

# Dorset Waste Partnership Joint Committee



Minutes of the meeting held at on Monday, 12  
September 2016.

## **Present:**

Anthony Alford (West Dorset District Council) (Chairman)  
Michael Roake (North Dorset District Council) (Vice-Chairman)

## Members Attending

Peter Finney (Dorset County Council), Robert Gould (Dorset County Council), Colin Bungey (Christchurch Borough Council), Margaret Phipps (Christchurch Borough Council), Ray Bryan (East Dorset District Council), Barbara Manuel (East Dorset District Council), Peter Webb (Purbeck District Council), Alan Thacker (West Dorset District Council), David Walsh (North Dorset District Council) and Kevin Brookes (Weymouth & Portland Borough Council).

## Other Members in attendance

Timothy Yarker (observer)

## Dorset Waste Partnership Officers Attending:

Paul Ackrill (Commercial and Finance Manager), Gemma Clinton (Interim Head of Service - Strategy), Grace Evans (Clerk), Michael Moon (Head of Service (Operations)), James Potten (Communications and Marketing Officer), Karyn Punchard (Director), Andy Smith (Treasurer), Denise Hunt (Senior Democratic Services Officer).

## Other Officers in attendance

Lindsay Cass (Christchurch and East Dorset Borough Councils) and Stephen Hill (Dorset Councils Partnership).

- (Notes: (1) Publication In accordance with paragraph 8.4 of Schedule 1 of the Joint Committee's Constitution the decisions set out in these minutes will come into force and may then be implemented on the expiry of five working days after the publication date. Publication Date: **Monday, 19 September 2016**
- (2) These minutes have been prepared by officers as a record of the meeting and of any decisions reached. They are to be considered and confirmed at the next meeting of the Joint Committee to be held on **Monday, 7 November 2016.**)

## **Apologies for Absence**

34 Apologies for absence were received from David Budd and Ray Nowak.

## **Deferral of Agenda Item**

35 The Chairman advised that Item 11 – Vehicle Capital Replacement Programme had been withdrawn from the agenda as further work was required. This item would be considered at a future meeting.

## **Code of Conduct**

36 There were no declarations by members of any disclosable pecuniary interests under the Code of Conduct.

Councillor Ray Bryan enquired whether he should declare an interest in Item 13 – Garden Waste Service and Setting the 2017/18 Price as he subscribed to the service and was advised that was not required.

## **Minutes**

37 The minutes of the meeting held on 13 June 2016 were confirmed and signed.

## **Public Participation**

38 A public question was received at the meeting in accordance with Host Authority Standing Order 21(1) which the Chairman read aloud on behalf of Ms S Whitehead who was unable to attend the meeting. He also read aloud the e-mail response by the Director of the DWP. Both the question and response are attached as an annexure to these minutes.

The Chairman advised that further to the e-mail correspondence, Ms Whitehead had requested the e-mail address for the Operations and Transport Manager and that the matter was in hand.

There were no public statements received at the meeting in accordance with Standing Order 21(2).

### Petitions

There were no petitions received in accordance with the County Council's petition scheme at this meeting.

## **Dorset Waste Partnership Forward Plan 2016**

39 The Joint Committee considered the forward plan and Members were informed of the following changes:-

- Items on the Narrow Access Review and Vehicle Replacement Capital Programme to be considered on 07/11/16
- A new item on the Revised Dorset Waste Strategy – date to be advised.

### Noted

## **Financial Report September 2016**

40 The Joint Committee considered a joint report by the Treasurer and Finance and Commercial Manager to the Dorset Waste Partnership.

The Treasurer outlined the report and explained that the August figures had revealed a potential £971k underspend against the revenue budget of £34.205M which was a better position than the underspend of £733k highlighted in the report. The main reason for the change was an improved forecast in relation to Commercial Waste income.

The Director drew attention to two issues in particular:-

- The adverse impact of disposal costs of £150k as a result of the need to find alternative disposal arrangements for 15,000 tonnes of waste that was originally to be diverted from Trigon to New Earth Solutions (NES) Canford from August 2016 under a contract variation.
- Savings identified in the report were mostly secure apart from £166,667k saving arising from route optimisation in East Dorset and Christchurch.

A member commented that it had been stated previously that service levels should not suffer in the rush to achieve savings and that route optimisation had a significant impact on residents that required a long term solution.

It was noted that residents had been informed that they would receive a letter if a round had been changed, however, services had also been disrupted for some communities that had not been subject to a change in collection day.

