

# WEST NORTHAMPTONSHIRE COUNCIL CABINET

18 JANUARY 2022

**CABINET MEMBER WITH RESPONSIBILITY FOR CLIMATE CHANGE,  
TRANSPORT, HIGHWAYS AND WASTE SERVICES – COUNCILLOR PHIL  
LARRATT**

<b>Report Title</b>	<b>Outcome of the Call-In of the Cabinet Decision of 9 November 2021: Harmonisation of the Garden Waste Collection Services Across West Northamptonshire</b>
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**List of Appendices**

None

## 1. Purpose of Report

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- 1.1 To inform Cabinet of the outcome of the Place Overview and Scrutiny Committee's findings following the call-in of the Cabinet decision of 9 November 2021 on the harmonisation of the Garden Waste Collection Services Across West Northamptonshire.

## 2. Executive Summary

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- 2.1 On 9 November 2021, Cabinet resolved that:

**Resolutions:** *It was agreed that Cabinet:*

- a) *Agreed that a charge was made for kerbside garden waste collection for all residents of West Northamptonshire who opt into this service of £42 per bin per year, from 1 April 2022;*
- b) *Approved the decision to run the customer service and administration of the garden waste collection service in-house for all residents of West Northamptonshire, thus removing its administration from West Northamptonshire Norse, in the Daventry area;*
- c) *Approved the establishment of a subsidised home composting scheme, to be launched at the same time as the charge 2022/23, to offer residents an alternative.*

**The Reason:**

- a) *The introduction of a charge for the collection of garden waste would bring the south of West Northamptonshire into harmony with the rest of the council area. The scheme would be run council-wide with the level of charge, terms and conditions and service standards the same across West Northamptonshire.*
- b) *Charging for the collection of garden waste would ensure that only those who wish to use the service pay for it. Therefore, those who home compost, or who don't have gardens or who take their garden waste to the Household Waste Recycling Centre would not pay for the collection service.*
- c) *The Council are permitted to levy a 'reasonable' charge for the garden waste service (under the Controlled Waste (England and Wales) Regulations 2012). The proposed charge would generate income essential to part fund the waste collection services provided to the residents of West Northamptonshire. This includes approximately £800,000 in additional net income to the council in 2022/23 for the south area, where the charge would be newly introduced. It would also maintain the approximate £2.2 million of annual income from the areas of the council where there was an existing charge.*
- d) *The £42 charge recommended for 2022/23 would be the same as was charged in the Daventry and Northampton areas in 2021/22 and so would represent no increase for those residents and is identified as average across the region.*

- e) *The proposal to bring the customer service and administration of the garden waste collection service would enable the Council to have a direct interface with residents who wish to opt-in to this service, ensuring they receive the best possible customer service.*
- f) *The subsidised home composting scheme would provide an alternative option for residents who do not want to pay the collection fee. It also promotes home composting, which in waste management terms is a preferred option.*

2.2 A request for call-in was made to the Monitoring Officer on 16 November 2021 by Councillors Ian McCord (the Call-In Originator), Dennis Meredith, Emma Roberts, Gareth Eales, Jonathan Harris, Julie Davenport, Rosie Humphreys and Sue Sharps. The call-in was deemed valid and was referred to Place Overview and Scrutiny Committee for consideration.

2.3 Place Overview and Scrutiny Committee met on 14 December 2021 to consider the call-in. In doing so, the Committee heard from the call-in originator and two of the signatories, Councillors Harris and Roberts, to the call-in. Councillors Beardsworth and Stone addressed the Committee in support of the Call-In. The Committee received a comprehensive presentation from the Cabinet Member with responsibility for Climate Change, Transport, Highways and Waste Services, together with the Assistant Director for Highways & Waste. The Director for Place and Economy was also present at the meeting.

