

	Environment Committee 14 March 2018
Title	Waste – Bin Capacity Policy – Grandfather Rights
Report of	Chairman of Environment Committee
Wards	All
Status	Public
Urgent	No
Key	No
Enclosures	None
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Summary

This report considers the Members Item that was brought to the meeting of the Environment Committee on 7 November 2017, which requested that officers consider a policy that when residents have had a specific size bin/capacity of waste and that provision is not in compliance with current policy that while they are at that address their existing provision is grandfathered, which means that the household would retain their existing provision even if it was more than the current policy, whilst the residents remained at the property.

Officers Recommendations

1. That the Environment Committee considers the report and as a result does not introduce grandfather rights as a clarification to the Bin Capacity Policy that was agreed in January 2013.

1. WHY THIS REPORT IS NEEDED

- 1.1 At the meeting of the Environment Committee on 7 November 2017 on the item “Member’s Items”, Councillor Dean Cohen submitted “Waste – Bin Capacity Policy. Request for Officers to bring back a paper to consider a policy that when residents have had a specific size bin/capacity of waste and that provision is not in compliance with current policy that while they are at that address their existing provision is grandfathered. This means that if for any reason the bins need replacing other than due to the fault of the resident the Council will replace the bins at its cost. When these residents move the policy reverts to normal.”
- 1.2 The current policy on bin capacity, which was approved by the Cabinet Member for Environment in January 2013, is as set out below. As agreed in 2013 the policy was silent on how those with existing excess capacity would be treated.

Waste Service	First container	Additional containers	Side Waste Accepted	Raised Lids Accepted
Residual	240 litre wheeled bin Chargeable (as per fees and charges)	If meet criteria of 6 or more in household Chargeable £163 (price in Jan 2013)	No	No
Dry Recycling	240 litre wheeled bin Free of charge	Free of charge	No	No
Food Waste	Internal – 7 litre caddy	No	-	-
	External – bin Free of charge	Free of charge	No	No
Garden Waste	240 litre wheeled bin Free of charge	Yes Chargeable £53.50 (price in Jan 2013)	No, except Christmas Trees	No

- 1.3 For residual waste this means that the current policy is one 240 litre wheeled bin per household. One additional 240 litre wheeled bin is available for a fee if there are 6 or more in the household. These residual waste containers are collected on a weekly basis, along with the dry recycling wheeled bin and the food waste bin. The current policy on bin capacity has been designed to encourage residents to make full use of their recycling and food waste bins.

The council now only purchases one size of residual waste container, which is 240 litre wheeled bins.

- 1.4 Barnet Council has a Recycling and Waste Strategy 2016 to 2030, which was agreed in May 2016. The overarching goal of the strategy is to recycle 50% of municipal waste by 2020. One of the four aims of the strategy is to “encourage all Barnet’s residents, businesses and visitors to take responsibility for the waste that they produce, using enforcement where necessary. The four themes of the strategy are: responsible citizens, growing Barnet, well designed services and embrace new technologies. Barnet’s strategy fits into a wider picture of a 50% recycling target by 2025 and a 65% recycling target by 2030 in the London Mayor’s recent draft London Environment Strategy, and at a national level there is a 50% household recycling target in 2020.
- 1.5 There are currently approximately 104,000 households in Barnet which have their own individual residual waste bins. The standard wheeled bin size that has been provided since wheeled bins were first introduced in 1987 is one 240 litre wheeled bin. Since 2013 the council has only purchased one size of residual waste container for houses, which is 240 litre wheeled bins. However prior to this date different size wheeled bins have been provided, which are still being used by residents, as well as some houses having multiple 240 litre wheeled bins. Due to the age of the wheeled bins some of the larger size wheeled bins are coming to the end of their operational life.
- 1.6 There is no definitive list which shows what waste containers are at each house in the borough. A sample survey was carried out by Street Scene in January 2018, of the waste containers at single occupancy houses, in two roads per ward. The two roads per ward were randomly selected, and only houses were surveyed, properties split into flats were excluded from the survey. A total of 1,779 houses were surveyed. The following additional/alternative residual waste bins were observed (excluding the standard policy of 1 x 240 litre wheeled bin per property):

