

**BOROUGH OF BARROW-IN-FURNESS**  
**OVERVIEW AND SCRUTINY COMMITTEE**

Meeting:- Thursday 1st December, 2016  
at 2.00 p.m. (Committee Room No. 4)

**A G E N D A**

**PART ONE**

1. To note any items which the Chairman considers to be of an urgent nature.
2. To receive notice from Members who may wish to move any delegated matter non-delegated and which will be decided by a majority of Members present and voting at the meeting.

3. Admission of Public and Press

To consider whether the public and press should be excluded from the meeting during consideration of any of the items on the agenda.

4. Declarations of Interest

To receive declarations by Members and/or co-optees of interests in respect of items on this Agenda.

Members are reminded that, in accordance with the revised Code of Conduct, they are required to declare any disclosable pecuniary interests or other registrable interests which have not already been declared in the Council's Register of Interests. (It is a criminal offence not to declare a disclosable pecuniary interest either in the Register or at the meeting).

Members may however, also decide, in the interests of clarity and transparency, to declare at this point in the meeting, any such disclosable pecuniary interests which they have already declared in the Register, as well as any other registrable or other interests.

5. Apologies for Absence/Attendance of Substitute Members.
6. Confirmation of Minutes of the meeting held on 20th October, 2016 (copy attached).
- (D) 7. Budget Timetable and Assumptions.
- (D) 8. Egerton Court.
- (D) 9. Friends of the Town Hall.
- (D) 10. Performance Management Quarter 2 2016-2017.
- (D) 11. Presentation of Waste Policies.

**NOTE (D) – Delegated  
(R) – Referred**

**Membership of Committee**

Councillors Heath (Chairman)  
Cassidy (Vice-Chairman)  
Gill  
Husband  
McLeavy  
Preston  
Proffitt  
L. Roberts  
C. Thomson  
M. A. Thomson  
Wall  
Williams

**For queries regarding this agenda, please contact:**

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# **BOROUGH OF BARROW IN FURNESS**

## **OVERVIEW AND SCRUTINY COMMITTEE**

Meeting, Thursday, 20th October, 2016  
at 2.00 p.m.

PRESENT:- Councillors Cassidy (Vice-Chairman), Husband, McLeavy, Proffitt, L. Roberts, C. Thomson, M. A. Thomson and Wall.

Officers Present:- John Penfold (Corporate Support Manager), Brooke Parsons (Corporate Support Assistant) and Paula Westwood (Democratic Services Officer - Member Support).

### **18 – Apologies for Absence**

Apologies for absence were received from Councillors Preston and Williams.

### **19 – Minutes**

The Minutes of the meeting held on 8th September, 2016 were taken as read and confirmed.

### **20 – Notification from NHS England Re: Procurement of Tier 4 Bariatric Surgery in the North West**

The Corporate Support Manager informed the Committee that NHS England had provided information to all North West Health Overview and Scrutiny Committees regarding the procurement of Tier 4 Bariatric Surgery in the North West. He had included as an appendix to his report, a copy of the letter from NHS England which advised that current contracts for Tier 4 Bariatric surgery across the North West would come to an end on 31st March, 2017.

It was noted that NHS England currently had commissioning responsibility for Tier 4 Bariatric services in the North West and that responsibility was expected to move to the Clinical Commissioning Groups by the end of the financial year with a view to ensure seamless commissioning aligned with Tier 3 Bariatric services already commissioned by Clinical Commissioning Groups. As such the procurement of Tier 4 Bariatric surgery service would be managed jointly between NHS England who provided the leadership and oversight and the Clinical Commissioning Groups. Patient representatives would also be involved in the scoring of the tender submissions.

The new service would be procured in line with the NHS England National service specification, which had been through NHS England's due diligence processes.

It was noted that there were two Tier 4 Bariatric surgery service providers in the North West, namely: Aintree University Hospital NHS Foundation Trust and Salford Royal NHS Foundation Trust which linked with individual Clinical Commissioning Group Tier 3 services, both of whom would be able to bid to provide the service again if they wished.

The outcome of the procurement would be shared with Health Overview and Scrutiny Committees in due course and would also be reported to this Committee.

In the meantime if anyone wished to obtain any further information they were advised to contact their Local Clinical Commissioning Group or Helen Ashcroft, Local Service Specialist of NHS England.

