

Item 66 on the Agenda

Brighton & Hove Council

For general release

Meeting : Overview and Scrutiny Organisation Committee

Date : 23rd February 2004

Report of : The Director, Environment

Subject : Request for Scrutiny of Consultation of Trial of Communal Refuse Containers

Wards affected : All

1 PURPOSE OF THE REPORT

1.1 To inform Members of the request for scrutiny submitted by Cllr Davidson
The request for scrutiny is attached at Appendix 1.

1.2 This report sets out the scrutiny request with initial officer comments on the matters raised and the criteria for determining scrutiny requests.

2 RECOMMENDATIONS

2.1 That the Committee consider the information in the report and the request for scrutiny and determine whether the issue identified should be the subject of a scrutiny review and/or a further officer report.

2.2 That if a scrutiny review is appropriate, the Committee decide whether to establish a Scrutiny Panel, or whether OSOC will itself conduct the scrutiny.

2.3 That if a scrutiny review is not appropriate, the Committee consider whether there are nevertheless any recommendations which they wish to make on the matters set out in the report and request for scrutiny.

3 THE REQUEST FOR SCRUTINY

3.1 The letter requesting scrutiny of Consultation of Trial of Communal Refuse Containers is included as Appendix 1 to this report.

4. INITIAL COMMENTS OF THE DIRECTOR, ENVIRONMENT

4.1 Further Plans for Consultation

On the 29th January 2004 the Environment committee approved the Communal Container trial subject to proper consultation culminating in an interim review after the first six months. This interim review will be reported to that committee.

4.2 Completed Consultation

4.2.1 Background

Following the report to the Environment committee on the 31st July 2003, a leaflet was sent to all residents in the proposed trial area. The leaflet was dispatched on the 14th November and detailed:

- The rationale behind communal containers
- How the trial would work: include plans for further consultation
- The relationship with the recycling collection service.
- How problems would be dealt with.

The leaflet also invited residents to two public exhibitions on the 26th November between 1800-2000 and on the 27th November between 1100-1300 at the Old Market on Upper Market Street. The venue and times were chosen to increase accessibility for local residents.

4.2.2 How was the leaflet distributed?

All leaflets were distributed by direct mail using the Post Office database. In response to further requests for leaflets the council hand delivered an additional 400 leaflets prior to the exhibition.

4.2.3 How were residents' views collated during the Exhibition?

Comment forms were available for residents to fill in and officers were on hand to provide assistance if required. 48 comment forms were received over the course of the two exhibitions.

4.2.4 What was the level of response to the consultation?

Comments from the exhibition, as well as letters, e-mails and telephone calls were collated and analysed. In total 175 households made representations out of a total of 5,276.

4.2.5 What was the main point of concern and how was this addressed?

The main point of concern was the loss of car parking spaces. Originally, the proposed trial has identified the loss of 133 spaces, through further consultation and revisiting the area this number was reduced to 47.

4.2.6 Why was there only one Public Meeting and why was it not arranged by council officers?

In response to the leaflet sent out on the 14th November, Councillor Pennington called a public meeting for the 21st November 2003, prior to the exhibitions. Officers did advise that this method of consultation may not provide the meaningful and constructive dialogue, which was the objective of the exhibitions. At this meeting neither the public, officers or councillors had the opportunity for meaningful dialogue. Officers did not call this type of meeting as experience suggests that it is not the most effective methodology for meaningful consultation.

4.2.7 How do we know that refuse collection problems exist in this area?

The council is constantly assessing complaints and carries out regular street cleansing audits, which initially identified the area for refuse collection and street cleansing improvement. In addition, the council's Waste Survey in April 2002, identified a significant problem with black refuse sacks in this area.

4.2.8 Was further consultation carried out after the exhibitions?

Following the analysis of comments regarding the trial, five specific streets were identified for further consultation:

- Powis Villas
- Clifton Road
- Norfolk Road
- Montpelier Crescent
- Victoria Road

As a result meetings with representatives of all streets, apart from Norfolk Road were held. As a result all streets have been suspended, subject to further assessment of refuse containerisation. In addition, the colour of the container was changed to black.

