

## Scottish Parliament Region: North East Scotland

Case 200502227: Aberdeenshire Council

### Summary of Investigation

#### **Category**

Local Government: Civic amenity; Waste

#### **Overview**

The complaint concerned the Council's decision to introduce new refuse and recycling procedures. It was alleged that only two weeks notice was given of the changes and that the tone of the literature issued to members of the public was unacceptable. The complainant was also aggrieved that a new waste and recycling centre, upon which the new system depended, was not yet built.

#### **Specific complaints and conclusions**

The complaints which have been investigated are:

- (a) failure to give proper notice of changes (*not upheld*);
- (b) unacceptable tone of literature (*not upheld*); and
- (c) introduction of new system in advance of a new refuse/recycling centre (*not upheld*).

#### **Redress and recommendation**

The Ombudsman has no recommendation to make.

## **Main Investigation Report**

### **Introduction**

1. On 27 January 2006 the Ombudsman received a complaint from Mr C concerning the way in which Aberdeenshire Council (the Council) introduced new refuse and recycling procedures in the southern part of their area. Mr C complained that he was given only two weeks notice of the changes and that this was unacceptable, as was the tenor of the literature he received. He was also aggrieved that the waste and recycling centre upon which the new process depended, was not yet built.

2. The complaints from Mr C which I have investigated are:

- (a) the Council's failure to give proper notice of the changes to their new refuse and recycling procedures;
- (b) the unacceptable tenor of the literature that was distributed; and
- (c) the Council's introduction of their new system despite the fact that the new waste and recycling centre, upon which it relied, was not yet built.

### **Investigation**

3. The investigation of this complaint involved obtaining and reading all the relevant documentation, including correspondence between Mr C and the Council. I have also had sight of the Infrastructure Services Committee (the Committee) minutes stemming back to August 2000; minutes of the Kincardine and Mearns Area Committee dated 19 March 2002 and 27 April 2004; a minute of the Waste Management Working Group dated 9 March 2005; Aberdeenshire Citizens' Panel's Sustainable Environment Survey dated April 2005; the document, 'Integrated Sustainable Waste Management Strategy for Aberdeenshire 2001-2020', together with details of all the publicity material issued by the Council in association with their new waste strategy. On 2 March 2006 I made a written enquiry of the authority and their detailed response was received on 23 March 2006.

4. My findings and conclusions are set out below and, although I have not included every detail investigated in this report, I am satisfied that no matter of significance has been overlooked. Mr C and the Council have been given an opportunity to comment on a draft of this report.

## **Background**

5. From the information available to me, in particular from the Council minutes referred to above, it was clear that there was a longstanding intention on the part of the Council to review their waste strategy. In both August and October 2000, the subject of the Council's integrated sustainable waste management strategy had been considered by the Infrastructure Services Committee. By 25 January 2001, proposals were outlined (confirmed on 15 March 2001) for South Aberdeenshire and the Committee agreed to link these to a detailed public education programme. A decision was taken to approach the Scottish Executive for funds from the Strategic Waste Fund.

6. While it appeared that matters progressed slowly, by March 2002 there was an acknowledgement that the proposed strategy would affect Council areas differently and that it was, therefore, appropriate that Area Committees and Area Management Teams be given the opportunity to comment. The views elicited were then reported to the Committee in May 2002 and, in October 2002, a bid was made for funding to the Scottish Executive. The Council commented, in their response of 23 March 2006, that the bid was designed to comply with statutory targets to reduce landfill waste by 65% by 2020 and that, therefore, radical changes were required. The status quo was not an option.

7. The Council were successful in their bid to the Strategic Waste Fund and were awarded some £62.9m over a period of 17 years. However, in a Committee report dated 2 December 2004, it was confirmed that the Council had experienced considerable difficulties in achieving the expenditure in accordance with the funding available. This, in the main, had been due to delays in achieving consents for capital developments and decisions not to proceed to a third mixed waste compositing plant. It was also confirmed that the Scottish Executive had announced further, more onerous targets for recycling waste. It was, therefore, against this background that the Committee sought approval to once again review their Waste Strategy Implementation Plan and this was ultimately agreed. Following on from this, on 12 May 2005, the decision was taken by Committee to move to fortnightly refuse collections from October 2005.

8. Although it had initially been the original intention to roll out the new arrangements over a period of three years, the changes required to the Waste

Strategy Implementation Plan reduced this to seven months. The opportunity to phase in the new service gradually, making changes where necessary, was, therefore, removed and the Council said that this undoubtedly made the change more difficult.

**(a) The Council's failure to give proper notice of the changes to their new refuse and recycling procedures**

9. Mr C said that the Council gave him only two weeks notice of the changes to his refuse collection and complained that this was completely unacceptable given that he had two small children.

10. During September, October and November 2005, a series of public information events took place in the southern part of the Council's area, including one on 27 November 2005 in Stonehaven. Press and radio advertising began in the middle of September 2005, together with postcards sent to all households alerting them to the forthcoming change in service. As well as this, bins and boxes were also delivered with information packs. I understand that the media campaign continued throughout October 2005 and guides and stickers concerning the new collections were delivered to all households. New service collections began in November 2005.

*(a) Conclusion*

11. In the circumstances, while I can see that the new system required more customer participation and meant fewer Council collections for residents in the Stonehaven area, I cannot conclude that the Council did not give proper notice about the changes. Accordingly, I do not uphold the complaint.

**(b) The unacceptable tenor of the literature that was distributed**

12. Mr C believed that the tone of the information fliers issued by the Council was unacceptable. He said that it was arrogant and inflammatory.

*(b) Conclusion*

13. I have seen details of all the publicity information used, including scripts for radio advertisements. However, it is not my view that these were unacceptable and I do not uphold Mr C's complaint on this score.

**(c) The Council's introduction of their new system despite the fact that the new waste and recycling centre, upon which it relied, was not yet built**

14. In their response to me dated 23 March 2006, the Council confirmed that the Stonehaven Recycling Centre was not completed in November 2005 when their new system was introduced. However, they said that to delay the scheme's introduction would have presented problems. In particular, they had applied for, and been successful in obtaining, grant funds from the Scottish Executive and associated expenditure (for new wheeled bins) had to be incurred before the end of March 2006. The particular bins being purchased were to a design to operate with a new lifting device to increase efficiency. It was the Council's view that any delay would have put a question over the availability of funding and they would then have run the risk of increased costs by having two refuse collection fleets running in tandem (the old fleet for the old style bins together with the new equipment). Nevertheless, they said that it was always their intention to have the new waste and recycling centre in place before the new system was introduced but that finding a suitable site and following it through the planning process took longer than envisaged. I understand that planning approval has now been given and the waste and recycling centre should be in operation in the Autumn (2006). In the meantime, a temporary facility is in operation which, although more basic, allows the public to dispose of refuse free of charge.

*(c) Conclusion*

15. The Council agreed that the new waste facility was not in place before the introduction of the system. However, there were mitigating circumstances which convinced the authority to go ahead with the new refuse collection scheme. Deferring their decision to do so could have put grant funding into question and, taking all the available information into account, I cannot conclude that the Council acted unreasonably. Temporary facilities were introduced for the public's use and the new waste and recycling centre should be in operation in the autumn of this year. This being the case, I do not uphold the complaint.

29 August 2006

**Explanation of abbreviations used**

Mr C	The complainant
The Council	Aberdeenshire Council
The Committee	The Infrastructure Services Committee