

NORTH HERTFORDSHIRE DISTRICT COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

MEETING HELD IN THE LOWER HALL, ICKNIELD CENTRE, ICKNIELD WAY.
LETCWORTH GARDEN CITY ON WEDNESDAY, 8 NOVEMBER, 2017 AT 7.30 PM

MINUTES

Present: *Councillors Councillor Cathryn Henry (Chairman), Councillor Steve Hemingway (Vice-Chairman), Ian Albert, John Booth, Steve Deakin-Davies, Elizabeth Dennis, Steve Jarvis, Michael Muir, Janine Paterson, Frank Radcliffe, Val Shanley, John Bishop (In place of Jean Green), Mike Rice (In place of Gerald Morris), Paul Marment (In place of Ben Lewis) and Adrian Smith (In place of Clare Billing)*

In Attendance:

Councillor Michael Weeks (Executive Member for Waste, Recycling and Environment), David Scholes (Chief Executive), Vaughan Watson (Head of Leisure and Environmental Services), Ian Couper (Head of Finance, Performance and Asset Management), Chloe Hipwood (Service Manager - Waste and Recycling), Sarah Kingsley (Communications Manager), Gavin Ramtohal (Contracts Lawyer), Brendan Sullivan (Scrutiny Officer) and Hilary Dineen (Committee and Member Services Officer)

Also Present:

At the start of the meeting Councillors Judi Billing, Paul Clark, Julian Cunningham, Bernard Lovewell, Ian Mantle, Lynda Needham and Claire Strong and 8 members of the public..

58 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Clare Billing, Jean Green, Ben Lewis and Gerald Morris.

Councillor Adrian Smith substituted for Councillor Billing. Councillor John Bishop substituted for Councillor Green, Councillor Paul Marment substituted for Councillor Lewis and Councillor Mike Rice substituted for Councillor Morris.

59 NOTIFICATION OF OTHER BUSINESS

There was no other business notified.

60 CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman reminded those present that, in line with Council policy, the meeting would be audio recorded;
- (2) The Chairman informed Members that there was no sound amplification and asked Members to speak loudly and clearly;
- (3) The Chairman drew attention to the item on the agenda front pages regarding Declarations of Interest and reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.

- (4) The Chairman outlined the procedure for this meeting, which was laid out in Paragraph 6.3.5 of the Constitution as follows:
 - (i) Each of the signatories to the Call-In would be invited to address the Committee on reasons for the Call-in;
 - (ii) Members would be invited to ask questions of each of these Members;
 - (iii) The Executive Member for Waste, Recycling and Environment and/or relevant Officers would be invited to address the Committee on the decision taken and the grounds stated in the Call-in;
 - (iv) Members would be invited to ask questions of the Executive Member and Officers;
 - (v) Members would then debate the Call-In and make recommendations on its conclusions.
- (5) The Chairman drew attention to item 4B, which laid out the options available to the Committee.

61 CALL - IN OF DECISIONS MADE BY CABINET ON 16 OCTOBER 2017 - SHARED SERVICE FOR WASTE AND STREET CLEANSING - OPTIONS

The Chairman invited the Members who had signed the Call in to address the Committee.

Councillor Elizabeth Dennis

Councillor Dennis advised that the decision for the Call-In was for the reason that it was important to examine again the Waste Contract as it was one of the most important contracts, was the largest part of the annual budget spend and affected all residents

There was a need to ensure that it was well thought through and would deliver the best outcome as well as meet corporate objectives.

She was not convinced that due weight had been given to the residents views and was extremely concerned about the risk assessment in that, it highlighted that people of a certain age may be affected and that those not on a large income would be affected. She queried the forethought of not considering part payment scheme, [particularly as the Council had an objective to support disadvantaged people.

Councillor Dennis stated that people did not have to take up the chargeable garden waste service and this would affect recycling rates. Welwyn Hatfield District Council's recycling Rates were affected by a similar policy and NHDC did not know what would happen.

She stated that NHDC would be spending a lot of money on a contract when they did not know what would happen.

Councillor Ian Mantle

Councillor Mantle advised that he had a particular concern regarding the lack of information

That He didn't know the basis for the decision to charge for waste or start kitchen waste collections.

In respect of the information provided regarding other authorities it was necessary to find out more from them about the financial implications of their decisions.

He expressed concern about the large number of proposals available and that some basics had not been considered, such as, what would happen when a resident moved. Proper consideration should be given to the detail so that financial implications could be fully understood

Councillor Mantle was concerned that this was a half-baked idea, which lacked proper consideration about how it would work.

