

## **BLACKBURN WITH DARWEN BOROUGH COUNCIL**

### **PLACE Overview and Scrutiny Committee**

**14 December 2020**

#### **Focus of the Committee - Environment**

The Committee will look at the issue of Waste Collection and Disposal together with the connected issues of Fly Tipping and Civic Amenity Sites. The Committee will also look at how the delivery of the service and proposed service developments have been affected by Covid19.

To carry out their review the committee will consider and discuss responses to the following questions:

#### **What precautions has the service had to put in place to maintain collections whilst keeping operators safe?**

At the start of the Pandemic, refuse crews were provided with an additional vehicle to allow two staff to occupy the cab of the refuse wagon and a third member of the team follow in a separate vehicle where possible.

When out on the round, moving between streets, there will be occasions when all three crew members are in the cab. The crews were also provided with facemasks to be worn when there are 2 or more people in the cabs, gloves, hand sanitiser, anti-viral and bacterial wipes and cleaning equipment for the cabs.

Social media communications were sent out to the public asking them to not approach the crews and for them to clean their bin handles when placing their bin out for collection. Communications were also sent out advising those residents with Covid, what to do with their waste.

Masks to be worn by all members of staff when moving around the depot. One way systems were introduced and social distancing messages reinforced in all buildings. Vehicles are fogged using anti-viral agents on a regular basis.

Supervisors and Managers offices were reconfigured to allow 2 metre social distancing of desks and rotas were developed for the staff to ensure the offices were not over-crowded and staff were asked to work from home where possible, to ensure that the workplace is Covid safe.

#### **How has Covid19 effected service delivery?**

**Household Waste Recycling Centres** – The Household Waste Recycling Centres (HWRC's) closed on 23<sup>rd</sup> March and reopened on 18<sup>th</sup> May.

When the HWRC's re-opened, a booking process had been put in place to manage traffic queues, the number of people accessing the site at the same time and to ensure social distancing measures were adhered to. Lots of additional information signage was introduced to assist customers to make a covid safe visit.

The two sites opened 7 days a week until August to accommodate the increased demand for access to the site. Leisure staff were redeployed to the two HWRC sites to support the operators and the customers accessing the sites. The opening of the sites was coordinated with other Lancashire waste disposal authorities.

**Bulky waste collection** - the service was suspended for one month to enable those staff to be redirected to support refuse and recycling services. The service recommenced a month later, with bulky waste items having to be left on site for 72 hours before collection to manage Covid risks.

**Refuse, garden waste and recycling** - teams continued to operate fully, with the Biffa staff transferring to the council for 1<sup>st</sup> May 2020. Refuse, garden waste and recycling services have been prioritised during Covid, with additional casuals and staff from the closed HWRCs being used to supplement our establishment.

**How was the transfer of service provision back to the Council achieved and what issues had to be overcome?**

The TUPE transfer arrangements commenced in September 2019 and several meetings were held with the staff and trade union representatives until the transfer of the staff on 1<sup>st</sup> May 2020. The Council's HR service and Biffa management team also supported the TUPE process.

Staff were transferred on to Council terms and conditions and were inducted online, due to the Covid pandemic. The only issue was a delay in receiving the personnel files and staff information from Biffa, regarding sickness and disciplinary information but this arrived four weeks after the staff had commenced work for the Council.

**How has the introduction of the blue bin service been achieved?**

A Project and communications plan was established and regularly reviewed and updated, with the project team meeting fortnightly from February 2020. The introduction of a new bin would normally take up to eighteen months to procure and introduce, the project team managed to introduce the new service within seven months, despite it being done in the midst of a pandemic. The introduction of the blue bin was prioritised to enable the Council to save up to £70,000 per month from the new contract with Suez that commenced in June 2020.

The procurement of products and their delivery was achieved through existing procurement framework contracts.

Discussions with Suez regarding the new materials treatment was ongoing throughout the introduction of the blue bin project, which led to the development of new procedures around contract performance and payment mechanisms.

### **Has the introduction of the blue bin service achieved the anticipated increase in recycling rates for paper and card?**

It should be noted that the primary reason for the introduction of the blue bin was the increased cost of £70,000 per month from the contractor processing and disposing of comingled recycling where paper, card, plastics, glass and tins all collected in one bin. This inevitably led to poor quality paper and card, which was often disposed of via landfill or incineration rather than sold as recycling commodity.

