

Public Document Pack



OVERVIEW & SCRUTINY COMMITTEE

Tuesday, 23 October 2018 at 7.30 pm
Room 1, Civic Centre, Silver Street, Enfield,
EN1 3XA

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Councillors : Derek Levy (Chair), Huseyin Akpinar, Tolga Aramaz, Susan Erbil,
Gina Needs (Vice-Chair), Lee David-Sanders and Edward Smith

Education Statutory Co-optees: 1 vacancy (Church of England diocese representative), Simon Goulden (other faiths/denominations representative), Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor Representative).

Enfield Youth Parliament Co-optees (2)
Support Officer – Susan O’Connell (Governance & Scrutiny Officer)
Elaine Huckell (Governance & Scrutiny Officer)

AGENDA – PART 1

1. **WELCOME & APOLOGIES**
2. **DECLARATIONS OF INTEREST**

Members of the Council are invited to identify any disclosable pecuniary, other pecuniary or non-pecuniary interests relevant to items on the agenda.

3. **CALL-IN OF REPORT: APPROVAL TO UNDERTAKE A PUBLIC CONSULTATION FOR POTENTIAL CHANGES TO THE WASTE AND RECYCLING COLLECTION SERVICES** (Pages 1 - 44)

To receive and consider a report from the Director of Law and Governance outlining details of a call-in received on the Portfolio Decision taken on Approval to Undertake a Public Consultation for potential changes to the waste and recycling collection services (Report No.99)

The decision that has been called- in was a Portfolio Decision taken by the Cabinet Member for Environment on 10 October 2018 and included on the Publication of Decision List No: 26/18-19 (List Ref:1/26/18-19) issued on 10 October 2018.

It is proposed that consideration of the call-in be structured as follows:

- Brief outline of the reasons for the call-in by representative (s) of the members who have called in the decision
- Response to the reasons provided for the Call-in by the Leader of the Council
- Debate by Overview and Scrutiny Committee and agreement of action to be taken

4. MINUTES OF MEETING HELD ON 27 SEPTEMBER 2018 (Pages 45 - 52)

To agree the minutes of the meetings held on the 27 September 2018.

5. DATES OF FUTURE MEETINGS

To note the dates of future meetings as follows:

Provisional Call-Ins

- Thursday 8 November 2018
- Thursday 6 December 2018
- Thursday 20 December 2018
- Tuesday 15 January 2019
- Thursday 7 February 2019
- Tuesday 12 March 2019
- Tuesday 26 March 2019
- Thursday 11 April 2019

Please note, the business meetings of the Overview & Scrutiny Committee will be held on:

- Wednesday 7 November 2018
- Tuesday 12 February 2019
- Wednesday 3 April 2019

The Overview & Scrutiny Budget Meeting will be held on:

- Thursday 31 January 2019

6. EXCLUSION OF PRESS & PUBLIC

To consider, if necessary, passing a resolution under Section 100A (4) of the Local Government Act 1972 excluding the press and public from the meeting for the item of business listed in Part 2 of the agenda on the grounds that it will involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006), as are listed on the agenda (Please note there is not a Part 2 agenda).

MUNICIPAL YEAR 2018/2019 REPORT NO. 99**MEETING TITLE AND DATE:**

**Overview & Scrutiny
Committee,
23 October 2018**

REPORT OF:

Director of Law and
Governance

Agenda – Part: 1**Item:**

**Subject: Call-In : Approval to undertake a
public consultation for potential changes
to the waste and recycling collection
services**

Wards: All**Cabinet Member consulted: Cllr Dogan**

Contact officers and telephone
numbers:

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1. EXECUTIVE SUMMARY

1.1 This report details a call-in submitted in relation to the following decision:

**Portfolio Decision by the Cabinet Member for Environment (taken on
10/10/2018):**

1. To approve proceeding to public consultation on seven options and with the status quo for potential changes to waste and recycling services as set out within this report.
2. To agree to the approach for public consultation set out within this report.
3. Authority is delegated to the Director of Environment and Operational services in consultation with the Cabinet Member for Environment to develop and undertake the consultation and feedback and present a final report to Cabinet with recommendations.

1.2 Details of this decision were included on Publication of Decision List No. 26/18-19 (Ref. 1/26/18-19 – issued on Wednesday 10 October 2018).

1.3 In accordance with the Council's Constitution, Overview and Scrutiny Committee is asked to consider the decision that has been called-in for review.

- 1.4 The members who have called-in this decision do not believe it falls outside of the Council's Policy Framework.

2. RECOMMENDATIONS

- 2.1 That Overview and Scrutiny Committee considers the called-in decision and either:
- (a) Refers the decision back to the decision making person or body for reconsideration setting out in writing the nature of its concerns. The decision making person or body then has 14 working days in which to reconsider the decision; or
 - (b) Refer the matter to full Council; or
 - (c) Confirm the original decision.

Once the Committee has considered the called-in decision and makes one of the recommendations listed at (a), (b) or (c) above, the call-in process is completed. A decision cannot be called in more than once.

If a decision is referred back to the decision making person or body; the implementation of that decision shall be suspended until such time as the decision making person or body reconsiders and either amends or confirms the decision, but the outcome on the decision should be reached within 14 working days of the reference back. The Committee will subsequently be informed of the outcome of any such decision.

3. BACKGROUND/ INTRODUCTION

- 3.1 Please refer to Section 3 in the Decision Report.

4. ALTERNATIVE OPTIONS CONSIDERED

None – Under the terms of the call-in procedure within the Council's Constitution, Overview & Scrutiny Committee is required to consider any eligible decision called-in for review. The alternative options available to Overview & Scrutiny Committee under the Council's Constitution, when considering any call-in, have been detailed in section 2 above.

5. REASONS FOR RECOMMENDATIONS

To comply with the call-in procedure within the Council's Constitution.

6. COMMENTS OF THE EXECUTIVE DIRECTOR RESOURCES AND CUSTOMER SERVICES AND OTHER DEPARTMENTS

6.1 Financial Implications

The financial implications relating to the called-in decision have been detailed in Section 6.1 of the Cabinet Decision Report.

6.2 Legal Implications

S 21, S 21A-21C Local Government Act 2000, s.19 Police and Justice Act 2006 and regulations made under s.21E Local Government Act 2000 define the functions of the Overview and Scrutiny committee. The functions of the committee include the ability to consider, under the call-in process, decisions of Cabinet, Cabinet Sub-Committees, individual Cabinet Members or of officers under delegated authority.

Part 4, Section 18 of the Council's Constitution sets out the procedure for call-in. Overview and Scrutiny Committee, having considered the decision may: refer it back to the decision making person or body for reconsideration; refer to full Council or confirm the original decision.

The Constitution also sets out at section 18.2, decisions that are exceptions to the call-in process.

6.3 Property Implications

The property implications relating to the called-in decision have been detailed in Section 6.3 of the Cabinet Decision Report.

7. KEY RISKS

The key risks identified relating to the called-in decision have been detailed in the Cabinet Decision Report.

8. IMPACT ON COUNCIL PRIORITIES - CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

The way in which the called-in decision impacts on the Council priorities relating to good homes in well-connected neighbourhoods, sustain strong and healthy communities and build our local economy to create a thriving place have been detailed in the Portfolio Decision Report.

9. EQUALITIES IMPACT IMPLICATIONS

The equalities impact implications relating to the called-in decision have been detailed in the Cabinet Decision Report.

10. PERFORMANCE MANAGEMENT IMPLICATIONS

The performance management implications identified relating to the called-in decision have been detailed in the Cabinet Decision Report.

11. HEALTH AND SAFETY IMPLICATIONS

The health and safety implications identified relating to the called-in decision have been detailed in the Cabinet Decision Report.

12. PUBLIC HEALTH IMPLICATIONS

The public health implications identified relating to the called-in decision have been detailed in the Cabinet Decision Report.

