

<b>Subject:</b>	<b>City Environment Modernisation Update</b>		
<b>Date of Meeting:</b>	<b>16 March 2021</b>		
<b>Report of:</b>	<b>Executive Director – Economy, Environment &amp; Culture</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Lynsay Cook</b>	<b>Tel: 01273 292448</b>
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<b>Ward(s) affected:</b>	<b>All</b>		

**FOR GENERAL RELEASE****1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 The Environment, Transport & Sustainability Committee last received an update on the City Environment Modernisation Programme at its meeting on 29 September 2020. This report provides a further progress update.
- 1.2 The report also provides information and updates relating to several Cityclean service areas since the September report.
- 1.3 The report is also seeking approval to changes to the issuing of Flyering licenses across Brighton & Hove.

**2. RECOMMENDATIONS:**

- 2.1 That Environment, Transport & Sustainability Committee note the progress of the Modernisation Programme, including the updates in Appendix 1.
- 2.2 That Environment, Transport & Sustainability Committee delegates authority to the Executive Director – Economy, Environment & Culture to make an Order, including all necessary steps therewith, to enable the streets listed below, and the side streets leading from them, to be included within the Flyering licensing scheme; subject to no objections being received:
  - From the current boundary in the west, along the Promenade from Brunswick Square to Basin Road South, including Hove Lawns
  - From the current boundary in the east, along Madeira Drive to Black Rock
  - From the current boundary at the Western Road / Brunswick Place junction west along Western Road, onto Church Road with the junction of Sackville Road
  - George Street (Hove), Blatchington Road between Haddington Close and Ventnor Villas and Goldstone VillasIn the event of any objections to the proposed Order being received, a further report shall be brought to Committee to enable the objections to be considered and for a decision as to whether the Order should be made.

### 3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 The City Environment Modernisation Programme is developing a sustainable future for the service in Brighton & Hove in the context of reducing council budgets, increasing customer demand and an expanding service offer. Many City Environment services are statutory and have been under a lot of scrutiny. The service has an integral role in resident, business and visitor perceptions of Brighton & Hove and is fundamental to the success and attraction of the city.
- 3.2 The depth, breadth and complexity of the issues that are being addressed at Cityclean cannot be underestimated. A significant proportion of management time and effort is being used to address these issues in order to build a strong foundation which is required to ensure visible and sustainable improvements in service delivery for the future.
- 3.3 Appendix 1 contains an update on each of the key projects within the Modernisation Programme. A green RAG rating means the project is on track, an amber rating means the project is slightly off track and red means the project is off track.

#### Flyering licenses

- 3.4 Flyering is the giving out of free printed materials to the public to advertise things like events, businesses or product promotions. Flyering can cause lots of litter so in some areas of the city, those handing out materials are required to have a licence.
- 3.5 A small project was completed as part of the Modernisation Programme to identify improvements to the Flyering service. One recommendation is that Flyering licenses should be required for other areas of the city and not only [Brighton city centre](#). Flyering can cause lots of litter and via the issuing of licenses, the council can try and ensure that some of the cost of cleaning this litter is covered.
- 3.6 It is recommended the Flyering license area is extended:
- From the current boundary in the west, along the Promenade from Brunswick Square to Basin Road South, including Hove Lawns
  - From the current boundary in the east, along Madeira Drive to Black Rock
  - From the current boundary at the Western Road / Brunswick Place junction west along Western Road, onto Church Road with the junction of Sackville Road
  - To include George Street (Hove), Blatchington Road between Haddington Close and Ventnor Villas and Goldstone Villas
- 3.7 The Flyering license area will also include each of the side roads leading off the areas above to prevent those distributing free printed material from circumventing the scheme.
- 3.8 In accordance with Section 94B and Schedule 3A of the Environmental Protection Act 1990, land subject to Flyering licenses must be “designated”. Designated land can include publicly maintainable highway. However, land can only be designated where the litter authorities “is satisfied that the land is being

defaced by the discarding of free printed matter which has been distributed there”.

