

## **Draft 1.1**

# **Report of the Scrutiny Task and Finish Group on Operational Resilience following Waste Service disruption in January/February 2024**

## **1. Introduction**

Uttlesford District Council's cross-party Scrutiny Committee meeting on 13 February 2024 held a lengthy discussion on the recent disruption suffered by residents and businesses to their waste and recycling collections. The Committee resolved to establish a task and finish group to consider these matters in more detail, and to produce a report on their findings for consideration by the Scrutiny Committee and then for discussion at full Council.

This task and finish group's brief was to look into what went wrong, how it came about, how the recovery from that situation was managed, and most importantly, what positive lessons can be learned and applied. The group's brief was extended beyond looking merely at the waste service disruption to consider resilience across the council generally, particularly in relation to 'never events' (ie to spot and mitigate single points of failure which if triggered would lead to other such consequential negative service impacts).

In establishing the group, it was recognised that the Council's policies require, in line with both employment law and good practice, that any formal management action in relation to any individual staff members' accountabilities are matters for the Head of Paid Service [the Chief Executive] and not matters falling within the proper remit of Councillors. As such, the task and finish group was established with this clear boundary in place.

It was accepted that the maximum possible amount of its work should be in open session, with the maximum amount of evidence also published – but also accepting that there may be some specific elements of evidence or discussion that necessarily needs to be in confidential, private session – e.g. around sensitive commercial matters.

The Scrutiny Committee appointed us to the task and finish group: Councillors Chris Criscione [Conservative], Bianca Donald [Residents for Uttlesford], Geof Driscoll [Residents for Uttlesford] and Geoffrey Sell [Liberal Democrat], with Cllrs Criscione and Donald as co-chairs.

Our task and finish group was empowered to finalise our own terms of reference, meeting schedule etc. [see Appendix A].

We met as the task and finish group on three occasions in public and on one occasion informally in private, and we considered a substantial volume of detailed evidence [all herewith republished, as Appendices B and C]. These accompanying papers set out issues such as the chronology which led up to the operational interruption, specifics of the operational response, the costs of the stand-in solution

quickly assembled, so we refer readers interested in that level of detail to the appendices rather than aiming to cover that same ground here in our report.

We as a group received full cooperation from the Leader of the Council and the Cabinet Member for Environmental Services, as well as from the Chief Executive and the Director of Environmental Services, for which we are very grateful, as we are to the Director of Corporate Services who assisted us in collating our findings and recommendations for the future, into this unanimous report.

In section 8 all those conclusions are pulled together and supplemented by a series of recommendations for action, so as to draw and apply learning from this service failure.

**Conclusion A:** Uttlesford District Council is right to have unreservedly apologised to all residents and businesses whose waste was not collected during this disruption to service.

## **2. Severity of the Waste Service disruption**

Having bins emptied is just about the most universal service received by households, and is central to many residents' perception of what they get in return for their Council Tax.

Waste crew members are amongst the hardest working and are the council staff most appreciated by residents, doing a difficult job at comparatively low pay, and this disruption was no fault of theirs.

The Council's fleet of 10 main waste collection trucks, two commercial waste vehicles and one smaller truck used for narrower lanes, was, because of the licensing issue, off the road for two weeks, from Wednesday 24 January to Tuesday 6 February. For the first three days, the residual waste bins and food caddies for three quarters of the district were not emptied, and thus began a substantial backlog.

By the following week, a 'patchwork quilt' of alternative providers began to come online, increasing in volume day by day until a peak of nine big trucks and crews were on the road on some days. Some of these crews worked full (and long) days, while others came over to Uttlesford in the early afternoon at the end of their shifts in Braintree. Various of these crews and trucks also worked on Saturdays, Sundays and Mondays (which are not normal Uttlesford collection days).

Many of these vehicles were smaller than our trucks, and most were only single compartments, meaning that their capacity was lower and also that separate food caddy collections were needed, using smaller vehicles. On many occasions, Uttlesford crews preceded the waste vehicles operated by others to pull out the bins onto the street, particularly when the waste was being collected on non-normal days, and not everyone had got the message to leave their bins out.

In total, the patchwork quilt was able to operate on nine days over this fortnight (compared to the eight normal Uttlesford collection days that would have been worked had there been no loss of licence) – which was virtually every day possible as soon as it was stood up after the first few days of no collections at all.

Once the Uttlesford crews and vehicles were back on the road on Thursday, 8 February, additional capacity from the patchwork quilt of alternative provision was maintained until \*\* February, so as to assist with the backlog generated over the previous two weeks. This was important, as although waste collections of the usual bins on the usual days was reinstated immediately on restart of Uttlesford's service, some households had not had a normal collection at that time for several weeks, and every effort was made to collect those without them having to wait for their next usual collection day. In addition, the normal bin rounds quite naturally contained more waste which meant that the vehicles filled up more quickly and had to be taken to the transfer station more often, meaning that in the first couple of weeks of return to normal service, many rounds were not completed on their usual day, with an estimated average of 15-20% of most rounds needing to be finished the following morning.

