

BRIGHTON & HOVE CITY COUNCIL

SCRUTINY PANEL ON COMMUNAL BINS CONSULTATION

Report of the meeting held on

Monday 22 March 2004

5.00pm

Ante Room, Brighton Town Hall

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

Mary van Beinum, Committee Administrator

Also present: Councillors Davidson, Elgood, Mitchell, Giebeler, Pennington and Williams.

Gillian Marston, Assistant Director City Clean

Tim Moore, Head of Operations City Clean

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)

1.3 The scrutiny panel had no decision-making powers: the scrutiny report of findings and recommendations, when agreed, would be considered by OSOC for approval and forwarded to the Environment Committee for a reply. The two reports would then be presented together to full Council.

1.4 As the press notice for the meeting had appeared late, the Panel intended to arrange a further meeting with more notice.

2. INFORMATION FROM REGENCY WARD COUNCILLOR, COUNCILLOR DAWN DAVIDSON

2.1 At the invitation of the Chair, Councillor Dawn Davidson (Cllr DD) told the meeting why she had requested a scrutiny review of the process for consultation prior to the trial of communal bins in parts of the City. The request formed Appendix 1 to the report to OSOC on 23rd February, where the scrutiny review had been agreed. (For copy see minute book).

- 2.2 Cllr DD said the road traffic order had been agreed at Environment Committee. But the trial itself was a substantial change, so, she asked, why had it not been a formal Committee agenda item.
- 2.3 The main questions fell into two parts; firstly communications between officers and councillors and secondly communications between the council and residents.
- 2.4 When leaflets were first distributed, concerned residents contacted councillors but they had limited ability to respond as they had not seen the leaflet themselves and had no advance information. Cllr DD said her leaflet arrived after the residents received theirs.
- 2.5 Leaflets did not reach every home affected and as they resembled junk mail, many residents may have thrown them away. Cllr DD said the leaflets were not viewed as part of a consultation but an announcement. There seemed to be no consultation on special services needed by the elderly and disabled nor on the roads to be included in the trial until after the trial had started. There was no consultation on how the scheme would be implemented and managed, nor with conservation societies and historical groups.
- 2.6 In Cllr DD's view the exhibition was 'too little, too late' with insufficient opportunities for affected residents to visit. Many residents felt that litter was not a problem in their streets and that the trial should be in areas where there were problems with foxes and seagulls damaging black rubbish bags.
- 2.7 Some resistance to the trial could have been expected, as waste management was known to be an issue of wide concern. The trial was known to need to support and to have the co-operation of the public. A longer period of consultation would have eased the minds of concerned groups.
- 2.8 Summarising, Cllr DD said leaflets should have been dropped to all homes and should have included an invitation to public meetings for wider discussion. Officers needed to liaise more widely with Councillors and for openness and transparency she suggested controversial items should normally be included on Committee agendas.
- 2.9 Asked about the timing of events Cllr DD said that she had attended two meetings with officers in summer 2003. In June/July it was known the pilot could raise concerns but there was no further information. She had not been told by e-mail that leaflets would be going out in October and had not been reminded about a meeting to discuss leaflets. Cllr DD had only heard of progress via Councillor Elgood who told her of the approval of the road traffic order at Environment Committee. Cllr DD said she would check her e-mails.
- 2.10 The Panel said they needed to investigate further how the councillors were contacted and more details of the sending and receiving of communications about the trial between the officers and Ward Councillors.

- 2.11 Answering a question Cllr DD said, had she not heard from Councillor Elgood, she would not have known that the trial was starting. Cllr DD had no recollection of invitations to meetings in August.
- 2.12 The Panel said they would check who had attended the meetings with officers. (ACTION)
- 2.13 Asked whether she had been proactive in trying to get information, and what Cllr DD felt her own role in consultation with residents to be, Cllr DD said she had met officers twice and asked for more details of the Edinburgh scheme. She had heard no more for around six months and had no recollection of an invitation in August.
- 2.14 The Panel Chair said she understood that in June/July 2003 10 ward councillors were invited to a meeting called by Cityclean, of which 7 responded and 9 attended. CllrDD said she would check why she was not there.
- 2.15 Councillor Elgood said the one missing ward councillor, then Deputy Mayor Councillor Watkins, had been unavailable that day.
- 2.16 The Panel said they understood that all ward councillors had been contacted in October and invited to another meeting in November and that Cllr DD had not responded. Cllr DD said she would check.

