



**Prosperous Communities
Committee**

Tuesday, 29th October 2024

Subject: Response to a recommendation from Prosperous Communities Committee to investigate the implications associated with options to run a trial side waste pilot collection scheme

Report by:

Operational Services Manager

Contact Officer:

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Purpose / Summary:

To provide an update on the implications and options of running a trial side waste pilot scheme covering approximately 1,300 properties for a period of 26 weeks.

RECOMMENDATION(S):

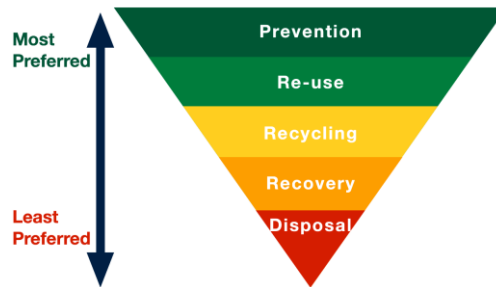
In considering the legal, financial, climate and operational implications set out in this report, it is recommended that this committee resolves:

1. Not to proceed with a trial side waste pilot collection scheme;
2. To keep Policy 11: Presentation of Side Waste (Refuse) under review in line with the scheduled review timetable for the Council's Operational Waste Policy documents (currently conducted biennially) and;
3. Operational Services will work closely with the Enforcement Team in identifying repeat offenders with side waste issues and through education and then enforcement (if no other options are available) will reduce any incidents of this type.

IMPLICATIONS

Legal:

Legislation relating to waste collection is set through primary and secondary legislation, namely the Environmental Protection Act 1990, and the Environment Act 2021. All such legislation is based on the Waste Hierarchy, placing a duty on local authorities to push waste up the hierarchy by preventing waste, re-use and recycling, as demonstrated in the graphic below.



In preparation for the roll-out of the requirements of the Environment Act 2021, the Department for the Environment, Food and Rural Affairs (DEFRA) will issue statutory and non-statutory guidance which is likely to include recommendations that all local authorities have a 'no side-waste policy' alongside comprehensive kerbside recycling in order to limit the presentation of residual waste and to promote recycling.

The Environmental Targets Regulation 2023 includes a national target to reduce the amount of residual waste in England. Achieving this is reliant on local authorities implementing measures to limit the amount of residual waste presented for collection.

The Council's current Policy 11: Presentation of Side Waste (Refuse) is designed to limit the amount of residual waste presented for collection and is therefore compliant with current legislation, and with forthcoming statutory and non-statutory guidance in support of the Environment Act 2021.

Financial: FIN/72/25/SSc

As no changes are recommended to Policy 11: Presentation of Side Waste (Refuse), there are no financial implications.

For the purpose of this report, a trial has been modelled to include collection of side waste on a trial basis for 26 weeks covering 1,300 properties over an area of 80 miles. This would result in an additional 5 tonnes of household waste per week based on current collection figures. If a decision is made to proceed with a pilot scheme, the financial implications of the scheme are set out below. It should be noted that there are no specific reserves for this purpose. Should a decision be made to proceed with a trial the ongoing burden would add to the existing funding gap forecast for 2025/26.

Staff Cost:

1 x additional Loader (Band 5) and 1 additional Driver (Band 3) employed for one day per fortnight on a 26 week contract would result in staffing costs of £8,900 (which includes a proposed £1,290 pay award, being the latest employer pay offer pending agreement).

Operational Cost:

For the purposes of a trial, a vehicle can be utilised from the existing fleet. Use of this vehicle covering a distance of 80 miles one day per fortnight for 26 weeks would result in additional fuel cost of £2,600.

Side Waste - Trial costs	£
Salary costs	8,900
Fuel costs	2,600
Total	11,500

Should any trial be subsequently rolled out to a full, district wide service, an additional fleet vehicle would need to be purchased which would incur a capital cost of £220,000.

Lincolnshire County Council cost:

The cost to LCC as the waste disposal authority equates to an additional £17,550 (5 tonnes of waste per week for 26 weeks at a cost of £135 per tonne).

Staffing:

As no changes are recommended to Policy 11: Presentation of Side Waste (Refuse), there is no impact on staffing.

