

ENVIRONMENT OVERVIEW AND SCRUTINY COMMITTEE

Tuesday, 26 July 2016

Present: Councillor P Brightmore (Chair)

Councillors T Anderson B Kenny (In place of J McManus)
B Berry of J McManus)
D Burgess-Joyce A Leech (In place of J Walsh)
(In place of T Pilgrim) C Muspratt
C Carubia L Rowlands
S Foulkes A Sykes
T Jones T Usher
I Williams

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J McManus, T Pilgrim and J Walsh.

2 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST / PARTY WHIP

Members were reminded of their responsibility to declare any disclosable pecuniary interest and/or any other relevant interest in any item of business on the agenda, no later than when the item was reached.

Members were reminded that they should also declare whether they were subject to a party whip in connection with any item(s) to be considered at this meeting and, if so, to declare it and state the nature of the whipping arrangement.

No such declarations were made.

3 CALL-IN OF CABINET MINUTE 19 - DOMESTIC REFUSE COLLECTION OUTLINE BUSINESS CASE

Chair's Introduction

The Chair welcomed everyone to the meeting and outlined the procedure to be adopted in respect of the two call-ins that had been received. Each lead signatory would have five minutes to provide an explanation of the call-in and then the Cabinet Member – Environment would have five minutes to explain

the decision that the Cabinet had taken. On this occasion no witnesses had been called by those calling in the decision but the decision taker had called the following witnesses:

- Mark Smith – Head of Regulation and Environment
- Andy McCartan – Contracts Manager Environment and Regulation Waste and Recycling, Regeneration and Environment
- Kevin MacCallum - Senior Manager: Marketing and Communications

They each would be given five minutes to read out any statements they may have prepared. The Committee would be invited to ask questions at the end of each of the stages outlined. This would be followed by summing up by the Lead Signatories and the Cabinet Member, a debate and finally the Committee would make its decision.

The Committee then considered the detail of two call-ins of the Cabinet's decisions made at its meeting on 27 June 2016 on the Domestic Refuse Collection Outline Business Case (Cabinet Minute No. 9 refers.) which was:

‘That

- (1) the Outline Business Case set out in the report be approved and officers be requested to carry out further detailed work on the two short-listed options in order to prepare a Full Business Case and recommendations for future domestic refuse collections, to be reported to a future meeting; and
- (2) the proposed approach to public consultation on the shortlisted options as set out in section 9 of the report be approved.’

Councillor I Lewis along with Councillors A Brighthouse, C Carubia, P Gilchrist, S Kelly and D Mitchell had called the Cabinet's decision in as they considered

‘that the Cabinet is wrong to consult on changes to the collection of waste in Wirral based upon only presenting two options to improve recycling to the public, including the possibility of moving to a three weekly collection of residual waste. This decision effectively limits the feedback that the Council could receive from residents on the best ways of achieving 50% or more recycling rates within their communities. This call in requests that Cabinet engage in a more open and wide ranging consultation on waste management with the people of Wirral over a longer three month period in order to gauge public opinion of the Cabinet's 3 weekly option and to consider alternatives.’

Councillors L Rennie, T Anderson, B Berry, C Blakeley, E Boulton, D Burgess-Joyce, W Clements, D Elderton, G Ellis, J Green, J Hale, P Hayes, A Hodson, K Hodson, I Lewis, T Pilgrim, C Povall, L Rowlands, A Sykes, G Watt and S Williams had also called in the same decision for the following reasons:

'Whist agreeing with the premise of increasing recycling rates in Wirral the signatories to this call-in are concerned that the limited two options being offered to the public for consultation equate to a reduction in the domestic refuse collection services to the Council Taxpayers of Wirral.

Wirral Council has previously piloted the separate collection of food waste and it was not deemed to be a viable option. In order to ensure we maximise the opportunities for food waste recycling we must enhance the current service and be truly consultative with our residents giving them the opportunity to shape the service that they pay for.

Any consultation should give the public the opportunity to share their views and ideas with the Council as to how a 50% or more recycling rate can be achieved and, at the very least, we should be giving our residents the option of maintaining the current waste collection arrangements and listening to their reasons for this.'

The Two Options

The Committee noted that an options appraisal exercise had identified two options for future waste management provision. Both these options involved establishing weekly separate food waste collections and changing residual green bin collections, either by reducing capacity through a smaller bin (Option 1) or reducing the frequency of collection (Option 2).

It was intended that the current fortnightly dry recycling (grey bin) and garden waste (brown bin) would continue as part of both options.

