

# AGENDA

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**Meeting:** Overview and Scrutiny Management Committee  
**Place:** The Kennet Room - County Hall, Trowbridge BA14 8JN  
**Date:** Tuesday 21 June 2016  
**Time:** 12.30 pm

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Please direct any enquiries on this Agenda to Kieran Elliott (Senior Democratic Services Officer), of Democratic Services, County Hall, Bythesea Road, Trowbridge, direct line (01225) 718504 or email [kieran.elliott@wiltshire.gov.uk](mailto:kieran.elliott@wiltshire.gov.uk)

Press enquiries to Communications on direct lines (01225) 713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at [www.wiltshire.gov.uk](http://www.wiltshire.gov.uk)

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## Membership:

|                                |                       |
|--------------------------------|-----------------------|
| Cllr Simon Killane (Chairman)  | Cllr George Jeans     |
| Cllr Alan Hill (Vice Chairman) | Cllr Gordon King      |
| Cllr Glenis Ansell             | Cllr Jacqui Lay       |
| Cllr Chuck Berry               | Cllr Stephen Oldrieve |
| Cllr Christine Crisp           | Cllr Tony Trotman     |
| Cllr Stewart Dobson            | Cllr John Walsh       |
| Cllr Howard Greenman           | Cllr Bridget Wayman   |
| Cllr Jon Hubbard               |                       |

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## Substitutes:

|                    |                     |
|--------------------|---------------------|
| Cllr Ernie Clark   | Cllr Mark Packard   |
| Cllr Mary Douglas  | Cllr Ricky Rogers   |
| Cllr Peter Edge    | Cllr James Sheppard |
| Cllr David Jenkins | Cllr Ian Thorn      |
| Cllr Paul Oatway   | Cllr Philip Whalley |
| Cllr Helen Osborn  |                     |

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## **RECORDING AND BROADCASTING NOTIFICATION**

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Details of the Council's Guidance on the Recording and Webcasting of Meetings is available on request.

If you have any queries please contact Democratic Services using the contact details above.

# AGENDA

1 **Apologies**

To receive any apologies or substitutions for the meeting.

2 **Declarations of Interest**

To receive any declarations of disclosable interests or dispensations granted by the Standards Committee.

3 **Chairman's Announcements**

To receive any announcements through the Chair.

4 **Public Participation**

The Council welcomes contributions from members of the public.

Statements

If you would like to make a statement at this meeting on any item on this agenda, please register to do so at least 10 minutes prior to the meeting. Up to 3 speakers are permitted to speak for up to 3 minutes each on any agenda item. Please contact the officer named above for any further clarification.

Questions

To receive any questions from members of the public or members of the Council received in accordance with the constitution. Those wishing to ask questions are required to give notice of any such questions in writing to the officer named above no later than 5pm on Wednesday 14 June in order to receive a written response at the meeting, or else no later than 5pm on Friday 16 June. Please contact the officer named on the first page of this agenda for further advice. Questions may be asked without notice if the Chairman decides that the matter is urgent

5 **Call-in of Cabinet Member Decision SDSPW-03-16: Cessation of 3rd Sector Policy Subsidy - VCSE Permits for Household Recycling Centres (Pages 5 - 20)**

To consider a call-in request of Cabinet Member Decision [SDSPW-03-16](#) taken on 7 June 2016 by Councillor Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste.

SDSPW-03-16 is in relation to proposed changes to the level of subsidy in kind provided by the Council in respect of waste disposal at its Waste Transfer Stations and Household Recycling Centres by Voluntary, Community and Social Enterprise (VCSE) Sector organisations, Housing Associations and Schools.

The call-in was requested by Councillors Chris Caswill, Jon Hubbard, Ricky Rogers, Glenis Ansell, Brian Dalton, Gordon King, Russell Hawker, Graham Wright, Pat Aves, Ian West, Chris Hurst, Steve Oldrieve, Trevor Carbin, Magnus Macdonald, Bill Douglas, Ian Thorn, Peter Edge, Bob Jones MBE and Ian McLennan.

A report from the Head of Democracy and Performance is attached.

6 **Date of Next Meeting**

To confirm the date of the next meeting as 5 July 2016.

**PART II**

**Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed.**

## Wiltshire Council

### Overview and Scrutiny Management Committee

21 June 2016

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#### Call-In with respect to individual decision SDSPW-03-16 (relating to cessation of 3rd Sector policy subsidy)

##### Purpose of report

1. A call-in with respect to the above delegated decision has been received by the designated scrutiny officer. The call-in request is attached at **Appendix 1**.
2. This report sets out the background and process for the management committee in considering, and either rejecting the call-in, or referring the decision back to the decision maker for reconsideration.

##### Background

3. The delegated decision [SDSPW-03-16](#) - Cessation of 3rd Sector Policy Subsidy: VCSE Permits for Household Recycling Centres - was published on 7 June 2016 and is also attached with accompanying papers at **Appendix 2**.
4. The decision was taken by Cllr Toby Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste. This decision was in relation to the proposed changes to the level of subsidy in kind provided by the Council in respect of waste disposal at its Waste Transfer Stations and Household Recycling Centres (HRC) by Voluntary, Community and Social Enterprise (VCSE) Sector organisations, Housing Associations and Schools.
5. Under the council's Constitution, a group of no less than 10 non-executive councillors are able to request that a decision is called-in, within 5 working days of the publication of the decision. Upon receipt of a request to call-in, the designated scrutiny officer must call a meeting of the Overview and Scrutiny Management Committee within 5 days to consider the call-in.
6. The designated scrutiny officer received a request to take effect from 14 June to call-in the decision as detailed in Appendix 1, sent by (i) Cllr Chris Caswill with supporting signatories from:
  - (ii) Cllr Jon Hubbard
  - (iii) Cllr Ricky Rogers
  - (iv) Cllr Glenis Ansell
  - (v) Cllr Brian Dalton
  - (vi) Cllr Gordon King
  - (vii) Cllr Russell Hawker
  - (viii) Cllr Graham Wright
  - (ix) Cllr Pat Aves
  - (x) Cllr Ian West
  - (xi) Cllr Chris Hurst
  - (xii) Cllr Steve Oldrieve
  - (xiii) Cllr Trevor Carbin

