



## **MINUTES OF THE CALL IN OVERVIEW AND SCRUTINY COMMITTEE** **Tuesday, 30 November 2010 at 7.30 pm**

PRESENT: Councillor Lorber (Chair for the meeting) and Councillors Lorber, Denselow, Kabir and Mistry and H B Patel (alternate for Councillor B M Patel).

Also Present: Councillors Chohan, J Moher (Lead Member for Highways and Transportation) and Powney (Lead Member for Environment, Planning and Culture).

Apologies were received from: Councillors Bacchus, Castle and B M Patel.

### **1. Election of Chair**

As the Chair of the committee was not present, Members were required to elect a Chair for this meeting. Councillor Lorber and Councillor Kabir were nominated. Both nominations were put to the vote and Councillor Lorber was declared the Chair for this meeting.

RESOLVED:-

that Councillor Lorber chair this meeting of the committee.

### **2. Declarations of personal and prejudicial interests**

Councillor Powney (Lead Member for Environment, Planning and Culture) declared an interest as a member of the West London Waste Authority in respect of the Waste and street cleansing – street cleansing efficiency savings and Waste collection strategy reports. However, he did not consider the interest as prejudicial and remained present to take part in discussions on these items.

### **3. Call-ins of Executive decisions from the meeting of the Executive held on Monday, 15 November 2010**

Decisions made by the Executive on 15 November 2010 in respect of the reports below were called-in for consideration by the Forward Plan Select Committee in accordance with Standing Orders 6(b) and 18.

#### **3.1 Waste and street cleansing - street cleansing efficiency savings**

The reasons for the call-in were:-

- The decision departs from the principle of protecting front line services.
- Consider the implications for the cleanliness of local streets.
- Consider the implications of prompt identifying of dumped rubbish and

- their removal.
- Consider full and effective consultation with local residents on this.

Councillor J Moher (Lead Member for Highways and Transportation) introduced the report and advised that the proposals were part of the additional savings that were required. Negotiations with Veolia, the waste and street cleansing contractor were to take place with the intention of reducing costs. The main proposal was the option to decrease the sweeping frequency for Zone 5 streets to twice weekly sweeps. Members heard that some streets in Zone 5 were not necessarily swept three times a week every time under the current arrangements. Councillor J Moher added that the council was reviewing all its contracts in all service areas with a view to seeking more for less because of the council's financial situation.

With the approval of the Chair, Elaine Henderson addressed the committee. Elaine Henderson stated that she was speaking on behalf of her residents' association. She commented that there had been a large improvement in the cleanliness of streets since the contract agreed in 2007 and she hoped that the high level of cleanliness would be maintained. Members heard that the street cleaners provided a decent service, showed initiative and also played a useful role overall for the community. Elaine Henderson suggested that the main method to achieve savings should be through reducing waste that went to landfill to reduce landfill tax costs.

During discussion by Members, Councillor Brown sought views with regard to the impact on street cleanliness as a result of reducing the sweeping frequency in Zone 5 streets. He asked for clarification with regard to the total savings target and had this factored in the £0.25m cost required to implement the savings measures and whether this would also impact on summer season sweeps and leaf fall collections. Councillor H B Patel commented that street cleaning was one of the most visible council services to residents and visitors to the borough and he felt there could be risks involved in maintaining standards with less resources. In view that the Olympics was less than two years away, he enquired what steps were being taken to ensure high levels of cleanliness to satisfy both residents and visitors to the borough. Councillor H B Patel also commented that there may be legal complications in respect of seeking changes to the existing contract.

Councillor Mistry asked if there were any implications for the street washing service and whether residents' views had been sought with regard to fly tipping during the consultation. Councillor Denselow enquired whether frontline staff would be protected when introducing savings measures. He referred to the importance of residents' perception of cleanliness in the borough and asked how the changes to the street cleaning service would be communicated to them. Councillor Kabir sought assurances that street cleaning on the same day after Wembley event days would remain.

