



Public Document Pack

Uttlesford District Council

Chief Executive: Peter Holt

Operational Resilience Task and Finish Group

Date: Monday, 18th March, 2024

Time: 7.00 pm

Venue: Council Chamber - Council Offices, London Road, Saffron Walden,
CB11 4ER

Co-Chairs: Councillors C Criscione and B Donald

Members: Councillors G Driscoll and G Sell

Public Speaking

At the start of the meeting there will be an opportunity of up to 15 minutes for members of the public to ask questions and make statements, subject to having given notice prior to the meeting in writing to committee@uttlesford.gov.uk. A time limit of 3 minutes is allowed for each speaker

**AGENDA
PART 1**

Open to Public and Press

- 1 Apologies for Absence and Declarations of Interest**

To receive any apologies for absence and declarations of interest.
- 2 Minutes of the Previous Meeting** 6 - 12

To consider the minutes of the previous meeting.
- 3 Broader Operational Resilience** 13 - 16

To consider work being undertaken to identify any system weakness across the council.
- 4 Outline of Costs Incurred** 17 - 18

To consider an outline of the costs incurred from the disruption to the waste and recycling services.
- 5 Emerging Conclusions**

To consider emerging conclusions, including discussion of lessons learned.

For information about this meeting please contact Democratic Services

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Scoping Report for Scrutiny Committee Review

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

Purpose/ Objective of the Review (the reason for the review and what it hopes to achieve)	<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>
Terms of Reference (including what is in/out of scope)	<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</p>

	<p>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>Methodology/ Approach (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> <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.</p>
<p>Potential witnesses</p>	<p>Relevant cabinet members</p> <p>Relevant senior officers</p> <p>Service users</p>
<p>Other issues</p>	<p>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.</p>

Agenda Item 2 Public Document Pack

OPERATIONAL RESILIENCE TASK AND FINISH GROUP held at COUNCIL CHAMBER - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, CB11 4ER, on TUESDAY, 12 MARCH 2024 at 7.30 pm

Present: Councillors C Criscione and B Donald (Co-Chairs)
Councillors G Driscoll and G Sell

Officers in attendance: R Auty (Director of Corporate Services), B Brown (Director of Environmental Services), P Holt (Chief Executive) and C Shanley-Grozavu (Democratic Services Officer)

Also Present: Councillors N Gregory (Chair of Scrutiny Committee), P Lees (Leader of the Council) and N Reeve (Portfolio Holder for the Environment and Climate Change)

1 **APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST**

The Co-Chairs welcomed those present and made their introductory remarks.

They said that the group were here to explore what went wrong with the Waste Collection; the weaknesses and ultimate failure of a service that affected all households and businesses in the district. When things went wrong, it took a lot of time and effort to fix which was not transparent, causing further frustration to residents.

They hoped that members would approach the matter with level heads and minimum hyperbole, and they requested that all speakers avoided complicated jargon. They reminded the meeting that they were not here for political point scoring, especially as the public sees everyone at the Council as the same and this was disruption that reflected badly on all.

They concluded that the disruption was one in a string of issues spanning many years, administrations and Chief Executives. It was not specific to staff, rather to a failure of governance that needed refreshing. It was therefore important to focus on “never events”, identifying critical issues and building resilience.

There were no apologies for absence and declarations of interest.

2 **PUBLIC SPEAKING**

Councillor Gregory, Chair of Scrutiny Committee, addressed the meeting. He thanked everyone for coming and for the seriousness in which the matter was being taken.

He commended an excellent set of technical papers, and said that, although they were examining the proximate cause to the waste service disruption, which had been both high-profile and embarrassing, it did speak to the greater issues about how the Council had run things for a long time.

He highlighted the recent news coverage about the HMS Queen Elizabeth, noting that things break all the time but would never have made the papers. Aircraft Carriers were complicated with people doing a lot of work that was not necessarily overlapping. The same could be said for the Council, where the complexity of what is done is underestimated and there were not many people with the specific skills and knowledge that could be easily slotted in. However, there were questions about the culture and attitude.

He said that, on the point of the bins, the comms was not snappy enough and needed to be improved. The Council had been besieged by social media, and comments needed to be addressed.

He then moved onto candour and culture. He said that he appreciated the Chief Executive for his approach to telling the truth and doing the right thing, although there was still a wider culture with the assumption for covering things up. In his time as a Councillor, there had been two key failures of governance; Stansted, a failure of governance by all, and Reynolds Court, where controls and checks had not been carried out. This was in a greater series of events where things that shouldn't have happened, happened and the Council needed to embed within its culture the understanding that things that go wrong aren't bad, it's part of the approach of Local Authority.