3. INFORMATION FROM THE CHAIR OF THE ENVIRONMENT COMMITTEE, COUNCILLOR GILL MITCHELL

- 3.1 At the invitation of the Chair Councillor Mitchell (Cllr GM) said on October 22nd all ward councillors affected by the changes were invited to a meeting with officers. This was a very important meeting to discuss the draft leaflet. Seven ward councillors responded but three including Cllr DD had given no response. Cllr GM telephoned Cllr DD, as she had felt uneasy about the fact that Cllr DD had asked about the Edinburgh trial and had not replied to the invitation to the meeting. Cllr GM had left a message on Cllr DD's answerphone to contact Cityclean.
- 3.2 Prior to this said Cllr GM, on 18th August there had been an invitation to Cllr DD to discuss the detailed planning stage including further information about the proposals, the planned leaflets and possible siting of communal bins in the trial. Cllr GM handed a copy of the e-mail to the Panel Chair.
- 3.3 Cllr DD clarified that she had not felt information had been purposely withheld from her and said she had been unavailable for part of August.
- 3.4 The scrutiny panel asked about Cllr DD's methods of contacting and consulting residents and heard that the communal bins featured as part of a regular local newsletter. A leaflet specific to the bins trial was distributed after the trial was implemented, when a survey was undertaken and the feedback was 'enormous,' she said.

- 3.5 Cllr DD said that, had she had more information she would have done more intensive campaigning before the trial was implemented.
- 3.6 Cllr GM said an e-mail was sent to Cllr DD inviting her to a meeting to discuss details of the consultation and no response was received.

4. INFORMATION FROM GOLDSMID WARD COUNCILLOR, COUNCILLOR ANNE GIEBELER

- 4.1 Councillor Anne Giebeler (Cllr AG) told the meeting that hers was a different situation. As a Councillor for Goldsmid ward, which had only a very small area within the trial, she had received an e-mail from Cityclean asking if she would like to discuss the trial on 9th July. As a result, Cllr AG met an officer that day and heard for the first time about the trial; where it would be, the number of parking spaces affected and the fact that this was only the beginning stages of a scheme which was intended to be rolled out more widely.
- 4.2 The next time Cllr AG heard about the scheme was in November. Cllr AG said the three Goldsmid councillors felt like 'poor relations' and had not been included on any e-mails. In November residents, especially those in bed-sit accommodation began contacting Cllr AG. At that stage Cllr AG knew nothing about the leaflets, she said.
- 4.3 It was only following the second delivery of leaflets between 19th January and 26th January that some Goldsmid residents became aware of the trial, being advised that 'a communal bin will be located close to where you live on 2nd February.'
- 4.4 Cllr AG said she felt there had not been a consultation on the trial or if there had, she was unaware of it. It was important for residents to know what was being proposed and that the location of the bins was satisfactory. Whilst there had been publicity in the Argus, the Leader and City News and flyers put up in the areas to be included in the Trial when it was happening, it would have been more logical to have done so before, so that public meetings could have taken place to discuss the issue. There needed to be full consultation for all councillors and residents in future, she said.

5. INFORMATION FROM BRUNSWICK AND ADELAIDE WARD COUNCILLOR, COUNCILLOR PAUL ELGOOD

- 5.1 At the invitation of the Chair, Councillor Paul Elgood (Cllr PE) said his recollection of dates was not sharp. But he felt there had no been proper consultation and he could not do his job as he had no information. No-one wanted to waste money. Everyone wanted an effective scheme. Cllr PE ran his own survey and found most residents in favour by a narrow majority. Residents in Norfolk Road particularly made objections and Cllr PE had ideas of areas that he felt should be removed from the trial. However he said there was a reluctance to deal with small details that concerned individual residents; this was not a criticism of the officers, he said.
- 5.2 Cllr PE felt that the case for communal bins had not been properly set out or explained. There was an over-reliance on e-mails within the council and

when flooded with incoming mail it was difficult for councillors to respond. There was a question of how to deal with lobbying campaigns with no resources to reply adequately. He said as a Group leader he sometimes felt hounded by the volume of issues needing replies.

