

## REPORT TO INFRASTRUCTURE SERVICES COMMITTEE – 16 MAY 2019

### USE OF URGENCY POWERS RE WASTE STRATEGY

#### 1 Recommendation

The Committee is recommended to:

- 1.1 **Acknowledge the use by the Director of Infrastructure Services of delegated powers by reason of special urgency, as summarised in paragraph 2.6 below and as fully provided for in Appendix 1 of this report to give approval for the implementation of the self-funding aspects of the Waste Strategy independently from the kerbside service changes, whilst funding arrangements for the kerbside service changes are being confirmed.**

#### 2 Background/Discussion

- 2.1 Infrastructure Services Committee approved the new Waste Strategy 2019-2023 on 24 January 2019 (Item 9). Whilst most of the strategy is self-funding, through existing budgets and savings made in landfill disposal costs by increasing recycling, the implementation costs of the new kerbside collection service are significant at £4.27 million and were in the main due to be funded by Zero Waste Scotland (ZWS).
- 2.2 The Waste Service has been working closely with ZWS over the last 18 months to secure the funding. A funding application was considered by the ZWS funding panel in September 2018 and Council Officers were told by ZWS Officers that a funding offer was going to be made, however due to the value of the grant (over £1 million), the offer required to be approved by the ZWS board.
- 2.3 The funding application was due to be considered by the ZWS Board in October 2018, December 2018 and February 2019. Council Officers were told that the delays were due to the Board having a lot on their agenda. However, in February 2019 the Council's Waste Manager received a phone call and a letter from ZWS explaining that due to the ZWS annual budget for 2019/20 not having been confirmed yet and because the Deposit Return Scheme will require significant changes to the Household Waste Recycling Charter to be made, ZWS is unable to confirm the funding offer (**Appendix 1**).
- 2.4 Officers met with ZWS on 12 March 2019 to discuss what support ZWS can provide. ZWS confirmed that they are currently unable to provide financial support for the kerbside service changes planned. Enclosed as **Appendix 2** is a letter from ZWS which was received after the meeting. Officers are now looking into alternatives.
- 2.5 The approval given for the new Waste Strategy 2019-2023 was '*subject to confirmation of Zero Waste Scotland funding for kerbside service changes due in February 2019*'. Unfortunately, the way that the recommendation was worded suggests that the approval of the whole Waste Strategy was

dependent on the funding being approved by ZWS. This was not the intention when the report was drafted. Given that, apart from the kerbside changes, the rest of the strategy measures are self-funding, as detailed in the report submitted to the Infrastructure Services Committee on 24 January 2019, the intention was to seek approval for the whole Waste Strategy, with the kerbside service changes only being subject to the confirmation of funding from ZWS.

- 2.6 Part 2B of the Officers List of Powers within the Scheme of Governance allows a decision to be made by Officers on any matter which ordinarily requires to be determined by the Council or committee but, by reason of special urgency, it is impractical to convene a meeting of the Full Council or the relevant Committee to make the decision. After due consideration, the Director of Infrastructure Services (being the Delegated Proper Officer in terms of B1 and B2 of the List of Powers Delegated to Officers) determined, after consultation with the Chair and Vice-Chair that, by reason of special urgency it was impractical to convene a meeting of the Committee before a decision was necessary and that consequently the decision to proceed with the aspects of the Strategy that did not require ZWS funding would be taken by Officers in terms of B2 of the List of Powers Delegated to Officers. The consequences of not treating this matter as of one of special urgency would mean that the implementation of essential parts of the Waste Strategy, including new seasonal garden waste points and the first batch of changes to recycling centres, would be delayed and, the changes required to be implemented before other changes can be made, would also further delay the implementation of the rest of the Waste Strategy.
- 2.7 A copy of the report to the Delegated Officer is attached as **Appendix 3** to this Report and referred to for its terms. Reference in the report to **Appendix 2** is to a draft copy of this Committee report which was before the Director in his consideration of the matter.
- 2.8 The Chair, Vice Chair and Opposition spokesperson were consulted prior to the decision taken by the Delegated Officer.
- 2.9 With regards to kerbside service changes, Officers will consider alternatives and report to the Infrastructure Services Committee in May 2019 with an update on plans to change kerbside services, together with amended proposals if necessary.
- 2.10 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3 Governance**

- 3.1 The Committee is able to consider and take a decision on this item in terms of Section F.1.1d as it relates to Roads, Landscape and Waste Management. The Strategy has been developed in line with the Policy Development and Review Framework under Part 4B of the Scheme of Governance. Section B1 and B2 of the Specific Delegations to Officers, as set out in Part 2B of the Scheme of Governance apply to this report.

