

London Borough of Hackney
Scrutiny Panel
Municipal Year 2019/20
Date of Meeting Tuesday, 30th June, 2020

Minutes of the proceedings of
the Scrutiny Panel held at
Hackney Town Hall, Mare
Street, London E8 1EA

Chair	Councillor Ben Hayhurst
Councillors in Attendance	Cllr Mete Coban and Cllr Sophie Conway
Apologies:	Cllr Margaret Gordon, Cllr Sharon Patrick, Cllr Sade Etti and Cllr Polly Billington
Co-optees	
Officers In Attendance	Ajman Ali (Interim Group Director, Neighbourhoods and Housing)
Other People in Attendance	Councillor Michael Levy, Councillor Harvey Odze and Councillor Simche Steinberger
Members of the Public	
Officer Contact:	Tracey Anderson ☎ 0208 3563312 ✉ tracey.anderson@hackney.gov.uk

Councillor Ben Hayhurst in the Chair

1 Apologies for Absence

- 1.1 Apologies for absence from: Cllr Patrick, Cllr Etti, Cllr Billington and Cllr Gordon.

2 Urgent Items / Order of Business

- 2.1 Due to the absence of the elected Chair for the Scrutiny Panel (SP). The first order of business was the election of a Chair from the Scrutiny Panel membership at the meeting.
- 2.2 Cllr Conway nominated Cllr Hayhurst and Cllr Coban seconded the nomination.
- 2.3 Cllr Hayhurst was elected as the Chair for the Scrutiny Panel meeting.

2.4 The remainder of the discussion items at the meeting were as per the agenda.

3 Declaration of Interest

3.1 None.

4 Call-in of a Decision of the Executive

4.1 The Chair opened the discussion item and explained this was a special meeting of the Scrutiny Panel to hear the Call-in of a decision by the Executive of Hackney Council.

4.2 The Call-in request was made on 26th May 2020, by Councillor Odze and supported by – Councillors: Levy, Klein, Papier and Steinberger.

4.3 The call-in relates to the Cabinet decision on 18 May 2020 in respect of Restricting Residual Waste (Key Decision No. NH Q47) to introduce fortnightly collections for residual waste to street level properties, using black 180i wheeled bins.

4.4 The grounds for the call-in request covered the following areas:

- in making its decision Cabinet failed to consider relevant evidence; and
- that the decision taken was not in the interests of the Borough's residents and a preferable alternative decision could be adopted.

Timecode in recording 07.34

4.5 The Chair outlined the format of the meeting to all meeting participants.

Timecode in recording 08.46

4.6 Chair outlined the decision options available to the Scrutiny Panel Membership. These were:

- a. to take no further action, in which case the decision will take effect immediately; or,
- b. to refer the decision back to Cabinet for reconsideration, setting out the nature of the Scrutiny Panel's concerns; Cabinet must then re-consider the matter, taking into account the concerns of the Scrutiny Panel, before making a final decision; or
- c. to refer the matter to Full Council if the Scrutiny Panel considers that its recommendations would have an impact on the Council's budget or policy framework.

4.7 The Chair welcomed to the meeting Call-in Members: Cllr Odze, Cllr Levy and Cllr Steinberger.

4.8 From London Borough of Hackney Council the Chair welcomed to the meeting Cllr Burke, Cabinet Member for Energy, Waste, Transport and Public Realm, Ajman Ali, Interim Group Director Neighbourhoods and Housing, Aled Richards, Director of Public Realm and Sam Kirk, Environmental Services Strategy Manager.

Timecode in recording 09.20

- 4.9 Cllr Odze presented the objections to the decision. The main points were as follows:
- a) The Cabinet decision ignored the consultation response. If people do not want this it should not be implemented.
 - b) This decision is not in the best interest of residents. The Councillor made reference to the number of objections to the proposed changes.
 - c) There is no local evidence to support the decision only statistics.
 - d) There is no information in the report of the alternative options considered. An alternative option for the Council would be to incentivise recycling instead of punishing residents.
 - e) The Call-in Member made reference to Bury and Salford councils who have moved to 3 weekly collections. The Cllr claimed although recycling rates had increased a large volume of it is contaminated.

