

## **REPORT TO SCRUTINY COMMITTEE - COMMUNITY**

**Date of Meeting: 21 January 2015**

## **REPORT TO EXECUTIVE**

**Date of Meeting: 27 January 2015**

**Report of: Cleansing and Fleet Manager**

**Title: Domestic waste containers: charges and policies**

### **Is this a Key Decision?**

No

### **Is this an Executive or Council Function?**

#### **Executive**

#### **1. What is the report about?**

This report seeks to consolidate into one document (Appendix 4) a number of existing policies relating to domestic waste collection and supply of waste containers. It also seeks approval for a revised policy on charging for domestic waste containers to provide a simpler and harmonised charging structure.

#### **2. Recommendations:**

##### **2.1 That Members of Scrutiny Committee - Community support and Executive approves:**

- (i) that the consolidated waste collection policies in Appendix 4 are confirmed;
- (ii) that the proposed list of exemptions from charges for domestic waste containers (Appendix 3) is adopted with effect from 1 February 2015; and
- (iii) that the Council more robustly follows an escalation process leading to the use of Section 46 of the Environmental Protection Act 1990 to require residents to purchase or provide domestic waste containers to the required specification.

#### **3. Reasons for the recommendation:**

**3.1** To reduce the net cost to the Council for purchasing and delivering domestic waste containers to residents and to move towards cost neutrality for this chargeable service.

**3.2** To ensure that appropriate policies and charges for domestic waste collection are applied consistently and fairly.

#### **4. What are the resource implications including non financial resources.**

**4.1** The additional resources identified to escalate any refusal to provide an appropriate waste container in line with the Council's policy, will be met within existing budgets. The anticipated increase in income derived from a more robust application of the policy, will outweigh the cost of any additional resources required to implement the policy.

**5. Section 151 Officer comments:**

- 5.1 An increase in income in relation to charging for bins is one of the proposals put forward by Cleansing towards their savings target for 2015-16 and has been built into the proposed budget. The additional increase added totals £40,000.

**6. What are the legal aspects?**

- 6.1 Section 46 of the Environmental Protection Act 1990 gives the waste collection authority (the Council) the power to specify the type of container a householder must use, and to either make a charge for the provision of the container, or require the householder to provide a container to the required specification. It also empowers the waste collection authority to *“make provision with respect to...the placing of receptacles for the purpose of facilitating the emptying of them”* and *“the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles”*.

**7. Monitoring Officer’s comments:**

- 7.1 “This report raises no issues for the Monitoring Officer.”

**8. Report details:**

- 8.1 The Executive agreed on 18 March 2013 to introduce a charge for wheeled bins for domestic non-recyclable waste. A charge for supply and delivery has applied to new-build properties (£25 - £45 dependent on size) and a charge for delivery only (£6) applied to existing properties that required a replacement or swapped bin. These charges were introduced on 1 April 2013.
- 8.2 From 1 April 2014, the charges were amended so that a charge for green (recycling) wheeled bin now applies, and the difference in charge between new-build and existing properties has reduced. This was intended to increase income in order to move towards a cost neutral position and meet income targets. The current charging scheme is shown in Appendix 1.
- 8.3 Financial monitoring for the first three quarters of 2014/15 indicates there will be a shortfall of £3,100 on the target for this income stream by the end of the year, the reasons for which are explained below.
- 8.4 The target income of £30,500 was based on the rate of new-build completions and the number of requests historically received from existing residents. There are two reasons why the income so far this year has not met the target:
- (i) The charging protocol agreed by Executive in March 2013 includes a number of exceptions that require the bin charge to be waived (see Appendix 2). Increasingly, householders are citing *“The container has been stolen, and this has been verified by the occupier”* as the reason for requesting the replacement and this means no charge is applied in many cases.
  - (ii) Some householders, when told that they need to contribute towards the cost of a new or replacement wheeled bin, decide they do not want one and prefer to put waste out in plastic sacks. During the 2013/14 financial year, the number of new-build properties that were occupied but did not purchase a wheeled bin was

164. At the increased rate of new-build properties receiving a collection since April, this figure could rise to over 200 this year. Assuming that new-build properties will require a set of two bins (one each for rubbish and recycling) at an average charge of £40, this represents a missed income of £4,740.