Councillor Lorber (Chair for the meeting) sought clarification with regard to some streets in Zone 5 not receiving three sweeps per week as he understood that this had been specified in the contract and comments with regard to the need to consult residents about changes to the contract. He asked how concerns raised by the contractor with regard to summer season sweeps and leaf fall collections would be addressed. With regard to option three, further integration of special collections and cleansing, he asked at what level would any increase in bulky waste collection requests would affect implementation. The Chair asked whether any increase in

complaints as a result of changes to the service had been considered and if the costs involved in dealing with more complaints had been factored in.

The Chair commented that a need to improve waste collection and street cleaning had been clearly identified in 2006 when consultation had shown that residents had perceived the borough as unclean. Since the contract had been upgraded in 2007, there had been an emphasis on improving services as opposed to previous arrangements where the contractor had decided what areas required attention. The upgrade had resulted in significant improvement in both street cleaning and waste collection, however the Chair expressed concern that these improvements were in danger of being undermined by the changes proposed. With regard to the free bulky waste collection, the Chair commented that a relatively few number used this service, whilst all residents required a street cleaning service which may be compromised by the changes. He felt that reducing frequency in street cleaning for Zone 5 streets may offer an easy solution to generate savings, however he opined that some Zone 5 streets were not receiving adequate cleaning even under the three visits per week that they were currently receiving and streets such as Fernbank Avenue and Rosebank Avenue would visibly suffer as a result. The Chair suggested that Zone 5 streets be reviewed on a street by street basis to identify what the appropriate level of cleaning should be and street cleaning needed to be protected from savings initiatives in view of the high public profile of this service. He also sought details with regard to independent surveys being undertaken to obtain the views of residents.

In reply to the issues raised, Councillor J Moher acknowledged the comments made and he stressed the need to maintain the quality of service. He acknowledged that there had been a significant improvement in the cleanliness of streets and reduction in complaints since the upgraded contract had been agreed in 2007, however he commented that there was anecdotal evidence to suggest that not all Zone 5 streets were cleaned three times per week. He stressed the importance in monitoring the cleanliness of Zone 5 streets to ensure standards did not drop, however in some streets the frequency of cleaning required was less. Councillor J Moher advised that there was no legal requirement to consult residents over changes to the contract as it was a matter between the council and the contractor. It was possible that the contractor may challenge the changes proposed, however they were minor in nature so the risk of this happening was low. With regard to summer and leaf fall collections, Councillor J Moher advised that the same level of service was expected of the contractor and added that this was another example of the council seeking better value from its contracts.

Councillor J Moher informed Members that an independent report had concluded that the cost of waste collection and street cleaning contract was high compared to other local authorities and this highlighted the need to seek better value from the contract through negotiations. Whilst savings were sought out of financial necessity, every effort was being made to maintain front line services. By maintaining standards, it was expected that residents would not have need to register complaints.

Councillor Powney (Lead Member for Environment, Planning and Culture) added that sub-dividing Zone 5 streets in terms of frequency of street cleaning had been considered, however because of the village system used by the contractor such a measure would be too complicated to implement at a practical level.

Chris Whyte (Head of Environment Management, Environment and Neighbourhood Services) advised that the contract had specified that streets were required to be at cleanliness levels A or B as per EPA guidance. It was for the contractor to determine what level of frequency was required to ensure streets reached this level of cleanliness. It was felt that the changes proposed for Zone 5 streets would not have any noticeable effect on cleanliness for these streets. Monitoring officers would play a crucial role in reporting the level of cleanliness of these streets and to make the necessary representations to the contractor if there was a drop in standards. Chris Whyte advised that the contractor had included an option to clean Zone 5 streets twice a week in their tender for the 2007 contract. Summer and leaf fall collections were a separate issue from street cleaning and the contractor would be required to maintain the same level of service under the terms of the contract. With regard to street washing, the contractor had two vehicles at its disposal to undertake washing sessions on an ad-hoc basis.

