

# North Yorkshire County Council

## Transport, Economy and Environment Overview and Scrutiny Committee

Minutes of the Meeting held at County Hall, Northallerton on 1 March 2016 at 10.00 am.

### Present:-

County Councillor Andrew Backhouse in the Chair

County Councillors Margaret Atkinson, Robert Baker, Andrew Goss, Michael Heseltine, Robert Heseltine, Peter Horton, David Jeffels, Penny Marsden, Bob Packham, Andy Solloway, Richard Welch and Robert Windass.

Other Members present were: Executive County Councillor Chris Metcalfe, County Councillors Margaret-Ann de Courcey-Bayley, Bryn Griffiths and Bill Hout.

NYCC Officers attending: David Bowe, Corporate Director (BES), Ian Fielding, Assistant Director – Waste & Countryside Services (BES), Catriona Gatrell, Legal Manager (Corporate Services) and Jonathan Spencer, Corporate Development Officer (Central Services).

Apologies for absence were received from County Councillors David Jeffels and Andy Solloway

There were no members of the public present.

---

### Copies of all documents considered are in the Minute Book

---

#### 90. Chairman's Introduction

Considered -

The Chairman advised the Committee on the order of business for the call in meeting as set out in the report shown on pages 1 and 2 of the papers.

#### 91. Public Questions or Statements

There were no general public questions or statements from members of the public concerning issues not on the agenda.

#### 92. Call in of the Decision taken by the Corporate Director - Business and Environmental Services in consultation with Executive Member, County Councillor Chris Metcalfe taken 4 February 2016 regarding proposed changes to the operation of Household Waste Recycling Centres across the County Area from 1 April 2016

Considered -

The report of the Corporate Development Officer enabling the Committee to consider the decision relating to the proposed changes to the operation of Household Waste Recycling Centres across the County Area from 1 April 2016, and to determine whether

or not the Committee would wish to refer the decision back to the Corporate Director - Business and Environmental Services for reconsideration or to the full Council and, if so, the nature of its concerns about the decision.

The reasons given for the call in were:

- 1) There has been inadequate consultation on the proposals and in particular the changes in opening hours.
  - 2) The introduction of the change without submission to the appropriate Area Committees is in conflict with the delegated powers of Area Committees as set out in the Council's Constitution, in particular paragraphs 1; 2; and 6; of the delegation agreement.
  - 3) That the proposal is likely to exclude residents who work and are unable to access the facilities during normal working hours.
  - 4) The restriction on working hours is likely to result in increased pressure on weekend use of HWRCs some of which already have to restrict entry to sites for safety reasons thus causing vehicles to queue on main highway routes presenting a risk and obstruction to the highway network.
  - 5) No breakdowns have been given of the numbers visiting individual sites in the evenings or at weekends to enable clarity on the justification for the proposal.
  - 6) The blanket decision affords no recognition of the differing operational parameters and usage that apply to individual sites across the County.
  - 7) The proposal could badly affect recycling targets across the County.
- The Chairman introduced the report and invited the Decision Taker (Corporate Director - BES) to respond.
- The Chairman introduced the report and invited the Decision Taker (the Corporate Director Business and Environmental Services) to respond.

David Bowe referred the Committee to the Executive Members report of 4 February 2016 enclosed as Appendix 1 in the report of the Corporate Development Officer. He referred to the Council's 2020 savings and the savings target that had been set for the Household Waste Recycling Centres (HWRCs). He went on to refer to paragraph 2.4 in Appendix 1 detailing the proposals to be considered for adoption and the graph in Appendix 1 showing the number of HWRC visits at three HWRC sites in the county (Harrogate Stonefall, Whitby and Wombledon). The three sites had been chosen to provide an illustrative picture of low, medium and high use-age HWRCs in the county. He said that the evidence shows that the use of HWRCs falls significantly after 5pm during the summer. Analysis shows that eight per cent of customers on the busiest day of the busiest month (June) access HWRCs sites after 5pm, equating to two to three people at smaller sites and as a worst case example 50 at the Harrogate Stonefall site. In response to a point of clarification from a Member, Ian Fielding said that the graph was illustrative of the busiest month in 2014/15, with the visits averaged out over the month of June 2015.