- 3.2 Section B1 authorises the Delegated Officer to take a decision on any matter which, in their opinion requires to be determined by Full Council, Committee or Sub-Committee, but by reason of special urgency it is impractical to convene a meeting of the Full Council, Committee or Sub-Committee.
- 3.3 Section B2 provides that any decision taken by the Delegated Officer shall be taken after consulting with the Chief Executive and Chair and Vice-Chair and the main opposition spokesperson of this Committee.
- 3.4 Section B3 of the List of Officers Powers in the Scheme of Governance provides that any decision taken by a Delegated Officer using this delegation must be reported to the next meeting of the appropriate Committee, hence the timing of this report.
- 3.5 The Delegated Officers for Infrastructure Services Committee as set out on page 95 of the Scheme of Governance, include the Director of Infrastructure Services.

#### **4 Implications and Risk**

- 4.1 There are no changes to the equalities impact assessment which was reported to Infrastructure Services Committee on 24 January 2019 (Item 9 of the agenda [here](#)) and the Committee is asked to make reference to that report in its consideration of this item.
- 4.2 There are no changes to staffing and financial implications which were reported to Infrastructure Services Committee on 24 January 2019.
- 4.3 There are no changes to corporate or strategic risks which were already reported to Infrastructure Services Committee on 24 January 2019.

**Stephen Archer**  
**Director of Infrastructure Services**

Report prepared by Kat Laakso, Strategic Development Officer  
30 April 2019



Zero Waste Scotland Ltd  
Ground Floor,  
Moray House,  
Forthside Way,  
Stirling  
FK8 1QZ



28<sup>th</sup> February 2019

Ros Baxter  
Waste Manager  
Aberdeenshire Council  
Unit 7, Harlaw Way  
Inverurie, AB51 4SG

Dear Ros,

**Your application to the Household Waste Recycling Charter Fund**

Thank you for your application to the Household Waste Recycling Charter Fund. Further to previous discussions, I am writing to update you on the current status of your application. Unfortunately, at this point, we are not able to confirm a funding offer, as the Scottish Government has yet to confirm the funding for Zero Waste Scotland and its Charter activities for 2019/20. As a result, this means your application was not presented to our Board on 28th February, as previously intended.

One factor in the extended discussion of your application, is the introduction of the Deposit Return Scheme. This will necessitate significant changes to the Household Recycling Charter Code of Practice to reflect the anticipated changes of materials available for recycling.

As we consider next year's plans, we would appreciate the opportunity to meet to discuss how we can work together – and specifically what support Zero Waste Scotland can provide. I'd therefore be keen to meet at your earliest convenience to talk this through. Please let me know of dates that would be suitable and I will arrange this.

Again, I apologise for the time taken to deal with your funding application. It is our intention to progress applications in a timely fashion, but on this occasion, circumstances have led to delays.

Yours sincerely,

**Charlie Devine**  
**Head of Resource Management**

Zero Waste Scotland Ltd  
Ground Floor,  
Moray House,  
Forthside Way,  
Stirling  
FK8 1QZ



21<sup>st</sup> March 2019

Ros Baxter  
Aberdeenshire Council  
Unit 7, Harlaw Way,  
Inverurie, AB51 4SG

Dear Ros,

### **Your application to the Household Waste Recycling Charter Fund**

I refer to the above and to the matters discussed at our meeting on the 12th of March 2019 and I can now confirm that Zero Waste Scotland are currently unable to progress the funding element of the application With the Council at this time.

As outlined at the meeting, the forthcoming introduction of a deposit and return scheme for single use drinks containers in Scotland (DRS), by early 2021, has necessitated a review of the Household Recycling Charter's associated code of practice and at this point any further development of collection systems and changes has been paused until such time as the final DRS scheme design has been announced and the impact of the materials available for kerbside recycling has been assessed and code of practice updated accordingly.

As mentioned, we realise that this is both disappointing and frustrating at this stage of the planned changes and can only apologise for the timing, however, at this stage any future investment in major service changes such as this will require to be based on detailed evidence and information which is currently not available.

You did highlight that the current system of collecting dry mixed recyclate in Aberdeenshire will in all likelihood require a service re-design as part a required improvement process and as offered at the meeting, Adrian Bond and his team are prepared to assist the Council with this whilst undertaking work in relation to scoping out the impact and actions required to allow local authorities to adapt to the introduction of DRS in Scotland.

I hope that you will find this information of use and happy to discuss any of the matters raised as required and please accept my apologies for any issues or concerns that this and previous delays may have caused.

Yours sincerely,

**Charlie Devine**  
**Head of Resource Management**

## APPENDIX 3

### REPORT TO DIRECTOR OF INFRASTRUCTURE SERVICES – 12 MARCH 2019

#### WASTE STRATEGY IMPLEMENTATION WITHOUT CONFIRMATION OF ZERO WASTE SCOTLAND FUNDING

#### 1 Recommendation

It is recommended that the Director of Infrastructure Services:

- 1.1 Uses the delegated powers narrated at section 3 of this report, in order to give approval for the implementation of the self-funding aspects of the waste strategy, namely communications & engagement, seasonal garden waste points and changes to the network of recycling centres, independently from the kerbside service changes, whilst funding arrangements for the kerbside service changes are being confirmed, by reason of special urgency.