With regard to bulky waste collections, Chris Whyte confirmed that demand had risen, however it was yet to reach a level which may require a review of how it may affect the ability to merge the street cleaning and bulky waste collection services. He confirmed that complaints were at an all time low and it was not envisaged that the changes would give rise to an increase in complaints. Members noted that there was a £700,000 savings target for street cleaning changes and £500,000 from waste collection, however it was now anticipated that the total savings achieved would be £1.5m as opposed to the objective of £1.2m. Chris Whyte confirmed that Wembley Event Day street cleaning came under a separate agreement which required same day cleans and Wembley Stadium contributed to the costs to provide this service. He advised that the Residents Attitude Survey had identified street cleaning as one of the most appreciated services provided by the council and he reaffirmed that the contractor would be obliged to maintain all streets at cleanliness levels A or B, regardless of the frequency of cleaning. The Keep Britain Tidy Group undertook public surveys on a 'mystery shopper' basis and this was undertaken three times a year, with the next two due to be undertaken between December 2010 and March 2011 and April to July 2011. The survey scored cleanliness by a grading of streets and incidences of fly tipping could influence the overall grading.

The Chair then indicated that in view that this item and the item below were inter-linked, consideration of any recommendations would be undertaken after both items had been discussed.

### **3.2 Waste collection strategy**

The reasons for the call-in were:-

- To discuss concerns regarding the nature and openness of the consultation and the possibility of full consulting residents.
- To consider the concerns of residents around the reduction in service and the implications of the increase in the number of bins.
- To discuss concerns regarding the co-mingling of waste and contamination of waste.
- To fully review the options available.

- To consider how to retain public support for recycling and not lose it by scrapping weekly refuse collections.
- To consider implications of fortnightly refuse collections on housing estates and properties in multiple occupation.
- To consider the risk of Judicial Review.

Members had the Executive report on the Waste collection strategy. Elaine Henderson (Brent Friends of the Earth) was then invited by the Chair to address the committee.

Elaine Henderson began by stating that Brent Friends of the Earth had welcomed the upgraded waste collection and street cleaning contract in 2007 and initiatives such as green boxes and bins were eco friendly and encouraged collection of recyclable waste. Elaine Henderson acknowledged that the Council needed to make savings, however she suggested that the best way to achieve this was to minimise landfill tax charges which had cost the council £9 million last year. She commented that there had not been sufficient reference to co-mingling waste collection on the council's website and the summary report and she felt that it was important to highlight this as it was a major change. Elaine Henderson then referred to the recommendations from Brent Friends of the Earth circulated to Members at the meeting and stated that a co-mingling system would only increase recycling by 3% and adding glass to the collection would worsen the situation. Members heard that Waste and Resources Action Programme (WRAP) had recommended that the dry recycling bin needed to be in region of 140-180 litres for fortnightly collections and the cost of the new bins would be approximately £1.7 million. Elaine Henderson felt that offering more green recycling bins would be preferable. Members heard that a company that currently bought recycled paper from the council had stated that it would not knowingly buy recycled waste from co-mingled collections and the council was at risk of losing this customer. Other local authorities, such as Camden council, were moving away from co-mingled collections and such a system increased the risk of inappropriate materials being placed in the bins. Under a mechanical recovery system, a lot of waste still ended up in landfill. In addition, providing suitable instructions to residents to make the system work in Brent was complicated by English not being the first language of many and much emphasis needed to be made in educating residents of the need to recycle as well as extending the recycling service. The same day collection had been successful and increased residents' satisfaction by 16% and the only other London boroughs with fortnightly collections, Bexley, Harrow and Kingston, were much different in terms of demographics compared to Brent. Elaine Henderson asked that the council re-consider its proposals and she reaffirmed Brent Friends of the Earth's willingness to work with the council in providing alternative solutions.

