
7 November 2019

Dear Councillor,

A meeting of **SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY** will be held in the **COUNCIL CHAMBER** at these offices on **WEDNESDAY, 13TH NOVEMBER, 2019 at 7.00 pm** when your attendance is requested.

Yours sincerely,
KATHRYN HALL
Chief Executive

A G E N D A

	Pages
1. To note Substitutes in Accordance with Council Procedure Rule 4 - Substitutes at Meetings of Committees etc.	
2. To receive apologies for absence.	
3. To receive Declaration of Interests from Members in respect of any matter on the Agenda.	
4. To confirm the Minutes of the meeting of the Committee held on 18 September 2019	3 - 10
5. To consider any items that the Chairman agrees to take as urgent business.	
6. Implementation of a Public Space Protection Order (PSPO) for the Anti-Social Use Of Vehicles in Burgess Hill	11 - 20
7. Waste Management, Recycling and Street Cleansing Services – Annual Report For 2018-19	21 - 30
8. Scrutiny Committee for Community, Customer Services and Service Delivery Work Programme 2019/20	31 - 32

9. Questions pursuant to Council Procedure Rule 10 due notice of which has been given.

To: **Members of Scrutiny Committee for Community, Customer Services and Service Delivery:** Councillors A Boutrup (Chair), Anthea Lea (Vice-Chair), L Bennett, P Chapman, R Clarke, B Dempsey, S Ellis, I Gibson, J Henwood, T Hussain, J Mockford, M Pulfer, S Smith, A Sparasci and D Sweatman

**Minutes of a meeting of Scrutiny Committee for Community,
Customer Services and Service Delivery
held on Wednesday, 18th September, 2019
from 7.00 - 7.54 pm**

Present: A Boutrup (Chair)
Anthea Lea (Vice-Chair)

L Bennett
P Chapman
R Clarke
S Ellis

I Gibson
J Henwood
T Hussain
J Mockford

M Pulfer
E Coe-Gunnell White

Absent: Councillors B Dempsey and S Smith

Also Present Councillors N Webster, J Belsey and R De Mierre.
(Cabinet Members):

**1 TO NOTE SUBSTITUTES IN ACCORDANCE WITH COUNCIL PROCEDURE
RULE 4 -SUBSTITUTES AT MEETINGS OF COMMITTEES ETC.**

Councillor Coe-Gunnell White substituted for Councillor Smith.

2 TO RECEIVE APOLOGIES FOR ABSENCE.

Apologies were received from Councillors Dempsey and Smith.

**3 TO RECEIVE DECLARATION OF INTERESTS FROM MEMBERS IN RESPECT OF
ANY MATTER ON THE AGENDA.**

No declarations were received.

**4 TO CONFIRM THE MINUTES OF THE MEETING OF THE COMMITTEE HELD ON
10 JULY 2019**

The Minutes of the meeting of the Committee held on 10 July 2019 were agreed as a correct record and signed by the Chairman.

**5 TO CONSIDER ANY ITEMS THAT THE CHAIRMAN AGREES TO TAKE AS
URGENT BUSINESS.**

None.

6 COMMUNITY GOVERNANCE REVIEW FOR SAYERS COMMON

Tom Clark, Head of Regulatory Services, introduced the report for the Community Governance Review (CGR) for Sayers Common which set out the arrangements of the CGR and sought approval for the proposed Terms of Reference. The Council

was petitioned by residents of Sayers Common Ward to conduct a CGR, however he noted that the Local Government Boundary Commission (LGBC) have expressed their interest in conducting an electoral review of the Mid Sussex District Council which they intend to start in 2020. He said that it would not be sensible to conduct two reviews at the same time and suggested that the CGR review be postponed until the LGBC make a decision on whether to include the Hurstpierpoint and Sayers Common Community Governance Review in their review.

RESOLVED

The Scrutiny Committee resolved to postpone the Community Governance Review for Sayers Common pending the Local Government Boundary Commission's decision on whether to include their review.

7 DRAFT ANIMAL WELFARE POLICY

Paul Thornton, Senior Licencing Officer, introduced the report which sought the Committee's views on the content of the Draft Animal Welfare Policy under the 'The Animal Welfare Regulations' (Licensing of Activities Involving Animals) (England) Regulations 2018 before it goes out to public consultation in September 2019. He highlighted that the legislation provides a single licensing regime for animal licensing activities but noted that the legislation does not cover horse livery yards, zoos or dangerous wild animals.

A Member enquired how individuals that accept dogs for boarding are identified.

The Senior Licencing Officer explained that a lot of consultation has taken place with current licence holders and Defra has conducted an extensive advertising campaign which has resulted in more people becoming aware of the need to be licenced.

A Member enquired why livery stables are excluded under the legislation as there are horse welfare implications in the business. He also noted that farrier expertise is not mentioned in the policy.

The Senior Licencing Officer confirmed that the licensable activities are set within the legislation and the yards that are licenced are those which hire out horses. He added that the Government are not likely to licence those yards in the future. With respect to farriers, he stated that he would add them to the list of consultees.

The Chairman noted a slight typographical error on the first paragraph of P.27 in which it should remove the reference to 'cats' and state 'accommodation for other people's dogs' as the legislation is only relevant to dogs.

The Cabinet Member for Customer Services questioned how long the licences run for.

The Senior Licencing Officer clarified that licences can run for 1, 2 or 3 years depending on the licencing matrix and what inspection standards they meet.

A Member noted Item 7.3 of the Appendix and sought clarifications as to whether the fees for the application are refunded to the applicant.

The Senior Licencing Officer confirmed that the legislation allows the Council to reimburse the applicant should someone be unsuccessful however he highlighted that only the grant element of the application is reimbursed.

The Chairman queried why horse veterinarians are on the list and standard vets are not.

The Senior Licencing Officer explained that they are on the list by convention and that it represents the speciality of being a horse surgeon.

The Chairman took the committee to the recommendation which was agreed unanimously.

RESOLVED

The Committee resolved to endorse the Draft policy at Appendix 1 for public consultation pending the correction of one minor typographical error to the first paragraph of P.27.

8 PROPOSAL FOR AN ENHANCED RECYCLING COLLECTION SERVICE FOR TEXTILES AND SMALL WASTE ELECTRICAL AND ELECTRONIC EQUIPMENT

Rob Anderton, Divisional Leader for Commercial Services and Contracts, introduced the report which sought to continue the progression of a kerbside collection service provided through the Council's existing waste and recycling collection contractor, for recycling and to introduce a collection of textiles and small WEEE, for resale in partnership with a charity. The development of an increased network of bring banks was also explored following a report to Scrutiny on 23 January 2019 however this was not favoured.

A Member enquired whether there was anything the Council could, or should do to encourage businesses to have green banks on their land.