- 3.9 To make the changes, the council must issue a Notice setting out the proposal which must be published in at least one local newspaper, posted directly on the land and on the council website. The Notice must contain details of the land to be designated, the date the proposal will come into force (which must be at least 28 days from the date the notice is given) and the period during which objections to the proposal can be made (which must be a period of at least 14 days from the date the notice is given). The council is required to consider all objections received. If objections are made, a further report will be brought to committee. If the council decides to go ahead with the Order, a Notice must be published announcing the decision. The Notice must be published in at least one local newspaper, posted directly on the land and on the council website. The Notice must contain the date the Order will come into force.
- 3.10 Another recommendation from the project was to simplify the pricing structure to make it easier for businesses to understand the costs of the licence. In the Fees and Charges 2021/22 report at its January 2021 meeting, Environment, Transport & Sustainability Committee approved the proposed fees and charges for 2021/22.
- 3.11 For this committee’s information, the previous costs and recently approved costs are:

New charges

	1 day	1 week	1 year	Per additional badge
24 hours	£50	£140	£300	£32

Previous charges

	28 days	12 months	Per additional badge
7am-7pm	£57.30	£113.50	£29.80
24 hours	£86.00	£169.80	£29.80

- 3.12 As per the Environmental Enforcement Framework, Fixed Penalty Notices (FPNs) can be issued for unauthorised Flyering under section 94B of the Environmental Protection Act 1990. Therefore, subject to Member approval, extending the geographical area for which licenses are required means anyone Flyering in a designated part of the city without a licence may receive an FPN for £150.
- 3.13 Income received from Flyering licenses will help to ensure that some of the cost of cleaning litter caused by Flyering is covered. In addition, income from the issuing of FPNs is used for specific environmental purposes such as providing additional litter and dog bins, again tackling littering.

## **Composition analysis**

- 3.14 In autumn 2020, Cityclean commissioned a waste compositional analysis to provide insight into the residual waste stream of kerbside properties and those using shared and communal bins. This data is being used to inform the council's Waste, Resources & Street Cleansing Strategy and contribute to relevant projects within the Modernisation Programme. A selection of bins were sampled over a four-week period in September 2020. Appendix 2 contains the headline results.
- 3.15 The information is being used to inform the Managing Waste Responsibly Project within the Modernisation Programme. Actions that Cityclean will be taking forward are:
- Reviewing and updating recycling letters, flyers and education materials, particularly to include less obvious recyclable materials i.e. bottles from kitchen and bathroom, aerosols
  - Sending out a recycling flyer with all council tax bills, building on last year's exercise. This will also be shared with the Universities for circulation to students.
  - Reviewing all webpages, particularly in relation to glass
  - Identifying other options for collection of garden waste for residents unable to use the current wheelie bin service
  - Undertaking a campaign on food waste with Brighton & Hove Food Partnership
  - Continuing to promote the community composting scheme
  - Using data to develop and deliver a communications campaign on other waste streams
  - Reviewing letter templates to ensure messaging reflects what the data is saying, particularly in relation to recycling points and HWRS facilities
- 3.16 Cityclean is also determining the future frequency of residual waste composition analysis to identify the impact subsequent actions are having and to change or take additional action as necessary. In addition, the service is considering whether to complete the same exercise for recycling and the frequency of it, to tackle the significant issue of contaminated recycling.

## **National Waste & Resources Strategy**

- 3.17 Following the release of the National Waste and Resources Strategy in 2018, the government are introducing laws through the Environment Bill, currently anticipated in 2023. The key areas covered by the new legislation are:
- Establishment of the regulating body Office for Environmental Protection
  - Collections consistency (core standard recycling materials)
  - Deposit Return Scheme
  - Extended Producer Responsibility

### Office for Environmental Protection

- 3.18 Following the UK's exit of the EU, a replacement body – the Office for Environmental Protection (OEP) – will be established to replace the role of the European Commission in upholding environmental targets. The principal objective of the OEP in exercising its functions is to contribute to environmental

protection and the improvement of the natural environment. The OEP is being legislated for through the Environment Bill and will be based in Bristol. It does not replace the Environment Agency. The OEP will monitor the government's progress towards improving the natural environment and will investigate complaints regarding failures of public bodies to comply with environmental law.

