

**South Somerset District Council**

*Notice of Meeting*



# Special Scrutiny Committee

*Making a difference where it counts*

**Thursday 24<sup>th</sup> March 2011**

**2.00 pm**

**Council Chamber  
Council Offices  
Brympton Way  
Yeovil  
Somerset BA20 2HT**

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The public and press are welcome to attend.

Disabled Access is available at this meeting venue.



If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris** on Yeovil (01935) 462462

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This Agenda was issued on Wednesday 16<sup>th</sup> March 2011

*Ian Clarke, Assistant Director (Legal & Corporate Services)*



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## Scrutiny Committee Membership

**Chairman** Sue Steele  
**Vice Chairman** David Bulmer  
Carol Goodall

John Calvert  
John Vincent Chainey  
Geoff Clarke  
Tony Lock

Pat Martin  
Roy Mills  
John Richardson  
Keith Ronaldson

Angie Singleton  
Alan Smith  
Martin Wale

## Information for the Public

### What is Scrutiny?

The Local Government Act 2000 requires all councils in England and Wales to introduce new political structures which provide a clear role for the Council, the Executive and non-executive councillors.

One of the key roles for non-executive councillors is to undertake an overview and scrutiny role for the council. In this Council the overview and scrutiny role involves reviewing and developing, scrutinising organisations external to the council and holding the executive to account

Scrutiny also has an important role to play in organisational performance management.

The Scrutiny Committee is made up of 14 non-executive members and meets monthly to consider items where executive decisions need to be reviewed before or after their implementation, and to commission reviews of policy or other public interest.

Members of the public are able to:

- attend meetings of the Scrutiny Committee except where, for example, personal or confidential matters are being discussed;
- speak at Scrutiny Committee meetings; and
- see agenda reports.

Meetings of the Scrutiny Committee are held monthly on the Tuesday prior to meetings of the District Executive at 10.00am in the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of these meetings are published on the Council's website [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk).

The Council's Constitution is also on the website and available for inspection in council offices.

Further information can be obtained by contacting the agenda co-ordinator named on the front page.

## **South Somerset District Council – Corporate Aims**

**Our key aims are:** (all equal)

- To increase economic vitality and prosperity
- Enhance the environment, address and adapt to climate change
- To improve the housing, health and well-being of our citizens
- To ensure safe, sustainable and cohesive communities
- To deliver well managed cost effective services valued by our customers

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# Special Scrutiny Committee

Thursday 24<sup>th</sup> March 2011

## Agenda

### *Preliminary Items*

1. **Apologies for Absence**
2. **Declarations of Interest**
3. **Public Question Time**

### *Items for Discussion*

*Page Number*

4. **Recycling Centres – Future Operation to Meet Savings Requirements..... 1**

Special Scrutiny Committee – 24<sup>th</sup> March 2011

## 4. Recycling Centres – Future Operation to Meet Savings Requirements

### Purpose of Report

This meeting of the Scrutiny Committee has been convened to allow South Somerset Members the opportunity to consider reports being submitted to the March 25<sup>th</sup> meeting of the Somerset Waste Board. The reports relate to future operating arrangements for Household Waste Recycling Centres (HWRC's) across the County.

### Action Required

Members of the Scrutiny Committee are requested to consider and comment on the three papers attached:

1. Recycling Centres – Future Operation to meet savings requirements
2. Impact Assessment Form and Action Table (Amended for budget cuts)
3. Somerset Waste Board minutes – 11<sup>th</sup> February 2011

The Somerset Waste Board is due to meet on the 25<sup>th</sup> March to consider these proposals. Any comments made by the SSSC Scrutiny Committee will be taken into consideration by our representatives on the Somerset Waste Board.

### Background

Members from three partner authorities called-in a decision taken by the Somerset Waste Board at their meeting on the 11<sup>th</sup> February 2011. The decision related to the future service provided at various Household recycling Centres (HWRC's) across the county. In recognition of the fact that there had not previously been a call-in of this nature and that the SWB Constitution states that in order to ensure the best use of Partnership Officer time, where possible, a joint approach to Scrutiny should be adopted, an **informal** briefing session was held on 7<sup>th</sup> March.

The meeting was not formally constituted and was intended to provide the officers of the Somerset Waste Partnership (SWP) an opportunity to explain the rationale for the decisions taken on the 11 February and to update members on any work done since that meeting. This approach meant that the officers could provide this information to officers and members from all partner authorities at one meeting and that this information could then be formally disseminated and discussed by the individual authorities as they saw fit. The briefing session on 7<sup>th</sup> March was well attended by Scrutiny representatives from all 6 partner authorities as well as senior officers from both the partner councils and the SWP. At the start of the meeting, each authority which had called-in the decisions taken by the SWB in February was given the opportunity to outline their grounds for call-in. It became apparent that there were two main issues. Firstly, there were concerns over the decision making process used by the SWB and the Scrutiny process which followed.

Secondly, those members present at the briefing session felt that more time should have been allowed to explore possible alternatives to the closure and reduction in hours of the various HWRC's across the County.

Due to the time constraints in needing to set budgets by the end of March, it was agreed that the briefing session and any subsequent Scrutiny meetings at the individual partner authorities would focus on the proposals for the future of the HWRC's. A note was taken

of the concerns raised relating to process and it was agreed that a more formal Joint Scrutiny meeting would be held after May where these issues can be explored in more detail.

Richard Hogg, Solicitor Somerset County Council updated those present on the legal advice recently received by the Partnership which supported a view that the potential for charging for services at those HWRC's identified for closure or reduced opening hours could be explored.

There was a general consensus amongst members present that their constituents had expressed a willingness to pay to use the HWRC's rather than lose the service. The Managing Director of SWP stated that since receiving this legal advice, he and his team had been working up proposals that would be presented to SWB members for a final decision at their next Board meeting on 25<sup>th</sup> March. He stated that he would make every effort to ensure that these proposals were circulated to all partner authorities in time for individual Scrutiny Committees to consider and comment on prior to the 25<sup>th</sup> March.

The papers attached to this agenda contain the technical detail discussed at the meeting. In terms of next steps, members from each partner authority stated that it was their intention to discuss the matter once the papers had been published via their individual Scrutiny functions, with of course, the agreement of the respective Scrutiny Chairs. The comments from these individual Scrutiny considerations would then be available for the SWB on 25<sup>th</sup> March.

It was agreed that officers from each authority would arrange a more formal joint Scrutiny meeting to be held after May to discuss the issues raised over the decision making process and future joint Scrutiny arrangements.

**Background Papers:** *Recycling Centres – Future Operation to meet savings requirements*  
*Impact Assessment Form and Action Table (Amended for budget cuts)*  
*Somerset Waste Board minutes – 11<sup>th</sup> February 2011*

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## Recycling Centres – Future Operation to Meet Savings Requirements

Lead Officer: Steve Read, Managing Director, Somerset Waste Partnership

Author: Steve Read

Contact Details: 01823 625707 [steve.read@somersetwaste.gov.uk](mailto:steve.read@somersetwaste.gov.uk)

<b>Forward Plan Reference:</b>	SWB/11/03/01
<b>Summary:</b>	<p>The Board, at its last meeting on 11 February 2011, approved the Business Plan 2011-16 with certain amendments, including a key priority (2.1) "to consider designating a number of statutory and non-statutory (discretionary) sites" at this meeting. This report proposes that the four Recycling Centres under threat of closure be designated as "discretionary sites", to be operated in addition to the statutory sites provided under s.51 of the Environmental Protection Act 1990 (EPA) and that a modest charge of £2.50 per visit be introduced in order to secure their continued operation. The report also proposes that these arrangements are subject to review and adjustment as required. It identifies certain risks involved with this approach but concludes that there is a sufficient business, financial and legal case, as well as community support, to justify implementation.</p> <p>The report also seeks endorsement of revised hours of operation and prices for disposal of non-household waste.</p>
<b>Recommendations:</b>	<p>It is recommended that:</p> <ol style="list-style-type: none"> <li>(1) In order to secure their continued operation, the Board designate the following Recycling Centres:-           <ul style="list-style-type: none"> <li>• Coleford in Mendip</li> <li>• Crewkerne in South Somerset</li> <li>• Dulverton in West Somerset</li> <li>• Middlezoy in Sedgemoor</li> </ul>           as discretionary additional sites, to be provided outside the ambit of section 51 of the Environmental Protection Act 1990.         </li> <li>(2) The discretionary sites be publicly promoted as <i>Community Recycling Sites</i>.</li> <li>(3) A flat charge of £2.50 (inc VAT) per visit be imposed for residents at discretionary sites.</li> <li>(4) The Board endorses the scale of charges for non-household waste as set out in Appendix 2.</li> </ol>

