

# SCRUTINY PANEL

## 7 July 2020

*Present: -*

Councillor Barber, Councillor Bentley, Councillor Bourne, Councillor Dundas, Councillor Hayter, Councillor Hogg, Councillor McCarthy, Councillor Whitehead

*Substitutions: -*

None.

*Also present: -*

Councillor Cory, Councillor Goss, Councillor King, Councillor Lissimore, Councillor Beverley Oxford.

### **264. Appointment of Chairman**

*RESOLVED* that Councillor Kevin Bentley be appointed Chairman for the ensuing Municipal Year.

### **265. Appointment of Deputy Chairman**

*RESOLVED* that Councillor Lewis Barber be appointed Deputy Chairman for the ensuing Municipal Year.

### **266. Minutes of Previous meeting**

*RESOLVED* that the minutes of the meeting held on 1 June 2020 be confirmed as a correct record, subject to the addition of Councillor McCarthy on the list of attendance.

### **267. Pre-Scrutiny of Proposed changes to Garden Waste Collection**

The Chairman thanked Cabinet for bringing this matter to the Panel for pre-decision scrutiny, prior to it going to the Cabinet meeting on 8 July 2020.

Owen Howell, Democratic Services Officer, read out written submissions for the item from Mr Andy Hamilton, Ms Pippa Salmon and Ms Maxine Strugnell as members of the public. Mr Andy Hamilton wrote to support the use of home composting. Ms Pippa Salmon wrote to express concern that the proposed charges were not based on individuals' ability to pay. Ms Maxine Strugnell's submission raised concerns regarding the potential for an increase in fly tipping and garden refuse being put into black bags, and about the fairness in charging for the roll-out of new wheelie bins.

Mr Jeremy Hagon addressed the Panel pursuant to the provisions of Meetings General Procedure Rule 5(1), raising his concerns over the proposals and his uncertainty as to how the waste portfolio was being managed. Mr Hagon expressed concern as to how residents on low incomes and/or who could not transport waste to the local tip would cope if charges for garden waste collection were introduced. It was queried as to whether there would be an option for residents to continue to use

white garden waste sacks, should they wish to. Mr Hagon queried whether the cost of adapting vehicles to collect from wheelie bins had been fully considered, and whether the running of the collection scheme should be subject to a tendering process. Mr Hagon queried whether alternatives, such as suspending collection during winter months, had been considered, and the effect that the new scheme would have on levels of fly tipping. It was questioned whether the introduction of charges would lead to a decrease in Council Tax, whether this would be an opt in/opt out service, what contractual terms would be in place (e.g. for dealing with missed collections) and what penalties might be in place for improper use. Mr Hagon posited that this matter should be decided by Full Council, following debate.

Councillor Scott-Boutell attended and, with the consent of the Chairman, addressed the Panel to highlight promises made by the Ministry for Housing, Communities and Local Government to cover income lost by local authorities, contrasted with this assistance still not having been laid out. Councillor Scott-Boutell asked what work had been done to press Government for funds promised. The loss in income experienced by the Council was accompanied by an increase in demands on the Council's services.

Councillor Scott-Boutell put forward a range of views, including that shortfalls in Council income should be met by central government, rather than by increased charges on residents. It was queried how many other local authorities were moving to replace free collection of garden waste with a paid-for service. Questions were asked, such as whether the legality of the proposal had been considered, where the evidence for projected uptake and collection amounts had been given, especially given a lack of consultation, whether a cost benefit analysis had been carried out and whether other options for raising income had been looked at.

Councillor Scott-Boutell further asked whether the cost of reimbursements and grants for use of the service would come from the Council, whether community composting would lead to increased vehicle use and unsightly compost collection, whether the scheme would lead to other environmental impacts such as more bonfires.

Councillor Scott-Boutell asked the Panel to recommend that the proposals be put on hold, pending investigation of other potential funding streams.