- 5.3 Cllr PE said the reason for being invited to view a scheme in Edinburgh was unclear and there should have been further information on this. At the time Cllr PE did not know why Edinburgh was important.
- 5.4 Cllr PE was asked why he did not raise the matter with the Chair of the Environment Committee at the stage of the approval of the road traffic orders and said he had spoken with the Director, Environment.
- 5.5 The first he knew of the leaflets was from a phone call by a concerned resident and he was only then sent a few leaflets. It was still unclear as to which roads would be included and other aspects of the trial were vague, he said.
- 5.6 Cllr PE said there should have been more clarification of the proposals at the stage of approval of the road traffic orders. It was important for the residents to know where the trial bins were to be placed. There needed to be close working between officers and councillors and councillors and the committees to help in the council's community leadership role of keeping residents informed and updated. Officers worked closely with ward councillors on parking matters, for example, and Cllr PE said the same process should be in place for other issues, which closely affected residents.
- 5.7 Cllr PE had done what he could once he was alerted to residents concerns about the communal bins trial, but he would have preferred more information sooner and for the trial to have been brought to Committee.
- 5.8 The Panel asked if it would have been preferable to arrange just one meeting with all ward councillors, rather than individual meetings as and when they could be fixed. Panel Members said they felt e-mails could get lost and a formal meeting between officers and all affected ward councillors arranged well in advance may be a possible improvement in the future.
- 5.9 The Panel considered how different councillors may prefer to be contacted by different means and the difficulties of prioritising their paper and electronic post when a large amount of information was being handled, particularly around sensitive issues.

6. INFORMATION FROM ST PETER'S AND NORTH LAINE WARD COUNCILLOR, COUNCILLOR SIMON WILLIAMS

- 6.1 At the invitation of the Chair Councillor Simon Williams (Cllr SW) spoke to the Panel. He said it was unfortunate that the Panel meeting had been arranged when he as a ward councillor was involved in another meeting elsewhere. Cllr SW read a statement to the meeting (for copy see minute book)

- 6.2 The panel asked what should be the proper process for ward councillors to contribute to the planned trial. Some ward councillors had gone to the Committee Chair, others to officers and other preferred to use the Committee route.
- 6.3 Asked why he had not approached the Committee Chair, Cllr SW said this was a matter of timing. Had the high levels of concern been apparent sooner in the process he would have spoken to the officers. Cllr SW said the Administration, the officers and Cityclean were well aware of concerns in the West Hill area and said he was surprised the Conservative group did not support the amendment put forward by Councillor Georgia Wrighton to suspend the scheme in two streets there.
- 6.4 Asked if he had considered holding a public meeting, Cllr SW said some direct dialogue with residents could have been helpful. However he had taken advice from officers that this may be counter-productive.

7. INFORMATION FROM REGENCY WARD COUNCILLOR, COUNCILLOR ROY PENNINGTON

- 7.1 At the invitation of the Chair Councillor Pennington (Cllr RP) told the scrutiny panel he had first heard about the trial in June 2003 via e-mail from Cityclean officers. This gave a list of streets to be included and Cllr RP had walked the affected area pointing out where bins may be well-placed and where they may cause concern. He was sent a photo of the type of bin to be used on July 4th.
- 7.2 Environment Committee on 31st July set out an updated list of streets and Cllr RP spoke about this to the Committee Chair and some residents, most of whom did not like the proposals, he said. Some streets were deleted and other added though he did not know how the change had been arrived at.
- 7.3 Cllr RP had asked at the Environment Committee meeting when the road traffic orders were agreed, whether some streets could be changed at that stage and had been reassured that the trial would be reviewed after one year.
- 7.4 The Environment Committee resolution was subject to consultation and so Cllr RP arranged his own public meeting. At the Conservation Areas Advisory group on 12th August all Members were briefed on the trial. Members were told planning permission was unnecessary because of the benignness of the proposals though Cllr RP was aware that the Edinburgh scheme had required planning permission.
- 7.5 Cllr RP told the meeting CAAG had felt that it was inappropriate to use communal bins in a conservation area.
- 7.6 On 2nd September a second list of roads appeared, some had been added and some taken away.
- 7.7 On 21st October the venue for the exhibition was confirmed to Cllr RP and on 22nd October he wrote to the chair of the Committee saying he was very concerned about the trial as in his view some streets were inappropriate to

be included in the trial. He was told that information was being collated at OMAC (?) and there would be a full meeting in January.

