out in the Private Report.

4. Compliance Issues:

4.1 Are the recommended decisions consistent with the Council's policies, plans and strategies?

- 4.1.1 This decision is consistent with the City Council's Vision and Forward Plan:
 - A healthy city and a great place for people to grow old in;
 - A great city for children to grow up in;
 - A great city to live in with decent homes for all; and
 - A city where citizens succeed because they have skills required for the jobs on offer.
- 4.1.2 This decision supports the delivery of the Council's Waste Strategy (as agreed by Cabinet on 3rd October 2017) including the Council's Draft Waste Prevention Plan.
- 4.1.3 The City Council has a statutory duty under the Environmental Protection Act 1990 to collect household waste. This report seeks to provide the most effective, efficient and economic service to deliver this duty.
- 4.1.4 Local Authorities are required to meet higher recycling and composting targets under current EU and UK laws and may be penalised if they fail to meet these targets. This report seeks to provide the most effective service to improve recycling rates across Birmingham.
- 4.1.5 Birmingham City Council has also set itself a commitment to deliver cleaner streets and published the waste strategy based upon the delivery of reduce, reuse and recycle outcomes.

4.2 Financial Implications

- 4.2.1 This business case is budget neutral, and can be delivered within the current service budget.
- 4.2.2 Additionally if there is increased productivity as expected from the operation of a five day working week this will yield in the region of £3m plus financial benefit to the City

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Council. This will enable the delivery of a balanced budget. Furthermore for every 10% increase in recycling/reduced residual waste delivers in the region of £1.6m cash benefit for Birmingham City Council.

4.2.3 Further details are set out in the Private Report.

4.3 Legal Implications

4.3.1 As set out in the Private Report.

4.4 Public Sector Equality Duty (see separate guidance note)

4.4.1 While this service is a universal service provided to all residents there are a range of impacts on different groups. The service has to take into consideration the specific needs of some residents, for example frail elderly and disabled people and this has an impact on the numbers of assisted collections: one of the issues which the new roles described in this report will be looking at, along with red – carded properties.

4.4.2 Different parts of the city have different patterns of waste recycling, sometimes linked to a range of issues, such as deprivation and family size. The service will continue to accommodate these varying needs through various sizes and numbers of bins provided relevant to the number of members of the household and through the new roles seek to engage and encourage reductions in waste and increased recycling.

5. Relevant background/chronology of key events:

5.1 Background

5.1.1 This report is concerned with seeking Cabinet approval for the implementation of new roles and a new approach to citizen engagement with the Waste Management/Collection Service.

5.1.2 On 27th June 2017 the Corporate Director Place brought to Cabinet a report making proposals for new operating arrangements in the Waste Service, including new staffing structures, deleting a Grade 3 role on refuse vehicles and replacing it with a Grade 2 loader, and moving from a four day cycle working pattern to a five day working pattern. The agreement to these proposals resulted in the registering of a dispute by the Trade Union UNITE and subsequent industrial action with major consequences for Birmingham residents. It later led to an injunction by UNITE to halt the issue of redundancy notices and subsequent High Court action

5.1.3 In October 2017 the Corporate Director Place brought to Cabinet a Waste Strategy designed to address Waste Disposal and Waste reduction and recycling and the proposals in this report are based on delivery of the outcomes published in that strategy, in relation to reduced residual waste per household and increased recycling. This has resulted in the proposal for the introduction of new roles and the increased use of data and intelligence to direct the service alongside a strategy of education and engagement with citizens to change citizen behaviour.

- 5.1.4 The proposals in this report are likely to resolve the current trade union dispute between the joint trade unions regarding the implementation of the Cabinet Report dated 27th June 2017, the non- implementation of an ACAS arrangement dated 15th August 2017 agreed between the former Leader of the Council and ACAS and the Unite Union and the High Court Injunction preventing the Council from implementing the Cabinet decision. In addition, subject to the Cabinet approval of the recommendations in this report, then the forthcoming High Court proceedings between the Unite Union and the Council are likely to be withdrawn by the claimants.
- 5.1.5 The new FOM for Waste Management will support the Waste Strategy 2017, to deliver outcomes that reduce waste and increase recycling. In summary the principles of the FOM are; improve productivity, increase recycling, reduce residual waste for disposal, review red carded properties, reassess all assisted collections to ensure compliance with the criteria for entitlement to assisted collections.
- 5.1.6 A summary of the workforce proposals negotiated with the Unite union are as follows and the terms of these discussions are set out in a Memorandum of Understanding:
- Retain a GR3 role for the residual and recycling round lorries which would be an amalgam of the Leading Hand and some duties of a current Waste Prevention Officer (WPO) role.
 - There will be a new GR3 job role called a Waste Reduction and Collection Officer (WRCO).
 - The primary activities would be those in relation to waste prevention and reduction from the WPO role along with ensuring safe practices on the back of the lorry and some loading responsibilities
 - WRCOs will work agilely across the city and will not be attached to a particular crew
 - The post holders of the current Leading Hand roles would be 'assimilated' into the new role assuming there is a skills match and/or bridgeable gap through training and development.
 - This is consistent with BCC policy.

5.2 Headline benefits of new Business Case

- 5.2.1 The Council is at a crossroads in the delivery of the waste management service. A strategic decision to make targeted investment in key element of the service, maximising the use of existing infrastructure will set the city on the right path to both:
- achieving the recycling ambitions set out in the recently approved Waste Strategy by reducing non-recyclable waste; and
 - delivering a value for money service that meets the needs of Birmingham and its citizens by investing in a more efficient citizen focussed service.

