

Council
14 October 2021

Report of the Director of Corporate and Customer Services (& Monitoring Officer)

PETITION – WASTE MANAGEMENT SERVICES

PURPOSE OF REPORT

To advise the Council of the receipt of a petition containing 597 signatures calling for an “independent enquiry into Serco’s delivery of its 2020 waste contract and impose penalties for non-compliance where they are found to be applicable.”

RECOMMENDATION

1. That the Council formally resolve to receive the petition.
2. That consideration be given to what action, if any, the Council wishes to take in respect of the petition.
3. That the Director of Corporate and Customer Services be authorised to notify the Lead Petitioner of the actions that the Council will take in respect of the petition.

WARDS AFFECTED

District-wide

STRATEGIC LINK

The petition in itself does not link to the Council’s Corporate Plan priorities directly, but the theme of individuals and groups in the district being able to raise concerns or call for action by the Council is considered to be a key pillar of local democracy. In terms of governance, the way in which a Council handles a petition is a marker for the health of its governance arrangements. The subject of the petition, the Waste Management contract, contributes towards the District Council’s priority of keeping the Derbyshire Dales clean, green and safe. It must also balance affordability with quality in reflecting the District Council’s Medium Term Financial Strategy.

1 BACKGROUND

- 1.1 Article 3 of the Constitution (Citizen Involvement and Participation) details provisions for how the Council will receive and consider petitions from the public which act as a means of communicating concerns or calls for action. This is not a statutory requirement but is a provision that the District Council has maintained to provide confidence to residents that their concerns will be heard and responded to. Article 3.2.1.1 states that a petition should include a clear statement of concerns and what the Council is being asked to do, which must relate to something that is the responsibility of the Council or it has some influence over.

1.2 The Constitution also defines three types of petition and how the Council will handle such petitions:

- Consultation petitions – these are in response to an invitation from the Council for representations on a particular proposal or application. Such petitions, which are received by the response date in the consultation invitation will be reported to a meeting in public of the body or person who will be determining the matter
- Statutory petitions – certain Acts of Parliament require the Council to consider petitions, such as for a review of Parish Councils or to introduce a directly-elected Mayor. Such petitions will be reported to the next available meeting of the Council.
- Ordinary petitions – these are not specified and the Petitions Officer (the Director of Corporate and Customer Services) will arrange for these to be reported to the relevant senior officer, or Committee or sub-committee of the Council which has the authority to take a decision on the matter.

2 REPORT

2.1 On 29 September 2021, the Council received a petition containing 596 valid signatures (597 in total) which called on the authority *“to commission an independent enquiry into Serco’s delivery of its 2020 waste contract and impose penalties for non-compliance where they are found to be applicable. We believe this is necessary so that the Council can meet its environmental and climate commitments in the future while representing value for money for tax payers and residents.”*

2.2 The Petitions Officer has reviewed the petition and classified it as an Ordinary Petition, within the meaning detailed in Article 3.4.1 of the Constitution. As such, it is a matter for Council to determine the request made in the petition.

2.3 The process to be followed in considering this petition is:

- (i) The Chairman will invite the relevant officer to set out the background to the issue
- (ii) The Chairman will invite the Petition Organiser to address the meeting for up to three minutes
- (iii) The Chairman may ask questions of the petition organiser
- (iv) The Chairman will invite the relevant officer(s) to advise the meeting in response to the comments made
- (v) A motion, proposed and seconded, will be necessary to debate the petition before the Council votes on what action to take – this could include:
 - a) Determination of the matter
 - b) Referral for investigation and a further report
 - c) Referral to the relevant committee for determination

2.4 Once a decision is made in respect of the petition, the Petition Officer will advise the Petition Organiser of the decision and any subsequent decisions. The Petition Organiser will be formally notified of the outcome of the petition’s consideration within five working days of such decision.

3 RISK ASSESSMENT

3.1 Legal

There is no statutory requirement for the Council to consider petitions, but as set out earlier in the report the Council's Constitution details provisions and procedures that should be followed by the Council in dealing with any petition received. As this report satisfies the requirements of the Constitution, the legal risk is assessed as low.

3.2 Financial

Should Members agree to an independent review, as requested by the petition, this will require the engagement of an independent industry expert to review Serco's delivery of the waste contract. At the time of writing this report officers are seeking cost estimates and a verbal update will be given at the Council meeting. There is no provision for this expenditure in the revenue budget for 2021/22. If an external review is approved by Members, a supplementary revenue budget would need to be approved to cover the estimated cost; it could be funded from the General Reserve. The use of the General Reserve as a source of financing for one-off costs is consistent with the criteria set out in the Council's Medium Term Financial Strategy. The general reserve currently has a balance of £963,412.

In the longer term, if the consequences of this petition, including further management intervention, were to lead to the destabilisation of the Waste Collection contract with Serco and were to result in the termination of, or a significant amendment to the waste Collection contract, this would pose a significant financial risk to the achievement of a sustainable balanced budget and the Medium Term Financial Plan.

Accordingly whilst the recommendations of the report are low risk, the financial consequences of a chain of events following Council's decision could be HIGH RISK.

4 OTHER CONSIDERATIONS

- 4.1 In preparing this report, the relevance of the following factors has also been considered: prevention of crime and disorder, equalities, environmental, climate change, health, human rights, personnel and property.

5 CONTACT INFORMATION

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6 BACKGROUND PAPERS

- 6.1 Petition received on 29 September 2021 – Waste Management Services