Councillor Beverley Oxford attended and, with the consent of the Chairman, addressed the Panel to ask how residents on low incomes could be expected to afford the cost of the proposed Garden Club and covered statistics relating to the current waste collection routes in operation.

Councillor Oxford noted fears that this move would lead to a full roll-out of wheelie bins throughout the Borough 'by stealth' and concerns regarding the need for additional information on the proposed scheme for community composting. Councillor Oxford stated that residents needed help, rather than additional charges, and asked whether a Council Tax rebate would be considered in order to make the changes cost-neutral for residents.

Councillor Lissimore attended and, with the consent of the Chairman, addressed the Panel to acknowledge that the Council needed to react to address the challenges caused by Covid-19, but also to state that residents did not support the extra charge being proposed here for garden waste collection. This was in the context of many losing their jobs or facing reduced incomes. Councillor Lissimore criticised the proposals and expressed concern that the costings and projections were based on pre-Covid-19 data and unproven estimates and forecasts.

Councillor Lissimore noted that residents and councillors had been given a choice as to whether they wanted wheelie bins in their areas, back in 2016. Many areas had shown an overall preference not to have wheelie bins. A caution was given that the Council should not shift risk from its own finances by transferring risk on to residents. Councillor Lissimore also stated that the database of assisted collections was out of date and argued that this should be updated and corrected, before any structural changes to the collection service were contemplated. Councillor Lissimore also raised concern as to whether use of wheelie bins would slow the service and questioned why residents would sign up to the garden waste collection service if missed collections continued, albeit at a lower level than had previously been recorded.

Councillor Lissimore requested an explanation for the statement given that the proposals would have a beneficial effect on residents' health and asked why residents would take pride in their Council, given that recycling had been suspended at one point during the lockdown, and given that additional charges were now being countenanced.

An explanation was asked as to how residents would engage with the service if they were not able to access online services.

Councillor Lissimore gave the view that wheelie bins were an eyesore and noted that instances of fly tipping had already increased during the Covid-19 lockdown, arguing that the proposed changes would cause a further escalation in this as well as garden waste being put in household waste instead. Further objections were made regarding additional strain on Neighbourhood Teams and recycling centres, blocked drains and uncleared communal areas if garden waste isn't collected for free, difficulties finding space for compost bins, and no budget being identified for the scheme's costs or for community composting.

Councillor Lissimore raised the potential for the changes to increase the use of bonfires by householders and the concern that this would exacerbate respiratory conditions and breach the Council's air quality and climate change commitments, as well as the dangers of any increase in fly tipping which damaged flora and fauna.

Councillor Lissimore suggested that the proposals to introduce a charge be paused and a public review be conducted of all non-statutory services, including work to check if a change to collection services is possible and within the capacity of the Shrub End centre.

Councillor Goacher attended and, with the consent of the Chairman, addressed the Panel to raise concern that the charge would constitute a regressive tax, not based

on ability to pay. He too raised concern that the proposals would increase car journeys to the tip, harm the environment, and see more garden waste put in black bag collections. The projected income would not balance the budget and Councillor Goacher argued that it was more important to lobby central government for necessary funds. It was argued that the plans did not take into account human behaviour patterns, were a tax on recycling and not in the spirit of the declaration of a climate emergency.

Councillor Goacher queried whether an environmental impact assessment had been carried out, emphasising the importance of such an assessment, and noted the brevity of the report's section covering environmental impacts. It was highlighted that data should be sought from local authorities which had already brought in charges for garden waste collection.

Councillor Scordis attended and, with the consent of the Chairman, addressed the Panel to highlight the significant pressures on Council finances and note that additional Government support was not seemingly forthcoming. The proposals for garden waste charges represented one of many difficult decisions being contemplated. It was noted that some community composting schemes were already in operation, and that sharing between neighbours could be possible, albeit that there would be some places where this wouldn't be an option.

