

**Forest Heath District Council (FHDC)
St Edmundsbury Borough Council (SEBC)**

**WEST SUFFOLK WASTE
AND STREET SCENE
SERVICES JOINT
COMMITTEE**

17 JUNE 2011

REPORT NO

C26

**Report of the Strategic Director (Services) (FHDC)
and the Corporate Director (Economy & Environment)
(SEBC)**

ADDITIONAL BROWN AND BLUE BIN CAPACITY FOR HOUSEHOLDERS

Synopsis:

The current alternate weekly brown bin garden and green kitchen waste collection service operated by FHDC and SEBC predominantly utilises 240 litre size bins with a very few smaller 140 litre bins in use. Over the years some residents have requested additional brown bin capacity to deal with their garden waste and this has previously been denied. This report recommends a change in policy that would allow residents to purchase an additional brown bin for a one-off fee. The report also recommends lifting some of the current restrictions that are applied to requests for additional blue bin capacity for dry recyclables.

Household Brown Bin Capacity

1. The current alternate weekly brown bin collection service collects garden and green kitchen waste from residents and delivers it to the composting plant at Lackford operated by Greenview Environmental Ltd. Both FHDC and SEBC predominantly utilise 240 litre sized bins with a very few 140 litre bins in use where residents circumstances meet certain criteria. Currently FHDC and SEBC collect approximately 5,900 tonnes and 12,500 tonnes of brown bin waste respectively from householders each year.
2. In the years since the service was introduced in the 1990's a small number of householders have requested additional brown bin capacity to help them manage their garden waste at peak times during the year. To date these requests have been denied and residents have been informed that the service is a universal single bin with a default size of 240 litres. The advice offered to residents was to either consider home composting or taking excess garden waste to their nearest Household Waste Recycling Centre (HWRC). However, it is now considered appropriate to question whether this policy could be relaxed for those residents who would like additional capacity to help them manage their organic waste.

3. There are a range of different collection and charging models for organic waste around the country. Indeed, there are a number of differing options being used within the county of Suffolk:-
 - (a) Early introducers of organic waste collection services have tended to offer the service without additional charge to residents based on a typical 240 litre size bin.
 - (b) Some Councils that have introduced the service more recently have made an annual charge for the garden waste collection service.
 - (c) Several Councils (including some of those in item (a) above) have introduced a charge for a second organic waste bin for those residents who would like one.
4. The Department for Communities and Local Government (DCLG) and the Department for Environment Food and Rural Affairs (DEFRA) recently issued some clarification on bin charging (see attached appendix A dated 11 April 2011).
5. Section 45 (3) of the Environmental Protection Act 1990 specifically bars local authorities from making a charge for the collection of household waste, except in cases prescribed in regulations. Some Councils rely on the fact that garden waste is an exception in the regulations. However, the fact we have encouraged householders to dispose of garden waste and green kitchen waste means there is an element of household waste that should be, strictly in accordance with the Act, collected without charge. We are also looking at future potential for upgrading the composting facilities to accept full food waste. This would bring an even greater element of non-garden waste into the brown bin were it to be introduced. This recent clarification of the legislation and our specific circumstances would seem to make it clear that we could not make an annual charge for an additional brown bin.
6. Section 46 (3) of the Environmental Protection Act 1990 gives local authorities the power to require householders to use a specific type of receptacle for their waste. Under this regulation a council can set a limit on the number of bins or sacks that will be collected from a single property or require that householders provide or purchase all or additional waste receptacles (councils can also ensure that the receptacles are consistent with the method of collection used). Local authorities may only charge the cost of providing the additional receptacle and not include a fee for collection or disposal of the waste. The clarification from DCLG and DEFRA therefore makes it clear that we could make a one-off charge for an additional brown bin that covers the cost of the bin and its delivery to the property.
7. In assessing the best option for FHDC and SEBC it is important to consider changing demand. Our residents are increasingly seeking services that better match their individual requirements and that are more convenient for them and this is true for all services, not just those in waste. Also, Suffolk County Council is considering its options around the future provision of HWRCs in the county. Whilst final decisions have not been taken, the Ingham HWRC has closed and others may follow or have their opening times reduced. It therefore seems an appropriate time to consider allowing those residents who would like an additional brown bin to have one.