The Divisional Leader for Commercial Services and Contracts explained that textiles carry a value, and there is therefore already an incentive for local businesses to provide bins on their land.

A Member sought reassurances that the retrofitting of the freighters will not impact on the day-to-day operation of the core waste and recycling services.

The Divisional Leader for Commercial Services and Contracts confirmed that due to the nature of the business of the freighters they are serviced regularly and can be retrofitted easily when off the road for routine maintenance.

A Member sought clarification on whether the charitable partners would leave any items if they deem it to be worthless.

The Divisional Leader for Commercial Services and Contracts clarified that there is a system in place to ensure that items that are not collectable or sellable are recycled.

A Member enquired whether small batteries can be collected.

The Divisional Leader for Commercial Services and Contracts confirmed that collections of batteries are part of the waste collection service the proposal provides.

A Member questioned whether the proposed food waste collection would impede on this project.

The Chairman explained that it is a standalone project and will not be affected by possible food waste collection. The Chairman then took the committee to the recommendation which was agreed unanimously.

RESOLVED

The Committee recommend to the Cabinet Member for Environment and Service Delivery:

- a) The progression of a kerbside collection service provided through the Council's existing waste and recycling collection contractor, for recycling;
- b) The introduction of a collection of textiles and small WEEE, for resale in partnership with a charity.

9 LEISURE MANAGEMENT CONTRACT – ANNUAL REPORT FOR 2018-19

Rob Anderton, Divisional Leader for Commercial Services and Contracts, introduced the report which sought to provide the Scrutiny Committee with an annual update of the Leisure Management contract operated on behalf of the Council by Places Leisure for the period April 2018 – March 2019. It outlined high customer satisfaction rates and increased attendance levels.

A Member noted the new Pure Gym soon to open in Burgess Hill and queried what the Council is doing to prepare for the financial impact arising from the introduction of a new competitor.

The Divisional Leader for Commercial Services and Contracts explained that the Council has been exploring the potential implications of the opening of a new gym and Places Leisure has experienced this in a number of their other contracts nationwide. He assured the Member that there are financial guarantees to ensure the Council still receives its income.

A Member questioned whether the Council has a statutory obligation to provide such leisure facilities.

The Divisional Leader for Commercial Services and Contracts outlined that whilst leisure is not a statutory provision, the Council does have a responsibility for the health and wellbeing of its residents which the fitness elements of leisure centres cater for.

Judy Holmes, Assistant Chief Executive, added that the Council's leisure centres provide discretionary services to some groups and offers services that the private market may not choose to deliver.

A Member sought clarification on who decides the recipients of concessions.

The Divisional Leader for Commercial Services and Contracts clarified that, when letting the contract, the Council set the parameters around the provision of concessions.

The Assistant Chief Executive outlined that it is good practice to monitor the contract to ensure that it is agile and the Council can request to make changes to the contract should it be felt appropriate.

A Member enquired whether there are any further improvements planned at the Kings Centre, East Grinstead.

The Divisional Leader for Commercial Services and Contracts explained that the Council is currently working with Places Leisure to consider options for the provision of new facilities at the centre, not only to diversify the leisure offer but to address the challenges of local competition.

A Member questioned whether the leisure centres could become more dementia friendly.

The Divisional Leader for Commercial Services and Contracts confirmed it is something that is regularly discussed with Places Leisure; and work is ongoing to ensure they are accommodating customers with disabilities, including dementia and visual impairments.

The Cabinet Member for Customer Services noted that a representative from the Dementia Friendly Town walked around the leisure centres recently to assess and advise on how to make the leisure centres more accommodating.

The Chairman then took the committee to the recommendation which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

10 LANDSCAPES CONTRACTS - ANNUAL REVIEW FOR 2018-19

Rob Anderton, Divisional Leader for Commercial Services and Contracts, introduced the report which provided an annual review (for the period April 2018 - March 2019) of the Grounds Maintenance Contract operated by idVerde and the Arboriculture Contract operated by County Tree Surgeons. He noted that 3 parks achieved the Green Flag in 2019 and a further, fourth application will be sought in 2020 for Victoria Park, Haywards Heath.

The Chairman noted that there is no mention of further investment to Victoria Park.

The Divisional Leader for Commercial Services and Contracts confirmed that Victoria Park is subject to a master planning exercise this year with the investment scheduled for next year. He added that the Council is confident that Victoria Park is already a high quality facility, and can achieve the Green Flag award.

A Member enquired whether there are any projects for tree planting as she noted that Marle Place, Burgess Hill could benefit from planting. She also questioned whether it would be possible to apply to the Council to plant trees in certain areas.

The Divisional Leader for Commercial Services and Contracts explained that there is no additional funding for tree planting, only for replacing any diseased or damaged trees that are removed. He highlighted the need for considerable aftercare when tree planting is carried out correctly.

A Member noted that the Council is now mapping all of the trees within the District and questioned whether there is mapping for memory trees.

The Chairman confirmed that the maintenance and mapping is for all trees within the District.

A Member sought further information on the details of the accident regime.

The Divisional Leader for Commercial Services and Contracts clarified that near misses have been reported as potential accidents so the contractor can manage future potential incidents better. He added that most accidents have been minor with the exception of one major accident which was due to wasp stings that resulted in the individual taking a number of days off.

A Member sought clarification on the cutting regime of the District football pitches as she receives comments from residents stating that the grass is too long.

The Divisional Leader for Commercial Services and Contracts explained that the football pitches are given a defined number of cuts per year which is based upon the expected weather over particular months; sometimes supplementary cuts are required due to the changes in the climate.

A Member questioned who is responsible for cutting the grass on a pathway.

The Divisional Leader for Commercial Services and Contracts explained that Mid Sussex are responsible for Council owned parks and some parish/town councils have responsibility for open spaces and parks in their area. Pathways and grass verges are generally the responsibility of West Sussex County Council as the Highway Authority.

A Member asked how the football pitches that require attention are prioritised.

The Divisional Leader for Commercial Services and Contracts confirmed that the current approach is predominantly reactive, dealing with requests for works as they arise. However, the Council has recently commissioned a Playing Pitch Strategy, which has used a combination of club surveys, user surveys and site visits to assess the quality of the pitches. When adopted, this strategy will be used to inform a prioritised work programme.

The Chairman took the committee to the recommendation which was agreed unanimously.

RESOLVED

The Committee noted the contents of the report.

11 SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES & SERVICE DELIVERY WORK PROGRAMME

Tom Clark, Head of Regulatory Services, introduced the report which provided an overview of the forthcoming business of the committee. He noted the items scheduled for the November meeting and noted that the Chairman is content with receiving a report on building control and the safety of buildings in February 2020. He highlighted that further discussion is needed with the County Council to bring forward the report on food and absorbent waste with the potential need for a separate meeting to discuss the item.

The Chairman took the committee to the recommendation which was agreed unanimously.