RESOLVED:- To note the information.

## **21 – Barrow Business Improvement District (BID)**

At the last meeting of this Committee Members had requested information regarding the activities of the Barrow Business Improvement District (BID).

The Corporate Support Manager informed the Committee that Businesses in Barrow had voted in favour of the proposal to establish a BID for the Town Centre. The BID was set up following a ballot of eligible business in April 2016 and its aim was to deliver business initiatives in Barrow. It was funded through a levy on businesses in the Town Centre with a rateable value of £4,000 or more. There was an operating agreement with the Council who collected the levy (a compulsory charge) and ring-fenced the fund before transferring it to the BID.

The initiative had come from local business people who were determined to ensure that Barrow thrived now and into the future, as a Centre for shops and services. Governance of the BID was through the BID's Board of Directors. The Council's role was an observer/adviser to the BID. The Corporate Support manager would provide further updates to this Committee when information became available.

RESOLVED:- To note the information.

## **22 – Egerton Court**

The Corporate Support Manager reported that Egerton Court had been added to the Work Programme and Members of this Committee had attended a site visit on 3rd August to understand the issues.

It was noted that Councillor Proffitt had volunteered to be a representative on the Multi-Agency Partnership Group which had recently been established and he provided the following update to the Committee.

He advised the Committee that Residents had reported a decrease in the sale of illegal substances across the ward since liaison with the Police. However, there had been an increase in the number of attempted break-ins with car doors, back doors, yard doors being 'tried' after dark and property, including washing and peddle bikes had been stolen from back yards.

He informed the Committee that an Egerton Court specific Streetsafe operation had been discussed with the Residents and it was believed that it would be beneficial to show presence in the area, reassure Residents that service providers were available and interested in the area as well as an opportunity to exchange

intelligence with Residents and combat anti-social behaviour at a time of year that could often see such incidents peak. He requested the Committee's approval to request the Multi-Agency Group to establish a Streetsafe Operation as soon as practicable.

Members of the Committee had also requested that the Streetsafe Operation be linked in with the schools on Barrow Island and that the Council's Streetcare Team be invited to take part.

Members of the Committee had raised concerns regarding the safety of the building structures at Egerton Court specifically chimney stacks. The Corporate Support Manager advised the Committee that the Council's Building Control Department looked after dangerous structures if anyone considered anything to be of an immediate danger.

RESOLVED:- (i) To note the report;

(ii) To agree that Councillor Proffitt would request the Multi-Agency Group to establish a Streetsafe operation as soon as practicable involving all relevant agencies; and

(iii) To note that the Corporate Support Manager would request a member of the Building Control Team to make an assessment of the building structures at Egerton Court.

### **23 – Friends of the Town Hall**

The Corporate Support Manager advised the Committee that the Friends of the Town Hall Group had met recently and had agreed that promoting guided tours of the Town Hall was a good way to raise awareness of the excellent asset. A tour had taken place on Friday 14th October which had received positive coverage in the North West Evening Mail.

He reported that as the group developed it would be beneficial for an elected Member to Chair it. It was moved by Councillor Husband and seconded by Councillor Cassidy that Councillor M. A. Thomson be appointed to Chair the Friends of Town Hall Group.

It was noted that the group hoped to be able to secure Heritage funding in order to make the Town Hall more accessible. This Committee requested support from the Executive Director for a bid for Heritage funding.

RESOLVED:- (i) To note the information; and

(ii) To agree that Councillor M. A. Thomson be appointed Chair of the Friends of the Town Hall Group; and

(iii) To request the Corporate Support Manager, on behalf of this Committee, to seek support from the Executive Director for a bid for Heritage Funding.

