



## OVERVIEW AND SCRUTINY COMMITTEE

**MEETING** : Monday, 9th January 2017

**PRESENT** : Cllrs. Coole (Chair), Ryall (Vice-Chair), Pearsall (Spokesperson), Hilton, Lewis, Morgan, Haigh, Dee, Hampson, H. Norman, Finnegan, Hawthorne, Melvin and Smith

**Others in Attendance**

Councillor Paul James

Councillor Richard Cook, Cabinet Member for Environment

Wayne Best

Lloyd Griffiths

Philip Ardley, Asset Management Consultant

Rhys Howell, Democratic Service Officer

**APOLOGIES** : Cllr. Wilson

### 61. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 62. MINUTES

The minutes of the meeting held on 28 November 2016 were approved as a correct record and signed by the Chair.

The minutes of the meeting held on 19 December 2016 were approved as a correct record and signed by the Chair, subject to clarification that Councillor Hyman was in attendance as substitute for Councillor Hilton.

### 63. PUBLIC QUESTION TIME (15 MINUTES)

There were no questions from members of the public.

### 64. PETITIONS AND DEPUTATIONS (15 MINUTES)

There were no petitions or deputations.

### 65. OVERVIEW AND SCRUTINY COMMITTEE WORK PROGRAMME AND COUNCIL FORWARD PLAN

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The Chair informed the Committee that due to a change to the Cabinet Forward Plan, the items originally scheduled for the Committee meeting on 9 January 2017 had been unavailable. He confirmed the Committee's intention to scrutinise these items when they became available.

The Chair proposed a special meeting of the Overview and Scrutiny Committee in order to fulfil the request from Council on the 1<sup>st</sup> December 2016 to receive an update on deployment of resources from the Community Safety Partnership and the Chief Constable of Gloucestershire Constabulary. The Committee agreed to this and that the Lead Members would arrange this for a suitable date.

The Chair proposed that the Festival and Events Programme for 2017-2018 be scrutinised at the following Committee meeting, as Members had previously expressed an interest in this matter.

#### **66. FIXED PENALTY FINES FOR FLY TIPPING OFFENCES**

The Chair welcomed Councillor Cook (Cabinet Member for Environment) and Wayne Best (Environmental Protection Manager) to the meeting. Councillor Cook laid out the details of the proposed policy, which were to introduce a Fixed Penalty Notice (FPN) of £400, reduced to £300 if paid within 10 days, for the unauthorised deposit of waste or fly-tipping. He explained that fly-tipping was an increasing problem in Gloucester and that prosecuting offenders was both challenging and costly. He said that the FPN would help the Council meet residents' expectations of a clean City and that other alternatives had been deemed to be not as efficient as the FPN scheme.

Councillor Haigh welcomed this move by the Administration and drew attention to paragraph 3.10.2 of the report, which stated that a contributing factor to the problem of fly-tipping was the introduction of charges for the collection of garden waste and household items, and asked for comment on this. Councillor Cook stated that the majority of fly-tipped waste was trade waste and as such fly-tipped garden waste was not a large issue in the area.

Councillor Haigh asked if the Council had the resources to introduce and monitor FPN enforcement. Councillor Cook stated that resources would always be an issue but the policy should save money and time by reducing the need to prosecute fly-tippers.

Councillor Hampson asked for clarification of paragraph 6.2, which referred to investment in new technology to assist in the implementation of this policy, with regards to the type and cost of the new technology. Councillor Cook explained that the new technology was battery operated mobile cameras, which would be deployed in areas with a high level of fly-tipping. He said that due to their deployment in Matson Park, the cameras had recorded someone fly-tipping earlier that day. He explained that the cameras cost under £450 each and that any revenue generated would be invested in new cameras. Wayne Best provided further information regarding the cameras and advised that the footage was live streamed to a secure central server and could be accessed quickly when needed.

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Councillor Ryall asked for clarification of the legal definition of fly-tipping. Wayne Best explained that the definition was subjective, but that the Council would prosecute someone for dumping 10 bags or more. He explained that the Council was taking legal advice about where to set the limits of the FPN but that this was still in discussion. Councillor Ryall enquired if there would be the opportunity for people to appeal the FPN. Wayne Best confirmed this would be possible but he expected there to be a low number of appeals.