The Committee also noted that it was the Officers' view that both options achieved the 2020 recycling target. The Options were as follows:

OPTION	GREEN - RESIDUAL BIN	GREY - MULTI MATERIAL BIN	NEW FOOD BIN
1	NEW 140L EVERY 2 WEEKS	240L EVERY 2 WEEKS	23L EVERY WEEK

2	CURRENT 240L EVERY 3 WEEKS	240L EVERY 2 WEEKS	23L EVERY WEEK
----------	-------------------------------------	--------------------------	-------------------

Explanation of the Call-in by Councillor S Kelly – Lead Signatory

The Chair invited Councillor S Kelly Lead Signatory to the call-in to address the Committee for up to five minutes.

Councillor S Kelly informed that he was not at the meeting to try to make a case against the idea that the Council should introduce a weekly collection for food waste - that was not the purpose of the call-in. He considered that there was support for increased recycling amongst Wirral residents.

However, there was some concern about how food waste collection would work in practice. Therefore, it was important that people fully understood the process that they could expect from the Council and the best way to manage the process within their households. Councillor Kelly was aware that the majority of Councils who operated food collection had a high level of buy in from their residents.

Councillor Kelly referred to the unhappy experience of the last time this had been tried and informed that this was what was worrying some of the people who had contacted him since the Cabinet meeting. He was of the view that these concerns needed to be worked through and it was his view that if the Council worked with people and listened to their ideas the rates of recycling could be increased.

Councillor Kelly believed that the problem was that the Council approached the issue of waste collection and recycling with a 'we know best attitude' loosely wrapped up as a consultation. It was not intended to have an open and wide-ranging conversation with people about how to increase recycling or how to best introduce a food collection service.

Councillor Kelly questioned why, when eleven options were being analysed, was the Council only consulting residents on two options, including three weekly green bin collections when there were other options available.

Councillor Kelly felt that the Cabinet's decision was an insult to the intelligence of the people of Wirral and that it should be referred back with a demand from this Committee for a real conversation with the people of Wirral about recycling.

Explanation of the Call-in by Councillor I Lewis – Lead Signatory

The Chair invited Councillor I Lewis Lead Signatory to the call-in to address the Committee for up to five minutes.

Councillor I Lewis reported that the decision to introduce food waste recycling had all party support and was included in the Wirral Plan along with the pledge to recycle 50% of all waste by 2020.

Councillor Lewis was of the view that the Council should encourage the local community to put forward ideas. However, the restrictive timescale in respect of the consultation - a six week period, during the summer holidays – discouraged this. Councillor Lewis considered that a public consultation, to be meaningful, should run over twelve weeks not six. He, therefore, considered that the evidence to be collected to inform the decision was being restricted.

Councillor Lewis also referred to the long list of eleven options and to the options appraisal which had reduced them down to only two.

Questions and Comments

The Chair invited questions to either of the two Lead Signatories to the call-in, Councillors S Kelly and I Lewis. Committee Members informed that they had no questions at this stage.

Overview and Explanation of the Decision Taken by the Cabinet Member – Environment, Councillor B Mooney

The Chair then invited the Cabinet Member to explain the decision for up to five minutes.

Councillor B Mooney, Cabinet Member – Environment informed that the Council had a responsibility to do everything it could to improve and protect the environment. The recycling plan was good for Wirral, good for the community and good for the environment. Councillor Mooney warned that failure to meet recycling targets would end in fines from the EU and a significant increase in the levy paid by the Council for waste disposal and treatment. Consequently, doing nothing was not an option. The results must be improved. The Council wanted residents' views and they wanted a greener and cleaner Wirral.

Councillor Mooney referred to the 2015/16 Waste Management Strategy and informed that the Council needed to revise its arrangements in order to deliver the Wirral Plan. Delivering the Wirral Plan was a commitment which was being taken extremely seriously.

There had been improvements in recycling since November 2015. The Council now recycled 37% but it needed to increase to 50% by 2020. In Wirral, it was estimated that the Council needed to reduce residual waste by 16,000 tonnes to help achieve this challenging target of recycling 50% of household waste by 2020. This waste must be removed from green bins and the Council must recycle more.

Consequently, residents were being asked to make a straight choice, doing nothing would mean targets were not met. Evidence from looking at what was thrown away in Wirral showed that almost 40% of rubbish that went into the green waste bins was food, so by investing in a food recycling collection service the Council would significantly boost its recycling rate. This was the compelling evidence seen in every other local authority area which had invested in a household food waste collection service.

Councillor Mooney reported that recycling leftover food was the right thing to do for the environment. Rotting food in landfill generated methane, which was a greenhouse gas 21 times more potent than carbon dioxide and which contributed to climate change. The food that would be collected in the new containers would be taken to a special processing plant in Widnes which would result in it generating renewable energy and a nutrient-rich fertilizer that could be used to grow more food.

