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To: Councillor Jean Morrison MBE, Convener; and Councillors Cooney, Corall, Delaney, Donnelly, Jackie Dunbar and Finlayson.

Town House,
ABERDEEN Friday, 19 June 2015

ZERO WASTE MANAGEMENT SUB COMMITTEE

The Members of the **ZERO WASTE MANAGEMENT SUB COMMITTEE** are requested to meet in Committee Room 4 - Town House on **TUESDAY, 23 JUNE 2015 at 2.00 pm.**

RODERICK MACBEATH
SENIOR DEMOCRATIC SERVICES MANAGER

BUSINESS

- 1 Apologies
- 2 Minute of the Previous Meeting of 2 December 2014 (Pages 1 - 4)
- 3 Matters Arising
- 4 Waste Enforcement Review-late circulation

EXEMPT BUSINESS

- 5 Zero Waste Project Altens East Update -now exempt
- 6 AOCB
- 7 Date of Next Meeting - 6 October 2015

Website Address: www.aberdeencity.gov.uk

Should you require any further information about this agenda, please contact Lynsey McBain, tel. 01224 522123 or email lymcbain@aberdeencity.gov.uk

Briefing for Elected Members on the Importance of EHRIAs

As an elected member, you will know you have an important role to play in championing equality within and outside Aberdeen City Council. There is also a scrutiny role for you to ensure that equality considerations are included in the decision making and governance of the council.

In exercising your duties as an elected member, you will make decisions which shape the council budget as well as the practice, strategies, plans and policies of the council. You have to make sure that the relevant equality implications are considered and so need to have sufficient information to satisfy our legal requirement to pay “due regard” to equality. Since public authorities subject to the equality duties are also likely to be subject to the obligations under the Human Rights Act, our impact assessment tool also considers the potential impact our decisions could have on human rights – Equality and Human Rights Impact Assessment (EHRIA).

EHRIA forms are included in the agenda pack, and this is important as it ensures that the impact of any proposals being considered by the Committee is clear at the point of decision making. These are included at the back of the report, as an appendix. Committee members should feel able to ask questions of report authors in relation to EHRIA forms, including questions about why an impact assessment has not been carried out / is not included.

There is an onus on elected members to make sure that EHRIAs are robust and give appropriate weighting in decision-making processes. In recent guidance from the Equality and Human Rights Commission, relevant case law examples show the Courts stating that, the public authority had to demonstrate that it had paid ‘due regard’ to its equality obligations.

Policies and practices should be assessed for impact across the three parts of the public sector duty (eliminate unlawful treatment, advance equality of opportunity and foster good relationships).

These duties do not prevent us from taking many difficult decisions such as reorganisations and relocations, redundancies, and service reductions, nor do they stop us from making decisions, that may affect one group more than others. Whilst we have a duty to involve groups of people who have protected characteristics, this does not give them the right of veto regarding any of our budget proposals or other council decisions.

What the equality duties do is enable us to demonstrate that we are making decisions in a fair, transparent and accountable way, considering the needs and the rights of different members of our communities.

The EHRIA will allow you to see that people with protected characteristics are enjoying equal access to our services, and where they are not, or are over / under-represented, or are not getting as good a service, the EHRIA gives the opportunity to do something to resolve the situation.

The equality target groups, or people with protected characteristics, include age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex (gender) and sexual orientation.

The sort of questions to ask yourself as you read an EHRIA might include:

- How might the proposal impact on ethnic minority communities, including Gypsy / Travellers?
- How might the proposal impact on people with a disability?
- Would the impacts on women and men or the Transgender community differ?
- Would the proposal affect ethnic minority women and men in the same ways?
- Would the proposal affect women and men with disabilities in the same ways?
- What about age considerations when thinking about impacts?

It is important to remember that the potential impact is not just about numbers. Evidence of a serious impact on a small number of individuals is just as important as something that will impact on many people. You should also think about how individual proposals might relate to one another. This is because a series of changes to different policies or services could have a severe impact on particular protected groups.