The Call-in Member pointed out when Haringey Council introduced fortnightly collection there was problems with fly tipping particularly on the borough boundary. This should be taken into account by Cabinet.

- f) The equality impact assessment only considers some communities in Hackney. It does not mention other larger communities like the Turkish and Polish but focuses on the Charedi.
- g) This decision will have an impact on the council's budget and as such this should be a decision taken to full council for approval.

Timecode in recording 16:57

4.10 The Chair asked the officers of Hackney to respond to the objection points raised by the Call-in Member. For response the Chair summed up the objection points raised as follows:

- 1) Consultation response ignored
- 2) No local evidence to support the proposal
- 3) No details of alternative options outlined
- 4) Other boroughs have tried this and failed. E.g. Salford and Bury councils
- 5) Impact assessment misses out other big community groups in the borough
- 6) This decision has an impact on the council budget due to extra costs. Therefore it should be considered at Full Council and not taken as a Cabinet decision
- 7) Residents' best interests not considered.

Timecode in recording 17:55

4.11 In response to the objection points the Officer replied:

4.11.1 The decision to move to fortnightly collections was driven by national, regional and local drivers.

4.11.2 National Government and Mayor of London have both published strategies with stretching targets. All London boroughs have to contribute towards the London targets. Hackney's recycling target rate is 31%.

4.11.3 All local authorities were required to produce a Recycling Reduction Plan (RRP).

- 4.11.4 Locally they want to increase recycling rates whilst simultaneously reducing the residual waste that is being incinerated. This decision was taken to future proof the Council against rising costs for waste.
- 4.11.5 This decision is also taking important steps towards mitigating the effects of climate change and will contribute towards the Council's declaration for climate change made in June 2019.
- 4.11.6 Waste services already offer a range of services. Hackney's service is comprehensive and currently collects all the materials recommended by Government.
- 4.11.7 The Officer advised there are limited options available in relation to service changes. The last option has been to restrict residual waste.
- 4.11.8 The Council has looked at other local authorities that have introduced fortnightly collections to learn from their work. The Officer advised Hackney will not be cutting street cleansing and will make sure street cleansing remains at its current level.
- 4.11.9 The expected outcome is a reduction of 4,400 tonnes of street level black bag waste. This should produce a cost saving of approximately £246,000 pa.
- 4.11.10 The aim being to increase the recycling rate and reduce the emissions for incinerated waste. This should also result in carbon dioxide savings.
- 4.11.11 This change had to put in place to reduce residual waste and maximise recycling.
- 4.11.12 It was pointed out Hackney has already offers residents a food waste collection service and free garden waste collection service. Whereas other boroughs are just introducing these services into their RRP. Hackney has already done this work. In the development of LBH's RRP the only option available was to reduce residual waste.
- 4.11.13 As a result of the equalities impact assessment carried out they have made reasonable adjustments. They will put in place assisted collection and a large family policy.
- 4.11.14 Hackney will ensure they have unlimited food waste collection and a weekly collection for recycling. The Council provides fox proof food waste bins that are lockable.
- 4.11.15 The Officers believe these reasonable adjustments address the concerns raised in the consultation.
- 4.11.16 The Officer pointed out the concerns raised were the same across the communities.
- 4.11.17 The Council has a comprehensive communication plan for all households and targeted engagement for the groups not engaging or responding to the generic engagement process.