8. In considering how to provide any additional brown bin capacity it is important to consider the nature of the waste collected. For example, on the blue bin (dry recyclables) scheme, qualifying residents with large numbers in the household are provided with a larger 360 litre blue bin instead of a standard 240 litre one. However, this would not be appropriate for the brown bin as the weight for a given volume of organic waste is much higher than that of dry mixed recyclables in the blue bin. A 360 litre brown bin would present unacceptable manual handling issues for our operatives. An additional 240 litre brown bin rather than a larger one would therefore be the most appropriate way to provide additional capacity to those residents that request it.
9. In order to encourage diversion from expensive landfill the Waste Disposal Authority (Suffolk County Council) pays each Waste Collection Authority (including FHDC and SEBC) a Recycling Performance Payment of £54.76 (2011/2012 rate) per tonne of material that is sent for composting. This is a contribution towards the cost of the waste collection service and the gate fee that we pay Greenview Environmental for composting the material. Whilst the Recycling Performance Payment is only a contribution for this entire cost, it is higher than the gate fee paid to Greenview Environmental making any extra tonnes of brown bin waste collected by FHDC and SEBC at least cost neutral. The collection of this additional material will also increase each authority's overall recycling rate and reduce the landfill disposal costs for Suffolk County Council which is currently £80 per tonne.
10. There are some further operational issues to consider. The take-up of an offer to residents to purchase an additional brown bin is difficult to estimate. At other councils demand has tended to be greater in rural areas, perhaps where gardens are larger. During the peak season some existing rounds could reach or exceed capacity depending on the amount of properties on that route requesting an extra brown bin. Future housing growth in relation to the Local Plan also needs to be considered in protecting capacity in areas where future housing growth is likely. For these reasons it is proposed that any offer to residents to purchase an additional brown bin is made under the caveat that it is subject to the available capacity in their particular area and is not a right. If there is sufficient capacity on the route households will be limited to one additional bin only.
11. It will be important to understand which brown bins are the originals at each property and which are additional. This will help us to track additional bins more readily, for example when people move from one property to another. It is therefore proposed that any second brown bins provided are identified by a sticker or different coloured lid (exact method to be determined).
12. The proposed cost to a resident to supply an additional brown bin would be set at £52. This will cover the purchase price of the bin, an identifying sticker or lid, administration and delivery.
13. Additional tonnages under an arrangement to extend brown bin capacity to householders are unlikely to be significant in the scheme of things. However, under the terms of the Inter Authority Agreement we need to agree this arrangement with the Waste Disposal Authority. This is not anticipated to be a problem given that other Waste Collection Authorities have set the precedent and are already providing additional organic waste bins to residents requesting them.

Household Blue Bin Capacity

14. Similar operational arrangements to the brown bin scheme are in place at FHDC and SEBC for the kerbside collection of dry recyclable material. Both organisations have a consistent policy where the default blue bin size is 240 litres. A small number of 140 litre bins are provided if residents meet certain criteria. Similarly larger 360 litre blue bins can be provided to households of 6 people or more, a policy which enables those who produce more waste as a result of family size to be able to manage their waste effectively i.e. they simply have more waste than a smaller sized household. Larger bins in these circumstances are provided free of charge.
15. Current arrangements do differ between FHDC and SEBC however for additional blue bin capacity, whereby a system of blue sack collections is in-place at SEBC mainly serving small terraced town centre properties that find it difficult to manage their waste using wheeled bins. Sacks can also be purchased by any resident in SEBC and up to two sacks of dry recyclable waste can be left for collection beside the blue bin, thus providing additional capacity for residents. Sacks can be purchased via the website or at SEBC building reception areas. FHDC do not currently operate a sack collection system.
16. In order to encourage any household to separate more of their waste for recycling it is proposed that additional blue bin capacity is available for all households. This would allow any household to request additional capacity and this should help encourage more recycling.
17. Members may recall the decision of the Joint Committee on 17 October 2008 regarding the policy variation for the distribution and collection of sacks by SEBC (paper JWC08/010 refers). Members agreed in principle to the adoption of the policy in Forest Heath, subject to an assessment of operational need and a review of the financial impact of such a scheme.
18. For consistency in service delivery, Officers at FHDC consider it appropriate to utilise this policy. The cost of sacks will be paid for by service users and will be procured jointly with SEBC. From an operational perspective, the sacks could be offered to residents as an alternative to an additional bin, including where appropriate to businesses who wish to undertake additional recycling.
19. To progress this, Officers propose a joint policy approach for additional dry recyclable capacity. This will include:-
 - (a) The provision of a larger 360 litre blue bin on request as a replacement for the 240 litre bin for which there will be one off charge of £44 (households larger than 6 people will continue to have this option for free); or
 - (b) The provision of sacks. Sacks can be purchased at a cost of £1 per 10 sacks when collected from Council premises or £2 per 10 sacks when purchased online.