It is too early to ascertain the impact on overall recycling rates. This has been further complicated by the Covid pandemic as more people are working from home and are producing more waste, so comparisons with previous periods are not valid and will not be for probably a year. However, the paper and card is now of a much better quality and is attracting a better gate price, with the grey bin contents also now being a lot cleaner, due to our efforts to tackle contamination.

### **How are recycling rates at present and what have the changes introduced for stricter acceptance of recyclates reduced the amount sent to land fill?**

We only have validated figures for recycling for Quarter one, April to June, which was at 31%. We will receive data for Quarter 2 in a few weeks' time.

Following the introduction of the blue bins for August 2020, we were deliberately lenient with residents on mixing their recycling in August, despite having sent three letters/leaflets advising residents what should go in which bin. This lenient approach ceased in September 2020, when the recycling crews were instructed to be more rigorous in their management of contaminated bins, to enable the Council to benefit from the better treatment rates for its recycling.

Almost no residual waste is now sent to landfill however, as almost 100% of our waste now goes to waste to energy treatment. The new contract with Suez requires a minimum of 70% of our waste tonnage to not be sent to landfill, which is being exceeded.

### **What effects did the closure of household recycling centres have on fly tipping in the borough and how was this dealt with?**

Fly tipping had started to increase in December 2019 and continued to increase when the sites closed late March 2020, as per Government instructions. The temporary closure of the bulky waste service, to allow the staffing to be redirected onto refuse and recycling collections, may also have contributed towards a rise in fly tipping.

## **What is the current situation with the Household recycling centres and how did the managed appointment system affect performance and levels of fly tipping?**

The sites re-opened in May 2020 with a booking system in place, which offered 30-minute appointments to residents to visit the site of their choice and dispose of their waste. The sites opened for 7 days initially but are now operating in accordance with the contracted six day week. A 50% increase in appointments was provided in August with the introduction of 20-minute appointments rather than 30 minutes.

We have received almost universal positive feedback to the new service from customers, with a significant number of compliments having been received by the Council for its ability to manage the safety of users and staff at the sites. Some residents raised concerns about the IT booking system process being counter intuitive, this concern was addressed recently by means of a video showing residents a step by step guide of how to use the booking system.

Fly tipping remains higher than 12 months ago, but stated to rise from December 2019, prior to the pandemic and also the closure, as per Government instructions, of the HWRC sites for 7 weeks.

## **What has the service learned from both lockdowns, which will assist in service delivery going forward?**

**Household Waste Recycling Centres** - maintain the booking system and the onsite social distancing measures to protect the community. The HWRC's remained open during lockdown 2.0 as on site measures along with the booking system provided the confidence that we could safely operate. Lead times for access to the sites range from 1-2 days at Darwen and 2-4 days at Blackburn, which are considered acceptable. We hope to improve the online booking process when the new Abavas IT system is fully developed within the Council, to enable residents to make a booking using less "clicks".

**Bin collection service** – the in-service business continuity planning worked well and measures have been fine-tuned, as time progresses, with the provision of PPE now no longer a concern, as it was at the commencement of the pandemic, so increased stock levels have been brought in, to ensure that we do not see any problems with future supplies. Bulky waste services have been maintained in lockdown 2.0, as the service has recruited more casual staff to ensure full services are provided.

**Constant communications** - was critical to the services being provided to the public, with staff updating social media feeds constantly with messages on at least a daily basis, plus also enabling the community to access responses quickly to their queries and concerns. We achieved this from the commencement of the pandemic and it has worked well.

**Casual and Agency staff** - We also need to have a constant pool of casual staff available and access to agency staff for refuse and recycling. These services are priority A services which must be delivered without interruptions, as was seen in a number of other Councils, but not within Blackburn with Darwen BC.

Staff working together in “bubbles”, to limit the loss of staff, should Covid be an issue in a team, has worked well and minimised the impact of staff loss across services.

### **Focus of the Committee - Public Protection and Environmental Health.**

#### **What service changes have occurred since the COVID 19 pandemic?**

At the start of the first lockdown, all Public Protection and Environmental Health (PP+EH) staff started working from home. Office presence has been restricted to absolute minimum, and this continues to be the case. This was not a particular problem for PP&EH, all staff have laptops and are able to travel from home to visit premises or businesses.

Covid-19 enforcement became the number 1 priority for the Service and as a result, the majority of staff were deployed to Covid secure work. We have adopted an intelligence-led enforcement approach, which involves weekly tactical tasking meetings, with resources being deployed flexibly as needed from various teams within PP+EH, taking into account other pressures.