Councillor Scordis asked whether exemptions would be possible for those on low incomes, state pension or Council Tax support, how the Council would ensure collections would only be made from households on the collection scheme, and how fly tipping and inappropriate bonfire usage would be tackled. Details of wheelie bin roll out were requested, including what would be done where wheelie bins could not be used and whether the purchase of new bins should wait until it is ascertained how many existing wheelie bins are available for reconditioning and reuse.

Councillor King, Portfolio Holder for Business and Resources, presented the background to the proposed decision, updating the financial position from the one given to the Panel at its meeting on 1 June 2020, and addressed the financial issues raised by visiting members.

The impact on low-income households was addressed. The Council aimed to protect the most vulnerable but regretted that there was no way to lower Council Tax rates, due to the severity of the current financial situation. The Portfolio Holder paid tribute to the Government measures which addressed economic stresses but argued that local authorities had not been supported fully, even in the face of concerted and coordinated lobbying from the local government sector and representative bodies. Slides were shown to provide an overview of the current budget strategy, addressing an estimated £12m gap in financing for the year, due to the effects of Covid-19 and lock down.

The financial projections and estimates had been based on evidence from other local authorities, albeit some of which had been recorded prior to the Covid-19 outbreak.

Regarding questions about having pride in the Council, the Portfolio Holder praised the hard work and dedication of the Council's staff and noted the awards and

financial grants that the authority continued to win, on the back of the Council's successes.

Mitigating factors and actions were recapped to show how damages to Council finances were being minimised and, whilst Government support had been received to replace lost income, it was likely that only around a third of the loss had been covered by this for the current financial year. Local authorities would bear some of the additional costs, but an increase in Government support was being sought. The Council's main income streams, and the challenges to them, were covered. An example given was that income from parking charges would need to increase by a third if they were to cover the unexpected shortfall.

A number of examples were given as to other ways in which a £1m saving could be made, including an end to grants to voluntary bodies for five years, or an end to discretionary housing payments. The Council's reserves were described as being better than those of many authorities, even whilst the Council had minimised rises in its portion of Council Tax over the past decade. The Portfolio Holder argued that the only alternative to increasing Council income would be to propose a significant increase in Council Tax rates.

In response to Panel questions as to what had developed since the previous meeting of the Panel, The Portfolio Holder for Business and Resources confirmed that the same problems remained, but that less Government support had been received than had been expected. Some successes had been achieved but severe problems were still facing the Council. It was now clearer what the limitations would be on Government action and support.

Councillor Goss, Portfolio Holder for Waste, Environment and Transportation, acknowledged that the proposed changes to garden waste collection were a hard choice to face, with a broad spectrum of views on the matter, but the current system was unsustainable. The waste and recycling service was resilient and outperformed many other local authorities, even though it was currently in the minority which did not charge for garden waste collection. Cabinet would like to maintain a free collection but were of the view that this was impossible. Efforts were being made to minimise the charges, and efforts would continue to work with residents to encourage waste reduction.

The Portfolio Holder for Waste, Environment and Transportation confirmed that the business case showed the revenue and capital implications, projected from data gathered from other local authorities which had been through similar processes. It was noted that the Council wanted to add value to their service, including offers and advice to residents. Wheelie bins were seen as being efficient and effective, for those areas which could accommodate them. The Panel were informed that 83% of local authorities utilised wheelie bins, and that these led to lower sickness levels in waste operatives, as they caused lower levels of musculoskeletal conditions than dealing with alternatives such as hessian sacks. Sacks were also found to need replacing more often as they are stolen or lost more often than wheelie bins.

The charging system proposed would be as flexible as possible, offering direct debit payment options, quarterly payment instalments and discounted rates for claimants

of universal credit. The payment structure was described, with no sign up fee for people joining in the first six months, and the Panel were informed that subscribers would receive advice, offers and suggestions for dealing with waste. Much had been learned from previous consultations and an exercise was planned for the Summer to gain data on levels of interest and estimate likely adoption rates for the redesigned collection service. Use of the service would be closely monitored, as would any changes in rates of reported fly tipping and use of black bag collections. Those residents with white sacks would not need to return them, however the Council would look to collect garden waste wheelie bins from those households not subscribing to the new scheme.