2.4 After all the evidence had been heard, the Place Overview and Scrutiny Committee resolved that the call-in be accepted and that the following alternative courses of action should be considered by Cabinet:

- a) To allow for a lower cost than the £42 proposed, whilst being cost neutral overall
- b) To await the outcome of the DEFRA consultation before placing reliance on the income stream proposed
- c) To clarify if the christmas tree collection service is open to all residents or just those signed up to the garden waste collection scheme
- d) To open the Household Waste and Recycling Centres 7 days a week to allow residents not in the scheme to dispose of their garden waste
- e) To amend any proposed scheme to allow for payment by instalments
- f) To amend any proposed scheme to allow for those in receipt of Local Council Tax Reduction Scheme support to have a lower cost or nil cost

### **3. Recommendations**

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3.1 It is recommended that Cabinet be formally notified of Place Overview and Scrutiny Committee's findings following the call-in hearing of 14 December 2021 and reconsider its decision.

### **4. Reason for Recommendations**

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4.1.1 In accordance with the Overview and Scrutiny procedure rules (11.7), if a decision is referred to the original decision maker (in this case Cabinet), Cabinet shall then reconsider the matter, taking into account any concerns and recommendations of Place Overview and Scrutiny

Committee and make a final decision, amending the decision or not and give reasons for the decision.

- 4.1.2 As this is a decision relating to an Executive function only, Cabinet can ultimately decide the matter, provided that it is in accordance with the Council's budget and Policy Framework.

## **5. Report Background**

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### **Call-in originator**

- 5.1 At the meeting on 14 December 2021, the call-in originator and two other call-in signatories expanded upon their reasons for the call-in, and listed a number of matters which in their opinion were flaws with the decision of Cabinet, as set out below:
- a) Cabinet had the option of harmonising the cost at a lower one than £42 thus preserving the existing revenue which spreading the cost over all the residents in the district, this would have been approx. £30 per year.
  - b) Cabinet acknowledged that DEFRA are consulting on capping or removing the cost of green bin collections and this would represent a risk to the new income stream should such a policy be enacted.
  - c) Cabinet did not give clear indications as to alternatives residents have, questions of whether Christmas tree collection would be for all or just those opted into the scheme were not answered.
  - d) Cabinet did not give any indication as to where the extra £800k revenue, which is all additional income for no additional cost would be use for and Scrutiny may want to give recommendations, for example return the household waste and recycling centres to a full 7 day a week operation.
  - e) Cabinet ruled out the prospect of paying for this by instalments or direct debit and opted for a single one-off payment
  - f) Cabinet did not consider a lower charge for those in receipt of Local Council Tax Reduction Scheme support members may wish to examine this
- 5.2 The alternative course of action/recommendations that were proposed by the call-in originator were highlighted as detailed in paragraph 2.4, above.

### **Response from the Cabinet Member for Climate Change, Transport, Highways and Waste Services and the Assistant Director for Highways & Waste**

- 5.3 The Cabinet Member with responsibility for Climate Change, Transport, Highways and Waste Services, together with the Assistant Director for Highways & Waste, provided their response to the call-in notice, as follows:
- a) In accordance with Controlled Waste Regulations 2012, a charge can be applied for the collection of garden waste. Nationally, 65% of Local Authorities charged for this in 2019/2020.
  - b) In 2018/2019 the average cost of those authorities who charge for garden waste collection was £43 per bin.