RESOLVED

The Committee noted the Committee's Work Programme as set out at paragraph 5 of the report.

12 QUESTIONS PURSUANT TO COUNCIL PROCEDURE RULE 10 DUE NOTICE OF WHICH HAS BEEN GIVEN.

The meeting finished at 7.54 pm

Chairman

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IMPLEMENTATION OF A PUBLIC SPACE PROTECTION ORDER (PSPO) FOR THE ANTI-SOCIAL USE OF VEHICLES IN BURGESS HILL

REPORT OF: PETER STUART
Contact Officer: Mandy Cunningham – Community Safety and Safeguarding Manager,
Community Services, Policy and Performance
Email: mandy.cunningham@midsussex.gov.uk Tel: 01444 477094
Wards Affected: Burgess Hill Wards of Dunstall, Franklands, Leylands, Meeds, St
Andrews, Victoria and Hurstpierpoint and Sayers Common
Key Decision: No
Report to: Scrutiny Committee for Community, Customer Services and Service
Delivery
13 November 2019

Purpose of Report

1. To inform the Scrutiny Committee for Community, Customer Services and Service Delivery about proposals to implement a Public Space Protection Order (PSPO) for the anti-social use of vehicles in Burgess Hill (also known as car cruising).

Summary

2. To combat the ongoing problem of car cruising and racing in Burgess Hill, the Council proposes to implement a PSPO to prohibit activities that are dangerous and have a negative effect on local residents and businesses. The Council has worked closely with Sussex Police in managing problems to date and in developing the PSPO, and will continue to work in partnership in identifying and taking action against offenders. A recent public consultation showed that 91% of respondents supported the proposal to implement the PSPO.

Recommendations

3. **Scrutiny Committee for Community, Customer Services and Service Delivery is asked to recommend to Council that it:**
 - (i) **Note the contents of this report and agree to implement the PSPO under the ASBCP Act 2014 for the prohibited activities outlined in Appendix A within the area defined on the map at Appendix B;**
 - (ii) **Approve delegation of authority to specified officers to use those powers.**
-

Introduction

4. The Anti-Social Behaviour, Crime and Policing Act 2014 (ASBCP) received royal assent on 13 March 2014. The aim of the Act was to provide simpler and more effective powers to deal with anti-social behaviour (ASB), and to enable victims and communities to have more control over the way in which their complaints were handled.

5. Since the introduction of the legislation, MSDC has adopted a range of powers under the Act for issues such as the use of PSPOs for dog control. More recently, Cabinet agreed to expand the use of these powers on 11 February 2019 to help tackle persistent anti-social behaviour through the use of Community Protection Notices and the use of PSPOs for ongoing issues in public spaces such as the anti-social use of vehicles.

Background

6. A PSPO is an enforceable form of bylaw with Fixed Penalty Notice powers attached. In addition to supporting existing bylaws they have the potential to enhance local control over a range of matters including Planning and Highways enforcement, Anti-Social Behaviour, Dog Management, and Parks and Waste Management for District Councils, thus returning greater control to Local Authorities.
7. Between November 2017 and June 2019, police data records show over 140 complaints/incidents of anti-social driving in Burgess Hill. Residents and local businesses have complained specifically about organised meets in the Town's car parks late in the evenings and the anti-social behaviour associated with these meets including speeding, careless driving and excessive noise. Some car parks have been target hardened with wooden posts which has prevented dangerous stunts such as hand brake turns and "doughnutting", although this has not prevented other anti-social behaviour.
8. In order to help address this issue, the Council is proposing to put in place a Public Space Protection Order (PSPO) on the anti-social use of vehicles, which will prohibit specific activities. The proposed PSPO is provided at Appendix A and, if adopted will be in effect for three years after such time the Council will review it and decide whether or not to extend this timeframe.

Power to make orders

9. A Council may make a PSPO if it is satisfied on reasonable grounds that the following two conditions are met:
 - (a) The first condition is that:
 - i. Activities carried on in a public place within MSDC's area has had a detrimental effect on the quality of life of those in the locality, or
 - ii. It is likely that activities will be carried on in a public place within that area and that they will have such an effect.
 - (b) The second condition is that the effect or likely effect of the activities:
 - i. Is, or is likely to be of a persistent or continuing nature,
 - ii. Is, or is likely to be, such as to make the activities unreasonable, and
 - iii. Justifies the restrictions imposed by the notice

Consultation

10. The Council is required to consult with the community before putting in place any PSPO and a consultation (both online and paper based) was undertaken with residents and businesses in Burgess Hill running from 24 July to 17 September 2019. In total 102 responses (100 residents and 2 businesses) were received with 91% of respondents – including both business responses, supporting the proposals.
11. Those who were not supportive of the proposals expressed the view that that people should not receive fines for simply meeting in car parks and showing off their cars. The PSPO does not propose that this in itself would be a prohibited activity, addressing this concern.
12. The Council has worked closely with Sussex Police on this issue over the past few months and the Police are supportive of the proposed PSPO to manage this problem.
13. The Council is intending to run a social media campaign once the PSPO has been adopted to highlight the impact of these activities to local communities and how local people can report concerns.

Defined area of proposed PSPO

14. A map of the proposed area is at Appendix B. It is proposed that all six wards of Burgess Hill, plus the car park at Burgess Hill burial ground, which falls within the ward of Hurstpierpoint and Downs are included within the proposed PSPO zone. Most of the incidents and complaints received to date have centred around the car parks in the Town Centre. Once moved on by the Police, the car cruisers have, however, tended to move to other areas of Burgess Hill such as the car park at Bedelands, Victoria Road Industrial Estate and the car park at Burgess Hill burial ground.

Enforcement

15. The Council will continue to work in partnership with the Police to enforcing the PSPO. As most of the activities take place in the evenings and at weekends the Council is reliant upon the police to take action where prohibited activities have been identified. Local residents and businesses will also be encouraged to report any ongoing concerns with information where perpetrators can be identified.

Breaches and Fixed Penalty Notices

16. A breach of the order is criminal in nature and could lead to a fine, via a fixed penalty notice of up to £100. If the fixed penalty is paid within 14 days the offender will not be prosecuted. Failure to pay may result in a prosecution and if found guilty lead to a fine of up to £1,000 and could result ultimately in a custodial sentence.

Policy Context

17. These proposals support the Council's corporate priority of supporting Strong and Resilient Communities through effective enforcement of Anti-Social Behaviour.

Financial Implications

18. Some initial costs will be incurred on signage on highways on entry to the PSPO zone and also in targeted areas where activities are known to occur. There will be minimal costs in relation to stationery to produce updated fixed penalty notices. It is envisaged that these costs can be accommodated within existing budget envelopes.

19. The main financial implications of using the additional powers are the associated enforcement costs, and any legal costs for non-payment of fines. Income generated from FPNs will be held in reserve and/or reinvested in the service to help counter this.

