

SCRUTINY PANEL

3 March 2023

Present:-

Cllr Willetts (Chair), Cllr Laws, Cllr Lilley, Cllr McCarthy,
Cllr Scordis, Cllr Smith

Substitute Member:-

Also in Attendance:-

Cllr T. Young

395. Cabinet or Portfolio Holder Decisions called in for Review

Call in: Review of Saturday Household Drop-off Service

The Chairman explained the process for the consideration of this item and reminded the Panel that the questions and deliberations must be limited to the points raised within the call-in, and explained the options open for the Scrutiny Panel to potentially choose regarding the matter under consideration.

Councillor Tim Young attended and, with the permission of the Chairman, addressed the Scrutiny Panel to support the call-in, noting that he had only seen this decision had been taken when it was formally published via email. Councillor Young stated that the points raised in the call-in were inarguable, that no consultation had been held with residents and that some consultation should have been carried out with staff, residents and councillors. Greenstead had received this service for over 30 years and Councillor Young argued that the service had worked very well, had been environmentally friendly and had reduced fly tipping and increased safe disposal of bulky items. Councillor Young asked if Councillor Goss, Portfolio Holder for Neighbourhood Services and Waste, had taken these things into account and asked that the Portfolio Holder reconsider the decision and seek a compromise. Councillor Young urged to consider the call-in favourably.

Councillor Lissimore attended, as a visiting councillor, and addressed the Scrutiny Panel to explain her call-in of the decision in question. Councillor Lissimore asked why the Portfolio Holder had rejected the initial stage of a mediation meeting to discuss the decision and call-in.

Councillor Lissimore noted that the current financial situation was very hard, and her experience of this as Portfolio Holder for Resources in the 2021-22 municipal year, but argued that it was wrong to abolish Council schemes without consultation or seeking to identify the implications. Councillor Lissimore argued that this decision would hit those without vehicles and/or those on low incomes who could not afford licensed waste removal services or could not use the Essex County Council sites for waste disposal. Fly tipping was a potential alternative to which some people might turn.

The current system was described as offering 45 locations for waste collection by the Council, on average collecting around five tonnes per week. Councillor Lissimore asked where this would now go, whether to tips or to be fly tipped, with potentially more car journeys now needed to facilitate disposal. £25k was a relatively small saving but,

Councillor Lissimore argued, this would lead to increased fly tipping and pressure on other Council services. Councillor Lissimore requested that the service be retained whilst the effect of changes to the garden waste collection service were analysed, with consultation carried out with residents, officers and councillors.

A Panel member raised questions regarding how the County Council had implemented recent changes to its bookable waste tip service, and how they it had addressed the points raised by Councillor Lissimore with regard to the decision under consideration by the Panel as the subject of this call-in. The Chairman advised that this would be a question for the County Councillor, and not for this meeting or for Councillor Lissimore, as she was appearing before the Panel as an elected member of Colchester City Council, rather than in her capacity as an elected member of Essex County Council [ECC]. The Panel member argued that it would help the Panel to consider the issue if it were to hear how another local authority had approached a similar issue. Councillor Lissimore posited that it would benefit the Council to look at how ECC had carried out its consultation before making an evidence-based decision. ECC had carried out a pilot trial of proposed changes and had collected data before making its decision. The Chairman again emphasised that Councillor Lissimore was appearing before the Panel as an elected member of the City Council and could only be expected to answer questions relating to this call-in, in her capacity as a City Council councillor. The Panel was advised by the Chairman that it may wish to ask Councillor Goss what research he had done prior to making his decision, including any consultation of ECC which might have been carried out, but should not direct questions on ECC matters to Councillor Lissimore.

Councillor Martin Goss, Portfolio Holder for Neighbourhood Services and Waste, addressed the call-in and explained that ECC had been sent the proposal at officer level, for consideration. No response had been received, even after chasing several times. City Council had been spoken to, to discuss the use of the service and the data related to it. The current scheme had been provided and funded as using staff overtime to run, with difficulties in getting officers to work on it, leading to a reliance on agency staff. Costings had been assessed and a hard decision had to be taken, entwined with a second decision which itself entailed making a £60k saving. There was no budget to deliver the service, which was shown in the information circulated when Council considered the 2023-24 Budget.

It had been considered that consultation was not merited, as only around 120 people (out of a population of around 193k) used the service each year, which was far less than 1% of the local population. The freighter service was little used, either for residual or garden waste. Items which were collected by the service were sent to landfill, so the service did not encourage recycling.

Members were reminded that the bookable collection service for bulky waste was a separate service, and not the same as this freighter service, where people had to bring their waste to specific locations, which meant that almost all users of the service would need to use a vehicle.

Fly tipping had reduced over recent years, and waste could be taken to recycling centres, with alternative options available. The Portfolio Holder noted that changes to ECC's waste services had had knock-on effects upon Council waste services.

The Portfolio Holder explained that he had declined the offer of mediation as he had wanted to discuss this matter in public, rather than in a private mediation session, to aid in transparency and good governance via public scrutiny. The Portfolio Holder argued that no

councillors had given any alternatives to ending the service. Any reductions in service were regrettable, but Cabinet had to make difficult decisions, especially regarding non-statutory services like this one.

The Chairman emphasised that the Panel was not tasked with scrutinising the 2023-24 Budget at this meeting, but was constituted to examine the specific decision regarding this waste service.