- c) Garden waste is collected fortnightly across West Northamptonshire. The position in relation to the three predecessor Councils is that two of the three geographical areas has been maintained for the first year of West Northamptonshire Council with commitment to review and charges for garden waste in 2021/ (Shadow Executive Committee - March 2021).
- d) Residents in Daventry and Northampton pay £42 per year for garden waste collection, with high participation rates. Should this charge be reduced to £30 across all West Northamptonshire there would be a loss of forecast income of around £1million. The additional income from extending the charge to the South Northamptonshire area is included within the draft budget 2022/2023 and assists in achieving a balanced budget. If this is not achieved, additional income or savings would have to be found.
- e) DEFRA has consulted on charges applied for garden waste, the latest indication is that DEFRA will respond to the consultation early in 2022. It is possible that DEFRA could ask Councils to either cap the charges or stop charging. If changes are made, this will be compensated in the New Burdens Legislation. There is no definitive timescale for implementation of any change, or indeed if a change will be made.
- f) Alternatives for residents to using the waste collection services were provided:
  - Home composting with a one off fee for purchase of the composting bin at £10. Use of the household recycling centres which is a free service.
  - Share a waste collection bin with neighbours and therefore share the cost.
- g) Real Christmas tree collections will continue across West Northamptonshire for all residents.
- h) The estimated cost of opening household waste recycling centres (HWRCs) to seven days a week would be £960,000 per year. All six HWRCs are open at the weekend with each site open five days a week on a rota basis. Current opening hours are tailored to residents' use, which ensures the cost effective and efficient delivery of the service.
- i) There is currently no technical solution available within the Council to enable residents to pay by direct debit or to enable a discount via an on-line or automatic payment system.
- j) It is not possible in accordance with Council Tax Legislation to add garden waste subscription to the Council Tax bill.
- k) A range of discounts will be considered as part of continual review and improvements to the garden waste subscription service, but they would have to be supported by an auto-payment system.

## **Deliberation**

5.4 During the deliberation, Members of the Place Overview and Scrutiny Committee raised a number of questions and made a number of points, as set out in summary below:

- a) Members supported, in principle, the charging of garden waste in all three areas of West Northamptonshire, commenting that it should be the same charge for all three areas but a lower cost could be considered.
- b) A query was raised that it could be seen that South Northamptonshire area residents previously had a free garden waste service and would now have to pay an additional amount for the collection of garden waste. The response was that Daventry and Northampton area residents had been in the same position when charging for the collection of garden waste had been implemented in these areas. It was noted that

members understood that they would have to harmonise this garden waste charges as soon as possible after the formation of West Northamptonshire Council.

- c) Members asked why the charge of £42 was proposed and not a lower charge. It was noted that the £42 charge currently applied in Daventry and Northampton is the close to the national average and comparable with neighbouring authorities. It was also noted that participation rates in Daventry and Northampton are high and therefore £42 was not seen as a barrier for residents to subscribe.
- d) Members asked what participation rate the estimated additional income was based on. It was confirmed that a participation rate of 62%, which is the same as the Daventry area, had been used to estimate the income.
- e) Members asked if the current participation rate is known for the garden waste service in the South area. Officers did not have this information available at the meeting but noted that normally there is a higher yield when the garden waste collection service is subscribed to.
- f) Members were concerned whether there were any alternatives available to residents to the collection of garden wastes service. The response was that a home composting bin could be purchased at a one of cost of £10, which is less than 50% of the actual cost of the bin. Residents could share a garden waste bin, for example with a neighbour, and therefore also share the annual cost. The recycling centres can be used free of charge.
- g) In response to a query, it was confirmed that the real Christmas tree collection will continue to be available for all residents
- h) Members asked how the additional revenue would be used. It was confirmed that the income would be reinvested in the waste service and help to support the provision of these services. It was noted that there are budget proposals to increase the funding for the waste and highways services within the draft budget for 2022-23.
- i) Members queried whether direct debit payments and discounts could be put in place. The response was that an auto payment system for West Northamptonshire is being investigated and when installed, systems such as direct debit payments will be investigated.

## **Findings and Conclusions**

5.5 During the deliberation session, Place Overview and Scrutiny Committee concluded that there was a need for the decision to be referred back to Cabinet and that the alternative course of action/recommendations as proposed by the call-in originators should be investigated.