- (xiv) Cllr Magnus Macdonald
- (xv) Cllr Bill Douglas
- (xvi) Cllr Ian Thorn
- (xvii) Cllr Peter Edge
- (xviii) Cllr Bob Jones MBE
- (xix) Cllr Ian McLennan

The provision for a call-in of an executive decision is set out in the [Overview and Scrutiny Procedure Rules](#) in Part 8 of the Wiltshire Council Constitution. It is designed to be used in exceptional circumstances where members have evidence which suggests that the Executive did not take the decision in accordance with the principles of decision-making as set out in Article 13.2 of [Part 2](#) of the Constitution.

7. The specific principles, identified by the call-in signatories, as having not been followed, and the supporting justification as to why, are provided below:

| <b>Principle</b>  | <b>Challenge</b>   |
|---|--|
| <ul style="list-style-type: none"> <li>• to produce action that is proportionate to the desired outcome</li> </ul>                                    | <p><i>The action is not proportionate in respect of the savings estimate and the negative effects on the voluntary sector.</i></p>   |
| <ul style="list-style-type: none"> <li>• to be clear over desired outcomes and aims</li> </ul>  | <p><i>There is a confusion between the aims of reduced HRC queues and saving money. Which is the main aim?</i></p>   |
| <ul style="list-style-type: none"> <li>• to obtain best value and operate efficiently, effectively and economically</li> </ul>                        | <p><i>It is not efficient or effective to charge schools for this service, especially those in the LA sector.</i></p>  |
| <ul style="list-style-type: none"> <li>• to serve Wiltshire communities and to work in partnership with other agencies having the same aim</li> </ul> | <p><i>This fails to promote Partnership Working with the Voluntary Sector. It will discriminate against organisations and individuals living and working in Wiltshire.</i></p> |
| <ul style="list-style-type: none"> <li>• To promote the economic, social and environmental well-being of the county</li> </ul>                        | <p><i>This punitive measure fails to promote social and environmental wellbeing.</i></p>   |

8. The call-in request further clarifies in the section on action already taken to resolve the matter, including representations to the decision maker:

*I [Cllr Chris Caswill] wrote to the Cabinet Member to express my concerns on 31 May. I pointed out that the Voluntary Sector already suffered grant reductions and this was a further penalty, the decision was contrary to the principles of working in partnership, and that it did not promote environmental and social wellbeing, and would also have perverse side effects, such as discouraging recycling and taking second hand goods to voluntary organisations.*

9. Further comments were also included as follows:

*It is not enough to say that 'It became clear that' Voluntary Sector use was 'one of the causes' of HRC queues. No detailed evidence is provided for this claim and the Council's own policy of reduced HRC hours is more likely to be the main cause.*

*This decision should be withdrawn and other options considered to achieve the budgeted saving.*

### **Purpose of the meeting**

10. The purpose of this meeting is for the Overview and Scrutiny Management Committee ('the Committee') to consider the evidence presented by the call-in signatories that the principles of decision making, as outlined in the Constitution, have not been followed and provide the opportunity for the relevant Cabinet Member to outline the details of, and reasons for, the decision.
11. The options for the Committee are either to refer the decision back to the Cabinet Member for reconsideration in light of the outcome of the debate at the meeting, or to reject the call-in and allow the decision to be implemented with immediate effect.

### **Format for the meeting**

12. Call-ins are only used in exceptional circumstances in Wiltshire Council and are therefore an unusual occurrence. As such, in consultation with the Chairman and Vice-Chairman of Overview and Scrutiny Management Committee, the format for the meeting is as outlined below.
13. When the meeting begins the Chairman will:
- Invite any members of the public who have registered to speak, to do so. (Up to 3 speakers are permitted to speak for up to 3 minutes on the agenda item)
  - Ask a representative of the councillors who requested the call-in to outline their concerns and reasons for these.
  - Ask the Cabinet Member (and their supporting colleagues) to briefly respond to the points raised.
14. Members of the Committee will then discuss the call-in request and the evidence presented and invite the Cabinet Member and the councillors who requested the call-in to respond to any questions asked by the Committee.
15. The Chairman will invite, in turn, the Cabinet Member and then the representative of the councillors who requested the call-in, to sum up any final comments.

16. Based on the evidence from the Cabinet Member and the councillors who requested the call-in, the Committee will then decide in accordance with the options set out in paragraph 11.
17. In either case, reasons will be given by the Committee for its decision.

### **Next steps following the meeting of the management committee**

18. Following the meeting, the relevant Cabinet Member, Corporate and Associate Directors and call-in signatories will be informed of the outcome of the meeting, and minutes published.
19. If the Committee decides that the decision does not need to be reconsidered, then it can be implemented immediately.
20. If the Committee refers the decision back to the decision-maker, then it will be reconsidered in light of comments made by the Committee within a further 5 working days. The decision-maker can decide whether to amend the original decision, or not, before adopting a final decision.
21. Once a final decision has been made there is no further right of review under the overview and scrutiny rules.
22. In the event of any additional recommendations being made by the Committee then these will be treated in the same way as any other recommendations made by overview and scrutiny, and referred to the relevant Cabinet Member or the Executive generally.