Background Papers

None

APPENDIX 1

Call-In: Portfolio Decision: Approval to undertake a public consultation for potential changes to the waste and recycling collection services

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MUNICIPAL YEAR 2018/2019 REPORT NO.**ACTION TO BE TAKEN UNDER DELEGATED AUTHORITY****PORTFOLIO DECISION OF:**

Cllr Guney Dogan
Cabinet Member for Environment

REPORT OF:

Director – Environment & Operational Services

Agenda – Part: 1

KD Num: 4703

Subject: Approval to undertake a public consultation for Potential Changes to the Waste & Recycling Collection Services

Wards: All

Contact officer and telephone number: Jon Sharkey, ext:3072

Email: jon.sharkey@enfield.gov.uk

1. EXECUTIVE SUMMARY

- 1.1 Enfield Council has made savings of £161 million since 2010 and has a further challenging savings target of £18 million for 2019/20.
- 1.2 In preparation to find savings to contribute to the overall savings target, options regarding different waste and recycling collection arrangements from kerbside properties with wheeled bin(s) have been explored.
- 1.3 Currently Enfield Council provides a waste and recycling collection from kerbside properties with a wheeled bin:
- Weekly refuse
 - Weekly dry recycling
 - Fortnightly mixed food and garden waste (opt-out service with no subscription fee)
- 1.4 The Council is required to make significant savings for 2019/20; £18 million, and the costs of the current collection system are projected to rise significantly. If savings are not made through the waste and recycling collection service, then the Council will have to identify and implement savings in other services from across the council, draw on reserves or increase council tax further.
- 1.5 Redesigning of the waste services considered a mix of:
- Fortnightly refuse collections or retaining a weekly refuse collection
 - Fortnightly dry recycling collections or retaining a weekly dry recycling collection
 - Providing a separate free weekly food waste collection with a charged fortnightly garden collection or retaining the current fortnightly mixed food and garden waste service (opt-out service with no subscription fee)
- 1.6 Modelling of the above produced seven different configurations and generated projected savings between £97k per year and £2.8 million per year.
- 1.7 Due to the significant savings associated with Option 7, £2.8m, there would be opportunity to re-invest some of the savings into services which are currently under pressure such as street cleaning and fly tip removals and still make £2m savings.
- 1.8 It is proposed that the options are publicly consulted on, over a 10-week period. A 'do-nothing' option will also be included.
- 1.9 The criteria for the options appraisal will be financial savings, conformity with the Mayor's Environmental Strategy, and the responses to the consultation.

2. RECOMMENDATIONS

For the Cabinet Member for Environment to:

- 2.1 approve proceeding to public consultation on seven options and with the status quo for potential changes to waste and recycling services as set out within this report.
- 2.3. agree to the approach for public consultation set out within this report.
- 2.4 agree that authority is delegated to the Director of Environment and Operational Services in consultation with the Cabinet Member for Environment to develop and undertake the consultation and feedback and present a final report to Cabinet with recommendations.

3. BACKGROUND

- 3.1 Since 2010 a total of £161 million savings has been made by Enfield Council. A further £17 million savings has been identified for this current year (2018/19) and an additional £18 million needs to be identified for 2019/20.
- 3.2 Work has been undertaken to find the further savings and has considered alternative provision for collecting waste and recycling from kerbside properties. Those properties that cannot accommodate wheeled bins and therefore use a bagged collection service (approximately 2,500 properties) have been excluded and therefore are out of scope. Communal collections from estates or hard to reach properties such as flats above shops have also been excluded. For information, a strategy to tackle waste and recycling from these properties is currently being developed between officers in Waste Services and Housing Services as these property types have different requirements and issues compared to kerbside properties.
- 3.3 Enfield Council collects waste and recycling from approximately 130,000 households per week, which costs around £14.2 million per year. A further £881k is also spent on the Reuse and Recycling Centre and client support. Around £9.2 million of this is spent on collecting waste and recycling from approximately 90,000 kerbside properties. These 90,000 kerbside properties are in scope.
- 3.4 Current kerbside waste and recycling collections from properties with wheeled bins are:
 - refuse collected weekly
 - mixed dry recycling collected weekly
 - mixed garden and food waste collected fortnightly (with no charge for collecting garden waste)
- 3.5 The cost of processing dry recyclables has, and is, expected to significantly increase, creating a potential future budget pressure of around £665k per year. Refuse waste disposal costs are also likely to significantly increase creating further budget pressures. These disposal costs are currently unknown but relate to the construction of the new energy from waste and resource recovery facility planned at the Eco park in Edmonton, which will be delivered by the North London Waste Authority.

3.6 The Mayor's London Environment Strategy (published 31 May 2018) sets out policy direction around waste management for London borough local authorities and includes a minimum level of service provision required for households. The strategy includes providing a separate food waste collection by 2020 (this is sent for recycling / processing) which would cost Enfield Council around £996k per year. The list of the minimum standard (that is relevant to kerbside properties) is set out below:

- Six main dry recycling materials collected (Enfield is already compliant)
- Separate food waste collections
- Boroughs are encouraged to consider a range of measures to restrict refuse waste

3.7 The strategy also sets a 50% recycling target for local authority collected waste. This is to encourage local authorities to continue striving for high recycling performance.

3.8 The Mayor has regulatory powers to ensure that the statutory waste authorities' plans, services and contracts are in general conformity with Mayoral waste strategies and policies. The Mayor has the power to direct a waste authority where their waste activities are considered detrimental to the implementation of the municipal waste provisions of the London Environment Strategy. The Mayor also has a role to play in facilitating and supporting good practice.

3.9 Eunomia Research & Consulting Ltd (Eunomia) has been commissioned by Enfield Council to undertake the modelling exercise. The modelling explored the financial and recycling impact of the different possible service configurations.

Modelling Work

3.10 Redesigning of the service considered a mix of:

- Fortnightly refuse collections or retaining a weekly refuse collection
- Fortnightly dry recycling collections or retaining a weekly dry recycling collection
- Providing a separate free weekly food waste collection with a charged fortnightly garden collection or retaining the current fortnightly mixed food and garden waste service (opt-out service with no subscription fee)

3.11 The modelling applied a rationale of what would be considered a reasonable step change for each waste stream e.g. reducing collections from weekly to fortnightly or a free service to a charged service. Where a charge was applied to the garden waste collections, a separate free weekly food waste collection was introduced.

3.12 Reducing collections from a fortnightly collection to a three-weekly collection wasn't explored as it was deemed as a more radical step change and not commonly adopted elsewhere.

3.13 Consideration around different sensitivities were given and included larger bins where required and different participation levels into a charged garden scheme. Further thought was given around the common practice of the options in terms of what other councils are operating (see benchmarking section) and local and national policy.

- 3.14 The table below shows the outcomes from the modelling exercise. Highlighted text shows where the proposed change differs from the current waste and recycling collection arrangements.

Table 1: Modelling Outcomes

Option	Description	Potential Recycling Rate %	Potential Max Recycling Rate %	Projected Gross Savings £
Baseline (status quo)	Weekly refuse Weekly dry recycling Fortnightly mixed food and garden (no charge)	37%	40%	Increased costs: £665k MRF £996k separate food Increase disposal costs?
Option 1	Weekly refuse Weekly dry Weekly separate food Charged garden (£65)	35%	38%	£520k
Option 2	Weekly refuse Fortnightly dry Fortnightly mixed food and garden (no charge)	34%	37%	£97k
Option 3	Weekly refuse Fortnightly dry Weekly separate food Charged garden (£65)	32%	35%	£1,073k
Option 4	Fortnightly refuse Weekly dry Fortnightly mixed food and garden (no charge)	43%	48%	£1,028k
Option 5	Fortnightly refuse Weekly dry Weekly separate food Charged garden (£65)	44%	50%	£2,012k
Option 6	Fortnightly refuse Fortnightly dry Fortnightly mixed food and garden (no charge)	43%	48%	£1,815k
Option 7	Fortnightly refuse Fortnightly dry Weekly separate food Charged garden (£65)	44%	49%	£2,800k

- 3.15 Options 2, 4, and 6 will not enable the Council to meet the London Strategy objectives of delivering a separate food waste collection service by 2020.

- 3.16 The different configurations showed a significant range in projected savings and recycling performance ranging from £97k to £2.8 million savings and 35% to 50% recycling performance.
- 3.17 Options 1 and 2 provide minimal or no improvement in recycling, respectively and generate the least amount of savings.
- 3.18 Recycling performance is projected to reduce slightly with option 3 although it does provide just over £1 million projected savings.
- 3.19 Options 4 and 6 project a step change in recycling of around 48% and between £1 million and £1.8 million projected savings, respectively.
- 3.20 Option 7 projected the most benefits in terms of projected financial savings (£2.8 million gross), it also showed the second highest potential to significantly improve recycling performance (49%). Option 5 showed the second highest potential savings of just over £2 million and the highest potential recycling rate of 50%. Both are compliant with the Mayor's strategy.
- 3.21 Due to the significant savings associated with Option 7, £2.8m, there would be opportunity to re-invest some of the savings into services which are currently under pressure such as street cleaning and fly tip removals and still make £2m savings.
- 3.22 A number of other configurations have not been modelled and are detailed in the Alternative Options Considered section of this report.

Benchmarking

- 3.23 Benchmarking of the different waste and recycling collection configurations operated across the UK have been reviewed and compared against the proposed options. The data is set out in table 2 below and is based on the most recent available WRAP data (2017) and includes 391 authorities across the UK.