**8.5** As well as the loss of income to the Council, there is an impact on the street scene where black sacks are put out directly for collection. Because the waste is not securely contained, littering and spillage of waste is much more likely to occur and it is impracticable for collection crews to pick up every scrap of spilled waste. Additionally, the lack of a dedicated recycling bin will discourage people from recycling, having a negative impact on recycling rates and income.

**8.6** Wheeled bins offer a safer collection method for collection crews due to easier manual handling and less chance of contact with offensive or sharp items. An increase in householders 'opting out' of using wheeled bins increases the risk needle-stick injuries from sharp objects as well as suffering manual handling injuries associated with carrying sacks and loading them manually into a refuse collection vehicle. For these reasons, the Council selected wheeled bins as the designated container for waste in all parts of the city except where properties do not have suitable space for storage.

### **8.7 Options for reducing exemptions from charging and increasing income.**

The following options are considered:

- (i) Where a householder requesting a new or replacement bin refuses to pay a charge and is not entitled to a waiver under our policy, the Council will follow an escalation process, ending in the issuing of a notice under Section 46 of the Environmental Protection Act. This will require the householder to pay a contribution towards the supply or delivery of an appropriate wheeled bin by the Council. Alternatively the householder may purchase his or her own bin from another supplier, provided this meets the EN840 standard for wheeled bin construction and compatibility with bin lifts (advice will be given on the standard required).
- (ii) The phrase "*The container has been stolen, and this has been verified by the occupier*" is deleted from the list of reasons for waiving the bin supply and delivery charge. This will put the onus on the resident to put the bin out only within the specified period for collection day and bring it back on to the property as soon as possible afterwards. Householders will be encouraged to label their bins with their house number or name. Whilst, there is the potential for an increase in complaints from members of the public, this policy would support the objective of residents taking more responsibility for their bin.
- (iii) A charge could be introduced for alternative waste containers such as static dustbins and seagull-deterrent sacks. At the current rate of containers supplied (estimated at 1,100 in 2014/15), this could generate a useful income. However, static dustbins and seagull-deterrent sacks have been introduced in parts of the city where storage of waste is difficult and the storage and the presentation of waste in plastic sacks has caused littering problems that are very difficult to resolve. We have encouraged residents to accept these containers in order to improve the street scene especially in densely populated central parts of the city, therefore, charging for these containers in these circumstances may deter householders from using them and reverse some of the progress that has been

made in tackling the problems of spilled rubbish. Therefore this option is not recommended at this stage and needs further consideration.

**8.8** The reduction in charge of 50% for a reconditioned bin has proven to be impracticable as the availability of such bins is not known when an order is placed by the householder. It also complicates the move towards a simple online ordering process as described below. If a reconditioned bin is supplied, the same protection against failure due to wear and tear is offered: *“The container has been damaged beyond repair by the collection and emptying process, so that it is no longer usable”* or *“Where the container has apparently prematurely failed owing to age or poor manufacture”*. It is therefore recommended that the 50% reduction is deleted from the list of exemptions.

**8.9** A number of other domestic waste collection policies have evolved and are currently published on the Council’s web site. These policies cover assisted waste collections, additional bin capacity for larger households, the storage and presentation of waste, dealing with missed collections and disruption to collections due to extreme weather. Publishing these policies, and ensuring that staff apply them consistently, enables us to provide an equal level of service to all households.

## **9. How does the decision contribute to the Council’s Corporate Plan?**

**9.1** The decision will contribute as follows:

- **Keep My City Looking Good** – ensuring that householders obtain the appropriate waste containers for their property, and use them correctly, reduces the presence of rubbish sacks being stored in gardens, and presented on-street, and helps avoid spillage from split sacks.
- **Run the Council Well** – helps move to cost neutrality for this chargeable service; provides safer working conditions for the health and safety for our workforce.

## **10. What risks are there and how can they be reduced?**

**10.1** There may be an adverse reaction from members of the public who do not wish to pay for a waste container, however, the Council has made a charge for nearly 2 years now, without any adverse reaction. This can be further mitigated by ensuring we have clearly-stated policy explaining the need for the charges, and publicising this policy on the Council’s web site (with links to this page being published in print media such as leaflets), and responding promptly to any residents who raise concerns about the policy.