The meeting closed at 2.20 p.m.

|  |                                      |
|--|--------------------------------------|
| <b>OVERVIEW AND SCRUTINY COMMITTEE</b>   | <b>(D)<br/>Agenda<br/>Item<br/>7</b> |
| <b>Date of Meeting: 1st December, 2016</b>   |                                      |
| <b>Reporting Officer: Director of Resources</b>  |                                      |
| <p><b>Title: Budget Timetable and Assumptions</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the 2017-2018 budget timetable and assumptions.</p> <p><b>Recommendations:</b></p> <p>Members are asked to note the 2017-2018 budget timetable and assumptions.</p> |                                      |

### Report

The timetable for the 2017-2018 budget setting process is as follows:

| <b>Date</b>      | <b>Meeting</b>           | <b>Item</b>                    |
|------------------|--------------------------|--------------------------------|
| 30 November 2016 | Executive Committee      | Budget assumptions             |
| 1 December 2016  | Overview and Scrutiny    | Budget assumptions             |
| 12 January 2017  | Housing Management Forum | Housing Revenue Account budget |
| 1 February 2017  | Executive Committee      | Budget proposals               |
| 2 March 2017     | Full Council             | Budget and council tax setting |

The assumptions used in setting budget estimates for 2017-2018 are:

| <b>Item</b>               | <b>Assumption</b>  |
|---------------------------|--|
| Services                  | No service reductions                                      |
|                           | No demand-led increases assumed                            |
|                           | No alternative delivery models                             |
| Staff pay                 | Static establishment                                       |
|                           | Employee natural progression and National Living Wage      |
|                           | Superannuation rate increased from 13.4% to 15.7%          |
|                           | 1% pay award already agreed nationally                     |
| Property costs            | Utilities 3% average increase                              |
|                           | NNDR based on 2017 revaluation                             |
| Grants to external bodies | Transition ends with 2016-2017 and 50% awarded thereafter  |
| Contracted services       | Revenues, benefits and customer services: 2% RPIx forecast |

| Item   | Assumption  |
|--|---|
|  | Grounds maintenance: 1.6% indexation                |
|  | Waste and street cleansing: new contract price      |
| Income   | Discretionary income as per service delegations     |
|  | No reduction in recycling tonnage                   |
|  | 3% increase in reward rate                          |
| Treasury management                                  | Temporary surplus cash reducing by £3m each year    |
|  | Investment income based on bank rate forecasts      |
|  | All PWLB fixed rate and no maturities               |
|  | No new borrowing drawn down                         |
|  | Financing based on agreed Capital Programme         |
| Pension deficit funding (not ongoing superannuation) | 4.1% increase (triennial valuation due)             |
| Revenue support grant                                | From the settlement                                 |
| Retained business rates                              | Increased by SBRR multiplier each year              |
|  | No loss of rateable value                           |
|  | No impact from 2017 revaluation                     |
|  | No exceptional increase in RV appeals               |
|  | No reduction in the collection rate                 |
|  | Tariff from the settlement                          |
|  | Section 31 grants continuing                        |
|  | Levy continuing (into Pool)                         |
| Pool membership continues                            |   |
| New homes bonus                                      | New award to be estimated                           |
| Council tax  | No reduction in the collection rate                 |
|  | Base to be estimated on most recent information     |
|  | Band D £5 increase                                  |
| Council tax support                                  | Default scheme continued                            |
| Prior year collection fund result                    | Return of surplus from 2015-2016                    |
| Budget strategy                                      | 2017-2018 savings built into the budget projections |
| All other items not specifically mentioned above     | Efficiencies will maintain the cost envelope        |

These assumptions are the basis for estimating the budgets for 2017-2018; the budget proposals report will identify any significant variances or changes.

(i) Legal Implications

It is a statutory requirement to set the Council's budgets and the council tax.

Members should be aware of the provisions of Section 106 of the Local Government Finance Act 1992, which applies to Members where they are present at a meeting of the Council or the Executive Committee and at the time of the

meeting an amount of council tax is payable by them and has remained unpaid for at least two months, and any budget or council tax calculation, or recommendation or decision which might affect the making of any such calculation, is the subject of consideration at the meeting.

In these circumstances, any such Members shall at the meeting and as soon practicable after its commencement disclose the fact that Section 106 applies to them and shall not vote on any question concerning these matters. It should be noted that such Members are not debarred from speaking on these matters.

Failure to comply with these requirements constitutes a criminal offence, unless any such Members can prove they did not know that Section 106 applied to them at the time of the meeting or that the matter in question was the subject of consideration at the meeting.

(ii) Risk Assessment

The recommendation has no significant implications.

(iii) Financial Implications

The financial assumptions set out in the body of the report will be the basis for the 2017-2018 budget setting.

(iv) Health and Safety Implications

The recommendation has no significant implications.

(v) Equality and Diversity

The recommendation has no detrimental impact on service users showing any of the protected characteristics under current Equalities legislation.