20. It is intended that the policy will not operate retrospectively and will be applied to future requests. Furthermore, the policy will accord with the recent clarification released by DCLG and DEFRA.

Finance/Budget/Resource Implications

21. The financial impact to each authority will be dependant on demand and the additional amount of green kitchen and garden waste and dry recyclables collected. However, the worst case scenario will be that it is cost neutral.

Environmental Impact and Sustainability

22. The proposal to allow residents to purchase an additional brown bin and to lift the current restrictions on residents having a larger blue bin is likely to increase the rates of diversion from landfill.
23. By utilising additional capacity within the existing collection infrastructure, it is anticipated that this additional waste diversion will deliver a net carbon gain due to efficient fuel use reducing carbon emissions per tonne of waste collected.

Policy Compliance/Power

24. The key driver for this policy is to enable residents to maximise their recycling, albeit at a cost affordable to both FHDC and SEBC. As part of this, the policy supports the current national waste policy, the waste hierarchy and the Joint Municipal Waste Management Strategy for Suffolk. With regard to the waste hierarchy, FHDC and SEBC will continue to support non recycling waste treatment higher up the waste hierarchy such as waste minimisation and home composting.
25. The policy is also consistent with the recent clarification provided by DCLG and DEFRA with regard to service charging.
26. The proposed charging regime and charges will also reflect both FHDC's and SEBC's corporate charging policy.

Performance Management Implications

27. The proposed changes to current policy are likely to increase recycling rates and reduce residual waste tonnages, subject to participation and waste capture rates.
28. It should also be noted that whilst the results of the 2011 household waste compositional analysis are currently unavailable, the analysis undertaken in 2004 suggested that 16% to 20% of the residual (black bin) by weight is still compostable (equating to 2kg to 4kg per household per week). This includes garden and kitchen waste, including meat and cooked food).

Legal Implications

29. The proposed policy changes are consistent with the Environmental Protection Act 1990 (sections 45 and 46) and the clarification and guidance recently received from DCLG and DEFRA dated 11 April 2011.

30. As part of the Inter Authority Agreement (IAA), there is a requirement to discuss this proposal with Suffolk County Council to ensure that it meets the agreed IAA principles.

Human Rights Act and Diversity Implications

31. The policy does not discriminate in relation to the eight protected characteristics of the Equality Duty, as required under the Equalities Act 2010.
32. Whilst not a requirement of the Equality Duty, income poverty is a key consideration of this policy review to ensure that all residents keen to recycle more are not discriminated against.

Crosscutting Implications

33. The two authorities will continue to be an integral and influential part of the Suffolk Recycling Consortium membership.

Risk Assessment

34. There is a risk that in some areas demand for an extra brown bin could exceed available collection capacity. However, it is proposed that this is mitigated by a caveat that additional bins can only be provided in areas where there is sufficient capacity.

35. **Council Priorities**

Forest Heath

- Street scene and environment

St Edmundsbury

- Raise standards and corporate efficiency;
- Secure a sustainable and attractive environment

36. **Recommendations:**

Members of the Joint Committee are recommended to:

- (1) Approve a revision to current policy to allow residents to purchase an additional brown bin for a one-off charge of £52 (subject to available collection capacity);
- (2) Remove the current restriction that only allows households of 6 people or more to have a larger 360 litre blue bin; and
- (3) Adopt an identical sack policy at FHDC to the one currently operating at SEBC.

