

Decision maker:	Cabinet member contracts and assets
Decision date:	Monday, 5 February 2018
Title of report:	Cabinet member response to general scrutiny committee recommendations on charity shop waste disposal
Report by:	Waste disposal team leader

Classification

Open

Decision type

Non-key

Wards affected

(All Wards);

Purpose and summary

To respond to general scrutiny committee recommendations following the call in of the decision to make changes to the free charity shop waste disposal service.

The decision to amend the policy on charity shop waste disposal was called in in accordance with the scrutiny procedure rules, and considered by the General Scrutiny Committee on 1 December 2017.

The committee came to the view that the decision had been taken on insufficient evidence, that not all relevant matters had been taken into consideration and that the decision taken was disproportionate to the desired outcome. The committee referred the matter back to the cabinet member requesting that he reconsider the decision having regard to the specific factors set out in paragraph 4 of the report below.

Recommendation(s)

That:

- (a) **having regard to the views of General Scrutiny Committee the original decision be confirmed as the charity shop waste disposal policy (attached at appendix 1) incorporating changes to limit the number of free deposits each charity shop organisation can make per year to between 12 and 48 in number, be approved, to be effective from 1 April 2018; and**
- (b) **allocated permits be issued to registered charity shops quarterly or bi-annually on a pro rata basis or annually where doing so helps reduce the council's or the charity's administration costs; and**
- (c) **The council work in partnership with charity shops to promote use of charity shop services by Herefordshire residents and to reduce the amount of waste charity shops produce.**

Alternative options

1. To amend the proposed policy. This is not recommended because the proposed changes set a reasonable level of support to charity shops that is affordable to the council. Responses to recommendations relating to administration, enforcement and partnership working are included in this report.

Key considerations

2. On 13 November 2017 the cabinet member considered a report on proposed amendments to the policy on charity shop waste disposal which would introduce a cap on the number of free waste deposits charity shops could make annually; the recommendations were agreed.
3. The decision was called in on the grounds that there was inadequate evidence on which to base a decision and that not all relevant matters had been fully taken into account; and that the decision was disproportionate to the desired outcome.
4. The call in was considered by General Scrutiny Committee on 1 December 2017 and the committee resolved that:

the decision be referred back to the cabinet member – contracts and assets and he be asked to reconsider it, reviewing:

- the reputational implications for the council,
- the charity shop waste disposal policy as set out at appendix 4 to the report prior to the policy being implemented, such review to include the cost of administering the proposed policy and its enforcement; and actively considering partnership working to minimise waste tonnage from charity shops, and

with the request that he consider an exemption for local county based charities that help to fulfil the council's corporate objectives.

5. The proposed changes have an adverse impact on respected charities so there is potential for some reputational damage. However the council will continue to support charity shops with limited free waste disposal instead of choosing to remove this service in its entirety. We will review our policy annually to make sure the support provided reasonable and affordable.

6. The cost of administering the service will be reduced as the council will be able to issue a limited number of tipping permits in a fixed period instead of on an ad-hoc basis when charity shops request them. This will be quarterly or bi-annually on a pro rata basis or annually.
7. Limits will be enforced through issue of controlled stationery in the form of a tipping permit. Charity shops are not able to access the councils waste transfer stations without a tipping permit.
8. The council will work in partnership with charity shops to encourage residents to use charity shops services to donate useful household items to benefit charitable causes. The council will provide guidance to help charities reduce their waste and recover costs where they choose to collect waste items.
9. The council will provide information and guidance to residents on its website and regularly promote reuse initiatives through printed guidance, social media and information events. We will work with charity shops to update and improve this information in support of mutually beneficial activities.
10. The council will not consider an exemption for local based charities at this time. The council treats all charities equally and follows the government's waste management guidance and policy.

Community impact

11. The recommendations consider the impact of the proposed changes to limit free disposal for charity shops. This could have a negative impact on revenue raised by the charity shop for the good causes it supports and potentially limit the amount of waste that the charity is able to recover for reuse.
12. The proposed changes are considered to be reasonable reflecting both the valuable work of charity shops in diverting waste through reuse and recycling, balanced by the need to reduce the council costs.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. In relation to the recommendation of this report there are no identified negative impact on protected characteristic with this report and its implications relating to governance process and arrangements

Resource implications

15. The proposed changes will reduce the current administration costs incurred by the council. Instead of ad-hoc issue of an unknown quantity of tipping permits to charity shops the council will be able to issue a limited allocation of tipping permits in a specific period (for example each year).
16. The limits will disincentive charity shops from utilising free disposal to dispose of waste from outside of the county, from commercial sources or collected through commercial collections thus reduces the councils need to monitor and audit charity shop disposal.
17. There are no plans to offer an exemption to local charities and thus no additional resource is required to fund free disposal for local charities.

Legal implications

18. In accordance with the constitution, the cabinet member as decision maker must reconsider any decision referred to them following call-in, take into account any views expressed by the relevant scrutiny committee and may either amend or confirm the original decision or require further specified work to be undertaken before making a final determination.
19. In taking this decision, the council is unable to charge for the disposal of waste from a charity shop selling donated goods originating from domestic property in accordance with the Controlled Waste Regulations 2012 (CWR).
20. The permit scheme does not involve a charge and provides an additional service enabling deposits to be made at the counties transfer stations.

Risk management

21. The recommendations from general scrutiny consider that there is a risk of reputational damage to the council. However by choosing to continue to support charity shops by offering limited free disposal rather than withdrawing this support entirely the council is providing a level of support that is affordable.

Consultees

No further consultation has been carried out

Appendices

Appendix 1. Charity shop disposal policy

Background papers

None identified