

# Gloucester City Council

<b>Meeting:</b>	<b>Overview &amp; Scrutiny Committee</b>	<b>Date:</b>	<b>9<sup>th</sup> January 2017</b>
	<b>Cabinet</b>		<b>11<sup>th</sup> January 2017</b>
<b>Subject:</b>	<b>Proposal to Introduce a Replacement Waste Container Charging Policy</b>		
<b>Report Of:</b>	<b>Cabinet Member for Environment</b>		
<b>Wards Affected:</b>	<b>All</b>		
<b>Key Decision:</b>	<b>No</b>	<b>Budget/Policy Framework:</b>	<b>No</b>
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<b>Appendices:</b>	<b>1. Breakdown of Requests for Waste Containers 2013 – 2016 (to date)</b>		
	<b>2. Benchmarking of Replacement Waste Container Policies</b>		
	<b>3. Draft Replacement Waste Container Charging Policy</b>		

## FOR GENERAL RELEASE

### 1.0 Purpose of Report

1.1 This report proposes the introduction of a policy to charge for the replacement of waste containers.

### 2.0 Recommendations

2.1 Overview & Scrutiny Committee is asked, subject to any recommendations it wishes to make to Cabinet, to **NOTE** the contents of the report.

2.2 Cabinet is asked to **RESOLVE** that:

- (1) The Draft Replacement Waste Container Charging Policy included at Appendix 3 be approved for introduction on 1<sup>st</sup> April 2017;
- (2) To levy a charge of £40 per black or green wheeled bin where a replacement with delivery is required and a charge of £30 where delivery is not required, to commence on 1<sup>st</sup> April 2017;
- (3) The said charges will be annually reviewed as part of the Fees & Charges Review Process.

### 3.0 Background and Key Issues

3.1 On average the Council spends £100,000 annually on the provision of new and replacement waste containers. With the City forecast to grow by over 4000 residential units over the next 6 years, the amount of money spent on waste containers is set to increase. During this same period the Council is required to

make significant savings from its Streetcare Contract ('the contract') from within which waste & recycling services are delivered.

3.2 A breakdown of the number of requests for waste containers is included at Appendix 1 and it can be seen that in 2015, the Council upon request replaced over 8,800 containers, broken down as follows –

- 3868 Food Caddies
- 3157 Recycling Boxes
- 1332 Black Wheeled Bins (Residual Waste)
- 445 Garden Wheeled Bins (Garden Waste)

It should be noted that with the Council's recent Waste Reduction Project focussing on encouraging food waste recycling, the number of food caddies replaced in 2015 is inflated and in the previous year 1731 requests were received.

3.3 It is proposed to introduce a charge for the replacement of black and green wheeled bin where bins except where the bin has been damaged or put beyond use by fault of the City Council or its contractor. Furthermore where bins are reported as lost or stolen then in order to receive a free replacement bin a resident will need to supply a crime number after having reported the matter to Gloucestershire Constabulary.

3.4 A charge of £40 per replacement wheeled bin is proposed where delivery is required, this charge reducing to £30 where a resident is able to collect the bin from the Eastern Avenue Depot. In respect of 2015 figures, introducing such a charge would have the potential to reduce the total annual spend on containers by £53,000. If all requests did not meet the criteria for a free replacement this reduction would potentially increase to £71,000.

3.5 These figures are indicative as indirectly, such a policy would also be likely to result in the number of requests for replacement containers decreasing due to residents taking more responsibility for these items.

3.6 Charging policies of this nature are commonplace and at Appendix 2 benchmarking information is presented in respect of neighbouring and comparator Councils. Over half of the Councils benchmarked have a policy or mechanism in place to make a charge for replacement wheeled bins including garden waste bins. Only one Council has a charge in place in respect of a recycling container. For those Councils that do have a charge in place in respect of wheeled containers, charges range from £30 - £84 based on capacity of container i.e. 180ltr, 240ltr or 360ltr.

3.7 Introducing such a policy would also result in a further reduction in waste destined for landfill through the provision of lesser capacity replacement black wheeled bin. This will encourage residents to recycle more in order to manage a reduced residual capacity. It is important however to build flexibility into the policy to support for instance, large families who require similar or increased capacity. This would not apply to green wheeled bins.

3.8 A Draft Replacement Waste Container Charging Policy is included at Appendix 3 and includes information for residents on when a charge will be applied and how the Council will deal with situations where a replacement bin is sourced by a resident but is found to be non-compliant.

3.9 With the City's recycling rate improving due to the Waste Reduction Project and further improvements to be delivered in January 2017 through the implementation of an enhanced recycling service that will see cardboard, mixed plastics and textiles able to be recycled at the kerbside, the proposed policy does not include a charge for replacement food caddies or recycling boxes when we are seeking to further encourage residents to recycle more.