	<p>(5) The Board endorses the revised hours of opening at sites as shown in Appendix 3.</p> <p>(6) The Board reserves it's right, after evaluation of the first 3-4 months of operation of the discretionary sites, to:</p> <ul style="list-style-type: none"> <li>(a) vary the charge so as to match any continuing shortfall in the savings target; and/or</li> <li>(b) close and mothball sites, subject to appropriate notice, should usage and income levels be significantly short of the target.</li> </ul> <p>(7) Should a serious, imminent risk of income shortfall be identified within the first 3-4 months of operation, the Board authorises the Managing Director, in consultation with the Chairman and the Strategic Management Group, to exercise an action described in recommendation 5 (a) and/or (b) and to notify the Board accordingly.</p> <p>(8) The Board acknowledges the obligation set out in clause 17.1 of the Inter Authority Agreement for partners to pay the appropriate share of any additional costs, claims and liabilities and agrees to share any liabilities arising from:</p> <ul style="list-style-type: none"> <li>(a) legal challenge on an equally split basis, and/or</li> <li>(b) income shortfall according to the Client Cost Formula set out in the Inter Authority Agreement, unless another course of action is subsequently agreed by the Board when it reviews its budget.</li> </ul> <p>(9) After initial evaluation of the impact of the designation of the discretionary sites, the Board keep under review the question of whether consideration may need to be given to the designation of further discretionary sites in the future.</p> <p>(10) That the Board acknowledges the decisions in respect of recommendations 1 to 8 above should be implemented without delay as matter of urgency in order to deliver the approved annual budget.</p>
<p><b>Links to Priorities and Impact on Annual Business Plan:</b></p>	<p><b>SWB Business Plan 2011-16</b></p> <p>Key Priority 2.1</p> <p><i>(a) For the Board to consider designating a number of statutory and non-statutory (discretionary) sites at their meeting on 25 March 2011;</i></p> <p><i>(b) For further evaluation of options to be completed for the running of HWRCs that may be able to generate net savings of £314k per annum - potentially through charging for any non-statutory sites.</i></p>



<p><b>Financial Implications:</b></p>	<p>The effect of this proposal would be to provide an alternate means of meeting the savings requirement instead of through closure of the four sites. The Board is required to make further savings in 2012/13 and the experience gained through implementing the proposal will inform further decisions. At its meeting on 11<sup>th</sup> February, the Board formally approved its Annual Budget for 2011/2012. To achieve this budget requires a number of savings including £314k from closing and mothballing the 4 recycling centres, or by finding an alternative means to meet the budgetary gap. From a financial perspective, it is essential that a decision is reached quickly. The cost of delaying a decision on either closure (the default position) or charging equates to approximately £860 per day, c£6k per week or c£26k per month. This potential funding gap might have to be met by further cuts within the service in order to balance the budget.</p> <p>For this reason it is proposed that recommendations 1 to 8 should, as contemplated in paragraph 1.3 of Appendix 7 to the Constitution, be implemented without delay as a matter of urgency in order to deliver the approved annual budget.</p>
<p><b>Equalities Implications:</b></p>	<p>There are equalities implications in relation to charging users of certain sites but these are generally considered to be of lower impact than the potential closure of four Recycling Centres. The proposal to make charges will impact on the population in general but particularly those on low incomes. There will be some limited mitigation of the measures through the roll out of Sort It plus (albeit this is not due to be completed in West Somerset until spring 2012) but this will not substitute for the majority of materials taken to Recycling Centres. An Equalities Impact Assessment has been carried out and is attached at Appendix 1.</p>
<p><b>Risk Assessment:</b></p>	<p>Financial Risks – The principal risk is that income is insufficient to meet budget. As this is a new and imaginative approach, there is no comparative experience or data to draw from. This report has set out various scenarios to illustrate the impact of reduced visitor numbers. The Board is therefore recommended to review the policy and charges "in year" in order to mitigate any projected overspend after the service.</p> <p>Risk of legal challenge – The approach to charging is new (as explained in section 3 of this report) and may result in a risk of legal challenge. The risk of successful challenge is considered to be low as there is a robust case for the option as explained in paragraphs 3.10 to 3.15 of the report.</p>

## 1. Background

- 1.1. As a result of the savings targets required by SCC, on 11<sup>th</sup> February 2011, the Board approved a Business Plan and Budget which do not allow for the continued operation of all the existing Recycling Centres on the same basis as

in 2010/11 and previous years. The savings targets can be partially met by a reduction in hours and opening days and through charging for certain materials which fall outside the definition of household waste. The Board approved these savings at its last meeting.

- 1.2. The default position is that, unless equivalent savings or income can be found, the Recycling Centres at Dulverton, Coleford, Crewkerne and Middlezoy will be closed and mothballed.
- 1.3. On 11<sup>th</sup> February the Board resolved, amongst other things, to
  - 3 (a) *use best endeavours to put arrangements in place for any current HWRC that is not required to meet the WDA's statutory obligation with a view to enabling such HWRCs to continue to operate and be available for public use;*
  - (b) *to meet the requirements stated in (a), consider piloting one of the existing sites on this basis.*
- 1.4. This report outlines the rationale for designating some statutory and some discretionary sites as a means of generating revenue proportionate to the savings target.

## **2. Recycling Centre Provision**

- 2.1. Members will recall that the County Council, as waste disposal authority, has a duty under s.51 of the Environmental Protection Act 1990, which has been expressly delegated to the Board, *to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited.* The Board currently provides 18 such places across Somerset.
- 2.2. It is fundamental to the proposal of a savings option which would reduce the number of Recycling Centres, that the remaining network would be sufficient to meet the duty under s.51. This would be the case whether Centres were closed or taken outside the ambit of s.51. Somerset has a particularly high number of Recycling Centres by comparison with other counties and even with four fewer sites, the County's provision would still be among the top three in the country.
- 2.3. The criteria and rationale which were used to identify the four Recycling Centres proposed for closure were explained in my report to the Board on 11<sup>th</sup> February and included site costs, household numbers served, level of materials received and distances to alternative sites. I would reiterate my view, spelt out in that report, that if the four identified Recycling Centres were to become 'discretionary' sites, the geographical distribution, capacity and accessibility of the remaining Recycling Centres would be sufficient to ensure that the duty under s.51 to arrange for such places to be provided would continue to be met.

### 3. Proposal to Designate Discretionary Sites

- 3.1. Across all four Centres proposed for closure, representatives of the communities affected have reported that users would be willing to pay a small charge to use the sites in preference to the alternative of driving to the next nearest site, which would be costly in terms of time and fuel.
- 3.2. However, s.51 expressly requires that each site must be provided *free of charge* for persons resident in Somerset. Officers have been investigating whether there might be any viable alternative options for overcoming this constraint, whereby a charge may be levied for the use of the sites in question. The major focus has been on looking at the possibility of:
  - (a) continuing to provide "s51" or "statutory" places thus enabling the Board to fulfil its duty to provide places for residents to deposit their household waste free of charge; and
  - (b) providing additional or discretionary sites for the use of which a charge would be levied on residents and others but which would provide a comparable level of service. These might be designated as "Community Recycling Sites".
- 3.3. Whilst we have tended to describe the places provided under s.51 as 'statutory sites', it is something of a misnomer to describe the discretionary sites as 'non-statutory' since all local authority powers derived from statute. It is therefore necessary to identify the powers available to enable us to provide additional places as a discretionary service in response to public demand.
- 3.4. Section 55 of the Environmental Protection Act 1990 confers a number of powers on both WCAs and WDAs in respect of recycling waste. These include making arrangements to recycle waste in respect of which the authority has duties under section 51 or agrees with another person for its disposal or treatment and buying or otherwise acquiring waste with a view to its being recycled.
- 3.5. By virtue of section 63A of the Environmental Protection Act 1990, a WCA or a WDA may do or arrange for the doing of anything which in its opinion is necessary or expedient for the purpose of minimising the quantities of controlled waste generated in its area.
- 3.6. Section 2 of the Local Government Act 2000 empowers local authorities to do anything which they consider is likely to achieve the object of promoting or improving the economic social or environmental well-being of their area. In determining whether or how to exercise this power, a local authority must have regard to its sustainable community strategy. This power does not enable a local authority to raise money by any means.
- 3.7. However, section 93 of the Local Government Act 2003 gives local authorities a power to charge for discretionary services. The power is subject to a duty to secure that, taking one financial year with another, the income from charges does not exceed the costs of provision.