The Director responded that the majority of routes had worked well across Christchurch and East Dorset, however, there were continuing problems in areas

including Wimborne, Ferndown, Verwood and Colehill. She explained that it was currently unclear why crews were unable to complete rounds on time. Therefore temporary resources were being put in place to ensure that rounds were completed on time and supervisors would also work with the crews in order to understand what was happening on the ground.

It was therefore unlikely that the savings identified would be achieved in full for 2016/17. Any change in rounds arising from the investigatory work would not take place until the end of the year and be clearly communicated to residents. The Joint Committee would be updated on developments and savings subsequently identified in the next budget round.

A Member highlighted that the reduction in capital expenditure expressed in the report was a postponement of payment rather than a saving and that the way in which savings on recycle price was not presented clearly in the report.

The Chairman asked that officers reflect on the latter point in time for next report.

### **Noted**

#### **Inter Authority Agreement (Scheme of Delegation and Scrutiny Arrangements)**

41 The Joint Committee considered a report by the Legal Advisor that included a proposed Scheme of Delegation. Annual approval of the Scheme had been deferred from the June meeting as the Inter Authority Agreement (IAA) was in the process of being discussed and reviewed. The proposed Scheme was in line with the DCC Scheme of Delegation as the host authority and, if approved, would come into effect once the IAA had been signed by all of the Partner Councils.

The proposed Scheme was outlined in detail in the report and assumed that staff had authority to do what was necessary to perform their role unless the Scheme specified that a decision must be taken by someone else, such as the Joint Committee. Furthermore, there would be certain matters that the Director must decide whether to sub delegate in writing or to bring to the Joint Committee for consideration.

A Member expressed the view that the revised scheme was confusing and overly complicated and that a bespoke Scheme for the DWP would be appropriate, however, a majority of members considered that adoption of the host authority Scheme offered consistency and that a bespoke scheme might not look so different from what was proposed.

With regard to the scrutiny arrangements, the Legal Advisor explained that the revised IAA contained provisions for an informal Joint Scrutiny Group in addition to the formal scrutiny arrangements of the Partner Authorities.

The suggested terms of reference for the group had been circulated to the nominated scrutiny councillors for their views. The Legal Advisor reported that comments had been received from 3 councillors who wanted all of the suggested areas of scrutiny to be included and to therefore replace the word "OR" with "AND" in the terms of reference. Another Councillor had indicated that there should be pre and post decision scrutiny.

The Vice-Chairman expressed the view that informal pre-decision scrutiny could become unmanageable and divert officer time away from the business. He suggested that any decision to undertake pre-decision scrutiny should be taken by the Chairman in conjunction with the Director. He also considered that the scrutiny group should make recommendations to the Joint Committee and not have any decision making powers, however, it was found that this reference had been due to a typographical error in the report.

The Chairman considered that the opportunity for pre-decision scrutiny would be useful, particularly with regard to pre-budget scrutiny. He suggested that “pre” or “post” decision scrutiny did not need to be prescribed and that references to the word “pre” should be removed from the IAA which was supported by the Joint Committee.

A Member highlighted the risk that the informal joint scrutiny group could duplicate the work of scrutiny undertaken by the Partner Authorities.

The Legal Advisor stated that the legislation did not permit a formal joint authority scrutiny group in respect of waste services. Whilst understanding the risks associated with creating a double tier of scrutiny, this was the best that could be achieved at the present time.

Further suggestions were made to invite substitute members to attend all meetings (but not speak unless substituting for the nominated member) and that a report be prepared in 12 months’ time as part of the annual report on the Scheme of Delegation and Schedule of Meetings in June 2017.

### **Resolved**

That in anticipation of the execution of the new Inter Authority Agreement that:

1. the Scheme of Delegation be adopted;
2. a Joint Scrutiny Group be established with a recommendation for the Joint Scrutiny Group to adopt the proposed schedule of meetings and terms of reference as amended by the Joint Committee;
3. that Partner Authorities appoint elected members to the Group, details to be provided to the Clerk to the Joint Committee.

### **Reason for Decision**

To support the delivery of effective public services through the Dorset Waste Partnership.

### **Inter-Authority Agreement (cost sharing - options)**

42 The Joint Committee considered a report by the Treasurer to the Dorset Waste Partnership which set out options for sharing the costs between partners for 2017/18 and beyond. The report had regard to local government reorganisation and that a revised cost sharing arrangement might only be required for the next two years.