Wednesday, 8th November, 2017

A Member commented that he had some sympathy regarding the comments about detail, but Member should have faith in Officers and queried whether Councillor Mantle doubted that Officers had gone through the detail.

Councillor Mantle stated that, in his opinion, Members should have much more detail as they were approving the budget, which this formed a large part of.

He stated that the devil was in the detail, that feedback was essential and that he was not convinced that the necessary procedures had been followed in order to keep Members fully informed.

Councillor Judi Billing

Councillor Billing advised that she wished to focus on consultation and democracy, both of which were linked to the reputation of this Council and it was for the benefit of the Council to revisit this decision

Councillor Billing was amazed that she cared more about the reputation of the Council than did the Members of Cabinet

The Council had done what it was statutorily obliged to do, but this was not sufficient when asking the public to work with us.

If the Council consulted just because they needed to, this should have been made clear.

A staggering 85 percent objected in North Herts and 70 percent in East Herts and there was a perception of tokenism.

This contract and whether to charge was in the gift of Cabinet but why not open it up to full Council to make the decision in order to be open and transparent. Overview and Scrutiny had the opportunity to recommend that this be discussed in Council.

The public were very angry about this and could easily sabotage income generation by sharing and fly-tipping.

Councillor Billing urged the Committee to ask Cabinet to think again.

A Member commented that the 85 percent of those who responded that disagreed with charging for green waste was a much smaller percentage of the total number of people in North Herts

Councillor Billing responded that, if consultation was undertaken it should then be taken seriously and that many Members were elected on a very low turnout and still think they have a job to do.

A Member queried whether the percentage response to the consultation on waste compared with that of the District Wide Survey.

Councillor Billing stated that the response to the waste consultation was quite good and that there had been a lot of interest expressed on social media.

A Member questioned whether anyone, given a choice, would opt not to pay for this service.

Councillor Billing advised that there was a lot of evidence that people showed willingness to pay for a service that they valued.

Councillor Clare Billing and Councillor Deepak Sangha

The Chairman informed Members that Councillors Billing and Sangha had given their apologies.

Executive Member for Waste, Recycling and Environment

The Executive Member for Waste, Recycling and Environment informed Members that the waste contracts had been considered for years and that officers had been conducting deliberations for months, if not years.

There was a requirement to get a contract up and running within a fairly short timescale and, if this wasn't done in a timely manner, there may be issues in mobilising the contract due to the time required for things such as ordering vehicles.

He reminded Members that this Committee had already considered the contracts at the meeting held on 9 October 2017.

In respect of the decision made by East Herts District Council, they would not be making the amount of saving on this contract as NHDC.

A Member commented that mobilising the contract did not rely on a decision regarding charging for garden waste and that this could be discussed at Council on 23 November 2017, as a two week delay should not make any difference and queried why EHDC would be making less savings than NHDC.

The Executive Member for Waste, Recycling and Environment advised that it was critical that the contract be mobilised as soon as possible and that the difference in savings between the two Councils was due to the age of their current contracts, with the NHDC contract being extremely old.

A Member commented that there seemed to be a lack of foresight that the decision could be Called-In.

The Chief Executive advised that the Constitution allowed for Call-IN, however this Committee usually worked by undertaking pre-scrutiny.

Overview and Scrutiny Committee Members had previously received an information note regarding the consultation and they had considered the reports regarding the waste contract at the meeting held on 9 October 2017 and made recommendations to Cabinet.

Efforts had been made to work efficiently and to minimise delays, particularly as we were working with another authority.

Debate

Members debated the Call-In and made the following comments:

- That, if the plan was always to introduce charges for garden waste Overview and Scrutiny should have had a chance to debate this and why bother to consult if the decision had already been made;
- When would the amount of savings for NHDC be known and a discussion on those figures be discussed'
- That consideration should be given to low income residents and those unable to get to recycling centres by looking at payment by instalment options;
- Whether charging for green waste collection was a key decision;
- Whether the nearest neighbour was an actual authority or an amalgam for various authorities;
- Whether the authorities consulted had undertaken a "lessons learnt" exercise;
- Whether potential environmental impacts of introducing the service had been evaluated.

In response to the above comments:

Wednesday, 8th November, 2017

The Chief Executive advised that the contract was currently in the stand-still period and therefore it would be inappropriate to discuss figures, however this information would be available and able to be discussed in public once the contract had been awarded.

This decision was about the principal of awarding the contract and the principal of charging for garden waste collections.

There would, in the future, be a series of policy documents regarding implementation.

In respect of representations made to Welwyn Hatfield Council, they did not provide food waste collections. The NHDC contract included food waste collection for all residents.