The Panel noted that under 1% of the local population used this waste service, and the Portfolio Holder's argument that this meant that consultation was not merited. The Portfolio Holder was asked what Cabinet's view was, regarding the level of service use which would mean that consultation would be carried out regarding any changes or service losses, whether such consultation would be carried out, for example, if more than 1% of local residents used a service, or more than 5%. The Portfolio Holder answered that he could not give the view of Cabinet as a whole, or the Leader, on this, but that there was no policy set to dictate that consultation was necessary when considering changes to services used by over a certain percentage of the population. It was asked whether there was any content in the constitution which covered consultations, and the Chairman explained that there was no materiality bar set within the constitution, regarding consultations. The Portfolio Holder explained that large-scale consultation had been carried out on the draft Strategic Plan earlier in the year. Workshop feedback indicated that residents were open to changes in waste services.

A Panel member argued that it would have been worth asking the views of residents using the service, with councillors from different parties unhappy with the decision. It was suggested that the Panel should recommend that more consultation be carried out. In conjunction with other changes, such as the introduction of a booking system at the local tip, it was argued by one member that fly tipping would increase and would lead to increased costs to the Council, associated with addressing the fly tipping. The Portfolio Holder explained that fly tipping rates had recently decreased significantly. Regarding the booking of tip appointments, the Portfolio Holder explained that Suffolk had operated such a service since the pandemic, with success.

The Portfolio Holder explained the under-use of the freighter service, with average loads only taking a tenth of a van for garden waste and around a third for residual waste. This meant the service cancellation would not affect many.

The projected £25,369 saving was discussed, with the Portfolio Holder explaining that it was expected to be delivered, without any increase in costs relating to fly tipping. Signposts would be given for other disposal options, including tips and a cost saving was now predicted of around £34k.

A Panel member argued that the Portfolio Holder should have agreed to mediation and potentially have held an all-member briefing and issued notice to the press. The Portfolio Holder was asked how residents could afford to purchase waste collection services, and where the service users were based within the area. The Portfolio Holder suggested that councillors could use their locality budgets to help fund collections, and this had been done in the past. Management agents or resident associations could also assist with funding. The 120 users per year was an average, and there was no area-by-area data on their locations, although data is captured on weight of waste collected from each location. The majority of data used was from last year, with an average tonnage collected of around one tonne of garden waste per lorry, and some collections collecting less than one and a half tonnes of residual waste. A Panel member noted that there was no suggestion in the

decision that some areas used the service more, and that any thought had been given to retaining a service for areas which used it more heavily. Another member explained that the vehicles visited multiple wards, which made it impossible to collect data specific to Council wards or areas.

The Chairman addressed the points stated within the call-in request and gave his view that whilst the points alleging a lack of consultation could be definitively considered, the other points made were subjective ones and subject to individual opinion. Regarding lack of public consultation, the Chairman acknowledged that the percentage usage was very low, but made the point that little-used services could still be vital for those who used them. If the expectation of consultation were to be waived, the Panel were asked to consider whether it wished to make a recommendation that Cabinet produce a policy or set of guidelines to guide when consultation was or wasn't appropriate, rather than just relying on individual portfolio holders' views.

A member of the Panel raised a motion that the Panel should immediately confirm the Portfolio Holder's decision, on the grounds that elected members had been given the opportunity to object to this action when the 2023-24 Budget had been approved at Full Council. The Panel member argued that it was the Portfolio Holder's right to decide whether consultation was necessary or not and that, with less than 1% usage rates across the area, it would have been prohibitively difficult to identify users of the service. Further to this, the Panel member argued that the other points raised in the call-in had been dealt with, including that which related to staff consultation. The motion was seconded, but fell, with two votes in favour and four votes against.

Another Panel member expressed the view that consultation on such decisions was always desirable, with the Cabinet system [of council administration] often being accused of not involving councillors or residents in decision making. The service users were members of the public, and the Panel member highlighted the duty of the Council to help members of the public. A further Panel member acknowledged that a Budget amendment could have been tabled, but also argued that the Portfolio Holder could have briefed councillors and explained the situation and decision being considered. The Panel discussed whether parish councils could have been consulted.

The Scrutiny Panel discussed what concerns/reasons should be given, were the decision to be referred back to the Portfolio Holder for further consideration. The Panel considered whether to recommend the drafting of a policy or guidelines on how to approach consultation and whether it was needed, and whether there needed to be a clearer understanding of the issues at play by portfolio holders. The Panel then considered the concerns regarding potential implications, such as the potential for increases in fly tipping. Members argued that the decision report should have included data analysis and detail regarding expected financial implications, even if no extra costs were expected.

The Panel considered whether it wished to raise a concern regarding point four of the call-in [Will affect those most vulnerable who do not have access to a vehicle]. Councillor Lissimore agreed that it was difficult to identify the service users, given the small number of them, but suggested that the service could be run for a year and data gathered as to who used it, asking operatives to collect this. Councillor Lissimore suggested that service users could be consulted about likely effects on fly tipping, were the service to be cancelled. The Chairman emphasised that it was the Panel's duty to scrutinise how the decision was taken, rather than the substance of the decision and/or how to solve the problems which the decision aimed to address.

The Scrutiny Panel agreed that it wished to raise no concerns regarding points five and six of the call-in [claims that the decision would increase vehicle journeys to tips and would increase use of domestic waste collection services] as there was no evidence to show these would be outcomes of the decision.

RESOLVED that the decision WAS-002-22 [Review of Saturday Household Drop-off Service] be referred back to the Portfolio Holder for Neighbourhood Services and Waste, for further consideration, with the recommendation that the Portfolio Holder addresses the following concerns: -

- (a) That the decision had not been subject to consultation and the Panel was concerned that there did not appear to be a policy or formal guidance to guide Cabinet and individual portfolio holders as to how to approach consultations and in what circumstances they should be carried out;
- (b) That the potential for increased fly tipping which may be caused by this decision has not been addressed, that more data analysis of the likelihood of this happening should have been conducted and content included in the decision report to lay out the expected effects and additional costs to the Council, even if it no increase in fly tipping or Council costs is expected.