Size of containers (litres)	Number of additional/alternative residual waste containers	Percentage of total additional containers
140	31	11
240	140	50
360	93	34
500	6	2
660	8	3
TOTAL	278	100

- 1.7 The sample survey showed 255 houses had additional or alternative residual waste provision, 14.3% of the houses. Of the 31 x 140 litre wheeled bins observed some of these were in addition to a 240 litre wheeled bin at the house, and some of these were the only residual bin at the property. The total weekly additional residual waste capacity that was observed was 56,370 litres, which is equivalent to 235 additional 240 litre wheeled bins. An initial match of the additional bins database shows that 2 of the 240 litre wheeled

bins were supplied as additional capacity, in 2016/17, in line with the existing policy. It is therefore very likely that many of these additional/alternative residual waste bins, especially the 360, 500 and 660 litre wheeled bins are additional capacity that exceeds the current policy on bin capacity.

1.8 For comparison purposes in the sample survey area:

- There were 35 houses with additional dry recycling bins, 2.0% of the houses, giving an additional weekly capacity of 8,400 litres.

Size of containers (litres)	Number of additional recycling containers	Percentage of total additional containers
240	35	100
TOTAL	35	100

- There were 16 houses with additional food waste bins, 0.9% of the houses, giving an additional weekly capacity of 368 litres.

Size of containers (litres)	Number of additional food waste bins	Percentage of total additional containers
23	16	100
TOTAL	16	100

1.9 The sample survey was of 1.71% of the houses in borough. If the results of the sample were extrapolated to all houses in Barnet this shows there is likely to be approximately 15,000 houses with additional or alternative residual waste containers.

Financial Implications

1.10 There are two financial implications of the proposed policy at paragraph 1.1. Firstly, additional 240 litre residual waste containers would need to be purchased for the “grandfathered” capacity, when those bins reach the end of their operational life or are otherwise lost. The cost of a single 240 litre residual waste bin is approximately £20.00, to which needs to be added the administration and delivery cost. In the survey area, which is 1.7% of the total houses in the borough, the additional capacity was estimated to be equivalent to 235 x 240 litres wheeled bins. If half of these containers meet the criteria of the existing bin capacity policy, it would mean that 120 x 240 litre wheeled bins would need to be purchased for the “grandfathered” capacity, in the sample area. Across all of Barnet an estimated 6,000 additional containers would be required, at a total container cost of £120,000 to which needs to be added the administration and delivery costs. It is not anticipated that these costs would be borne within one financial year but spread over a number of years. It is estimated that these containers would need replacing over a 5 year period, therefore the container cost would be £24,000 per annum. There is no budget allocated for the purchase of additional containers for “grandfathered” policy, therefore a saving would need to be made elsewhere in Street Scene to fund this policy or as noted in the alternative recommendation a charge would need to be made.

- 1.11 Secondly the continued use of additional residual waste bins with associated lesser use of the recycling services would mean that the council would continue to pay for this residual waste to be disposed of. It is calculated that the North London Waste Authority levy saving that could be made if half of the additional residual waste bins were removed would be in the range of £100,000 to £500,000 at 2017/18 prices, with a realistic figure of £200,000 per annum. The realistic calculation is based on half of the additional containers not meeting the criteria of the existing bin capacity policy, meaning there is the equivalent of 6,000 x 240 litres of residual waste capacity in use across the borough. If 80% of this capacity is being used for residual waste on a weekly basis and this waste was instead recycled in the recycling and food waste containers or was reused there would be a full saving of around £200,000 per annum, at 2017/18 prices. This saving would only arise as the existing containers came to the end of their life, which is estimated to be over 5 years, so the saving in year 1 would be £40,000 leading to a year 5 saving of £200,000.
- 1.12 The current payments to North London Waste Authority for disposing of our waste are low compared to other areas of London, as the existing energy from waste facility at Edmonton EcoPark has been operating for over 40 years. However the costs are projected to increase significantly in future years as the existing facility comes to the end of it's life and a new energy recovery facility is built at Edmonton EcoPark. Therefore the more residual waste that is recycled in the recycling and food waste containers the greater the savings will be in the long term.