Table 2: Waste and Recycling Collection Configurations Compared against Proposed Options

Options	Number of Local Authorities
Baseline	3
1	5
2	1
3	3
4	2
5	24
6	43
7	56
Other	254
Total	391

- 3.24 There are around 58 different configurations operated across the 391 local authorities, albeit some of the differences are subtle. A total of 175 local authorities of the 254 local authorities listed as Other can be broken down into six main categories and is set out in table 3 below.

Table 3: Main Waste and Recycling Configurations Operated by Local Authorities

Configuration				Number of Local Authorities
Refuse	Dry Recycling	Food	Garden	
Fortnightly	Fortnightly	No Food Waste	Charged Garden	78
Fortnightly	Fortnightly	No Food Waste	Free Fortnightly	43
Fortnightly	Fortnightly	Weekly	Free Fortnightly	21
Weekly	Fortnightly	No Food Waste	Charged Garden	12
Weekly	Fortnightly	No Food Waste	Free Fortnightly	11
Fortnightly	Weekly	Weekly	Free Fortnightly	10
Fortnightly	Weekly	No Food	Charged Garden	7
Other	Other	Other	Other	72
Total				254

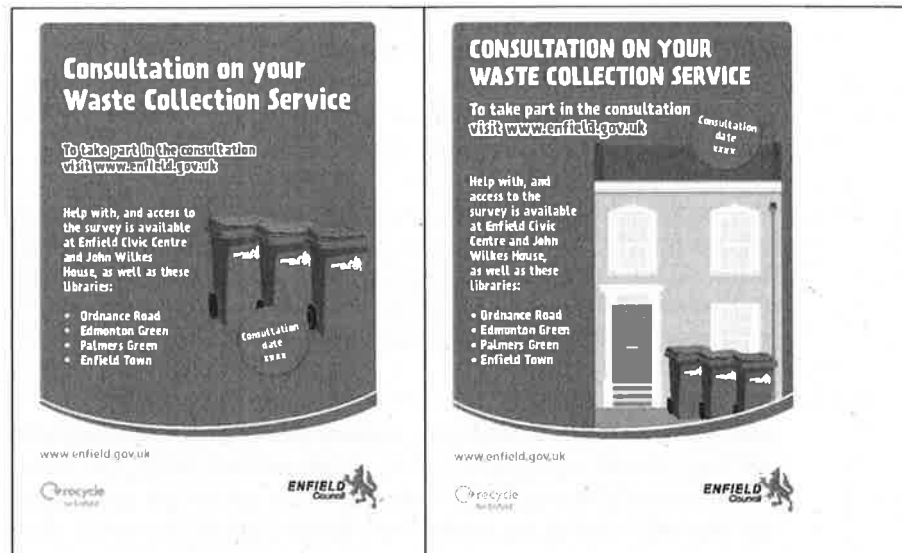
- 3.25 The remaining 72 local authorities operate a total of 43 different configurations, which have been captured as Other in table 3 above.

Proposal and Approach to Consultation

- 3.26 It is proposed that all seven options and a do-nothing option are publicly consulted on. The consultation responses will be considered to inform the options appraisal and ultimately a recommendation. A consultation is an opportunity for residents to explore their views on any future services and the outcomes that they are looking for.
- 3.27 The option appraisal will consider the seven options detailed in this report and the status quo. The criteria for the options appraisal will be financial savings, conformity with the Mayor's Environmental Strategy, and the responses to the consultation. To that end, the primary driver will be the amount of financial savings projected. All options will be considered in light of the consultation responses and all relevant factors will be considered before a decision is reached.
- 3.28 It is recognised that options 2, 4 and 6 are an operational option but they do not comply with the London Environment Strategy.
- 3.29 A draft equalities impact assessment has been completed and will remain in draft until the final decision is made. In brief, initial findings show that no direct discrimination arises. There may be a differential impact with on different groups e.g. age; disability and race (because of potential language barriers) with those options that reduce collection frequency and / or introduction of a new separate food waste service. This will be mitigated by current policy and a robust communications strategy.
- 3.30 The options linked with charging for garden waste does have a differential impact on lower income families (which cuts across the groups mentioned in the assessment). Overall the charging policy is fairer and there are plans to mitigate the differential impact through the 'give back' offer. A full version of the draft Equalities Impact

Assessment can be found in Appendix 1. The equality impact assessment will be kept under review throughout the process.

- 3.31 It is proposed that the options are consulted on publicly for a 10-week period. The Consultation will be available to all Enfield residents.
- 3.32 The suggested structure of the public consultation will provide context around why we are proposing to change the current waste and recycling collection arrangements including the financial. It will set out any opportunities that arise from the options such as re-investing £500k into street services, litter clearance and fly tip removals which are currently under pressure. And seek any other suggestions for this.
- 3.33 The context will set out the different options and information will be provided about the alternative options considered as well as links to further details. It will also set out a 'do-nothing' option and explain that if the current collection arrangements are retained, it would mean the equivalent savings that could be generated by adopting one of the options will need to be made from other Council services, and/or the Council's reserves would need to be drawn down and/or council tax would need to be increased further.
- 3.34 Questions will be designed to understand the respondents' property type and size, household size, and any other reasonable requirements. They will also be designed to capture information around the respondent's appetite for changing the waste and recycling collection arrangements.
- 3.35 It is proposed that questions will be developed by officers in consultation with the Cabinet Member for Environment.
- 3.36 The public consultation will be marketed through a number of different marketing channels taking into account findings from the equality impact assessment.
- 3.37 The target audience are residents living in kerbside properties with wheeled bins. However, responses from all residents living within the borough will be encouraged.
- 3.38 The marketing campaign includes:
 - Digital campaign, including outdoor advertising, social media, targeted emails, council E-newsletters
 - Press including Our Enfield, local newspaper and ethnic available press (Turkish and Greek press)
 - Posters, flyers, hard copies in our libraries, and raise awareness of the consultation with community groups
- 3.39 Throughout a 10-week consultation period, responses will be monitored and where gaps are identified proactive engagement and marketing will be made where possible e.g. additional marketing in the east of the borough or specific characteristic groups if few responses are received.
- 3.40 Examples of visuals that will be used to market the questionnaire are below:



- 3.41 The consultation responses will be analysed throughout the period and after the consultation period ends. The outcome of the consultation and the equality impact assessment findings will be taken into account as part of any final decision on whether to change the way in which services are delivered. It is intended that Cabinet will take a decision on the proposals at its meeting on 13 February 2019.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Based on findings from previous modelling work and benchmarking, several scenarios have been excluded, and include:
- further reduced collection frequency beyond fortnightly
 - weekly charged garden collections
 - seasonal garden waste collections
 - no garden waste service
 - different collection methodology for food waste – ‘Pod’ system integrated into refuse/ recycling truck
- 4.2 These scenarios are either not widely adopted elsewhere or didn’t generate sufficient benefits. They were deemed as a greater reduction in service provision compared to other available options such as three or four weekly collections, no service for garden waste or increased direct costs to customers such as a weekly charged garden waste service. They were impractical and / or cost prohibitive, such as using specially designed food waste ‘pods’ fitted to Refuse/ Recycling Collection Vehicles for collecting food waste due to the recent new fleet procurement.
- 4.3 Seven options were modelled to show what potential savings and recycling performance could be achieved. Consideration around different sensitivities was also given and included larger bins and different participation levels into a charged garden scheme.

5. REASONS FOR RECOMMENDATIONS

- 5.1 All of the options, other than the do-nothing option, will provide projected financial savings to the Council’s target of £18 million for 2019/20. Although it is recognised that Options 5 and 7 generate the most projected costs compared to the other options.

- 5.2 For context options 2, 4 and 6 will not enable the Council to meet the London Strategy objectives of delivering a separate food waste collection service by 2020. Option 1 provides minimal recycling improvement and savings. Option 3 does not improve recycling but does generate around £1 million projected savings. Options 5 and 7 showed significant improvement in recycling and significant savings, with Option 7 resulting in £800k more savings with only 1% less recycling compared to Option 5.
- 5.3 The service affects all residents and is a widely used and accessible service. Consulting with the public will enable residents to provide their views on the options. In addition to the financial and recycling benefits the consultation will allow officers to consider resident views on all seven options, the status quo and provide an opportunity for any alternative options they may put forward.
- 5.4 A full options appraisal will not be undertaken until the outcomes of the consultation can be considered as part of the process to define a preferred option. As a primary driver the criteria will need to consider the financial savings that can be made. The criteria for the options appraisal will be financial savings, conformity with the Mayor's Environmental Strategy, and the responses to the consultation. All options will be considered in light of the consultation responses and all relevant factors will be considered before a decision is reached.