In response to a point of clarification from a Member, David Bowe confirmed that all the sites were intended to be kept open until the published closing time. However he had received two complaints recently relating to instances where HWRCs had had to close earlier to move the skips. These were one-off situations.

David Bowe referred to the suggestion made to open HWRCs later in the morning – 9 am rather than 8.30 am - and retain the existing closing hours. He clarified that whilst the graph showed hourly use of the 3 HWRCs the sites are only open from 8.30am therefore the numbers of users in the period to 9.00am are proportionally higher than the graph would suggest. He also confirmed that there had also been no consultation on this proposal therefore it was not an option that could be considered at this time.

David Bowe acknowledged that the recommendation in the officer's report was for HWRCs to close at 6 pm between April and September each year. However following further discussions, a 5pm closure time had been agreed as the most appropriate time given the level of savings required.

The Chairman invited David Bowe to respond to the points raised in the call-in:

- 1) There has been inadequate consultation on the proposals and in particular the changes in opening hours.

David Bowe said that although the consultation had been carried out in 2013, internal legal advice had confirmed that it remains relevant and can be relied upon in relation to the changes now being considered.

Respondents to the 2013 consultation were asked for their views on closing all HWRCs at 5 pm each day between April and September and their views on closing all HWRCs at 6 pm each day between April and September. Understandably more people did not want a change to the existing opening times. However of those strongly agreeing and agreeing with the two proposals more respondents supported closure at 5 pm than 6 pm.

- 2) The introduction of the change without submission to the appropriate Area Committees is in conflict with the delegated powers of Area Committees as set out in the Council's Constitution, in particular paragraphs 1; 2; and 6; of the delegation agreement.

David Bowe said that the consultation was not specific to one particular site or district. Instead it was about ensuring there remained a strategic approach to delivering the HWRC service across the county as a whole.

Catriona Gatrell noted that the introduction of charges for soil and rubble was not considered by Area Committees in 2013 and that the decision to change the closing times followed through from the same consultation.

- 3) That the proposal is likely to exclude residents who work and are unable to access the facilities during normal working hours.

David Bowe said that the HWRC service would still remain open six days a week throughout the year. It was already the case that residents could not access the service beyond normal working hours during the winter months.

- 4) The restriction on working hours is likely to result in increased pressure on weekend use of HWRCs some of which already have to restrict entry to sites for safety reasons thus causing vehicles to queue on main highway routes presenting a risk and obstruction to the highway network.

David Bowe explained that there had been significant voluntary reductions in the number of visits to all HWRCs use-age over the last eight years. There had almost been a 33 % reduction across all sites and a 50 % reduction at the Stonefall HWRC, the busiest site in the county.

- 5) No breakdowns have been given of the numbers visiting individual sites in the evenings or at weekends to enable clarity on the justification for the proposal.

David Bowe referred Members to the graph 3 in section 3 of Appendix 1.

- 6) The blanket decision affords no recognition of the differing operational parameters

and usage that apply to individual sites across the County.

David Bowe said that the approach is to have a universal service across all sites. If the existing opening hours are retained at the busiest sites, the effect will be disproportionately focused on the less well used HWRCs in order to still make the required savings.

Executive Member Chris Metcalfe said that in guiding his approach he took into account what the impact would be on all customers across the county. The proposals would still allow for a full service over six days at times that are clear and consistent throughout the county.

7) The proposal could badly affect recycling targets across the County.

David Bowe said that the introduction of the Wednesday closure had had no adverse impact on the county's recycling targets. He also referred to the low numbers of visitors to HWRCs after 5 pm.