Summary

- 1.13 The sample survey shows that there is likely to be a significant number of containers at houses that exceed the existing bin capacity policy. It may be the case that some houses used to meet the requirements of additional residual waste capacity as set out in the existing bin capacity policy, but the circumstances of the household have changed and no longer meet the requirements. It would therefore be unfair for these houses to continue to benefit from additional residual waste capacity when the majority of houses in Barnet have the standard residual waste bin capacity (1 x 240 litre wheeled bin). The provision of grandfather rights would continue the provision of excess residual waste containers and not encourage residents to recycle all that they can. This policy would not assist in meeting the aim of 50% of waste collected to be reused, recycled or composted in 2019/20, it places an additional cost burden on the council in relation to the provision of specific additional containers and no savings are made in relation to diverting waste from being disposed of to recycling.

2. REASONS FOR RECOMMENDATIONS

- 2.1 **Recommendation 1** – It is an officer recommendation that revisions are not made to the bin capacity policy that was agreed in January 2013, to allow grandfather rights in relation to waste containment. It is recommended that the

current policy whereby only households where there are 6 or more can have one additional 240 litre residual waste wheeled bin is continued and applies to all houses in the borough. The current policy emphasises the provision and use of the recycling and food waste containers, encouraging residents to recycle more, and is considered a fair policy. This supports the Corporate objective of “50% of waste collected will reused, recycled or composted in 2019/20”, and the draft London Environment Strategy which states “The Mayor wants waste authorities to collectively achieve a 50% Local Authority Collected Waste recycling target by 2025”. It also reduces the cost of disposing/treating waste as it costs less to recycle than it does to dispose of residual waste.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 That the Environment Committee considers the report and as a result clarifies the existing Bin Capacity Policy agreed in January 2013, so that when residents have had a specific size bin/capacity of residual waste that while they are at that address their existing provision, to the nearest container available, will be provided should the bins need replacing other than due to the fault of the resident, at a cost to the resident. The cost for 2017/18 and 2018/19 will be £58.41 per replacement container, above an allowance of one 240 litre wheeled bin per property which will be provided free of charge.
- 3.2 At the time that the Bin Capacity Policy was agreed in January 2013 the specific issue of existing bins was not discussed or agreed. Since January 2013 the Street Scene services have applied the policy in the circumstances where additional/alternative capacity goes missing. Due to the age of wheeled bins some of the larger size wheeled bins are coming to the end of their operational life. It could be considered that the existing policy discriminates against residents who have wheeled bins that are more likely to be lost or damaged (regardless of their size) and that the policy should recognise the circumstances where it is not the resident’s fault that the bins need replacing. Therefore for the bin capacity policy to be fair it should recognise the circumstances of grandfather rights as set out at paragraph 3.1.
- 3.3 As the council only purchases one size of residual waste container, which is 240 litre wheeled bins, the replacement capacity will be provided to the nearest container available. As there is no budget allocated for the purchase of additional containers or the administration costs and distribution costs for the “grandfathered” policy there will need to be a charge for these containers. For example where a 500 litre residual waste bin is lost, through no fault of the household, then 2 x 240 litre residual waste bins would be provided. The first 1 x 240 would be provided free of charge, and the resident would need to pay £58.41 for the second 1 x 240 litre residual waste bin.

4. POST DECISION IMPLEMENTATION

- 4.1 If the Committee is so minded to approve Recommendation 1 then no changes would be made to the current policy.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer.

5.1.2 The Corporate Plan 2015-2020 and the 2017/18 Addendum includes the following aim:

- 50% of waste collected will be reused, recycled or composted in 2019/20.

5.1.3 There are no implications relating to the Health and Wellbeing Strategy and its stated priorities, or the future health and wellbeing needs of the local population as identified in Barnet's Joint Strategic Needs Assessment.

