

Committee: Sustainable Communities Overview and Scrutiny Panel (call in)

Date: 3 February 2015

Wards: Lavender Fields

Subject: Waste Collection, Street Cleaning and Recycling Opportunities

Lead officer: Chris Lee, Director of Environment & Regeneration

Lead member: Councillor Judy Saunders, Cabinet Member for Street Cleanliness and Parking

Contact officer: Cormac Stokes, Head of Street Scene and Waste

Recommendations:

- A. That the Panel consider whether to refer the decision back to Cabinet for reconsideration, setting out in writing the nature of its concerns or agree that the decision made should be implemented with immediate effect.
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1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report sets out the responses to the issues raised in the call in request form submitted and approved on 26 January 2015. The Panel is asked to consider the call in request together with officer comments contained within this report and the papers attached.

2 DETAILS

- 2.1. Cabinet resolved at its meeting of 19 January 2015 to agree the following proposals:
- 2.1.1 To agree the proposal for the implementation of a pilot wheeled bin scheme for the provision of the weekly collection of general waste and dry recycling to cover a sample of 1200 households within the Lavender Fields Ward, to be carried out over a period of six months commencing in April 2015, in order to test the benefits or otherwise of this method of collection
- 2.1.2 To request the Sustainable Communities Overview and Scrutiny Panel consider an officer report setting out the findings of the pilot and to ask Scrutiny to assess whether it offers opportunities to improve street cleanliness and ensure value for money for council tax payers.
- 2.1.3 To delegate to the Director of Environment & Regeneration, in consultation with the Cabinet Member for Street Cleanliness and Parking, the decision of where to implement the pilot scheme within Lavender Fields ward.
- 2.2. The Cabinet decision has been called in for reasons set out in Part 4 of the call in request forms. The Council's procedure for dealing with call in requests is set out in paragraph 16 of Part 4E of the constitution.

- 2.3. The Monitoring Officer has accepted the call-in as valid and the Sustainable Communities Overview and Scrutiny Panel is required to consider the reason for the call-in and decide if it wishes to refer the decision back for reconsideration or to agree that the decision taken was fair and should be implemented as agreed with immediate effect.
- 2.4. Set out below in italics are the concerns raised in the Scrutiny call in form, followed by detailed officer responses to each in turn:
- 2.5. **Due consultation and the taking of professional advice from officers**
- 2.5.1 *There has been no consultation with residents and non-Executive councillors thus far, as the Cabinet report itself admits at 6.1. Nor is there any evidence provided as to why Lavender Fields has been selected as the optimum venue for this pilot. We are simply told the ward provides 'the best opportunity for testing assumptions' but it is not clear why this is or what those assumptions are. No information is given in the report as to whether there is a good mix of different types of housing stock within the 1200 household area that has been selected and whether this housing stock is representative of the different types found within Merton.*
- 2.5.2 *In terms of consultation, proposals for wheeled bins were not mentioned once in Labour's 2014 manifesto for the local elections. This would have been the ideal time to gain a public mandate or otherwise for this pilot yet no such consultation with residents took place.*
- 2.5.3 *Whilst the report recognises there should be a role for the Sustainable Communities panel in evaluating the results of the pilot, the proposal to undertake this pilot in the first place was not brought to the panel for any kind of pre-decision scrutiny despite there being appropriately timed meetings which would have allowed the opportunity to do so. Instead, the first that the panel members (or any other councillors or residents) knew of this was when the Cabinet report was published a week before the meeting..*
- 2.6. *In terms of taking the professional advice of officers, the Director for Environment and Regeneration has been asked on a number of occasions by opposition councillors whether there were proposals in the pipeline to revisit the possibility of introducing wheeled bins and he clearly stated that there were not. This suggests that officers were not aware of the administration's proposal and therefore very little, if any, proper preparatory or exploratory work can have been undertaken in order to inform the Cabinet's decision.*
- 2.7. **Response**
- 2.7.1 Following approval to roll out the pilot consultation will begin with a focus on the residents who live within the pilot area. Feed back from this process will help inform the service and the finding will be considered as part of the Overview and Scrutiny panel prior to any recommendations and review presented to Cabinet. A key output from the pilot will be evidence gathered with respect to resident feedback through engagement and consultation.
- 2.7.2 In selecting the pilot the aim has been to identify one geographical area which contains a wide range of property types. Officers are still developing the boundary and vehicle route to be followed to ensure there is a good mix of household types. A key aspect for the selection of Lavender Fields is that

the annual residents survey has indicated that the residents in this ward are amongst the most concerned about litter and the least satisfied with refuse, recycling and cleansing services. Participation surveys in both recycling and food waste collection services have also shown that this ward represents average levels of participation yet tonnage returns for recycling appear low.