- The Chairman invited the call-in signatories to present their case.

County Councillor Bill Hoult, the lead spokesperson for the signatories to the call-in, provided an introductory statement. He explained that the signatories had not called the decision in in order to challenge the 2020 savings programme or the need to reduce costs more generally. They were also not challenging the recommendations set out in paragraphs 10.3 and 10.4 in Appendix 1. The nature of the call-in revolved around the lack of consultation on the closing hours.

Councillor Hoult went on to raise the following points:

- Members had only had five days' notice to study the decision in detail, which had left no choice but to bring a call-in in order to allow for further examination.
- The consultation carried out in 2013 did not deal adequately with consultation around opening times. Only four scenarios were given relating to the closing times and the responses to those were mixed. Over 50 % of respondents had disagreed or strongly disagreed with the proposals to close all HWRCs at 5 pm each day between April and September. The call-in signatories were surprised therefore that the Corporate Director for Business and Environmental Services in consultation with the Executive Member had chosen to go with this proposal.
- The decision taken was different to the officer recommendation in the report which had proposed a 6 pm closing time between April to September.
- The graph in Appendix 1 only represented three different sites.
- Area Committees should be consulted because they know their local sites and patterns of use-age. Currently there is confusion and vagueness about what people want in their local areas. There is time to consult with Area Committees as they are due to meet in March. This would mean only causing a delay of perhaps a month. The Area Committees do have responsibilities and the recent review of the Council's Constitutional has reinforced the view that Area Committees should have a say on service delivery impacting on local people.
- The pressure at weekends will increase. Although there has been reduced traffic in the past even now at weekends there is evidence of traffic queues to sites. He referred to vehicles currently queuing on the A661 to access the Stonefall site.
- Restricting access will risk recycling targets not being met.

Another call-in signatory said that he had canvassed views in his local area and the vast majority of those who he had spoken to did not want their local HWRC to close at 5

pm. He questioned why there was a need to ensure consistency across the county and called for the Area Committees to be consulted on the proposals. Local people were concerned with the local needs of their area.

Another call-in signatory said that it is true that use-age differs widely between rural and urban areas and so local views need to be taken into account. She referred to the Stonefall site, stating that bringing forward the closing times would only serve to compound traffic problems by increasing the number of visits at weekends. There were already access problems at the site and she referred to a planning proposal that had been submitted for a hotel nearby. Referring to the 2013 consultation she said that it seemed contrary to implement a proposal that had such vocal opposition. Whilst she understood the argument for providing a consistent service across the county, it made greater sense to take into account use-age issues for particular sites when determining where the savings should come from. Local demographics should be taken into account.

A further call-in signatory said that he endorsed the view of the other speakers for the call-in. He referred to the HWRC site in Ripon and existing traffic queues there.

The Chairman invited the Decision Taker and Executive County Councillor Chris Metcalfe to respond.

Executive County Councillor Chris Metcalfe replied by making the following points:

- There had not been a lack of consultation on the proposals. It had always been the case that HWRCs would need to make their share of the savings required in the 2020 savings programme and this had been raised in consultations.
- The policy framework was amended in November to enable such decisions to be taken by the Corporate Director and this had been reported to full Council.
- It was not surprising that the majority of respondents were against the 5 pm closing time. The default position is that people want to retain the current service that they have got. Decision takers however have to take a pragmatic approach on the impact to the customer and the impact that changes would make to the effectiveness of the total estate.
- North Yorkshire County Council still has a £14 million spending gap to fill and the proposal achieves the right balance between meeting customer expectations of providing a consistent service and delivering the required savings for the Authority.
- With respect to traffic issues at some HWRC sites, a review will be undertaken prior to the renewal of the HWRC contract in 2017 to ensure that they are in the right place.
- It is unfair to close sites earlier or in their entirety simply because they take lower volumes of waste. Council taxpayers have the right to expect that their local site will be open during the same hours as elsewhere in the county. Working households living in rural areas should not be inconvenienced more than their urban counterparts and in fact people living in rural areas often travel longer distances after work.
- For a large part of the year residents already cope with HWRCs not being open beyond normal working hours.

