

**WHEELED BIN AND CONTAINER POLICY**  
**REPORT OF CHIEF OFFICER (ENVIRONMENTAL HEALTH)**



**WARDS AFFECTED: ALL**

---

1. **PURPOSE OF REPORT**

To request that members consider implementing a charge for the provision of waste management containers.

To request that members consider a revision to the current practice of returning to service wheeled bins/containers not presented by residents on the day of collection.

2. **RECOMMENDATION**

i, The Executive agree to implement charges for the provision and delivery of waste management containers as outlined at 4.1.3 of this report

ii, The Executive agree a revision to the current practice of returning for non-presented wheeled bins/containers as outlined at section 4.2.3 of this report.

iii, The Wheeled Bin and Container Policy be updated to reflect the decisions made.

3. **BACKGROUND TO THE REPORT**

3.1 The Council first introduced wheeled bins in 2004 to facilitate the storage and collection of household waste. In April 2012, a new dry-recycling wheeled bin service was introduced replacing the bag and box collection system. This has made it easier for residents to recycle their waste, made collection of recyclables more efficient and provided a consistent collection method for all waste streams. The Executive approved the Council's Wheeled Bin and Container Policy which specifies service standards and procedures for waste collection at their meeting in July 2012.

4. **REVIEW OF WHEELED BIN AND CONTAINER POLICY**

4.1 **Waste Management container provision**

4.1.1 The Wheeled Bin and Container Policy approved by members in July 2012 provides an expectation that Developers meet the cost of supplying waste management containers to new developments. Whilst this practice is employed by other councils, legal advice from counsel maintains that it would not be lawful to require the costs of providing bins to be met by Developers by way of section 106 contributions. nor under the provisions of section 46 because developers could not be regarded as occupiers The Council is however able to recover the cost of containers from residents themselves via provisions contained in the Environmental Protection Act 1990.

4.1.2 The estimated planned spend for waste management containers consists of both projected container requirements for new residencies (based on the most recent housing trajectory) and replacement of lost or damaged containers. To supply residents of new occupancies with the required waste management containers (3 wheeled bins and 1 caddy) currently costs £65 per property for the containers only.

- 4.1.3 In view of the significant capital expenditure to provide waste containers and that costs cannot lawfully be required from Developers for new residencies, members are asked to consider implementing charges for containers in accordance with the provisions afforded by the Environmental Protection Act as detailed in table 4.1 below.

*Table 4.1 Proposed charges for provision and delivery of waste containers*

Container Request	Proposed charge (£)
New Occupancy (provision of 3 bins and internal caddy)	£65 (no delivery charge for initial supply of containers)
Replacement of lost, stolen or damaged bins (with the exception of crew damaged bins as per 4.1.5 section)	£35 (charge included in proposed fees and charges report)
Provision of an additional blue-lid recycling bin	Free of charge (This is a positive incentive to encourage recycling)
Provision of additional Brown Bin(s)	Dealt with by a separate rental scheme currently but subject to review following consultation on introducing a chargeable green waste service

- 4.1.4 It is proposed that residents are not charged for replacement containers that are damaged by crews or lifting equipment whilst servicing containers nor for replacement caddys which are only handled by crews when they are serviced rather than by residents.
- 4.2 Non-presentation of containers by residents
- 4.2.1 The Council currently operates a collection system whereby if residents forget to present their wheeled bins/containers by 7am, crews will return on 3 occasions in a rolling 12 month period to service the missed bins if reported within 48 hours of the collection day. After the 3<sup>rd</sup> occasion, crews will not return for subsequent non-presentation.
- 4.2.2 There is a resultant negative impact on fuel usage, wear and tear on vehicles and the Council's carbon footprint from returning to bins that are not presented at the point of collection. The number of requests to return for non-presented bins from November 2013 to October 2014 was 550. The impacts are greater when reports are made after the day of collection and crews are no longer working in the same area as the return location and distance could be disproportionate (i.e. collecting 1 non-presented bin from Friday collections in Markfield on a Monday when the crews are operating in Hinckley and Burbage).
- 4.2.3 To eliminate the impacts identified at 4.2.2 completely, the Council would need to adopt a policy whereby collection crews do not return for non-presented bins/containers. This is a practice currently employed by Harborough District Council, Melton Borough Council and Oadby and Wigston Borough Council. It is proposed that this system be adopted by Hinckley and Bosworth Borough Council whilst retaining a pragmatic approach that non-presented bins will be serviced where residents approach crews whilst the vehicle is in the vicinity of their property.
- 4.2.4 Adopting this approach will reduce fuel costs and delay the need for an extra crew (at circa £130,000) resulting from increasing property numbers and resultant additional demand for waste management services.

## 5. FINANCIAL IMPLICATIONS (SJE)

- 5.1 As mentioned in section 4.1.3 and demonstrated in the table below, there is expected to be a growth in the requirement for waste containers due to new residencies as per a recent housing trajectory forecast contained with the department's 'Central Planning Policy'. Applying a charge for the provision of new containers would effectively reimburse the Council for any increase in corresponding expenditure.