The Treasurer outlined the options contained in the report and the rationale for recommending option 2 which took account of changing household numbers and would create less financial turbulence associated with options 3, 4 and 5.

In response to a question the Treasurer confirmed that option 2 allowed for a change in household numbers whereas option 1 did not.

The Joint Committee considered option 2 a pragmatic approach and acknowledged the huge amount of work that would be necessary to investigate a number of factors (eg urban vs rural factors) which could be overtaken by the timeline for local government reorganisation.

The Chairman advised that a unanimous decision was required by all the partner authorities on the cost sharing mechanism.

### **Resolved**

That Option 2 be adopted, and adjusted in future for changing household numbers, as indicated on the annual ‘CTB1’ returns.

### Reason for Decision

To ensure that future cost sharing of Dorset Waste Partnership costs was as fair and equitable as possible.

### **Charging for "Recycle for Dorset" Containers**

43 The Joint Committee considered a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership which set out a charging approach for certain "Recycle for Dorset" containers.

The Interim Head of Service outlined the report in detail including the areas where it was felt that a charge could be made at the present time. This did not include charging for lost or damaged containers due to the risk posed to recycling rates.

A member highlighted that loss or damage of containers sometimes arose as a result of collection and that there appeared to be variations in crew performance in this respect.

The Interim Head of Service advised that further investigation would be necessary to understand the reasons why containers were lost or damaged and this data would be collected via the website to assist future decision making. Implementing vehicle telematics could also be a way of recording damage to containers so that officers could be confident when loss or damage had arisen as a result of collection.

Members asked some questions in relation to residents in their areas and were advised that assessments were made on a case by case basis due to the wide variety of circumstances involved. However, there were instances when a charge would not be made if there was a clear operational benefit to the DWP.

The question was raised whether charging for a larger size refuse bin was discrimination against larger families.

The Director responded that the negative impact on larger families had been recognised and that the equalities impact assessment identified actions to mitigate the impact of the charges by offering advice, help and an extra effort with communications in order to allow people to reduce the volume of waste. An example of this was the Real Nappy Scheme that was being promoted in order to reduce residual waste.

The Joint Committee supported the idea of new developers purchasing the containers and wished to see links with planning departments strengthened, particularly with regard to ensuring that roads were to an adoptable standard.

Members were advised that Dorset County Council could not require developers to bring roads up to an adoptable standard in order for DWP vehicles to access properties and that this was achieved through negotiation and not enforcement.

Members were asked to consider the question of public consultation as this would be the first time that charging for containers was implemented on a wider scale.

The Legal Advisor had found the legal requirement to be less clear cut than previous service changes and other councils had undertaken public consultation as charging for containers was included as part of a wider service change. In the absence of public consultation there was a risk of challenge which would delay any decision being implemented until such time as public consultation had taken place.

She advised that the Joint Committee could agree to support the recommended approach and agree to online consultation over a 30 day period with a report on the findings of the public consultation to Joint Committee or delegate this to the

Chairman. It was confirmed that there would be sufficient time for this to take place before charging was implemented from 1 April 2017.

Members were mindful that, in all likelihood, the public would not wish to see charging introduced, and would serve to fuel public perception that councils did not listen to what the public had to say. It was therefore important to communicate the proposals with other parties, such as developers, in order to achieve a balanced view.

The Legal Advisor highlighted the difference between communications and compliance with legislation based public consultation required prior to significant service change. Despite the predictability of the public response, the standard to achieve would be to consult on a range of options, the outcome of which must be taken into account in the final decision.

The Vice-Chairman expressed an alternative view that since the charges would only affect a small percentage of residents, that resources should not be allocated to public consultation and that the decision should be taken by elected representatives without delay. He also noted that the bins did not have to be purchased from the DWP as long as the containers met the required specifications.

The Director confirmed that an online public consultation over a 30 day period would not take up significant staff resource and that consideration of the outcome could be delegated to the Chairman in conjunction with the Director.

### **Resolved**

1. That the proposals identified in paragraph 3.5 of this report to commence charging for certain 'Recycle for Dorset' containers be supported;
2. That the 'Recycle for Dorset' policy wording relating to additional refuse sacks as identified in paragraph 3.5 (iii) of the report be amended;
3. That authority is delegated to the Director of DWP, in consultation with the Chairman of Joint Committee, to review the level of charges and make any further policy changes regarding charging for containers.
4. That formal public consultation is undertaken on the proposals identified in paragraph 3.5 of the report and that a report is prepared for the Joint Committee to consider the results of the consultation.