In practice, although normal collection days recommenced after the initial two week gap, it took a further two weeks until service returned fully to normal because of the need to clear this accumulated backlog.

The majority of households missed out on two weekly collections, with a substantial further number missing out on one weekly collection. A smaller number of households missed out on three collections, with a much smaller number in isolated cases missing out on four or more collections.

**Conclusion B:** The task and finish group concluded that this serious and impactful disruption of service, of the council's own making and experienced by nearly all residents and many businesses in the district, is amongst the least proud moments of the authority's 50 year history.

**Conclusion C:** Many people worked long and hard both to fix the problem and to put in place the patchwork quilt solution as quickly and thoroughly as possible, and they deserve our recognition and genuine thanks. Uttlesford District Council is particularly grateful to Widdington Waste Ltd and Braintree District Council for their help.

### 3. How this happened

We explored this matter extensively, considering a substantial volume of background information and noting that many pages of correspondence and documentation has been released in response to Freedom of Information Act requests.

Although the vast bulk of our considerations took place in open, public session, we did hold a smaller proportion of their discussions in private session, so that we could be briefed on confidential staffing issues. We were careful to follow our terms of

reference, and in line with Council policies and procedures (and good employment practice and law), we stayed out of any individual management procedures relating to individual staff, but we were aided by the opportunity behind closed doors to be briefed in confidence on certain staffing matters which provide important context to understanding both what happened and what might happen more effectively in future.

Rather than re-telling the story in detail of how the Council came to be without a staff member holding the necessary qualification on which the authority's Operators' Licence relied after the previous postholder abruptly left, we resolved explicitly to focus on drawing and applying the important lessons for the future which flow from this episode.

**Conclusion D:** There was a significant failing in the proper management of the process to cope with the unplanned and immediate departure from the council of the previous staff member who held the necessary professional qualification on which continued permission to hold an Operator's Licence from the Office of the Traffic Commissioner is dependent. This failure to ensure a timely replacement was due to human error, and happened in the complex context of mitigating factors. However, this situation underlines the absence of a systemic solution to managing such major risks and critical service dependencies.

We noted that there were several discussions between senior staff and councillors in the second half of 2023, after the qualified staff member had left, underlining the importance of ensuring he was promptly replaced. We also noted that there were a range of serious attempts during that period to regularise the licensing situation, each of which did not succeed for reasons outside of local control, and each of which was followed by a fresh approach to resolve the matter, until ultimately the clock ran down without a resolution, and the licence was revoked on 13<sup>th</sup> January.

We noted that while the Council has a wide range of policies and procedures in place across the whole organisation, these have not been focused into a document with an Environmental Services-specific focus.

#### **4. Operational Response**

The specifics of the operational response to the revocation of the Council's Operators' Licence are covered in the already-published papers we considered, and are again appended to this report.

We would like to acknowledge afresh though our whole-hearted thanks to external colleagues from other waste providers who stepped in so speedily to provide a 'patchwork quilt' of waste collection over the two weeks we were without a licence, and then for a short while whilst we caught up with the backlog once our trucks and crews were on the road again, under our new Operator's Licence.

**Conclusion E:** We noted that – quite understandably – some of the colleagues from other waste collectors stepping in to help us out were not familiar with our area, its

villages and its roads, and that this led at times to some being missed out, or approached in a sub-optimal/counter-intuitive order.

We would like to acknowledge the hard work of colleagues in Environmental Services who worked long days to pull together this operational response so quickly.

We noted that the department urgently explored a wide range of potential additional providers, but that some of these were not pursued for a range of reasons, which we explored and accepted without any negative inference – e.g. the costs of those partners we did work with represented good value for money (essentially we were recharged at, or close to, cost).

Other than that, our conclusions in relation to the operational response phase in particular are covered in separate sections of this report above and below.

## **5. Communication and Engagement**

The papers we considered during our review provide a huge amount of detail on the number of customer complaints received during these few weeks of service disruption, and we commend those to you in the appendices for the details.

We note in particular the efforts made to provide at the end of every day of the period of peak disruption an update on the council's website repeated in an email sent to all councillors and all parish councils and published on social media setting out which types of bins were going to be collected in which villages and towns the following day.

We did though also explore the role of councillors generally, and leading councillors in particular, in times of operational disruption.

**Conclusion F:** Councillors bring a wide span of professional knowledge and skills to their roles which needs to be better respected and harnessed, and councillors can be useful conduits in communicating with residents, and can be more actively used in future as a positive resource rather than treated as a stakeholder to be periodically updated.