The Chair then thanked Councillor Mooney for her time in answering questions from the Committee.

Questions

The Chair invited questions to the Cabinet Member from the Committee.

Councillor B Kenny referred to Councillor S Kelly's remark about a 'we know best attitude' and asked the Cabinet Member if she was satisfied that the consultation outlined would provide every resident of Wirral with the opportunity to have their say.

Councillor B Mooney replied that she was satisfied and that there was a Team of Officers in place who would work with the local community to achieve what the Council was working towards.

Councillor A Sykes referred to the fact that Members did not have a breakdown of recycling figures and asked why the consultation did not include other areas to improve recycling e.g. why was the Council not looking at recycling tetra packs? He considered that people were being forced down certain routes as there were no additional measures being considered.

Councillor B Mooney responded by referring to the Council's contract with Biffa for recycling different products. She informed that Officers could provide the technical answers. Councillor Mooney informed that some parts of the Borough were recycling 50-60% of waste. She informed that the Council would do all that it could to increase the amount of recycling in Wirral. It was trying to do what it could within the capacity it operated in.

Councillor A Sykes informed that there was a lot of money to be saved in landfill tax but reducing to three weekly collections was not a cost saving.

Councillor B Mooney responded that the Council had to recycle more of the waste it collected and be a cleaner Wirral. It was important to encourage Wirral residents to recycle more.

Councillor A Leech informed that the recent 'door knocking exercise' in Leasowe had made a big difference. People did put all sorts of things in the green bin that could be recycled but by providing smaller green bins people will use their grey bin (for recyclables) more.

Councillor B Mooney agreed with Councillor A Leech and informed that was the thinking behind the proposals. Officers would go out and do exactly what they had done in Leasowe.

Councillor T Anderson asked if there was any merit in getting down to the wards rather than forcing people into 'a one size fits all' arrangement.

Councillor B Mooney reported that the Fly Tipping Team had been very successful. There was now less waste left in alley ways etc. She was not so worried about fly tipping now. With regard to wards she informed that this was where education came in, a behavioural change was required.

Councillor A Sykes referred to Wirral South and Wirral West's recycling figures which were substantially higher than the rest of the Borough and asked how they could be expected to recycle more by imposing these options on them. He was concerned that a broad brush approach would not suit all areas and recycling rates could not be expected to increase much more in Wirral South and Wirral West. Reducing the size of their green bins would not make much difference.

Councillor B Mooney replied that it would not be a 'one size fits all approach'. She informed that the Officers would explain this and that they had carried out some research.

Councillor S Foulkes was of the view that if the recycling rate in Wirral West was 62% without provision to recycle food, surely the figure would increase. He informed that it was important to reduce the no of tonnes going to landfill. The target was via weight. Councillor Foulkes informed that it was the Council's responsibility. The key was that recycling had a useful end use.

Councillor B Mooney agreed with Councillor S Foulkes informing that 90% of food would be reused in one way or another as fertilizer etc.

Councillor C Carubia informed Councillor B Mooney that the issue was what did the Council do with what was left. He asked what Wirral residents were going to be consulted on.

Councillor B Mooney informed Councillor C Carubia that the Senior Manager: Marketing and Communications, Kevin MacCallum would respond to his question.

Councillor A Leech referred to the consultation being undertaken and informed that it was multi-level and that it would be longer than twelve weeks.

Councillor B Mooney agreed with Councillor A Leech informing that consultation had commenced last November with the Recycling Campaign. A booklet had been distributed to every household in Wirral informing what could and could not be recycled. There had been information broadcast on the local radio about recycling. Officers had visited schools, arranged Pop up Shops and encouraged people to use left overs. There had also been campaigns about dog fouling and litter. It had all been an ongoing process. Moving forward the amount being deposited in the green bins had to be reduced.

The Chair then thanked Councillor B Mooney for her time and for answering the Committee's questions.

Evidence from Call-in Witnesses

The Chair reminded the Committee that there were no call-in witnesses.

Evidence from the Decision Taker's Witnesses

Mark Smith, Head of Environment and Regulation, Andy McCartan Contracts Manager, and Kevin MacCallum, Senior Manager: Marketing and Communications.

The Chair invited the witnesses to the call-in to address the Committee for up to five minutes.

The Committee was informed that the three Officers had not prepared any written statements to read out but they were ready to answer Members' questions.

The Head of Environment and Regulation referred to a request from the Conservative Group for the breakdown of recycling rates at Constituency level and clarified that there was no breakdown available. Overall participation was at 50-60%.