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**Paul Kelly, Head of Democracy and Performance, Corporate Office (and Designated Scrutiny Officer)**, 01225 713049, [paul.kelly@wiltshire.gov.uk](mailto:paul.kelly@wiltshire.gov.uk)

### **Appendices**

Appendix 1 - Call-in request

Appendix 2 - Decision SDSPW-03-16

### **Background Papers**

[Link](#) to published decision.



Wiltshire Council

Overview and Scrutiny Call-in Request Form

1. Decision to be called in:

Decision title: *Cessation of 3rd Sector Policy Subsidy*

Decision reference no. (cabinet member decisions): *SDSPW-03-16*

Or

Decision minute no. and meeting date (cabinet committee decisions):

2. Name of councillor requesting the call-in: *CHRIS CARWILL*

Signed (not required if sent by email):



3. Names of at least 9 co-signatories:

1. Required *ION HUBBARD*

7. Required *GRAHAM WRIGHT*

2. Required *PICKY ROBERS*

8. Required *PAT AVES*

3. Required *GLENN ANSELL*

9. Required *IAN WEST*

4. Required *BRIAN DALTON*

10. Optional *CHRIS HURST*

5. Required *GORDON KING*

11. Optional *STEVE OLDRIEVE*

6. Required *RUSSELL HAWKER*

12. Optional *TREVOR CARBIN*

also *MAGNUS MACDONALD, BILL DOUGLAS, IAN THORN, PETER EDGE,  
BOB JONES, IAN MCLENNAN*

4. Which of the principles of decision making in Part 8 of the Constitution – Overview and Scrutiny Procedure Rules have not been applied?

NB. Call-in is an extraordinary power intended for use only when the principles of decision making have not been followed. It is not intended to be used to appeal a decision that is simply disagreed with. It is therefore important that as much information as possible is included in the table below.

| Principle of decision making  | Comments describing how this principle has not been followed by the decision maker (as appropriate)                                 |
|---|---|
| to produce action that is proportionate to the desired outcome        | The action is not proportionate in respect of the Savings <u>estimate</u> and the negative effects on the <u>Voluntary Sector</u> . |
| to ensure open, fair and honest administration                        |   |
| to be clear over desired outcomes and aims                            | There is a confusion between the aim of reduced HRC queues and saving money, which is the main aim?                                 |
| to record the options considered and discarded                        |   |
| to state the reasons for the action                                   |   |
| to consult interested parties where appropriate and practicable       |   |
| to consult appropriate officers and to seek their professional advice |   |
| to show due respect for human rights, and to provide equality of      |   |

|   |   |
|---|---|
| opportunity   |   |
| to obtain best value and operate efficiently, effectively and economically  | It is not efficient or effective to charge Schools for bus service, especially those in the LA Sector   |
| to serve Wiltshire communities and to work in partnership with other agencies having the same aim   | This fails to promote Partnership Working with the Voluntary sector. It will also discriminate against organisations and individuals doing work in Wiltshire. |
| to promote the economic, social, and environmental well-being of the county   | This punitive measure fails to promote social and environmental well being  |
| to determine issues at the lowest level commensurate with their importance  |   |
| to keep and sustain what is useful in the traditions of the authority and to reject any practices or services retained purely out of sentiment. |   |

5. Please use the space below to describe the action already taken to resolve the matter, including representations made to the decision maker

I wrote to the Cabinet Member to express my concerns on 31 May. I pointed out that the Voluntary sector already suffered grant reductions and this was a further penalty. The decision was contrary to the principles of working in partnership, and that it did not promote environmental and social well being, and would also have perverse such effects, such as discouraging recycling and taking second hand goods to Voluntary organisations.

6. Please use the space below to add any further comments. You may wish to consider:

- The outcome you would like to see as a result of this decision being called in
- Any further information that O&S Management Committee might consider when assessing this call-in. NB. This will be at the discretion of the Chairman.

It is not enough to say that "it became clear that" voluntary sector use was "one of the causes" of HRC queues. No detailed evidence is provided for this claim and the Council's own policy of reduced HRC hours is more likely to be the main cause.

This decision should be withdrawn and other options considered to achieve the budgeted savings.

7. Notes

The call-in request must be sent either by email or as a signed paper copy to the Designated Scrutiny Officer: Paul Kelly, Scrutiny Manager, [paul.kelly@wiltshire.gov.uk](mailto:paul.kelly@wiltshire.gov.uk), Corporate Office, Wiltshire Council, County Hall, Bythesea Road, Trowbridge, Wiltshire, BA14 8JN

For further information or advice please contact a member of the Scrutiny team via 01225 713335 or [committee@wiltshire.gov.uk](mailto:committee@wiltshire.gov.uk)

SDSPW-03-16 ONS  
MANAGEMENT 21 JUNE  
2016 APPENDIX 2A

**CABINET MEMBER FOR STRATEGIC PLANNING, DEVELOPMENT MANAGEMENT,  
STRATEGIC HOUSING, OPERATIONAL PROPERTY AND WASTE - CLLR TOBY STURGIS**

**OFFICER CONTACT:** Martin Litherland, 01225 718524, [martin.litherland@wiltshire.gov.uk](mailto:martin.litherland@wiltshire.gov.uk)

**REFERENCE: SDSPW-03-16**

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## **CESSATION OF 3RD SECTOR POLICY SUBSIDY - VCSE PERMITS FOR HOUSEHOLD RECYCLING CENTRES**

### **Purpose of Report**

The purpose of this report is to propose changes to the level of subsidy in kind provided by the Council in respect of waste disposal at its Waste Transfer Stations and Household Recycling Centres by Voluntary, Community and Social Enterprise (VCSE) Sector organisations, Housing Associations and schools.