The tasking process has input from officers linked in with Public Health and the Police. This has enabled a cycle of Educate-Assess-Enforce, each time the legislation changes. It is worth noting that we have been one of the Boroughs most affected by changing covid legislation during the pandemic.

At the very start of the Pandemic, the Service adopted 7 day working, 8.00am to 8.00pm. (Currently under review). Out of hours enforcement operations have been frequent and run in parallel to this.

As well as enforcement work, officers are carrying out track and trace home visits (where our local call centre staff are unable to contact positive cases, we will go and visit them to make sure they are isolating and can access help). Funding has been provided to appoint 1FTE Environmental Health Officer to back fill this work but we have been unsuccessful in recruiting. We will appoint agency staff to support routine food safety visits instead.

The Litter and Dog Fouling Team (provided by an external contractor) was furloughed by the contractor until September 20. At that point we asked them to provide 2 x FTE to be deployed as Covid Marshals. They are now doing some dog fouling work as well.

As well as having officers on the ground, we have participated in two projects to provide support and reassurance to businesses:

- A community engagement project where the third sector was brought in to provide advice and support to small businesses
- A Health and Safety executive Spot check project to assess businesses compliance with covid-secure requirements, and to help them comply.

Officers also provided covid-secure training to mosques, this training has recently been refreshed.

In terms of additional staffing:

- 1xFTE Covid enforcement officer has been appointed.
- The Business Compliance and Licensing Manager temporarily went from 0.8FTE to 1.0 FTE to improve management resilience (until end December 20). May be extended.
- 1xFTE admin officer has been appointed to support covid-19 admin work.
- 6 staff from the Leisure services have been redeployed to act as covid marshals and extra eyes and ears. We anticipate that 3 will return to their substantive posts in December, but 3 will remain until January 21.
- A further 1xFTE covid enforcement officer has almost been recruited.

### **How have the pressures of the extra work caused by the virus affected the service and services provided?**

Public Protection staff have been magnificent in their response to the pandemic emergency. They have been professional and flexible in taking on a completely new field of enforcement, and their commitment to making the Borough's businesses safe for their customers is heartening.

However there is no doubt that juggling the extra covid work with existing commitments (albeit reduced) has left staff tired, and we have insisted that staff take leave regularly (which of course at times places other staff under pressure). Very early on in the Pandemic, we sadly lost a member of staff to Covid, but since then we have only had a few mild cases; as staff are very careful in their precautions.

The 7-day rota has been staffed on a voluntary basis without having to insist on staff covering slots, and significant extra out-of-hours operational work has taken place, again by staff volunteering.

As new staff commence, we will reintroduce business as usual services, subject to covid demands; however training new staff is not easy in the current situation, and staff redeployed from other areas are limited in the duties they can undertake. There will inevitably be some continuing demand on existing staff so normal services will be impacted to some degree until the end of the Pandemic.

## **What effect has the change of focus had on existing workloads and duties?**

At the start of the Pandemic, all non-covid enforcement was scaled back to deal only with high priority work (such as urgent service requests and notifications across all areas of business). This was because of the mass deployment of staff to covid-19 enforcement work, but also due to the risks associated with carrying out physical routine visits at the time.

The Food Standards Agency and Department for Communities and Local Government issued guidance, which permitted a temporary cessation of inspection work in relation to food and housing standards. This has been a significant help in dealing with the Pandemic, as members of both the Business Compliance Team (Food) and Housing Standards Team have been heavily committed in the covid-19 response. The FSA has begun to ask Councils to pick up food interventions again, and we have begun to increase routine work in other areas. We are not at business as usual in this respect yet.

Trading standards work and licensing work was also put on hold, but again is slowly coming back on line.

The one exception has been the Pollution Control Team, which found itself inundated with complaints about domestic noise and domestic burning during the pandemic so has not participated to a great extent in the covid enforcement response. Pressure is easing now.

## **How many convictions have there been in the borough for breaking restrictions during lock down and tier arrangements?**

We have not prosecuted anybody during the pandemic. The situation has been too rapidly developing for any prosecutions to be worthwhile, especially considering that the courts have been inoperative for a considerable part of the time, and court backlogs have been huge. Instead the PP+EH has adopted an approach based on advise-warn-enforce principles, using the legislation as best we can.