5. THE SCRUTINY CRITERIA

5.1 The Overview and Scrutiny Procedure Rules in the Council constitution set out the following factors which the Overview and Scrutiny Organisation Committee will have regard to, in considering whether or not a request should be agreed for scrutiny:

- The importance of the matter raised and the extent to which it relates to the achievement of the Council's strategic priorities, the implementation of its policies or other key issues affecting the well being of the City or its communities;
- Whether there is evidence that the decision-making rules in Article 11 of the constitution have been breached; that the agreed consultation processes have not been followed; or that a decision or action proposed or taken is not in accordance with a policy agreed by the Council.
- The potential benefits of a review especially in terms of possible improvements to future procedures and/or the quality of Council services.
- What other avenues may be available to deal with the issue and the extent to which the Councillor or body submitting the request has already tried to resolve the issue through these channels (e.g. a letter to the relevant Executive Committee, the complaints procedure, enquiry to the Chief Executive or Chief Officer, Council question etc.)
- The resources available and the need to ensure that the process is not overloaded by requests.

5.2 On this basis the request for scrutiny would not appear to fit scrutiny criteria as:

- There is already a process in place to carry out an effective review of the service. Any scrutiny process would be a duplication and would run in parallel to the existing system for review.
- The request for scrutiny has, in effect, already be considered by the Environment committee, who considered amendments to decisions from a range of councillors, which included the points raised by Councillor Davidson.

Scrutiny would increase the workload of officers with no further benefit than the planned review process.

6. PROCEDURE RULES AND GUIDELINES FOR AD HOC OVERVIEW AND SCRUTINY PANELS

6.1 The Overview and Scrutiny Procedure Rules in the Council constitution relating to Ad hoc Overview and Scrutiny Panels are as follows:

1. The OSOC may establish ad hoc Panels to undertake particular investigations, reviews and commissions. Such Panels will undertake their work on a task and finish basis and will be appointed for a fixed

period, on the expiry of which they shall cease to exist. Ad hoc Panels may meet as often as required within this fixed period. The Membership, Chair, terms of reference and duration of any ad hoc Panel will be determined by the OSOC when the Panel is appointed.

2. Ad hoc Overview and Scrutiny Panels will not have Sub-Committee status and the OSOC may not delegate its powers to them. The ad hoc Panels will report their findings to the OSOC. The Membership of the ad hoc Panels will not be subject to the political balance rules in section 15 of the Local Government and Housing Act 1989, but they will normally be established on a cross-party basis.

3. The Chair and Members of any ad hoc Overview and Scrutiny Panel shall be appointed by the OSOC from amongst the persons included in the Overview and Scrutiny 'pool'. The Overview and Scrutiny 'pool' may comprise of all Councillors who are not the chair of an Executive Committee, and may also include non-councillors who the OSOC may agree from time to time to co-opt.

4. In order to avoid delay in making appointments to ad hoc Panels, the OSOC may simply specify a number of Members to be appointed from each political group. In this case the Chief Executive will make the appointments in accordance with the wishes of the relevant political group(s).

5. When nominating Members to serve on ad hoc Panels, the OSOC and/or political group(s) shall take into account the expertise and experience of available Members of the 'pool', and that no Member may be involved in scrutinising a decision in which he/she, or a Committee/Sub-Committee of which he/she is a member, has been involved.

6. There shall be no provision for substitute Members to attend meetings of ad hoc Overview and Scrutiny Panels.

7. The OSOC shall ensure that the number of ad hoc Overview and Scrutiny Panels which are in existence at any one time does not exceed the capacity of the Member and officer resources available to support their work.

8. If an Overview & Scrutiny Committee includes anyone who is not a Member of the Authority, with the exception of church and parent governor representatives on the Education Overview and Scrutiny Panel (see 3.2 above) such persons will not be entitled to vote.

6.2 Scrutiny Panel Guidelines agreed by OSOC are available from the Committee Administrator.

APPENDIX 1

Meeting/Date	Overview and Scrutiny Organisation Committee
Report of	The Director, Environment
Subject	Request for Scrutiny of Consultation of Trial of Communal Refuse Containers
Wards affected	All

Financial implications

There are no direct financial implications arising from this report.

Legal implications

There are no direct legal implications arising from this report.

Corporate/Citywide implications	Risk assessment
There are no direct corporate/citywide implications arising from this report.	No risk assessment has been undertaken in relation to this report.
Sustainability implications	Equalities implications
There are no direct sustainability implications arising from this report.	There are no direct equalities implications arising from this report.
Implications for the prevention of crime and disorder	
There are no direct implications for the prevention of crime and disorder arising from this report	

Background papers

None

Contact Officer

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