5.2.2 The proposal set out in this report offers an opportunity to deliver these aims, as well as addressing a number of other performance indicators within the waste service such as:

- average residual waste per household (currently 18% above target of 588 kg per household at 695.04 kg);
- reduction in missed bins (current 204 per 100,000, target 52 per 100,000);
- improve street cleanliness by reducing the amount of waste on the street;
- reduce the number of expensive mixed collection rounds (sack and wheelie bins);
- improve the resolution of complaints at the point of contact and reduce complaints from 607 per month;
- improve clean recycling for proposed local authority proposed mix;
- improve composite mix to enable maximisation of use of capacity at Tyseley Energy for waste;
- increase paper recycling and income stream from this; and
- reduce food waste through targeted reduce and reuse.

5.2.3 To achieve these outcomes, not only is an improved service required, but a new approach which focusses on engaging with and educating citizens and supports behaviour change. The new operating model provides real time engagement and intervention to maximise the impact and deliver the behaviour change that is needed to improve performance against the ambitious targets set in the recently published Waste Strategy.

5.2.4 Further details are also set out in the Private Report.

5.2.5 Introduce recycling for sack collections and a range of sack only rounds

There are currently approximately 22,000 sack only collections across Birmingham, which take place for a variety of reasons – usually related to accessibility of a property or lack of sufficient space to store wheelie bins. Currently recycling is not available within sack only collections and they usually form part of a mixed collection round, which is not considered to be efficient, thus impacting upon productivity.

The proposal is to implement a recycling system in sack only collections through the provision of 'stripy sacks' with red stripes for residual waste and blue stripes for recycling and also introduce 'sack only' rounds – which can utilise smaller, more agile vehicles and crews to create efficiency. This will improve productivity across the service.

The implementation of this proposal is anticipated to:

- Improve recycling rates by providing recycling to 22,000 households that currently are unable to access kerbside recycling;
- Create efficiencies in systems and processes associated with sack collection; and
- Reduce 'fly tipping' as sacks attract trade waste to be disguised as domestic waste (evidenced by Duty of Care compliance rates) and fly tipping reports.

This will be subject to review alongside the introduction of the new roles and responsibilities.

5.6 Next Steps

- 5.6.1 Subject to this Cabinet approval, the City Solicitor will be authorised to negotiate, execute and complete any necessary legal documentation to give effect to the recommendations in this report and the Private report.
- 5.6.2 Subject to Cabinet approval the Corporate Director Place will be authorised to implement the new arrangements for the Waste Management/Collection Service as detailed in the Private report.

6. **Evaluation of alternative option(s):**

- 6.1 The key objectives that this report seeking to deliver are to improve the efficiency and effectiveness of the Council's Waste Service, to increase the rates of recycling in the city and to prevent industrial action disrupting the lives of Birmingham residents.
- 6.2 As further set out in the Private Report.

7. **Reasons for Decision(s):**

- 7.1 As set out in the Private Report.

Signatures**Date**

Councillor Lisa Trickett,
Cabinet Member Clean Streets

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Jacqui Kennedy
Corporate Director for Place

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List of Background Documents used to compile this Report:

Cabinet Report 27th June 2017

Cabinet Report 24th August 2017

Waste Management Strategy 3rd October 2017

List of Appendices accompanying this Report (if any):

Report Version 9

Dated 23/11/17

PROTOCOL PUBLIC SECTOR EQUALITY DUTY

- 1 The public sector equality duty drives the need for equality assessments (Initial and Full). An initial assessment should, be prepared from the outset based upon available knowledge and information.
- 2 If there is no adverse impact then that fact should be stated within the Report at section 4.4 and the initial assessment document appended to the Report duly signed and dated. A summary of the statutory duty is annexed to this Protocol and should be referred to in the standard section (4.4) of executive reports for decision and then attached in an appendix; the term 'adverse impact' refers to any decision-making by the Council which can be judged as likely to be contrary in whole or in part to the equality duty.
- 3 A full assessment should be prepared where necessary and consultation should then take place.
- 4 Consultation should address any possible adverse impact upon service users, providers and those within the scope of the report; questions need to assist to identify adverse impact which might be contrary to the equality duty and engage all such persons in a dialogue which might identify ways in which any adverse impact might be avoided or, if avoidance is not possible, reduced.
- 5 Responses to the consultation should be analysed in order to identify:
 - (a) whether there is adverse impact upon persons within the protected categories
 - (b) what is the nature of this adverse impact
 - (c) whether the adverse impact can be avoided and at what cost – and if not –
 - (d) what mitigating actions can be taken and at what cost
- 6 The impact assessment carried out at the outset will need to be amended to have due regard to the matters in (4) above.
- 7 Where there is adverse impact the final Report should contain:
 - a summary of the adverse impact and any possible mitigating actions (in section 4.4 or an appendix if necessary)
 - the full equality impact assessment (as an appendix)
 - the equality duty – see page 9 (as an appendix).

Equality Act 2010

The Executive must have due regard to the public sector equality duty when considering Council reports for decision.

The public sector equality duty is as follows:

- 1 The Council must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by the Equality Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 2 Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- 3 The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- 4 Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:
 - (a) tackle prejudice, and
 - (b) promote understanding.
- 5 The relevant protected characteristics are:
 - (a) Marriage & civil partnership
 - (b) Age
 - (c) Disability
 - (d) Gender reassignment
 - (e) Pregnancy and maternity
 - (f) Race
 - (g) Religion or belief

- (h) Sex
- (i) Sexual orientation