He concluded to say that members needed to approach the bins and broader issues from a leadership perspective in order to seek how to improve overall. He hoped there would be deliberations on wider issues, rather than the specifics.

Councillor Sell requested to make introductory comments and said that he was under the impression that things went right with the waste service previously, but officers were defensive on this. There was merit to being open with members about the issues and at last November's meeting of the Scrutiny Committee, the nature of some of the problems were revealed for the first time.

He felt that he was being pushed away when asking questions and a healthy Council shouldn't be like that; the open culture was not embedded. He raised questions of the credibility and competency at UDC and the recent waste disruption exacerbated this. The Task and Finish Group were doing an important, thorough piece of work to improve overall quality of service delivery.

3 PUBLIC APOLOGY AND THANKS

Councillor Reeve said that, as the relevant Portfolio Holder, he took responsibility for what had gone wrong and apologised for this.

He gave thanks to officers for their diligent work in both finding a solution and getting it in place. He thanked neighbouring authorities and contractors who had responded to the Council's outreach, even if they were not all able to help, giving particular mention to Braintree District Council (BDC) for going above and beyond.

He said that he was glad that the issue was being reviewed. From his perspective, he saw his role during the disruption change from his expectations as it was not to inquire as to what had gone wrong, but rather to help motivate and look for the solution. He hoped that the learning from the review would add to a behaviour change.

Councillor Lees said that she took responsibility for the disruption, as politically it lay with her, and she apologised for this.

She highlighted that there was a history of the Chief Executive finding problems across the Council but was glad that this meant that there was further improvement.

4 **WASTE DISRUPTION CHRONOLOGY**

Members discussed the chronology of events that had led up to revocation of the Operator's Licence and questions arose as to whether enough urgency had been given to the situation. In response, officers highlighted that a number of actions had been taken between the resignation of the Fleet and Operations Manager, who held the Transport Manager Certificate of Professional Competence qualification, and the revocation of the Operator's Licence. This included applying for the grace period with the Office of the Traffic Commissioner (OTC), interviewing potential interim Transport Managers and the Director of Environmental Services undertaking the relevant qualification. In addition, a number of alternative options were explored such as a shared manager with BDC and Colchester and putting Councillor Driscoll, who holds the qualification, on the licence as a figurehead. However, they acknowledged that not enough had been done, otherwise the licence wouldn't have been revoked.

The Director of Environmental Services apologised for overlooking the 17th January email which stated the period of grace had ended. He thanked the Leader and the Chief Executive but said that this was ultimately his mistake.

In response to a question from Councillor Sell, he said that not all of the relevant correspondence from the OTC had been forwarded to the Chief Executive, Leader or Portfolio Holder until the Operator's Licence was at the point of revocation. However, he had been in regular discussions with all three to update them on progress. Councillor Reeve said that he regretted not seeing the correspondence, as he may have had a different attitude to the matters.

The Leader added that she had requested a spreadsheet on all mandatory documentation be brought to ICB for monitoring whilst there were ongoing operational issues.

In response to further questions from members, the following was clarified:

- It was noted that, whilst meetings were taking place during the grace period, the potential revocation of the Operator's Licence was not on either the Corporate or Service-Level Risk Registers.
- The Director of Environmental Services had decided to undertake the Transport Manager CPC qualification in order to gain further knowledge

and be able to challenge any risks or working practices around the management of the fleet in future. The intention was not for him to become the named Transport Manager on the Operator's Licence.

- Following the immediate resignation of the Fleet and Operations Manager, the Council had 28 days to report that the Transport Manager CPC holder had left, however it was best practice to do this sooner and the Council had done so within nine days. During this period, the Licence was still valid.
- An acknowledgment had been sent to the email received on 17th January from the OTC stating that the period of grace had expired. However, there was not a formal reply.
- Officers had got the deadline for the grace period wrong, believing it to be 31st January rather than 13th January. It was not known why the OTC had chosen 13th, as the Transport Manager had left on 31st.
- The recruitment of a Transport Manager, with waste management experience and a progressive approach to creating an inclusive working culture had proven difficult to find.

5 WASTE DISRUPTION RECOVERY ACTIONS

The Chief Executive highlighted the three work streams undertaken within the Waste Disruptions Recovery response; to reverse the previous decision of Traffic Commissioner, to obtain a new Operator's Licence and to put in place contingency arrangements to allow core operations to resume.