(vi) Health and Well-being Implications

The recommendation has no adverse effect on the Health and Wellbeing of users of this service.

Background Papers

Nil



|  |                                  |                                      |
|--|----------------------------------|--------------------------------------|
| <b>OVERVIEW AND SCRUTINY COMMITTEE</b>   |                                  | <b>Part One</b>                      |
| <b>Date of Meeting:</b>  | <b>1st December, 2016</b>        | <b>(D)<br/>Agenda<br/>Item<br/>8</b> |
| <b>Reporting Officer:</b>  | <b>Corporate Support Manager</b> |                                      |
| <b>Title: Egerton Court</b>  |                                  |                                      |
| <b>Summary and Conclusions:</b>  |                                  |                                      |
| To provide Members with an update on the progress of this review.  |                                  |                                      |
| <b>Recommendation:</b>   |                                  |                                      |
| Members are invited to consider the information provided by Councillor Proffitt and take note of the report. |                                  |                                      |

### **Report**

A Multi-Agency Partnership Group has been established involving the Borough Council, County Council, Police, The Well Project and Barrow Island Community Trust to identify how improvements can be delivered in Egerton Court. Councillor Proffitt is the Scrutiny Committee's representative on the group and this Committee agreed to receive report/updates via him.

The Multi-Agency partnership Group met earlier this month and considered the request, via this Committee, for an Egerton Court specific Streetsafe operation. All parties are willing to deliver such an event and it is likely this will be scheduled for February 2017.

Councillors Cassidy and Proffitt continue to liaise with Residents and are currently advising on how they can constructively question Borough Council Officers on grant spending in the area of Egerton Court and to help them to understand the aims and outcomes of previous resource invested in the area.

At the least meeting of this Committee, Members requested the Council's Building Control Department undertake an assessment of the building structures at Egerton Court. I can confirm that the Building Control Manager has completed this and he is not concerned that there is any immediate risk.

### **Background Papers**

Nil

|  |                                  |                                      |
|--|----------------------------------|--------------------------------------|
| <b>OVERVIEW AND SCRUTINY COMMITTEE</b>   |                                  | <b>Part One</b>                      |
| <b>Date of Meeting:</b>  | <b>1st December, 2016</b>        | <b>(D)<br/>Agenda<br/>Item<br/>9</b> |
| <b>Reporting Officer:</b>  | <b>Corporate Support Manager</b> |                                      |
| <p><b>Title: Friends of the Town Hall</b></p> <p><b>Summary and Conclusions:</b></p> <p>To provide Members with an update on the progress being made.</p> <p><b>Recommendation:</b></p> <p>Members are invited to consider the update from the Friends of the Town Hall Group.</p> |                                  |                                      |

### **Report**

At the previous meeting of this Committee held on 20th October, 2016, Members agreed that the elected Chair to the Friends of the Town Hall Group would be Councillor M. A. Thomson.

A verbal update on progress will be provided at the meeting.

### **Background Papers**

Nil

|   |                                    |                                       |
|---|------------------------------------|---------------------------------------|
| <b>OVERVIEW AND SCRUTINY COMMITTEE</b>  |                                    | <b>Part One</b>                       |
| <b>Date of Meeting:</b>   | <b>1st December, 2016</b>          | <b>(D)<br/>Agenda<br/>Item<br/>10</b> |
| <b>Reporting Officer:</b>   | <b>Corporate Support Assistant</b> |                                       |
| <p><b>Title: Performance Management Quarter 2 2016-2017</b></p> <p><b>Summary and Conclusions:</b></p> <p>This report sets out the performance management data alongside its target for Quarter 2 of 2016-2017.</p> <p><b>Recommendations:</b></p> <p>Members are invited to consider the performance figures and determine whether further action is required.</p> |                                    |                                       |

### **Report**

The Council has a performance management framework to help deliver its priorities.

1. **Housing** – the Council is committed to continuing to provide a greater choice of good quality housing and regenerate the oldest and poorest housing in the Borough.
2. **Regeneration and Public Realm** – the Council is committed to working with partners and service providers to enhance the built environment and public realm
3. **Local Economy** – the Council is committed to work on mitigating the effects of cuts in public spending, their impact on the local economy and working to secure a long term economic recovery for the community.
4. **Service Delivery** – the Council strives to provide good quality, efficient and effective services while reducing overall expenditure.

