

Minutes of the meeting of the EXECUTIVE SCRUTINY COMMITTEE held on WEDNESDAY 29 MARCH 2017 at 6.30 pm

Present: Councillor Morris (Vice-Chair in the Chair),
Councillors Bint, Brackenbury (substitute for Councillor Eastman),
R Bradburn (substitute for Councillor Alexander) Clifton, A Geary,
Miles, Petchey, Walker and C Wilson (substitute for
Councillor Wales)

Officers: S Bridglingsingh (Service Director [Legal and Democratic Services]),
T Blackburne-Maze (Service Director [Public Realm]), G King
(Programme Manager [Waste Strategy]), D Proctor (Waste
Contracts Manager) and E Richardson (Overview and Scrutiny
Officer)

Apologies: Councillors Alexander, Eastman and Wales

Also Present: Councillors Bald, McLean and Gowans (Cabinet Member for Public
Realm) and 36 members of the public.

ES11 MINUTES OF PREVIOUS MEETING

RESOLVED -

That the Minutes of the meeting of the Executive Scrutiny
Committee held on 16 January 2017 be approved and signed by the
Chair as a correct record.

ES12 DISCLOSURES OF INTEREST

There were no disclosures of interest.

**ES13 CALL-IN OF CABINET DECISION – 7 MARCH 2017: APPROVAL
OF THE DRAFT WASTE STRATEGY**

The Committee considered the following decision made by Cabinet
on 7 March 2017 to approve the draft Waste Strategy and in
particular the decision to charge residents for the collection of green
waste from September 2017 which had been called-in for review by
Councillors Bald and McLean and the Kents Hill and Monkston
Parish Council:

- "1. That the Waste Strategy be approved, subject to:
- (a) implementing garden waste charging from September
2017 at an annual price of £33 per bin, with a
delegated authority given to the Cabinet Member for
Public Realm to establish a discount scheme for
people in receipt of benefits;
 - (b) not implementing the Waste Strategy until the MK
Waste Recovery Park is in full operation;

- (c) a full implementation and communications plan for the Strategy be developed by the Service Director for Public Realm in consultation with the Cabinet Member for Public Realm; and
 - (d) the new Strategy be reviewed after not less than 12 months from this decision for its effectiveness, performance against projections, and specifically the impact on the MK Waste Recovery Park.
2. That resource allocation and spend approval of £0.4m be approved as an addition to the Capital programme 2017/18.”

The Cabinet’s decision had been called in for the following reasons:

- (a) Councillors Bald and McLean:

“We do not believe, from the evidence available in the papers and elsewhere, that the actions and changes proposed in the strategy will meet the stated aim ‘To deliver a high quality waste service that provides value for money and costs substantially less than it did in 2016’.

We note that 2016 waste costs may include exceptional charges arising from the delay to the Waste Park and expect these will be adjusted out when comparing costs of the proposed strategy with 2016 costs.

We cite the following major concerns:

1. The impact of the new waste strategy fails to adequately consider how changing the behaviour of 104k households will be managed; what the various reactions could be and how they will be addressed, including the impact on costs and on the environment.
2. The changes, despite their impact, were not included in the very recent budget consultation nor were they exposed to the cross party Task and Finish Group set up specifically to look at a new waste strategy.
3. The quoted annual cost savings of £330k on a total cost of £25m are marginal and the costs and savings are insufficiently detailed in the financial case to give credence to the strategy.
4. There is no sensitivity analysis, risk analysis or substantial economic evidence accompanying the costings to demonstrate the strategy will achieve the proposed savings.
5. The performance indicator predictions in the strategy are presented without evidence; on these vital indicators affecting 104k households that are not sufficient.

Overall we are unconvinced by the evidence and arguments put forward; we believe that the strategy will fail to meet its objectives and that the Cabinet's decision is unsound."

(b) Kents Hill and Monkston Parish Council:

"It is an abuse of process; no consultation; danger of increase in fly-tipping; cost of new scheme; disposal of food waste changing from one scheme to the other."

The Committee heard from Councillors Bald and McLean, who presented the call-in, reiterating the reasons set out above. In addition, Councillor Bald presented a list of other costs and issues which she, Councillor McLean and Kents Hill and Monkston Parish Council thought had not been taken into account by Cabinet. They considered that the proposals in the Waste Strategy were likely to have a negative, rather than positive impact, leading to an increase in the use of black sacks for all types of waste, less recycling, more dumping and fly-tipping, significant operational issues both inside and outside the Council, relationship risks with the Council's waste contractors, a reduction in resident satisfaction with the service and the strong possibility that the proposals would lead to additional costs, rather than produce the anticipated savings.