- 4.11.18 The Council is introducing an enforcement team to help with behaviour change and to follow up by issuing fines.
- 4.11.19 In response to incentivising residents the officer advised Hackney has done this work and has a comprehensive service.
- 4.11.20 The Officer highlighted the Council has done a comprehensive composition analysis in 2015 which showed 54% of the waste could be recycled or food waste. A further composition analysis was carried out and also showed 69% was food waste or could be recycled. These analysis were carried out on the heaviest waste collection days. Therefore in the borough people are still not recycling as they should do.
- 4.11.21 The Officer confirmed the Council has a local green point's incentive scheme.
- 4.11.22 In reference to contamination, yes this is an issue but the council will continue to encourage people to put the right waste in the right bin.
- 4.11.23 There has not been a shifted in recycling rates to the level they had hoped (not just LBH in this position) and the council has found that recycling rates have flattened.
- 4.11.24 In reference to other communities in the EIA. The Council does not mention other communities because the volume of responses from the other communities does not identify them specifically. In comparison to the volume of responses received from the Charedi community.
- 4.11.25 Although only 39% agreed with the proposal in the consultation the Council is of the view they have put in place reasonable adjustments to address the concerns raised in the consultation.
- 4.11.26 The Officers confirmed the decision does have financial implications but it does not required Full Council approval.

4.12 **Questions, answers, comments and discussion**

Timecode in recording 39.25

- (i) **Cllr Conway asked about examples of other schemes by local authorities with success and asked for assurance that they were addressing the issues raised about the problems encountered by other local authorities?**

Timecode in recording 40.19

In response the Officer advised Lewisham Council had introduced fortnightly collections approximately 1 year ago and this resulted in their recycling rates increasing from 17% in October 2017 to 28% last year. This is evidence that fortnightly collection of residual waste helps increase recycling rates.

The Officer pointed out the top 30 performing councils across the UK all have fortnightly collections. The councils with the lowest performance rates all have weekly collections.

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The Cabinet Member for Waste, Energy, Transport and Sustainability also pointed out 2 thirds of the UK's local authorities offer fortnight collection or a lesser frequency.

The Group Director for Neighbourhoods and Housing advised these schemes work well when there is a full service offer in place i.e. you have other means of collecting other waste. The analysis showed the council there was a large volume of plastic waste in the bins.

Timecode in recording 44.36

- (ii) **Cllr Coban asked how the Council was encouraging recycling for ethnic communities that do not engage and communicate with the council on this topic area. Referring to the Council's plans to better communicate. Cllr Coban referred to Hackney's very diverse population and commented they need to hear from all community groups.**

Timecode in recording 45.34

In response the Officer explained they have a communication plan and proposed to run focus groups to understand the barriers. The Officer did point out the Council is aware some groups may not have a lot of recycling.

The Officer advised the Council will also be encouraging residents to order a food caddy.

The Officer commented the council is open to suggestions of who they should work with from the different community groups.

It was reiterated Hackney Council is currently offering service than other boroughs.

Timecode in recording 47.27

- (iii) Cllr Coban asked about improving the recycling rates on estates and if the council understood why the behaviour change was not happening. He encouraged the Council to engage with groups who would not ordinarily talk to the council to support their engagement in the consultation process. The Member also pointed out he was supportive of the Council's work to date in this area.

Timecode in recording 48.38

In response the Officer informed the Council is working with Resource London who specialise in behaviour change to test out different ways to engage with people. The Officer pointed out one group they have identified that is hard to engage with, this is 16-24 year olds. Therefore they will be looking at different ways to engage with this group.

The Cabinet Member for Waste, Energy, Transport and Sustainability advised he would be happy to take Cllr Coban through the work the Council has done to improve recycling rates on estates - this has increased from 11% to 28% - that demonstrates the work they have done to drive that change. The Cabinet Member also pointed out they have taken into consideration the over representation of ethnic minority community groups in Hackney's council housing.

Timecode in recording 50.51

- (iv) **The Chair offered the opportunity for the Call-in Member to respond to any points made by officers.**

The Call-in Member commented the measure for the rate of recycling was carried out at the road side. However, a large quantity of the increased recycling waste was contaminated due to people being stretched from longer periods of no waste collection and thus this does not get recycled.