### **Key Performance Indicators**

Table 1 overleaf provides a selection of performance data alongside its target for Quarter 2 of the 2016/17 financial year.

### **Background Papers**

Nil

**Table 1: Council Indicators for Quarter 2 2016/17**

| <b>Indicator</b>  | <b>Q2 2015/16</b>  | <b>Q2 2016/17</b>       |
|---|--------------------|-------------------------|
| Average time to process new housing benefit claims  |                    | Target = 18 days        |
|   | <b>16.4 days</b>   | <b>14.4 days</b>        |
| Average time to process new council tax support claims  |                    | Target = 18 days        |
|   | <b>16.2 days</b>   | <b>14.8 days</b>        |
| Average time to process changes of circumstances for housing benefit claims                         |                    | Target = 7 days         |
|   | <b>5.8 days</b>    | <b>5.4 days</b>         |
| Average time to process changes of circumstances for council tax support claims                     |                    | Target = 6 days         |
|   | <b>5.4 days</b>    | <b>4.0 days</b>         |
| Park Leisure centre activity numbers  | <b>123,804</b>     | <b>141,035</b>          |
| Dock museum visitor numbers   | <b>29,007</b>      | <b>34,139</b>           |
| The forum ticket sales  | <b>19,404</b>      | <b>19,307</b>           |
| Income from Pay and display ticket sales  | <b>£304,580.29</b> | <b>£286,385.00</b>      |
| Percentage of local land charges searches completed in 5 working days                               |                    | Target = 100%           |
|   | <b>86.6%</b>       | <b>88.6%</b>            |
| Percentage of council tax collected   |                    | (Annual)Target = 96.6%  |
|   | <b>56.60%</b>      | <b>56.45%</b>           |
| Percentage of NNDR collected  |                    | (Annual) Target = 98.4% |
|   | <b>57.37%</b>      | <b>56.79%</b>           |
| Average days of sickness per employee   | <b>4.12</b>        | <b>3.64</b>             |
| Right to buy sales  | <b>4</b>           | <b>17</b>               |
| Average household recycling percentage  | <b>35.08%</b>      | <b>34.17%</b>           |
| Number of disabled facilities grants  | <b>35</b>          | <b>27</b>               |
| Percentage of Planning applications processed; major applications in 13 weeks and others in 8 weeks |                    |                         |
| Major   |                    | Target = 78.8%          |
|   | <b>50.0%</b>       | <b>86.6%</b>            |
| Minor   |                    | Target = 62.6%          |
|   | <b>61.3%</b>       | <b>57.2%</b>            |
| Other   |                    | Target = 82.7%          |
|   | <b>74.1%</b>       | <b>80.0%</b>            |

|   |                                  |                               |
|---|----------------------------------|-------------------------------|
| <b>OVERVIEW AND SCRUTINY COMMITTEE</b>  |                                  | <b>Part One</b>               |
| <b>Date of Meeting:</b>   | <b>1st December, 2016</b>        | <b>(D)</b>                    |
| <b>Reporting Officer:</b>   | <b>Corporate Support Manager</b> | <b>Agenda<br/>Item<br/>11</b> |
| <p><b>Title: Presentation of Waste Policies</b></p> <p><b>Summary and Conclusions:</b></p> <p>To provide Members with the Council's policies relating to the presentation of waste and the exceptions policy relating to the introduction of 120 litre wheeled bins.</p> <p><b>Recommendation:</b></p> <p>To consider the information and undertake a review of the policies.</p> |                                  |                               |

### **Report**

At the last meeting of this Committee, Members asked that policies relating to presentation of waste were included on the agenda for this meeting.

There is an enforcement protocol which was implemented in April 2010 and a small bin exceptions policy which was implemented in April 2009. These documents are attached at **Appendix A**.

These policies are due to be reviewed and I think it is appropriate that Members of this Committee participate in the review.

### **Presentation of waste**

A report was submitted to the Executive Committee in December 2009 and they agreed to support the implementation of controls that can be used to limit the amount of waste that is presented as 'side waste' for disposal to landfill. This is typically un-segregated waste in black bag, cardboard boxes or similar loosely presented waste.