The Committee then heard from a number of witnesses representing Kents Hill and Monkston Parish Council and local residents, who highlighted further issues, including the impact on allotment gardeners who might have several bins on their plot, a lack of assurances that the 23 litre food-only bins would be returned to the right properties in a proper manner by contractors, abuse of the system by those not paying the charge dumping their garden waste in someone else's green bin, a perceived lack of any investigation of evidence from other local authorities into whether there was any correlation between increased selective waste collection charges and a reduction in recycling / increased dumping and concerns about the lack of proposals for the enforcement of the new scheme.

The Committee then sought clarification from Councillors Bald and McLean on various points raised in their presentation and noted that:

- Councillor Bald considered there to be no numerical justification for the 3% reduction in recycling quoted in the Strategy.
- In the view of Councillor Bald and Councillor McLean, as the Council had agreed a proper, balanced budget for 2017/18, there was no necessity to introduce a charge for garden waste collections during 2017/18, allowing time for both a better, more workable scheme to be drafted and proper scrutiny of any such scheme to take place.
- Although they did object in principle to a charge for the collection of garden waste, Councillor Bald and Councillor

McLean had based their call-in on the way in which approval of the draft Waste Strategy had been handled.

- Those calling-in the decision thought that the entire process of collecting garden and or food waste needed to be looked at holistically, whereas in the new Waste Strategy some aspects, such as what happened to unwanted green bins appeared to have been ignored.
- Councillor Bald confirmed that the number of bins quoted in her presentation had been worked out from data in the Cabinet report.
- Councillor Bald was of the view that the proposed Waste Strategy would not make the anticipated savings and might, in fact, create additional, unanticipated costs.
- Those calling-in the decision were concerned at the lack of evidence in the paper to justify the assumption that there would be a 26% take up of the garden waste charge on day one.
- Those calling-in the decision were concerned that the recent scrutiny Task and Finish Group, which had reviewed the draft Waste Strategy, had been denied access to the relevant financial information, thus limiting the amount of work it had been able to carry out and the recommendations it could have made.

The Committee then received a presentation from Councillor Gowans, Cabinet Member for Public Realm, giving a general background to waste management and the Council's obligations as a Waste Collection Authority, an overview of the Council's Waste Strategy and the various options for waste collection.

Councillor Gowans responded to the points raised by the call-in as follows:

- All costs would be considered after the Waste Recovery Park was in full operation. The Strategy would not be implemented until the Waste Recovery Park was open as per the Cabinet's decision.
- Behavioural issues of residents would be dealt with under Priority 3 of the Action Plan. The worst case financial scenarios had been modelled.
- It was unfortunate that costs were not available on the timescales to which the Task and Finish Group had worked. These had been offered to the Task and Finish Group as soon as they were available but the Group had already decided to conclude its work.

- The quoted annual cost savings of £330k on a total budget of £25m could not be accepted as being marginal in the light of the Medium Term Financial Statement. All areas of the Council would have to look at producing savings.
- Proper costings lay behind the options appraisal and these were commercially sensitive, having come from the Council's current contractors. This information was available on request to councillors under "exempt paper rules."
- The Waste Strategy was a top level document and figures in it were based on the assumptions of the commercially sensitive information, data provided by other authorities and the professional judgement of Council officers based on the Milton Keynes context.

Councillor Gowans then went on to explain what he considered to be the next steps in the process, namely:

- the development of an implementation and communications plan for garden waste charging, followed by implementation of the scheme.
- drawing up a full business case for the trade waste service by working with the Council's partners.
- developing a year round communications plan for the waste service; and
- starting work on a litter reduction strategy.

Councillor Gowans said that he was also keen to encourage continued councillor involvement in promoting the Council's new Waste Strategy.

The Committee then sought clarification from Councillor Gowans on various points in his presentation and noted that:

- Councillor Gowans was of the view that the proposed charge for garden waste collections was the pay-off for continuing to maintain weekly kerbside collections of residual household waste and recycling.
- Residents who chose not to pay the charge for a garden waste collection would be issued with a 23 litre bin for food waste only. Those who opted to pay the charge would be able to continue to put both food and garden waste into the same (green) bin.
- Although only just over 1% of the savings the Council needed to make over the next few years, Councillor Gowans considered £330k to be a significant saving. He thought the figures quoted in the Waste Strategy were prudent and achievable.