In response to questions raised by members on the recovery, the following was clarified:

- Lightwood PLC were provided with two UDC refuse vehicles and inspected records, concluded that they could not assist due to concerns around the maintenance of records. As they were only able to offer two slots, officers chose to put more effort into Widdington and BDC who had greater available capacity.
- BDC did a thorough examination on all the refuse vehicles which were sent to them in order ensure that they were the best standard for their staff who were working overtime. However, this meant that they pushed back on some of them for minor defects, such as a ripped seat cover or squeaking pipe, which were quickly rectified. No vehicle was sent back on road safety grounds.
- A range of refuse vehicles were offered to BDC, including two which were within a year old. Officers did not believe that the fleet contain any substandard vehicles, and as a result in further investment into the service, the Council were replacing three vehicles two years earlier than anticipated.
- Additional staff had been deployed from within the Council to assist with logistics, most around Grade 7. After the Chief Executives request for mutual aid, they followed up any responses and contacted the relevant senior members of the staff at other authorities who could authorise any assistance.
- Authorities in Essex, Hertfordshire and Cambridgeshire were all contacted with requests for assistance, as proximity was more important than county boundaries.

- The Operators Licence belonged to the Council, however they were required to employ someone with the relevant qualification.

Members noted that, whilst the disruption was felt for longer, there was only two-and-a-half weeks between the Council's Operator's Licence being revoked and the operations restarting from the Canfield depot and this was commended. They also highlighted the proactive actions taken, which had not been listed in the agenda documentation, including deploying staff and requesting assistance from consultants prior to the revocation.

However, they raised concerns as to the information provided to the BDC crews to conduct their route. The current system had individual records for every household within the district which was incorporated into the in-cab technology used by the UDC refuse collectors. As an alternative option needed to be found for BDC to use, and the design of the technology made it difficult to translate elsewhere, crews were given maps, as well as UDC staff operating as a guide. Lists were often not in chronological order and the information fed back from staff was not completely accurate. Officers were working to improve the format of their instruction, such as translating routes into Google Maps to follow or using What3Words for harder to find locations.

Further concerns were raised regarding the accuracy of the communication to the public, as this was found at times to not be reflective of what was happening. Officers explained that trying to get the communications right was a steep learning curve as they were dealing with the difficulty of getting timely, accurate information as to what routes had been completed, along with the additional pressure to release the daily updates earlier. Nonetheless, they took an approach to only promise one day at a time and achieved between 80-90% of the catch-up collections which they advertised.

The communications from Facebook and the UDC website did not appear to be engaging with the number of residents that they'd anticipated as many instead chose to rely on their local "binfluencer". However, the daily notices made it easier for these individuals to share the right information to community groups.

There was discussion around the mutual aid arrangements and planning ahead. Officers clarified that there were generic mutual aid arrangements in place, but it was not possible to make any formal agreements due to the unpredictability of events and the reliance on good relationships and other Council's available capacity and resources at the time. Currently at UDC there were three triggers for business continuity measures: staffing, access to vehicles/premises and access to technology. It was a general approach with no defined single solutions, nor specific scenarios planned for. Moving forward, the Chief Executive was working on an exercise to prioritise the biggest risks at the council, based on the data captured, and work through both short- and long-term solutions to these. When specifically considering the Waste Service, there were also discussions taking place around Essex at an operational level to build greater resilience.

It was highlighted that before the recent events, there had been at least two other periods of disruption, which signalled a potential pattern of behaviour.

PUBLIC ENGAGEMENT

Members noted the heightened level of engagement in which the disruption to the waste and recycling service had caused. This included an increased number of calls to the Customer Service Centre, complaints and comments on social media.

Some members expressed disappointment in the lack of communication from the leaders of the administration, both publicly and with opposition members, especially when both officers and ward councillors were receiving criticism for the disruption. They said that it was not evident what was being done by the Leader and Portfolio Holder.

In response, Councillor Lees said that she had wanted to do the first high-profile media appearance, but the decision had been taken by the Chief Executive that he would do it. Instead, she focussed her efforts on supporting the staff affected by the disruption, rather than finding opportunities to be seen, although she did partake in a number of interviews also. In regard to a recent joint statement on the resuming of services, she wanted this to be from the Chief Executive, but the decision was made that it would go out jointly.

She said that she did not email members of the opposition as they were already receiving regular email briefings from officers, although they were welcome to contact her if they had any questions. She said that she was, however, often only made aware of any new information either slightly before or at the same time as other members.

The Chief Executive added that it was easier for him to have control over the comments made on behalf of the Council.