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Finance and Value for Money: The Medium Term Financial Strategy savings allocated to the Street Scene services and agreed at the meeting of the Environment Committee on 7 November 2017 are:

ID	Opportunity Area	Description of Saving	2018/19	2019/20	Total
E3	Street Scene – Savings Line	Formerly the restructure of the Street Scene business model. Officers are looking to streamline potential processes, invest in mobile IT, improve service productivity, and restructure the service.	(450)	0	(450)
E4	Street Scene – Street Cleansing	New Service Offer: Anticipated to be achieved via staffing efficiencies and an asset management review of the fleet.	(150)	(150)	(300)
G2	Street Scene – Commercial Waste and	Income generation from Non-Statutory Waste Services and Green Waste: Income generation target across a	(300)	(300)	(600)

	Waste Collection and Street Cleansing Income	range of chargeable services for commercial waste, including: additional collections and the identification of new services where charging the user more is appropriate. To be delivered through a fundamental review of all transactional services.			
R2	Street Scene – Waste and Recycling Collection	Revised waste offer to increase recycling: The proposal is for a comprehensive and targeted communications and engagement campaign which aims to change resident behaviours and drive up recycling rates in order to reduce collection and disposal costs. However it may become necessary to go to alternate weekly collection if recycling rates continue to plateau and/or the savings identified are not realised.	0	(900)	(900)
R1	Commissioning Group - NLWA	Levy payments to the North London Waste Authority.	(100)	(300)	(400)

5.2.2 Procurement: At this time there are no implications.

5.2.3 Staffing: At this time there are no implications.

5.2.4 IT: At this time there are no implications.

5.2.5 Property: At this time there are no implications.

5.2.6 Sustainability: The continued provision of additional residual waste capacity, where a household does not meet the criteria for extra containment, does not assist in meeting the aim of 50% of waste collected to be reused, recycled or composted in 2019/20.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2012 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This will be done as part of any contract procurement. No contract procurement is currently planned as a result of the recommendation in this report.

5.4 Legal and Constitutional References

5.4.1 The Environmental Protection Act 1990 Part II Waste on Land, section 46 Receptacles for Household Waste, provides waste collection authorities with the power to determine the size of the receptacles and whether a payment is required for them.

5.4.2 The Council's Constitution (Article 7, Committees, Forums, Working Groups and Partnerships) sets out the responsible body and their function. For the Environment Committee it's function is:

- Responsibility for all borough-wide or cross-constituency matters relating to the street scene including, parking, road safety, lighting, street cleaning, transport, waste, waterways, refuse, recycling, allotments, parks, trees, crematoria and mortuary, trading standards and environmental health.
- To submit to the Policy and Resources Committee proposals relating to the Committee's budget for the following year in accordance with the budget timetable.
- To make recommendations to Policy and Resources Committee on issues relating to the budget for the Committee, including virements or underspends and overspends on the budget. No decisions which result in amendments to the agreed budget may be made by the Committee unless and until the amendment has been agreed by Policy and Resources Committee.
- To determine fees and charges for services which are the responsibility of the committee.

5.5 Risk Management

5.5.1 There is a risk that this policy is considered in isolation, and the wider topic of increasing the amount of waste that is recycled (both dry recycling and food) to decrease our waste management costs in the long term are not considered.

5.6 Equalities and Diversity

5.6.1 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.2 The Equality Act 2010 sets out the Public Sector Equality Duty which requires public bodies to have due regard to the need to

- eliminate discrimination, harassment and victimisation and other conduct prohibited by the Act
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not
- foster good relations between persons who share a relevant protected characteristic and persons who do not.

5.6.3 The relevant protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

5.6.4 The proposed policy at paragraph 1.1 has been reviewed against the protected characteristics. An Initial Equality Impact Screening Assessment has not found that there would be any specific adverse impact on any of the protected groups.

5.7 **Corporate Parenting**

5.7.1 Not applicable.

5.8 **Consultation and Engagement**

5.8.1 There has been no specific consultation on the proposed policy at paragraph 1.1.

5.8 **Insight**

5.8.1 There are no insight implications at this time.

6. **BACKGROUND PAPERS**

6.1 [Environment Committee 7 November 2017 Member's Item](#)

6.2 [Environment Committee 7 November 2017, Item 8, Business Planning 201819 - 201920](#)