Risk Management Implications

20. The implementation of the PSPO may increase the workloads of the Community Safety team and in some cases Legal Services. However, the commitment to partnership working with Sussex Police and using shared systems and resources to gather evidence will mitigate impact on officers.
21. It is possible that car cruisers may move to other areas of Mid Sussex once the PSPO is in place. It would not, however, be practical or cost effective at this stage to enforce this across the whole District and it has not to date been an issue outside of the identified area. The Council will continue to monitor any reports of car cruising once the PSPO is in place and take appropriate action if it becomes a continual problem elsewhere.

Equality and Customer Service Implications

22. An equality impact assessment has been undertaken as part of the development of the Proposed PSPO. The Assessment concluded that there were with limited impacts of people with protected characteristics identified. The group identified through the assessment was children who may be at risk of being subject to enforcement action as fixed penalty notices can be issued to those from 10 years old. In reality, other methods will be used to manage minors who are involved in car cruising. This includes using powers on parents where appropriate, referrals into the REBOOT programme, which offers diversionary activities for youngsters involved in anti-social behaviour and consulting with the Youth Offending Service in all cases involving minors. Fixed penalty notices will be used as a last resort. AS such sufficient mitigation measures are in place.

Other Material Implications

23. None

Background Papers

Appendix A: MSDC Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75, Car Cruising Public Space Protection Order 1 of 2019

Appendix B: Map of proposed area of enforcement

MID SUSSEX DISTRICT COUNCIL

Anti-Social Behaviour, Crime and Policing Act 2014, Section 59-75

Car Cruising Public Space Protection Order 1 of 2019 (“Order”)

Mid Sussex District Council (“the Council”) in exercise of its powers under the Anti-Social Behaviour, Crime and Policing Act 2014 (“the Act”) hereby makes the following Public Space Protection Order.

1 General

- 1.1 This order shall come into operation on (.....) and shall have an effect for 3 years thereafter, unless extended by further orders under the Council’s statutory powers.
- 1.2 In making this order, the council is satisfied on reasonable grounds that:
- (a) the conditions set out in section 59(2) of the Act have been met, namely that the activities identified below have been carried on in a public place within the Council’s area and have had a detrimental effect on the quality of life of those in the locality; and
 - (b) the conditions set out in section 59(3) of the Act have been met, namely that effect or likely effect of the activities is, or is likely to be of a persistent or continuing nature; is, or is likely to be, such as to make these activities unreasonable and justifies the restrictions imposed.
- 1.3 This applies to all land:
- (a) which is open to the air (including land which is covered but open to the air on at least one side);
 - (b) to which the public are entitled or permitted to have access (with or without payment); and
 - (c) which is outlined in red on the attached map (the Restriction Zone)
- 1.4 The Council is also satisfied that the prohibitions and requirements set out within this order are reasonable:
- (a) to prevent the detrimental effect on the quality of life of those in the locality continuing, occurring or recurring; or
 - (b) to reduce that detrimental effect or to reduce the risk of its continuance, occurrence or recurrence.
- 1.5 In making this Order, the Council has had particular regard to the rights and freedoms of expression and freedom of assembly set out in articles 10 and 11 of the European Convention on Human Rights.

2 Definition of Car Cruising and Prohibited Activities

- 2.1 'Car Cruising' is defined as two or more motor vehicles (including motor bikes) being on a highway or a public place, where any such vehicle or occupant of a vehicle performs any of the prohibited activities.
- 2.2 The "Prohibited Activities" are:
- a. causing danger or risk of injury to road users (including pedestrians) by speeding or racing;
 - b. causing damage or risk of damage to property;
 - c. speeding or racing;
 - d. performing stunts (including but not limited to performing a doughnuts maneuver drifting, skidding, handbrake turns, wheel spinning);
 - e. sounding horns or playing loud music so as to cause a nuisance;
 - f. revving of engines so as to cause a nuisance;
 - g. using foul or abusive language;
 - h. using threatening, intimidating or anti-social behaviour; or
 - i. causing obstruction on a public highway or publicly accessible place (whether moving or stationary)

3 Offence

- 3.1 A person who without reasonable excuse:
- a. Participates in Car Cruising or any activity prohibited by this Order; or
 - b. promotes, organises or publicises Car Cruising (including but not limited to via email, the internet, social media, or via any publication or broadcast medium) to take place; or
 - c. attends any meeting either as a vehicle owner, driver, passenger or spectator where a reasonable person would consider that Car Cruising was or is taking place;

on Land to which this Order applies commits an offence.

4 Penalty

- 4.1 In accordance with section 67 of the Act, a person commits an offence if at any time and without reasonable excuse they engage in any activity prohibited by this Order.
- 4.2 A Police Officer or Council Officer may issue a fixed penalty notice to any person they have reason to believe has committed an offence under this Order.
- 4.3 A fixed penalty notice is a notice offering the person to whom it is issued the opportunity of discharging any liability to conviction for the offence by payment of the fixed penalty to the Council.
- 4.4 Where a person is issued with a fixed penalty notice under this Order, the amount of the fixed penalty shall be £100 (reduced to £60 if paid within 10

