

BRIGHTON & HOVE CITY COUNCIL
SCRUTINY PANEL ON COMMUNAL BINS CONSULTATION

Notes of the meeting held on

Wednesday 26th May 2004

10.00am

Room 126, Kings House

Present: Councillors Young (Chair), Edmond-Smith and Simson

Abraham Ghebre-Ghiorgis - Head of Law, Mark Wall - Head of Democratic Services.

Also present: Gillian Marston, Assistant Director Cityclean
Tim Moore, Head of Operations Cityclean.

1. PROCEDURAL BUSINESS

1.1 A, B, C - None.

1.2 The Chair Councillor Jan Young noted that the officers had requested to give evidence in private and therefore suggested that it would be appropriate for them to be seen individually.

2. NOTES OF THE LAST MEETING HELD ON THE 30th APRIL 2004.

2.1 The notes of the last meeting were agreed.

3. INFORMATION FROM THE ASSISTANT DIRECTOR OF CITY CLEAN AND THE HEAD OF OPERATIONS OF CITY CLEAN

3.1 Gillian Marston, Assistant Director (AD)

The Chair asked the Assistant Director to outline her role within the organisation and how it was that she had become involved in the communal bins scheme.

Gillian Marston explained that as the Assistant Director of Cityclean her role was to oversee the whole service and to look to improve the service delivery to the residents of the city. The need to improve the cleanliness

of the city and to keep rubbish off the streets had been identified as a main priority for the Council, following the Best Value Review of Waste. In order to achieve this, the communal bins scheme was put forward as an option and the trial agreed by the Environment Committee in July 2003.

Panel Members questioned the Assistant Director (AD), about the events that led up to the introduction of the scheme.

The AD stated that the outcome of the Best Value Review was reported in January 2003 and the recommendations for a communal bin and wheelie bin trial were taken on board. A report was taken to the Environment Committee in July 2003 and an application made for an experimental Traffic Order (TO). During this time ward councillors were contacted and offered briefings. During the middle of November leaflets were sent out to all residents within the proposed trial area, and a further 400 letters were sent out on the 24th November to residents who had not received the leaflets. Two exhibitions were also held on the 26th and 27th November at the Old Market Centre to explain how the trial would operate. Details of the scheme were put on the council's website at the beginning of December and feedback requested. At this point in time it became clear that 4 streets were opposed to the trial and meetings were held with residents. On the 20th January a letter was posted directly to all residents in the trial detailing the comments that had been received and changes that had been made as a result of these e.g. the colour of the bins and road markings. On the 29th January 2004 the final report was taken to the Environment Committee and a number of streets were suspended from the scheme as a result of the opposition and the scheme was set to commence with effect from 2nd February.

Panel Members queried how the leaflets were delivered and what was the view with regard to the process for the trial i.e. were residents being informed with a view to being consulted at a later date or were they being consulted before the trial began. They also noted that there was a Public Consultation Strategy, which had been drawn up by the Research & Consultation Team and queried whether they had been contacted.

The AD stated that the leaflets were delivered by direct mail using the addresses taken from the Royal Mail's list. However, it became clear that the address list was out of date hence the additional letter to 400 residents. In terms of consultation, the intention had been to run the trial, but for the full consultation on how it was working to take place after the first six months. However, it was felt that it would be beneficial to have some input into the scheme beforehand, hence the exhibitions and requests for feedback. The feedback had resulted in four streets being suspended from initial trial. With regard to the Consultation strategy this

had been agreed after the process for the bins trial had planned and the leaflets distributed.

Panel Members referred to the July Environment report and suggested that it had given the wrong impression with regard to the consultation process, as it stated that consultation would take place before the scheme was implemented.

The AD stated that the intention had been to have a full consultation process once the scheme had been operating, but it was felt that residents should have the opportunity to comment on the proposals, in order to help with its implementation. She accepted that the intention to consult fully after the first 6 months of the scheme could have been expressed better and that people were being asked to give a view on how it was going to operate rather than whether or not the whole scheme should take place at all. However, had things been made clearer, she was not sure that it would have resulted in a different outcome.

Panel Members suggested that there had been a problem with regard to how the consultation process was perceived by the public. There were a number of references in various papers with regard to the need for consultation and yet no clarity about the process. They also queried the position with regard to the Traffic Order and the need for consultation.

Panel Members asked about how it was that certain streets were suspended from the scheme and how it was that the leaflets detailing the scheme had not been received.