6. COMMENTS OF THE EXECUTIVE DIRECTOR RESOURCES AND OTHER DEPARTMENTS

6.1 Financial Implications

- 6.1.1 This report seeks the approval: - To undertake a public consultation for potential changes to Waste & Recycling Services and to approve proceeding to public consultation on the seven options including the status quo as set out within this report.
- 6.1.2 Enfield Council collects waste and recycling from approximately 130,000 households per week (approximately 90,000 kerbside properties), which costs around £15.097 million (2017/18 actual cost) – this total includes NLWA disposal, Waste Operations, Waste client, CA Site, Comingled Dry Recycling and Organic Waste costs.
- 6.1.3 The Council has a challenging savings target of £18 million by 2019/20, £8.5 million in 20/21, £5 million for 21/22 and another £5 million for 22/23.
- 6.1.4 In preparation to find savings to contribute to the overall savings target, options regarding different collection systems from kerbside properties with wheeled bin(s) have been explored for waste and recycling services.
- 6.1.5 Various options modelling have been carried out by Eunomia Research & Consulting Ltd (Eunomia) in collaboration with the Finance Team, Waste Operations and Fleet. The options modelled considered different collection systems for waste and recycling and whether the proposed changes would generate significantly increased recycling performance and generate significant financial saving to help offset future budget pressures and contribute to the Council's saving target for 2019/20.
- 6.1.6 Retaining the current collection system (do-nothing option) would mean savings will need to be found from other council services. Costs for the status quo are projected to rise significantly. The cost of processing dry recyclables has, and is, expected to

significantly increase, creating a potential future budget pressure of around £665k per year. Disposal costs are also likely to significantly increase creating further budget pressures. These disposal costs per tonne are currently unknown but will be associated with any replacement or use of third party facility.

6.2 Legal Implications

- 6.2.1 Any of the proposed changes to waste and recycling services are lawful. The Council has a statutory duty under s45 of the Environmental Protection Act 1990 to arrange for the collection of waste. Under the Controlled Waste (England and Wales) Regulations 2012, it is permissible to charge for the collection of garden waste.
- 6.2.2 The recommendations to undertake a public consultation on the proposal to make changes to waste and recycling services are within the Council's powers and duties. Whilst there is no express duty to consult on the proposed changes, it is accepted that an implied duty to consult has arisen. The content of the consultation is not prescribed, and it is for the Council to determine the scope of the consultation subject to considerations of fairness. It is permissible to narrow the range of options within which we consult and eventually decide. The recommendations in this report will help ensure effective consultation is carried out.
- 6.2.3 The consultation process must be carried out at a formative stage in the decision-making process, inviting representations on one or more possible courses of action. Meaningful consultation needs to be undertaken at a point where the mind of the decision-maker is still open to change. The Council can consult on a preferred option, provided that its mind is genuinely ajar and there is potential for that preference to change as a result of the consultation. Consultees must be provided with sufficient information to permit intelligent response including information about the basis on which a proposal for consultation has been considered and will be considered afterwards.
- 6.2.4 The outcome of the consultation must be conscientiously taken into account as part of any lawful decision-making process, to ensure that it is fair, reasonable and proportionate.
- 6.2.5 As part of these recommendations, a draft equality impact assessment has been prepared to enable the decision-maker to consider compliance with the Council's duties generally under the Equality Act 2010 to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; and advance equality of opportunity between people who share a protected characteristic and those who do not and foster good relations between those who share a protected characteristic and those who do not. Decision-makers must consider how their decision will contribute towards meeting these duties in the light of other relevant circumstances such as economic and practical considerations. The draft EIA will be kept under ongoing review and considered as part of any final decision on whether to change the way in which we deliver services.
- 6.2.6 The municipal waste provisions of the London Environment Strategy state a minimum level of service which waste authorities must undertake. The Council also has a duty to undertake waste responsibilities in general conformity with the strategy. The Mayor has the power under s356 of The Greater London Authority Act 1999 to direct the Council if its waste activities are considered detrimental to the implementation of the municipal waste provisions of the London Environment Strategy. Those options that do not provide for separate food waste collection do not enable the Council to move towards the Strategy's aim of separate collection by 2020.

6.3 Property Implications

The recommendations laid out in this report have no significant property implications that need to be accounted for at this point in time.

7 KEY RISKS

The key risk is managing stakeholder expectations, and ensuring they are informed and consulted and their responses taken into account. The proposed consultation will follow statutory guidelines and ensure all relevant stakeholders have an opportunity to have their say.

8 IMPACT ON COUNCIL PRIORITIES– CREATING A LIFETIME OF OPPORTUNITIES IN ENFIELD

8.1 Good homes in well-connected neighbourhoods

Consulting with the public will enable residents to provide their views on the options. The consultation will allow officers to consider resident views on all seven options, the status quo and provide an opportunity for any alternative options they may put forward.

8.2 Sustain strong and healthy communities

The service affects all residents and is a widely used and accessible service. Consulting with the public will enable residents to provide their views on the options. The consultation will allow officers to consider resident views on all seven options, the status quo and provide an opportunity for any alternative options they may put forward.

8.3 Strong Communities Build our local economy to create a thriving place

The service affects all residents and is a widely used and accessible service. Public Consultation is key to fostering strong communities, consulting with the public will enable residents to provide their views on the proposed changes, which will be taken into consideration when developing a recommendation for a final option.

9 EQUALITIES IMPACT IMPLICATIONS

9.2 Local authorities have a responsibility to meet the Public-Sector Duty of the Equality Act 2010. The Act gives people the right not to be treated less favourably because of any of the protected characteristics. We need to consider the needs of these diverse groups when designing and changing services or budgets so that our decisions do not unduly or disproportionately, adversely affect Some groups more than others.

9.3 A comprehensive EQIA has been undertaken and a draft is included in Appendix 1 of the report. It has highlighted that some proposed changes may have a negative impact on low income households with a need for the service regardless of where they live or their protected characteristics. There are also likely to be significant numbers of older and disabled people living in Enfield who have a low income from pensions or receive disability related benefits that may be more negatively impacted.

- 9.4 The Council will seek to mitigate the negative impact on the identified communities as highlighted in more detail in the EQIA action plan. This include developing further the 'give back' offers to support residents adversely affected by changes to the service.
- 9.5 It is also proposed to engage with our local partners and voluntary and community sector organisations that represent communities from the protected characteristic groups. To ensure the consultation documents are made available as widely as possible and all communities are afforded equal opportunity to participate in the consultation.

10 PERFORMANCE MANAGEMENT IMPLICATIONS

Recycling Performance will continue to be monitored through quarterly statutory returns and submissions to Waste Data Flow which will allow the council to assess any positive or negative impact of the change in delivery model in terms of performance. These measures are built into DMT and EMT scorecards to allow constant overview and this will also allow benchmarking with neighbouring or statistically similar boroughs to take place.

11 HEALTH AND SAFETY IMPLICATIONS

Health and safety should be part of everyone's daily thinking. Proposing a service change does not create further risks in regard to every day health and safety, however if a service change was implemented then full regard will need to be given to health and safety. The waste industry has a poor record in terms of the all industry average for fatality rates and is second only to agriculture.

12 HR IMPLICATIONS

Should the Council proceed with one of the options as outlined above, a separate restructure report detailing the staff and post implications may need to be produced if required. The service will need to discuss and agree a restructure project plan including the consultation process for staff and union representatives. Any restructure will be conducted in accordance with the Council's restructuring principles.

13 PUBLIC HEALTH IMPLICATIONS

There are a number of implications to the health of the public within this report. Firstly, uncollected waste constitutes a public health threat either through encouraging vermin if perishable or generating a sense of blight and decay if not. Waste should therefore be collected. It is important to consider the manner of collection as this itself can and does generate pollution in the borough as well as risk in the form of additional vehicles on the boroughs roads and potential congestion.

Background Papers

None.