2.7.3 The key aim of the pilot is to collate robust data which will allow officers to make recommendations to Cabinet from an informed position allowing the scrutiny panel the opportunity to undertake a detailed analysis of the findings and challenge any areas based on assumptions.

2.7.4 There are currently no plans to roll this service out borough wide. The pilot has been designed to collect and collate base data which is not readily available and use this to inform the service of both the potential benefits and restrictions of this method of collection. Key considerations will be the impact on cleansing, and increased levels of diversion from landfill through recycling and food waste participation and whether this method of collection represents value for money for council tax payers.

2.8. ***Respect for human rights and equalities***

2.8.1 *In terms of respect for human rights and equalities, there is no analysis provided in the report on the impact of wheeled bins for disabled and elderly residents living in the pilot area despite some concerns having been raised about this. There is also no Equality Impact Assessment published alongside the report to enable Cabinet members to give this due consideration when making their decision on the pilot.*

2.9. **Response**

2.9.1 As a waste Authority the Council has the right to decide on the appropriate waste storage arrangements. Many Councils use wheeled bins across London and nationally and there are no human rights implications. Within the pilot area there are a numbers of households who are provided with an assisted collection. This is continually reviewed by the service and any elderly and disabled residents who have difficulty in utilising a bin will be offered an assisted collection.

2.9.2 It is anticipated that the proposed set out arrangements for the pilot area will be similar to those of the current waste collection methodology and there will be no additional impact on pedestrians. This will be reviewed through the pilot.

2.9.3 The service acknowledges that not all households will be suitable for a wheelie bin and in these areas the current collection service will be retained.

2.9.4 A draft Equalities Impact Assessment (Appendix 5) has been developed but a thorough review will be carried out following the completion of the pilot and will be considered when making any decisions with respect to future proposals.

2.10. **A presumption in favour of openness**

2.10.1 *There has been no presumption in favour of openness and transparency in the decision making process. The report is extremely thin on the details of what impact this pilot will in itself have on the cleanliness of the borough's streets. As the recently published Annual Residents' Survey showed, street cleaning is now the top priority for Merton's residents with falling levels of satisfaction with how the council tackles litter and dirt in the streets. Clearly all councillors and residents wish to see cleaner streets in Merton. Yet there is no clarity provided in the report as to how a pilot scheme will deliver improvements with regard to this shared aim.*

2.11. **Response**

2.11.1 Prior to the start of the pilot the Waste Service will undertake a series of data gathering exercises including robust inspection analysing the level of street litter in line with the national indicators. These will be undertaken before during and after the trial in order to ascertain any correlation between the level of street litter and the type of container used in waste collection.

2.11.2 Research carried out by the Tidy Britain Group on behalf of the council in 2010 indicated that "as much as 50% of all street waste arising in residential roads can be attributed to the black sack and box collection schemes operated within Merton".

2.11.3 Whilst evidence suggests significant positive impacts on levels of street litter the pilot will determine the whether or not the assumptions are correct and to what degree there are any impacts on street litter.

2.12. **Clarity of aims and desired outcomes**

2.12.1 *With regard to the desired outcomes from the pilot, it is also not clear what these are, particularly in light of the comments published in the Wimbledon and Mitcham & Morden Guardian from Cllr Andrew Judge (Cabinet Member for Environmental Sustainability and Regeneration) on 22nd January 2015. In a letter to that newspaper, he states that "there are no plans to roll out wheeled bins to the rest of the borough and given our financial position, we could not afford to do so if we wanted to."*

2.12.2 *This begs the obvious question then as to why then the Cabinet is deciding to spend money on a pilot for a system that it claims it has no intention of implementing across the borough anyway.*