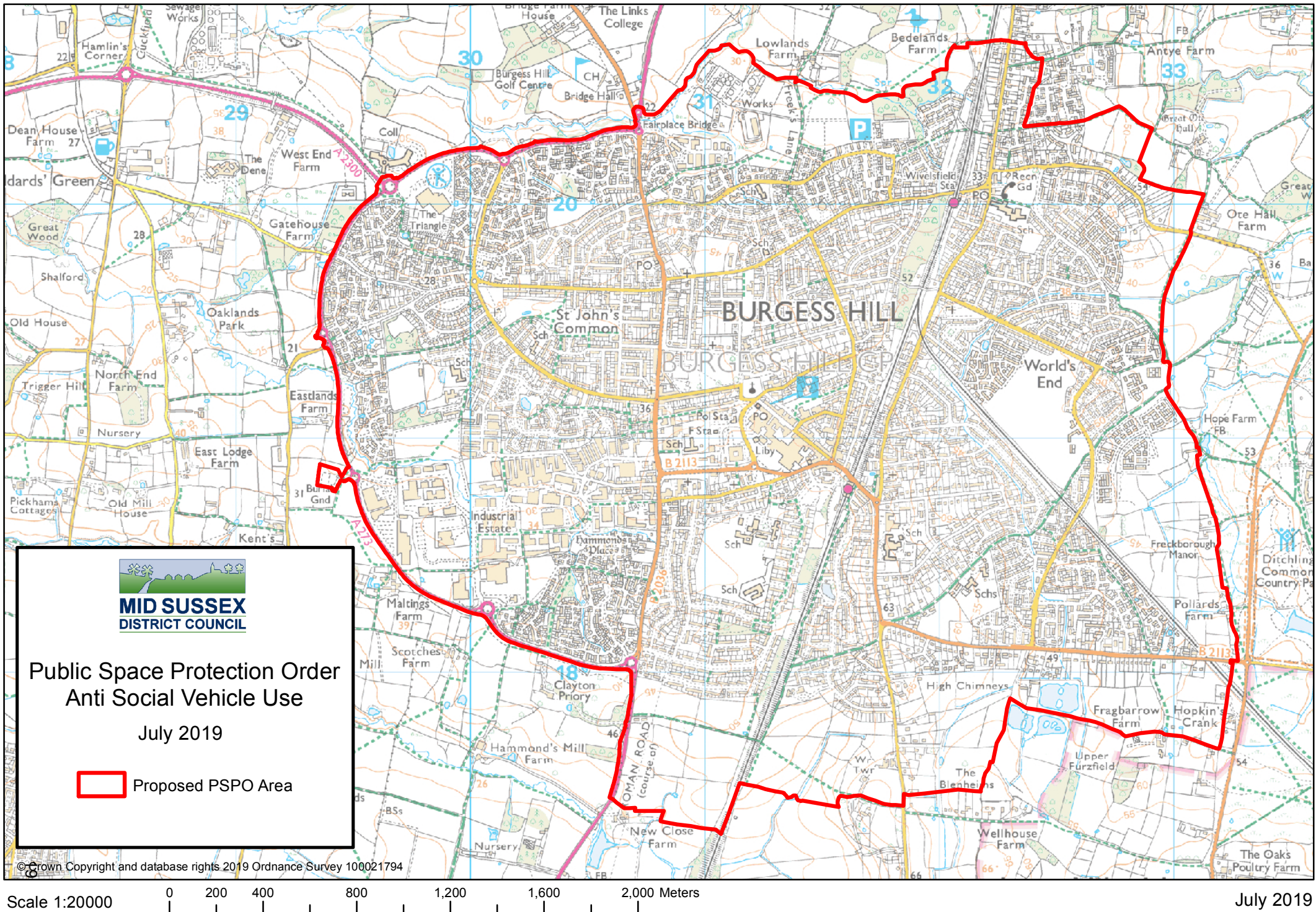
days). If the fixed penalty is paid within 14 days the offender will not be prosecuted.

- 4.5 A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale (£1,000).

5 Appeals

- 5.1 Any challenge to this order must be made to the High Court by an interested person within six weeks from the date upon which the order is made. An interested person is someone who lives in, regularly works in, or visits the area.
- 5.2 In Accordance with section 66 of the Act, interested persons can challenge the validity of this order on two grounds: that the Council did not have power to make the order, or to include particular prohibitions or requirements, or that a requirement of the Act was not complied with.

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WASTE MANAGEMENT, RECYCLING AND STREET CLEANSING SERVICES – ANNUAL REPORT FOR 2018-19

REPORT OF: Divisional Leader – Commercial Services and Contracts
Contact Officer: Jo Reid, BUL – Waste, Landscapes and Leisure
Email: jo.reid@midsussex.gov.uk Tel: 01444 477203
Wards Affected: All
Key Decision: No
Report to: Scrutiny Committee for Community, Customer Services and Service Delivery
13 November 2019

Purpose of Report

1. The purpose of this report is to provide the Committee with a review of the activity of waste management, recycling and street cleansing services for April 2018 to March 2019.

Recommendation

2. The Committee is asked to note the contents of this report.
-

Background

3. The waste management, recycling and street cleansing services contract was let in August 2005/06 for an initial period of 7 years, with the option to extend for a further period of 14 years (7 + 7). This was renegotiated prior to the expiry of the first 7 years to two periods of 10.5 years, in order to derive savings from delaying the procurement of a new fleet of vehicles.
4. The contract is delivered by Serco Ltd, from Bridge Road Depot in Haywards Heath. The contract provides recycling and rubbish collections and street cleansing services.
5. Mid Sussex District Council is a Waste Collection Authority (WCA) and, as is the norm in a two-tier waste system, is directed on where certain waste items can be disposed of by West Sussex County Council (the Waste Disposal Authority). In order to get the best from this partnership, the Council is a partner in the West Sussex Waste Partnership (made up of all District and Borough Councils in West Sussex and the County Council).
6. A target has been set to achieve a 50% recycling rate nationally by 2020. The recently published Waste and Resources Strategy also outlines the Government's intention to legislate further in order to reduce rubbish for disposal and increase sustainable behaviour. It is likely that meeting these targets will require further service changes.

Scope of Service

7. The contract provides the following waste management and recycling services:
 - (a) Rubbish collections from 63,500 properties every two weeks. 25,800 tonnes of rubbish were collected between April 2018 and March 2019.
 - (b) Recycling collections from 63,500 properties every two weeks. 123,800 tonnes of dry recycling were collected between April 2018 and March 2019.

- (c) Garden Waste collections from approximately 18,432 subscriptions (at the end of this reporting period) every two weeks (with the exception of the two-week festive period) which generated 6,600 tonnes of green waste for composting during the reporting period. The service is operated on a subscription basis, costing £65 per bin, per annum (£2.60 per collection).
 - (d) Clinical Waste collections from approximately 2,400 properties (94 tonnes were collected between April 2018 and March 2019).
 - (e) Street cleansing activities are undertaken either manually or mechanically and involve the removal of litter, detritus and fly-tips from the public highway.
 - (f) Regular emptying of litter and dog waste bins across the district, which generated 370 tonnes and 161 tonnes of waste respectively.
 - (g) Clearance of fly-tips on public highway. During the reporting period (April 2018-March 2019) 286 fly-tips were removed (weighing 230 tonnes in total).
8. All rubbish and recycling collections take place Monday to Friday. They commence at 7am and are completed by 4.30pm.
 9. For those residents who are unable to physically move their rubbish, recycling and garden waste containers to the boundary of their property an 'assisted collection' is offered. At present, 1,236 properties are in receipt of this service.
 10. A chargeable bulky waste collection service is also offered by exception. Large bulky items are charged at £20 per item and small items at £10. Electrical items are charged at £25 and £13 respectively. During the reporting period 114 tonnes of bulky waste was collected.
 11. Wheelie bins are also delivered to new developments, properties requesting additional recycling capacity and when bins are lost, stolen or damaged.
 12. Street cleansing operations (this includes the emptying of litter and dog waste bins) begin at 6am and are completed by 2pm. Town centre locations are visited first to ensure they are clean prior to the morning rush. Re-visits take place throughout the day. Residential areas are cleansed on request.