Equalities Impact Assessment – Part 1 – Initial Screening

Details of Officer completing this form:					
Name:	Jayne Paterson	Job Title:	Business Development Manager	Date:	14 th August 2018
Dept:	Place	Service:	Waste & Recycling Collection Services		
What change is being proposed? Provide a brief description (and title if applicable)					
<p>Proposed Waste Collection Service Changes</p> <p>The Council currently provides a weekly residual waste and weekly dry recycling collection service and a fortnightly mixed food and garden waste collection service with no annual subscription fee from kerbside properties that have a wheeled bin(s). The service costs around £14.2 million per year with around £9.2 million of this spent on kerbside properties. Current recycling rate based on latest published data (2016/17) is 37 percent.</p> <p>In preparation to find savings to contribute to the overall savings target, options regarding different waste and recycling collection arrangements from kerbside properties with wheeled bin(s) have been explored.</p> <p>Redesigning of the service considered a mix of:</p> <ul style="list-style-type: none"> • Fortnightly refuse collections or retaining a weekly refuse collection • Fortnightly dry recycling collections or retaining a weekly dry recycling collection • Providing a separate weekly food waste collection with a charged fortnightly garden collection or retaining the current fortnightly mixed food and garden waste service (opt-out service with no subscription fee) <p>All of the options modelled will provide projected financial savings to the Council's target of £18 million for 2019/20. Although it is recognised that Options 5 and 7 generate the most projected costs compared to the other options. The full list of options is set out in the Outcomes section below.</p> <p>It is proposed that all seven options and the status quo are publicly consulted on.</p> <p>The criteria for the options appraisal will be financial savings, conformity with the Mayor's Environmental Strategy, and the outcome of the consultation.</p> <p>There are a number of policies in place that support the current service and include policies that support residents with additional needs, for example assisted collections are provided for elderly residents or residents with disabilities. Larger bin capacity is also provided for larger families and families with two or more children using nappies will continue.</p>					
Briefly summarise the key objectives and expected outcomes of the change and explain why it is needed					
<p>Objectives</p> <p>The objective is:</p> <ul style="list-style-type: none"> • To explore what options could make financial savings to help support the Council's challenging saving target of £18 million for 2019/20 and contribute to the expected increases in waste and recycling treatment and disposal costs. 					

Outcomes:

The table below shows the outcomes from the modelling exercise. Highlighted text shows where the proposed change differs from the current waste and recycling collection arrangements.

Option	Description	Potential Recycling Rate %	Potential Max Recycling Rate %	Projected Gross Savings £
Baseline (status Quo)	Weekly refuse Weekly dry recycling Fortnightly mixed food and garden (no charge)	37%	40%	Increased costs: £665k MRF £996K Separate food Increased disposal ?
Option 1	Weekly refuse Weekly dry recycling Weekly separate food; and charged garden (£65 pa)	35%	38%	£520k
Option 2	Weekly refuse Fortnightly dry recycling Fortnightly mixed food and garden (no charge)	34%	37%	£97k
Option 3	Weekly refuse Fortnightly dry recycling Weekly separate food; and charged garden (£65 pa)	32%	35%	£1,073k
Option 4	Fortnightly refuse Weekly dry recycling Fortnightly mixed food and garden (no charge)	43%	48%	£1,028k
Option 5	Fortnightly refuse Weekly dry recycling Weekly separate food; and charged garden (£65 pa)	44%	50%	£2,012k
Option 6	Fortnightly refuse Fortnightly dry recycling Fortnightly mixed food and garden (no charge)	43%	48%	£1,815k
Option 7	Fortnightly refuse Fortnightly dry recycling Weekly separate food; and charged garden (£65 pa)	44%	49%	£2,800k

Why the change is needed

Enfield Council has made savings of £161 million since 2010 and has a further challenging savings target of £18 million for 2019/20.

The Council is required to make significant savings for 2019/20; £18 million, and the costs of the current collection system are projected to rise significantly. If savings are not made through the waste and recycling collection service, then the Council will have to identify and implement savings in other services from across the council.

Modelling of the above produced seven different configurations and generated projected savings between £97k per year and £2.8 million per year.

Potential changes to the service

A separate food waste service

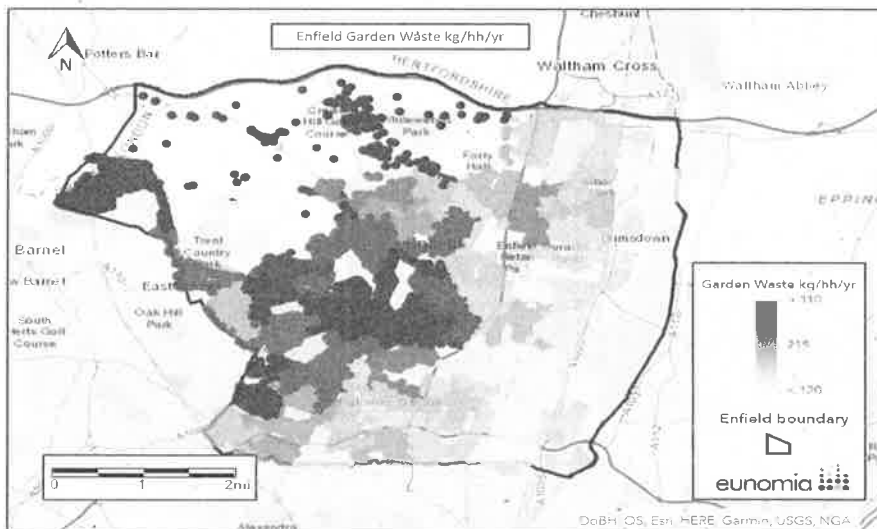
A separate food waste collection is set out in the requirement of the Mayor’s London Environment Strategy. To provide a separate service additional costs would be expected in the region of £996k per year.

Fortnightly refuse

Fortnightly refuse will encourage recycling by further restricting the amount of residual waste that can be thrown away per week. Other councils that have adopted this have seen increasing in performance from 3% to 13%.

Charging for garden waste

Charging for garden waste is a non-statutory service. It is a service that is not widely used by all residents and has varying participation in the scheme; low users and high users. Tonnage data shows that residents in the west of the Borough use the service noticeably more than residents in the east of the Borough. The heat map below shows the take up of the service across the Borough.



Some options propose to place a charge on the service so that it is paid for by those that use it. Give-back offers are being considered for low user groups such as providing home compost bins.

Does the proposal?		
Affect service users, employees or the wider community	✓	
Have a significant impact on how services are delivered	✓	
Plan to withdraw a service, activity or presence	✓	
Plan to introduce a new service or activity	✓	

Aim to improve access to, or the delivery of a service	✓	
Involve a significant commitment of resources	✓	
Relate to an area where there are known inequalities	✓	
<p>If you have answered NO to <u>all</u> of the questions above then the screening process is complete and you do not need to complete Part 2 – Full Equality Impact Assessment or Part 3 – Action Plan. This decision must be signed off by our Head of Service or Equality Lead below.</p>		
Sign off by Head of Service:		
Name:	Signature:	Date:
<p><u>Please note:</u> If equality issues are identified during the course of the policy, plan or practice development/review, the EqIA Initial Screening will need to be revisited. This may result in a full EqIA being required where it previously was not.</p>		

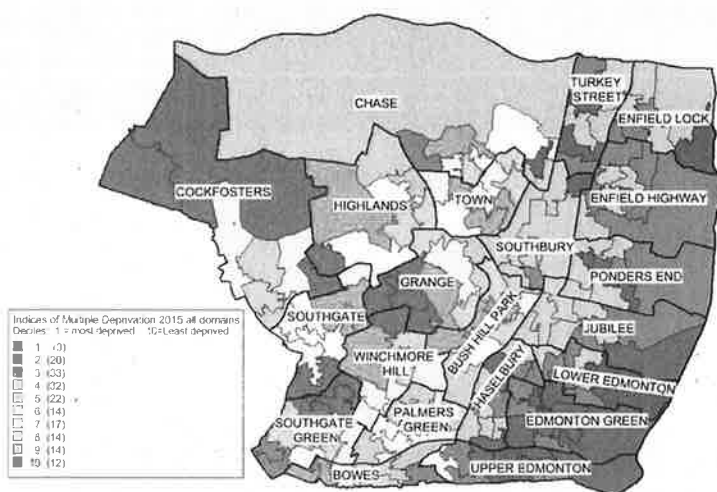
Equalities Impact Assessment – Part 2 – Full Assessment

Does the service carry out equalities monitoring? If No, please state why?

The council does not directly collect equalities monitoring information from residents using waste and recycling collection service, as this service is provided to all households in Enfield and it is not considered to be relevant to the public-sector equality duty. Data is collected through resident satisfaction surveys, but this dependant on who responds. The Council's borough profile as summarised below gives an overview of the equality profile for residents which shows an aging and ethnically diverse population.

Enfield is characterised by significant inequalities between the affluent west of the Borough and the deprived east, separated by the A10, which represents both a physical and social boundary between communities, where outcomes for several domains are worse people living in the east of the Borough. East Enfield is made up of 10 wards either wholly or partially to the east of the A10 (Edmonton Green, Lower Edmonton, Jubilee, Haselbury, Ponders End, Turkey Street, Enfield Lock and Enfield Highway; Upper Edmonton; and Southbury).

East Enfield has the 10 most deprived wards in the Borough and are among the 20% most deprived wards in England (2015 Indices of Multiple Deprivation).