2.12.3 *Furthermore, this calls into question the financial probity of the Cabinet's decision. Why use public money to trial something that there is no intention of introducing? The Director has confirmed that of the £115,000 total cost of the pilot, £67,000 is coming from money set aside from the WCSS (Weekly Collection Support scheme) fund from the DCLG. This fund is designed to be used to support initiatives to retain weekly collections and incentivise recycling and the total allocation to Merton was around £660,000. Yet, it is in now way clear that this decision will necessarily support either of these aims, particularly given that the administration claims not to have any plans to extend wheeled bins across the borough. There are therefore questions to be used about whether this is an appropriate use of the government's money. Similarly we understand that residents in the pilot area will be permitted to keep the wheeled bins with which they are issued after the pilot*

concludes. This raises questions in relation to the value for money being achieved by the council for Merton taxpayers as a whole.

2.13. Response

2.13.1 There are no current plans to roll out a borough wide wheeled bin service. The pilot offers the council a better opportunity to test a wheeled bin method of collection in terms of street cleanliness, resident satisfaction the impact of additional recycling and whether or not it represents value for money for council tax payers. The results of the pilot will be considered by the Sustainable Overview and Scrutiny Panel to assist in any decision-making process for the future of the collection services.

2.13.2 The WCSS fund was awarded to Merton to incentivise and promote recycling along with a commitment to maintain a weekly collection. The implementation of the pilot scheme supports this objective and its use is entirely consistent with the purpose for which the fund was allocated.

2.13.3 If the decision is not to expand the coverage following the pilot then consideration will be given to allowing the residents, who wish to, to keep the wheelie bin. In such circumstances those residents who do not wish to continue with the wheelie bin then the Service will make arrangements for these to be collected.

2.13.4 As the initial Cabinet report states, “the pilot will assist in determining whether or not the assumed benefits — as set out in the report — can be realised and whether this approach demonstrates value for money in the long term”. This is the primary objective of the proposed pilot.

2.14. Consideration and evaluation of alternatives

2.14.1 *With regard to the consideration and evaluation of alternatives, there doesn't seem to have been any proper consideration by the Cabinet of other collection methods and their impact on street cleanliness e.g. the provision of lids for recycling boxes. It is therefore impossible to judge the merits and comparable cost of these other methods. There is no evidence that the Cabinet has given any consideration to the cross-party Sustainable Communities scrutiny task group review of efficient household waste management and the environment which published its report and recommendations in May 2011. This task group looked at this issue in extensive detail and concluded by rejecting the introduction of wheeled bins. It is not clear what has changed since then. There is a reference to changing technology but no detail of what, if any, new technology has now become available since 2011.*

2.15. Response

2.15.1 The provision of lids has been investigated previously. Lids not only limit the capacity of the boxes but there is also a high cost to provide and replace. Furthermore, the existence of lids create operational difficulties for collection crews and reduce productivity levels. Other alternatives such as the provision of sacks for recycling have continuously shown that this option is significantly more expensive than the provision of wheeled bins. The ongoing annual cost of sacks and their distribution would only be financially more viable than wheeled bins if wheeled bins were replaced every four years. Evidence from other boroughs suggests that wheeled bins have an

average life of 10 years and in some areas up to 18 years. The proposal suggests that the provision of suitable containers with sufficient capacity will drive up levels of recycling as experienced in many boroughs introducing wheeled bins over the past five years.

- 2.15.2 The Scrutiny Task Group that reported on the “Efficient Management of Household Waste” extended its remit to cover a broad range of collection services and did not limit itself to the issue of wheeled bins alone. The Task Group accepted that the time constraints limited its ability to explore extensive detail and suggested that further options be regularly reviewed.
- 2.15.3 The development of technologies with respect to Materials Recycling Facilities has enabled the council both to extend the range of materials accepted for recycling and to improve the quality of materials separated for onward marketing and processing. Recent negotiations by the South London Waste Partnership with its current contractor have resulted in a significant shift in the gate fees paid for commingled recyclate so much so that the council is now receiving income from the materials collected rather than having to pay a gate fee. The benefits of increasing recycling are no longer merely environmental and there is now also a financial incentive and imperative to explore options to increase recycling.
- 2.15.4 The Scrutiny Task Group report also stated that the current method of collection “is conducive to improving recycling rates” and placed significant emphasis on communications. The Service has utilised government funding to adopt the preferred approach to incentivise residents through reward schemes to increase recycling and has enhanced communications with residents as suggested by the Task Group. As the original cabinet report set out, this has not so far materialised.