Assurance was given that the onboard cab ICT terminals would note which households are signed up to the collection scheme, and that assisted collections would continue for free, with the database used by the collection vehicles being updated.

The Portfolio Holder for Waste, Environment and Transportation stated that the Council was in the majority of local authorities which had needed to suspend collection of recycling at one point during the Covid-19 crisis, stating that around 70% of local authorities had suspended collection at least once.

A Panel member asked how additional demand for use of the Shrub End waste centre would be mitigated, including any increase in gridlock caused by waiting vehicles. The Portfolio Holder for Waste, Environment and Transportation explained that the centre was owned by the County Council and partially used by the Borough Council for its waste collection service. The Borough Council had been looking to work with the County Council to address the problems at the Shrub End centre but the County Council had no budget to move to a new site. A suggestion had been made to install cameras for web broadcast to show when the Shrub End site is quieter, allowing users to better plan their visits and avoid hours of peak use. The County Council are investigating options for this.

Panel members asked for information as to when the Council had first started collecting garden waste, and one member noted that many residents were on low incomes and did not have space for home composting, raising issues of fairness. The Portfolio Holder was asked what he would want to change about the proposals, if it were possible. The Portfolio Holder for Waste, Environment and Transportation explained that garden waste collections had been in operation for decades, and that if it were possible, he would wish to remove the proposed charges from the proposals. The roll out of wheelie bins, where possible, would save money and reduce sickness rates for Council staff and had already garnered positive feedback from areas which had used them already. White bag collections would continue where wheelie bins could not be used.

The Portfolio Holder was asked when a transformation of the service might have been examined had the Covid-19 pandemic not happened. The Portfolio Holder informed the Panel that a petition had already been received, calling for a new consultation on wheelie bin roll out, as well as interest from certain councillors. It was likely that a consultation would have been considered in the near future and it was clarified that mixed use of wheelie bins and white sacks for garden waste collection

in the same area would not be countenanced and that wheelie bins would not be forced on areas for which they would not be suitable, with residents' views being of paramount importance.

A member of the Panel agreed that the financial situation was stark and ventured that more needed to be done to help residents see the severity of the choices that had to be faced by the Council.

The potential benefits of expanding use of wheelie bins were underscored, particularly the beneficial effect of making collections easier and reducing rates of long-term sickness for staff, caused by stress and musculoskeletal injury.

Questions were asked as to when more information would be available on proposed concessions to the charging scheme, what discount might be given to those on low incomes and whether one-off collections would be offered on a 'pay-as-you-go' basis. The Portfolio Holder for Waste, Environment and Transportation confirmed that options for a chargeable freighter collection system were being looked at for one-off collections and explained that Rory Doyle, Assistant Director (Environment) would be able to give details regarding consideration of possible concessionary rates. It was emphasised that this charge would not be a tax, but a charge for receiving a service for which the Council did not have a statutory duty to provide.

The Portfolio Holder for Waste, Environment and Transportation asked members of the Panel to give their suggestions as to alternative ways to raise income or cut costs, should they feel that the proposals were unpalatable.

Clarification of the financial figures given was requested, including a breakdown of expected fixed and variable costs, and the cost and depreciation in value of the new vehicle mentioned. The Panel further requested detail as to which local authorities had provided data to inform the decision, the rate of take up of a similar scheme in Tendring, any funding to deal with potential increased fly tipping, what work had been done to predict any increase in vehicle use (and emissions) from greater use of local tips. The Portfolio Holder explained that no new vehicle would be bought, but that existing trucks would be adapted to add bin lifts. Other authorities had noted an initial small increase in fly tipping, but no large change. The Council had not experienced a large increase when collections had been suspended earlier in the year. Local authorities were permitted to charge and choose receptacles for garden waste, as this wasn't a statutory service.

