


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 David Rouane
Key decision?	No
Date of decision (same as date form signed)	
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, in delivering the joint household waste collection, street cleansing and ancillary services contract for South Oxfordshire District Council for the period 1 January 2018 to 31 December 2018 as "Fair".
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>The report stated that the operational problems experienced in 2017, caused by the ageing fleet, continued to impact on the first six months of this review period resulting in the end of year Key Performance Targets (KPTs) being lower than would be expected from one of the councils' contractors.</p> <p>While there was an improvement in eight out of ten KPTs, compared to the previous review, it was not enough to change the overall classification.</p> <p>There had been a significant improvement in performance in the first six months of 2019. With the exception of missed bins and levels of detritus, all targets were being met or exceeded and officers were confident that Biffa's overall performance would be in a higher classification for 2019.</p> <p>This decision follows the comments made by the Joint Scrutiny committee held on 10 Sept 2019 where the committee considered the Head of Housing and</p>

	<p>Environment's annual performance review report of the waste contractor, Biffa Municipal for 2018. The information contained within the report was correct at the time of the review.</p> <p>The Joint Scrutiny committee resolved to support the assessment of Biffa's overall performance of the household waste collection, street cleansing and ancillary services contract in 2018 as "Fair".</p> <p>In response to members' questions, the committee was informed that:</p> <ul style="list-style-type: none"> • With regard to KPT1, missed collections, a missed bin had to be reported within 24 hours in order for it to be recorded and rectified. It was vital, therefore, for residents to report any missed bins within this time frame. • The levels of litter and detritus (KPT 4) were assessed by independent inspectors. • With regard to KPT8, deliveries – replacement bins, the bin stock was relatively old but the number requiring replacement was not high when compared with other local authorities. • The Personal Digital Assistant (PDA) used by crews identified missed bins. • The need for improved communication to help ensure residents were aware of what should/should not go in each bin was recognised. 			
Alternative options rejected	The performance review allows for an assessment of performance ranging from poor to excellent.			
Legal implications	None			
Financial implications	None			
Other implications	None			
Background papers considered	Performance review report of Biffa Municipal for 2018 presented at the Joint Scrutiny committee on 10 Sept 2019			
Declarations/conflict of interest? Declaration of other councillor/officer consulted by the Cabinet member?	None			
List consultees		Name	Outcome	Date
	Ward councillors			
	Legal	Smith, Deirdre	Agreed	23/09/19

	Finance	Emma Creed	Agreed	2/10/19
	Human resources	David Fairall	Agreed	25/09/19
	Sustainability	Heather Saunders	No Comment	
	Diversity and equality	Yvonne Cutler-Grieves	Agreed	01/10/19
	Communications	Andy Roberts	Agreed	02/10/19
	Senior Management Team		Agreed	16/10/19
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  Date <u>25/10/19</u>			

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

For Democratic Services office use only		
Form received	Date: <u>4-11-19</u>	Time: <u>14:30</u>
Date published to all councillors	Date: <u>4-11-19</u>	
Call-in deadline	Date: <u>NOT APPLICABLE</u>	Time: <u>—</u>

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.

