

Overview & Scrutiny Committee

Monday, 18th March, 2013

6.00 - 7.05 pm

Attendees	
Councillors:	Duncan Smith (Chair), Klara Sudbury (Vice-Chair), Nigel Britter, Barbara Driver, Colin Hay, Helena McCloskey, Ian Bickerton and Diane Hibbert
Also in attendance:	Councillor Roger Whyborn

Extract of the Minutes

1. REPORT OF THE SCRUTINY TASK GROUP- UBICO

Councillor Chard introduced the report of the scrutiny task group. He gave thanks to the members of the task group and the officers who had contributed to the review and the support they had received from Councillor Colin Hay as the observer on the UBICO Board and Councillor Roger Whyborn as the Cabinet Member responsible for this service. He did not intend to go through the report in detail but wished to highlight two particular recommendations.

Firstly he referred to the relationship between the council and UBICO. The task group were dismayed that there was no elected member representation on the UBICO board except for Councillor Hay who attended only as an observer. They acknowledged that members were not experts in the service but the same would apply to Cheltenham Borough Homes where there were a number of elected members on the board. The council should be the lead body but during the snow disruption, it seemed that decisions were being taken about the service without any consultation with the council. From the task group review it appeared that the management of UBICO felt they communicated effectively with staff but the staff did not always feel the same way. The task group also raised concerns about the communications between the council and UBICO and its residents which they felt was sometimes minimal and impersonal. This needed to be looked at along with the communications with commercial customers. They were particularly concerned to be told that UBICO were not allowed to approach businesses in the town to promote their services to commercial customers.

He invited questions from members.

Members welcomed the review and thought it was an excellent report. They were concerned that Cotswold District Council had not responded to the invitation to be part of the task group. They requested that a copy of the report be sent by the task group to Cotswold inviting their comment.

A member highlighted the successful operation of the CBH Board and thought UBICO should follow that good practice and have elected members on its Board.

The Chief Executive highlighted a potential reason why UBICO might not be able to be proactively seeking new business. As a local authority company it was restricted in the way it could operate under European procurement law. Under these arrangements the councils did not have to go down a full procurement route when setting up the company but it required the company to limit their business allowing only 10% to be picked up from other sources outside the councils. However he would still expect UBICO to be making the most of this 10%.

The Chief Executive went on to say that the council was represented on the board by an officer, namely, Grahame Lewis who was a board member. The original thinking had been that in essence the board was the operational arm of the service and therefore it was more appropriate to have officer representation on the board. He referred back to when the service had been in house and at that time the service was run by officers. He also highlighted that there could be potential confusion of roles between a Cabinet member making decisions on policy with regard to the service and another member on the UBICO Board making key decisions about the operations.

Councillor Hay spoke about his experiences as being an observer on the board. He had found the role very interesting and he was able to make comments from time to time but without trying to influence the board's decisions. He confirmed that the board does look at the day-to-day running of the business. He acknowledged that there were gaps in the way that UBICO is currently working with the council, particularly in forward planning and its awareness of the importance of reputation, particularly during the snow disruption. He suggested that members at Cotswold District Council may be more used to an arms length operation as their waste services had been previously operated by a private company for some time. With the benefit of hindsight, he saw there was a need to look at the incentives for UBICO to improve their services and maintain their contracts as it appeared that the risk always remained with the council and UBICO was a non-profit making organisation. He suggested this needed to be looked at by the Cabinet Member along with the issues raised about trade waste.

A member referred to 5.10 of the report and asked what conclusions the group had reached regarding whether the split between client and contractor had exacerbated the situation during the recent snow disruption. They added that under normal conditions their experience was that they received satisfactory responses to enquiries regarding waste collection. However during the snow nobody seemed to know what was going on and residents were left totally confused which badly affected the reputation of the Council and UBICO. Another member suggested that the disruption could have been compounded by the introduction of fortnightly collections.

Councillor Chard responded that they had not come to any specific conclusions on this matter. He added that with the benefit of hindsight it seemed that decisions were made which were not credible and there was uncertainty about who exactly made the decisions. This resulted in at least three days where a waste collection service could have been operated albeit in limited areas and staff appeared to be willing to work over that weekend to catch up.

The Director of Commissioning who had supported the task group was invited to speak by the chair. She reported that lessons had already been learnt from the snow disruption and there was an acknowledgement that there needed to be improvements in communications and more clarity over decision-making. Everybody involved had been comfortable with the recommendations in the task group report and there had been a recognition at the start of the working group that UBICO had only been in place for six months. Referring to Councillor Chard's comments that staff had been willing to work over the weekend in question, she advised that the company was not able to operate on a Sunday as the disposal sites were not open. There were also limits on the hours that staff could work. On that particular weekend the decision had already been taken that services would be recommenced on the Monday. In terms of staff working overtime, the overtime payments would have been a cost to the council rather than UBICO.

In response to a question from a member she advised that UBICO were looking at ways they could improve their response to future adverse weather conditions. Winter tyres were one option but snow chains were generally not applicable in this country as the snow was not usually deep enough to prevent damage to the tarmac.

The chair referred members back to the original one page strategy for the review set out in appendix 1 of the report. Members suggested that some of the issues with performance had not been particularly addressed during this review particularly with regard to availability of green waste bags across the borough, the side waste enforcement policy and co-ordination of refuse collections with street cleansing. After some discussion it was noted that many of these issues were being picked up by the Cabinet Member working group and it was important to give UBICO some time to address some of these issues. The Director of Commissioning advised members that the new Gloucestershire Joint Waste Committee would come into operation on 1 April and this needed time to bed in. It was agreed that it would be put on the agenda for the December meeting of this committee with a view to setting up a new task group in January 2014 to look at outstanding issues.

Resolved that to be scrutiny task group report be endorsed and forwarded to Cabinet on 16 April 2013.

Duncan Smith
Chairman