If a decision is made to proceed with a pilot scheme, this would be the following staffing implications:

1. **Operational Services** – Assuming a trial area of circa 1,300 properties, it is possible to utilise a vehicle from the current fleet to service this, however, agency staff would be needed for the duration of the trial. This would be one additional Driver (Band 5) and one additional Loader (Band 3) employed one day per fortnight on a temporary contract.
2. **Housing and Environmental Enforcement** – Additional side waste would likely lead to more requests for service for waste related issues within the area, which in reality would not be able to be addressed (see crime and disorder implications below). It is likely that a proportion of the Council's existing resource would be utilised for these issues and not then available to focus on other priority initiatives and hotspots.
3. **Customer Services** – introduction of a pilot scheme would likely result in additional demand due to customer queries and service requests.
4. **Communications Team** – A comms plan would need to be produced and monitored, including monitoring social media channels, which would place additional demand on the Communications Team.

Equality and Diversity including Human Rights:

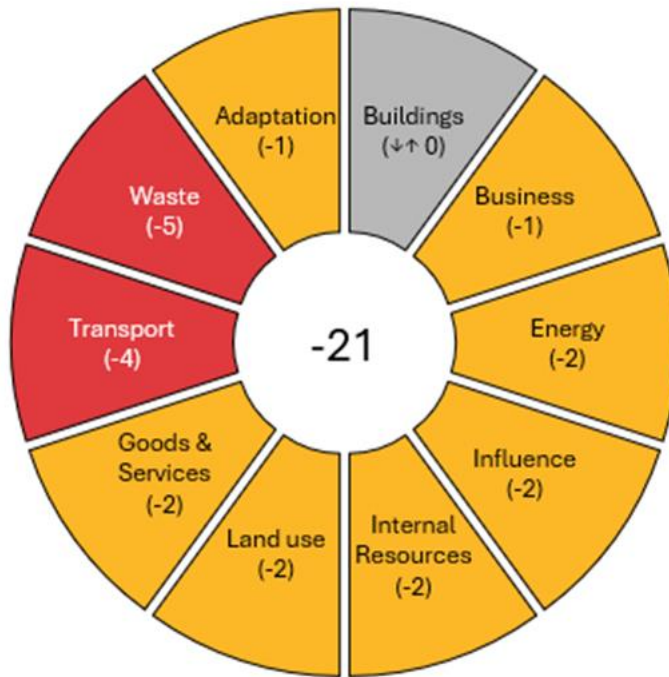
An Equality Impact Assessment was conducted as part of setting the Operational Waste Policies. As no changes are recommended to Policy 11: Presentation of Side Waste (Refuse) there is no impact on equality and diversity.

If a decision is made to proceed with a pilot scheme, this could have the following implications for equality, diversity and human rights:

Data Protection Implications:

None arising as a result of this report

Climate Related Risks and Opportunities:



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West Lindsey District Council will be net zero by 2050 (25 years and 3 months away).

Section 17 Crime and Disorder Considerations:

As no changes are recommended to Policy 11: Presentation of Side Waste, there are no crime and disorder considerations.

If a decision is made to conduct a pilot scheme, this could have the following implications:

1. An increase in enviro-crime, namely fly-tipping, which could occur in both the geographical area chosen for the pilot scheme, and in other areas of the district where assumptions may be made that the Council has changed its side waste policy for the whole district.
2. An increase in the number of reports relating to side waste offences, of which there are currently 1 to 2 per year as it is not a concern from an enforcement perspective. Any pilot may cause side waste to become a visible issue and concern.
3. Within any area in which a pilot is potentially delivered, it would make any enforcement in relation to waste and fly-tipping extremely difficult as it would be operationally challenging to distinguish between side waste and other waste at any point in time. It would not be possible to apply a specific enforcement policy to distinguish between these concerns.

Health Implications:

As no changes are recommended to Policy 11: Presentation of Side Waste, there are no health implications.

If a decision is made to conduct a pilot scheme, there could be implications for health and safety if excessive amounts of side waste are presented; if side waste is not collected in a timely manner; or if side waste is mistakenly presented for collection in an area outside the boundaries of the pilot scheme, which subsequently becomes fly-tipping.

Title and Location of any Background Papers used in the preparation of this report:

1. Motion to Council re Collection of Side Waste
<https://democracy.sharedlincs.net/documents/g3394/Public%20reports%20pack%2006th-Nov-2023%2019.00%20Council.pdf?T=10>
2. Response to Motion at Council re Review of Side Waste Policy
<https://democracy.sharedlincs.net/documents/s40118/Review%20of%20Side%20Waste%20Policy.pdf>

Risk Assessment:

1. Legislative Risk

Undertaking a side waste collection pilot scheme would contradict national legislation, chiefly the Environmental Protection Act (1990) and the Environment Act (2021) which places a legal duty on local authorities to reduce the amount of household waste.