These controls were implemented in April 2010 and were supported by an enforcement protocol. The implementation was aligned to the start of the new waste collection contract with Biffa. This contract did not include the collection of residual side waste however, recyclable side waste was permitted.

### **Background Papers**

Nil

## The enforcement protocol

### **ENFORCEMENT PROTOCOL – SECTION 46 ENVIRONMENTAL PROTECTION ACT 1990– PRESENTATION OF WASTE (DOMESTIC AND COMMERCIAL)**

This protocol has been developed in accordance with the principals of the Enforcement Concordant and the Borough Council's General Enforcement Policy.

- 1) From April 2010 it will be an offence for occupiers of premises to leave any waste receptacle on the highway, (pavements, roads and backstreets) other than at times stipulated **and in containers provided** by the Borough Council or its contractor in order to facilitate refuse and recycling collection services. Receptacles may be placed on the highway from midday on the eve of collection until midnight on the day of collection. At all other times waste receptacles must be removed from the highway and stored within the boundary of the premises. Failure to comply with the above may result in receipt of a £80 Fixed Penalty Notice or prosecution through the courts, maximum fine £1,000.
- 2) When authorised officers become aware that wheeled bins or other waste receptacles are being presented or stored in a way that conflicts with the above requirements an informal notice by way of a warning sticker will be attached to the container. A record of the action taken will be recorded in a central database.
- 3) Waste presented in containers not provided by the Borough Council or its contractor will be collected by the contractor unless notice is given to the resident and the Borough Council by the contractor after which a visit will be made by authorised officers to evidence the circumstances and take appropriate action as in 2 above.
- 4) If further evidence of non-compliance is noted at the same premises an informal notice by way of letter will be sent to the occupier of the premises.  
  
A record of the action taken will be recorded in a central database.
- 5) Should further evidence of non-compliance from the same premises be noted an authorised officer will visit the premises to confirm the name of the occupier of the premises and a formal notice against further non-compliance will be served and recorded in the central database.
- 6) Should further evidence of non-compliance be confirmed a Fixed Penalty Notice under Section 46 Environmental Protection Act 1990 will be issued with all relevant details noted in the central database.
- 7) Should the Fixed Penalty Notice not be paid within 14 days of the date of issue, legal proceedings for prosecution will be initiated.
- 8) Payment by way of instalments will be allowed and no legal proceedings initiated provided the Fixed Penalty Notice is paid in full within 10 weeks from the date of the issue of the Fixed Penalty Notice.

A copy of Section 46 of the Environmental Protection Act is attached as **Appendix 1**.

## Appendix 1

Environmental Protection Act Section 46 - Collection of controlled waste.

Receptacles for household waste.

(1) Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.

**[F1(1A)Where—**

(a) subsection (1) applies to a waste collection authority, and

(b) a waste reduction scheme under Schedule 2AA to this Act is in operation in the authority's area,

the authority may require the occupier to place the waste for collection in receptacles identified by such means as may be specified.

(1B) A requirement under subsection (1A)—

(a) must be imposed by notice served on the occupier;

(b) may be imposed instead of, or in addition to, any requirement imposed on the occupier under subsection (1).]

(2) The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but, subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and waste which is not.

(3) In making requirements under subsection (1) above the authority may, as respects the provision of the receptacles—

(a) determine that they be provided by the authority free of charge;

(b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority;

(c) require the occupier to provide them if he does not enter into an agreement under paragraph (b) above within a specified period; or

(d) require the occupier to provide them.

(4) In making requirements as respects receptacles under subsection (1) above, the authority may, by the notice under that subsection, make provision with respect to—

(a) the size, construction and maintenance of the receptacles;

(b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;

(c) the placing of the receptacles for that purpose on highways or, in Scotland, roads;

(d) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and

(e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.

(5) No requirement shall be made under subsection (1) above for receptacles to be placed on a highway or, as the case may be, road, unless—

(a) the relevant highway authority or roads authority have given their consent to their being so placed; and

(b) arrangements have been made as to the liability for any damage arising out of their being so placed.

(6) A person who fails, without reasonable excuse, to comply with any requirements imposed under subsection (1), **[F2(1A),]**(3)(c) or (d) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Where an occupier is required under subsection (1) above to provide any receptacles he may, within the period allowed by subsection (8) below, appeal to a magistrates' court or, in Scotland, to the sheriff by way of summary application against any requirement imposed under subsection (1), subsection (3)(c) or (d) or (4) above on the ground that—

(a) the requirement is unreasonable; or

(b) the receptacles in which household waste is placed for collection from the premises are adequate.