Currently, HRC Discretionary Passes are provided on application for these organisations to gain free and unlimited access to the Council's Household Recycling Centres (HRC). Notably, a further 8 VCSE organisations have been permitted to dispose of their residual waste free of charge at two Waste Transfer Stations in the county. This is due to the large amounts of waste they regularly deliver, and to ensure that this does not impede the access of residents for which the HRCs are provided. The Council has no statutory duty to provide free disposal of waste from non-residents, whether charities, schools or housing associations.

It is proposed that VCSE organisations will no longer be allowed to dispose of waste free of charge at Waste Transfer Stations provided by the Council's contractors. In addition, VCSE organisations wishing to dispose of recyclables at the Council's HRCs will be able to continue to do so after applying and paying for a chargeable access permit. The charge is to be set at £44 for 6 HRC visits a year, and £70 for up to 12 HRC visits per year, with charges subject to annual uplifts in line with the Council's other Fees and Charges.

### **Consultation**

In accordance with the obligations under the Wiltshire Compact agreement, officers have written to current recipients of HRC Discretionary Passes, which enable VCSE organisations to use HRCs and waste transfer stations free of charge, to outline the proposal and have provided a 12 week consultation period. This ended on 18 April 2016, with responses from 11 VCSE organisations received, 3 of which were from organisations not currently in receipt of a Discretionary HRC Pass in Wiltshire. The proposal has also been discussed with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste and forms part of the savings proposals for Waste Services as set out in the Council's 2016/17 budget. In line with the Wiltshire Compact agreement, officers intend to provide a further 12 weeks notifications period before the changes are implemented, following this decision. The consultation responses are summarised in section 19 of the attached report.

### **Options Considered**

No further options have been considered at this time.

## **Reason for Decision**

This review in policy is required in order to achieve challenging savings targets in the face of reducing central government grants and increasing demands on key council services. The Council has no statutory duty to continue to provide such “benefits in kind” to VCSE organisations in the form of free disposal at its sites. The Council estimates that this revised approach will allow the avoidance of up to £40,000 of direct waste handling and disposal costs in 2016/17.

### **DECISION MADE**

I approve that, with effect from 5 September 2016:

- (i) VCSE organisations will no longer be allowed to dispose of waste free of charge at Waste Transfer Stations provided by the Council’s contractors.
- (ii) VCSE organisations wishing to dispose of recyclables at the Council’s Household Recycling Centres will be able to continue to do so after applying and paying for a chargeable access permit. The charge is to be set at £44 for 6 HRC visits a year, and £70 for up to 12 HRC visits per year.
- (iii) The 27 schools currently in receipt of a HRC Discretionary Pass will be advised that they will no longer be able to access the HRCs for their waste disposal.
- (iv) The 7 Housing Associations currently in receipt of a HRC Discretionary Pass will be advised that they will no longer be able to access the HRCs for their waste disposal.

**This decision was published on 7 June 2016 and will come into force on 15 June 2016.**

**The following supporting documents are attached:**

SDSPW-03-16 Report Updated

Date: .....7 June 2016.....

.....signed.....

Cllr Toby Sturgis  
Cabinet Member for Strategic Planning,  
Development Management, Strategic Housing,  
Operational Property and Waste

SDSPW-03-16 ONS  
MANAGEMENT 21 JUNE  
2016 APPENDIX 2B

**CABINET MEMBER FOR STRATEGIC PLANNING, DEVELOPMENT MANAGEMENT,  
STRATEGIC HOUSING, OPERATIONAL PROPERTY AND WASTE – CLLR TOBY STURGIS**

## **WASTE AND ENVIRONMENT SERVICES**

**OFFICER CONTACT:** Martin Litherland 01225 718524  
email: [martin.litherland@wiltshire.gov.uk](mailto:martin.litherland@wiltshire.gov.uk)

**REFERENCE:** SDSPW-03-16

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### **CESSATION OF 3<sup>rd</sup> SECTOR POLICY SUBSIDY – VCSE PERMITS FOR HOUSEHOLD RECYCLING CENTRES**

#### **Purpose of Report**

The purpose of this report is to propose changes to the level of subsidy in kind provided by the Council in respect of waste disposal at its Waste Transfer Stations and Household Recycling Centres by Voluntary, Community and Social Enterprise (VCSE) Sector organisations, Housing Associations and schools.

Currently, HRC Discretionary Passes are provided on application for these organisations to gain free and unlimited access to the Council's Household Recycling Centres (HRC). Notably, a further 8 VCSE organisations have been permitted to dispose of their residual waste free of charge at two Waste Transfer Stations in the county. This is due to the large amounts of waste they regularly deliver, and to ensure that this does not impede the access of residents for which the HRCs are provided. The Council has no statutory duty to provide free disposal of waste from non-residents, whether charities, schools or housing associations.

It is proposed that VCSE organisations will no longer be allowed to dispose of waste free of charge at Waste Transfer Stations provided by the Council's contractors. In addition, VCSE organisations wishing to dispose of recyclables at the Council's HRCs will be able to continue to do so after applying and paying for a chargeable access permit. The charge is to be set at £44 for 6 HRC visits a year, and £70 for up to 12 HRC visits per year, with charges subject to annual uplifts in line with the Council's other Fees and Charges.

#### **Consultation**

In accordance with the obligations under the Wiltshire Compact agreement, officers have written to current recipients of HRC Discretionary Passes, which enable VCSE organisations to use HRCs and waste transfer stations free of charge, to outline the proposal and have provided a 12 week consultation period. This ended on 18 April 2016, with responses from 11 VCSE organisations received, 3 of which were from organisations not currently in receipt of a Discretionary HRC Pass in Wiltshire. The proposal has also been discussed with the Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste and forms part of the savings proposals for Waste Services as set out in the Council's 2016/17 budget. In line with the Wiltshire Compact agreement, officers intend to provide a further 12 weeks notifications period before the changes are implemented, following this decision. The consultation responses are summarised in section 19 of the attached report.

