

# MAYOR OF LONDON

**Cllr Richard Cornelius**

London Borough of Barnet  
North London Business Park  
Oakleigh Road South  
London, N11 1NP

**Date:** 21 August 2018

By e-mail: ([cllr.r.cornelius@barnet.gov.uk](mailto:cllr.r.cornelius@barnet.gov.uk))

Dear Cllr Cornelius,

## **Withdrawal of weekly kerbside Food Waste Collection Service**

The Mayor has received from your office, three letters in connection with the above: one dated 8 August and two dated 9 August 2018. The first letter (1) dated the 8 August lays out a series of legal points on the potential issuing of a Mayoral direction in relation to the Mayor seeking a temporary cessation of your decision to withdraw the weekly kerbside food waste service (“the Service”) while a review of that service (and associated services) is undertaken. The second and third letters, both dated the 9 August, deal respectively with (2) matters of the sufficiency of your Environment Committee’s decision-making process on the matter and (3) a number of technical issues.

We are in the process of reviewing these letters and seeking additional advice on the issues they raise. We will respond in due course.

We note that your first letter (dated the 8 August) required a response by 22 August and threatened withdrawal of the Service after this date. The second letter (referred to at (2) above) contradicts this and states that it is your intention to give the Environment Committee the opportunity to reconsider its earlier decision before any withdrawal of the Service is implemented. We therefore take this as a commitment and undertaking to continue the current weekly kerbside food waste collection service to your residents and not to withdraw it before the Environment Committee has reconsidered the matter, at the very earliest. The Environment Committee’s published forward plan indicates 2 October 2018 as the next meeting date, with another meeting scheduled for 28 November. Please could you confirm which meeting it is intended that the Committee will consider the issue of the Service’s future.

We support your intention to refer the matter back to the Environment Committee. This represents an ideal opportunity to take up the Mayor’s offer of a food waste service review, provided free of charge through LWARB’s Resource London’s borough support programme. Given that the purpose of such a review would be to explore a wider range of options than previously considered, and which have the potential to indicate both savings and performance improvements, that could potentially allow the Service to be continued and also deliver savings as part of Barnet’s medium term financial plan. It has the potential to satisfy both parties. We again urge you to seriously consider this offer allowing us to work together in an attempt to find a workable solution that meets the requirement of my London Environment Strategy and the needs of your residents.

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Without going into the detail of your first letter (8 August), we too have had the benefit of advice from Leading Counsel from the very start. This endorses the legality of the potential use of the Mayor's powers of direction in these particular circumstances. To do so would be entirely consistent with the 2007 *West London Waste Authority* case decision. The LES (2018) sets a minimum level of service: all properties with kerbside recycling collections are to receive a separate weekly food waste collection and that boroughs should demonstrate how they will meet that level of service by 2020 *at the latest*. That requirement is not aspirational and is a central part of the Strategy's municipal waste management provisions. A direction which upholds it is in line with the Strategy as read as a whole; it would not impose any obligations that goes beyond the statutory duty of general conformity. It would therefore be lawful.

As the Mayor has made clear in all correspondence to date, while he has the power to direct Barnet in this matter, he would prefer to seek a negotiated way forward that can carry the support of both parties. Contrary to your assertion, the Mayor is not seeking the continuation of the Service in its current form in perpetuity. For the avoidance of doubt, at this juncture, the Mayor is only seeking for Barnet to undertake an independently supported and validated review of the Council's food waste service and associated services that could potentially improve the service and secure financial savings, and that the service is continued while the review takes place. The Mayor reserves judgment until such time as such a review had been completed (supported and validated by a third party).

The Mayor does not believe that ending up in court, with its attendant costs and time delays is the best way forward for either party, - Barnet's residents or other Londoners (regardless of the outcome). A way forward has been offered that allows that scenario to be avoided.

In the meantime, we shall seek to respond to all three of your letters so that we have clarity on our respective positions on the matters raised.

Yours sincerely,



**Shirley Rodrigues**

Deputy Mayor, Environment and Energy