

Record of individual Cabinet member decision

Local Government Act 2000 and the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012

Decision made by	Councillor Sally Povolotsky, Cabinet Member for climate emergency, the environment and technical services
Key decision?	No
Date of decision (same as date form signed)	22 December 2022
Name and job title of officer requesting the decision	Ian Matten Environmental Services Manager
Officer contact details	Tel: 01235 422113 Email: ian.matten@southandvale.gov.uk
Decision	To: approve a final assessment of the performance of Biffa Municipal Ltd, in delivering the joint household waste collection, street cleansing and ancillary services contract for South Oxfordshire District Council for the period 1 January 2021 to 31 December 2021 as "Good".
Reasons for decision	<p>I have assessed the contractor's overall performance measured against key performance targets, customer satisfaction and client satisfaction and noted the progress in addressing the areas of improvement identified in the previous review.</p> <p>This decision follows the comments made by the Joint Scrutiny committee held on 20 October 2022 where the committee considered the Head of Housing and Environment's annual performance review report of the waste contractor, Biffa Municipal Ltd for 2021. The information contained within the report was correct at the time of the review.</p> <p>The report stated that during 2021, performance was good overall despite challenges of the pandemic and the national shortage of HGV drivers.</p> <p>The areas for concern raised were the number of missed bins and incomplete rounds, caused mainly by the shortage of HGV drivers and issues with recruiting and retaining staff.</p> <p>The Joint Scrutiny committee supported the assessment of Biffa's overall performance of the household waste collection, street cleansing and ancillary services contract in 2021 as "Good".</p>

	<p>In response to members' questions, the committee was informed that:</p> <ul style="list-style-type: none"> • An incomplete round was a round not completed on the scheduled collection day, caused for example by a vehicle breakdown. • The increase in waste during the review period was predominantly caused because of lockdown and residents staying at home producing more waste. • The number of missed food bins is higher than other bins because they are smaller, therefore less visible, and they are collected weekly and consequently there are more opportunities for them to be missed. • Repeated missed collections are tracked by Biffa and the waste team. • Biffa are investing in increased pay for the staff and continue to review how they attract staff. An imminent reroute of all rounds will help with work life balance 			
Alternative options rejected	The performance review allows for an assessment of performance ranging from poor to excellent.			
Climate and ecological implications	Key Performance Targets relating to the councils' Climate Emergency objectives will be considered as part of any future waste service provision.			
Legal implications	None			
Financial implications	None			
Other implications	None			
Background papers considered	Performance review report of Biffa Municipal Ltd for 2021 presented at the Joint Scrutiny committee on 20 October 2022			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors			
	Legal legal@southandvale.gov.uk	Christine Cox	Agreed, comments included within decision	15/12/22
	Finance Finance@southandvale.gov.uk	Emma Creed	Agreed	16/12/22
	Human Resources hadminandpayroll@southandvale.gov.uk		No Comment	
	Climate and biodiversity climateaction@southandvale.gov.uk	Heather Saunders	Agreed, comments included	13/12/22

			within decision	
	Diversity and equality equalities@southandvale.gov.uk	Lynne Mitchell	Agreed	14/12/22
	Health and safety healthandsafety@southandvale.gov.uk	Deborah Porter	Agreed	12/12/22
	Risk and insurance risk@southandvale.gov.uk	Yvonne Cutler Greaves	Agreed	12/12/22
	Communications communications@southandvale.gov.uk		No Comment	
	Senior Management Team		Agreed	22/12/22
Confidential decision? If so, under which exempt category?	No			
Call-in waived by Scrutiny Committee chairman?	N/A			
Has this been discussed by Cabinet members?	No			
Cabinet portfolio holder's signature To confirm the decision as set out in this notice.	Signature Sally Povolotsky Date 22 December 2022			

ONCE SIGNED, THIS FORM MUST BE HANDED TO DEMOCRATIC SERVICES IMMEDIATELY.

For Democratic Services office use only		
Form received	Date: 22 December 2022	Time: 10:53
Date published to all councillors	Date: 22 December 2022	
Call-in deadline	Not applicable as this is not a key decision.	

Guidance notes

1. This form must be completed by the lead officer who becomes the contact officer. The lead officer is responsible for ensuring that the necessary internal consultees have signed it off, including the chief executive. The lead officer must then seek the Cabinet portfolio holder's agreement and signature.
2. Once satisfied with the decision, the Cabinet portfolio holder must hand-sign and date the form and return it to the lead officer who should send it to Democratic Services immediately to allow the call-in period to commence.
Tel. 01235 422520 or extension 2520.
Email: democratic.services@southandvale.gov.uk
3. Democratic Services will then publish the decision to the website (unless it is confidential) and send it to all councillors to commence the call-in period (five clear working days) if it is a 'key' decision (see the definition of a 'key' decision below). A key decision cannot be implemented until the call-in period expires. The call-in procedure can be found in the council's constitution, part 4, under the Scrutiny Committee procedure rules.
4. Before implementing a key decision, the lead officer is responsible for checking with Democratic Services that the decision has not been called in.
5. If a key decision has been called in, Democratic Services will notify the lead officer and decision-maker. This call-in puts the decision on hold.
6. Democratic Services will liaise with the Scrutiny Committee chairman over the date of the call-in debate. The Cabinet portfolio holder will be requested to attend the Scrutiny Committee meeting to answer the committee's questions.
7. The Scrutiny Committee may:
 - refer the decision back to the Cabinet portfolio holder for reconsideration or
 - refer the matter to Council with an alternative set of proposals (where the final decision rests with full Council) or
 - accept the Cabinet portfolio holder's decision, in which case it can be implemented immediately.

Key decisions: assessing whether a decision should be classified as 'key'

The South Oxfordshire and Vale of White Horse District Councils' Constitutions now have the same definition of a key decision:

A key decision is a decision of the Cabinet, an individual Cabinet member, or an officer acting under delegated powers, which is likely:

- (a) to incur expenditure, make savings or to receive income of more than £75,000;**

- (b) to award a revenue or capital grant of over £25,000; or**
- (c) to agree an action that, in the view of the chief executive or relevant head of service, would be significant in terms of its effects on communities living or working in an area comprising more than one ward in the area of the council.**

Key decisions are subject to the scrutiny call-in procedure; non-key decisions are not and can be implemented immediately.

In assessing whether a decision should be classified as 'key', you should consider:

- (a) Will the expenditure, savings or income total more than £75,000 across all financial years?
- (b) Will the grant award to one person or organisation be more than £25,000 across all financial years?
- (c) Does the decision impact on more than one district council ward? And if so, is the impact significant? If residents or property affected by the decision is in one ward but is close to the border of an adjacent ward, it may have a significant impact on that second ward, e.g. through additional traffic, noise, light pollution, odour. Examples of significant impacts on two or more wards are:
 - Decisions to spend Didcot Garden Town funds (significant impact on more than one ward)
 - Changes to the household waste collection policy (affects all households in the district)
 - Reviewing a housing strategy (could have a significant impact on residents in many wards)
 - Adopting a supplementary planning document for a redevelopment site (could significantly affect more than one ward) or a new design guide (affects all wards)
 - Decisions to build new or improve existing leisure facilities (used by residents of more than one ward)

The overriding principle is that before 'key' decisions are made, they must be published in the Cabinet Work Programme for 28 calendar days. Classifying a decision as non-key when it should be a key decision could expose the decision to challenge and delay its implementation.