#### **Options Considered**

No further options have been considered at this time.

## **Reason for Decision**

This review in policy is required in order to achieve challenging savings targets in the face of reducing central government grants and increasing demands on key council services. The Council has no statutory duty to continue to provide such “benefits in kind” to VCSE organisations in the form of free disposal at its sites. The Council estimates that this revised approach will allow the avoidance of up to £40,000 of direct waste handling and disposal costs in 2016/17.

## **DECISION MADE**

I approve that, with effect from 5 September 2016:

- (i) VCSE organisations will no longer be allowed to dispose of waste free of charge at Waste Transfer Stations provided by the Council's contractors.
- (ii) VCSE organisations wishing to dispose of recyclables at the Council's Household Recycling Centres will be able to continue to do so after applying and paying for a chargeable access permit. The charge is to be set at £44 for 6 HRC visits a year, and £70 for up to 12 HRC visits per year.
- (iii) The 27 schools currently in receipt of a HRC Discretionary Pass will be advised that they will no longer be able to access the HRCs for their waste disposal.
- (iv) The 7 Housing Associations currently in receipt of a HRC Discretionary Pass will be advised that they will no longer be able to access the HRCs for their waste disposal.

This decision was published on \_\_\_\_\_ and will come into force on \_\_\_\_\_

### **The following supporting documents are attached:**

None

### **The following supporting documents are available from the officer named above:**

Consultation responses  
Equalities Impact Assessment

Date .....7 June 2016.....

.....Signed.....

Cllr Toby Sturgis  
Cabinet Member for Strategic Planning, Development  
Management, Strategic Housing, Operational  
Property and Waste



**CABINET MEMBER FOR STRATEGIC PLANNING, DEVELOPMENT MANAGEMENT,  
STRATEGIC HOUSING, OPERATIONAL PROPERTY AND WASTE – CLLR TOBY STURGIS**

**WASTE AND ENVIRONMENT SERVICES**

**OFFICER CONTACT:** Martin Litherland 01225 718524  
email: [martin.litherland@wiltshire.gov.uk](mailto:martin.litherland@wiltshire.gov.uk)

**REFERENCE:** SDSPW-03-16

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**CESSATION OF 3<sup>rd</sup> SECTOR POLICY SUBSIDY – VCSE PERMITS FOR  
HOUSEHOLD RECYCLING CENTRES**

**Purpose of Report**

1. The purpose of this report is to outline proposed changes to the level of subsidy in kind provided by the Council in respect of waste disposal at its Waste Transfer Stations and also via the Household Recycling Centres by Voluntary, Community and Social Enterprise (VCSE) Sector organisations, Housing Associations and Schools.
2. Currently, HRC Discretionary Passes are provided on application for these organisations to gain free and unlimited access to the Council's Household Recycling Centres (HRC). Notably, a further 8 VCSE organisations have been permitted to dispose of their residual waste free of charge at two Waste Transfer Stations in the county. This is due to the large amounts of waste they regularly deliver, and to ensure that this does not impede the access of residents for which the HRCs are provided. The Council has no statutory duty to provide free disposal of waste from non-residents, whether charities, schools or housing associations.
3. It is proposed that VCSE organisations will no longer be allowed to dispose of waste free of charge at Waste Transfer Stations provided by the Council's contractors. In addition, VCSE organisations wishing to dispose of waste and recyclables at the Council's HRCs will be able to continue to do so after applying and paying for a chargeable access permit. The charge is to be set at £44 for 6 HRC visits a year, and £70 for up to 12 HRC visits per year, with charges subject to annual uplifts in line with the Council's other Fees and Charges.

**Relevance to the Council's Business Plan**

4. Based on current usage it is estimated that the proposed changes to the HRC Discretionary Pass system has the potential to allow the Council to avoid at least £38,000 in waste handling and disposal charges during 2016/17, following an autumn implementation. This would assist the service in delivering necessary service savings in the face of further pressures on the Council's budgets.
5. The anticipated impact of the proposed charges for VCSE HRC permits is that the quantities of waste coming through the gates should reduce, and the costs of managing the waste that may continue to legitimately be delivered being offset by the charges levied for the annual permit. It is likely that many VCSE organisations will seek alternative methods of disposal such as delivering to an alternative licensed site. In this case, there will be additional benefit to Wiltshire householders (for which the HRCs are provided), as queues at many of the HRCs would be expected to reduce as the larger vehicles, favoured by many of the VCSE organisations, would no longer be competing for space at the sites.

6. Providing additional capacity at the HRCs for householders encourages better waste management amongst householders, should be expected to reduce queuing at these busy sites, both helping to improve the local environment.

### **Main Considerations for the Council**

7. The Council's HRC network was the subject of service changes in 2015/16, with all sites reducing opening hours from 09:00 -17:00, 7 days per week to 10:00 -16:00, 5 days per week. In addition, Salisbury HRC reduced from 09:00 – 19:00 to 10:00 – 16:00. Whilst the changes reflected established patterns of usage, it is the case that the sites have become increasingly busy after Easter with many sites experiencing long queues at their busiest periods.
8. The Council has a statutory duty to provide sites for persons resident in its area to dispose of their household waste, free of charge. Councils may impose a charge for the acceptance of non-household waste from residents, or household waste from non-residents such as VCSE organisations.