In respect of questions regarding savings, Overview and Scrutiny Members had previously seen the Part 1 and Part 2 papers, which contained details of analysis.

In respect of environmental impacts regarding the transport of the waste, there would be no change to the centres used to deliver the waste and therefore no change to the length of journeys undertaken.

The Service Manager - Waste and Recycling advised that it was important to gather the views of the public on various aspects of the contract and the feedback had been useful.

A consultant had been used to develop the questions in the consultation and, in order to be transparent, they had included questions regarding charging.

In respect of policy documents, these were service related policies that needed to be reconsidered in light of working with East Herts and the new services being offered.

The term nearest neighbour was a definition that ensured that comparisons were made with authorities with similar demographics and traits. The nearest neighbour for NHDC was Three River Council.

Officers had spoken with Three Rivers and Welwyn Hatfield Councils separately and asked about the pros and cons of introducing the service.

The Contracts Lawyer informed Members that Council had agreed the Medium Term Financial Strategy, which referred to the aspiration to seek increased incomes and new ways of working and therefore the proposal is in line with the Council's broader objective to increase income. The contracts lawyer also advised that the decision was a key decision because the proposal is a major service change and Cabinet had the power to make key the decisions. regarding charging for garden waste.

The Executive Member for Waste, Recycling and Environment advised that there were no plans for payments by instalments, however concessions would be considered after the contract had been awarded.

It should be noted that the collection of garden waste was a service and not a statutory duty.

NHDC had gained a lot of information from Three Rivers District Council. They had been in a similar position of low participation in their consultation and a low number of people responding that they would pay for a garden waste service, however it should be noted that the take up in that area was currently 73 percent.

The Chairman clarified that this was a Call-In meeting and that the role of the Committee was to consider the reasons for the Call-In and not the whole decision and to question whether any of the reasons given in the Call-In were valid and/or would have resulted in a different decision.

Wednesday, 8th November, 2017

Members expressed varying views with some stating that they believed that Cabinet had considered all the information required to make the decision and had given due weight to the responses received from the consultation in respect of a chargeable garden waste service.

Others continued to express concern that Cabinet did not receive all of the information required to make an informed decision and that the detail such as the lack of concessions for the elderly and disabled and the environmental impacts should have played a part in that decision making. They also continued to believe that the results of the consultation in respect of a chargeable garden waste service had not been given due weight.

A Member considered that the majority of the decisions should not be referred back, however the decision regarding a chargeable garden waste service should be referred back, particularly as EHDC had decided not to charge for this service as they did not think it would encourage recycling and there was a considerable level of public opposition to the proposal.

The Chief Executive advised Members that even if they referred the decision to full Council, it would still be referred back to Cabinet to review their decision.

In respect of the decision made by EHDC not to charge for this service the Contract Lawyer advised that the chargeable option had always been presented as an independent option.

It was proposed and seconded that the decision regarding the introduction of a chargeable garden waste service be referred to full Council for reconsideration on the grounds that:

- EHDC had decided not to charge;
- The results of the consultation in respect of a chargeable garden waste service had not been given due weight;
- The decision did not adhere to the objectives set out in the Corporate Plan;
- It would provide an opportunity for public engagement;
- Modification to the Welwyn Hatfield Council contract had been due to a reduction in recycling.

A recorded vote was called for the result of the vote was as follows:

For	Against
Councillor Ian Albert	Councillor John Bishop
Councillor Elizabeth Dennis	Councillor John Booth
Councillor Steve Jarvis	Councillor Steve Deakin-Davies
Councillor Frank Radcliffe	Councillor Cathryn Henry
Councillor Adrian Smith	Councillor Steve Hemingway
	Councillor Paul Marment
	Councillor Michael Muir
	Councillor Janine Paterson
	Councillor Mike Rice
	Councillor Val Shanley

It was proposed and seconded that the decision regarding the introduction of a chargeable garden waste service be referred to Cabinet for reconsideration on the grounds that:

- EHDC had decided not to charge;
- The results of the consultation in respect of a chargeable garden waste service had not been given due weight;
- The decision did not adhere to the objectives set out in the Corporate Plan;
- It would provide an opportunity for public engagement;
- Modification to the Welwyn Hatfield Council contract had been due to a reduction in recycling.

Upon the vote the proposal was lost.

Wednesday, 8th November, 2017

RESOLVED: As a result of the votes above, no further action to be taken.

REASON FOR DECISION: To enable the Overview and Scrutiny Committee to consider the Call-In of the decisions made by Cabinet regarding the report entitled Shared Service for Waste and Street Cleansing – Selection of Options.

The meeting closed at 9.25 pm

Chairman