**10.2** Some residents may be unwilling or unable to pay a one-off charge for a wheelie-bin. For those able to pay but unwilling to do so, then the Council may require the provision of a suitable container by means of Section 46 enforcement action, and it may also refuse to collect refuse not presented in an appropriate container. Any accumulation that arose from non-collection may then need to be dealt with under other Environmental Health powers. For those unable to pay a one-off charge, then alternative payment methods would need to be considered, including stage payments. The risk can be further mitigated by learning from the experience of other Councils that

have used Section 46 powers for the purpose of requiring residents to purchase or provide a waste container.

**11. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?**

**11.1** There will be a positive impact on the local environment from the greater use of wheeled bins, which contain waste securely and reduce local littering.

**11.2** The policy of charging for waste containers could be argued to have a negative impact on people with low income. However, Councils' authority to make a reasonable charge was established in the Environmental Protection Act 1990. The current charges are not excessive considering that these cover supply and delivery of a bin that will last for 6 years or more, and compare favourably with prices charged at retailers.

**11.3** Housing type is another potential source of unequal access to the waste collection service. Larger families and others with limited space may struggle to store their waste between scheduled collections. These impacts are mitigated by the variable bin allowance for bin capacity shown in Policy 2 and by the retention of weekly rubbish collections in parts of the city where housing type does not allow for storage of waste on a bi-weekly cycle.

**11.4** An equality impact assessment is included in Appendix 4. This shows that our Assisted Waste Collection policy mitigates the negative impact on people who cannot move their waste to the kerbside due to age or disability.

**12. Are there any other options?**

**12.1** Seeking payment from developers of new housing was examined but was legally not enforceable.

**Assistant Director Environment**

**Local Government (Access to Information) Act 1972 (as amended)**

**Background papers used in compiling this report:-**

None

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## **Appendix 1: Current charges for supply and delivery of bins, 2014/15**

Bin Type & Size	Cost of supply to new builds or conversions completed since 1st April 2013	Cost of supply to existing properties (builds or conversions completed before 1 <sup>st</sup> April 2013)
140L rubbish (depends on size of household)	£18.00	£12.00
180L rubbish (depends on size of household)	£28.00	£12.00
240L rubbish (depends on size of household)	£38.00	£12.00
1100L rubbish for large bin stores	£257.50	£257.50
140L recycling	£12.00	£12.00
240L recycling	£12.00	£12.00
1100L recycling for large bin stores	£257.50	£257.50
140L rubbish and any size recycling wheeled bin	£30.00	£18.00
180L rubbish and any size recycling wheeled bin	£40.00	£18.00
240L rubbish and any size recycling wheeled bin	£50.00	£18.00

**Charges for 2015-16 will be included in the Community Fees and Charges proposal. The aim will be to simplify the charging structure.**

## **Appendix 2: Current exemptions from bin charges**

No charge will be levied when:

- 1) The container has been damaged beyond repair by the collection and emptying process, so that it is no longer usable.
- 2) The container has been stolen, and this has been verified by the occupier.
- 3) Down-sizing from a larger to a smaller bin.
- 4) Where the container has apparently prematurely failed owing to age or poor manufacture.
- 5) Where a different size container is required to suit large families or for medical reasons.
- 6) Where the property had been provided with alternative container arrangements and the new household wishes to be supplied with the standard arrangements suited to that property type.
- 7) In other circumstances where the Cleansing & Fleet Manager deems it appropriate to waive the charge.

A reduction of 50% will be applied to charges where:

- 1) A reconditioned bin is provided.
- 2) In other circumstances where the Cleansing & Fleet Manager deems it appropriate to reduce the charge.

## **Appendix 3: Proposed exemptions from bin charges**

No charge will be levied when:

- 1) The container has been damaged beyond repair by the collection and emptying process, so that it is no longer usable.
- 2) The container was lost as a result of being collected and emptied by Exeter City Council.
- 3) Where the container has apparently prematurely failed owing to age or poor manufacture.
- 4) In other circumstances where the Cleansing & Fleet Manager deems it appropriate to waive the charge.