#### Collections consistency

- 3.19 Following on from the 2019 consultation on the government's Resources and Waste Strategy, Defra is developing more detailed proposals for a second consultation based upon the draft Environment Bill which is due for publication in early 2021. At the last consultation, Defra proposed additional materials that could be required to be collected at kerbside including tin foil trays and aerosols; food and drink cartons; and plastic films. It is possible that some materials are required to be collected separately, such as fibres, in order to improve the quality of this stream. Pots, Tubs and Trays (PTT) are likely to be included as a 'core material' to be collected at the kerbside. Consultation on the additional materials is likely to take place Spring 2021.
- 3.20 Whilst the draft Environment Bill does not reference it, the government has indicated that garden waste collections could become free of charge due to what they see as "inconsistent outcomes" produced by charged for services. They are seeking to "bring greater consistency and clarity to the approach taken by Local Authorities in this area". A consultation is expected but no timeline has been given for this yet.
- 3.21 In the Bill, the government has committed to introducing separate, weekly food waste collections from 2023. Cityclean is currently working with WRAP and consultants to carry out a food waste service options appraisal. The consultants are mapping the current service to understand how a food waste collection service can be introduced and the costs associated with it. Options will be developed including the vehicles to be used, containers, caddies, liners and communications required to launch the service.

#### Deposit Return Scheme

- 3.22 The Government has committed to introducing a Deposit Return Scheme (DRS) for containers that will incentivise people to recycle drinks containers. The specific details of the DRS will be presented in a second consultation in early 2021. The mix of DRS materials is not finalised, although it is thought to include glass, metals and plastic. The government has said that it is exploring a funding formula whereby a local authority could be paid the deposit amount on drinks containers collected at kerbside without residents having to physically return them via a designated return point.

#### Reformed Extended Producer Responsibility

- 3.23 The Extended Producer Responsibility (EPR) system is proposed by government as the mechanism by which any new burdens borne by authorities will be largely funded. The producers of various materials placed on the market will pay into the scheme and those payments will be passed to authorities to fund collections and

processing. There are no recent updates on the EPR with the second consultation due early 2021.

### **Continued Covid 19 response**

- 3.24 Cityclean continues to work hard to sustain the service in the light of the pandemic. The service has been affected with some staff testing positive and some having to self-isolate, alongside team members who are not at work due to normal winter sickness. Agency staff have been used to cover and contingency plans are in place. However, as the situation changes daily, the service has had to adapt quickly and sometimes as short notice. Communications have been published and residents have been asked to be patient if their service is disrupted.
- 3.25 Cityclean has also seen increased volumes of waste to collect as with shops being closed, more people are buying food, clothes, luxuries and essentials online. This has created more household waste and recycling including bags, boxes, paper and plastic. The impact means it takes longer to collect as the trucks reach capacity quicker and more tips are needed.

### **Inspection from Health & Safety Executive**

- 3.26 On 25 November 2020, the Health & Safety Executive (HSE) undertook an unannounced Covid-related spot check at Hollingdean Depot. The Inspector was given a tour of the site to observe the Covid-secure measures in place and asked senior officers on site several questions to further understand the mitigations in place. These mitigations include Covid signage, one-way systems in buildings, perspex screens in the canteen and multiple hand sanitiser locations.
- 3.27 The HSE were satisfied with the measures in place and no further action was required.