The EHRIA is therefore an invaluable tool to assist you in ensuring that the interests of all groups are properly taken into account when difficult choices about resources are required.

A case study on “Southall Black Sisters – the need to impact assess decisions” is set out below.

Southall Black Sisters (SBS) provides specialist services to Asian and Black Caribbean women, particularly in relation to domestic violence issues.

In June 2007, Ealing council announced proposals to move away from funding particular organisations (such as SBS), towards commissioning services (including domestic violence services) following a competitive bidding exercise.

During discussions about criteria for commissioning domestic violence services SBS had highlighted the adverse impact the criteria could have on pre-existing domestic violence services provided to women from ethnic minority communities, and so an equality impact assessment should be carried out.

Ealing carried out belated impact assessments on proposals before deciding to proceed with the existing domestic violence services commissioning criteria, resulting in two SBS service users launching a judicial review of the decision.

Ultimately, Ealing conceded these submissions and withdrew from the case. However, in an oral judgement, Lord Justice Moses reiterated the importance of undertaking an equality impact assessment, and also the importance of carrying out an impact assessment before policy formulation.

Should you require any help with EHRIAs please contact me at sandrab@aberdeencity.gov.uk or 01224 523039 or Faiza at fnacef@aberrdeencity.gov.uk or 01224 523183.

Agenda Item 2

ZERO WASTE MANAGEMENT SUB COMMITTEE

ABERDEEN, 02 DECEMBER, 2014 - Minute of Meeting of the ZERO WASTE MANAGEMENT SUB COMMITTEE. Present: Councillor Jean Morrison MBE, Convener; and Councillors Delaney, Dickson (substituting for Councillor Corall), Donnelly, Jackie Dunbar, Finlayson and Young (substituting for Councillor Cooney).

The agenda and reports associated with this minute can be located at the following link:

<http://committees.aberdeencity.gov.uk/ieListDocuments.aspx?CId=439&MId=2842&Ver=4>

Please note that if any changes are made to this minute at the point of approval, these will be outlined in the subsequent minute and this document will not be retrospectively altered

DETERMINATION OF EXEMPT ITEM OF BUSINESS

1. The Convener proposed that the Sub Committee consider the report identified on the agenda as being for determination in private with the press and public excluded.

The Sub Committee resolved:-

in terms of Section 50(A)(4) of the Local Government (Scotland) Act 1973, that the press and public be excluded from the meeting for Article 6 of this minute on the grounds that it was likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public or press were present there would be disclosure to them of exempt information as defined in Paragraph 9 of the Act.

APOLOGIES

2. Apologies were intimated on behalf of Councillors Cooney and Corall.

MINUTE OF PREVIOUS MEETING

3. The Sub Committee had before it the minute of its previous meeting of 7 October, 2014.

The Sub Committee resolved:-

to approve the minute as a correct record.

GROVE HOUSEHOLD WASTE RECYCLING CENTRE

4. With reference to article 3 of the minute of meeting of 15 February 2012, the Sub Committee had before it a report by the Director of Communities, Housing and

Infrastructure, which provided an update on the Grove Household Waste Recycling Centre since its opening in February 2014.

Noel Taylor, Environmental Services, spoke to the Sub Committee through the report.

Members then asked a number of questions, whereby Councillor Jean Morrison indicated that some people were unsure of where the nursery was located. Noel explained that new signage had recently been put in place to help direct people. Councillor Donnelly asked if the new service had reduced the pressure on the Tullos site. Noel indicated that they had carried out a stop and check service, whereby they asked people who were visiting the Grove centre where they had come from and what waste services they were using. This was to be done again in 2015. Once the data is gathered from the next round of stop and check, Noel explained that they would analyse the data and see how the site is affecting the other waste sites.

Ros Baxter also highlighted that a national reuse helpline hosted by Zero Waste Scotland, was in place for people who wanted to donate quality, unwanted goods for reuse. Items such as furniture and white goods were accepted and would be uplifted from the caller. The helpline provides an accessible and free way for people to donate reusable items to third sector community organisations. Ros explained that they were hoping to promote this number widely and advised that she would send this on to the clerk for distribution to members.