## **6. Cost – and Refund/Rebate Considerations**

We noted the estimated cost to the Council Tax payer of this situation net out at approximately £60,000-£70,000, which is close to (but less than) the estimate given by the Chief Executive during the period of disruption itself. We feel that it is important to note that the exact final cost will only be able to be calculated once our partners have submitted their final invoices to us over coming weeks for the support they provided, at which point the final cost table will be republished.

We noted that some residents have talked online about demanding refunds or rebates, but that as the average weekly cost of emptying bins works out at about 50 pence per week, the work involved in refunding one or two pounds on average per household would be disproportionate in its cost of administration.

**Conclusion G:** the cost to the taxpayer of this waste disruption is serious, and must absolutely not be repeated, but we do not recommend any further consideration of a refund or rebate.

## 7. Broader questions of resilience for the Council

We welcome the fact that the Chief Executive, after discussions with the Leader and Cabinet, had already urgently begun a wider review of resilience across the Council before the Scrutiny Committee tasked us with exploring this in our work.

We strongly believe that for positive good to come from this unfortunate episode, lessons learned around operational resilience across the whole council will provide that greatest benefit.

We were keen to extend and apply the learning from the narrow specifics of the waste disruption to the wider council – both in identifying ‘essential workers’ and beyond across the full range of all key council functions on which so many people rely for a smooth and continuous service.

Our discussions focused extensively on the systematic identification of critical service single points of failure; the risk-based prioritisation of those issues to be addressed urgently; the documentation of resilience and mitigation measures to address those priorities; the introduction of council-wide systems to monitor triggers that would give rise to the need to implement an intervention to avoid any future critical service failure; and the greater embedding of business continuity and risk management culture at all levels of the council, including at Member level.

We are particularly concerned about the lack of apparent consistency across the Council’s departments in terms of how embedded processes and cultures are around risk management and business continuity, and believe this must change with some urgency.

**Conclusion H:** we strongly support the current exercise to identify, and then prioritise and mitigate, key service resilience risks across the whole organisation, and welcome that a senior colleague from a neighbouring council has kindly agreed to quality-assure that exercise. We believe that this is a key action, and must be reported up for consideration at Member level, not only in regards to this focused exercise, but also on an ongoing basis in relation to assurance of business continuity measures. We equally strongly welcome the clear indication given by the Leader and Cabinet Member for Environment and the Climate Crisis that the whole Cabinet is taking a clear set of actions to liaise directly with their respective chief officers about major service provision risks.

## 8. Conclusions and Recommendations, as a basis for an Action Plan

**Conclusion A:** Uttlesford District Council is right to have unreservedly apologised to all residents and businesses whose waste was not collected during this disruption to service.

**Conclusion B:** The task and finish group concluded that this serious and impactful disruption of service, of the council's own making and experienced by nearly all residents and many businesses in the district, is amongst the least proud moments of the authority's 50 year history.

**Conclusion C:** Many people worked long and hard both to fix the problem and to put in place the patchwork quilt solution as quickly and thoroughly as possible, and they deserve our recognition and genuine thanks. Uttlesford District Council is particularly grateful to Widdington Waste Ltd and Braintree District Council for their help.

**Conclusion D:** There was a significant failing in the proper management of the process to cope with the unplanned and immediate departure from the council of the previous staff member who held the necessary professional qualification on which continued permission to hold an Operator's Licence from the Office of the Traffic Commissioner is dependent. This failure to ensure a timely replacement was due to human error, and happened in the complex context of mitigating factors. However, this situation underlines the absence of a systemic solution to managing such major risks and critical service dependencies.

**Further actions recommended:** that the management and operation of the Environmental Services team is regularised as soon as reasonably possible, so that temporary appointments made to meet Operators' Licence requirements are made permanent.

We further recommend that the necessary qualification requirement to support the Operators' Licence is integrated into the relevant job description as an essential occupational requirement, and that an appropriate requirement is also included in the director's job description. These job descriptions should be annually reviewed (and in between as necessary in response to events) to check that they remain up to date with regulatory requirements and other changing circumstances.

We further advise that alternative/secondary provision of an appropriately qualified person is maintained, rather than relying solely on one permanent staff member.

We also recommend that the Environmental Services function carries out a broader organisational review of team structure and training & development needs, also addressing succession planning.

**Conclusion E:** We noted that – quite understandably – some of the colleagues from other waste collectors stepping in to help us out were not familiar with our area, its villages and its roads, and that this led at times to some being missed out, or approached in a sub-optimal/counter-intuitive order.

**Further actions recommended:** we strongly endorse the action being undertaken within Environmental Services to better document and map routes and for the purposes of resilience, ensuring that these are mapped onto commonly available cloud platforms such as Google Maps, and in hard copy, and using tools such as What Three Words.