### **Background**

9. It has become increasingly common for local authorities to impose access restrictions at their HRCs in order to reduce the tonnage of waste received at the sites, in order to reduce the cost burden resulting from handling waste for which there is no statutory duty to do so, and preserve good access for residents for which the sites are intended by reducing the potential for the unwitting acceptance of commercial waste from small and medium sized enterprises (SMEs).
10. Currently, all VCSE organisations may apply for a HRC Discretionary Pass, allowing them free access to the HRCs. In addition, several charities that produce significant volumes of waste and/or have been regular users of the HRCs are now directed to take their waste to Waste Transfer Stations operated by the Council's contractors. This has helped reduce the pressure on the HRCs following the reduction in their operating hours and days.
11. The waste taken to the transfer stations is now recorded over a weighbridge and therefore the Council is now in possession of tonnage information that relates directly to waste deposited by these VCSE organisations.
12. During the last 7 months of 2015/16, 8 charities tipped a total of 281 tonnes at Waste Transfer Stations, at a cost to the Council of £38,171. Extrapolating this and applying 2016/17 landfill tax and disposal charges shows the Council may be facing an annual waste disposal bill in the region of £66,651 for a full year. Notably, one of these charities tipped 77 tonnes during this period, accounting for 39% of the total delivered directly to the Waste Transfer Stations.
13. Waste generated by charity shops operated by VCSE organisations, arising from donations by the public of items for re-use, is regarded as Household Waste under the Controlled Waste Regulations 2012. However, this is in the context of councils being able to charge for the collection of this material (if asked to provide a service). Any other waste produced by VCSE organisations (such as waste from their office or staff room) would be classified as being commercial waste.
14. The Council has no obligation to accept this waste free of charge at its HRCs, as the VCSE organisations are not accessing the facilities as residents. In addition, the Council has no duty to provide access for free disposal to VCSE organisations at the Waste Transfer Stations provided by its contractor. However, the contractor could

continue to receive this material from the VCSE organisations on commercial terms, whilst ensuring that the waste was not mixed with household waste collected by the Council.

15. There are currently around 67 recipients of Discretionary HRC passes in Wiltshire, as summarised in the table below:

|                      |           |
|----------------------|-----------|
| VCSE organisations   | 32        |
| Housing Associations | 7         |
| Schools              | 27        |
| <b>Total</b>         | <b>66</b> |

16. In practical terms, applicants will be issued with permits allowing either 6 or 12 visits on clearance of payment. Entry to any Wiltshire HRC would be refused without the permit being presented to the site staff. The site staff will then “punch” stamp the permit to make a physical record of the visit. Permits would be useable at all HRCs across Wiltshire. Permits would bear a hologram mark to guard against fraudulent copies being used. The format would be based on paper permits currently being used successfully by the Borough of Poole Council. One off permits would be provided for ad hoc visits by the smaller VCSE organisations free of charge. However, the issuing of these would be monitored in order to ensure that this facility was not abused, and to prevent multiple visits.
17. VCSE organisations that currently hold a discretionary pass will be provided with full details of the changes and the new service directly via letter, as well as through leaflets and email reminders. The Council also facilitates a VCSE Re-use Forum with re-use organisations in Wiltshire, in which this change will be a key discussion point. The Council will provide VCSE organisations with one-to-one advice throughout the process to ensure that the VCSE organisations understand the changes and provide details of other options they may wish to consider.

### **Consultation response**

18. All current recipients of “Charity Passes” were advised of the proposals on 18 January, and invited to respond with comments by 18 April 2016. Responses were received from 11 VCSE organisations, 3 of whom had not been recipients of a Wiltshire HRC Discretionary Permit. This also included a response from the Charity Retail Association. Although not part of the original target consultation, officers have decided to include their comments for balance.
19. The responses can be summarised as follows:

| <b>Comment:</b>   | <b>Officer response:</b>  |
|---|---|
| i. Respondents stated they were only delivering household waste to HRCs / WTS as it was mainly donated to them by members of the public.                    | Controlled Waste Regs 2012 do identify waste from charity shops as household waste for which a charge for collection may be made, but this is in the context of the council providing a collection service. Its statutory duty in respect of HRCs is to make these freely available to householders, but may charge to accept waste from non-residents. |
| ii. Some respondents were unhappy that those staff delivering waste on behalf of the charities should be seen as “non-residents” as they lived in the area. | Whilst in the employ (or volunteering) for a charity they are not accessing the HRC as a private resident.  |

|   |   |
|---|---|
| <p>iii. Many stated that they were providing a valuable re-use option, which if not available would mean more waste would be taken directly to Wiltshire HRCs by residents</p>                                      | <p>There is no doubt that charity shops do offer a useful re-use option for householders wishing to get rid of old or unwanted furniture. However, other routes such as eBay, Freecycle, and Facebook “Free or wanted” also provide alternatives. This would suggest that the material would not now simply come through the HRC network if charity shops no longer accepted their materials.</p>               |
| <p>iv. Many thought that the need to pay for a permit to allow continued HRC access could result in their considering applying charges for collections in future, potentially close stores or cease operations.</p> | <p>Clearly the business models of these charities may need reviewing if free waste disposal was no longer available or if 12 chargeable visits per year were seen to be insufficient. However, it is likely that cost-effective waste disposal options may exist in the private sector, or further guidance on the quality of materials they can accept as donations needs to be communicated to customers.</p> |
| <p>v. Some of the smaller local charities felt that some of the unusable/unsaleable donations that became waste items arose from “donations” which had in reality been fly tipped at their premises.</p>            | <p>Some respondents suggested these items were donated in the mistaken belief that they could be refurbished; others thought such items were often dumped deliberately.</p> <p>Charity shops could be encouraged to more clearly advertise their “quality requirements” and reinforce the fact that items should not be left outside their premises when closed. This is flytipping and is an offence.</p>      |

20. Under the principles of the Wiltshire Compact agreement any changes to the funding or benefits in kind for VCSE organisations requires a three month consultation period, and then a further three month notice of any changes. A consultation on the proposals ended on 18 April 2016. It is therefore proposed that this will be implemented from 5 September 2016, allowing the Council to provide VCSE organisations three months’ notice of the change. During this period, VCSE organisations will be invited to apply and pay for the service.