The report recommended:-

that the Sub Committee note the contents of the report.

The Sub Committee resolved:-

- (i) to request that Ros Baxter send the national helpline details to the clerk for distribution to members;
- (ii) to thank Noel Taylor for his efforts and to request that he share the statistics of the stop and check service, once they were available; and
- (iii) to otherwise approve the recommendation.

DATES FOR 2015

- 5. The Sub Committee had before it the meeting dates for 2015.

The Sub Committee resolved:-

- i) to agree that the meetings be held on Tuesday 24 February, Tuesday 28 April and Tuesday 23 June 2015, all at 2pm
- ii) to note that the meeting dates for after the summer recess had still to be agreed by Council; and
- iii) to request that the clerk ensure that electronic appointments were sent to members with the 2015 dates.

In terms of the decision taken at Article 1 of the minute, the following items were considered with the press and public excluded.

WASTE MANAGEMENT SERVICES CONTRACT VARIATION

6. With reference to article 5 of the minute of meeting of 9 October, 2013, the Sub Committee had before it a report by the Director of Communities, Housing and Infrastructure, which highlighted the background, history and development of the process to renegotiate the Waste Management Services Contract with SITA North East Ltd (SITA) for processing Aberdeen's waste. It also sought approval for recommended changes in respect of the remaining term of the Waste Management Services Contract to meet the Council's requirements through to 2015.

Peter Lawrence spoke the Sub Committee through the report.

Members then asked a number of questions in regards to the report.

The report recommended:-

That the Sub Committee recommends to Council that the following recommendations are agreed -

- (a) that the technical and service proposals identified in the report are accepted and shall form the basis of the variation to the Waste Management Services Contract with SITA
- (b) that organic waste (kitchen and garden) should continue to be processed as detailed in the report pending development of a more local facility if a local commercial outlet becomes available (there is a contract break point after 5 years; beyond 5 years a further contract variation will be required.
- (c) that a new facility should be constructed on the identified site at Altens, directly funded by the Council, to process recycled mixed materials (including glass) for onward sale to markets and prepare residual waste for export via Montrose Port to an off-site processing plant, pending development of a local Energy from Waste facility
- (d) that Altens facility should be capable of receiving third-party waste from other sources so as to maximise economies of scale, and reduce unit costs to the Council;
- (e) that the new facility at Altens should include a new Waste Services depot and office to allow withdrawal from the Kittybrewster site in anticipation of the Berryden Corridor road development;
- (f) that the current commercial position is accepted as the basis for the contract variation and that authority is delegated to the Director of Communities, Housing and Infrastructure, to finalise the terms of the variation in consultation with the Head of Legal and Democratic Services. This authority is limited to seeking lower cost services only and does not include authority to alter the specification of the services.
- (g) that the Altens site, accesses, roads, offices, plant and other fixed assets shall be wholly owned by the Council, and be returned to the Council in good condition at the end of the contract so as to be available to a new contractor (or to allow operations to be brought in-house) at that time.

The Sub Committee resolved:-

to approve the recommendation.

ANY OTHER COMPETENT BUSINESS

7. Councillor Donnelly provided a brief update in regards to the Zero waste Task Force which he was a member of, representing COSLA.

Councillor Donnelly explained that the task force were hoping to institute a brokerage with the 32 local authorities in Scotland for waste management, working alongside the Scottish Government. He indicated that there had been concerns in regards to legislation for this and that the details still need to be agreed, however he felt it was very encouraging and the way forward for Zero Waste. The next meeting of the Task force was due to be held on 11 December 2014 and Councillor Donnelly would report back on any progress.

DATE OF NEXT MEETING

8. The Sub Committee noted that the next meeting was scheduled for Tuesday 24 February at 2pm.

- **Councillor Jean Morrison MBE – Convener**