
ADOPTION OF WASTE POLICIES, PROCEDURES AND GUIDELINES

To: **Cabinet – 12th September 2013**

Main Portfolio Area: **Operational Services**

By: **Interim Frontline Services Manager**

Classification: **Unrestricted**

Ward: **District wide**

Summary: To approve the adoption of a suite of waste management and enforcement policies to support the roll-out of the new recycling and waste collection service from November 2013.

For Decision

1.0 Introduction and Background

- 1.1 In accordance with its commitments within the Five Way Inter Authority Agreement dated 8th October 2010 in respect of the East Kent Joint Waste Project, Thanet District Council has agreed to make the changes necessary to its collection operations in order to deliver waste in accordance with the agreed collection method.
- 1.2 TDC currently provides an alternate weekly waste and recycling collection service to approximately 52,000 households, which consists of a fortnightly collection of recycling materials using a blue-wheeled bin and a black-wheeled bin for residual waste. Recyclable materials that are collected include paper, card, tins, cans, plastic bottles and foil. The remaining 13,500 properties receive a weekly black sack refuse collections, and where possible a fortnightly collection of paper and card. The council also provides bring sites in many locations for the recycling of a range of materials including glass. A fortnightly garden waste collection is also available as a charged service using a wheeled bin system.
- 1.3 The improved collection scheme branded as “Lets Sort It Out Together” will provide a greater opportunity for residents to recycle by the addition of a weekly food waste collection, as well as adding glass, light plastics and food cartons to the recycling mix. Another key change will involve the separation of paper and card from the other dry recycling facilitated by incorporating the use of an additional red reusable bag.
- 1.4 TDC also has a commitment to the DCLG under the Weekly Collection Support Scheme to maintain weekly collections of waste for 13,000 households, and where possible combine this with the improved collection of recyclables.

2.0 New Service

- 2.1 The commencement of the improved service for the majority of household will be the week of the 4th November 2013.
- 2.2 A standard collection methodology was developed with the inclusion of “One-Pass” vehicles for greater operational efficiency. Vehicles have been purchased, delivered and await the start of the service including the delivery of new containers as follows:

- 7 litre Grey Caddies (food in kitchen)
- 23 litre Brown Caddies (food collection)
- 90 litre Red Bags (paper and card)

These are in addition to the current black and blue lidded wheeled bins that have already been provided to the majority of households in Thanet. The additional containers are funded by an enabling payment from KCC.

- 2.3 Recruitment of additional staff, supported by an additional annual enabling payment from KCC, is underway with new starters progressively being employed from September to allow sufficient time from training and round familiarisation.
- 2.4 To maximise collection efficiency, TDC have used route-optimisation software package to aid the introduction of zoned working to improve the quality of customer service.

3.0 Waste Management Policies

- 3.1 To support the implementation of the improved service, an amended suite of waste management policies has been drafted, together with enforcement guidance and procedures, and these are attached to the report. The objective of these measures is primarily to provide residents with help and advice. However, the policies provide the basis for action to be taken where non-compliance occurs, particularly where this is continual and unresponsive to normal persuasion.
- 3.2 Adoption of these policies and procedures is crucial to the effective running of the service in future years, as non-compliance could cause significant environmental impacts and lead to additional costs on the service.

4.0 Significant Points of Note

Members' particular attention is drawn to the following more significant elements of the policies attached to the report.

- 4.1 Recycling Policy No. 1

New Developments

Developers and new build homeowners will be required to supply at their cost all new properties with the correct quantity, size, type and number of containers. Only council approved receptacles are accepted and developers/ owners should contact the council for advice and arranging the supply of approved receptacles.

- 4.2 Recycling Policy No.3

Long and/or Private Drives

For properties with either long driveways or only accessible via private roadways, containers will be required to be placed at the access end of drive no further than 15 metres from where the collection vehicle passes.

Confined Storage

Back alley collection will only be made in exceptional circumstances. A communal collection point will be considered in the first instance in such cases. Where this applies, containers will need to be labelled by the residents with their property name or number. The containers will need to be returned back to the properties by the residents as soon as possible after collection.

4.3 Recycling Policy No.4

Contamination

Householders must put the correct materials in the correct bins or containers to ensure that they are emptied. Thanet District Council is unable to empty bins or containers that are contaminated and in this event information will be left on the bin advising for the reason why. The householder will need to remove all contamination from the bins or containers before the next scheduled collection or it will not be emptied.