Contract governance and performance management

13. The governance arrangements for the contract are as follows:
 - (a) Monthly operational meeting;
 - (b) Monthly strategic meeting;
 - (c) Quarterly Partnership Board meeting (at which the Divisional Leader, Portfolio Holder for Environment and Service Delivery and Serco's Regional Director are all present).
14. Key performance indicators also govern the contract. These are actively reviewed by the Partnership Board:
 - (a)

- (b) Local Environmental Quality for litter and detritus
- (c) Missed Bins per 10,000 Collections
- (d) Customer satisfaction with rubbish collections
- (e) Customer satisfaction with recycling collections
- (f) Percentage of fly-tips removed within one working day

15. A summary of Serco's performance in 2018/19 is included in Appendix 1.

16. At the contract anniversary (August each year) the Partnership Board review Serco's performance against these targets and agrees new targets for the following year.

17. Typically, performance against these targets has always been good and both the Council and Serco have agreed a more challenging set of targets for 2019/20.

Key headlines

18. Alongside the day-to-day management of the waste, recycling and street cleansing services some specific projects have been progressed; the highlights of which are summarised below.

- (a) **Garden Waste growth:** In 2016/17 the Council invested in its garden waste collection service and introduced a third dedicated collection vehicle and crew. A growth target was subsequently set to enlarge the customer base to 19,300 subscribers during 2018/19. As at 31 March 2019 the Council had 18,432 subscribers to this service.
- (b) **Recycling quality:** Securing high quality dry recycling is a key priority. Performance targets have been established through the West Sussex Waste Partnership and all District and Borough Councils are required to keep contamination below 6%. Financial penalties are applied if this target is not met. The Council's overall contamination rate for 2018/19 was 4 %.
- (c) **British Heart Foundation pilot:** As part of its commitment to exploring ways to increase the volume of textiles and small Waste Electrical and Electronic Equipment (small WEEE) the Council worked in partnership with Serco and the British Heart Foundation to collect these items from the kerbside. The pilot began in November 2017 and concluded in October 2018. Take up was strong and 47 tonnes of textiles and small WEEE was collected for reuse and recycling.
- (d) **Collection schedule changes:** In order to accommodate the increase in property numbers across the district and to future-proof the service considering projected housing growth and additional refuse collection vehicle was introduced in 2018. This has made it necessary to make changes to collections for some households across the district. All changes were successful.

Legislative and policy context

19. The requirements for UK local authorities to meet the target of 50% recycling by 2020 are driven by European Legislation. This legislation will remain in place after the UK's exit from the European Union.

20. The recently published Waste and Resources Strategy outlines the Government's intention to legislate further and introduce new statutory responsibilities. Of those items currently being considered, those with the most direct impact to local authority waste collections are:

- (a) separate collections of biodegradable waste (food and green waste) by the end of 2023;
- (b) separate collections of textiles and hazardous waste by the beginning of 2025;
- (c) strengthened TEEP (the method by which local authority collection systems are deemed technologically, environmentally and economically practicable) with a view to improving the quality of dry recycling collected;
- (d) 55% recycling by 2025 and 65% recycling by 2035.

21. It is therefore likely, that in line with strengthening national legislation, changes to the way local authorities collect rubbish and recycling will be forthcoming.

Service priorities and contract development

22. Building on improvement projects, alongside the work being undertaken to review the Key Performance Indicators, and considering the change in legislative and policy direction, the following key priorities have been identified for 2019/20:

- a) **Reduce residual waste and increase recycling:** At present, no District or Borough Council in West Sussex collects food waste separately. This approach is increasingly outmoded. A recent composition analysis (October 2018) demonstrated 41% (by weight) of the average rubbish in wheelie bins in Mid Sussex was food waste. The cost of residual waste treatments are increasing, and as noted in paragraph 24 (a) it is likely that strengthened legislation will result in the evolution of collection services. WSCC are leading work to trial Food Waste collections across West Sussex. This Council is working closely with WSCC to potentially trial food waste collections at approximately 3,000 households in Mid Sussex during 2020.
- b) **Increasing digitalisation:** A programme of digitisation delivered jointly with this Council and Serco) has been on-going for several years with the aim of improving workflows, increasing efficiency and improving the overall customer experience. This provides a platform from which to introduce in-cab technology. In-cab technology will enable the exchange of real-time information allowing more timely feedback to customers. It will also improve the effectiveness and efficiency of the services by allowing for better management and monitoring of the contract as whole.
- c) **Garden waste growth:** In anticipation of the achievement of the current target of 20,000 subscriptions during 2019/20 (at which point the service will be operating at capacity), a plan to facilitate further growth is now being developed.
- d) **Textile and small WEEE:** Following the success of the British Heart Foundation Pilot, the Council and Serco have committed to working together to implement long-term proposals to collect textiles and small WEEE at the kerbside during 2019/20.

- e) **Recycling quality:** High quality recycling is a key priority, and with the possibility of a strengthened set of criteria around TEEP (the test around the Technical, Environmental, Economic and Practicable implications of carrying out separate collections), this issue will become increasingly important. The Council will develop a process for managing contamination (to keep below the 6% performance target set by the West Sussex Waste Partnership) in conjunction with in-cab technology, once this has been implemented. The matter will also be addressed through the development of a comprehensive communications plan, based on contamination 'trends'.
- f) **Complaints and Compliments:** High quality services are identified by the number of people who have cause to complain or compliment. In 2018/19 the Council received 77 formal complaints and 70 compliments about the rubbish and recycling collection services. In order to reduce these numbers the Council will work with Serco to develop a joint approach to resolving recurrent smaller service issues; which are the main source of complaints.

Health and safety

23. The overall health and safety of the contract is primarily monitored by recording the number of Lost Time Incidents. The summary below shows the number of these instances since 2015/16 to date.

Table 1: The number of Lost Time Incidents 2015/2016 to 2018/2019:

2015/16	2016/17	2017/18	2018/19
8	5	4	1

24. The Lost Time Incident for 2018/19 was a small road traffic accident, in which there were no injuries.
25. Staffs working for both Serco and the Council are also encouraged to report hazards and near misses. The reporting of these helps to minimise the likelihood of accidents occurring in the future, prompting proactive management of risks. During 2018/19, 67 near misses and hazards were reported. This number should get higher and the number of Lost Time Incidents should reduce over time- demonstrating the partnership is focussed on maintaining a safe service.

Finance

26. The annual value of the waste management, recycling and street cleansing contract in 2018/19 was £4,223,432.
27. Inflationary uplifts are calculated based on a collection of market indices. The contract sum is also reviewed with each additional 500 properties.
28. Should Serco's performance be in excess of all the agreed Key Performance Indicators the Council pays the equivalent of 1% of the total contract sum; this figure is paid on a pro-rata basis for each exceedance where one or more targets is missed. All targets were achieved during 2018/19 and the requisite payments were made.
29. Should Serco be responsible for any serious service performance failure then the Council is able to make financial deductions. No such deductions were made in 2018/19.