Household income in nine of the 10 wards are below the UK median household income (the exception being Southbury). (Based on data from CACI, 2018)

Life expectancy for men in east Enfield is 7.3 years lower than life expectancy for men in the west and 8.5 years lower for women (life expectancy at birth, ONS 2009-2013)

More adults claim out of work benefits in east Enfield compared to the west of the borough. Every ward in east Enfield is above the Enfield average of 2.5% and the GB average of 2.1% (ONS Claimant Count July 2018)

Option	Description	Age	Gender	Disability	Race	Religion or belief	Sexual orientation	gender reassignment	Pregnancy and maternity	Civic partnership	Socio-economic
	charged garden (£65 pa)										

Change	Comments
Potential introduction of an optional garden waste collection service at a cost of £65.00 per annum for each household	<p>The change to charging for garden waste collection will have disproportionate impact on low income households with a need for the service regardless of where they live.</p> <p>The Council will seek to mitigate the negative impact on low income households by providing 'give back' offers such as providing home compost bins to residents adversely affected or people with a need for minimal garden recycling services. The give back offers will be further defined during engagement with residents and Members. Following further definition of the possible give back offers, further regard will be given to this qualities impact assessment.</p>
2 Potential introduction of a separate weekly food recycling service	<p>The introduction of a weekly food recycling will not have a negative impact on different equality groups. All households will be given food caddies and caddy liners for a period of one year. Providing liners after this period will be reviewed.</p> <p>We need to ensure any changes around a new service is widely communicated. A communications strategy will be developed that is visual and uses simple language to ensure language is not a barrier, and targeted media channels and engagement used to reach hard to reach groups. Budgets will be dedicated to communications as part of the mobilisation and ongoing cost, along with dedicated staff that will facilitate delivery of the message around the proposed changes. This will ensure all residents have access to information regarding the proposed changes.</p>

<p>3 Potential move to fortnightly residual and / or dry recycling collections</p>	<p>The change to fortnightly residual and recycling collections may have a differential impact on some equality groups, for instance older people or people with a disability who may have difficulty with heavier bins because of an increase in their contents.</p> <p>The current policy of assisted collection will mitigate this impact and we will promote this in the 'change' communication campaign to make sure that residents are aware of this service.</p> <p>Residents with visual impairments may have difficulty identifying the different types of bins. In the past wheeled bins with notches in the lid have been provided; depending on the number of notches will indicate which bin it is. This could be available if the need arises.</p> <p>The change to fortnightly collection of residual waste is likely to have an impact on larger families, families with two or more children using disposable nappies and people using incontinence pads creating higher than average volumes of residual waste. Current policy provides for additional capacity in these circumstances and will therefore mitigate against any impact a less frequent collection may have on these households.</p> <p>Research suggests that BME groups are less likely to recycle and therefore benefit less from the enhanced recycling service. http://www.wrap.org.uk/search-results#stq=BME+&stp=1. The communications campaign will consider ways to engage with BME groups to encourage greater recycling.</p>
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Equalities Impact Assessment – Part 3 – Action Plan

Title of decision/proposal:	Waste Service Re-modelling		
Team:	Waste and Recycling Service	Department:	Environment and Operations (Place)
Service manager:	Jon Sharkey		

Identified Issue	Action Required	Lead Officer	Timescale/ By When	Costs	Review Date / Comments
Socio-economic impact on some groups	Agree 'give back' offers	Debbie Campbell			
Access to information about the service changes	Ensure communication campaigns meet the needs of all residents	Michelle Larche			
Promotion of current policy for assisted collection and additional capacity	Include the details of the current assisted collections policy and access to large bins in communications campaigns	Michelle Larche			

Please insert additional rows above if required

Date to be Reviewed:	This EQIA will be reviewed following consultation on the proposed changes. It will then be included in the programme of retrospective EQIAs to ensure that the service continues to meet the needs of all residents in the Borough.
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Approval by Head of Service

Name:		Signature:	
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On completion this form should be emailed to joanne.stacey@enfield.gov.uk and be appended to any decision report that follows.

Inclusivity

In the design and delivery of services we **must** consider:

- **People** - The behaviour of staff who deal directly with the public or are taking decisions about how to provide facilities or services to the public
- **Places** - The buildings or other places where services are delivered
- **Resources** - Advertisements and marketing, written materials e.g. leaflets, websites and internet services, telephone access and call centres.

Council staff should treat everyone with dignity and respect. This enables us to provide good customer service (not just without unlawfully discriminating but more generally) and can make complaints less likely. How staff behave towards the public in relation to their protected characteristics will be at the heart of whether the Council delivers services without unlawful discrimination, harassment or victimisation and whether it makes reasonable adjustments for disabled people.

This also applies to how services are planned. This is the point at which a decision might be made, a rule applied or a way of doing things worked out which will affect how someone accesses services. If this has a worse impact on people with a particular protected characteristic than on people who do not have that characteristic, then it will be indirect discrimination unless the decision, rule or way of doing things can be objectively justified.

Characteristics Protected under the Equality Act 2010

Sex	Sex can mean either male or female, or a group of people like men or boys, or women or girls.
Age	Age groups can be quite wide (for example, 'people under 50' or 'under 18s'). They can also be quite specific (for example 'people in their mid-40s'). Terms such as 'young person' and 'youthful' or 'elderly' and 'pensioner' can also indicate an age group.
Disability	A physical or mental condition which has a substantial and long term-impact on the ability to do normal day-to-day activities. This also covers progressive conditions, even if normal day-to-day activities can be undertaken; an individual is protected as soon as they are diagnosed with a progressive condition. The Act also covers past disabilities that an individual has recovered from.
Race	Race can mean colour, or nationality (including citizenship). It can also mean ethnic or national origins, which may not be the same as current nationality.
Religion or Belief	Religion or belief can mean any religion, for example an organised religion like Christianity, Judaism, Islam or Buddhism, or a smaller religion like Rastafarianism or Paganism, as long as it has a clear structure and belief system. The Act also covers non-belief or a lack of religion or belief.
Marriage or Civil Partnership	Marriage can either be between a man and a woman, or between partners of the same sex. Civil partnership is between partners of the same sex.
Sexual Orientation	Whether an individual is heterosexual, gay, lesbian or bisexual. This also covers how an individual choose to express sexual orientation, such as through appearance or the places they visit.
Pregnancy, Maternity or Breastfeeding	It is unlawful to treat a person unfavourably due to a past or present pregnancy. Additionally for 26 weeks following the day of the birth it is also unlawful to treat a person unfairly because they have given birth or are breastfeeding. Additionally at work it is unlawful to discriminate against a person who is pregnant, has a pregnancy-related illness or is on maternity leave.
Gender Reassignment	It is unlawful to discriminate against a person who is proposing to undergo, is undergoing or has undergone a process (or part of a process) for the purpose of reassigning the person's sex by changing physiological or other attributes of sex. Medical intervention is not an essential part of gender reassignment. Most common definition is a person 'whose gender identity does not match the sex/gender they were assigned at birth' but it is also used as an umbrella term to include all 'gender identities,' cross-dressers and transvestites.

APPENDIX 2

**Call-in request form submitted by 8 members of
the Council**

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CALL-IN OF DECISION

(please ensure you complete all sections fully)

Please return the completed original signed copy to:
Claire Johnson, Democratic Services Team, 1st Floor, Civic Centre

TITLE OF DECISION: APPROVAL TO UNDERTAKE A PUBLIC CONSULTATION FOR POTENTIAL CHANGES TO THE WASTE & RECYCLING COLLECTION SERVICES
DECISION OF: CABINET MEMBER FOR ENVIRONMENT

DATE OF DECISION LIST PUBLICATION: 10/10/2018

LIST NO: KO 4703 LIST REF 1/26/18-9

(* N.B. Remember you must call-in a decision and notify Democratic Services Team within 5 working days of its publication).

A decision can be called in if it is a corporate or portfolio decision made by either Cabinet or one of its sub-committees, or a key decision made by an officer with delegated authority from the Executive.

(a) COUNCILLORS CALLING-IN (The Council's constitution requires seven signatures or more from Councillors to call a decision in).

- (1) Signature:  Print Name: A. BENJAMIN
- (2) Signature:  Print Name: M. ALEXANDROU
- (3) Signature:  Print Name: M. CLARK
- (4) Signature:  Print Name: A. MILNE
- (5) Signature:  Print Name: G. VINCE
- (6) Signature:  Print Name: L. RAWLINGS
- (7) Signature:  Print Name: J. LABAN
- (8) Signature: J. Laban Print Name: J. LABAN

(b) SCRUTINY PANEL RESOLUTION (copy of minute detailing formal resolution to request call-in to be attached).