Questions and Comments

The Chair then invited questions from the Committee.

Councillor S Foulkes referred to the call-in being about the consultation and asked if other ideas could be raised through the consultation process e.g.

would the questionnaire allow for this. Was there any assurance that other comments could be made on the questionnaire and then taken on board?

The Senior Manager: Marketing and Communications informed that it was intended that recycling levels would be explained and people would be asked for their ideas, thoughts, concerns and opinions. Data received would be qualitative and require a huge amount of analysis. All of this would be published.

Two options would be put forward and views on them would be requested.

Councillor S Foulkes asked if the levy for Mersey Waste was based on pure tonnage.

The Head of Environment and Regulation informed that the levy was based around tonnage and that there was a strong financial case to make a difference in this area. The Waste Authority had written to the Chief Executive and there were strong financial arguments.

Members noted that some local authorities in the country had moved quickly to introduce such schemes because of the financial challenge that was coming. The Council paid less for what it recycled than for landfill. Therefore, waste minimisation was the Council's preferred option.

Councillor A Leech enquired whether either of the proposals had been tried and tested elsewhere and if the six week consultation period was sufficient.

The Contracts Manager responded that there were similar models in Greater Manchester, Scotland and in Wales. Also, Bolton was in the process of rolling out its waste system. The Council had carried out extensive research and had sought to follow similar models.

The Senior Manager: Marketing and Communications reported that consultation would involve advertising through the local media, knocking on doors and going into schools. There would be stalls on local markets, there would be full use of social media and emails would be sent to those residents on the Council's data base.

Councillor A Sykes queried landfill tax per tonne. He was aware that significant amounts of money could be made from increasing recycling rates. Consequently, he asked why the Council had not considered keeping the green bins being used now and also progressing food waste recycling. Why was this not an option?

The Contracts Manager responded that in order to encourage people to use the correct bins and increase their recycling it was necessary to squeeze the capacity out of the green bins.

The Head of Environment and Regulation informed that Wirral's recycling rate was currently between 36 and 37%. A lot of work had been carried out around making the refuse collection system the Council had, work better. Food could be added but without the final step of constraining residual waste capacity Wirral could not achieve a 50% recycling rate.

Councillor D Burgess-Joyce referred to fly tipping and people putting their rubbish in other people's bins. He asked whether there were plans to evoke some type of sanctions.

The Contracts Manager informed that where Officers came across this behaviour they would take appropriate action. They would also help people who needed additional capacity e.g. large families.

The Head of Environment and Regulation informed that, as part of the introduction of any new collection, it was essential that the Council reviewed its policy on enforcement. Aspects of detail would require further work before the project was taken forward.

Councillor A Sykes was of the opinion that local authorities who had high recycling rates did not have three weekly refuse collections. He asked whether the best practice of local authorities across the country had been shared rather than just the best practice of the Council's partners and neighbours e.g. the other Merseyside Authorities.

The Head of Environment and Regulation reported that part of the work around the outline business case had involved looking at the practices of different sizes of local authorities, with different concerns, characteristics and demographics. It was also important to consider the working practices of other Metropolitan Borough Councils similar to Wirral e.g. the Manchester Authorities.

The Head of Environment and Regulation informed that one of Wirral's real strengths was dried recycling in one bin – the grey bin. Some Council's did not operate in this way. The Council was in a fortunate position and it had driven participation. The Contracts Manager agreed that the Council did have a convenient system in Wirral.

Councillor A Leech referred to a food waste trial that had been carried out previously and the Head of Environment and Regulation confirmed that the Council had trialled a food waste collection system in the West Wirral area during 2007/08. The results of it were that there was not enough food going into the chemical composter. There had been a poor response so the trial had been unsuccessful.

However, this time the Head of Environment and Regulation informed that there would be a collection purely for food on its own.

Councillor C Muspratt informed that she was concerned about the food collection and asked if she was correct in thinking that the Council could not levy a charge for a food waste collection by law. The Contracts Manager responded confirming that Councillor Muspratt was correct in her assumption.

The Chair thanked each of the three Decision Taker's Witnesses for attending the meeting and answering questions.

Summing up by each of the Lead Signatories

The Chair then invited the two Lead Signatory to the call-in to summarise the key points they had made.

Councillor S Kelly

Councillor S Kelly summed up by reminding the Committee that Wirral must improve its recycling levels which had dropped over recent years, mainly due to the charge being levied for brown bin collections.