Councillor Hilton stated that it would be necessary to define what fly-tipping was. He used the example of a bag which had been left for the waste collectors but had then been kicked down the street by another party. He also raised concerns regarding the use of cameras, with reference to the Regulation of Investigatory Powers Act 2000 (RIPA) and the security of the recorded data and its transmission. Councillor Cook explained that the example provided by Councillor Hilton would not be seen as fly-tipping, as it would be a one off and also the level of waste would not be large enough to be covered by the FPN. He explained that when the cameras were in use signs would be placed nearby to make the public aware. He clarified that as the cameras were mobile, they would be periodically moved to new areas at risk of fly-tipping. Wayne Best explained that there was no intention to place the cameras for longer than 4 months at a time and that the software within the cameras could be configured to block out properties from view.

Councillor Finnegan asked how discreet the cameras were, as she was concerned about vandalism. Wayne Best explained that they could be hidden or openly displayed, depending on the area. He explained that the camera in Matson Park was concealed but in other areas they would be more openly displayed to deter fly-tipping.

Councillor Melvin stated that she thought this was a great initiative and that her preference was for a zero tolerance approach to fly-tipping. She enquired if it was possible to engage a third party to collect and enforce the FPN, with payment related to enforcement targets. Wayne Best stated that this had been looked at, as other council's did use this approach, but that it had not been deemed suitable for Gloucester at this time.

Councillor Hawthorne welcomed the policy but highlighted the discrepancy between the level of offences and the level of prosecutions for fly-tipping. He stated that he did not see that it had been made clear in the report that the FPN was designed to deter fly-tipping rather than generate income. He asked how this would be publicised to the community, as it would not be effective as a deterrent unless adequately promoted. Councillor Cook explained that previously the only approach open to the Council was to take fly-tippers to court and due to the weight of evidence and cost required, this was rarely done. He stated that the FPN could be enforced much more easily and as such should increase the level of prosecution. Wayne Best stated that there was ongoing work with the public to make them aware of the penalties for fly-tipping and to make them aware of the FPN.

Councillor Haigh made two recommendations, to ensure there was democratic oversight of the implementation of the policy. These were:

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1. That quarterly updates on the progress and effectiveness of the policy be received by the relevant Cabinet Member.
2. A further report, evaluating the effectiveness and impact of the policy be presented to Overview and Scrutiny Committee in 12 months.

The Committee approved both of these recommendations.

Councillor Morgan echoed Councillor Hawthorne's comments regarding the necessity to adequately publicise the policy and emphasised the need for it to be done in a cost effective manner. Councillor Cook agreed that people would need to be made aware but that they should already know that fly-tipping was an offence. He stated that signs were already in place regrading fly-tipping but not expressly stating about the FPN.

The Chair highlighted that social media could be utilised as a cost efficient way of disseminating information regarding the FPN. Councillor Melvin highlighted the need for accessible information on this matter, and that it be made available in multiple languages.

The Chair thanked Councillor Cook and Wayne Best for their presentation.

**RESOLVED –**

- 1. That the report be noted**
- 2. That it be recommended to Cabinet that quarterly updates on the progress and effectiveness of the policy be received by the relevant Cabinet Member.**
- 3. That a further report, evaluating the effectiveness and impact of the policy be presented to Overview and Scrutiny Committee in 12 months.**

**67. PROPOSAL TO INTRODUCE A REPLACEMENT WASTE CONTAINER CHARGING POLICY**

The Chair welcomed Councillor Cook (Cabinet Member for Environment) and Lloyd Griffiths (Head of Neighbourhood Services), to share details of the proposal to introduce replacement waste container charges. Councillor Cook stated that in appendix 3, paragraph 2 of the report, there was a reference to food caddies which had been included in error. Councillor Cook explained that on average the Council spent £100,000 on replacement waste containers per year and much of the cost was due to damage caused by the public. He explained that the proposed charge would reduce the Council's annual spend on containers and also encourage residents to take greater care of their Council issued waste containers.

Councillor Hilton enquired what the charge covered and after it was paid who owned the waste container. Lloyd Griffiths explained that it would cover the cost of administration, the cost of the physical container and delivery, if required. He said that the waste container would still be the property of Gloucester City Council.