We have always been a business compliance service, our approach is to support business to comply. Throughout the Pandemic, we have been acutely aware that many businesses have been struggling, which may lead them to consider making inappropriate choices. For this reason, we have carried out a huge number of compliance visits – over 2000 since April 20 – to make sure businesses were aware of the rules and how to comply. We continue to carry out these visits after each change of legislation.

The next stage is a written warning – issued to a business prior to further action. To date we have issued 19 written warnings.

As an alternative to a written warning, some covid-19 legislation allows us to issue a 'prohibition notice', which in reality is much the same as a written warning. We have issued seven prohibition notices, including one to a national chain.

More recently, fixed penalty notices have become available to us (a fixed penalty notice is a way for an offender to discharge their liability for an offence by paying an amount – typically £1000 for a first offence). If they decline to pay, they face prosecution. There is no formal appeal to an FPN but we allow representations to be made. Where we are satisfied that a business has deliberately contravened the legislation, we issue an FPN as an alternative to a written warning, in a similar way that we enforce littering and dog fouling. The impact of this is significant, but representations are carefully considered to avoid punishment where inappropriate.

To date we have issued Eight FPN's for various reasons, two of which have been withdrawn on representations. If FPN's are not paid, prosecution reports will be submitted.

Rather than prosecutions, the ultimate sanction for a business, which has put people at risk through non-compliance, has been a closure direction under the No.3 Regulations. With support from Legal services and the Director of Public Health, we have been able to be forthright with our use of closure directions. To date we have closed six premises down in BwD due to covid concerns.

The approach we have taken is that a direction is not a punishment; it is a mechanism for ensuring that unsafe practices cease. This feels appropriate to the business compliance ethos of the PP and also minimises the risk of appeal (to the Magistrates Court) when a direction is issued. Once a closure direction is issued, PP staff work with the business affected to assist them to become compliant. It is generally the case that closure directions are served due to a lack of confidence in management, so once that is restored a further, less restrictive direction can be issued to allow a business to trade but under conditions. To date the approach is proving to be effective, in that none of the premises that have been served with a direction have been found to reoffend.

As new legislation comes into force, we expect to have additional sanctions available to us. A particular weakness in the legislation to date has been in relation to enforcing covid-secure rules at businesses. We believe that new sanctions to address this will be made available in the new Tier 3 Regulations.

### **What have been the most difficult issues the service has had to deal with?**

The rapidly changing and ambiguously drafted legislation has been difficult to assimilate and communicate to staff and businesses, especially as there have been, and continue to be, a number of cases where the law has differed significantly from the Government guidance. As an example, the phrase 'essential businesses' does not appear anywhere in any of the regulations, and continues to cause confusion



amongst the public who ask why certain businesses remain open, as they don't consider them to be 'essential'.

Each time the legislation changes, PP+EH has been bombarded by enquiries from businesses desperate for some clarity and hoping to be able to open.

When 'Eat out to Help out' was operating, we were stretched trying to respond to the significant risks presented by food retailers who themselves were struggling to control large numbers of customers visiting the premises to obtain the discount.

The most difficult issue to deal with has been the behaviour of a small minority of the general public. PP does not enforce the regulations, which relate to personal behaviour and mask wearing, but repeatedly we have seen businesses trying to do the best they can, but being ignored by some of their customers.

### **Is there any particular areas of the borough presenting particular difficulties?**

We have primarily used ward covid infection rates to target our activity, focussing on higher risk areas as and where necessary. There hasn't been any particular areas of the Borough, which have caused particular difficulties, but certain trade sectors have.

Food outlets during the 'eat out to help out' scheme posed significant problems and required staffing resources to control queues as best we could. Some barbers have been problematic and resource intensive, as have some Pubs and Bars. More recently, Gyms have become noticeable as a sector where a significant number of complaints have been received.

As the Pandemic continues it has been noticeable that more deliberate non-compliance is becoming apparent; whereas previously we would focus on educating and informing, we are now having to spend more time catching people who know they are breaking the law and trying to hide it.

### **How have the public perceptions of the service changed over the last 9 months?**

We only have anecdotal information of what the public and the business community think of us, but generally, feedback seems to be positive. We have always understood that businesses are facing desperate times, and wherever possible we have been supportive in assisting them to trade lawfully.

Feedback to the overt presence of the Covid Marshals is generally positive too. When we close premises down under direction, there does tend to be some disappointment among some members of the public when we allow the business to open relatively soon (often after 7 days), albeit with control measures in place.