## **4. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS**

- 4.1 The City Environment Modernisation Programme is developing a sustainable future for the service in Brighton & Hove in the context of reducing council budgets, increasing customer demand and an expanding service offer. Within this, work is taking place to improve performance on refuse, recycling, garden and trade waste collections and street cleansing, as well as adopting a more commercial approach to income generating services. Without the continuation of the Programme, there is a risk that improvements will not be delivered and there will be further pressures on the City Environment budget.
- 4.2 Litter caused by Flyering directly impacts on street cleansing resources and the tidiness of the city. By extending the geographical area for which licenses are required, the council can try and ensure that some of the cost of cleaning this litter is covered.

## **5. COMMUNITY ENGAGEMENT & CONSULTATION**

- 5.1 As noted above, proposals to extend Flyering licenses will be subject to public notice, allowing objections to be made.
- 5.2 Previous community and consultation activities in relation to City Environment are detailed in the committee reports listed as Background Documents below.

## **6. CONCLUSION**

- 6.1 This report provides Environment, Transport & Sustainability Committee with a progress report on the Modernisation Programme and other areas of Cityclean service delivery. Improvement and modernisation work continues to be delivered, but there is still some way to go.
- 6.2 Increasing the geographical range for Flyering licences will partly recover the cost of work required to clear the litter generated by Flyering activity.

## **7. FINANCIAL & OTHER IMPLICATIONS:**

### Financial Implications:

- 7.1 This report is an update report on progress on existing initiatives which are funded from existing resources. It is expected that pressure funding bids for additional resources will, if required, be brought forward for consideration in the next budget setting round.
- 7.2 It is expected that the recommendation to extend the existing Flyering license scheme to the designated areas will be self-funding and/or cover some of the cost of cleaning litter caused by Flyering (paragraph 3.13). The financial impact of Covid 19 on the service and service delivery is reviewed, monitored and reported as part of budget monitoring (paragraphs 3.24 and 3.25).

*Finance Officer Consulted: Jess Laing*

*Date: 03/03/2021*

### Legal Implications:

- 7.3 The legislative background to the proposed extension of Flyering licences is set out in paragraphs 3.8 and 3.9 of the report. There are no other direct legal implications arising from the report.

*Lawyer Consulted: Hilary Woodward*

*Date: 04/03/2021*

### Equalities Implications:

- 7.4 Any resident unable to easily access refuse or recycling collection services can apply for an assisted collection.
- 7.5 Equalities implications relating to other City Environment projects within the Modernisation Programme are detailed in the committee reports listed as Background Documents below.

### Sustainability Implications:

- 7.6 The City Environment Modernisation Programme is seeking to increase recycling rates and improve street cleanliness.

## **SUPPORTING DOCUMENTATION**

### **Appendices**

1. City Environment Modernisation Programme update
2. High-level results of composition analysis

### **Background Documents**

1. Fees and Charges 2021/22 Report to Environment, Transport & Sustainability Committee on 21 January 2021
2. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 29 September 2020
3. Internal Audit Annual Report and Opinion 2019/20 to Audit & Standards Committee on 21 July 2020
4. Fleet Procurement Options to Environment, Transport & Sustainability Committee on 26 November 2019
5. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 8 October 2019
6. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 25 June 2019
7. City Environment Modernisation Update to Environment, Transport & Sustainability Committee on 22 January 2019
8. Environmental Enforcement Framework Report to Environment, Transport & Sustainability Committee on 27 November 2018
9. Graffiti Reduction Strategy Report to Environment, Transport & Sustainability Committee on 27 November 2018
10. Public Convenience Report to Policy, Resources & Growth Committee on 11 October 2018
11. City Environmental Management – Modernisation Programme Update Report to Environment, Transport & Sustainability Committee on 9 October 2018
12. City Environmental Management – Modernisation Programme Update Report to Policy, Resources & Growth Committee on 12 July 2018
13. Update on Chargeable Garden Waste Collection Service Report to Environment, Transport & Sustainability Committee on 28 June 2016
14. Proposals for a Chargeable Garden Waste Collection Service Report to Environment, Transport & Sustainability Committee on 13 October 2015
15. Cityclean Service Plan and Priorities Report to Policy & Resources Committee on 9 July 2015