#### **4.0 Asset Based Community Development**

4.1 Introduction of the policy encourages our residents and communities to manage waste containers more responsibly and in doing so understand and potentially collaborate around how they can support each other where a bin has gone missing, been stolen or requires minor repairs rather than replacement.

#### **5.1 Alternative Options Considered**

5.1 **No Charge:** With the City forecast to grow by over 4000 residential units through to 2022, continuing to finance the provision of all replacement wheeled bins will result in an increase in costs at a time when the Council is looking to make savings in respect of the contract.

5.2 **Introduce Replacement Charge for Recycling Containers (inc. Food Caddies):** As outlined within this report at para 3.9, it is not considered prudent to levy a charge for replacement recycling containers when we are actively encouraging our residents to recycle more through the ongoing Waste Reduction Project and the implementation of an enhanced recycling service.

5.3 **Levying a charge on Developers for New Bins:** With an estimated 3000 first time waste containers provided to new build or newly converted residential units during 2015, this forms a considerable amount of the £100,000 spent annually on bins & boxes. Although an increasing number of Councils are levying charges on developers to cover the costs of containers through existing development plan policies or supplementary planning guidance, it is emerging that requiring such contributions via these routes does not meet the statutory tests of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). The available option would be to simply levy a charge against a developer and notify them at the pre-application stage. Payment would be entirely voluntary and agreement would be required prior to commencement of development. Where agreement cannot be achieved with a developer the charge would instead be levied on the new occupiers of the development in question in accordance with the Environmental Protection Act 1990.

#### **6.0 Reasons for Recommendations**

6.1 Introducing a charge for replacement containers will enable the Council to significantly reduce its annual spend on containers.

6.2 Introducing the new policy will encourage residents to look after and use their waste containers more responsibly.

6.3 Encouraging residents to manage their waste containers more responsibly will have a positive impact on the street scene.

- 6.4 Introducing a lesser charge for those residents who wish to collect their container directly from the Eastern Avenue Depot will release contractor resource that is currently deployed on delivering containers, thus allowing us to redeploy this resource or manage it as a financial saving.

## **7.0 Future Work and Conclusions**

- 7.1 Subject to approval, Officers would ensure that any new charging regime is included within the Council's 2017/2018 Fees & Charges Report and subsequent 2017/2018 Fees & Charges Schedule.
- 7.2 Officers will work closely with our Streetcare Contractor, in order to ensure that a robust arrangement is in place to manage the delivery of bins in a timely manner in compliance with relevant performance indicators.
- 7.3 As the Council seeks to implement channel shift it will be necessary to ensure that residents have up to date information on our website and are able to request and pay for a replacement bin online.

## **8.0 Financial Implications**

- 8.1 The proposed £30 charge, excluding delivery, is based upon the wholesale costs of purchasing a bin plus a reasonable allocation of the Council's cost of administering the process.
- 8.2 Implementing a charge for wheeled bins will partially cover the costs of providing bins to residents. If demand remains the same then income can be expected to be in the region of £50k.
- 8.3 If demand for boxes falls then income received will be reduced but the Council will still benefit from a saving through the reduced requirement to purchase bins which it would otherwise have incurred.

(Financial Services have been consulted in the preparation this report.)

## **9.0 Legal Implications**

- 9.1 Under the Environmental Protection Act 1990, the Council has a legal obligation to collect household waste, but only from specific containers. Recyclable and non-recyclable waste will only be collected if they are contained within a Gloucester City Council marked wheelie bin, food caddy and recycling boxes. If a resident chooses not to pay for the delivery of relevant containers, the Council will refuse to make the relevant collection and alternative arrangements will need to be made.
- 9.2 Section 46(3) of The Environmental Protection Act 1990, the Council can amongst other things make a charge to the householder for containers.
- 9.3 Residents who decline to pay for the supply of a waste container may be served with a Section 46 notice under the Environmental Protection Act 1990 and or other relevant legislation. The notice would require the householder to use containers

provided by the Council for their waste. Failure to comply with this notice may lead to the Council issuing a Fixed Penalty Notice and/or prosecution by the Council.

(One Legal have been consulted in the preparation this report.)

## **10.0 Risk & Opportunity Management Implications**

- 10.1 Without introducing such a policy the Council's annual expenditure on waste containers will continue to increase with over 4000 additional residential units forecast to be developed over the next 6 years. This increase in expenditure is at odds with the Councils Strategic Financial Plan which requires significant savings to be made from within the Council's Streetcare Contract within which waste & recycling services are delivered.
- 10.2 The policy stipulates that where residents do not purchase a replacement wheeled bin from the Council and fail to provide a compliant wheeled bin through another means then their waste will not be collected. There is existing legislation that would allow the Council to formally request that the resident provides adequate arrangements and thus minimises the risk of these instances occurring.
- 10.4 Implementing this policy provides the Council with an opportunity where practical to provide residents with a lesser capacity black wheeled bin that in turn will encourage more recycling through a need to manage their residual waste more effectively.