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Councillor Hilton queried the requirement for people to obtain a police crime number, in order to avoid the replacement waste container charge. He stated that this was not a productive use of police resources and that the Council should trust the public when they report waste containers missing or stolen.

Councillor Ryall asked if waste collection crews had to report any damage or loss of containers they caused. Lloyd Griffiths explained that collection crews had to record any damage on crew sheets. He explained that the turnover of waste containers was high and that the Council was aware that many of these weren't stolen but were repurposed by homeowners. He also stated that many other local authorities charged for replacement waste containers.

The Chair asked if a resident moved into a property and there was no waste container, would they be expected to pay the charge. Lloyd Griffiths stated that in that case, the container would not be charged for.

Councillor Haigh asked how a resident would be aware of the difference between their container being lost or being stolen, as once they had put it out for collection, the resident could not be expected to monitor it until collected. She was concerned that the charging of vulnerable people for replacement waste containers could cast a negative light on the Council. Lloyd Griffiths explained that the purpose of the policy was foremost to promote responsible care of the Council issued waste containers.

Councillor Ryall asked if it was a reasonable expectation to rely on Amey to maintain records of container damage, given previous issues with the Amey contract. Councillor Cook stated that he had been made aware of issues surrounding Amey in the past but over the past 6 months large amounts of training had been given to Amey's employees and that performance had improved. He stated that he did not feel this would be an issue in the future.

Councillor Hawthorne asked if the Council had spoken with the police regarding the proposal to require a police crime number from residents and if the police had sufficient resources to address this. Lloyd Griffiths said that the police had been spoken to and had expressed that they were not averse to the policy. He explained that he did not expect the police to investigate all reports of lost containers but that requiring the crime number would deter the public from incorrectly reporting waste containers as stolen. The Chair expressed that there was general concern from the Committee regarding the impact the requirement to obtain a police crime number would have upon police time and resources. Councillor Cook expressed the opinion that if a waste container had been stolen, it was a crime and as such it was fitting to contact the police. Councillor Hilton agreed that it was a crime but disagreed that the Council should be asking the police to prioritise their resources towards this matter. He suggested that if waste containers were marked with the corresponding house number before being issued, this would reduce both loss and theft of containers. Councillor Lewis expressed the opinion that this would not be a prudent use of Council resources.

Given the concerns expressed by the Committee, Lloyd Griffiths proposed that rather than requiring a police crime number, that residents be required to complete

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a web based form to report the loss of their container and to apply for a replacement container. Councillor Haigh welcomed the proposal but emphasised that provision would need to be put in place for the digitally disadvantaged. Lloyd Griffiths said that this flexibility could be built into the system and the Committee accepted this as a recommendation to be put forward to Cabinet.

Councillor Hampson asked for clarification of the lifespan of a waste container and for details of the criteria which would specify that a waste container had exceeded its lifespan. Councillor Cook said that a waste container would usually last between 10 and 15 years and that once the container was no longer usable as a waste container, it would be considered to have reached the end of its lifespan. Councillor Hampson asked how the difference between wear and tear and damage was defined. Lloyd Griffiths said that it was a case of common sense, and that each case would be treated on its own merit. He reiterated that the policy was not designed to generate income but to promote responsible waste container care. Councillor Hampson asked if Amey had the resources to check on a case by case basis. Lloyd Griffiths said that part of the waste collection crew's role was to perform inspections of containers as they emptied them.

Councillor Melvin asked for further detail regarding paragraph 5.3, which outlined the alternative option of levying a charge on developers. Lloyd Griffiths stated that although some local authorities had implemented this option, it was not thought to be a suitable option for Gloucester but it would continue to be discussed with the Council planners.

The Chair thanked Councillor Cook and Lloyd Griffiths for their presentation.

#### **Resolved –**

- 1. That the report be noted.**
- 2. That it be recommended to Cabinet that the requirement for residents to obtain a police crime number to qualify for a replacement waste container without charge be removed from the policy.**
- 3. That it be recommended to Cabinet that residents be required to complete a short web based form, or alternate method if appropriate to prove the theft or loss of their assigned waste container.**

#### **68. GARDEN WASTE COLLECTION SERVICE - REVIEW OF CHARGES**

The Chair welcomed Councillor Cook (Cabinet Member for Environment) and Lloyd Griffiths (Head of Neighbourhood Services) to present the report proposing an increase in charges related to garden waste collection.

