

RECORD OF OFFICER DECISION

APPROVAL FOR THE REOPENING OF NINE OF THE TEN HOUSEHOLD RECYCLING CENTRES FOLLOWING REVIEW OF GOVERNMENT GUIDANCE

Decision made

To approve the reopening of nine of the 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 Cabinet. However, in circumstances where Cabinet 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 Cabinet.

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.

On 7 April 2020, Government published 'Coronavirus (COVID-19): advice to local authorities on prioritising waste collections'. Wiltshire Council has maintained all of its kerbside waste and recycling collection services throughout and continues to do so. This was non-statutory guidance which recognised 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 did 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. The council 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 remained the case that the highest priority was to protect public health by encouraging residents to stay at home. Therefore, the decision was made to approve the ongoing temporary closure of ten household recycling centres, following review of government guidance.

On 5 May 2020 Government published 'Managing Household Waste and Recycling Centres (HWRCs) in England during the coronavirus (COVID-19) pandemic'. The council has reviewed this non-statutory guidance and has carried out a risk assessment in respect of each of its sites to ensure that they could be reopened while protecting human health and maintaining safe systems of work. The attached plan sets out the council's proposals for reopening nine of the ten sites where this objective can be achieved.

On 12 May, Government amended The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 to clarify that a visit to a waste or recycling centre is a reasonable excuse for a journey outside the home <http://www.legislation.gov.uk/uksi/2020/500/made>

The decision will be reviewed as necessary following a period of operation of the sites under the proposed restrictions and on issuance of further Government guidance on social distancing.

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**)

Key decision requirements	Yes. Under normal circumstances such a decision would not have to be made. It is being made as an urgent decision to enable nine household recycling centres to be opened at the earliest opportunity.
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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 local members (as appropriate)	Not applicable.
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 reopen the household recycling centres. There is increasing public demand for the sites to be reopened in order to safely dispose of excess household waste, or other waste items that may give rise to health concerns if continued to be stored at home
Range of options available	Yes, to maintain temporary closure, to partially lift the closure or to reopen sites.
Staffing, financial and legal implications	<p>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 offended the statutory duty, however the priority was to protect public health. The closures were in place only for the period necessary and nine will reopen with social distance measures.</p> <p>On 12 May, Government amended The Health Protection (Coronavirus, Restrictions) (England) Regulations 2020 to clarify that a visit to a waste or recycling centre is a reasonable excuse for a journey outside the home</p> <p>http://www.legislation.gov.uk/uksi/2020/500/made.</p>
Evidence of due regard having been given to the Public Sector Equality Duty.	The decision impacts on all residents.

Risk assessment	Yes. The plan to reopen includes measures to mitigate the risk of residents not observing social distancing and the risk of traffic queueing on the highway. There is a risk that residents fly tip waste should they travel to the sites and find that they are closed. Communications will include revised opening times and need to comply with the law when disposing of waste.
Involvement of statutory officers and/or directors	Yes. The Monitoring Officer and s151 Officer are aware of the decision.
Regional or national guidance from other bodies	National Association of Waste Disposal Officers have issued guidance on reopening of sites and the council has consulted other councils in the region who have reopened or are planning to reopen sites.
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 all household recycling centres with additional control measures such as queue management and restricting numbers of visitors on site. Rejected in respect of one site due to proximity of the site to the highway leading to problems with traffic management.
ii) To approve the ongoing temporary closure of ten household recycling centres. Rejected following review of government guidance published on 5 May 2020.

Made by:



Parvis Khansari, Director Highways and Environment

Date:

12 May 2020