The disposal of garden waste is not allowed in either the residual waste bin or recycling bin/bags. Residents will be encouraged to home compost, join the charged garden waste collection scheme or free disposal at a Household Waste Recycling Centre.

The disposal of small electrical appliances (WEEE) is not allowed in either the general waste bin/sacks or recycling bin/bags. Residents will be directed to the free disposal facilities at a Household Waste Recycling Centre.

4.4 Recycling Policy No.5

Residual waste

Due to problems associated with seagulls and resulting strewn litter, side waste **will be** collected when left alongside or overflowing residual waste wheeled bins, seagull proof bags or larger communal bins. However, this will be regarded as a non-compliance event and an advice hanger left to inform the resident to correct the problem in future. An exception to this will be excess residual waste associated with the first collection after Christmas and New Year Bank Holidays.

4.5 Recycling Policy No.6

Assisted Collections

Residents must apply to Thanet District Council for an assisted collection. The Council may ask the resident to provide information to support the application in the form of a medical practitioner statement and a council officer will visit the property concerned to agree or determine the presentation point for the container(s).

The officer in making a decision will require assurances that there are no occupiers of the property who are able to place the containers at the normal collection point. Before agreeing to an assisted collection the council may be able to offer alternative options, which would enable the resident to retain greater independence such as smaller bins, boxes or sacks.

4.6 Recycling Policy No.8

Replacement or damaged receptacles

All supplied wheeled bins, bags and boxes remain the property of Thanet District Council. Householders are responsible for keeping containers safe, clean and reporting any that are damaged, lost or stolen. We will replace any containers that become faulty through fair wear and tear, but reserve the right to make a charge to replace any containers damaged because of misuse by the householder.

4.7 Recycling Policy No.11

Opting- out

If a resident decides they do not want to participate in the service they may opt out, but they would be required to dispose of their own waste in a safe and suitable manner. Opting out of the service would not entitle residents to any reduction in council tax.

4.8 Consideration by the Overview and Scrutiny Panel

4.9 At the Overview and Scrutiny Panel meeting on 20th August members considered the proposed waste policies and raised the following concerns:

- Enforcement action – members raised concerns that this would be the first course of action by the council. However, policy 12 and the guidance under Annex 2 emphasise that enforcement action would be used only when other attempts to seek improvement had failed. The aim of the policy and guidance is to resolve these matters through information, advice and education. Members also emphasised the need to make sure that information about the policies and their enforcement that is available to residents is done using appropriate language to ensure that this could be understood clearly. This has not led to a change of the proposed draft of the enforcement policy and guidance, but information available to residents on the impact of these policies needs to be reassessed to ensure it is as clear as possible.
- Communal waste facilities – members raised an issue about properties using larger joint bins which can be an issue in managing recycling and waste effectively. Although this does not affect the basic policies it has been a matter given consideration as part of the planning of the roll-out of the new service. The new standard system does not work in these circumstances, but these and other properties with difficulties are being looked at on a more individual basis as part of further service changes planned for after the main roll-out. However, the emphasis is on trying to provide and much as possible in the way of practical recycling facilities for each property.
- Nappies – members raised concerns about whether the use of modern washable nappies provided the best overall sustainable solution, and whether policy 1 should encourage this. A minor change to the policy has been made to remove this reference to encouraging their use, but emphasises the benefits of reusable nappies in the context of waste management.
- Clinical waste – members raised concerns that due to matters of sensitivity and the nature of material being disposed of these should be treated differently from normal collections. The council already has a separate system for proper clinical waste, with a separate collection arrangement, and the arrangements for this are done on an individual basis for each person needing this service. This is not being changed as part of the new service, and no amendment to policy 1 is required.
- Glass recycling – plate glass and Pyrex cannot be included as part of normal glass recycling, and these are defined as prohibited materials in policy 4. Members were concerned about residents, especially those with visual impairments, mistaking different types of glass and receiving enforcement notices. The council will not be taking enforcement actions in these circumstances if this relates to small amounts put into recycling bins by accident. Policy 4 is primarily based on repeated incidents where larger quantities are involved. These are almost certainly to be cases where inappropriate waste is entering the domestic waste stream, and as such reference to the materials and other prohibited material needs to be retained within the policy.
- Reusable waste and recycling sacks – members raised the issue of the currently used seagull proof sacks being left attached to railing outside properties. The council has no direct powers to prevent this occurring, and this cannot form part of

the enforcement procedures under these waste policies. However, this has been identified as an issue to be assessed again following the main roll-out, and whether alternative arrangements need to be made for certain areas or properties. It is recognised that in areas of high density of occupation management of waste within a property, even using foldable bags, is problematic. The foldable reusable bags do work for the majority of properties even in these areas, and have had a significant impact on black sack damage, but in certain locations alternative methods need to be explored and implemented.