- 3.8. The powers contained in sections 55 and 63A of the EPA have been expressly delegated to the Board by the Partner Authorities, as has the power contained in section 2 of the Local Government Act 2000 in respect of matters directly related to the management or recycling of waste. Whilst the exercise of section 93 of the Local Government Act 2003 has not been delegated to the Board, it is considered that it could be exercised by the County Council as Administering Authority on behalf of the Board.
- 3.9. These issues have been discussed and explored with Leading Counsel who has concluded that: *"the County Council and the Waste Board can justify and defend from legal challenge the reduction of overall numbers of HWRCs in the County whilst still fulfilling its duty under section 51 of the 1990 Act. The discretionary provision of further HWRCs to meet local demand, but at a charge, would then fall outside the ambit of section 51"*.
- 3.10. It is the considered view of your officers that the provision of the proposed discretionary recycling sites, outside the ambit of section 51, would constitute appropriate arrangements to recycle waste in respect of which the Board would otherwise have duties under section 51 and another means of acquiring waste with a view to it being recycled. Such sites would contribute to and facilitate the minimisation of the quantities of controlled waste generated in Somerset.
- 3.11. It is also considered that the continued operation of these sites, as opposed to their closure, albeit under different provisions and subject to a charge for their use, would be likely to promote the economic, social and environmental well-being of those parts of the county in which they are situated and of the residents of those parts, as well as of Somerset and its residents as a whole. The responses we have had to the consultation on possible closure has highlighted the importance with which the communities affected view the provision of a local facility at which they can bring their waste for recycling. The proposal would avoid the need for residents to undertake longer car journeys to the next available Recycling Centre (although they would have the choice to do so should they wish), thus reducing pollution and the cost to residents of transporting their waste.
- 3.12. The provision of the discretionary sites should reduce the likelihood of a higher incidence of fly-tipping occurring were the Centres to close. It should also help to enable the Board for the benefit of the residents of Somerset to meet its strategic objectives as recently affirmed in the business plan, including
- *"We will continue to demonstrate class leading value for money, transparency and accountability while making further efficiencies. Where any changes to services are required to be made, we will aim to make them in a way that minimises any potential adverse consequences for the community, the partners and the local economy"* and
  - *"We will remain committed to driving improvement primarily through waste minimisation and recycling/composting waste which is not avoided"*.
- 3.13. The proposals have been considered and endorsed by the Strategic Management Group, the individual members of the Group having confirmed, on behalf of their respective Authorities, that the proposals are consistent with their sustainable community strategies.

- 3.14. There remains a risk that this proposal may be subject to legal challenge whether by individuals or by an organisation. Such a challenge would be likely to be brought by way of a claim for judicial review of the decision of the Board, either on the basis of error of law or procedural impropriety, and seeking an order quashing the decision. A claimant must obtain the permission of the Court before bringing such a claim, which must be made promptly and generally within three months of the date of the decision. Even if the grounds of claim are established, the Court has discretion whether or not to grant a remedy. A claim for judicial review may include a claim for damages. While community representatives who have campaigned on behalf of the sites have clearly indicated a preference for charging over closure, it is not clear how the community will actually respond. However, in view of closure being the only other viable alternative, it is hard to imagine that any such challenge would emanate from or be supported in the wider community, since if a claim were to succeed, the discretionary facility would have to close in any event.
- 3.15. Nevertheless, while the likelihood of such challenge is considered to be low, there would be a financial impact, should any claim succeed. Apart from legal costs, the Board could face claims from users for their money to be returned. This could be costly to administer and would of course require the savings to be made up in some other way.
- 3.16. Having regard to all of these considerations, and pursuant to the statutory powers identified in this report, it is recommended that, in order to secure their continued operation, the Board designate the Coleford, Crewkerne, Dulverton and Middlezoy sites as discretionary additional sites, to be provided outside the ambit of s51 of the EPA.

#### **4. Charging Regime**

- 4.1. In adopting a proposal to charge all users, an early consideration is whether the level of charge should be the same for all four sites or should vary. The evidence provided within Appendix 4 of the February 2011 report shows that the actual cost per visit varies across the network with the cost (either the average cost per tonne of material or the average cost per visit) being relatively higher at smaller and/or more remote sites.
- 4.2. It is however recommended that the same level of charge be implemented across all four sites. It is considered to be important to be transparent regarding charges and to seek to recover the shortfall in funding and not to use the charge as means of raising additional income. That would not be permissible under section 93 of the Local Government Act 2003.
- 4.3. To calculate the level of income required, officers have made the assumption that the number of visits per annum will decline if a charge is imposed at *Community Recycling Sites*. Officers believe individual users will either choose to make less frequent trips and/or be more inclined to share trips with neighbours, friends or relatives. Some may prefer to use a s51 site free of charge if they are passing one in combination with other trips.
- 4.4. There is an "upside risk" that level of use might *increase* if trade recyclate is encouraged onto the site at the same charge, but on balance a net decline in

total users is the most likely scenario. It is therefore recommended to allow trade users to use the site for the same charge to deposit recyclable materials only.

- 4.5. Officers have looked at three scenarios: that user numbers reduce by 10%, 30% and 50%. In each case we have applied the same assumptions as we applied in the original closure scenario in respect of the material that does not end up at the site as a result of the entrance fee. This is a crude assumption as we have assumed that, while average visitor numbers will decline, the amount per visitor will increase. However, in practice, whether this cost is based on tonnage or visitor numbers does not make a significant difference to the figures.
- 4.6. It should be noted that the net savings requirement increases proportionately as usage declines. In other words, we need to make up more money if usage declines by 30% compared to 10%. This is because each site will continue to incur fixed costs in addition to the extra costs of dealing with some material displaced to a more expensive route (eg diversion of soil and rubble to kerbside collection).
- 4.7. Taking the average across all four sites, the estimated charge per visit to make up the savings requirement would be:

If visitor numbers drop by 10%	£1.32
If visitor numbers drop by 30%	£2.02
If visitor numbers drop by 50%	£3.29

- 4.8. On this basis, and without any experience of how pricing would affect usage, the recommendation would be to adopt a moderately cautious approach and assume that visitor numbers will decline by around 30%.
- 4.9. It is therefore recommended that the Board imposes a flat charge of £2.50 (inc VAT) per visit at the four discretionary *Community Recycling Sites*, pursuant to section 93 of the 2003 Act. This would be *in addition* to any charge for the deposit of non-household waste (for which a charge is being levied across the whole network).
- 4.10. Members may wish to consider whether the scale of charges for deposit of non-household waste should be reduced by £2.50 at *Community Recycling Sites*, or whether the £2.50 entrance charge for using a discretionary site should apply in addition to any other transactions which occur once on site. As the methodology for collection of the two charges will be different, and to deduct one from the other is likely to reduce income, it is recommended that both charges apply at discretionary sites. This can be reviewed as necessary once actual usage is known.
- 4.11. The impact of the policy would need to be reviewed within 3-4 months of implementation to determine actual usage levels and whether the income will meet the projected shortfall. It is recommended that the Board should reserve the right to vary the charges and also, in a worst case scenario, close and mothball sites, subject to appropriate notice being given should usage levels prove to be significantly short of the target. It is envisaged that community representatives would be given notice of such a course.

- 4.12 However should a serious, imminent risk of income shortfall be identified within the first 4 months of operation, it is recommended that the Board authorises the Managing Director in consultation with Chairman and the Strategic Management Group, to exercise any action described in paragraph 4.11 above and to notify the Board and Community Representatives of the impending action.
- 4.13 By virtue of clause 17.1 of the Inter-Authority Agreement, each Partner Authority undertakes to pay to the Administering Authority its appropriate share of any additional costs, contributions to claims or liabilities which may arise as a result of the performance by the Administering Authority of its obligations under the Agreement in accordance with the cost sharing principles set out in Schedule 5. It is therefore recommended that the Board agrees on behalf of the partners to share any liabilities arising from legal challenge on an equal, six way split basis and share the risk of income shortfall according to the Client Cost Formula (set out in paragraph 2 to Schedule 5 of the Inter Authority Agreement) unless another course of action is subsequently agreed by the Board when it reviews its budget.
- 4.14. The methodology for collecting the charge is still being discussed with Viridor but a simple slot machine/barrier would seem to be the least labour intensive and most straightforward to implement. The cost of fitting barriers and slot machines are estimated to be in the region of £2000 per site. This can be met from the repairs and maintenance budget.

There will be costs associated with emptying machines which are being evaluated. It is envisaged that these can be mitigated by securing arrangements with the District Councils in the area who service car parking meters.