NAME OF PANEL:

DATE OF PANEL:

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APPENDIX 3

**Reasons for Call-in by Councillor calling in the
decision**

&

Briefing Note in response to called in decision

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Reasons for Call in

1. Will larger refuse bins be provided if requested and will there be a charge to residents?
2. (3.21 and 3.32) If Option 7 is implemented, giving £2.8 m of savings, a sum of £500k is noted as being re-invested, and still providing a saving of £2m. Where has the other £300k gone?
3. (3.26 and 3.27) If the majority of consultation responses favour the status quo, what option will be implemented?
4. (9.3 and 9.4) To allow low income residents to make an informed decision, more detail is required on the 'give back' offers when the consultation is published. Apart from offers such as home compost bins, how can we assist these families?
5. (3.35) It would have been useful to have a draft of the questions as part of this report.
6. (3.41) Will the 10 week consultation period run over the Xmas and New Year holiday? Unlikely to gain much response over this period.
7. (6.1.6) It would be helpful to see the projected increased costs presented in the report.
8. (3.26 and 3.27) If the majority of consultation responses favour the status quo, what option will be implemented?
9. (6.2.2, 6.2.3 and 6.2.4) How much will the consultation process cost? It could be seen as a waste of resources if the preferred option has been decided upon.
10. (13) The report identifies that there will be a number of public health implications as a result of any changes to service provision. How will the public health implications be monitored?
11. The Mayor's Environment Strategy does say about the delivery of a weekly food kerbside collection, however those boroughs that would have to change provision had the option of speaking to the Deputy Mayor for Environment for discussion on how the GLA could help with this yet this decision does not include any mention of negotiations taking place. Why did we not ask for them to pay for consultants and how much did our consultants Eunomia Research & Consulting Ltd cost?
12. Barnet Council has challenged the Mayor on his power of direction over food waste due to the way boroughs within the NLWA dispose of waste and the renewable energy that it creates. Why have we not given the costs involved argued that we indeed already collect food and just pledge to increase the tonnage recycled?
13. Within the Equalities Impact Assessment, it is confirmed that the aim of the consultation is to 'Improve access to, or delivery of the service.' How will this be achieved?

(1) Reason why decision is being called in:

SEE ATTACHED

(2) Outline of proposed alternative action:

REFER BACK TO CABINET MEMBER

(3) Do you believe the decision is outside the policy framework?

No

(4) If Yes, give reasons: n/a

FOR DST USE ONLY:

Checked by Proper Officer for validation –



Name of Proper Officer:

Jeremy Chambers

Date:

12/10/18

1. Will larger bins be provided if requested and will there be a charge to residents?

Response:

The proposals encourage retaining the current size bin for all seven options and the do-nothing option. Current policy is that residents can request a larger refuse bin if there are five or more permanent residents living in the property or at least two children in nappies. If a resident has a small recycling bin they can exchange for a larger bin. For any of the proposed options no charge would apply for any bin exchange.

2. (3.21 and 3.32) If Option 7 is implemented, giving £2.8 m of savings, a sum of £500k is noted as being re-invested, and still providing a saving of £2m. Where has the other £300k gone?

Response:

We acknowledge that we would need to support delivery of any changes proposed, and this support is estimated up to £300k in the form of education, communications, engagement and enforcement.

3. (3.26 and 3.27) If the majority of consultation responses favour the status quo, what option will be implemented?

Response:

The outcome of the consultation will be taken into account as part of any lawful decision-making process around which option to implement, to ensure that it is fair, reasonable and proportionate.

4. (9.3 and 9.4) To allow low income residents to make an informed decision, more detail is required on the 'give back' offers when the consultation is published. Apart from offers such as home compost bins, how can we assist these families?

Response:

If a preferred option includes a charge then the feedback received from the consultation will be considered to inform any 'give back' offers.

5. (3.35) It would have been useful to have a draft of the questions as part of this report.

Response:

The questions will be developed by officers in consultation with the Cabinet Member for Environment.

6. (3.41) Will the 10 week consultation period run over the Xmas and New Year holiday? Unlikely to gain much response over this period?

Response:

Yes the consultation will run for 10 weeks including the Christmas and New Year period until 6 January 2019 which is entirely reasonable and proportionate in the circumstances. Consultation responses will be monitored and where gaps are identified, proactive engagement and marketing will be made where possible.

7. (6.1.6) It would be helpful to see the projected increase costs presented in the report.

Response:

Please see paragraph 3.5 and table 1 under baseline (status quo) as set out within the report.

8. (3.26 and 3.27) If the majority of consultation responses favour the status quo, what options will be implemented?

Response:

Please see response to question 3.

9. (6.2.2, 6.2.3 and 6.2.4) How much will the consultation process cost? It could be seen as a waste of resources if the preferred option has been decided upon.

Response:

The Council is not consulting on a preferred option. A budget of £17,500 has been assumed. The outcome of the consultation will be taken into account as part of any final decision by Cabinet on the future delivery model of the waste services.

10. (13) The report identifies that there will be a number of public health implications as a result of any changes to service provision. How will the public health implications be monitored?

Response:

The report states that 'waste should be collected to mitigate against any public health implications' and that it is important to consider the manner of collection and number of vehicles due to pollution and congestion, respectively. The service

actively monitors missed collections. Within the options vehicle numbers are considered.

11. The Mayor's Environment Strategy does say about the delivery of a weekly food kerbside collection, however those boroughs that would have to change provision had the option of speaking to the Deputy Mayor for Environment for discussion on how the GLA could help with this yet this decision does not include any mention of negotiations taking place. Why did we not ask for them to pay for consultants and how much did our consultants Eunomia Research & Consulting Ltd cost?

Response:

The modelling work was not to understand costs and impacts on providing a separate food waste collection in isolation and to solely conform with the Mayor's London Environment Strategy. The modelling work was carried out to understand where potential financial savings could be made by changing how waste and recycling is collected with a variety of options.

12. Barnet Council has challenged the Mayor on his power of direction over food waste due to the waste boroughs within the NLWA dispose of waste and the renewable energy it creates. Why have we not given the costs involved argued that we indeed already collect food and just pledge to increase the tonnage recycled?

Response:

To help deliver financial savings, modelling work was carried out to understand the impacts of potential changes to how waste and recycling is collected. The current collection system, and three options consider retaining the current mixed food and garden waste collections, and four options consider a separate food collection. All are being consulted on.

13. Within the Equalities Impact Assessment, it is confirmed that the aim of the consultation is to 'improve access to, or delivery of the service.' How will this be achieved?

Response:

Any potential service change will include some level of communications which raises the profile of the service and therefore improves access. Some options to improve the service offer include the provision of a separate weekly food recycling service which would make recycling food waste easier for residents who generate little or no garden waste, especially during summer months.

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OVERVIEW & SCRUTINY COMMITTEE - 27.9.2018

**MINUTES OF THE MEETING OF THE OVERVIEW & SCRUTINY COMMITTEE
HELD ON THURSDAY, 27 SEPTEMBER 2018**

COUNCILLORS

PRESENT Derek Levy (Chair), Gina Needs, Doug Taylor, Charith Gunawardena, Hass Yusuf, Lee David-Sanders and Joanne Laban

ABSENT Huseyin Akpinar, Tolga Aramaz and Susan Erbil

STATUTORY CO-OPTES: *1 vacancy (Church of England diocese representative), Mr Simon Goulden (other faiths/denominations representative), Mr Tony Murphy (Catholic diocese representative), Alicia Meniru & 1 vacancy (Parent Governor representative) - Italics Denotes absence*

OFFICERS: Peter George (Programme Director, Meridian Water), John Baker (Project Director, Meridian Water), Alan Westlake (Enabling & Building Works Lead, Meridian Water), Susan O'Connell (Governance & Scrutiny Officer), Stacey Gilmour (Governance & Scrutiny Secretary)

Also Attending: Councillor Nesil Caliskan (Leader of the Council) and Councillor Edward Smith
One member of the press

1**WELCOME & APOLOGIES**

The Chair, Councillor Levy welcomed all attendees to the meeting. The following substitutes were noted:

Councillor Doug Taylor for Councillor Huseyin Akpinar;
Councillor Hass Yusuf for Councillor Tolga Aramaz;
Councillor Charith Gunawardena for Councillor Susan Erbil;
Councillor Joanne Laban for Councillor Edward Smith.

Apologies for absence were received from Co-optees Simon Goulden, Alicia Meniru and Tony Murphy.

2**DECLARATIONS OF INTEREST**

There were no declarations of interest.

3**CALL- IN OF REPORT: MERIDIAN WATER STATION- PUBLIC REALM CONSTRUCTION**

OVERVIEW & SCRUTINY COMMITTEE - 27.9.2018

The committee received a report from the Director of Law and Governance outlining details of a call-in received on the decision taken by the Leader of the Council on Meridian Water Station- Public Realm Construction.

NOTED that this report was considered in conjunction with the information in the part 2 agenda.

The Chair invited Councillor Smith to outline the reasons for the call-in. It was noted that this discussion was held in public under the part 1 section of the meeting. Further discussion took place under the part 2 section of the meeting.