- Appeals process – members raised a concern about the need for an appeals procedure in relation to enforcement action being taken forward under these policies. This action would be primarily based on the issuing of Fixed Penalty Notices (FPN), where other attempts to seek improvement had failed. Members proposed that an internal process be added that involves council members determining appeals on these notices. Any enforcement system should have the possibility of appeal, and this should be as independent as possible from the making of the original decision to serve a notice. A procedure already exists for all the FPN's served by the council. This is laid out within section 6 of the enforcement procedures in Annex 2 and is based around the council taking forward a prosecution for non-payment to be assessed by a court. This has two levels of control, with the first being that the council has to be certain in taking a prosecution forward that it has sufficiently robust evidence for this to be successful, and that it is in the public interest to take forward a prosecution. The second lies with the court as an independent body assessing the evidence and the circumstances, and being satisfied that the service of the original notices was justified. There is another level of control in the reverse direction based on people wishing to avoid being taken to court, and the early payment of fines under FPN's where their issue is clearly justified. On this basis it is not proposed to add a further level of appeal to the particular set of Fixed Penalty Notices relevant to these policies.

5.0 Corporate Implications

5.1 Financial and VAT

- 5.1.1 These policies are adopted to support the agreed recycling and waste service for which budgetary provision has already been made, including enabling payments from KCC to cover additional costs. The enabling payments are available due to the increased income for the recycling generated by the new collection system, and reduced waste disposal costs to KCC.

5.2 Legal

- 5.2.1 TDC operates under the provisions of the Environmental Protection Act 1990 (EPA 1990) and the Clean Neighbourhoods and Environment Act 2005 (CNEA 2005) and under other legislation relating to the environment. These offer a wide range of powers to enable TDC to fulfil the duties for which it is responsible.

All enforcement action taken by TDC will be with regard to the relevant statutory provisions, which include:

- Environmental Protection Act 1990
- Control of Pollution (Amendment) Act 1989
- Controlled Waste Regulations 1992
- Clean Neighbourhoods and Environment Act 2005
- Police and Criminal Evidence Act 1984
- Criminal Procedure and Investigations Act 1996
- Regulations of Investigatory Powers Act 2000

- Refuse Disposal (Amenity) Act 1978
- Town and Country Planning Act 1990

5.3 Corporate

5.3.1 The new waste collection services starting in November represent a significant move forward to improve the access to recycling by residents of Thanet. However, this new service needs to be supported by a range of policies to ensure that recycling levels are maximised, that residual waste levels are reduced and that the environmental impact of waste on our streets as low as possible.

5.3.2 The suite of policies, procedures and guidance attached to the report have been drafted to provide the support to council officers in managing the new service and dealing with issues that impact on the quality of streets affected by misuse of the services provided.

5.4 Equity and Equalities

5.4.1 Equalities Impact Assessments have been carried out for each of the policies and there are no residual adverse impacts on any group with protected characteristics.

6.0 Recommendation

6.1 That the recycling and waste management policies 1-12 and enforcement procedures and guidelines attached in Annexes 1 and 2 are adopted by Cabinet.

7.0 Decision Making Process

7.1 Waste policies are not identified within the policy framework of the council and accordingly can be adopted by Cabinet.

Contact Officer:	<i>Graeme Lawes, Interim Frontline Services Manager</i>
Reporting to:	<i>Mark Seed, Director of Operational Services</i>

Annex List

Annex 1	Waste Service Policies 1-12
Annex 2	Enforcement Procedures and Guidelines

Background Papers

Title	Details of where to access copy
<i>None</i>	<i>Not applicable</i>

Corporate Consultation Undertaken

Finance	Matthew Sanham
Legal	Harvey Patterson