This initiatives is not addressing estates even though they were involved in the consultation.

Timecode in recording 53.06

- (v) **The Chair asked officer to clarify if the consultation went out to people on estates as well as street properties.**

Timecode in recording 53.27

The Officer confirmed the consultation went out to 43,000 street properties not estates.

Timecode in recording 56.00

- (vi) **The Chair asked officers to respond to the other points made by the Call-in Member.**

Timecode in recording 57.30

In response to the points made by the Call-in Member the officer advised all local authorities are required to report their waste data. To clarify the recycling data is based on the waste actually recycled and excludes contaminated waste. Councils also report how much waste is contaminated too. The road side waste is collated and reported to DEFRA. The officer explained there are 2 rates of recycling reported.

Timecode in recording 58.46

- (vii) **The Chair asked officers to clarify if the top performing local authorities recycling rates was based on the actual waste recycled or the recycled waste collected at the roadside.**

Timecode in recording 59.06

The Officer confirmed the rate was based on the actual waste recycled.

Timecode in recording 1.02.12

- (viii) **The Chair referred to the budget and costs implications of the decision. The Chair commented the total cost would be £3 million paid in 2 chunks of £1.5 million. The anticipated savings would be £250k. Therefore this indicated a 12 year spend to save plan.**

Timecode in recording 1.02.48

In response the Officer advised based on the current levy charges for waste the council would be facing significant increases in cost. The saving are based on the prediction of achieving a 31% rate which the Council feels is a realistic target.

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The Cabinet Member for Waste, Energy, Transport and Sustainability pointed out reducing the residual waste would limit future exposure to higher incineration waste costs. The Cabinet Member for Waste, Energy, Transport and Sustainability advised the Government is looking at introducing a carbon tax on incinerated waste to address carbon transmission levels. If applied this could increase the Council's waste costs.

Timecode in recording 1.05.13

- (ix) **The Chair referred to the criteria for the large family policy. The Chair asked for the officers to explain the criteria being applied and how it will work in practice.**

Timecode in recording 1.06.09

In response the Officer advised there will be an assessment of the waste. When this is being rolled out the Council will set out the service change and clearly outline the service expectations and commitment from residents. The council would be encouraging the use of fox proof bins and assisted collections. The council appreciated that not all households have access to a computer so they will be door knocking to give advice and encourage behaviour change. Officers were confident many people will comply when you talk to them and explain the rationale.

Timecode in recording 1.08.34

- (x) **The Chair referred to digital divide and pointed out over crowding is often coterminous with digital divide. The Chair pointed out the Council will need to work with households to address this. The Chair asked if this is taken into consideration and will the Council ensure people are aware they are entitled to this assessment? The Chair pointed out if this is not done it would create an unfair bias.**

Timecode in recording 1.09.15

In response the Officer confirmed they will do this work prior to implementation of the policy.

Timecode in recording 1.09.42

- (xi) **The Chair asked if the Council would be distributing the fox proof bins to all households.**

Timecode in recording 1.09.51

In response the Officer confirmed they would not be doing a distribution, residents would need to order the bin. However the council has made sure they have additional stock in place to cover an increase in demand.

Timecode in recording 1.10.50

- (xii) **The Chair asked if there was a cost associated with ordering a food waste caddy.**

Timecode in recording 1.10.54

In response the Officer informed there was no cost associated with the order they just needed to place the order online.

Timecode in recording 1.11.34

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In response to the answers of the officers the Call-in Member made the following comments.

The reference made to possible taxation on carbon transmission was speculation and should not influence the decision.

The large family policy does not address the issue dirty nappies for families with 3 children or more under 5 years of age. For example having dirty nappies outside in the bin for 2 weeks will have a significant impact for the Charedi community. This should be taken into account for fortnightly collections.

