

BRIGHTON & HOVE CITY COUNCIL

SCRUTINY PANEL ON COMMUNAL BINS CONSULTATION

Report of the meeting held on

Friday 30 April 2004

10.00am

Banqueting Room, Hove Town Hall

Present: Councillors Young (Chair), Edmond-Smith and Simson

Abraham Ghebre-Ghiorghis, Head of Law, Mark Wall, Head of Democratic Services, Mary van Beinum, Committee Administrator

Also present: Professor Dyhouse, Mr. Nigel Furness, Mr. Paul Vitalis, Mr. David Weedall and Mr. Tony Davies.

1. PROCEDURAL BUSINESS

1.1 A, B, C - None.

1.2 The Chair Councillor Jan Young welcomed everyone to the meeting and emphasised the scope of the scrutiny panel as set out by the parent Committee, the Overview and Scrutiny Organisation Committee (OSOC). The scrutiny review would consider the consultation process used prior to the introduction of the trial bins; the trial itself was not subject to scrutiny. (For copy see minute book).

2. NOTES OF THE LAST MEETING HELD ON THE 22ND MARCH 2004.

2.1 The notes of the last meeting were agreed.

3. INFORMATION FROM MEMBERS OF THE PUBLIC WHO HAD REQUESTED TO ADDRESS THE PANEL

3.1 Professor Dyhouse

Professor Dyhouse read out a prepared statement to the Panel (For copy see minute book). Having read out her statement, Professor Dyhouse stated that she felt there had been no consultation with

regard to the proposed communal bins scheme, but rather that residents had been told what was going to happen. The whole point of consultation was to ascertain the views of people and to reach a common understanding of how things would be done in the future. It appeared that the council and Cityclean had already decided on the introduction of the bins and were not prepared to consider the views of residents. She believed that, although residents in some streets might welcome the communal bins scheme, there were many where residents were overwhelmingly opposed. She knew this to be the case in Powis Villas, Victoria Road, Norfolk Road, Montpelier Crescent and Clifton Road, but was aware that opposition was also strong elsewhere.

Panel Members questioned Professor Dyhouse with regard to the process of consultation and it was noted that two public exhibitions had been arranged following the reaction from residents. However these were not well attended and gave the impression that officers did not want to discuss the scheme other than to consider the location of the bins.

Professor Dyhouse pointed out that a number of petitions had been handed into the Council and should have been considered by the Environment Committee. These clearly showed the feeling of opposition towards the introduction of the bins and Professor Dyhouse asked that the Panel look at this as part of their review.

Panel Members asked about the process of letters from Cityclean informing residents of the scheme for communal bins and their understanding that it was intended to consult them on the trial after it had run its course.

Professor Dyhouse stated that letters had been sent to residents informing them of the scheme, although not all areas received them. She also noted that having raised objections to the scheme, she had received a letter from Gillian Marston saying how she would be happy to have a bin outside her home. She did not feel that this was an appropriate response to the matter. Professor Dyhouse also argued that when the Environment Committee considered the report in July 03, it implied that there would be a period of consultation prior to the scheme being implemented.

3.2 Nigel Furness

Mr. Furness pointed out that no leaflets/letters had been received in the Brunswick area and he had only become aware that the trial was to take place when notices were put up on New Year's Day and cars were removed to accommodate the bins, even though the cars had residents' permits. The only leaflet he was aware of, was one which was sent to a non-existent address, (this was given to the Panel). He

did contact Cityclean to find out whether any leaflets had been issued and was told they had been sent to all addresses. He had to point out that no such leaflets had been received, but was told that the records showed they had been issued.

3.3 Mr. Paul Vitalis

Mr. Vitalis handed in copies of an affidavit (For copy see minute book), and proceeded to read it to the Panel. He noted that neither representatives from Cityclean or Gill Mitchell had chosen to attend the meeting and stated that this was disappointing. He believed that there had been an obligation to consult with residents and that this had been ignored. He also questioned whether Members of the Environment Committee had understood what they had been asked to consider and what they subsequently approved. He also accepted that for some areas communal bins would be the appropriate way of dealing with the collection of household waste. However, these would have become apparent from a consultation process and not from trying to implement a scheme in a number of chosen areas. He was still waiting for letters to Gill Mitchell and the Chief Executive to be answered and felt that there was a deliberate attempt to ignore the points he had raised. He had only become aware of the proposal for the bins because he opened the leaflet inadvertently rather than simply throwing it away as he did with most plain brown envelopes he received and appeared to be junk mail.