2. Strategic Risk

The Council's Corporate Plan includes strategic outcomes to: "reduce the amount of household waste and increase the quality and quantity of recycling," and "to reduce environmental related crime such as fly-tipping and littering." Collecting side waste undermines the Council's ability to achieve these strategic outcomes." Additionally, through its Climate Change Strategy, the Council is committed to becoming a carbon net zero district by 2050. Side waste collection would increase the amount of waste sent to landfill, increase the Council's carbon emissions and therefore undermine the Council's strategic aims in relation to tackling climate change.

3. Financial Risk

4. Operational Risk

Possibly over whelming demands on Operational Services due to amount of side waste presented for collection leading to in completed rounds which in turn leads to lower customer satisfaction, more customer complaints.

Call in and Urgency:

Is the decision one which Rule 14.7 of the Scrutiny Procedure Rules apply?

i.e. is the report exempt from being called in due to urgency (in consultation with C&I chairman)

Yes

No

x

Key Decision:

A matter which affects two or more wards, or has significant financial implications

Yes

No

x

Executive Summary

At the Full Council meeting of November 2023, a motion was put forward which requested Prosperous Communities Committee to review its Side Waste Policy. As a result of this review, Prosperous Communities Committee resolved that the implications of trialling a side waste collection pilot scheme be investigated and the findings reported back to this committee. This paper responds to the recommendation, setting out in detail the implications of trialling such a scheme and making a series of recommendations based on the findings of these investigations.

1. Introduction

At the Full Council meeting of 6 November 2023, Cllr Key submitted a motion which formally requested Prosperous Communities Committee to review the Council's Side Waste Policy to ensure that the Policy is in line with the Council's commitment to reducing carbon emissions from its fleet of vehicles. Members resolved to accept the motion at the meeting of Prosperous Communities Committee on 20th March 2024.

Officers duly reviewed the Council's Operational Waste Policies, including Policy 11: Presentation of Side Waste (Refuse), and members resolved to adopt these policies at the meeting of Prosperous Communities Committee on 20th March 2024. A copy of the Operational Waste Policies is attached as Appendix A for information.

In addition, members resolved to add an additional recommendation *“that further investigations be undertaken into all implications associated with options*

to run a pilot of collecting side waste and that these be returned to this committee for consideration,” with delegation to the Chair of Prosperous Communities Committee and the Director for Operational and Commercial Services in respect of the location and duration of any such pilot scheme.

This paper responds to the recommendation, outlining the implications for the Council in opting to run a pilot side waste collection scheme. Members are asked to note the implications and accept the recommendation not to proceed with a pilot scheme.

2.0 What is the Council's Current Side Waste Policy?

The Council's approach to side waste is laid out in Policy 11: Presentation of Side Waste (Refuse) as one of the Council's Operational Waste Policies. A full copy can be found within Appendix A of this report.

In summary, Policy 11 states that household waste that is left beside a wheeled bin will not be collected, unless contained within pre-paid WLDC authorised refuse sacks.

In line with the Waste Hierarchy, the Council actively discourages excess waste and instead encourages reducing, reusing and recycling. However, the Council does recognise that, in some circumstances, households may have unique waste production needs, and so the following services are available for dealing with excess waste, subject to eligibility criteria:

- A larger bin (240 litres) for households of four or more people, or for households that generate extra waste because of a medical condition.
- Chargeable, pre-paid authorised refuse sacks
- The Big Bin Clear Out service
- Bulky waste collection service
- Household Waste and Recycling Centres

Operational Waste Policies, including Policy 11, are reviewed biennially to ensure they are fit for purpose, meet legislative requirements, and contribute to the Council's strategic aims and objectives. The next review is scheduled for 2026

Recommendation	<i>That Policy 11: Presentation of Side Waste (Refuse) is kept under review in line with the scheduled review timetable for the Council's Operational Waste Policy documents,</i>
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3. The National Policy Context

The Council's policies in relation to waste are set within the context of national primary and secondary legislation, namely the Environmental Protection Act 1990 and the Environment Act 2021. Such legislation is centred on the Waste Hierarchy, which emphasises waste minimisation through prevention of waste, reuse, and recycling.

The Department for the Environment, Food and Rural Affairs (DEFRA) is currently working with the Waste and Resources Action Programme (WRAP) to set out statutory and non-statutory guidance for local authorities in respect of waste minimisation. This guidance is expected to recommend that all authorities adopt a 'no side waste policy' alongside a comprehensive kerbside recycling programme as set out in the legislation.