The AD stated that as an experimental traffic order had been applied for there was no need for a consultation period prior to it being implemented. The process was for it to be in place and for comments to be received on how it was working. She acknowledged that there had been difficulties with regard to the distribution of the leaflets and letters. However, action had been taken to try to resolve these problems. In terms of those streets that were suspended, she accepted that there had been an inconsistent approach and that in reality those that had expressed the greatest amount of opposition had been taken out of the trial. However, there was also a need to ensure that there were enough streets to make the trial viable and which could accommodate the bins and vehicles etc. She also pointed out that, once the trial had been publicised people claimed they were happy with the service they received, this went against the results of the survey for the BVR which had shown street cleanliness was a concern.

Panel Members asked the AD to outline what could have been done differently had she been aware of how things had gone.

The AD stated that the distribution of the leaflets would have been managed better to ensure people were aware of the proposals and she felt that communications with ward councillors could be improved. She also felt that better clarity could have been given with regard to how the consultation process was expected to work and why and what residents were being asked for views on prior to the implementation of the trial.

Panel Members queried whether any provision had been made for people with disabilities and how this was conveyed to residents.

The AD stated that there had been no changes to the support given to people with disabilities and that the service was advertised and each person visited to clarify their needs. In terms of feedback received it appeared that this service was working well.

Panel Members suggested that it would have helped to have looked at the various streets to be included in the trial and to take account of their particular environment, as it may have resulted in some not being included because of their situation e.g. Powis Villas which comprised of 15 houses in a conservation area.

The AD suggested that the Head of Operations could provide a better explanation as to how the streets were identified. However, she noted that as part of the consultation exercise that was taking place, a questionnaire had been given to all the residents and focus groups were being held to provide feedback on how the trial was working.

Panel Members stated that it had been suggested extra resources had been put into the trial, which would not continue once it became a permanent scheme.

The AD stated that in actual resource terms, less resources were required to operate the scheme and a commitment had been given to ensure the streets were kept clear of rubbish and therefore the bins were emptied as required. It also meant that resources had been redirected into the recycling service and therefore enabled it to be more effective.

Panel Members noted that there was a specific website opposed to the bins and queried whether officers had joined this to promote the benefits of the scheme. They also queried how the scheme would be extended across the city should it prove to be successful.

The AD stated that she had visited the website to ascertain what the views were regarding the scheme and had found various comments about herself and other officers which were defamatory. She had not used it to promote the scheme and noted that as part of the

consultation process, the Research & Consultation Team were using a qualitative data to formulate their findings. With regard to extending the scheme, she felt that the current trial had to be completed before any consideration could be given to extending the scheme. The difference would be that people would have experienced it, whereas as yet no one had really seen how it could benefit the city and its residents.

Panel Members queried whether if the black bag collections were completed on time there would not be a need for communal bins and therefore there was a need to ensure the service worked efficiently.

The AD pointed out that whilst there were difficulties with collections, the black bags would always be subject to damage from birds etc. and were unsightly when left on the streets. The communal bins enabled the rubbish to be taken off the streets and gave residents somewhere to deposit their rubbish. The refuse collection rounds were operating on the right days and yet there were still problems with rubbish appearing on the streets and this had been identified back in January 2003, it was not a new problem. She also noted that the Audit Commission had commented on the situation and recommended that a containerised service such as that provided in Edinburgh should be introduced.

Panel Members thanked the AD for her attendance.

3.2 Tim Moore, Head of Operations (HoOp)

The Chair asked the Head of Operations to outline his role within the organisation and how it was that he had become involved in the communal bins scheme.

The HoOp stated that he was responsible for the day-to-day management of the service and the implementation of the communal bins and other new schemes to improve the service.

Panel Members asked the HoOp to outline how the area for the trial had been chosen.

The HoOp explained that he had previously been the Waste Manager and had undertaken a Waste Survey, which had fed into the Best Value Review. The survey had been city-wide and had shown which areas had highlighted the street cleanliness as a main concern. Having identified these areas and taking into account the recommendations of the Best Value Review, it was felt that a communal bins trial would be a useful exercise. He therefore looked at the areas where street cleanliness had been a main concern and taking into account operational requirements for the trial chose the area.

Panel Members queried whether once the area had been identified a

review of the actual streets was undertaken to determine their suitability e.g. Powis Villas. They also queried how he was involved in the promotion of the trial.

The HoOp stated that he visited each site to ensure that they could be serviced and what difficulties might exist. With regard to Powis Villas, there were a number of multiple-occupancy dwellings, which could be accommodated, and he did seek to discuss matters with the residents. He also visited Edinburgh to see how the scheme worked there and was involved in meetings with residents and at the two exhibitions. He did e-mail ward councillors to inform them of the proposed scheme and invited them to attend briefings.