- 7.8 Meanwhile Cllr RP was receiving more e-mails from residents and from officers and was give a draft leaflet via his letterbox. The leaflet gave an opportunity for feedback.
- 7.9 On November 19th the leaflet was distributed together with a letter and all the replies were passed to the officers.
- 7.10 Cllr RP arranged a public meeting for 21st December in St Michael's Place to discuss the trial bin scheme because whether or not the trial was a good idea, he said he recognised that some residents had concerns. He said he was not expecting the public meeting to be a 'slanging match' however he was asked to leave the meeting under protest.
- 7.11 On 27th November at full council there was a petition and deputation relating to only one street and by this time there was a lot of information in the public domain about the trial.
- 7.12 Cllr RP said he did not know why there had not been a decision taken at the Environment Committee on December 9th. He felt a resolution to 'note' the report was inadequate and as no decision had been taken it could not be subject to the call-in process.
- 7.13 Cllr RP was awaiting a decision on a further report was needed following consultation at the January Environment Committee that would be subject to call-in.
- 7.14 In future he said, the consultation period should be specified, as happens with road traffic orders.
- 7.15 The process should be – consultation – decision – possible call-in – then implementation and this may need to be clarified further in the council's constitution, he said.
- 7.16 Cllr RP said he met Cllr DD in December, having received an e-mail stating there would be a meeting, not with all ward councillors but with Cllr PE and Cllr DD. Cllr RP said he tried to make sure that all e-mails he received were forwarded to Cllr DD and he had e-mailed her to say he was going to a meeting with officers in November. Cllr DD had said she had a prior engagement in London, he told the Panel.
- 7.17 Cllr RP said it would perhaps be easiest in future to book a venue and arrange a single meeting with all affected ward councillors.
- 7.18 In January Cllr RP wrote to the Environment Committee with his concerns and asked for certain streets to be removed from the trial. He sent a press release to alert all residents.
- 7.19 Cllr RP joined the visit to Edinburgh to view the bins; he took photographs.

- 7.20 He said he was unclear as to which roads were to be included and which not, and how this was being decided. He was pleased that concerns raised by some residents had resulted in some streets being removed from the trial.
- 7.21 Cllr RP asked if there was a means of circulating information about the proposed trial for example in the 'Brunswick Voice.' Cllr PE said he had written an item which was published in January.
- 7.22 The meeting considered whether there were necessary funds available to conduct a consultation on the trial.
- 7.23 The Panel noted the different experiences reported by councillors representing the same ward.
- 7.24 Cllr RP clarified that he was present at the CAAG meeting as the vice-Chair of the Planning Applications Sub-Committee and that other ward members would not have been invited to CAAG. Cllr RP had replied to all the e-mails from Cityclean officers. It seemed he said there was no specific strategy for contacting councillors about the proposed trials and that communications with individual councillors were dealt with separately, he said.
- 7.25 He had arranged a public meeting of residents and ensured that Cityclean officers would be there.
- 7.26 The Panel were aware that the Environment Committee on 29th January 2004 recorded the consultation process that had taken place.
- 7.27 Cllr RP reminded the meeting that he had moved an amendment, which was accepted by the Committee, which resulted in some streets being removed from the scheme. He said he had intended to call in the decision after the meeting; however there was some confusion as to whether a decision had been taken that could in deed be called in. The bins were shortly to be delivered so Cllr RP withdrew the call-in request, he said.
- 7.28 It may have been possible to call in parts of the decision but the constitution was 'woolly' on this in his view.

8. DISCUSSION

- 8.1 Cllr DD said she felt that the approval of the road traffic orders at the July 2003 meeting of the Environment Committee should have specified the streets to be included in the trial. The meeting discussed the removal of certain streets from the trial.
- 8.2 Cllr E said the meetings with officers had been constructive and a Cityclean representative had visited his surgery.
- 8.3 Cllr AG said the leaflets were mistaken for junk-mail. Homes in multiple occupation received envelopes addressed only to the 'owner/occupier.' The Council Tax database should have been used.