Panel Members queried whether the leaflet explained how long the trial would last and what the process would be following its conclusion.

Mr. Vitalis stated that the leaflet did indicate that the bins would be in place for a 12-month period and that there would be a consultation after 6 months. However, he also believed that the report to committee in July implied that there would be a consultation period prior to the implementation of the scheme. He also noted that Clifton Road had been taken out of the current trial following representations and since then there had been no consultation.

3.4 Mr. David Weedall

Mr. Weedall handed in copies of a sworn affidavit (For copy see minute book), and proceeded to read it to the Panel. He stated that no leaflets had been received in his area and that it was only as a result of him seeing a "Say No to Bins" poster in another street and actually asking the resident what it referred to, that he became aware of the proposed trial. This led him to actively leafleting his own area to find out whether anyone was aware of the scheme and a petition being presented to committee in January by the local Green Councillor. He finally received a letter notifying him of the scheme four days before it

was due to commence. He did not accept that there had been any consultation and questioned whether Cityclean had made any provision for households with disabled residents. It had taken a number of letters to Cityclean to get agreement to collect black bags from his home due to the fact that both he and his wife had a disability and to date this service had not worked properly. He currently had two weeks worth of rubbish outside his home.

Panel Members noted that it appeared to be the case that whilst some areas had received leaflets, others had not and queried whether residents had been aware of the public meetings/exhibitions that had subsequently been arranged.

Mr. Furness stated that notice of the meetings had been placed in the Argus on the day of the first meeting. Mr. Vitalis pointed out that the timing of the meetings had not been appropriate for a number of people i.e. Wednesday between 6.00 & 8.00pm and Thursday between 11.00am and 1.00pm. This had led to only 51 questionnaires being completed and yet thousands of people were due to be affected by the trial. He did not accept that this was consultation.

Panel Members suggested that some action had been taken as a result of the meetings e.g. the colour of the bins had changed.

Professor Dyhouse stated that the initial idea had been to have the bins in the Cityclean livery but it had been accepted that black was a more appropriate colour. She also pointed out that had there been a period of consultation, then the bins could have been located in those areas where they were suited/wanted.

3.5 Mr. Tony Davies

Mr. Davies stated that he had a written submission, which had intended to read to the Panel, and handed copies to the Panel (For copy see minute book). However, as a number of the points had already been raised, he would only read out a few points. He believed that Cityclean had not met the requirements of the Disability Discrimination Act (DDA), and that his concerns had yet to be answered by the legal department. He also stated that he believed Gillian Marston, other officers and Members had joined the 'Brighton Beautiful' website under false names in an attempt to show support for the scheme from residents and to influence those residents who were opposed to the scheme.

Panel Members stated that they had not visited the website. They also asked whether those residents who had given evidence and those who were in attendance were present as individuals or as representatives of the various areas included in the scheme.

Each of the witnesses and other residents present confirmed that they were representing the majority of residents from their areas.

3.6 Questions in Open Session

Mr. Weedall queried whether the Panel would be looking at the issue as to whether proper consultation had taken place prior to the introduction of the scheme or whether it was for consultation to take place after the scheme had been in operation, as indicated in the leaflets distributed by Cityclean.

Councillor Edmond Smith stated that the Panel had been set up to review the process of consultation in relation to the scheme and as such needed to consider what action had been taken prior to the start of the scheme. There was therefore a need to raise this with the officers involved and to take into account the points raised by the witness at the present meeting.

Professor Dyhouse pointed out that whilst the trial was now in operation, there was a need to bear in mind that the intention had been to have one or two collections per week, whereas these were currently taking place 6 days a week. She felt that should there be a consultation period after 6 months of operation, the results were likely to be skewed, as they would be based on a service that was unlikely to be maintained.

A question was raised as to whether the process for complying with the required Traffic Order (TO) had been followed, as it was believed that a period of consultation should take place having given notice of the

proposed TO. Residents were not aware of any such consultation being held.

The question was noted and the Panel agreed to check on the process for the TO.

The Chair thanked everyone for attending and closed the meeting at 12.05pm.