Councillor Reeve said that the Chief Executive was the most briefed in the matter so could provide the most accurate information to residents. It was more important to get accurate information out on a daily basis and they didn't need to be seen doing stuff as this was self-glorification. He confirmed that he had also contributed to press releases.

It was confirmed that the Leader and Portfolio Holder had in fact done as many media interviews as the Chief Executive.

In response to questions on the public engagement operations, officers confirmed that a greater number of calls had been received, but the amount was low in proportion to the population of the district, and it quickly dropped off once the Council received its interim Operator's Licence and services started returning to normal. The phones lines were always covered, despite the Customer Services team not being at capacity. The majority of callers were frustrated but reasonable; however there was a minority of abusive callers who were dealt with using existing protocols.

In regard to engagement on social media, Facebook content was also replicated onto Instagram, which did not take a lot of time to monitor as there was less engagement.

Councillor Criscione suggested that communication and engagement planning be considered in future.

7 **WASTE REFUNDS**

Members agreed with the Council's current position not to refund Council Tax for the period of service disruption, noting that the costs incurred to administer this would be disproportionate to the monies residents would receive.

Officers confirmed that, due to the disruption, garden waste collection charges had been frozen for the following year and the 12 months of paid operation of this service had been extended to run for 15 months before charge for the next year. Members debated whether to extensively advertise this due to potential criticisms which it could attract from residents who did not use the service.

Members agreed that Agenda Item 7 (Broader Operational Resilience) would be discussed at the next meeting.

Meeting ended 22:10

Committee: Operational Resilience Task and Finish Group

Date: Monday 18th
March 2024

Title: Broader Operational Resilience

Report Author: Peter Holt, Chief Executive

Summary

1. This report describes work being undertaken to identify any system weakness across the council.

Recommendations

2. None

Financial Implications

3. None

Background Papers

4. None

Impact

- 5.

Communication/Consultation	Management colleagues are being consulted as per paragraph 10
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None
Workforce/Workplace	The resilience review summarised in this report has implications across the workforce.

Situation

6. Beyond the issues specifically around the waste service disruption, this experience has flagged up the risk of 'single points of failure' elsewhere in the organisation. Although the Council is one of the larger local employers, with some 330 staff, these staff are spread over a vast number of different specialist services. There is a rich and proud tradition of Council staff stepping sideways to help fill gaps in other services under pressure, caused for whatever reason, and this was proved most visibly during the pandemic. The fact remains however that there are so many various specialist, complex or statutory requirements which cannot instantly or smoothly be filled by such best endeavours.
7. The chief executive has therefore initiated a process to consider the whole organisation's business functions to spot for system weaknesses in terms of resilience and business continuity to see how well they are already mapped and covered, proportionate to their risk.
8. For example, there is a requirement that at the end of every working day, every Council banks with the Government any funds over a certain agreed limit, rather than leaving them in banks overnight. As a district council, UDC often holds sizeable sums not only of its own money, but of Council Tax receipts collected on behalf of other preceptor authorities (with 92% of such tax collected paid over periodically to Essex County Council, the Police, the Fire and Rescue Service, and all of our Parish and Town Councils who raise their own precept), so these can be very sizeable sums. The physical process for transferring this money to Government coffers late in the afternoon requires specialist knowledge, security equipment and log-ons, and so there is in place an identified local resilience system within our finance team to carry this out.
9. This council-wide resilience check exercise will both test the appropriateness of that system, as well as capture and record it centrally in the Council in a way that is not currently done, so that any vacancies or absences in those specific posts that carry out this work can be flagged up through an HR system, with step-in arrangements put in place as appropriate.
10. This action includes an immediate addition of a risk to the Corporate Risk Register (as below), and an initial trawl of the organisation by the Director of Business Change and People to identify such issues (see template as below). The chief executive has also secured the agreement of an experienced director of a neighbouring local authority to join in this exercise as a 'critical friend', providing insight and independent, constructive challenge and advice.
11. A report back on this resilience review will be provided in due course, though by the nature of the risks and issues involved, various specific details will not be published for security reasons.

