

RECORD OF OFFICER DECISION

APPROVAL FOR ONGOING TEMPORARY CLOSURE OF HOUSEHOLD RECYCLING CENTRES FOLLOWING REVIEW OF GOVERNMENT GUIDANCE

Decision made

To approve the ongoing temporary closure of ten household recycling centres operated on behalf of Wiltshire Council by FCC in accordance with the Lot 2 contract and Hills Waste Solutions in accordance with the Lot 1 contract, following review of government guidance.

Made by: Parvis Khansari, Director Highways and Environment

Background

1. Pursuant to paragraph 4 of Part 3 Section D of Wiltshire Council's Constitution, the Directors of Wiltshire Council are empowered to take all necessary decisions in cases of emergency. This decision is being taken by Parvis Khansari, Director Highways and Environment using these powers in circumstances where the Director concerned believes that there is a risk of damage to property, a threat to the health or wellbeing of an individual and/or that the interests of the Council may be compromised if this decision is not otherwise taken.

Reason for decision

2. This decision would in other circumstances be taken by full Council. However, in circumstances where the Council is unable to meet to expedite its functions in a timely manner during the COVID-19 pandemic, this decision is being taken in accordance with the power referred to in paragraph 1 above in consultation with the Leader of the Council, Cabinet member for Highways, Transport and Waste, Chief Executive Officers and other Directors. This decision will be reported to the next meeting of the Council.

On 23 March 2020 Government published guidance on staying at home to reduce the spread of COVID-19. This set out four reasons why people should leave the house as follows

- Shopping for basic necessities
- One form of exercise a day
- Any medical need
- Travelling to and from work.

As a consequence, on 24 March 2020 the decision was made to approve the temporary closure of ten household recycling centres operated on behalf of Wiltshire Council by FCC in accordance with the Lot 2 contract and Hills Waste Solutions in accordance with the Lot 1 contract.

Government has continued to reinforce this guidance, writing to every household to emphasise that the above reasons are exceptions and when doing these

activities people should minimise time spent outside of the home. The continuous message is to protect public health – stay home, protect the NHS, save lives.

On 7 April 2020, Government published ‘Coronavirus (COVID-19): advice to local authorities on prioritising waste collections’. At present Wiltshire Council is maintaining all of its kerbside waste and recycling collection services. This is non-statutory guidance which recognises that the first duty of any local authority is to protect the health of staff and residents. Household Waste Recycling Centres are viewed as a medium priority under the guidance, to be kept open if it is possible, making sure that social distancing rules can be maintained. The guidance does not extend the list of reasons for leaving the house to include ‘travelling to and from a household recycling centre’.

Prior to the sites being closed on 24 March 2020, there had been reports of residents accessing the household recycling centres and failing to ensure they were 2m apart from site staff and other residents. I made the decision to close the household recycling centres to assist residents in ensuring they reduce day-to-day contact with other people, including site staff. The sites generate approximately one million visits by residents per year, with Easter and spring bank holidays being some of the busiest times of the year.

Having reviewed the guidance published on 7 April 2020, it remains the case that the highest priority is to protect public health by encouraging residents to stay at home. The decision will be reviewed as necessary on issuance of Government Guidance and once Government relaxes the very limited reasons for residents to leave their homes.

3. I confirm that in making this decision I have considered the following in line with Wiltshire Council’s Constitution: **(Please insert ‘Yes’/ ‘No’ / ‘Not Applicable’ and any other comments necessary to evidence the issue identified has been addressed)**

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| Key decision requirements | Yes. Under normal circumstances such a decision would not be made. It is being made as an urgent decision to protect public health. |
| Views of relevant cabinet member(s), committee chairman, area board(s) | Yes, Approval has been given by the Leader of the Council and Cabinet member for Highways, Transport and Waste. |
| Consultation with cabinet member(s), the Leader and Scrutiny (for Executive decisions taken under Emergency Powers) | Approval has been given by the chairman of Overview and Scrutiny Management Committee. |
| Consultation with local members (as | Not applicable. |

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| appropriate) | |
| Consideration of the area boards and delegated decision checklist for officers on the issue of when and how to involve local councillors and area boards in decisions about local services | Not applicable. |
| Implication of any council policy, initiative, strategy or procedure | Yes. There will be an impact on the delivery of the council's Household Waste Management Strategy, but the priority is to protect public health. |
| Consultation in accordance with requirements and expectations of consultation with the public | No. Decision is being made as urgent to protect public health. |
| Range of options available | Yes, to maintain temporary closure, to partially lift the closure or to reopen sites. |
| Staffing, financial and legal implications | Yes. Staffing and financial implications are being discussed with contractors. The council has a duty to arrange for places to be provided at which residents may dispose of their household waste in accordance with the Environmental Protection Act 1990 (clause 51). Closure of the HRCs will offend the statutory duty, however the priority is to protect public health. The closures will be in place only for the time necessary and other mitigation measures will be considered. |
| Evidence of due regard having been given to the Public Sector Equality Duty. | The decision impacts on all residents. |
| Risk assessment | Yes. There is a risk of challenge as the council is failing to comply with its duty to provide sites. This could be increased following publication of government guidance on 7 April 2020. There is a risk that residents fly tip waste or use unlicensed carriers to remove waste. Communications will include need to comply with the law when disposing of waste. To date there has been no increase in flytipping following closure of the sites. |
| Involvement of statutory officers and/or | Yes. The Monitoring Officer and s151 |

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| directors | Officer are aware of the decision. |
| Regional or national guidance from other bodies | Association of Directors of Environment, Economy, Planning and Transport and National Association of Waste disposal Officers have reported closure of sites by other councils in order to protect public health. |
| The council's constitution | Yes. See paragraph 1 above. |
| Contract is suitable for execution under the e-signature process | Not applicable. |

Conflict of Interest

4. Not applicable.

Other options considered

5. i) To reopen household recycling centres with additional control measures such as queue management and restricting numbers of visitors on site. Rejected due to reasons set out in paragraph 2 above and proximity of some sites to the highway leading to problems with traffic management.
- ii) To reopen one or more household recycling centres. Rejected as this site or these sites may become even busier than they were prior to the government guidance being introduced on 23 March 2020.



Made by:

Parvis Khansari, Director Highways, Transport and Waste

Date:

8 April 2020