Risk management

30. Serco have a good reputation and continue to maintain an excellent relationship with the Council. The key risks identified regarding the waste management, recycling and street cleansing contract are as follows:

- (a) Extreme weather- recent weather patterns have become more extreme; resulting in excessively hot days, heavy rain and snow events. Extreme weather makes undertaking rubbish and recycling collections more difficult and mitigation measures are often reactive. The Council and Serco will update the severe weather policy to account for these changes.
- (b) Brexit- the impact of a no-deal Brexit or an agreed exit from the European Union may affect rubbish and recycling disposal. Indications are that any impacts would be short-lived; and mitigation measures (fuel plans and securing alternative material off-takers) have been put in place by West Sussex County Council and Serco.
- (c) Legislative changes following the issue of the Waste and Resources Strategy means the Council and Serco will have to adapt and potentially change rubbish and recycling collection services.

Background papers

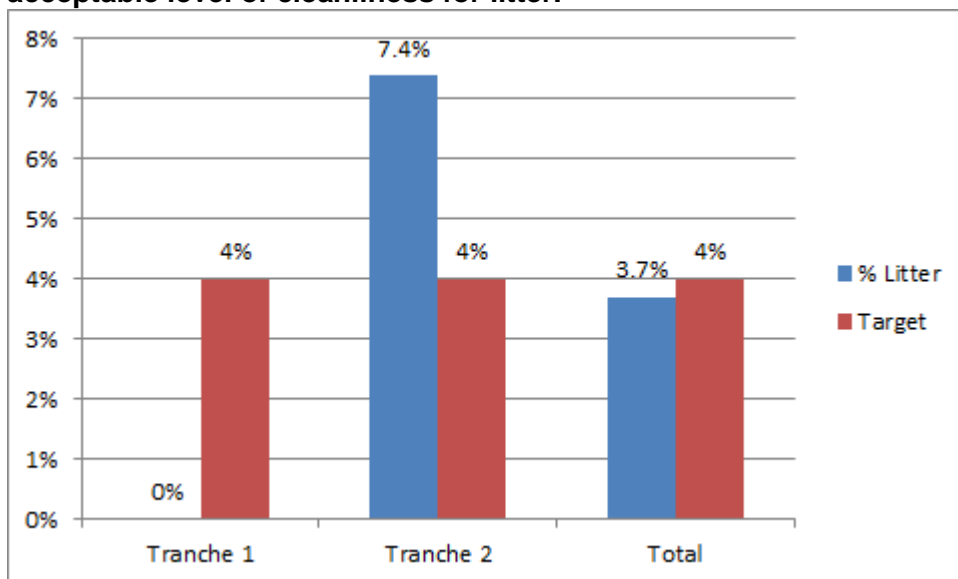
31. Waste management, recycling and street cleansing services – Annual Report for 2017-18

Appendix 1.

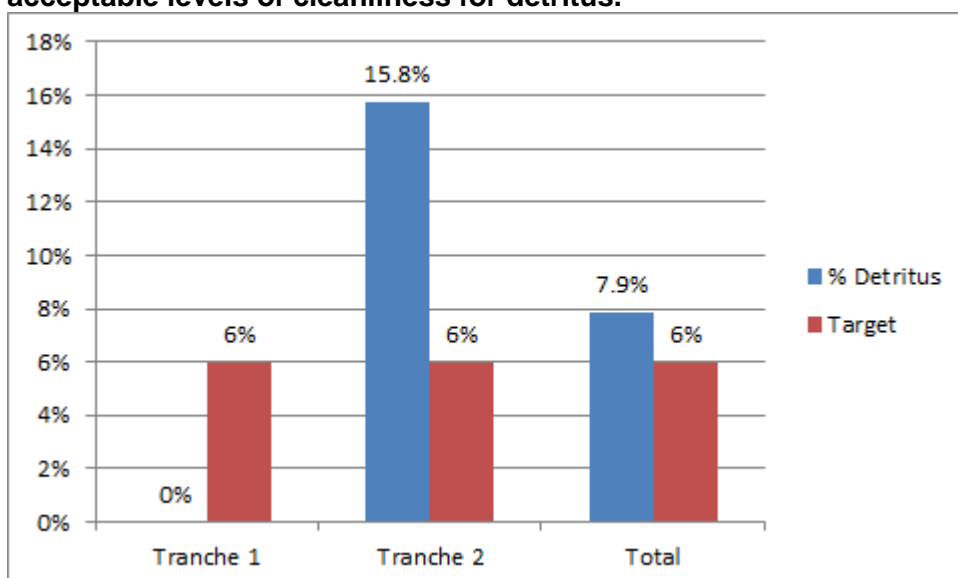
Summary of Waste Contract Performance in 2018/19

Nine hundred Local Environmental Quality (LEQ) surveys are undertaken during each financial year- these inspections are split into thirds (referred to as Tranches) and undertaken at varying points during that year. Each Tranche surveys all land use types and every Ward in the District must be inspected. The inspections check for acceptable levels of cleanliness and a grading is applied to each inspection- this is then used to assess the overall level of cleanliness of the District as a whole. The lower the percentage, the better the result.

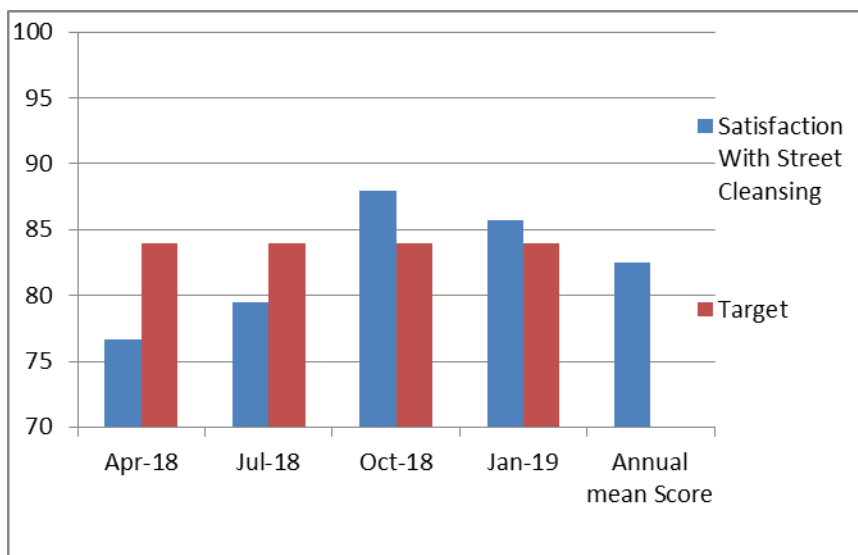
LEQ surveys for litter. Target to ensure no more than 4% of land inspected is below acceptable level of cleanliness for litter.