Financial Year	Budget for residential waste containers (£)	Budget for trade waste containers (£)	Total waste receptacle capital budget (£)
2015/16	113,000	23,590	136,590
2016/17	128,000	23,870	151,870
2017/18	135,000	23,690	158,690

- 5.2 A proposed charge of £65 for new occupancies will only offset the costs of the containers themselves and does not incorporate any additional elements such as delivery, management and administration costs. Due to the value of container costs and charge equally being £65, any change in the expected growth of new residencies would not be expected to have an overall impact on the Council should the charges be implemented.
- 5.3 The proposed charge of £35 for replacement of lost, stolen or damaged bins has a value that is comparable to other local authorities implementing such a charge and incorporates the cost of delivery. This charge has already been endorsed in the "Scale of Fees & Charges 2015/16" publication and therefore is for noting only.
- 5.4 The table below breaks down the proportion of capital expenditure budget of £113,000 for 2015/16. This table is to demonstrate the relative proportions of demand, ie 1/3<sup>rd</sup> of container purchases are due to new occupancies. To add further information, approximately 5,000 containers could be purchased with this total budget.

Container category	£
New Occupancy	34,000
Replacement of lost/stolen/damaged	66,000
Caddies	13,000

No charge is currently proposed for caddies so no chargeable income will be collected for this expenditure.

- 5.4 If the collection crews do not return for non-presented containers as per the report recommendation, revenue savings are expected in fuel and repairs & maintenance costs. These costs are not currently analysed separately in detail, but are estimated to be in the order of £4,000.
- 5.5 The options for the income generated from the charges for new and replacement containers are funds could either be put into the general fund or a reserve to fund capital costs, which would need approval as part of the Capital Programme.

## 6. LEGAL IMPLICATIONS (MR)

S46(3) of the Environmental Protection Act 1990 allows the Local Authority the options of supplying waste receptacles free of charge, supplying the receptacles at a charged rate, to be paid either as a single payment or by instalment with the agreement of the occupier or requiring the occupier to provide their own receptacles

of a similar type. S46(4)(b) of the Environmental Protection Act 1990 allows the Local Authority to give occupiers notice requiring that waste receptacles are placed for the facilitation of collecting waste from them. S46(11) of the same Act gives the option of not collecting waste which is not presented correctly.

Counsel's advice in October 2012 can be summarised as follows;

- a) The Council may not require developers to enter into planning obligations under section 106 of the Town and Country Planning Act 1990 because the provision of bins is not necessary to make a development acceptable in planning terms and would therefore conflict with paragraph 122(2) (a) of the Community Infrastructure Regulations 2010
- b) The Council may not require developers to provide bins under section 46 above because a developer is not an occupier within the meaning of that section
- c) The Council could pursue a policy of requesting voluntary contributions from developers to fund the provision of bins. However, the practical constraints that would have to be imposed on the operation of such a policy would probably rob it of any practical utility and would expose the Council to the risk of legal challenge
- d) Household waste bins are not infrastructure within the meaning of section 216 of the Planning Act 2008 and therefore may not be funded under the levy

## 7. CORPORATE PLAN IMPLICATIONS

The Refuse and Recycling service contributes to our priority to provide 'Clean Neighbourhoods', 'Reduce our Impact on the Environment' and Efficient Effective and pro-active services.

## 8. CONSULTATION

Members of the Citizens Panel were originally consulted in March 2010 with regard to what was perceived to be a reasonable number of occasions in a year for waste collection crews to return for missed collections. The consensus at this time was noted as 3 times which led to the creation of the "3 strike rule" whereby crews would return for containers not presented on 3 occasions in a rolling twelve month period.

Corporate Operations Board expressed concern over the charging of Social Housing tenants and persons in new shared ownership houses as a significant cost to those on low income.

## 9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 9.3 Details of significant risks and opportunities are provided below. It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

Risk Description	Mitigating actions	Mitigation Owner
------------------	--------------------	------------------

<p><i>Impact on Customers/Reputation</i> A perception that containers should continue to be provided for free.</p>	<p>- Charges to be made in accordance with the provisions of the EPA. - Wheeled Bin and Container Policy updated to reflect charges made</p>	<p>Darren Moore</p>
<p><i>Impact on Customers/Reputation</i> Residents perceive the Council should return to collect their bins/containers even if it is their fault</p>	<p>- Communication of change in approach via Borough Bulletin and other media - Wheeled Bin and Container Policy updated to reflect change in service standard - Pragmatic approach to emptying missed bins on the day of collection whilst vehicles are in the area.</p>	<p>Darren Moore</p>

10. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

The proposed amendments to the Wheeled Bin and Container Policy identified will be applied consistently for all residencies. Disabled persons or those unable to present their bins due to infirmity are able to request assisted collections in which case bins will always be collected unless the resident instructs otherwise.

11. **CORPORATE IMPLICATIONS**

By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

Contact Officer: Darren Moore x5976

Executive Member: Cllr Bill Crooks