## **5. Impact on Core Services Contract**

- 5.1. The assistance of the contractor Viridor in coming to this set of proposals is gratefully acknowledged. The partnership has a right under clause 8 of the Core Services Contract to require changes to services. Viridor are under the same clause only obliged to pass on half of any savings realised through a change in service which causes the contractor's costs to decrease. Viridor have offered to pass on the full extent of cost savings from reduced hours (and closures should they prove ultimately necessary).
- 5.2 The Core Services Contract also requires that Viridor provide a £200K pa discount as they operate all 18 Recycling Centres. Although it is hoped that this is academic, Viridor have agreed to continue to provide this discount even if up to four sites are closed. Members have already noted, from the February 2011 report, that Viridor have stated they could not continue to provide this discount if more than four Recycling Centres are closed.

## **6. Scale of Charges for Non-household waste.**

- 6.1 The Board agreed on 11<sup>th</sup> February that charges would be implemented from April 2011 for certain categories of non-household waste across the whole network (ie at both statutory and *Community Recycling Sites*). The Board are asked to endorse the schedule of charges set out in Appendix 2. These are

based on the assumption that Viridor will recover the same amount of revenue as they would previously have received from SWP to provide these services free of charge. Any significant variations to this will be reported to the Board.

## **7. Opening Hours**

- 7.1 Also on 11<sup>th</sup> February 2011, the Board agreed to reduce opening hours to 40 hours a week. The Board are asked to endorse the schedule of opening hours set out in Appendix 3. These have been developed as part of the overall package of negotiations with Viridor (see section 5 above). They have been modified to take into consideration comments made at the Joint Scrutiny meeting on 7<sup>th</sup> March 2011.

## **7. Consultations undertaken**

- 7.1. Workshops were held with elected representatives from communities affected by the proposed Recycling Centre closure programme with the aim of exploring any viable options that would achieve a similar level of savings to closure and, ideally, be more acceptable to the community. The options explored were summarised at Appendix 5 to Report SWB/10/12/01 Draft Business Plan 2011-16 received by the Board on 11<sup>th</sup> February 2011.
- 7.2. The issues have been publicly debated within all six partners as part of the consideration of the Business Plan 2011-16.
- 7.3 There was a Joint Scrutiny Event on 7<sup>th</sup> March 2011 and each partner is expected to hold a further scrutiny meeting to discuss the contents of this report and related issues. Any comments from this process will be verbally reported at the Board meeting.

## **8. Background papers**

- 8.1.
- Somerset Waste Partnership Constitution & Inter-Authority Agreement.
  - Somerset Waste Board 24<sup>th</sup> September 2010 Report SWB/10/04/05 – Outline Annual Business Plan 2011-16.
  - Somerset Waste Board 24<sup>th</sup> September 2010 Report SWB/10/05/01 – Review of Key Risks.
  - Somerset Waste Board 10th December 2010 Report SWB/10/04/09 Draft Business Plan 2011-16
  - Somerset Waste Board 11<sup>th</sup> February 2010 Report SWB/10/12/01 Draft Business Plan 2011-16
  - Equalities Impact Assessment (Appendix 1)

**Note:** For a hard copy of the background papers please contact the report author.



## Impact Assessment Form and Action Table (Amended for budget cuts)

(Expand the boxes as appropriate)

<p><b>What are you completing this impact assessment for?</b> (Service, budget cut)</p>	<p><b>ENV 11.04</b> Somerset Waste Partnership: Reduce the number of the Household Waste Recycling Centres in Somerset – Closure of Coleford, Crewkerne, Dulverton and Middlezoy.</p> <p>Consider the closure of 4 more sites.</p>								
<p><b>For which phase of cuts are you completing your impact assessment?</b> (Please tick below as appropriate)</p>									
<p><b>Phase 1</b> ✓</p>	<p><b>Phase 2</b></p>	<p><b>Capital</b></p>							
<p><b>Section 1 - Aims &amp; Objectives</b> of the Budget Cut</p>									
<p>To reduce site infrastructure from 18 recycling centres to 14 to reduce costs.</p> <p>We need to understand the impact of the first 4 sites that are going to be closed before we consider an additional 4 more sites on a case by case basis.</p> <p>These are the estimated savings. These are assumptions and cannot be modelled as we don't have any experience of site closures:</p>									
<table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 20%; border-right: 1px solid black; padding: 2px;">Coleford</td> <td style="padding: 2px;">£56159.00</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">Crewkerne</td> <td style="padding: 2px;">£121528.00</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">Dulverton</td> <td style="padding: 2px;">£75885.00</td> </tr> <tr> <td style="border-right: 1px solid black; padding: 2px;">Middlezoy</td> <td style="padding: 2px;">£60133.00</td> </tr> </table>	Coleford	£56159.00	Crewkerne	£121528.00	Dulverton	£75885.00	Middlezoy	£60133.00	
Coleford	£56159.00								
Crewkerne	£121528.00								
Dulverton	£75885.00								
Middlezoy	£60133.00								
<p><b>Section 2A</b> - Groups that may be affected by the budget cut. (May be general population of Somerset or those from particular groups, disability, gender, race etc as per Action Table)</p>									
<p>The 'Age' group will be affected by this cut. More so in the Dulverton area where the over 65 year olds demographics group is high (sourced from the SINE Community Profile Area Summary Quilt).</p> <p>There is a potential impact on people with disabilities in that they will have to travel further to their closest recycling centre.</p> <p>There is no impact on gender and race groups.</p>									
<p><b>Section 2B</b> - Groups that the budget cut is <b>delivered</b> by. (Employment details of staff, broken down by particular groups, disability, gender, race, etc as per Action Table)</p>									
<p>Staffing reductions will be covered by the Corporate Staff Equalities Impact Assessment.</p>									
<p><b>Section 3 - Evidence</b> and Data used for Assessment</p>									

Somerset has the lowest dwelling stock to recycling centre ratio of any council in the South West. Somerset has 1:13188 compared to 1:17091 in Devon. The Council will still provide a strong network of 15 sites, which is above the national average for a county with the population the size of Somerset.

The geographic location has been taken into consideration. We will reduce the number of sites in 4 districts by 1 each. The exception is Taunton Deane which only has 2 sites to start with. The result after the 4 closures will be:

Mendip	3 sites	Frome, Dulcote, Street
Sedgemoor	3 sites	Saltlands, Highbridge, Cheddar
South Somerset	4 sites	Dimmer, Somerton, Yeovil, Chard
Taunton Deane	2 sites	Priorswood, Poole
West Somerset	2 sites	Williton, Minehead

Dulverton is the County's smallest site with just over 1000 households within a 5 mile radius, although the catchment area is undoubtedly larger and there is a 36 mile round trip to the next alternative. This site takes in under 1200 tonnes per year, less than a quarter of the tonnage of the average for all 18 sites. There are an estimated 24,000 visits per year, versus an average of 108,000 across all sites. The cost per visit is the highest in the County.

Coleford is the County's second smallest site. There are around 9500 households within a 5 mile radius but around half of these are as close, or closer to Frome or Dulcote. The site takes the second lowest tonnage of 2372 tonnes per year. There are 46000 visits per year. The cost per visit is the second highest in the County.

Middlezoy has 14313 households within a 5 mile radius, but the majority of these are actually closer to another site. There are 3 other sites (Saltlands, Street and Somerton) within a 7 mile radius. The site has the third lowest throughput of all our sites at 2657 tonnes per year.

Crewkerne has 9744 households within a 5 mile radius. 2360 of these are also within 5 miles of Yeovil. There are straightforward road links to, and is midway between sites at Chard and Yeovil. The site takes 5100 tonnes per year and has 98716 visits per year which is mid-table and just below the average but the site takes cross boundary traffic from Dorset.

A consultation event is taking place at all 4 locations.

**Section 4 - Conclusions** drawn about the **impact** of the budget cut on different groups highlighting negative impact or unequal outcomes and missed opportunities for promoting equality.

Dulverton is in a rural area which has a high demographic of over 65 year olds and the closure involves a 36 mile round trip to the next alternative.

The general population of Somerset will be affected in that they will have longer journeys to make to their next available recycling centre if their closest centre closes.

**Section 5 - After discussion with Management Teams**, list comments, criticisms or alternative approaches regarding the impact of budget cut.

**Section 6 - How will the assessment, consultation & outcomes be published & communicated?**

This information will be published on the Somerset County Council website.

Review of further closures will be assessed during 2011, with potential action commenting in the 2012/13 financial plan. Notification of changes will be communicated through the press, the SWP website and signage on site.