David Bowe said that he had not ignored the consultation responses to the proposals to change the HWRC opening hours. However decisions cannot be taken simply because a proposed action is or is not popular. Decisions instead have to be taken on balance, carefully weighing up the advantages and disadvantages.

- The Chairman opened up the meeting to the Committee.

Members made the following comments:

- A Member said that the points raised by the call-in signatories relating to the consultation of the Area Committees could equally apply to the Transport, Economy and Environment Overview and Scrutiny Committee, particularly as it was a county-wide issue. He went on to ask what the month's delay would mean in financial terms for the HWRC service if the Area Committees were invited to comment on the proposed HWRC opening hours. David Bowe mentioned that there would be additional staff costs arising from attending the Area Committee meetings. Executive County Councillor Chris Metcalfe said that further delay in reducing the opening hours would create confusion amongst customers. At present there was one year remaining on the existing contract and the changes to the HWRC service had been implemented in such a way as to avoid breaking up the integrity of the estate before a new contract came into effect.
- A Member said that in the past he had made the suggestion of closing HWRCs for an extra day in the working week instead of reducing the opening hours on the days that HWRCs would remain open. He said that the answer given at the time as to why that would not be possible was because of restrictions in the contract. He went on to ask what the level of savings would be if HWRCs were closed for an additional day and kept their existing opening times on the remaining days. David Bowe said that one day's additional closure would produce a similar level of savings to reducing the opening hours. The saving would be around £100,000. The Member went on to ask if there was a possibility to secure the same level of savings with alternative delivery models under the existing contract. Ian Fielding said that a number of other options had been put forward in the consultation including closing the least busy sites. However it was concluded that the focus should be on having a universal approach in order to protect as much of the service as possible. Closing HWRCs earlier at the end of the day would affect the least number of people as possible whereas opening later in the day would have a greater impact.
- A Member queried why the decision that had been taken to close HWRCs two hours earlier between April and September at 5pm had differed to the recommendation in the Executive Members report of 4 February 2016 for the closing time to be at 6pm during the same period. Ian Fielding replied that it had been concluded that for not much greater impact on the customer significantly more savings could be realised by closing at 5pm between April and September. This was in view of the fact that the evidence shows that the use of HWRCs drops off significantly after 5pm during the summer.
- A Member asked if the savings would arise from reduced personnel. Ian Fielding replied that this would be the case. However that there would be no redundancies arising from closing HWRCs at 5pm during April and September. The savings would instead result from reductions in overtime hours and agency staff.
- A Member said that people of working age have the opportunity to use HWRCs on their days off and at weekends. He went on to state that whilst he was concerned to an extent that the Area Committees had not been consulted, reducing the opening hours did not constitute a major re-organisation of the service and was largely an operational matter. Retaining county wide consistency is important and the bottom-line is that the business needs of the service need to be managed effectively. The decision made by the Corporate Director seems to be sensible and reasonable.