Elaine Henderson then addressed the committee as a local resident. She felt that the consultation was significantly flawed, with no mention of fortnightly collections using 240 litre bins and co-mingled collections. The language used in the consultation had been unclear, whilst the overall response to the consultation was relatively small. For this reason, she suggested that the council's proposals could be subject to judicial review.

In reply to the issues raised by Elaine Henderson, Councillor Powney stated that the consultation undertaken was similar to other council consultations and he felt that the consultation document had clearly explained proposals that were complex

by nature. The consultation had taken place between 31 August and 20 October and the proposals had been in the public domain since the publication of the Executive agenda for the Executive meeting on 11 August. There had also been a number of features in the local press with regard to the proposals. Councillor Powney advised that the proposals would not see a reduction in service but would actually be an enhancement, with capacity for recycling increased, recycling extended to flatted properties and a greater range of materials being collected for recycling. The new proposals would enhance collection of recycled cardboard and food waste and green box users would now be able to recycle tetra packs. Members heard that the new food bins would be smaller than the green boxes. Councillor Powney assured the committee that where gardens were too small to accommodate additional bins, alternative arrangements would be considered.

With regard to co-mingled collections, Councillor Powney stated that there was a risk of contamination of recycled waste irrespective of the collection method used, however those local authorities achieving high recycling rates used co-mingling collection techniques. All options had been considered before identifying co-mingling as likely to be most effective method in increasing recycling and this had included looking at the methods used by some local authorities that had high recycling rates. Councillor Powney confirmed that there would be weekly co-mingled collections from flatted properties and he added that the proposals would help achieve less waste going to landfill and therefore less cost to the council. He felt that there was no basis for a judicial review with regard to the proposals.

Chris Whyte advised that the proposals were designed to considerably improve the recycling rate to 50%, whilst also providing a more cost effective service. He advised that the vehicle fleet would need to be doubled to achieve 50% recycling rate using the current system.

During discussion by Members, Councillor Kabir welcomed some of the suggestions made by Brent Friends of the Earth and queried whether any who had responded to the consultation had cited difficulties in understanding the consultation document and commented that most residents would have sufficient understanding of English to understand the document. Councillor H B Patel felt that the proposals had not been clearly explained at the Area Consultative Forums (ACFs) and there was a need to consult more widely. He suggested that language issues also needed to be addressed in respect of this. He stressed the importance in educating residents of the need to recycle and he enquired what action was being taken to address this. He also enquired why there had been an overall reduction in total waste and was this indicative of increased recycling. Councillor Mistry also asked what communication initiatives were being undertaken to highlight the importance of recycling to residents, especially in view of the borough's diversity. In noting that the proposals aimed to increase recycling rates and reduce landfill taxes, he also asked whether it was also intended to reduce the carbon footprint.

Councillor Brown sought further details with regard to where future recycled waste would be sent to, in particular newspaper waste, stating that it presently remained in the UK and expressed concern that the carbon footprint would be increased if sold recycled materials were sent overseas by air. He enquired about the legality of sending recycled waste to China and why the 2010 consultation survey was not as comprehensive as the one undertaken in 2007. Councillor Brown commented that

he did not think the consultation document clearly specified that alternate weekly collections were proposed, adding that he felt that the language used was not user friendly. He enquired whether it was proposed that all recycled materials be collected through co-mingling methods. He also referred to West Somerset local authority using kerbside collection techniques to achieve a 51% recycling rate as highlighted in the Brent Friends of the Earth written submission and he asked reasons as to why the council could not achieve such a rate through the same collection method.

The Chair enquired where the co-mingled waste would be sent to and would the recycled material be of sufficient quality for UK markets. He asked whether there would be a need to change the paper contractor if the present one would not accept recycled waste from co-mingled collections. Views were sought in respect of West Somerset local authority achieving a recycling rate of 51% through kerbside collections. The Chair asked what increases in recycling could be achieved through better communication and education of residents as opposed to the proposals put forward. He also enquired about the possibility of maintaining a kerbside collection for properties that currently received this service and offering a co-mingled collection service to flatted properties.