### **Schools**

21. 27 schools currently hold HRC Discretionary passes. These were offered to those schools that had once hosted mini recycling centre sites in their grounds. These sites were removed by the Council in 2011 as it rationalised and harmonised its waste and recycling services to residents. Further clarification of the Controlled Waste Regulations in 2012 also demonstrated that councils had no requirement to provide free disposal to educational establishments.

### **Overview and Scrutiny Engagement**

22. The Waste Service Changes Task Group members were informed of the option to cease the distribution of VCSE permits during their discussions around the impact of changes to HRC locations and opening times on the volume of waste received and recycled, fly-tipping incidences, and overall customer experience. Some Task Group members also visited sites to see the issues for themselves and have received several presentations from officers explaining the issues and the opportunities to change the Council’s approach.

### **Safeguarding Implications**

23. There are not considered to be any direct safeguarding implications due to the proposed changes. It should be noted that 28 schools also currently hold a Discretionary HRC pass, following historic arrangements where these sited mini recycling sites on their property. These sites were removed in 2014.

### **Public Health Implications**

24. There are not considered to be any Public Health implications arising from this decision. Alternative waste disposal arrangements will be available to the VCSE organisations, and they will still be welcome to be able to use Wiltshire Household Recycling Centres on payment of a reasonable charge which reflects the costs incurred by the Council in receiving and handling the waste they bring in.

### **Corporate Procurement Implications**

25. The current Municipal Waste Contract with Hills Waste Solutions would be subject to a Deed of Variation to deal with the new processes that will be required to be implemented on the sites, if needed.

### **Environmental and Climate Change Considerations**

26. There are not considered to be any significant Environmental and Climate Change implications arising from this decision. Alternative waste disposal arrangements will be available to the VCSE organisations, and they will still be welcome to be able to use Wiltshire Household Recycling Centres on payment of a reasonable charge which reflects the costs incurred by the Council in receiving and handling the waste they bring in. All waste currently accepted at our Waste Transfer Stations from VCSE organisations is sent to landfill. By using alternative disposal providers these VCSE organisations may well establish that further recycling opportunities exist across the private sector, meaning less waste is sent to landfill overall.
27. A further environmental benefit that may be realised if the VCSE organisations choose alternative waste recycling and disposal offers across the private sector, is that Wiltshire householders may face fewer queues when accessing the HRCs at the busiest times, clearly reducing the impact of cars waiting to use the sites with engines running.

### **Equalities Impact of the Proposal**

28. Following an Equalities Impact Assessment, there are not considered to be any inequalities issues arising from these proposals.

### **Risk Assessment**

29. The proposed changes to the Discretionary HRC permit scheme will either see a wholesale reduction in HRC visits by the VCSE organisations, whereby residents accessing these busy sites will benefit as sites will be less crowded, or visits by the VCSE organisations will continue at a similar level albeit with a financial contribution to the costs incurred by the Council, or a combination of both. In the context of ceasing to accept waste from VCSE organisations at Waste Transfer Stations, these sites are busy operational centres where health and safety is a primary consideration. All users are subject to essential site inductions, but risks clearly increase amongst those that are infrequent users and are therefore less familiar with such busy sites. The approach proposed is not unique to Wiltshire, and has been deployed by many other Waste Disposal Authorities across the UK in an effort to better manage costs and respond to demand on their statutory services.

## **Financial Implications**

30. The proposed changes would see the potential avoidance of £40,000 worth of direct waste management and disposal costs in 2016/17, including £23,000 in landfill tax that would otherwise be paid on waste received at the Waste Transfer Stations. Cost avoidance savings in relation to contract gate fee and landfill tax for 2017/18 would be expected to be in the region of £65,000 for a full year.
31. Due to the relatively low number of Discretionary HRC Passes currently issued (32 charities, 7 Housing Associations, 28 schools) we would anticipate a lower number taking forward the option of applying for a chargeable permit. Therefore, the administration of the scheme will be retained within the waste team and will not require the establishment of any new payment systems to be implemented.
32. The cost of the permits (£44 for 6 visits, £70 for 12 visits) has been based on the costs of managing the waste delivered to the HRCs on an estimated tonnage basis, as well as cost of stationary, postage and a proportion of officer time.
33. Therefore, direct savings will be realised from the cessation of accepting VCSE waste free of charge at the Waste Transfer Stations, with the HRC permit scheme expected to prove to be cost neutral whilst potentially also reducing the amount of waste managed under the Municipal Contract overall.

## **Legal Implications**

34. HRCs are provided under the Environmental Protection Act 1990. The relevant part of the Act, [Section 51](#), states that:

*(1) It shall be the duty of each waste disposal authority to arrange —*

- (a) for the disposal of the controlled waste collected in its area by the waste collection authorities; and*
- (b) 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;*

*(2) The arrangements made by a waste disposal authority under subsection (1) (b) above shall be such as to secure that —*

- (a) each place is situated either within the area of the authority or so as to be reasonably accessible to persons resident in its area;*
- (b) each place is available for the deposit of waste at all reasonable times (including at least one period on the Saturday or following day of each week except a week in which the Saturday is 25th December or 1st January);*
- (c) each place is available for the deposit of waste free of charge by persons resident in the area; but the arrangements may restrict the availability of specified places to specified descriptions of waste.*