Implication	<i>To trial a pilot scheme would contradict our legal duties around waste minimisation in respect of the</i>
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	<i>Environmental Protection Act 1990 and the Environment Act 2021, particularly the likely government recommendation that local authorities adopt a 'no side waste policy'.</i>
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4. The Local Policy Context

The Council's Corporate Plan 2023-2027, adopted by the Council in June 2023, includes the following strategic objectives:

- Ensure the Council is meeting its new duties and obligations under the Environment Act, 2021.
- Services that deliver value for money for local taxpayers.
- Climate responsibility is on a par with fiscal responsibility when making key decisions.

In addition, the Council's Environment and Sustainability Strategy, adopted by the Council in June 2021, includes the following commitments:

- To reduce waste and improve the quality and quantity of recycling.
- To support waste reduction.
- To support sustainable consumption and production.

The current side waste policy is aligned with the Council's strategic objectives as it seeks to minimise excess waste, thus reducing carbon emissions and contributing to the provision of a value for money waste service.

Implication	<i>A pilot side waste collection scheme would have financial implications for the Council (see paragraph 7) and would result in an increase in carbon emissions and the amount of waste sent to landfill (see paragraph 8). This contradicts the Council's strategic objectives in relation to climate change and the provision of value for money services.</i>
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5. How does the Council's current policy compare with other Local Authorities?

The Council runs an award-winning waste collection service and is nationally recognised for being both high performing and value for money. In order to compare the Council's side waste policy with that of other local authorities, the table below includes benchmarking information for Councils within our CIPFA nearest neighbour group (a sector wide approach for local authorities to benchmark against other local authorities with similar characteristics to West Lindsey), and for our geographical neighbours.

No other local authorities within this benchmarking group currently collect side waste, which demonstrates that West Lindsey is operating within best practice, and within the boundaries of current legislation.

Local Authority	Does the Council permit side waste?		Comments
	Yes	No	
North-East Derbyshire		X	
South Norfolk		X	
Mid-Devon		X	
Staffordshire Moorlands		X	
Hinckley & Bosworth		X	
Amber Valley		X	
Torridge			Not applicable. Torridge operates a sack collection service and doesn't use wheeled bins. However, there are strict rules about what will, and will not be collected in relation to excess or side waste.
Forest of Dean		X	
Melton		X	
Babergh		X	
Breckland		X	
Bassetlaw		X	
Newark & Sherwood		X	
South Holland		X	South Holland operates a sack collection service; however, the Council has a policy not to collect what would be considered side waste.
North Kesteven		X	
East Lindsey		X	
City of Lincoln		X	
North Lincolnshire		X	
North-East Lincolnshire		X	

When looking at current performance and service data, there is nothing to suggest that presentation of side waste is an issue in the district, nor that there is a demand from households to reintroduce the collection of side waste.

From an enforcement perspective, the team receive one to two reports per year from waste services in relation to side waste. There is no evidence from the reporting that side waste is a concern within the district and appears to occur on a very insignificant number of occasions.

Implication	<i>Trialling a pilot scheme would mean the Council is operating outside of considered best practice across the local government sector.</i>
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6. Modelling a Pilot Scheme

To satisfy the recommendation made by this committee: *“that further investigations be undertaken into all implications associated with options to run a pilot of collecting side waste and that these be returned to this committee for consideration,”* officers have modelled a pilot scheme, which is based on the following:

- i) Current collection figures from Gainsborough South-West ward, an area with 1,300 properties serviced by bagged waste collection generating an average of 22.5 tonnes of household waste per week.
- ii) Current wheeled bin collection figures based on 1,300 properties (in parity with the South-West ward) generating an average of 29 tonnes of household waste per fortnight.

For the purposes of this report, and based on current collection data for an area of this size, a pilot scheme assumes the following:

- A pilot area incorporating 1,300 properties covering a distance of approximately 80 miles.
- Side waste collection within the pilot area on one day per fortnight for a period of 26 weeks (or 6 months).
- Approximately five tonnes of additional household waste collected each week.

The full implications of a pilot scheme on this basis are set out in the remainder of this report. By definition, a pilot scheme is designed to test the case for wider implementation, which in this instance would mean a district wide implementation of side waste collection. For that reason, implications of a full roll-out have also been included where possible so that members have all the information available to make a fully informed decision.