1. Councillor Smith outlined the reasons for calling in the decision:

- That the decision taken by the Leader of the Council on the 5th September 2018 to approve the works to the public realm adjacent to the new railway station on meridian Way was based on a completely inadequate report (Reports 1 and 2) by officers that did not provide sufficient background information on the procurement process, programme, specification, cost of the works or risks to the Council involved. The inadequacy of the report showed nothing short of contempt for elected members.
- **The procurement process-** Concern regarding the lack of background information provided in the report regarding the decision taken to carry out a formal procurement process by going out to remediation contractors via the framework which failed instead of civil engineering contractors capable of carrying out the highway works involved? This created major avoidable delays. No timeline was provided in the report regarding when the procurement process started, finished or when the waiver was applied for.
- **Programme-** The Council is now under extreme time pressure to carry out the works by May 2019 when the station is due to open before substantial damages are levied by Network Rail. Delays in appointing a Contractor has meant that the timescales for completing the project have become shorter and shorter. The procurement process should have been undertaken much earlier than it was in order to avoid this situation. Why wasn't this specific works scheme dealt with separately from the main negotiations with Barratt/PCPD in a timely manner rather than waiting in the hope that the main negotiations would be resolved in the Council's favour. No assurances are provided in the report that the public realm works by Volkens Fitzpatrick can actually be completed by the May 2019 deadline.
- **Report-** The lack of essential details regarding the specification of works and the maps included in the reports are also difficult to read. Detailed maps have now been reviewed from which it is now clear that there are significant road works involved in this part of the programme. This was not at all clear from the original maps

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circulated with the report. Members' attention should have been drawn to the Scope of Works.

2. The response of the Leader of the Council, Council Caliskan. She highlighted the following:

- The opening of the train station has always been crucial to the success of Meridian Water. A delay in this and the public realm works will have a significant effect on this which is why she feels strongly that this is the correct decision.
- She too had sought clarification from Officers regarding the procurement process as well as the delays (outlined by Councillor Smith in his reasons for Call-in) and full and satisfactory responses had been provided by Officers. She went on to remind the Committee that there had been a procurement process but unfortunately no tenders were received.

3. Other issues highlighted by officers in support of the decision, included:

- The events to date with Barratt/PCPD which had essentially led to the Council's current position. The Council had relied on Barratt in good faith to deliver their contract which included the public realm works. The Council's investment in the station has always been a catalyst for Meridian Water but is also there to open up the area for regeneration.
- In order to deliver the new Meridian Water Station, it is essential to complete the adjoining public realm works to allow public access to the station. In order to protect its position, Enfield Council tendered for these works through its Remediation Framework. Following a robust and compliant tendering exercise involving six contractors no submissions were received from the contractors approached. Feedback from the contractors indicated that the timing of the work and proximity of the station development were significant obstacles, also stated was the lack of capacity.
- VolkertFitzpatrick, the appointed contractor (by Network Rail) to build the new Meridian Water station were approached to submit a cost plan for delivering the public realm works and an estimate for entering into a Pre-Construction Agreement. It made sense that VolkertFitzpatrick were the party Enfield Council turned to as they are now on both sides of the interface project.
- Given the failure of recent procurement exercises and the need to get a contract in place a waiver of Contract Procedure Rules (CPRs) has been approved by the Head of the Council's P&C Hub to appoint VolkertFitzpatrick as this is essential to avoid Enfield Council incurring significant penalty costs should the station opening be delayed beyond May 2019.
- To enable achieving a timely completion of the public realm works appointing VFP is considered the most economically advantageous tender route providing both value for money and quality that compliments the station design.

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- Doing nothing would result in not being able to discharge planning conditions (Enfield Council are currently working on the discharging of planning conditions), failure to comply with Enfield's Customer obligations under the implementation agreement with Network Rail to deliver the new Meridian Water Station resulting in stalling of delivering of the station and potentially open the Council liable to penalties from Network Rail.
 - This part of the public realm works was about 'knitting' the station into the public highway. There are a series of obligations on Enfield to provide (such as public, emergency and staff access along with some utilities) known as station public realm interfaces. It is key that these are provided in order for Network rail to commission and bring the new station into service.
4. Questions and comments addressed from members of the Overview and Scrutiny Committee:
- Councillor Laban felt that planning work should have started a lot earlier when it had become apparent that things were turning sour with Barratt. Why had this not been the case?
 - Members at the time had leant towards negotiating with the other bidder PCPD and the Council had been confident that this deal would go ahead.
 - Councillor Needs asked whether there had been any assurances given by VFP that the works would be completed by May 2019.
 - VFP are confident that the works can be completed by May 2019 subject to factors that are external to the e.g. utilities, highways, discharging of planning conditions.
 - Councillor Smith did not accept that a procurement process where no tenders had been received should just be dismissed and felt that this was an issue that needed to be further addressed.
 - Further concerns were raised as to whether VFP could complete the extensive scope of works so that the station can be commissioned and opened on time to avoid incurring serious penalty costs.
 - Councillor Caliskan again emphasised that there had been a robust and compliant procurement process, but the fact remained that no tenders had been received.

4

MINUTES OF MEETINGS HELD ON 22 AUGUST 2018 AND 5 SEPTEMBER 2018

AGREED the minutes of the meetings held on 22 August 2018 and 5 September 2018.

5

DATES OF FUTURE MEETINGS

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It was noted that an OSC meeting for Thursday 11 October 2018 would now be held as a Business Meeting. Future meetings are shown as follows:

Provisional Call-Ins

Thursday 8 November, 2018
Thursday 6 December, 2018
Thursday 20 December, 2018
Thursday 7 February 2019
Tuesday 12 March 2019
Tuesday 26 March, 2019
Thursday 11 April, 2019

Please note, the business meetings of the Overview & Scrutiny Committee will be held on:

Thursday 11 October, 2018
Wednesday 7 November, 2018
Tuesday 12 February, 2019
Wednesday 3 April, 2019

The Overview & Scrutiny Budget Meeting will be held on:
Tuesday 15 January 2019.

Councillor Levy thanked everyone for attending the meeting.

6

EXCLUSION OF PRESS & PUBLIC

Resolved in accordance with the principles of Section 100A (4) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 3 of the Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006.

7

PART 2 AGENDA CALL-IN RE MERIDIAN WATER STATION - PUBLIC REALM CONSTRUCTION

The Committee received the information provided on the call-in report: Meridian Water Station – Public Realm Construction which had been included in part 2 section of the agenda

NOTED

1. The information was considered in conjunction with the report on the part 1 agenda.
2. Councillor Smith set out the reasons for calling in the decision:

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- Concern regarding the specification given that virtually no information about the scope of the works was provided in the report.
 - No assurances were provided in the report that the negotiated works contract proposed by VolkertFitzpatrick is value for money. Clarification regarding costs was therefore sought.
 - With regards to Terms of Risk, further clarification was required regarding any levying of damages and how high these might be.
3. The response of Councillor Caliskan, Leader of the Council. She highlighted the following:
- Clarification had been sought in relation to costs/figures in the report and these had been verified.
 - Although she did accept the concerns regarding risks/delays, this would have been the case whatever the procurement process. She also added that conversations about penalties are speculative.
4. Other issues highlighted by officers in support of the decision included;
- Further information and clarification on the procurement process and programme of works.
 - Enfield are being supported by an external cost consultant, in monitoring and verifying the scope and cost of the works.
 - Further information was provided, and discussions took place regarding the obligation on Enfield Council to provide certain public realm interfaces in order for Network Rail to Commission and bring the station into service.
 - A budget has been identified for the essential works to be carried out to enable the station to open. Following this there will be a further package to deliver lightening, trees and landscaping, all which will add to the regeneration of the area.
 - The appointment taken forward will be a two-part contract which is pretty normal in construction engineering.
 - The performance of Network Rail is being monitored on a daily basis and to date the project is on time and on budget.
 - Councillor Laban felt that a review by Scrutiny was warranted to look at how the process could have been better. She asked that this be included on the O&SC Work Programme.
 - Councillor Caliskan felt that the detailed response given by Officers had already answered how the problems have been addressed and what the process will entail going forward.
5. The summing up by Councillor Smith: any failed procurement is of concern and needs to be investigated. The whole process of procuring this contractor has been far too slow and should not have taken this long to get to this stage. He asked that O&SC agree to a further report

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coming forward in May 2019 to look at whether the priorities have been achieved.

The Leader, Councillor Caliskan felt that it was a misrepresentation to say that the procurement process had failed when there had been a robust and compliant process but no tenders.

She also reminded Members that regular updates on Meridian Water and the procurement process are a standard Part 2 Agenda item at Cabinet and therefore suggested that all Members read these reports.

Following the discussion and noting all the comments made the Committee and Councillor Smith agreed to allow the original decision to be confirmed without the need to vote

AGREED to confirm the decisions in the report.

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