<b>Completed by:</b> (Please print name)	J Breeze
<b>Signed off by:</b> (Operations Manager)	Steve Read, Somerset Waste Partnership
<b>Signed off by:</b> (Directorate Equalities Champion)	Adrienne Parry
<b>Review Completion Date:</b>	March 2011

## Impact Assessment Issues and Actions Table

<b>Budget Cut</b>	Somerset Waste Partnership: Reduce the number of the Household Waste Recycling Centres in Somerset – Closure of Coleford, Crewkerne, Dulverton and Middlezoy		<b>Date:</b>			
<b>Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)</b>	<b>Will the budget cut be going ahead or amended?</b>	<b>How could the negative effects of the budget cut be avoided or mitigated?</b>	<b>Who is responsible and by when?</b>	<b>Is a monitoring system required?</b>	<b>Expected outcomes from carrying out actions</b>	
<b>Race</b>						
<b>Disability</b>						
<b>Age</b>						
Dulverton is in a rural area which has a high demographic of over 65 year olds and the closure involves a 36 mile round trip to the next alternative.	Going ahead	<ul style="list-style-type: none"> <li>- There is a bulky waste collection service offered.</li> <li>- 'Sort it plus' will be in place by mid 2012.</li> <li>- There are 14 other sites available</li> <li>- Some waste can be</li> </ul>	Steve Read, Operations Manager	No new monitoring system required	To minimise the impact on identified groups.	

## Impact Assessment Issues and Actions Table

Budget Cut	Somerset Waste Partnership: Reduce the number of the Household Waste Recycling Centres in Somerset – Closure of Coleford, Crewkerne, Dulverton and Middlezoy		Date:			
Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)	Will the budget cut be going ahead or amended?	How could the negative effects of the budget cut be avoided or mitigated?	Who is responsible and by when?	Is a monitoring system required?	Expected outcomes from carrying out actions	
		donated to charity shops. - Greater need for promotions to reduce waste - Targeted communications to affected residents - Access to assisted waste collection				
The general population of Somerset will be affected in that they will have longer	Going ahead	- Roll out of Sort it plus: Crewkerne,	Steve Read, Operations Manager	No new monitoring system required	To minimise the impact on identified groups.	

## Impact Assessment Issues and Actions Table

Budget Cut	Somerset Waste Partnership: Reduce the number of the Household Waste Recycling Centres in Somerset – Closure of Coleford, Crewkerne, Dulverton and Middlezoy		Date:			
Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)	Will the budget cut be going ahead or amended?	How could the negative effects of the budget cut be avoided or mitigated?	Who is responsible and by when?	Is a monitoring system required?	Expected outcomes from carrying out actions	
<p>journeys to make to their next available recycling centre.</p> <p>This could also have an impact on women travelling on their own.</p>		<p>Coleford and Middlezoy by March 2011. Dulverton by mid 2012.</p> <ul style="list-style-type: none"> <li>- Targeted communications to affected residents</li> </ul> <p>All residents have access to:</p> <ul style="list-style-type: none"> <li>- assisted waste collection</li> <li>- chargeable kerbside garden waste and bulky waste</li> </ul>				

### Impact Assessment Issues and Actions Table

<b>Budget Cut</b>	Somerset Waste Partnership: Reduce the number of the Household Waste Recycling Centres in Somerset – Closure of Coleford, Crewkerne, Dulverton and Middlezoy			<b>Date:</b>	
<b>Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)</b>	<b>Will the budget cut be going ahead or amended?</b>	<b>How could the negative effects of the budget cut be avoided or mitigated?</b>	<b>Who is responsible and by when?</b>	<b>Is a monitoring system required?</b>	<b>Expected outcomes from carrying out actions</b>
		collection service			
<b>Gender</b>					
<b>Faith and Belief</b>					
<b>Sexual Orientation</b>					
<b>Other (caring responsibility, rurality, low income etc)</b>					

<b>Impact Assessment Form and Action Table (Amended for budget cuts)</b> (Expand the boxes as appropriate)		
<b>What are you completing this impact assessment for?</b> (Service, budget cut)		<b>ENV11.04</b> Somerset Waste Partnership: Modify opening hours and/or specific opening days on other sites.
<b>For which phase of cuts are you completing your impact assessment?</b> (Please tick below as appropriate)		
<b>Phase 1</b> <input checked="" type="checkbox"/>	<b>Phase 2</b> <input type="checkbox"/>	<b>Capital</b> <input type="checkbox"/>
<b>Section 1 - Aims &amp; Objectives</b> of the Budget Cut		
Modify opening hours and/or specific opening days on other sites, according to evidence of usage patterns.		
<b>Section 2A</b> - Groups that may be affected by the budget cut. (May be general population of Somerset or those from particular groups, disability, gender, race etc as per Action Table)		
This will affect the general population of Somerset with no specific impact on equality issues.		
<b>Section 2B</b> - Groups that the budget cut is <b>delivered</b> by. (Employment details of staff, broken down by particular groups, disability, gender, race, etc as per Action Table)		
Staffing reductions will be covered by the Corporate Staff Equalities Impact Assessment.		
<b>Section 3 - Evidence</b> and Data used for Assessment		
Still to be determined.		
<b>Section 4 - Conclusions</b> drawn about the <b>impact</b> of the budget cut on different groups highlighting negative impact or unequal outcomes and missed opportunities for promoting equality.		
To be determined.		
<b>Section 5 - After discussion with Management Teams</b> , list comments, criticisms or alternative approaches regarding the impact of budget cut.		
<b>Section 6 - How will the assessment, consultation &amp; outcomes be <b>published &amp; communicated</b>?</b>		
This information will be published on the Somerset County Council website.  SWP will aim to publish proposals in February 2011, with a view to changes being implemented from April 2011. Notification of changes will be communicated through the press, the SWP website and signage on site.		
<b>Completed by:</b> (Please print name)	J Breeze	
<b>Signed off by:</b> (Operations Manager)	Steve Read, Somerset Waste Partnership	
<b>Signed off by:</b> (Directorate Equalities Champion)	Adrienne Parry	
<b>Review Completion Date:</b>	March 2011	



**Impact Assessment Issues and Actions Table**

<b>Budget Cut</b>	Somerset Waste Partnership: Reduce the number of the Household Waste Recycling Centres in Somerset – Closure of Coleford, Crewkerne, Dulverton and Middlezoy			<b>Date:</b>	
<b>Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)</b>	<b>Will the budget cut be going ahead or amended?</b>	<b>How could the negative effects of the budget cut be avoided or mitigated?</b>	<b>Who is responsible and by when?</b>	<b>Is a monitoring system required?</b>	<b>Expected outcomes from carrying out actions</b>
<b>Race</b>					
<b>Disability</b>					
<b>Age</b>					
		-			
		-			
<b>Gender</b>					
<b>Faith and Belief</b>					
<b>Sexual Orientation</b>					
<b>Other (caring responsibility, rurality, low income etc)</b>					

## Impact Assessment Form and Action Table (Amended for budget cuts)

(Expand the boxes as appropriate)

<b>What are you completing this impact assessment for?</b> (Service, budget cut)	<b>ENV11.04</b> Somerset Waste Partnership: Charge for depositing hardcore, tyres and gas bottles at recycling centres
--	--

**For which phase of cuts are you completing your impact assessment?** (Please tick below as appropriate)

**Phase 1**

✓

**Phase 2**

**Capital**

### **Section 1 - Aims & Objectives** of the Budget Cut

To start charging householders for depositing hardcore, tyres and gas bottles. These materials are classed as industrial (as opposed to household) waste. This is within our statutory function.

This will generate revenue and offsetting costs.

The fee will be the same throughout Somerset.

### **Section 2A** - Groups that may be affected by the budget cut. (May be general population of Somerset or those from particular groups, disability, gender, race etc as per Action Table)

This will have an impact on the general population of Somerset, particularly low income families.

There is no specific impact on disability, gender and race groups.

### **Section 2B** - Groups that the budget cut is **delivered** by. (Employment details of staff, broken down by particular groups, disability, gender, race, etc as per Action Table)

Staffing reductions will be covered by the Corporate Staff Equalities Impact Assessment.

### **Section 3 - Evidence** and Data used for Assessment

An exercise has been carried out to assess what we can charge for. We have calculated how much it costs us to dispose of industrial waste items and to move it around the County, but as yet have not set charges.

### **Section 4 - Conclusions** drawn about the **impact** of the budget cut on different groups highlighting negative impact or unequal outcomes and missed opportunities for promoting equality.

This will have a definite impact on the general population of Somerset, in particular low income families as this will involve a new cost to dispose of waste classified as industrial.

This is a new charging system we are introducing and will need to communicate.