- The recycling rate of 56% was based on no changes to the current waste collections – the anticipated 3% drop if a charge was introduced would be a reduction in this figure to 53%.
- Councillor Gowans confirmed that he had taken advice from the relevant Council officers and charging for a garden waste collection was legal and within the Council's powers so to do.
- In Councillor Gowans' view, there was little evidence that the introduction of a charge for green waste led to an increase in fly-tipping as generally the type of waste that was fly-tipped was not garden waste and was therefore outside the scope of the charge. However, he did agree that the lack of comparative data from other local authorities was a shortcoming in the report.
- The Cabinet had not considered a public consultation necessary as the Labour Administration had been elected on a manifesto to improve the Council's Waste Strategy, which was what the Cabinet was doing.
- Councillor Gowans was reluctant to defer the proposed increase until 2018/19 to allow for scrutiny of the proposals as he considered that there was a need to introduce the charge sooner rather than later.
- Enforcement of the new garden waste regime would be part of the contract management process.
- Although Councillor Gowans had not been able to find details of the Leader's correspondence about the availability of financial information with the Chair of the Waste Strategy Task and Finish Group, he certainly remembered it happening.
- Councillor Gowans confirmed that Option 22 had produced the best forecast recycling rate.
- Although the Waste Recovery Park, once it was fully on stream, would be able to cope with inadvertent 'green' waste such as cut flowers, in black sacks, this reduced the amount of processing capacity which would be available for sale to other local authorities.

The Committee received comments from other councillors attending the meeting, representatives from other parishes not involved in the call-in and members of the public.

Councillor D McCall drew the Committee's attention to the work done by the Waste Strategy Task and Finish Group, in particular Recommendation 2 of the report. He felt that the policy had not been thought through properly or the implications fully considered;

on behalf of the Liberal Democrat Group he urged the administration to rethink its approach to the proposal.

Councillor Geaney raised concerns about the aging population of Milton Keynes and considered that to charge for green waste collections was an unfair tax on the elderly and disadvantaged.

The Parish Manager from Walton Community Council confirmed that Walton Community Council supported the call-in of this decision and asked if the assumptions in the proposal were tested, and found to be incorrect, whether those who had signed up to pay the charge would be entitled to a refund? Walton Community Council considered this to be a double charge for a service for which residents were already paying through their Council Tax; it was a tax by stealth which would impact on the low-paid. The Community Council was also interested, if the charge went ahead, to know whether parishes would be able to tap into the income raised by the green waste charge in order to support environmental projects in their areas.

The Vice-Chair of Campbell Park Parish Council commented that he understood the Council's Chief Executive was an advocate of the Council consulting on everything it did. The decision in relation to the green waste charge had not been transparent; the Council should at least have discussed the matter with parishes, even if it felt a full public consultation was not necessary. Parish and Town Councils would have been able to advise the Council of the issues likely to arise if and when the charge was introduced.

The Committee heard from members of the public who voiced concerns about the fairness of the charge particularly for the elderly, those on benefits or struggling to get by on low incomes; the potential for abuse of the proposed new system; the lack of clarity in the way the decision had been taken; the lack of consultation with residents and the opportunity for pre-decision scrutiny. It was suggested that the present system was working well therefore there was no good reason to change it. Members of the public also questioned the level of savings which would be achieved; the lack of planning on how to dispose of unwanted green bins; the deterioration in recycling rates and that the potential increase in the use of black sacks to dispose of all rubbish.

Councillor Gowans summed up in favour of the Cabinet decision, with Councillors Bald and McLean, together with representatives from Kents Hill Parish Council, summing up the reasons for the call-in and reiterating the points already made.

The Committee debated the issues raised and the options available at some length, noting in the process that it was not the role of the Committee to decide whether or not a decision was popular, but whether it had been arrived at in a proper manner.

RESOLVED -

1. That the matter be referred to the Full Council, with the recommendation from the Executive Scrutiny Committee that Council makes comment back to the decision maker on the following matters which were highlighted during the meeting:
 - (a) the lack of a formal consultation on the issue of charging for green waste with the residents of Milton Keynes;
 - (b) the lack of opportunity for effective pre-decision scrutiny;
 - (c) the perception that the decision was made in a way that undermined the Council's budget setting process;
 - (d) concerns as to whether the proposed charge for green waste collections would achieve the anticipated savings; and
 - (e) the widespread level of residents' concerns about a range of issues associated with the proposed charge for green waste collections.

THE CHAIR CLOSED THE MEETING AT 10.40 PM