Documents Attached

Appendix A – Bin Charging – Letter from DCLG and Defra dated 11 April 2011.

Nigel McCurdy
Strategic Director (Services)

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Corporate Director (Economy & Environment)

BACKGROUND PAPERS

None

CONTACT OFFICERS

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Additional brown and blue bin capacity for householders.doc



To all Local Authority Chief Executives

11 April 2011

Dear Colleague,

Bin charging

As you will be aware, the new Government has been undertaking a comprehensive review of waste policies in England. The messages Defra have been receiving back from local authorities as part of the Review on how we can shape waste policy to help better ensure we achieve value for money have been very helpful; we greatly appreciate your positive and constructive engagement with the Review.

As you may be aware, the Localism Bill going through Parliament abolishes the last Government's proposals to introduce new bin taxes on top of council tax. The new Government believes bin charging would harm the local environment by fuelling fly-tipping and backyard burning, and would impose new costs on families at a time when many are struggling to make ends meet. Indeed, the new Government is providing funding to local authorities to support the freezing of council tax to help hard-working families this year, and we welcome the universal take-up of the council tax freeze over by local authorities.

During the Review process, it has come to our attention that a small minority of local authorities may be exceeding their legal powers in relation to charging householders for waste services. It is clear to us that the overwhelming majority of local authorities are seeking to provide a good quality service which delivers value for money to their customers and environmental benefits for the country. However, there are issues relating to practice by a very small number of authorities. We are therefore writing to all local authorities, even though the advice below is relevant to those who make, or are considering introducing, any charges to householders for household waste services:

Collection of waste

Section 45 (3) of the Environmental Protection Act 1990 specifically bars local authorities from making a charge for the collection of household waste, except in cases prescribed in regulations. The type of household waste for which local authorities may make a charge for collection is therefore restricted to those types of waste which are listed in Schedule 2 of the Controlled Waste Regulations (1992). Examples commonly include garden or bulky wastes. You may not charge for the collection of any other types of wastes, nor do you have the power to levy 'call-out' charges in cases where operatives call at the property but the waste is not collected. You should also note that local authorities have no power to reclaim the cost of disposing of these wastes from the householder.

Waste receptacles

Section 46 (3) of the Environmental Protection Act gives local authorities the power to require householders to use a specific type of receptacle for their waste.

If your Council sets a limit on the number of bins or sacks that will be collected from a single property, but allows householders to purchase additional waste receptacles, you may only charge for the cost of providing the receptacle and not include a fee for collection or disposal of the waste – even if this waste is over and above what your normal waste collection system would allow a householder to present for collection.

You may require that the receptacle meets reasonable specifications, such as being compatible with your collection vehicles, but if you require householders to purchase their own receptacle, whether for all or part of their waste services, you should refrain from creating a monopoly. You may not require the householder to purchase the receptacle from a single supplier. For example, if householders are required to present waste in black sacks, they should be able to choose where to buy their sacks, rather than being restricted to ‘official’ ones which are only available from the Council. Where receptacles are provided by you, you are allowed to make a charge for the receptacle, whether a bin, box or plastic sack, but you must ensure any charge covers only the cost of providing the receptacle as you do not have the power to impose additional fees to cover collection and/or disposal.

In short, councils cannot introduce ‘backdoor’ bin charging for mainstream waste collections or waste disposal. Such stealth taxes are not legal and are contrary to the policy direction of the new Government.

We hope that you find this advice helpful in ensuring that your waste services comply with the prevailing legislation. You should also be aware that as part of the Waste Review we are undertaking a review of the enforcement powers and penalties available to local authorities in relation to waste collection and disposal, to ensure that they are proportionate, relevant and respect civil liberties. We are also considering local authorities’ behaviour on the ground and identifying best practice. Our officials are currently engaging on these points with the LGA and other key partners representing local authorities.

We are copying this letter to Baroness Eaton and Councillor Gary Porter.

Yours Sincerely,



BOB NEILL MP



LORD HENLEY