### **Section 5 - After discussion with Management Teams**, list comments, criticisms or alternative approaches regarding the impact of budget cut.

Consideration to remove the option to dispose of industrial waste altogether is an option but this imposed a risk of increased fly tipping which not only has an aesthetic issue but has a large cost impact on local authorities

### **Section 6** - How will the assessment, consultation & outcomes be **published & communicated**?

This information will be published on the Somerset County Council website.

SWP will aim to publish proposals, including charging levels, during February 2011, with charges to be introduced from April 2011. Notification of changes will be communicated through the press, the SWP website and signage on site.

<b>Completed by:</b> (Please print name)	J Breeze
<b>Signed off by:</b> (Operations Manager)	Steve Read, Somerset Waste Partnership
<b>Signed off by:</b> (Directorate Equalities Champion)	Adrienne Parry
<b>Review Completion Date:</b>	March 2011

**Impact Assessment Issues and Actions Table**

<b>Budget Cut</b>	Somerset Waste Partnership: Charge for dumping hardcore, tyres and gas bottles at household waste recycling centres		<b>Date:</b>			
<b>Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)</b>	<b>Will the budget cut be going ahead or amended?</b>	<b>How could the negative effects of the budget cut be avoided or mitigated?</b>	<b>Who is responsible and by when?</b>	<b>Is a monitoring system required?</b>	<b>Expected outcomes from carrying out actions</b>	
<b>Race</b>						
<b>Disability</b>						
<b>Age</b>						
<b>Gender</b>						
<b>Faith and Belief</b>						
<b>Sexual Orientation</b>						
<b>Other (caring responsibility, rurality, low income etc)</b>						

## Impact Assessment Issues and Actions Table

Budget Cut	Somerset Waste Partnership: Charge for dumping hardcore, tyres and gas bottles at household waste recycling centres		Date:			
Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)	Will the budget cut be going ahead or amended?	How could the negative effects of the budget cut be avoided or mitigated?	Who is responsible and by when?	Is a monitoring system required?	Expected outcomes from carrying out actions	
This will have a definite impact on the general population of Somerset, in particular low income families as this will involve a new cost to dispose of waste classified as industrial.	Going ahead	There are other options available such as : <ul style="list-style-type: none"> <li>- skip hire</li> <li>- disposing of waste directly to a landfill site</li> <li>- hire of hippo bag which is a convenient and cheaper alternative to a skip with no trips to the tip</li> </ul>	Steve Read, Operations Manager	No new monitoring system required	To minimise the impact on identified groups.	

### Impact Assessment Issues and Actions Table

Budget Cut	Somerset Waste Partnership: Charge for dumping hardcore, tyres and gas bottles at household waste recycling centres		Date:			
Identified Issue/negative impact/unequal outcomes/missed opportunities for promoting equality drawn from your conclusions (From Section 4)	Will the budget cut be going ahead or amended?	How could the negative effects of the budget cut be avoided or mitigated?	Who is responsible and by when?	Is a monitoring system required?	Expected outcomes from carrying out actions	
This is a new charging system which will affect the general population of Somerset	Going ahead	Consideration will be given to all access and communication needs	Steve Read, Operations Manager	A new monitoring system will be required	To minimise the impact on identified groups.	

## SOMERSET WASTE BOARD

Minutes of the meeting of the Somerset Waste Board held in the Luttrell Room, County Hall, Taunton, on Friday, 11 February 2011 at 2.00 pm.

### PRESENT

Mr D Hall	Mr T Parsley
Mr K Hayward	Jo Roundell Greene
Mr N Hewitt-Cooper	Mr J Swayne
Mr S Kingham	Mrs M Whitmarsh
Mrs K Kravis	Mr N Woolcombe-Adams
	Mr D Yeomans (Chairman)

**Other Members Present:** Mr J Dyke, Mrs K Turner, Mr N Turner, Mr P Ham, Mrs C Fleming, Mrs F Nicholson, Mrs G Cawood, Mr D Huxtable and Mrs A Singleton

**Apologies for Absence:** Mr C Morgan

The Chairman welcomed the members of public present to the meeting and indicated who present were Board Members and who were officers.

- 113 **MINUTES OF THE MEETING HELD ON 10 DECEMBER 2010** – agenda item 2  
The Minutes of the meeting of the Board held on 10 December 2010 were taken as read and signed as correct.

- 114 **DECLARATIONS OF INTEREST** – agenda item 3

Members of the Waste Board declared the following personal interests:

Mr D Hall	Member of Sedgemoor District Council
Mr K Hayward	Member of Norton Fitzwarren Parish Council
Mrs M Whitmarsh	Member of Wiveliscombe Parish Council
Mr D Yeomans	Member of South Somerset District Council
	Member of Curry Rivel Parish Council

- 115 **PUBLIC QUESTION TIME** – agenda item 4

The Chairman highlighted to the members of the public present that the Board are aware of the issues relating to the proposed closure of Household Waste Recycling Centres (HWRC) such as the potential reduction in recycling rates which would have an impact on Council budgets, an increase in mileage and congestion at sites left open, and a potential increase in fly tipping and a rise in landfill costs.

The following questions / statements were heard from members of the public:

#### *Item 5 – Somerset Waste Partnership Business Plan*

Mrs Jan Ross made a statement regarding the proposed closure of the Dulverton HWRC. Key points were made as follows:

- Dulverton is located in a rural, remote and sparsely populated part of Somerset. The HWRC is well used and had 24,000 visits in 2009. The current kerbside collection in the area is not Sort It Plus. She questioned the rationale used to select Dulverton HWRC for potential closure, as the nearest alternative HWRC is in Minehead which is a 36 mile round trip..
- It was highlighted that elderly people may be unable to make the journey to Minehead from Dulverton.

- It was noted that people in Dulverton would be willing to pay to use the Dulverton HWRC, or that an alternative option would be to cut opening hours across all centres greater than proposed in the report.

Mr Martin Pakes from the Crewkerne Civic Society made a statement regarding the proposed closure of Crewkerne HWRC. Key points were made as follows:

- Questions raised regarding the criteria for selecting the potential recycling centres for closure. Mr Pakes believes that the number of people who will use alternative HWRCs has been overestimated.
- Mr Pakes questioned what the eventual balance will be from the increase in costs from closing centres compared to how much money will be saved by closing them. He believes that it will cost the Councils more in the end.

Mr Robin Bradbury from Coleford Parish Council made a statement regarding the proposed closure of Coleford HWRC. Key points were made as follows:

- The percentage of recycling done by the residents will reduce as a result of the closure. People will not want to drive the extra miles to use an alternative facility.
- The proposals would mean that landfill tax costs will increase for the County Council and increased fly tipping costs will fall upon the District Councils.

Mr Robin Pailthorpe, the Deputy Mayor of Crewkerne Town Council, made a statement regarding the proposed closure of Crewkerne HWRC. Key points were made as follows:

- Sort It Plus has been successful in South Somerset.
- Concerned by the proposed closure of Crewkerne HWRC.
- A petition against the closure has been signed by over 7,000 people.
- It is a 16 mile round trip to the nearest alternative which will increase CO2 emissions, increase the wear and tear on roads, and people will not want to make this trip. As a result, fly tipping will increase.

Members noted the concerns raised and asked the Managing Director to respond to the questions. Mr Steve Read, Managing Director of the Somerset Waste Partnership, referred to a question submitted to him regarding the level of fundingspent on the Coleford HWRC site within the last couple of years. He confirmed that Coleford HWRC had money spent on it for improvements some years ago but this was not classed as major capital works. He also confirmed that the roll out of Sort It Plus in West Somerset is a priority of the Partnership.

#### 116 **SOMERSET WASTE PARTNERSHIP BUSINESS PLAN** – agenda item 5

The Board considered this report which set out consultation responses from partner authorities on the Draft Business Plan 2011-16, and sought approval for the final version of the Business Plan 2011-16. It was noted that the report was presented in conjunction with the Annual Budget which followed on the agenda.

Mr Steve Read, Managing Director of the Somerset Waste Partnership, asked the Board to note that Cllr David Hall (as the Cabinet Member for Strategic Planning and Economic Development at Somerset County Council) had agreed the following as the County Council's response to the draft Business Plan:



- To endorse the response to the Somerset Waste Board draft Business Plan (2011-2016) on behalf of Somerset County Council; and
- Concurred on behalf of the Authority with the extension of the waste collection contract to 2021 and the cost saving measures proposed by Somerset County Council which include (subject to consultation) the closure of selected Household Waste Recycling Centres.