Rory Doyle, Assistant Director (Environment), explained the costs and finance, including MRP [Material Requirements Planning] calculations over seven years for vehicles and four years for bins, and reasonable take-up projections. An 'expression of interests' exercise would be undertaken with residents, and the introduction of any charges would be the subject of a large communication effort. Local authorities consulted included Maldon, Tendring, West Suffolk, Castle Point and others outside of our area, such as Bexley. All started from different points, such as Tendring having no kerbside collection before introducing a chargeable service, and now having over 13,000 on the scheme. Route optimization would be carried out and it was expected that a service currently costing over £1m per year would become self-funding.

The report mistakenly noted the purchase of an extra vehicle, however no cost relating to this had been included in the business case.

In response to questions regarding the cost of waste collection, the Assistant Director explained that business case showed revenue implications on the baseline original figures as shown in the 2020-21 budget. The take-up in Tendring was around 25% of households and the Panel were informed that a reduction in people using the service would not lead to a commensurate drop in volume collected, as heavy users were more likely to continue to use the collection service. The Assistant Director noted that an initial 25% take-up was expected, increasing over time to peak at around Season four of operation as more joined, in line with what other authorities were experiencing with regard to paid collections. Tendring had achieved 25% take-up without advertising the introduction of a service from a standing start. A Panel member cautioned that there was a risk that the service would not be self-funding if the predicted 25-27% take-up was not achieved.

The Panel cautioned that clarity was needed regarding the projected take-up percentage before this decision was taken, and that if these projections were wrong it could prevent any positive effect on the Council's balance sheet. A Panel member warned that comparisons with dissimilar local authorities would not be useful and asked if the Council had compared itself to the financial situations of the comparable councils, requesting more detail on the modelling.

It was suggested that it would be helpful if this matter was to be brought to discussion by full Council, including a wider debate on alternative options for easing financial pressures. The Portfolio Holder for Waste, Environment and Transportation gave assurance that input by councillors would be welcome, including as to where wheelie bins would be suitable and explained that he would find a pause for consideration acceptable.

The Portfolio Holder answered questions to confirm that the Garden Club was not designed to be a costly scheme, that officers were liaising with the County Council to estimate and manage any changes in use of the Shrub End refuse tip, and that garden waste would not be collected if put in household waste bags. Rosa Tanfield, Neighbourhood Services Group Manager, confirmed that the County Council had no significant concern that tonnage deposited at Shrub End would increase.

Councillor David King, Portfolio Holder for Business and Resources, emphasised that this proposal would not be enough to balance the Council's budget and, with no significant increase in Government assistance, many councils will struggle. There were no easy alternatives and further cuts and efficiencies would be needed. The Portfolio Holder requested that the Scrutiny Panel work with the administration to identify ways to increase savings. The current shortfall of Government funding compared to the cost of Covid-19 to the Council was approximately £6m.

The Chairman welcomed the offer of a pause on adopting the proposed scheme to allow for greater scrutiny, and the Panel summarised their recommendations.

*RECOMMENDED* to CABINET that: -

- (a) A pause be taken on the proposal to introduce changes to the garden waste collection service;
- (b) Further exploration be made of the five-point response to Budget Recovery agreed at the June Scrutiny Panel meeting, including the forensic understanding of statutory and non-statutory service provision by the Council;
- (c) A cross-party Task & Finish Group be set up to review waste service costs and implications and to include representatives of all party groups;
- (d) Cabinet continues to lobby central government for a long-term financial settlement for the benefit of this council's finances and its residents;
- (e) Ward councillors be consulted on any proposed changes to the use of wheelie bins and as to the identification of geographical areas where wheelie bin usage would or would not be appropriate.

**268. Work Programme 2020-21**

The Panel expressed a vote of thanks for its former Chairman, retired Councillor Beverly Davies, for her work chairing the Panel.

*RESOLVED* that the Work Programme for 2020/21 be noted and approved.