3 ALTERNATIVE OPTIONS

- 3.1. The Cabinet report of 19 January set out the key alternative options with respect to the proposed pilot.

4 CONSULTATION UNDERTAKEN OR PROPOSED

- 4.1. Consultation with residents and key stakeholders will be critical to the analysis of the outcomes of the proposed pilot and will form part of the overall plan for the project. Details of proposed consultation is set out in the original Cabinet report of 19 January.

5 TIMETABLE

- 5.1. The anticipated lead up time for the implementation of the proposed pilot is approximately 8 weeks. Should the Overview and Scrutiny Panel wish to refer the decision back to Cabinet the next scheduled meeting of Cabinet is 16 February 2015.

6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

- 6.1. There are none specific to this report. The financial implications for the proposed project are set out in the Cabinet report.

- 7 LEGAL AND STATUTORY IMPLICATIONS**
- 7.1. None for the purpose of this report. All legal and statutory implications are set out in the Cabinet report.
- 8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**
- 8.1. Contained within the body of the report.
- 9 CRIME AND DISORDER IMPLICATIONS**
- 9.1. None for the purpose of this report.
- 10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**
- 10.1. Contained within the body of the report.
- 11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**
- Appendix 1 – Documents requested in call in form
- Appendix 2 – Report of the Scrutiny Task Group, “Efficient Household Waste Management” (May 2011)
- Appendix 3 – London Borough of Merton Participation Monitoring Project Final Report (July 2013)
- Appendix 4 – Letter confirming funding arrangements for the DCLG regarding the Waste Collection Support Service Fund
- Appendix 5 – Draft Equalities Impact Assessment
- Appendix 6 – Cabinet report, “Waste Collection, Street Cleaning and Recycling Opportunities” (Jan 2015)

Appendix 1- documents requested

1. All papers provided to the Director of Environment and Regeneration/Director of Corporate Services and relevant Cabinet Members prior to, during and subsequent to the decision making process.

The only paper provided to the above was the final draft report published for Cabinet consideration.

2. All emails, reports and associated documentation relating to the wheeled bins provided to the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services and other council officers.

The majority of communication around the development of the proposal has been through one to one meetings with the Cabinet Member, Director of Environment & Regeneration and/or Head of Service. These meetings looking at matters of policy development considered [along with many other matters] the opportunity and need for a wheeled bin pilot towards the end of 2014 and into 2015.

There is a minimal number of emails relevant to the request. These are set out below.

3. The detailed financial analysis of the projected costs from the project were it to be rolled out across the borough.

There is no detailed financial analysis at this point. As the Cabinet report sets out, the pilot is being proposed in order to gather data to inform a full financial analysis of the benefits/benefits of wheeled bins.

4. The detailed analysis of the impact of the proposals on the cleanliness of Merton's streets.

There is no detailed analysis at this point. As the Cabinet report sets out, the pilot is being proposed in order to gather data to inform a full analysis of the benefits/disbenefits of wheeled bins and their impacts on levels of street cleanliness and resident satisfaction.

5. The Equality Impact Assessment (or any other equalities analysis carried out) for the pilot scheme.

A draft Equalities Impact Assessment has been provided at Appendix 5. This is draft only and will be reviewed as a result of findings from the proposed pilot scheme.

6. All correspondence between the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration,

Director of Corporate Services, other council officers and the SLWP both on the pilot and on the provision of wheeled bins across the borough .

There has been no correspondence between the above Members and/or Officers and the SLWP with respect to the proposed pilot or the provision of wheeled bins as this project is not relevant to the activities of the SLWP at this moment. The council will be required to notify the SLWP of any agreed service changes that may impact on its waste treatment/disposal activities and/or procurement processes being undertaken.

7. All correspondence between the relevant Cabinet Members, Leader of the Council, Chief Executive, Director of Environment and Regeneration, Director of Corporate Services, other council officers and DEFRA both on the pilot and on the provision of wheeled bins across the borough.

There has been no correspondence between the above Members or Officers with DEFRA with respect to the proposed pilot or the provision of wheeled bins in general.

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