- 8.4 The meeting heard that the trial had been publicised in the City News and on the Council's website.
- 8.5 Cllr PE referred to an information overload, especially regarding volumes of e-mails. He had been notified of the list of roads by e-mail on 4th June.
- 8.6 The Panel said any councillor could arrange a public meeting and invite anyone to speak at it.
- 8.7 Cllr GM said meetings had been held regarding the trial in a number of streets, in which officers and residents had face to face discussions. Asked a question as to whether funds from the decriminalisation of parking enforcement could be used for this type of consultation, Cllr GM said the DPE receipts were ring-fenced.
- 8.8 Clarifying the streets to be included in the trial, Cllr GM confirmed that this was not finalised until the report and amendments to the recommendations were agreed at the Environment Committee on 29th January.
- 8.9 Asked about the extra leaflets that were put through letterboxes Cllr GM said more than 400 extras were delivered, in areas where feedback showed leaflets had not been received in the original mailout.
- 8.10 Replying to a question as to why public meetings had been discouraged, Cllr GM said a large meeting on an difficult issue was not necessarily the best way to give information on how residents' own streets and houses would be individually affected. It was not easy to engage in real dialogue when large public meetings can sometimes be dominated by different issues important to different people and individuals cannot get the information relating directly to themselves, that they want.
- 8.11 In reply to the question – was the consultation too expensive to be done thoroughly? - Cllr GM said the consultation was outlined at Environment Committee on 29th January. Leaflets went out weeks earlier and the exhibition also gave detailed information. In the consultation about the trial there was a limit to what information could be provided when there was nothing physically in place to consider. So the information was theoretical in that sense. It was only after the trial had started that residents' genuine experiences can be assessed after using the actual bins.
- 8.12 There was adequate funding to monitor the trial including potential risks such as fly-tipping but the main funds were needed to go into the trial itself. CllrGM said she believed that the consultation was adequate, though bearing in mind the issue of the database used for the initial distribution of the leaflets.
- 8.13 Cllr AG asked about the timeframe and whether there had been any reason to hurry the consultation on the trial.
- 8.14 Cllr GM said there was no hurry. The suitability of roads for inclusion in the trial had been assessed, the siting of bins considered and the number of parking spaces lost. Officers had gone back and re-assessed the roads to

be included after particular concerns were raised.

- 8.15 Cllr RP said he felt the status of the map showing which streets were to be included should have been clearer and there should be a clear process for agreeing which roads to include on the trial.
- 8.16 Replying, Cllr GM said the process for developing the trial had been clear; to contact residents with the plan for implementing the trial, to consult with affected residents and then to produce an amended plan.
- 8.17 The Panel discussed the contents of the leaflet, whether it should have asked for views, whether it gave adequate information about the likely location of the bins.
- 8.18 Cllr GM summarised by emphasising that this was a trial. If no decisions were made to undertake the trial, then nothing would change. The council had tried to hear views but they were theoretical views at this stage. It was continuing a dialogue to hear of residents' actual experiences.
- 8.19 The Panel said they needed to find out about plans for the on-going consultation – for example what criteria were to be used in the eventual decision-making process as to whether the bins trial should be developed further in these areas or elsewhere across the City. (ACTION)
- 8.20 The Panel asked how the further consultation with residents with specific concerns was done – how were the residents identified and were they visited?
- 8.21 Cllr GM said some of the residents with special issues were already known within the existing conventional waste collection service.
- 8.22 The Panel asked for a copy of the leaflet (ACTION) and of the officer briefing that was provided to councillors including to CAAG (ACTION) and any other information by e-mail or otherwise that was provided to help ward councillors deal with residents' queries (ACTION). Members also asked when the trial started.
- 8.23 The Panel asked for full information about which ward councillors were consulted and when and how. Members asked for example:
- how many streets and residents were affected by the trial
 - whether notes of councillor or residents meetings were taken and if so if these can be made available to the Panel
 - if councillors were informed about the exhibition and other meetings and which councillors attended these
- 8.24 Areas for possible further consideration included;
- Use of the correct and updated mailing list
 - Which homes did not receive the leaflet in the initial distribution
 - Whether the leaflet was recognised by residents as an important communication
 - Whether different presentation of the leaflet such as a council logo on the envelope would increase residents' interest in the leaflet

9. FUTURE WORK ARRANGEMENTS

- 9.1 The Panel agreed to hold a further meeting with more notice and members of the public were asked to leave contact details or contact the committee administrator if they wished to be notified of the arrangements when they were finalised.

The public meeting ended at 7.30pm and the Panel then discussed their suggested key areas of questioning until 7.45pm