#### 2 Background/Discussion

- 2.1 Infrastructure Services Committee approved the new Waste Strategy 2019-2023 on 24<sup>th</sup> January 2019. Whilst most of the strategy is self-funding, through existing budgets and savings made in landfill disposal costs by increasing recycling, the implementation costs of the new kerbside collection service are significant at £4.27 million and were in the main due to be funded by Zero Waste Scotland (ZWS).
- 2.2 The waste service has been working closely with ZWS over the last 18 months to secure the funding. A funding application was considered by the ZWS funding panel in September 2018 and Council officers were told by ZWS officers that a funding offer was going to be made, however due to the value of the grant (over £1 million), the offer required to be approved by ZWS board.
- 2.3 The funding application was due to be considered by the ZWS board in October 2018, December 2018 and February 2019. Council officers were told that the delays were due to the board having a lot on their agenda. However, in February 2019 the Council's Waste Manager received a phone call and a letter from ZWS explaining that due to ZWS annual budget for 2019/20 not having been confirmed yet and because the Deposit Return Scheme will require significant changes to the Household Waste Recycling Charter to be made, ZWS is unable to confirm the funding offer (**Appendix 1**).
- 2.4 Officers met with ZWS on 12 March 2019 to discuss what support Zero Waste Scotland can provide. ZWS confirmed that they are currently unable to provide financial support for the kerbside service changes planned. Officers are now looking into alternatives.
- 2.5 The approval given for the new Waste Strategy 2019-2023 was '*subject to confirmation of Zero Waste Scotland funding for kerbside service changes*

*due in February 2019*. Unfortunately, the way that the recommendation was worded suggests that the approval of the whole Waste Strategy was dependent on the funding being approved by ZWS. This was not the intention when the report was drafted. Given that, apart from the kerbside changes, the rest of the strategy measures are self-funding, as detailed in the report submitted to Infrastructure Services Committee on 24<sup>th</sup> January 2019, the intention was to seek approval for the whole waste strategy, with the kerbside service changes only being subject to the confirmation of funding from ZWS.

- 2.6 To allow the implementation of the rest of the waste strategy to start immediately as planned, with new seasonal garden waste points due to start on 6<sup>th</sup> April 2019 and the first batch of changes to recycling centres due to be made in May 2019, it is not possible to wait until the next Infrastructure Services Committee on 16<sup>th</sup> May 2019. It is essential that these changes are made promptly and allowed to bed-in before the introduction of changes to the kerbside services planned for early 2020 to ensure the waste strategy delivers the results intended.
- 2.7 Due to the timing of receiving information from ZWS (28<sup>th</sup> February 2019), the reporting deadlines for the Infrastructure Services Committee on 14<sup>th</sup> March 2019 were missed and organising a special meeting of Infrastructure Services Committee would be impractical within the timeframe required. Approval is hence sought to ensure the implementation of the rest of the strategy can start without further delay.
- 2.8 With regards to kerbside service changes, officers will consider alternatives and report to Infrastructure Services Committee in May 2019 with an update on plans to change kerbside services, together with amended proposals if necessary.
- 2.9 The Head of Finance and Monitoring Officer within Business Services have been consulted in the preparation of this report and had no comments to make and are satisfied that the report complies with the Scheme of Governance and relevant legislation.

### **3 Governance**

- 3.1 The Scheme of Governance allows a decision to be made by specific chief officers on any matter which ordinarily requires to be determined by the Council or committee but, by reason of special urgency, it is impractical to convene a meeting of Full Council or the relevant committee to make the decision. Section B1 and B2 of the Specific Delegations to Officers, as set out in Part 2B of the List of Officer Powers in the Scheme of Governance are applicable to this report.
- 3.2 Section B2 provides that any decision taken by the Delegated Officer shall be taken following consultation with the Chief Executive and Chair and Vice-Chair and the main opposition spokesperson of this Committee.
- 3.4 Any decisions taken by Delegated Officer using this delegation will be reported to the next meeting of the Infrastructure Services Committee on 16 May 2019.

3.5 The Delegated Officers for the Infrastructure Services Committee, as set out in Part 2B of the Scheme of Governance are Chief Executive, Director of Infrastructure Services, Section 95 Proper Officer and Monitoring Officer.

#### **4 Implications and Risk**

4.1 The Implications and Risks are as provided in the Paper Apart ([Appendix 2](#)).

**Philip McKay**  
**Head of Service (Roads, Landscape & Waste Services)**

Report prepared by Kat Laakso, Strategic Development Officer  
Date: 12 March 2019