(8) The period allowed to the occupier of premises for appealing against such a requirement is the period of twenty-one days beginning—

(a) in a case where a period was specified under subsection (3)(c) above, with the end of that period; and

(b) where no period was specified, with the day on which the notice making the requirement was served on him.

(9) Where an appeal against a requirement is brought under subsection (7) above—



- (a) the requirement shall be of no effect pending the determination of the appeal;
- (b) the court shall either quash or modify the requirement or dismiss the appeal; and
- (c) no question as to whether the requirement is, in any respect, unreasonable shall be entertained in any proceedings for an offence under subsection (6) above.

(10) In this section—

- “receptacle” includes a holder for receptacles; and
- “specified” means specified in a notice under subsection (1) **[F3** or **(1A)]** above.

**[F4(11)** A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section.]

(1) It shall be the duty of each waste collection authority—

(a) to arrange for the collection of household waste in its area except waste—

- (i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and
- (ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste; and

(b) if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste.

(2) Each waste collection authority may, if requested by the occupier of premises in its area to collect any industrial waste from the premises, arrange for the collection of the waste; but a collection authority in England and Wales shall not exercise the power except with the consent of the waste disposal authority whose area includes the area of the waste collection authority.

(3) No charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State; and in any of those cases—

(a) the duty to arrange for the collection of the waste shall not arise until a person who controls the waste requests the authority to collect it; and

(b) the authority may recover a reasonable charge for the collection of the waste from the person who made the request.

(4) A person at whose request waste other than household waste is collected under this section shall be liable to pay a reasonable charge for the collection and disposal of the waste to the authority which arranged for its collection; and it shall be the duty of that authority to recover the charge unless in the case of a charge in respect of commercial waste the authority considers it inappropriate to do so.

(5) It shall be the duty of each waste collection authority—

(a) to make such arrangements for the emptying, without charge, of privies serving one or more private dwellings in its area as the authority considers appropriate;

(b) if requested by the person who controls a cesspool serving only one or more private dwellings in its area to empty the cesspool, to remove such of the contents of the cesspool as the authority considers appropriate on payment, if the authority so requires, of a reasonable charge.

(6) A waste collection authority may, if requested by the person who controls any other privy or cesspool in its area to empty the privy or cesspool, empty the privy or, as the case may be, remove from the cesspool such of its contents as the authority consider appropriate on payment, if the authority so requires, of a reasonable charge.

(7) A waste collection authority may—

(a) construct, lay and maintain, within or outside its area, pipes and associated works for the purpose of collecting waste;

(b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works connecting with pipes provided by the authority under paragraph (a) above.

(8) A waste collection authority may contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with commercial or industrial waste before it is collected under arrangements made by the authority under subsection (1)(b) or (2) above.

(9) Subject to section 48(1) below, anything collected under arrangements made by a waste collection authority under this section shall belong to the authority and may be dealt with accordingly.

(10) In relation to Scotland, sections 2, 3, 4 and 41 of the **M1** Sewerage (Scotland) Act 1968 (maintenance of public sewers etc.) shall apply in relation to pipes and associated works provided or to be provided under subsection (7)(a) above as those sections apply in relation to public sewers but as if—

[F1(a) the said section 2 conferred a power on a waste collection authority rather than a duty on [F2Scottish Water] ;

(b) in the said section 3—

(i) references to [F2Scottish Water] were references to a waste collection authority; and

(ii) in references to public sewers and public sewage works the word “public” were omitted;

(c) in the said section 4, the reference to [F2Scottish Water] were a reference to a waste collection authority and the words from “by virtue” to the end were omitted; and

(d) in the said section 41, the reference to [F2Scottish Water] were a reference to a waste collection authority,]

and the M2Pipe-lines Act 1962 shall not apply to pipes and associated works provided or to be provided under the said subsection (7)(a).