*Mr Read highlighted to the Board that the District Councils had, to various degrees, expressed concerns about the default option of potentially closing four HWRCs.*

It was highlighted that paragraph 3.4 of the report indicates that if the Board cannot agree a balanced budget then the default position is the previous year's budget plus inflation. The Board were asked to note that this is not a viable permanent option because this is greatly in excess of the budget as presented to the Board, as no savings options could therefore be taken.

Mr Read confirmed the view expressed in paragraph 4.4 of the report, that if the four Centres proposed were to close, then the geographical distribution, capacity and accessibility of the remaining network would be sufficient to ensure that the duty under Section 51 would continue to be met. With regards to the proposed reduction in opening hours for all HWRCs, Mr Read reiterated the view expressed in paragraph 4.7 of the report, that the revised opening hours would still meet the requirements for each HWRC to be available for the deposit of waste at all reasonable times.

The options for consideration contained in Section 5 of the report were highlighted. The Board noted that the report was presented on the basis that officers are continuing to investigate alternative options to the potential closure of the four HWRCs and that a further report will be made to the next Board meeting on 25 March.

Subject to further consideration at the Board meeting on 25 March the recommendations agreed at today's meeting will come into effect with regards to the potential closure of the four proposed HWRCs.

The following Councillors of partner authorities raised concerns to the members of the Waste Board about the proposed closure of the four HWRCs :

Councillor G Cawood and Councillor P Ham in respect of Coleford HWRC  
Councillor J Dyke and Councillor K Turner in respect of Crewkerne HWRC  
Councillor N Turner in respect of Middlezoy HWRC

Reference was made to the four petitions containing several thousand signatures relating to all four HWRCs. The petitions make representations against the potential closures and they are intended to be presented to the County Council meeting on 16 February. In addition, Councillor N Turner presented the Middlezoy petition to the Waste Board. The Board acknowledged receipt of the Middlezoy petition and asked the Managing Director to provide a formal response on their behalf following the meeting.

*Issues raised to the Board during discussion:*

- Reassurance was requested from Somerset County Council that none of the four HWRC sites, if closed, would be sold for at least 12 months. Councillor D Hall confirmed that there will be no pressure to sell the proposed sites for at least 12 months after closure.
- Reference made to the potential alternative options to closure such as the centres potentially becoming community sites and run by local residents or even for Parish Councils to raise precepts to meet the costs of keeping the four HWRCs open.
- Reference was made to the work being undertaken regarding the designation of HWRC sites under Section 51 to meet statutory requirements. It was noted that under Section 51 the Partnership has to provide facilities for waste disposal of waste but the legislation does not specify how many HWRCs are required.
- Concerns raised about the consultation process undertaken regarding the potential closure of the four HWRC sites.
- It was confirmed that an equalities impact assessment had been completed and this acknowledged that any decision to close the four HWRCs will particularly impact on the elderly and rural communities.
- It was queried why it had taken so long for Sort It Plus to be rolled out in Mendip.
- It was confirmed that it is proposed that the opening hours for all HWRC sites will be reduced to 40 hours a week regardless of any closures and that Devon County Council are closing some of their HWRC sites that currently only open at the weekend.
- Reference made to the potential increase in environmental impacts such as greater car journeys and CO2 emissions if communities have to use alternative HWRC sites. In addition concerns were raised about the potential for increased fly-tipping and landfill costs which could outweigh the potential savings to be delivered by closure of four HWRCs..
- It was queried what consultation had taken place with recycling companies with regards to the proposed closures, and if, for example, they had been offered the option to purchase the sites. It was felt that any decision for closures should be put on hold until more consultation had taken place.
- It was confirmed that officers have looked into HWRC federation options with Viridor but this option could leave the Waste Partnership open to legal challenge.
- Reference made to potential housing growth at and near Crewkerne HWRC.
- It was suggested that further savings could be achieved by having the evening closing time at 7pm in the winter and 8pm in the summer.
- Clarification was provided regarding why the South Somerset District Council pension costs are higher than the other partners.
- Clarification was provided regarding the criteria used to select the proposed four HWRC sites for potential closure.
- Clarification was provided regarding the potential financial implications to District Council partners if the contract extension recommendations were not

agreed or deferred. The total amount of savings on the proposed contract extensions for the whole County is about £515k.

- Clarification was provided on the proposed further work continuing to investigate the alternative options and that any closures would be subject to a six week notice period.

Cllr Jo Roundell-Greene, seconded by Cllr Tom Parsley, proposed the following amendments to the original motion contained within the report (copies of this motion were circulated at the meeting) :

“It is recommended that the Board:

1. Approve the Business Plan (Appendix 1), with the following amendment:

*Delete existing paragraph 2.1, and any further references to specific site closures within the Budget and the Business Plan, and replace 2.1 with:*

- (a) Designate a number of statutory and non-statutory (discretionary) sites to be agreed by SWB on 25 March 2011;*
- (b) Evaluate options for the running of HWRCs that generate net savings of £314k per annum particularly through charging for any non-statutory sites.*

And the Draft Communications Plan (Appendix 2) subject to the following specific areas of concern flagged up by the partner authorities set out in Section 2 and Appendix 6.

2. Approve the proposed contract extension with May Gurney, subject

- (i) The conclusions of a value for money and benchmarking review which will be presented to the Board on 25 March 2011;
- (ii) A resolution to the VAT issues between SCC and the district councils that will be agreed by the Board on 25 March 2011.

3. Delete 3<sup>rd</sup> Recommendation and replace with:

- (a) To use best endeavours to put arrangements in place for any current HWRC that is not required to meet the WDA's statutory obligation to ensure that it can continue to operate and be available for public use, e.g. through the imposition of a charging regime;*
- (b) To meet the requirements stated in (a), consider piloting one of the existing sites on this basis;*
- (c) To require the Managing Director to report on progress at the Board meeting on 25 March 2011.*

4. Confirm that ~~notwithstanding any closures which may take place~~ from 1 April 2011 Recycling Centre opening hours will be reduced to 40 hours per week across the network as part of the savings requirement.”

The Board Members proceeded to debate the proposed amendments to the

recommendations.

*Issues raised during discussion on the proposed amendment:*

- Clarification was provided regarding the VAT issues for partners. It was confirmed that HM Revenue & Customs are making some amendments which will affect the partners. Officers have contacted the Section 151 officers at each Council to discuss this issue, and a Member Information Sheet will be circulated before 25 March to clarify the position.

The proposed amendments to the original motion were voted upon as follows: 2 votes in favour, 2 votes against and 7 abstentions. The Community Governance Officer advised the meeting of the position where an equality of votes occurs and read out paragraph 12 of Appendix 3 to the Waste Board's Constitution. Members were advised that in the event of an equality of votes, the Chairman does not have a casting vote if a vote to defer the item was passed by a majority of those present. No proposal to defer the item was made and the Chairman exercised his casting vote against the proposal and therefore the proposed amendments were not carried.

The Chairman, seconded by Cllr David Hall, proposed the following amendments to the original motion contained within the report (copies of this amendment were circulated at the meeting) :

“It is recommended that the Board:

1. Approve the Business Plan (Appendix 1), with the following amendment:

*Paragraph 2.1 of Appendix 1:*

- (a) For the Board to consider designating a number of statutory and non-statutory (discretionary) sites at their meeting on 25 March 2011;*
- (b) For further evaluation of options to be completed for the running of HWRCs that they may be able to generate net savings of £314k per annum – potentially through charging for any non-statutory sites;*
- (c) Subject to the above and other options being evaluated, close recycling centres at Dulverton, Coleford, Crewkerne and Middlezoy. This is an austerity measure which is projected to realise a net saving allowing for transfer of material to other sites or kerbside collection, reductions in cross-boundary traffic (at peripheral sites) and an initial increase in illegal disposal. It is realised that there will be disruption and increased costs for some residents in the areas affected.*

And furthermore approve the Draft Communications Plan (Appendix 2) subject to the following specific areas of concern flagged up by the partner authorities set out in Section 2 and Appendix 6.

2. Approve the proposed contract extension with May Gurney, subject to
  - (i) The conclusions of a value for money and benchmarking review which will be presented to the Board on 25 March 2011;

- (ii) Using best endeavours to resolve the VAT issue between SCC and the district councils and for this to be reported to the Board at their meeting on 25 March 2011.