Councillor Cook updated the Committee that the proposal was to increase the yearly charge from £36 a year to £42 a year in 2017/2018 and then to £44 a year in 2018/2019. He outlined that there would be concessionary pricing of £24 in 2017/2018 and of £26 in 2018/2019. He explained that the reason for the increase

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was that there had been no increase in the charge since the scheme was introduced in 2011 and that increasing the charge would assist the Council in off-setting the cost of its single biggest contract, the Streetcare contract. He also stated that should the popularity of the scheme continue to rise then additional resources would be needed to continue to deliver the service.

Councillor Lewis asked what effect ceasing to deliver the service altogether would have on staffing levels, costs and impact on landfill. Councillor Cook stated there was no intention to cease delivery of the service and that he couldn't comment on the effect on staffing were the scheme to stop, as Amey managed the staffing of the scheme.

Councillor Haigh stated that the scheme had originally been intended to be cost neutral and that the Cabinet had not made it clear with this report that the cost increase was to generate additional revenue. She referred to the increase in the charges as a discretionary tax. Councillor Cook disagreed with Councillor Haigh's comments and stated that he had looked into the matter prior to the meeting and that in no area had it stated that the scheme would remain cost neutral. He said he did not see it as a tax, as this was a service that the Council did not have to provide.

Councillor Hawthorne asked for clarification regarding paragraph 5.1 of the report, which he said suggested that the scheme could not be put on hiatus during winter due to the terms of the contract with Amey. Lloyd Griffiths explained that the scheme used crews paid for by the Streetcare Contract, and to remove the garden waste collection service for a part of the year would not meet the savings targets of the Council. Councillor Hawthorne clarified that he was not suggesting an either/or situation but asking if it would be possible to increase the cost, as well as reducing collections during the winter months. Councillor Morgan expressed the view that it would be difficult for Amey to decommission vehicles and staff for part of the year but that this would be for Amey to manage. He also stated that he didn't view a winter hiatus as wise, as it could lead to confusion for the public and many people used the service year round. Councillor Hampson said that some local authorities had reduced the service in the winter, due to reduction in use, so to do so would not be an unprecedented move. Councillor H. Norman said that many households used the service during January to dispose of Christmas trees, so a collection in January would be needed. Lloyd Griffiths said that if the scheme were to be suspended during the winter months, he expected there to be a corresponding reduction in scheme membership and as such this was not a current proposal.

Councillor Hilton stated that when he had spoken to a previous Councillor, who was on the group which formulated the scheme, he had been informed that the scheme was not designed to make money. Councillor Hilton stated that in his opinion it was clear that the Administration were attempting to maximise revenue. He suggested that the Council should be promoting composting to residents rather than monetising garden waste collection. Councillor Cook reiterated that the scheme had not been formulated to be revenue neutral and that the contract with Amey cost £64 million a year and these costs needed to be ameliorated where possible and increasing the garden waste collection charge would help to achieve this.

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Councillor Haigh stated that the report was not clear that the aims of the charge increase were to offset the costs of the Amey contract and that the aim should be stated in the report's resolutions. Councillor Cook highlighted that paragraph 8 of the report clearly stated that any surplus generated would contribute towards offsetting the contract cost.

The Chair thanked Councillor Cook and Lloyd Griffiths for their presentation.

**RESOLVED- That the report be noted.**

**69. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED that the press and public be excluded from the meeting during the following item of business on the grounds that it is likely, in view of the nature of business to be transacted or the nature of the proceedings, that if members of the press and public are present during consideration of this items there will be disclosure to them of exempt information as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972 as amended.**

**70. KINGS QUARTER DEVELOPMENT SCHEME**

This item was discussed in private session.

After the discussion was completed, the Chair thanked Councillor James and Philip Ardley for their presentation.

**RESOLVED – That the report be noted.**

**71. DATE OF NEXT MEETING**

30 January 2017 at 6.30pm

**Time of commencement: 6.30 pm hours**

**Time of conclusion: 8.25 pm hours**

**Chair**