[F3(10A) Where a waste collection authority, in the exercise of its powers under subsection (7)(a) above, proposes to execute works outside its area, it shall, in addition to any notice served under section 3(2) of the Sewerage (Scotland) Act 1968 as applied by virtue of subsection (10) above, serve notice of its intention on the waste collection authority within whose area it is proposed to execute the works together with a description of the proposed works and if, within two months after the service of the notice, the waste collection authority on whom it was served objects to the proposed works, and that objection is not withdrawn, the first-mentioned authority shall not proceed to execute the works without consent after mentioned but may refer the matter for the determination of the Scottish Ministers who may grant consent to the proposed works either unconditionally or subject to such terms and conditions as they think just, or who may withhold their consent, and their decision on the matter shall be final.]

(11) In the application of this section to Scotland, subsection (5)(b) and the references to a cesspool occurring in subsection (6) shall be omitted.

(12) In this section “privy” means a latrine which has a moveable receptacle and “cesspool” includes a settlement tank or other tank for the reception or disposal of foul matter from buildings.

Arrangements for separate collection of recyclable waste

(1) This section applies to any waste collection authority whose area is in England (an “English waste collection authority”).

(2) Where an English waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority shall ensure that the arrangements it makes in relation to those premises include the arrangements mentioned in subsection (3) below, unless it is satisfied that (in that case)—

(a) the cost of doing so would be unreasonably high; or

(b) comparable alternative arrangements are available.

(3) The arrangements are arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste.

(4) The requirement in subsection (2) above shall apply from 31st December 2010.

(5) The Secretary of State may, if requested to do so by an English waste collection authority, direct the authority that subsection (4) above shall have effect in relation to that authority as if the date mentioned there were such later date as may be specified in the direction (being a date no later than 31st December 2015).

(6) In this section, “recyclable waste” means household waste which is capable of being recycled or composted.]

## **Small bin exceptions policy**

### **Exceptions Policy**

In line with the Council's Waste Minimisation Strategy we are working in partnership with SITA UK to expand kerbside collection of recyclable materials to include Cardboard and Plastic. At the same time we will be replacing the existing 240Lt wheeled bins with new 120Lt bins.

Additional containers including a heavy duty recycling bag for plastic and cardboard will be provided to help residents recycle more of their rubbish.

Barrow Borough Council recognises that in some cases residents may have problems managing their waste and a support package will be available for those residents.

This will include: A personal waste audit; to help them decide what parts of their waste can be recycled.

In exceptional cases some households will be provided with a 240 Lt bin subjected to the following criteria being met:

- Households with five or more permanent residents
- Households with two or more children in nappies
- Residents with medical conditions that produce significant excess waste

Barrow Borough Council recognises that there may be a delay in providing larger bins and will collect reasonable side waste for a limited period. Side waste will be inspected by the collection crews and if it contains recyclable materials it will be reported to the recycling team who will help you to recycle your waste. Residents that qualify for larger bins will have their situation reviewed on an annual basis by the recycling team.

A request form is attached as **Appendix 2**.

**Appendix 2**

240 Litre Bin Request Form

Please complete all sections of the form in order that an assessment can be made regarding your requirements.

Name ..... Telephone  
.....

Address.....  
.....  
.....  
.....

Post Code .....

Names and ages of all adults and children registered as permanently living at the property.

|            |                     |          |
|------------|---------------------|----------|
| Name ..... | Date of Birth.....  | Age..... |
| Name ..... | Date of Birth.....  | Age..... |
| Name ..... | Date of Birth ..... | Age..... |
| Name ..... | Date of Birth.....  | Age..... |
| Name ..... | Date of Birth.....  | Age..... |
| Name ..... | Date of Birth.....  | Age..... |

Please list any additional members on the back of this form.

How many of these people live away from home at school/college/  
university/other for part of the year?

How many children in nappies?

Where do you take your glass, cans and plastic for recycling?  
.....

If nowhere please explain why  
.....

How else are you trying to reduce the amount of rubbish in your black bin?

.....  
.....

Please continue overleaf

Please state any additional information that you feel should be considered in your request for a 240 litre container for general waste (i.e. medical condition or disability etc):

.....  
.....

**Signature** .....

I declare that the information supplied in this form is true and accurate.

Information supplied will only be used for the purpose of assessing waste arrangements; however it will be cross-referenced with Council records.

Applications are subject to continuous monitoring. Where it is found that recyclable material is being placed in the general household waste bin, the bin may be removed.

If you would like advice on waste reduction or general recycling information please ring the Helpline on 0800 731 9826.