3. Amend 3<sup>rd</sup> Recommendation and replace with:

- (a) *Use best endeavours to put arrangements in place for any current HWRC that is not required to meet the WDA's statutory obligation with a view to enabling such HWRCs to continue to operate and be available for public use;*
- (b) *To meet the requirements stated in (a), consider piloting one of the existing sites on this basis;*
- (c) *Subject only to the above and other continuing lines of enquiry into the alternative options to meet the budget savings proving unsuccessful, reluctantly agree to close and mothball some or all of the four identified Recycling Centres as the default option to meet the savings target (the Board to receive a report on the outcome of the continuing lines of enquiry at its meeting on 25 March 2011).*

4. Confirm that from 1 April 2011 Recycling Centre opening hours will be reduced to 40 hours per week across the network as part of the savings requirement.”

The Board Members proceeded to debate on the proposed amendments to the recommendations.

*Issues raised during discussion:*

- Concerns were raised that there is no mention of mothballing the proposed sites within recommendation 1. It was agreed that the recommendation would be amended to reflect this and would instead under (c) read as ‘...close and mothball recycling centres...’
- It was noted that the cost sharing mechanisms will need to be reviewed and if necessary the Board may need to review the current cost sharing agreement to consider any issues are identified.
- It was agreed that recommendation 1 should be further amended to read under (c) as ‘...other options being evaluated proving to be unsuccessful...’
- It was noted that if savings can be achieved elsewhere, then the Board will need to reconsider the potential four HWRC sites for closure.

The proposed amendments (as amended through debate) to the original motion were voted upon and carried as follows: 7 votes in favour, 2 votes against and 2 abstentions. These amendments then became the substantive motion.

Cllr Jo Roundell-Greene, seconded by Cllr Tom Parsley, requested a named vote on the amended recommendations (the substantive motion), and for each recommendation to be taken individually. Votes were cast as follows to the substantive motion:

Amended Recommendation 1

For

Cllr D Hall, Cllr K Hayward, Cllr J Swayne, Cllr S Kingham, Cllr M Whitmarsh,  
Cllr K Kravis and Cllr D Yeomans

Against

Cllr T Parsley and Cllr J Roundell-Greene,

Abstained from voting

Cllr N Hewitt-Cooper and Cllr N Woollcombe-Adams

Amended Recommendation 2

For - Cllr D Hall, Cllr T Parsley, Cllr K Hayward, Cllr J Roundell-Greene, Cllr N  
Hewitt-Cooper, Cllr J Swayne, Cllr S Kingham, Cllr M Whitmarsh, Cllr K Kravis,  
Cllr N I Woollcombe-Adams, Cllr D Yeomans

Against - None

Abstained from voting -None

Amended Recommendation 3

For - Cllr D Hall, Cllr K Haywood, Cllr J Swayne, Cllr S Kingham, Cllr M  
Whitmarsh, Cllr K Kravis and Cllr D Yeomans

Against - Cllr T Parsley, Cllr J Roundell Greene, Cllr N Hewitt-Cooper

Abstained from voting - Cllr N Woollcombe-Adams

Amended Recommendation 4

For - Cllr D Hall, Cllr T Parsley, Cllr K Haywood, Cllr J Roundell Greene, Cllr N  
Hewitt-Cooper, Cllr J Swayne, Cllr S Kingham, Cllr M Whitmarsh, Cllr K Kravis,  
Cllr N Woollcombe-Adams and Cllr D Yeomans

Against - None

Abstained from voting - None

The conclusion of the voting was that the Board RESOLVED to:

1. Approve the Business Plan (Appendix 1 to the report), with the following amendment to paragraph 2.1 of Appendix 1 to the report (amended text in key priority area section):

*(a) For the Board to consider designating a number of statutory and non-statutory (discretionary) sites at their meeting on 25 March 2011;*

- (b) *For further evaluation of options to be completed for the running of HWRC's that may be able to generate net savings of £314k per annum- potentially through charging for any non statutory sites.*
- (c) *Subject to the above and other options being evaluated proving to be unsuccessful, close and mothball recycling centres at Dulverton, Coleford, Crewkerne and Middlezoy. This is an austerity measure which is projected to realise a net saving allowing for transfer of material to other sites or kerbside collection, reductions in cross-boundary traffic (at peripheral sites) and an initial increase in illegal disposal. It is realised that there will be disruption and increased costs for some residents in the areas affected.*

and furthermore approve the Draft Communications Plan (Appendix 2 to the report) subject to the following specific areas of concern flagged up by the partner authorities set out in Section 2 and Appendix 6.

- 2 Approve the proposed contract extension with May Gurney, subject to
  - (a) The conclusions of a value for money and benchmarking review which will be presented to the Board on 25 March 2011;
  - (b) Using best endeavours to resolve the VAT issue between SCC and the district councils and for this to be reported to the Board at their meeting on 25 March 2011.
3.
  - (a) Use best endeavours to put arrangements in place for any current HWRC that is not required to meet the WDA's statutory obligation with a view to enabling such HWRCs to continue to operate and be available for public use;
  - (b) To meet the requirements stated in (a), consider piloting one of the existing sites on this basis;
  - (c) Subject only to the above and other continuing lines of enquiry into the alternative options to meet the budget savings proving unsuccessful, reluctantly agree to close and mothball some or all of the four identified Recycling Centres as the default option to meet the savings target (the Board to receive a report on the outcome of the continuing lines of enquiry at its meeting on 25 March 2011).
4. Confirm that from 1 April 2011 Recycling Centre opening hours will be reduced to 40 hours per week across the network as part of the savings requirement.

REASONS: in accordance with the alternative recommendations as amended at the meeting and as set out in the report.

(The meeting was adjourned at 16:35 and reconvened at 16:40)

117 **SOMERSET WASTE PARTNERSHIP ANNUAL BUDGET** – agenda item 6

The Board considered this report regarding the proposed approval of the Annual Budget for 2011/12 in accordance with its Constitution and Inter Authority Agreement, and the approval of the financial aspects of the Business Plan. Reference was made to the extensive discussions and debate on the Business Plan and its relationship with the Annual Budget.

*Issues raised during discussion:*

- Clarification was provided regarding the responsibility of the District Councils in relation to fly-tipping costs.

The Board RESOLVED to:

- (i) Formally approve the attached Draft Annual Budget for 2011/2012 (totalling £35,641,502) as set out in Appendix A to the report.
- (ii) Authorise the Managing Director to conclude the final negotiations with our main contractors in accordance with this Annual Budget report.
- (iii) Approve the use of the Unweighted Properties formula for the additional one-off costs of the Royal Wedding Bank Holiday (paragraph 2.3 of the report).

REASONS: in accordance with the recommendations and as set out in the report.

118 **2010/11 QUARTER 3 PERFORMANCE REPORT** – agenda item 7

The Board considered this report which summarises the key performance indicators for the first three quarters of the financial year 2010/11 as compared to the same period for the financial year 2009/10.

*Issues raised during discussion:*

- Food waste recycling has increased due to roll-out of Sort-It plus
- Recycling rates by each District Council were reviewed
- 3<sup>rd</sup> quarter tonnages were significantly down due to difficult winter conditions and green waste handling is also significantly down when compared to 2009/10.

The Board RESOLVED: to note the tonnage and performance results within Appendices 1 to 5 of the report.

REASONS: in accordance with the recommendation and as set out in the report.

119 **FORMATION OF SUB-GROUP TO REVIEW ARRANGEMENTS FOR COPING WITH SEVERE WEATHER OR OTHER EVENTUALITIES** – agenda item 8

The Board considered this report regarding the appointment of a sub-group to review arrangements for coping with severe weather (or other similar



eventualities) which would report back to the Board at the earliest opportunity. It was noted that any recommendations which can be implemented in the event of further disruption this winter will be adopted as far as they are practicable and affordable.

*Issues raised during discussion:*

- Councillor Yeomans, Councillor Woollcombe-Adams, Councillor Hayward and Councillor Swayne were proposed as the membership of the sub-group

The Board RESOLVED to:

- 1 Agree the draft Terms of Reference set out in section 2 of the report.
- 2 Appoint Councillor Yeomans, Councillor Woollcombe-Adams, Councillor Hayward and Councillor Swayne as members of a sub-group to oversee the process and report back to the main Board no later than the Board's Annual General Meeting on Wednesday 22 June 2011.

REASONS: in accordance with the recommendations and as set out in the report.

120 **SOMERSET WASTE BOARD FORWARD PLAN** – agenda item 9

The current published Forward Plan for the Board was considered and noted. Members noted that an updated version would be circulated on the 16 February 2011.

121 **INFORMATION SHEETS ISSUED SINCE THE LAST MEETING** – agenda item 10

The Board noted that no Information Sheets had been issued since the last meeting.

122 **ANY OTHER BUSINESS OF URGENCY** – agenda item 11

There were no items of urgency.

(The meeting ended at 5.00pm)

**CHAIRMAN**