*(3) A waste disposal authority may include in arrangements made under subsection (1) (b) above arrangements for the places provided for its area for the deposit of household waste free of charge by residents in its area to be available for the deposit of household or other controlled waste by other persons on such terms as to payment (if any) as the authority determines.'*

## Options Considered

35. No further options have been considered at this time.

## Representations received

36. One representation was received from Cllr Caswill (Independent), representing the Chippenham Monkton Division. The representation, together with response, is contained in the table below:

|   |  |
|---|--|
| <p>Representation from Cllr Caswill, Chippenham Monkton Division</p>  | <p>I am writing to make a representation against this decision and to request it be reconsidered.</p> <p>It constitutes a further imposition of costs onto the voluntary sector, and on to local schools. The voluntary sector is already suffering from reductions in Council grants and this adds to the difficulties many are having in the climate of austerity. The voluntary sector is a recognised and important partner in delivering services within the County, and this decision would be contrary to the principle of working in partnership with other agencies having the same aim. It fails also to promote the social and environmental well being of the county, not least by reducing incentives for recycling and perversely encouraging behaviour -such as refusal by voluntary sector organisations to accept public donations of goods. It is also clearly perverse for the Council to levy charges for recycling on schools within the Local Authority sector, and hence it again fails the partnership criterion on these grounds, nor does it constitute effective administration.</p> <p>I appreciate that this saving was in part foreseen in the one line in the budget "stop 3rd sector policy subsidy" in the Waste and Environment Service Area, but that brief and somewhat confusing phrase is not in itself sufficient reason to press ahead with this proposal. Once the discriminatory and counterproductive effects had been fully assessed, the policy should have been re-assessed and any savings needed should be sought elsewhere. It is my submission that this should now happen.</p>  |
| <p>Response from Cllr Sturgis, Cabinet Member for Strategic Planning, Development Management, Strategic Housing, Operational Property and Waste</p> | <p>Further to your email of 31 May I wish to confirm that I have now considered your representation with officers. I decided to proceed with the Decision on the following grounds:</p> <p>As you are aware, the council has had to make changes to its provision of household recycling centres in order to make savings. Following a reduction in operating hours in July 2015, a new feature of the service that emerged were significant queues experienced by householders attempting to access our sites during the summer months. It also became clear that one of the causes of these queues was the regular use of the HRCs by some charity groups, who would typically use large vehicles (i.e. Luton sized vans) to bring in significant quantities of waste for recycling and disposal. This prompted officers to direct some of previous Discretionary Pass holders who were regular users of the HRCs to use Waste Transfer Stations instead, as this would avoid conflicts with the primary users of the HRCs (i.e. Wiltshire residents). However, as the waste transfer stations are equipped with weighbridges, the true scale of the direct cost being incurred by Wiltshire Council soon became clear. This also coincided with further investigation by officers into the council's statutory responsibilities relating to the provision of HRCs. This clearly demonstrated that the council could charge for waste brought in by "non-residents", and that a great many other local authorities had already taken this step to limit access to their sites by such users. The proposal for Wiltshire is that access to HRCs can continue for certain "non-residents", but that this would subject to the payment of a reasonable charge to cover the costs incurred in managing the waste delivered to site, as well as being restricted to monthly visits as a maximum. Very small charities that only require annual "ad hoc" access would still be accommodated free of charge.</p> <p>In respect of schools, the legislation is again clear with local authorities being able to levy a charge for the collection of waste from such establishments. In the context of HRCs, the council has no duty to allow free access, or to cover the costs of disposal of</p> |

|  |   |
|--|---|
|  | <p>waste brought in by schools. A recent review of the Controlled Waste Regulations 2012 also attempted to clarify that the government’s intention was for the “polluter pays” principle to apply, so as to avoid the council tax payer from being burdened with the costs of waste collection and disposal from non-domestic premises. There was however a notable exception with regards to schools, although this referred to the new power given the local authorities to charge for both collection and disposal elements in the context of collection services. In those circumstances where a school had previously been regarded as a “Schedule 2” customer of the local authority, so only paying collection charges under the previous 1992 regulations, no disposal charges could be applied after April 2012. However, I would reiterate that this applies to collection services provided by the local authority, and not to the provision of household recycling centres.</p> <p>Officers have assessed the likely savings to be achieved through this change in approach and I confirm that these are necessary in order to contribute to the council’s challenging savings plans for the 2016/17 financial year. I also do not believe that this change alone should result in local charities no longer accepting donations of reusable items from members of the public in Wiltshire.</p> |
|--|---|

### **Reason for Proposal**

37. This review in policy is required in order to achieve challenging savings targets in the face of reducing central government grants and increasing demands on key council services. The Council has no statutory duty to continue to provide such “benefits in kind” to VCSE organisations in the form of free disposal at its sites. The Council estimates that this revised approach will allow the avoidance of up to £40,000 of direct waste handling and disposal costs in 2016/17.

### **Proposal**

38. That, with effect from 5 September 2016:
- (i) VCSE organisations will no longer be allowed to dispose of waste free of charge at Waste Transfer Stations provided by the Council’s contractors.
  - (ii) VCSE organisations wishing to dispose of recyclables at the Council’s Household Recycling Centres will be able to continue to do so after applying and paying for a chargeable access permit. The charge is to be set at £44 for 6 HRC visits a year, and £70 for up to 12 HRC visits per year.
  - (iii) The 27 schools currently in receipt of a HRC Discretionary Pass will be advised that they will no longer be able to access the HRCs for their waste disposal.
  - (iv) The 7 Housing Associations currently in receipt of a HRC Discretionary Pass will be advised that they will no longer be able to access the HRCs for their waste disposal.

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### **The following unpublished documents have been relied on in the preparation of this Report:**

None