## **11.0 People Impact Assessment (PIA):**

- 11.1 The PIA Screening Stage was completed and did not identify any potential or actual negative impact, therefore a full PIA was not required.

## **12.0 Other Corporate Implications**

### Community Safety

- 12.1 Introduction of such a policy will encourage residents to manage their waste containers more responsibly and this should have a positive impact on the street scene which can also have a positive impact on how safe residents feel within their communities.

### Sustainability

- 12.2 Reducing the amount of money the Council spends on waste containers contributes to the Council's financial sustainability by off-setting the cost of the Council's Streetcare contract.

### Staffing & Trade Union

- 12.3 N/A

**Background Documents:** N/A

**Appendix 1 – Breakdown of Requests for Waste Containers 2013 – 2016 (to date)**

<b>Description</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016 up to 31/10)</b>
Replace Existing Black Bin	1172	1266	1332	829
Provision of New Black Bin	635	726	727	450
<b> </b>				
Replace Existing Garden Waste Bin	151	178	445	246
Provision of New or 2 <sup>nd</sup> Garden Waste Bin	464	509	638	490
<b> </b>				
Replacement Existing Food Caddy	1569	1731	3868	1331
Provision of New Food Caddy	622	774	851	582
<b> </b>				
Replace Existing Recycling Box	2733	2405	3157	1283
Provision of New or 2 <sup>nd</sup> Recycling Box	2655	2648	3478	1578

## Appendix 2 – Benchmarking of Replacement Waste Container Policies

Local Authority	Charging Policy / Fees & Charges (Y / N)	One off Replacement Charge (£'s)	Concessionary Charge (£'s)	Additional Notes
Tewkesbury Borough Council	N			
Cheltenham Borough Council	Y	39.80 (180/190ltr) 84 (360ltr)	No	Damaged bins generally repaired or replaced it unless it was entirely destroyed by criminal activity in which case the replacement fee would be charged and the customer advised to claim against their home insurance policy.
Cotswold District Council	N	40 (garden waste wheeled bin)	N/A	This applies to wheeled bins that have been damaged by resident or have been lost or stolen
Forest of Dean District Council	N	N/A	N/A	N/A
Stroud District Council	Y	26	No	Fee applies where bin is damaged or can be proven to have been reported as stolen with Police Crime Reference Number
Peterborough City Council	N	N/A	N/A	N/A
Reigate & Banstead Borough Council	Y	30 (140ltr) 40 (240ltr)	No	N/A
Aylesbury Vale District Council	Y	30 (wheeled bin) 10 (food caddy)	No	N/A
Oxford City Council	Y	50 (wheeled bin)	N/A	N/A

## **Appendix 3 – Draft Replacement Waste Container Charging Policy**

### **Replacement Containers**

The Council has provided all existing households with a black wheeled bin for residual waste and an internal and external food caddy free of charge. All waste containers provided by the Council remain the property of the Council.

From 1<sup>st</sup> April 2017 the Council now charge for replacement black wheeled bins, replacement food caddies (internal or external) and green wheeled bins, according to the criteria below and at the cost published in the Councils Annual Fees & Charges.

The Council will cover the cost of a broken, damaged or lost wheeled bin or caddy if –

- a) The container is damaged or lost by the Councils waste collection crew or any contractor acting on behalf of the Council; or
- b) The container is stolen, in which case it should be reported to the police and a crime number obtained

To qualify for a free container, occupants reporting a missing or broken bin and requesting a replacement, are required to make an application online together with a signed declaration, prior to the bins being delivered. The declaration should confirm that the occupant has undertaken all reasonable enquiries to locate their bin(s) and the bin is in fact missing, lost or stolen

If the resident requires the Council to deliver their replacement container to their property then a £10.00 deliver charge will be applied. To avoid a delivery charge the customer can collect the container from the Councils Eastern Avenue Depot, Eastern Avenue, Gloucester, GL4 6PG.

Any wheeled bin or waste container that is damaged by the householder through misuse, loss or fire damage will be charged to replace the bin(s) at the current rate as published in the Councils Annual Fess & Charges. All waste containers remain the property of the Council.

A requirement of the Environmental Protection Act 1990 is that the resident may choose to provide their own containers. This is allowed as long as the containers meet the required specification. Bins must comply with the BS EN 840 standard and with t5he Councils specifications, dimensions, colours and markings. If your bins do not meet these criteria, then the Council will not collect them and note confirming why will be tagged to your bin.

Residents who do not acquire the appropriate container (either through the Council or privately) will not receive a collection service from the Council and in such cases the Council through service of a legal notice on the occupier (Environmental Protection Act 1990 – Section 46(3)) will formally request appropriate containers are provided.