**Conclusion F:** Councillors bring a wide span of professional knowledge and skills to their roles which needs to be better respected and harnessed, and councillors can be useful conduits in communicating with residents, and can be more actively used in future as a positive resource rather than treated as a stakeholder to be periodically updated.

**Further actions recommended:** we recommend some structured work is organised to build further on existing officer/member relations to better reflect that even in relation to operational issues councillors play an important ongoing role as representatives of the wider community.

This ongoing work should focus on drawing value from what councillors bring to the authority from their life experience, as well as helping building communication channels into local communities, both through existing hyper-local social media sites as well as potentially compiling new text/WhatsApp/email lists (such as residents can sign up to with the Environment Agency to get flood alerts).

**Conclusion G:** the cost to the taxpayer of this waste disruption is serious, and must absolutely not be repeated, but we do not recommend any further consideration of a refund or rebate.

**Conclusion H:** we strongly support the current exercise to identify, and then prioritise and mitigate, key service resilience risks across the whole organisation, and welcome that a senior colleague from a neighbouring council has kindly agreed to quality-assure that exercise. We believe that this is a key action, and must be reported up for consideration at Member level, not only in regards to this focused exercise, but also on an ongoing basis in relation to assurance of business continuity measures. We equally strongly welcome the clear indication given by the Leader and Cabinet Member for Environment and the Climate Crisis that the whole Cabinet is taking a clear set of actions to liaise directly with their respective chief officers about major service.



**Further actions recommended:** we recommend that as well as this service resilience exercise being reported up to Cabinet (and Scrutiny) as is already planned, that we are reconvened later in the year as a Scrutiny Task and Finish Group to explore and test the resultant new system in detail and in practice.

We acknowledge that such a detailed member-level testing will necessarily have to be in private, as the nature of such risk and resilience plans must necessarily remain confidential so as not to inadvertently enhance the risk by publicising unavoidable system weaknesses or mitigation measures to bad actors or saboteurs.

We further recommend that the balance is urgently reviewed by the Chief Executive as to the routine and ongoing administrative support provided to senior staff so that greater capacity to deal with routine but absolutely vital tasks is better resourced.

We also believe that notwithstanding the importance of improving and testing systems and processes which dominate this report, it is vital that the importance of organisational culture and behaviours are also equally valued – to hammer home the message that if you see something, bring it to light. This needs to become an ongoing process and a regular check on emerging issues/risks should be an agenda item at team meetings with the opportunity for people to pass on anything they come across in day-to-day work.

## Appendix A – Terms of Reference etc. for the task and finish group

<p><b>Purpose/ Objective of the Review</b> (the reason for the review and what it hopes to achieve)</p>	<p>To draw and apply learning from the recent waste collection situation to prevent recurrence.</p> <p>To take those lessons learned and apply them more broadly across the organisation in order to identify any points of structural weakness or risk and recommend proportionate mitigating measures.</p>
<p><b>Terms of Reference</b> (including what is in/out of scope)</p>	<p>To work with the portfolio holder and leader, and with officers, to establish the chronology of key events that led to the interruption of waste collection services in late January/early February</p> <p>To identify the key issues behind this</p> <p>To look at the operational response</p> <p>To consider and draw lessons to be learned from this incident that can be applied both to environmental services, but also more broadly to all council services and operations, ensuring that the authority is more resilient</p> <p>To recommend when a report updating progress on the implementation of the action plan be presented to the Scrutiny Committee</p> <p>Out of scope are discussions/recommendations around any matters relating directly to any individual employee of the council. These are matters reserved for the Chief Executive and senior managers in consultation with HR</p> <p>Any previous issues around missed bin collections prior to the service interruption</p>
<p><b>Methodology/ Approach</b> (methods to be used to gather evidence)</p>	<p>The Task and Finish Group shall both meet in public, so as to take evidence or representations, as well as in private so as to enable discussions in confidence with the Chief Executive on management action he is taking as a result, in line with Uttlesford District Council’s employment policies and procedures, and good employment practice generally.</p>

	The final report shall be presented by the Task and Finish Group to the Scrutiny Committee in April 2024, and supplemented by a confidential private report on any restricted items should it be necessary.
<b>Potential witnesses</b>	Relevant cabinet members  Relevant senior officers  Service users
<b>Other issues</b>	It is important that this Task and Finish Group carries out its legitimate job through the Scrutiny function to explore operational matters, but not cross into matters out with the responsibility of members, primarily any matters relating to staff.

<b>Review Topic</b>	Operational Resilience
<b>Final report to go to Scrutiny meeting on:</b>	April 2024
<b>Portfolio Holder</b>	Petrina Lees, Leader Neil Reeve, Portfolio Holder for Environment and Climate Change
<b>Lead Officer</b>	Peter Holt, Chief Executive
<b>Stakeholders</b>	All households Businesses that use the council's trade waste service