New strategic risk:

NEW RISK

- *Impact of regulatory/enforcement/intervention action by various Government departments/regulators on UDC – both their individual risks and impacts, and also cumulative impacts on both operations, reputation, ability to recruit and retain etc.*

23-CR-21 BUSINESS RESILIENCE			Responsible Cabinet Member: Cllr Lees	
Risk Owner: Peter Holt				
<p>If the council does not have officers in post with the correct statutory or regulatory qualifications to carry out the key functions/activities of the council or ensure adequate back up is in place to avoid single points of failure this could lead to adverse impacts on service provision and reputational damage.</p>	Original Likelihood	Original Impact	Original Score	Current Controls
	2	4	8	<ul style="list-style-type: none"> • Awareness and proactive management of regulatory requirements both at a corporate and operational level • Succession planning/deputisation of key roles within the authority to mitigate operational/service failure • Support professional qualification or specialised training programmes throughout the organisation to mitigate single points of failure
	Current Likelihood	Current Impact	Current Score	Further Action
	4	4	16	<ul style="list-style-type: none"> • To update Business Continuity plans for each service area to include where specific qualifications and/or licences are required and ensure back up options are specified to avoid single points of failure and ensure continuity of service delivery
	Target Likelihood	Target Impact	Target Score	Planned Completion date
	1	4	4	31.03.2024

Template for organisational trawl (edited to remove specifics):

Operational Resilience

Service Area	Activity/Function	Responsible Officer/s	Back up/Deputy	Service Impact	Other information
Environmental Services	Operator's Licence				
Finance	Statutory Officer - Section 151 Officer				
Finance	Treasury Management				
Legal	Statutory Officer – Monitoring Officer				
Car Parks					
Economic Development	Not applicable				
Private Finance Initiative					
Homelessness					
Housing Strategy					
Building Control	Building Inspections				
Development Management					
Highways Infrastructure Planning					
Planning Management					
Planning Policy					
Planning Specialists					
Contract, Performance and Risk Management					
Committee Administration					

Scrutiny Task and Finish Group – Meeting on 18th March 2024

Estimated cost of waste service disruption

Peter Holt, Chief Executive

It is important to transparently account for the costs of this service disruption to Councillors, and ultimately to the general public. Rather than just give a single figure, for sake of transparency, a detailed breakdown is offered as below. Some of these figures are based on estimates, including the largest element – the amount that Braintree District Council will ultimately recharge to Uttlesford District Council for their costs in assisting with our collections during the period of disruption, which were hugely appreciated.

It is important in being fully transparent to also avoid double-counting, and to take account of costs incurred that can subsequently be reclaimed.

For example, had Uttlesford never lost its operating licence and operated as usual during the weeks in question, it would have spent an estimated £28,745 in diesel. As the costs recharged to us by Braintree District Council will include the costs to them of the diesel they used, a line item has been included in the table below to account for this double-counting of 2 sets of diesel when only 1 was actually burned.

Similarly, costs recharged by Widdington Skips includes the amount that they had to pay, when assisting us, to discharge the waste they collected, but which Essex County Council has helpfully agreed (in writing) to subsequently refund to Uttlesford, and this is estimated at £19,000 (ie offsetting more than half of the £36,000 that Widdington Skips have had to charge us for their assistance).

Similarly, officers thought it important to show not only the cost of the appropriately qualified extra staff member brought in to allow us to apply for the new licence, but also the savings on the permanent staff member post that this temporary staff member was replacing.

In total therefore, the total net cost to the Council (and therefore to Council Tax Payers) of this period of disruption is estimated at approximately £53,000. A full and final accounting will be provided in due course, once all elements therein have been finalised and are all actual rather than estimated costs.

This approximate £53,000 cost contrasts to the very rough estimate given to Members previously of £80,000-£100,000 by the chief executive.

It would be possible to look beyond the period of disruption in January and February 2024, and also consider excess costs/further savings – e.g. approximately six months' salary saving at c £5,000 per month in 2023 from the vacant qualified manager post, but officers want to be careful to not be seen to be minimising net costs on reputational grounds, so are providing a full and transparent costs breakdown related to the actual period of disruption only.

Direct cost of revocation of licence	
Widdington Skips	36,000
Full Cycle Waste Management	6,848
Braintree District Council – NB estimated cost (invoices not yet received)	45,000
Replacement Licence Application Fee	800
Overtime for Customer Service Centre staff answering concerned residents	2,508
Overtime cost for Waste Services inc operating catch up for bins not emptied during the main period of disruption	9,321
Temporary licence holder staff costs for period of disruption	4,400
Transport consultant advice	515
Less items that represent double-counting, recoverable costs, or salary for vacant post covered by temporary licence holder	
Diesel	(28,745)
Tipping fees to be reclaimed from ECC, as agreed with them	(19,000)
Saving on Fleet Operations Manager vacant post for period	(5,070)
Net total cost of service disruption (including current estimates pending invoice receipt etc.)	£52,981