The Call-in Member pointed out the Charedi community does not use smart phones or social media. Therefore if requests are online only it will exclude people who do not use technology. The Call-in Member hoped there will be the option to make the request for a food waste bin via the telephone.

Timecode in recording 1.14.08

- (xiii) **The Chair asked officers to clarify the process for ordering a food waste bin and asked for the Council to respond to the concerns about nappies being left in bins for 2 weeks.**

In response the Officer confirmed telephone ordering would be available. The Council will also have additional roll out centres for collection too.

In response to the points made about nappies. The Council decided not to offer addition collection but to offer extra capacity. The Officer confirmed nappies was cited as a concern by 7% of respondents. The Council will keep this under review. It was pointed other local authorities have provided extra capacity to accommodate nappy waste.

Time code in recording 1.15.40

- (xiv) **The Chair recapped on the decision options A-C (as noted under point 4.6 above) to Members for the Call-in. The Chair asked each Member present to confirm their decision in relation to the call in request.**

Time code in recording 1.17.00

- (xv) **Cllr Conway confirmed she would be selecting option A. In her view this was a viable opportunity and the Council provided examples of similar scheme increasing recycling. So based on the information presented at the meeting she would be selecting option A - no further action.**

Time code in recording 1.18.00

- (xvi) **Cllr Coban confirmed he would be selecting option A – no further action and was in agreement with the points made by Cllr Conway.**

Time code in recording 1.18.22

- (xvii) **Cllr Hayhurst confirmed he would be selecting option A – no further action.**

Time code in recording 1.18.34

- (xviii) **The Chair outlined the rationale for the decision to select option A and outlined the following points response to each objection point raised by the Call-in Member.**

- 1) Consultation response ignored – the consultation was taken into account alongside other factors. These being the guidance from the Mayor of London in relation to reducing CO2 emissions, increasing recycling rates and the spend to save. This was a medium to long term decision.
- 2) No local evidence – we heard evidence of a 2015 study showing there was 54% of material that could be recycled and a further study showing 69%. In addition even with contaminated waste when removed the local authorities with fortnightly collections still had better recycling rates.
- 3) No alternative options presented – officers with expertise and experience feel the only viable option to increase Hackney’s recycling rates is to move to fortnightly collections. The SP accept that by looking at Bury and Salford Councils there has been a process of looking at other options.
- 4) More contamination waste - in reference to contamination waste figures, it was confirmed these are stripped out of the monitored recycling rates. Notwithstanding any contamination that may occur, it still shows an increase in the level of recycling.
- 5) Equality impact assessment - there has been a lot of work in relation to this, particularly making reference to the large family policy. The SP agree with the Call-in Member’s observations and noted they needed assurance there are clear mechanisms in place for communicating these options and making it available to all residents. Particularly the residents without access to digital devices. Although the SP agrees with these observations. There was the view the EIA was sufficiently robust and that officers provided an explanation about why other communities were not referenced in the Cabinet report. They explained the percentage number from the other communities did not make representation to be noticeable in the Cabinet report.
- 6) This decision requires full council approval - In terms of this being a budget decision that requires full council approval, officers have confirmed this does not require full council approval. There are many decisions that the council makes that are taken under a similar process. If they referred this decision all decisions would need to be taken to Full Council. This is not in line with the Council’s constitution and governance framework.

The Scrutiny Panel listened and heard the views of both parties. For the reasons stated above they have unanimous agreed option A.

RESOLVED	The Scrutiny Panel recorded a unanimous vote for option A – no further action
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- (xix) The Legal officer present asked the Scrutiny Panel to confirm they have noted the Monitoring Officers advices under recommendation 2.1 that the Cabinet decision was taken inside the Council’s policy and budgetary framework.

The Scrutiny Panel noted the recommendation 2.1 for resolution in the Monitoring Officers report.

The Chair thanked all participants for their contribution to the discussion.

5.1 None.

Duration of the meeting: 7.00 - 8.25 pm