With regard to the consultation document, the Chair felt that the proposals had not been made sufficiently clear and contained only two questions, considerably less than the recent library consultation. He queried why the word 'rubbish' had not been used in the questions and felt that the language used may not be helpful to those whose first language was not English. The consultation had also not mentioned that some residents would be receiving additional wheelie bins, whilst it had not been implied that waste collections would be fortnightly. In view of what he felt were major changes to the service, the Chair felt that the consultation was inadequate and may attract residents' complaints that would be referred to the Local Government Ombudsman. The Chair suggested that it would be appropriate to re-consult residents with a more comprehensive document clearly stating the proposals to move to fortnightly collections and co-mingling and he added that only a relatively small number had responded to the consultation. Concern was expressed that residents may tire of being informed of another change to the service and this could affect recycling rates. The Chair sought further details with regard to proposals for flatted properties collection and what were risks of contamination from the co-mingled waste in respect of these properties. He also enquired about the implications if the recycling target rates were not met.

In reply to the issues raised, Councillor Powney confirmed that the contractor, Veolia, owned the waste once it was collected, however it was envisaged that most of the recycled materials sold would remain in the UK. Even if recycled waste was sent overseas, it was likely to be sent by sea. Councillor Powney confirmed that the proposals were also designed to reduce the carbon footprint in line with the council's objectives. He advised that the consultation had been conducted in similar fashion to other consultation exercises and had also included presentations to all ACFs to explain a complex issue. He stated that if the consultation was extended significantly wider than usual, there would be a need to increase resources, which was not desirable in view of the council's financial situation. This effect would be increased by the need to widen all other consultations. Councillor Powney acknowledged that educating residents when changing waste collection arrangements was always necessary and he cited the example of the London

Borough of Harrow which had significantly increased recycling rates since changing to fortnightly collections. Members heard that it was not proposed to introduce a one size fits all in respect of bins and other solutions would be considered for some flatted properties as appropriate as a three bins system would not be suitable for all properties. Councillor Powney added that the borough's relatively transient population and language issues also needed to be taken into consideration. He also stressed the need for the council to find £37 million savings in the next year and this needed to be considered in context in relation to waste management contract.

Councillor J Moher stated that the consultation documents could be re-assessed to see how they could be improved in future. He emphasised the need to increase recycling from its present rate of 28% and a co-mingling collection technique had been identified as key to achieving this. Residents needed to recycle more and this message needed to be clearly communicated to them.

Chris Whyte confirmed that the co-mingled waste would be sent to a recycling facility centre and that Veolia would sell recycled materials depending on market demands, although there was a large market for this within Europe. Legally, there was nothing to prevent the contractor from selling recycled materials to China although this was unlikely because of market conditions. An assessment undertaken had concluded that recycling could only be increased to 34% if a communications campaign was launched but retaining the current collection system and into the high 30% if flatted properties were added to the recycling collection service whilst a kerbside collection was maintained for properties that currently had this service. For flatted properties, a block of flats comprising of less than eight flats would receive fortnightly collections and those with more than eight flats would receive weekly collections. The recycling rate was presently 28%, although the figure had been higher and peaked when compulsory recycling had initially been introduced. It was noted that between 90-95% of residents under the compulsory scheme had participated in it. Although the majority of residents were recycling, the containers presently used were insufficient and this is why changes to bins had been proposed. Chris Whyte confirmed that the consultation document had been sent to all residential properties in the borough and it had been included in Brent Magazine. The proposals had attracted the interest of a wide variety of organisations, including local and London-wide newspapers and Chris Whyte felt that most residents were aware of the proposal for fortnightly collections. Members heard that the reduction in total overall waste could be attributed to the economic downturn. Chris Whyte advised that a communication action plan was being drawn up to inform residents of the changes to waste collection and stressing the need to recycle and extra funding had been made available for this.