### **Reason for Decisions**

Implementing the proposed policy and charges would allow the DWP to recover the costs of purchasing and delivering household waste containers as permitted by the EPA 1990 (s 46), resulting in an avoided financial burden of approximately £124,000 per annum (minus an estimated £40,500 for admin and I.T requirements). Without the introduction of a charging policy for these waste containers, the DWP would continue to incur this cost. As detailed in this report, this cost could be passed to housing developers and customers.

## **Fixed Penalty Notices (FPNs) for Fly Tipping and Use of an External Company to Issue FPNs**

44 The Joint Committee considered a report by the Interim Head of Service (Strategy) of the Dorset Waste Partnership that set out the introduction of a charging fixed penalty notices (FPNs) for fly tipping offences following a change of legislation in May 2016.

Members were disappointed that recent court action had resulted in a fine that was less than the cost of the proposed FPN, however, it was acknowledged that proceeding with court action could save money over the longer term by making people think twice about fly tipping.

### **Resolved**

1. That a charge level of £400 is set for fixed penalty notices made under The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 with a 50% reduction if paid within 7 days;
2. That the Director of the DWP be authorised to procure and appoint the external company;
3. That a 12 month pilot is carried out with an external company to issue FPN's for littering, fly-tipping and failure to produce duty of care documents on behalf of the DWP.

### **Reason for Decisions**

It was a legal requirement to specify a charge under the regulations. The recommended charge was the maximum amount set out in the legislation.

### **Vehicle Replacement Capital Programme**

45 This item was withdrawn from the agenda.

### **Corporate Risk Register**

46 The Joint Committee considered a report by the Interim Head of Service (Strategy) who explained that the risk register had been brought back due to the increase in disposal costs outlined in risk 1 that related to the uncertainty surrounding NES and its sub holding NES (Canford) and the need to divert the additional 15,000 tonnes between August 16 and January 17 at greater cost. If the situation remained unresolved then there were potential larger risks going forward as other disposal options may not be as cheap.

A member asked whether there was the potential for DWP to invest in NES (Canford) and the Director responded that this could be considered along with other options, possibly in partnership with Bournemouth and Poole. Although officers were keeping in close contact with NES, there would come a point towards the end of the year where a decision would need to be made and it could then be necessary to re-procure a disposal contract next year.

A member noted that loss of senior managers was not included in risk 6. The Director informed the Joint Committee that this risk was attached to all staff, however, the risk in relation to senior managers was currently quite low due to improved resilience with the senior management team and that the largest risks were in relation to operational posts.

### **Noted**

### **Garden Waste Service and Setting the 2017/18 Price**

47 The Joint Committee considered a report by the Director of the Dorset Waste Partnership that provided an update on the garden waste service and sought to set 2017/18 price.

The report was introduced by the Finance and Commercial Manager who outlined the main points of the report.

Members discussed the report and made the following comments:-

- That collections could be made at less frequent intervals during the winter rather than stopping altogether.
- Linking the service with local authority allotments sites as part of allotment rental could be investigated.
- That the service should not be reduced at the same time as increasing its cost
- The introduction of charges at HRCs, resident dissatisfaction with missed collections together with an increase in garden waste charges could lead to

an increase in fly tipping.

Members were informed that work undertaken previously had shown a saving of £40k for not providing a winter service for a 3 month period and that due to the need to find additional savings in future, officers were asking members whether there was an appetite for more detailed work for options that could come into effect in 2018/19.

Councillor David Walsh proposed a £4 price increase which was seconded by Councillor Peter Finney. Upon being put to a vote, there were an equal number of members in favour of a £2.50 (to £47.50) increase and a £4 (to £49) increase. The Chairman used his second vote to support an increase of £2.50 to £47.50.

### **Resolved**

1. That the annual fee of £47.50 for 2017/18 for the DWP Garden Waste service be approved;
2. That the implications of a reduced Garden Waste service in the winter months, to take effect no earlier than 2018/19 be explored by officers;
3. That the Joint Committee agree that the annual charge for garden waste sack customers is set at £5 less than the price agreed for a wheeled bin.

### **Reason for Decisions**

To offer a garden waste service at a price that would remain popular with customers whilst maintaining an acceptable level of contribution to overheads.

### **Questions from Councillors**

48 No questions were asked by members under Standing Order 20.

Meeting Duration: 10.00 am - 12.15 pm