- A Member said that he had concerns about the way that the decision had been reached and felt that a broader data set relating to more HWRC sites and site use-age at more points in the year. There are other alternatives such as later opening times as less people may use the HWRCs at the start of the working day during the winter months due to the darker mornings. He went on to note that overall use-age in June at the Harrogate Stonefall site between 5-7pm represented 36 to 37 customers a day, which when translated over one month represented a 1000 visits. These visits would need to be redistributed at other points in the week, which could represent an additional 120 visits every weekend throughout June. Ian Fielding said that the data that had been presented in the graph had been chosen to include use-age at the busiest site on the busiest day of the year – the worst case scenario of 50 visits. If all those customers visited at the weekend instead this would increase the number of visits by 21 % on Saturdays and by 25% on Sundays. However this had to be taken in the context that the number of visits to HWRCs had fallen by a third over six years and by half in the same period at the Stonefall site.
- A Member said that he was not certain that the Area Committees would have been the most appropriate mechanism to consult as each would have made different suggestions across the county and so there would have been a mismatch of ideas. There is merit however for HWRCs to open later in the morning. Retired people can use the HWRCs at any time during the day. Executive County Councillor Chris Metcalfe replied that a separate consultation would need to be undertaken on a proposal to open the HWRCs later in the morning. The County Council could be challenged legally otherwise. This was because this proposal had not been included in the 2013 consultation.
- A Member said that he disagreed with the approach of having a consistent service across the county. Each area should be looked at individually as people use HWRCs differently in different areas, and account should be taken of market days. In rural areas a number of people work seasonally and they will be penalised as a result of the earlier closing times.
- A Member said that he had taken a straw poll in his office and all had said that they would much rather take their waste to a HWRC before work than after work. There is a need to have a consistent service across the county especially as everyone pays the same rate of Council Tax for County Council services. Residents are now provided with recycling and garden waste bins at home, reducing the need for people to visit HWRCs.
- A Member said that the democratic process should be upheld and views heard. There is a case for keeping HWRCs open beyond normal working hours as closing earlier would inconvenience people who worked throughout the week. Inevitably there would be increased pressures on HWRCs at the weekend, including traffic problems. He went on to note the proposed increase in new housing development in Harrogate would further impact on HWRC sites. There should be a referral as not enough thought had not been put into the decision.
- A Member said she had spoken to well over 100 people in her division about the decision taken to reduce the opening hours at HWRCs and had been surprised by the number of people who did not know that HWRCs closed on a Wednesday. No-one she had spoken to had expressed concern about HWRCs not being open beyond normal working hours. People realise that the County Council needs to save a lot of money.

- A Member asked if all parish councils had been consulted when the 2013 consultation was carried out, and the number of parish councils that replied. Ian Fielding confirmed that all parish councils had been consulted on the proposals. He said that he did not have the figure to hand on the number of responses made by parish councils but would be able to provide this information to the Member after the meeting. Overall there had been 570 responses to the consultation.
- The Chairman invited the call-in signatories and the Decision taker to sum up their case.

County Councillor Bill Hoult said that he wished to reiterate that the call-in had not been brought in relation to individual sites and he was not against savings being made. The call-in had been brought because there had not been a proper consultation. Area Committees should be involved and meetings were already scheduled to be held within the next month. Area Committees are there to make recommendations and ultimately the decision would be made by the Corporate Director/Executive Member. However such an opportunity would allow different ideas to be considered, providing a better informed response.

David Bowe said that he was not unsupportive of Area Committees but additional staff costs would be incurred from attending and a consultation had already been undertaken on the reductions to the HWRC opening hours.

- The Chairman asked the Committee to determine whether or not it wished to refer the decision back to the Corporate Director Business and Environmental Services for reconsideration or to the full Council and, if so the nature of its concern.

In response to a question from a Member, Jonathan Spencer confirmed that the Committee did not have the option of referring the decision to the Area Committees.

**The Committee divided and, on a show of hands, there were 6 votes against and 4 votes for referring the call in of the decision referred to in Decision Record BES 01/16 back to the Corporate Director Business and Environmental Services for reconsideration or to the full Council.**

#### **Resolved –**

- (i) That the Transport, Economy & Environment Overview and Scrutiny Committee does not wish to refer the decision referred to in Decision Record BES 01/16 back to the Corporate Director Business and Environmental Services for reconsideration or to the full Council.
- (ii) That the decision referred to in Decision Record BES 01/16 taken by the Corporate Director for Business and Environmental Services Executive on 4 February 2016 is therefore upheld.

The meeting concluded at 11.50 pm