Chris Whyte advised that contamination of up to 10% would be acceptable in terms of recycled materials for co-mingled collections. He explained that West Somerset had achieved a high recycling rate from kerbside collections because it had a far greater proportion of green waste, however Brent was limited by the number of vehicles and the size of containers for such a system and therefore had chosen the co-mingled option. Members noted that the £1.2 million savings targeted would be at risk of not being achieved and the shortfall would be proportionate to how far below the recycling rate was from the target rate. The current system was not an option because of rising landfill taxes.



David Pietropaoli (Waste Policy Manager, Environment and Neighbourhood Services) added that an independent review carried out on behalf of the Mayor of London had shown that those local authorities that used weekly kerbside sort collections currently achieve the lowest yield, whilst those using co-mingled fortnightly collections currently achieve the highest yields. In order to maintain the kerbside collection to increase recycling rates, different bins for dry recycled materials would be required and the resulting additional costs and carbon footprint implications had meant this option was not feasible. Members heard that in 2008/09, 26 of the top 30 performing councils in England for dry recycling diversion rates operate a co-mingled collection service and that eight of top ten local authorities were using co-mingled collection methods. He indicated that the council was willing to work with organisations such as Brent Friends of the Earth and WRAP with regard to waste and recycling. David Pietropaoli advised that presentations given to at the ACFs had explained the frequency of waste collections. With regard to recycled materials being sold by the contractor, he advised that there was a demand for recycled cardboard in the UK and for recycled newspaper in the UK, Belgium and Germany, whilst new markets were also emerging for plastics in London. David Pietropaoli emphasised the need to take a holistic approach to recycling, stating that in some circumstances it may be more desirable for materials that could be recycled be sent abroad rather than sending them to landfill sites in England.

Following consideration of the discussion in relation to both the Executive decisions made in respect of the Waste and street cleansing - street cleansing efficiency savings and Waste collection strategy reports, Members then agreed recommendations suggested by the Chair as outlined below.

### *3.1 Waste and street cleansing - street cleansing efficiency savings*

### *3.2 Waste collection strategy*

RESOLVED:-

- (i) that upon considering the reports from the Director of Environment and Neighbourhood Services on Waste street cleansing – street cleansing efficiency savings and Waste collection strategy, the decisions made by the Executive be noted;
- (ii) that in view that the total savings projected of £1.5m exceeds the target of £1.2m, the Executive be requested to re-consider the frequency of street cleaning in Zone 5 streets and the scrapping of weekly waste collections;
- (iii) that the Executive be requested to provide re-assurance that that the waste collection and recycling contractor be instructed to ensure that all recycled materials be sold within UK markets;
- (iv) that the Executive be requested to re-consider using co-mingling techniques because of concerns raised by councillors and Friends of the Earth about this method and investigate whether local authorities using kerbside collections are achieving the council's recycling rate targets;

- (v) that the Executive be requested to agree to engage with relevant local organisations such as Brent Friends of the Earth in considering street cleansing, waste collection and recycling issues; and
- (vi) that the Executive be requested to agree to approach Plain English Campaign to undertake an independent assessment of the council's consultation on the waste collection strategy to determine whether a re-consultation is necessary.

4. **The Executive list of decisions for the meeting that took place on Monday, 15 November 2010**

RESOLVED:-

that the Executive list of decisions for the meeting that took place on Monday, 15 November 2010 be noted.

5. **Date of next meeting**

It was noted that the next meeting would be a special meeting of the Call-In Overview and Scrutiny Committee that was scheduled to take place on Thursday, 9 December 2010 at 7.30 pm.

6. **Any other urgent business**

None.

The meeting closed at 10.10 pm

P LORBER  
In the Chair