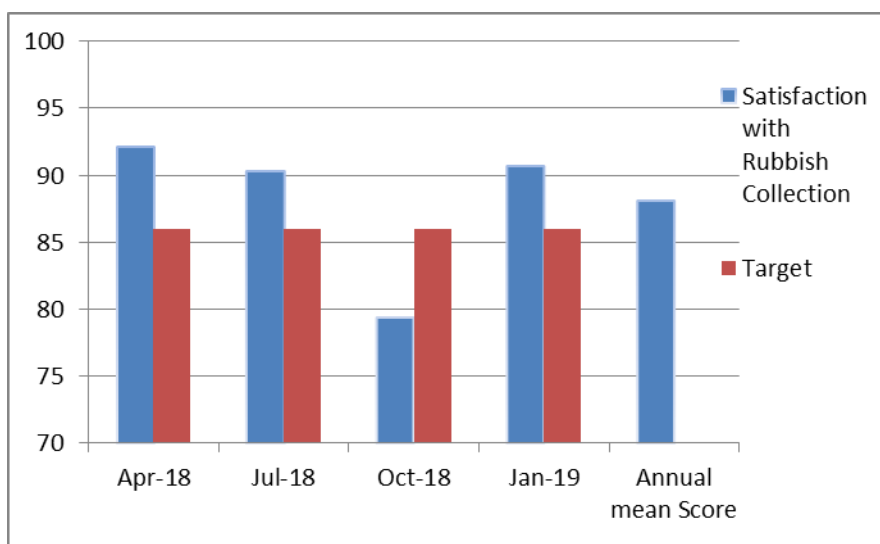
LEQ surveys for detritus. Target to ensure no more than 6% of land inspected is below acceptable levels of cleanliness for detritus.



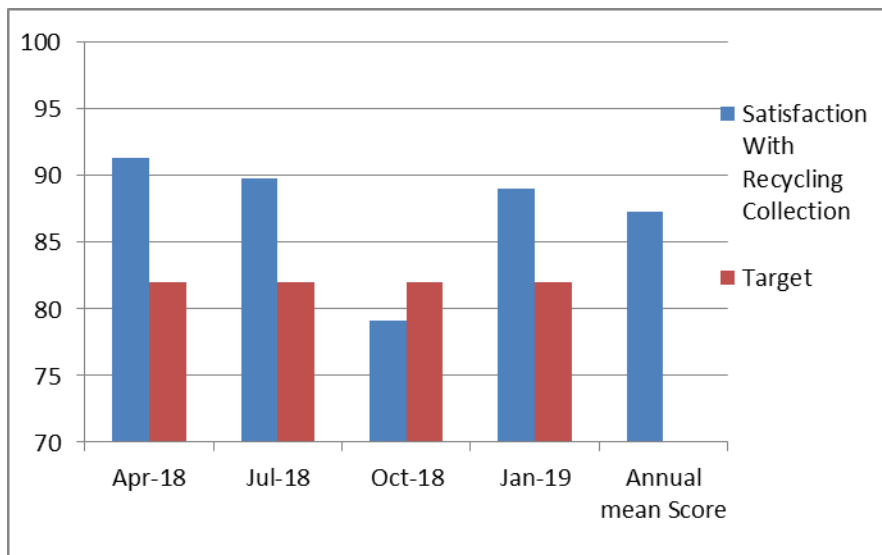
Serco are required to exceed a satisfaction rate of 84% with street cleansing to receive a performance bonus.



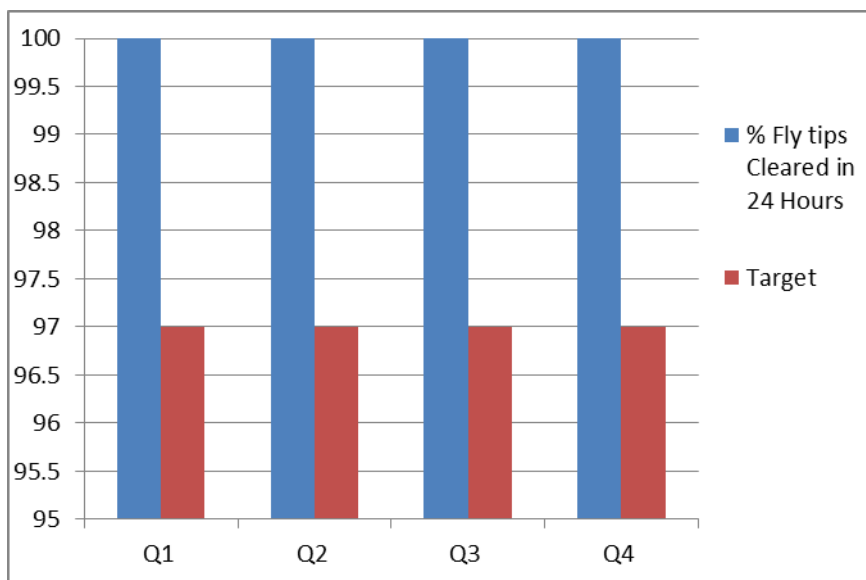
Serco are required to exceed a satisfaction rate of 86% with rubbish collections to receive a performance bonus.



Serco are required to exceed a satisfaction rate of 82% with recycling collections to receive a performance bonus.



Serco are obliged to clear all instances of fly-tipping within three working days.



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SCRUTINY COMMITTEE FOR COMMUNITY, CUSTOMER SERVICES AND SERVICE DELIVERY WORK PROGRAMME 2019/20

REPORT OF: Tom Clark, Head of Regulatory Services
Contact Officer: Alexander Austin, Democratic Services Officer
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Tel: 01444 477062
Wards Affected: All
Key Decision: No

Purpose of Report

1. For the Scrutiny Committee for Community, Customer Services and Service Delivery to note its Work Programme for 2019/20.

Summary

2. Members are asked to note the attached Work Programme. The Work Programme will be reviewed as the final piece of business at each meeting, enabling additional business to be agreed as required.

Recommendations

3. **The Committee are recommended to note the Committee's Work Programme as set out at paragraph 5 of this report.**
-

Background

4. It is usual for Committees to agree their Work Programme at the first meeting of a new Council year and review it at each subsequent meeting to allow for the scrutiny of emerging issues during the year.

The Work Programme

5. The Committee's Work Programme for 2019/20 is set out below:

Meeting Date	Item	Reason for Inclusion
5 Feb 2020	Review of Customer Services across the Council	Action plan to maintain and improve Customer Service.
5 Feb 2020	Air Quality	Annual Report.
5 Feb 2020	Equalities and Diversity Scheme Annual Progress Report	To update members on the Council's Equality and Diversity Scheme.

Policy Context

6. The Work Programme should ideally reflect the key priorities of the Council, as defined in the Corporate Plan and Budget.

Financial Implications

7. None.

Risk Management Implications

8. None.

Background Papers

None.