Panel Members queried whether the residents had misunderstood the process of consultation and whether certain streets had been suspended as a result of those that had opposed the trial the most.

The HoOp stated that he had made it clear at the two exhibitions that there would be a full consultation exercise once the trial had been in operation and that prior to that residents views were being sought on aspects of how the trial would work. In terms of the streets that were suspended, he accepted that some were as a result of pressure from residents and others because of operational difficulties.

Panel Members referred to the report to the Environment Committee in July 2003 and queried whether he had written it and what his understanding was of the reference to consultation.

The HoOp stated that he had written the report and that it attempted to explain that there would be a consultation process after the trial had been in operation for 6 months. This would enable residents to put forward their views on how the scheme was working and for those to be taken on board. He did speak to a number of Members to explain this process and did accompany Councillor Pennington around the area.

Panel Members noted that elements of the scheme were altered and asked for clarification as to why this occurred. They also asked why he thought people had been so opposed to the scheme i.e. was it because they had expected to be consulted before its introduction or simply because they opposed communal bins.

The HoOp stated that changes were made to the colour and location of the bins following comments received from residents and some streets were suspended from the trial. He also noted that some people had welcomed the trial and felt that the introduction of the bins would be beneficial. In fact there had been requests from streets outside of the trial to have the bins. With regard to the consultation exercise, he felt that some people may have misunderstood and thought that they were

to be consulted on whether or not the trial would take place. However, the need for a trial had been identified and it needed to be undertaken before it could be evaluated and people give their views on how it well it works. There had been strong opposition initially in Montpelier Crescent, however the residents were now very happy with the service. He also noted that out of the 40 streets in the trial only 5 opposed it.

Panel Members asked whether consideration had been given to informing the ward councillors about the intended scheme and what action was taken to ensure they were aware of its implementation date.

The HoOp stated that he had e-mailed the ward councillors and sought to meet with them to discuss the trial and get their views on how their constituents would react. Whilst some councillors did respond others did not and he did attempt to contact them with follow-up e-mails and telephone messages. He did send copies of the leaflet to the councillors which was due to be sent to residents and did maintain a record of those who had responded.

Panel Members referred to the two exhibitions that were held and queried whether the HoOp felt these were sufficient to inform people of how the trial would work.

The HoOp stated that the exhibitions were planned and held in the day and evening so as to enable as many people to attend as possible. He believed that they had been well attended and the comments received were taken on board.

Panel Members noted that the consultation process had begun and asked whether any of the residents opposed to the trial were involved in the focus groups and whether those residents who had attended the last Panel meeting had been informed of the process.

The HoOp stated that he was not involved in the focus groups so could not answer the question. However, he acknowledged that it would be helpful to ensure that the residents who had attended the last Panel meeting were aware of the process and that they needed to be consulted as part of the process for the report to the Environment Committee.

The Head of Law asked that the HoOp to comment on what aspects of the process he would change with the benefit of hindsight and how were the needs of people with disabilities accounted for.

The HoOp stated that he felt it would have been better to start the process earlier and to be able to demonstrate that comments were being taken on board. However, he did believe that the element of vociferous opposition to the trial would still have resulted. It may have

helped to be clearer about the process for consultation but having experienced the service people had been complimentary and had realised the benefits that it provided. With regard to those people with disabilities, when the letter was sent out about the start of the trial, people were given the opportunity to discuss their needs. The assisted collection service had not been altered and currently 20 such collections were provided.

The Panel thanked the HoOp for his attendance.

4. To Agree Future Work Arrangements.

- 4.1 The Head of Law referred to the Panel's remit and stated that the legal definition of consultation applied three tests:

- (a) Does the consultee have the information required to be able to give comments;
- (b) Is there an opportunity to make representations;
- (c) Have the representations/comments been taken into account.

The report to the July Environment Committee was not as clear as it could have been and having looked at the information contained in the paper, Members may not necessarily have understood the exact process.

With regard to the concerns raised by the residents over the legitimacy of the decision, the committee approved the trial scheme and there was an opportunity to comment on that. Aspects of the scheme were changed as a result of feedback and the final decision to go ahead with the scheme was taken until the 29th January 2004. As such, all relevant information regarding the scheme had been made available by the time of the committee meeting.

With regard to the experimental traffic order, there was no requirement to advertise it first. Once it was approved, people would have up to 6 months to make representations, which could then be taken into account before a final Traffic Order was approved.

- 4.2 The Panel agreed to meet again on the 23rd June at 5.00pm and to formalise its report.

5. Exempt Items

- 5.1 The Panel agreed that subject to the agreement of the officers concerned the notes of the meeting would be made available to the public.

The meeting concluded at 12.40am