5.6 Therefore, following the submission of the all the evidence, Place Overview and Scrutiny Committee resolved to uphold the call-in and ask Cabinet to reconsider its decision, as follows:

Resolved that:

(1) That after all the evidence had been heard, the call-in be accepted on the grounds the following alternative courses of action are considered:

- a) To allow for a lower cost than the £42 proposed whilst being cost neutral overall
- b) To await the outcome of the DEFRA consultation before placing reliance on the income stream proposed

- c) To clarify if the Christmas Tree Collection service is open to all residents or just those signed up to the garden waste collection scheme
- d) To open the Household Waste and recycling centres 7 days a week to allow residents not in the scheme to dispose of their garden waste
- e) To amend any proposed scheme to allow for payment by instalments
- f) To amend any proposed scheme to allow for those in receipt of Local Council Tax Reduction Scheme support to have a lower cost or nil cost

## **6. Issues and Choices**

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- 6.1 Cabinet is asked to reconsider the decision taking into account any concerns and recommendations of Place Overview and Scrutiny Committee and make a final decision amending the decision or not and give reason for the decision.

## **7. Implications (including financial implications)**

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### **Resources and Financial**

- 7.1 The decision cannot be implemented until Cabinet has resolved and made a decision upon the report of the Place Overview and Scrutiny Committee on the results of the call-in.
- 7.2 The decision will have implications for the draft budget, which currently includes the proposal to introduce the garden waste subscription service in the South area of West Northamptonshire at a rate of £42 per bin. This would provide an additional £800,000 financial pressure in the final budget.

### **Legal**

- 7.3 Overview and Scrutiny operates within the provisions as set out in:
- the Local Government Act 2000
  - the Health and Social Care Act 2001
  - the Local Government Act 2003, the Police and Justice Act 2006
  - the Local Government and Public Involvement in Health Act 2007
  - the Local Democracy, Economic Development and Construction Act 2009
  - the Localism Act 2011
  - the Police Reform and Social Responsibility Act 2011
  - the Overview and Scrutiny (Reference by Councillors) (Excluded Matters) (England) Order 2012
  - the Health and Social Care Act 2012
  - the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013

7.4 As set out in section 7, paragraph 11.7 of the Constitution (December 2021):

11.7.1 If a decision is referred back to Cabinet, it shall reconsider the matter taking into account any concerns and recommendations of the Committee and make a final decision amending the decision or not and give reason for the decision.

11.7.2 If a decision relates to an Executive function only, Cabinet can ultimately decide the matter provided that it is in accordance with the Council's budget and framework policy.

### **Risk**

7.5 The decision cannot be implemented until Cabinet has resolved and made a decision upon the report of the Place Overview and Scrutiny Committee on the results of the call-in.

### **Consultation**

7.6 Place Overview and Scrutiny Committee held the Call-In Hearing.

7.7 The call-in originator addressed the meeting of Place Overview and Scrutiny Committee and answered any questions that the Committee posed.

7.8 The Cabinet Member with responsibility for Climate Change, Transport, Highways and Waste Services, together and the Assistant Director for Highways & Waste, addressed the meeting of Place Overview and Scrutiny Committee and answered questions asked by the Committee.

7.9 The Call-In Hearing was published through the Council's usual channels and was attended by five elected Members, four of which addressed the Committee.

### **Consideration by Overview and Scrutiny**

7.10 Place Overview and Scrutiny Committee considered the Call-In Notice at its meeting on 14 December 2021.

### **Climate Impact**

7.11 As set out in the Cabinet report of 9 November 2021 (Item 8).

### **Community Impact**

7.12 As set out in the Cabinet report of 9 November 2021 (Item 8).

## **8. Background Papers**

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Cabinet Report of 9 November 2021 Item 8 - Harmonisation of the Garden Waste Collection Services Across West Northamptonshire

Decision Notice – Cabinet of 9 November 2021 Item 8 - Harmonisation of the Garden Waste Collection Services Across West Northamptonshire

Shadow Authority Cabinet Report of March 2021