Councillor S Kelly informed that if the Council really wanted to promote recycling and, in particular, methods of separating food waste from green bins it should be engaging with those who would have to make the systems work - local residents. The Council should also be aware that one size would not fit all areas in Wirral and it should be looking at bespoke solutions for different communities to increase recycling. It should be working with local communities on solutions rather than just imposing three weekly collections on them.

Councillor S Kelly was aware that the Council had sent nothing to landfill since October 2015. Therefore, it would not pay landfill tax as it had met the target. The priority was to ask why people could not put recyclable materials into their grey recycling bin. He informed that there was a lot of fly tipping in his ward because of the capacity of the green bin.

Work was required to educate people about food waste. Adding in the volume of the bin to the equation only confused matters. It was too much too soon. Councillor S Kelly informed that he had looked at waste recycling in Bury and in Edinburgh. There had been a five year gap before food recycling had been introduced.

Councillor S Kelly sought clarity around the questions people would be asked during the public consultation process and asked what would happen if Wirral people rejected both of the options.

Councillor I Lewis

Councillor I Lewis informed that he would also be interested in the responses to the consultation. He had concerns over the nature of the questions and the length of the consultation period and why some people were not recycling. He asked whether those not recycling would take part in the consultation.

Councillor I Lewis queried whether the right people could be reached in a six week period in the summer. If the questions did not involve yes and no

answers they would be open to interpretation. Councillor Lewis reinforced his question. If people were not recycling now, were they really interested enough to take part in the consultation exercise?

Summing up by the Cabinet Member – Environment, Councillor B Mooney

The Chair then invited the Cabinet Member to summarise the key points she had made.

Councillor B Mooney responded by informing the Committee that she had found the debate very interesting and considered that those in attendance at the meeting had learnt a lot about waste from it. Waste was a very interesting and complex subject.

Councillor Mooney reaffirmed that the Council could not do nothing, that was not an option. It had to move forward by going out to consultation requesting views on the two options. It was very important that waste was removed from green bins. If the Council was going to meet targets it needed to consult on its proposals.

Councillor Mooney referred to the experience from Leasowe which served to illustrate that putting resources into knocking on doors helped to make progress. She informed that education would be right at the heart of the consultation exercise. There would be information leaflets and education videos produced and work would be carried out in the constituency areas to make people aware of the need to recycle more. The Council needed to encourage people to recycle as soon as possible and was prepared to do whatever it could to increase recycling. It was about behavioural change and telling people what they could and could not recycle.

Committee Debate

The Chair then opened up the call-in meeting for general debate by Members of the Committee.

Councillor S Foulkes informed that he hoped that what he had heard during the meeting would be similar to the level of the debate that would take place in individual households across the Wirral. He was reassured that all of the comments received through the consultation process would be taken into consideration. Councillor Foulkes considered that, since the introduction of the wheelie bins, Wirral had one of the best collection services in the country.

Councillor S Foulkes also informed that there was a significant advantage in what was being proposed and was of the view that food waste must be tackled. Putting food waste in the green bin attracted maggots and flies. The proposal was to issue a separate sealed container and he was confident Officers had taken advice on this. He was aware of the difficulty in moving

from a two week to a three week refuse collection. Councillor Foulkes gave notice that he wished to propose a Motion.

Councillor A Sykes informed that the key issue was that the proposed consultation period was six weeks rather than twelve weeks. This was particularly worrying as it was intended to consult during August. He considered that the consultation should be of a qualitative nature and provide the opportunity for people to say what they wanted to about the proposals. There needed to be proper consultation which was interpreted correctly. What was being proposed was weak consultation. Food collection needed to be tackled but he questioned whether it should be part of the wider consultation.

Councillor S Foulkes read out his Motion as follows:

That

- (1) having reflected on the evidence provided and subsequent debate this Committee believes that the current arrangements for consultation regarding the Domestic Refuse Collection Outline Business Case are appropriate;
- (2) this Committee looks forward to a qualitative analysis and scrutiny of all the comments received; and
- (3) this Committee, therefore, upholds the Cabinet's decision.

Councillor C Muspratt seconded the Motion.

Councillor A Sykes indicated that he wished to move an amendment but accepted the advice of the Head of Legal and Member Services that what he intended to move negated the Motion that was being considered and so was unable to move it.

The Motion was put to the vote and carried (8 for, 6 against).

RESOLVED: That

- (1) having reflected on the evidence provided and subsequent debate this Committee believes that the current arrangements for consultation regarding the Domestic Refuse Collection Outline Business Case are appropriate;**
- (2) this Committee looks forward to a qualitative analysis and scrutiny of all the comments received; and**
- (3) this Committee, therefore, upholds the Cabinet's decision.**