7. Financial Implications

Operating a pilot side waste collection scheme would result in a financial cost to both West Lindsey District Council as the waste collection authority, and Lincolnshire County Council as the waste disposal authority. The costs for West Lindsey are mainly comprised of extra temporary staff to service additional collections during the trial period. These costs have not been budgeted for in the Council's Medium-Term Financial Plan.

For Lincolnshire County Council, the model assumes an additional cost of £17,550 for the duration of the pilot. This is based on collecting an additional five tonnes of household waste per week, for 26 weeks at a cost of £135 per tonne. Scaled up, this would equate to an additional annual cost of circa £700k per annum for LCC if the pilot were to be expanded to cover the whole district.

Implication	<i>Running a pilot scheme would result in a financial cost to WLDC of £11,500</i>
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8. Environmental Implications

The Council introduced a wheeled bin collection scheme and stopped collecting side waste in 2007/08, which resulted in a 21.4% reduction in the amount of household waste sent to landfill, down from 21,416 tonnes of

residual waste in 2007/08 to 16,834 tonnes in 2009/2010 when fortnightly collections were introduced and black bin capacity was reduced in support of a more comprehensive recycling service. This demonstrates the effectiveness of capacity limits as a policy lever to increase recycling and drive environmental sustainability.

For the purposes of a pilot scheme, modelling assumes the reverse, i.e. that there will be an increase in the amount of residual waste collected due to the removal of capacity limits brought about by allowing the presentation of side waste. Based on current data, and factors including population increase, modelling assumes that a side waste pilot scheme would result in an additional 4,239 tonnes of residual waste sent to landfill during the 26 week pilot period.

Additionally, a pilot area of 1,300 properties will result in the waste vehicle covering an additional 80 miles per fortnight, or 1,040 miles in total during the pilot period, therefore increasing the Council's carbon emissions during the pilot period.

Implication	<i>A pilot scheme would result in an increase in the Council's carbon emissions, as well as an increase in the amount of waste sent to landfill. This contradicts the waste hierarchy (reduce, re-use, recycle) and the Council's priorities within the Corporate Plan and the Environment and Sustainability Strategy.</i>
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9. Operational Implications

Current rounds are at capacity, and the introduction of a pilot scheme would require additional temporary resource. Whilst it is possible to utilise an existing fleet vehicle to service the pilot area for the duration of the pilot, this would require one additional Driver and one additional Loader, employed on a 6-month contract via an agency.

If a pilot were to be rolled-out district wide, this would require the purchase of one additional fleet vehicle and the employment of one additional Driver and one additional Loader on a permanent basis.

Additionally, there would be implications on other teams required to support the roll-out of a pilot scheme. It is likely that Customer Services would experience increased demand from customers during the initial phase, as is the case with the roll-out of any new initiative. Likewise, there will be an impact on the Communications Team in managing a communications drive and monitoring social media. It is not anticipated that this demand would result in the need for additional staff in either of these teams, but the additional burden on these teams should be noted.

From an enforcement perspective, presentation of side waste is not currently an issue across the district, with between one and two reports of this received per year. The introduction of the wheeled bin scheme and the subsequent cessation of side waste collection can be viewed as a success, with a 21.4% reduction in the amount of household waste sent to landfill. This success can

be attributed to a thorough communications and education campaign which has resulted in high levels of compliance with the Council's current side waste policy. Presentation, and repeat presentation, of side waste in wheeled bin areas is low.

Area	Number of reported side waste from handheld devices
Gainsborough	98
Rest of District	74
Total from 4 weeks data	172

Introducing a pilot scheme will reverse the benefits of the current policy, as households in the pilot area will rely less on household waste recycling centres and the waste hierarchy and instead revert to presenting side waste for collection.

Introducing a pilot will result in operational challenges for the Council's enforcement function and could result in resources being diverted away from other priority initiatives and hotspots.

Implication	<i>A pilot scheme will result in the need for two additional temporary members of staff on a 6-month fixed term contract. The financial implications of this are set out in Paragraph 7.</i>
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10. Summary

In producing this paper, it is important to thank Councillor Key for bringing the original motion forward to Full Council. Motions and questions are welcomed as an important part of the Council's democratic function, allowing the Council to explore issues and proposals in more detail via a structured review or exploratory research. In providing a response to motions and questions, members will always be presented with a factual, holistic and impartial view in order to support evidence-based decision making.

This paper sets out the implications for trialling a pilot side waste collection scheme for members consideration, all of which are summarised in the table below.

Implication	Pilot Scheme (6 months)	Whole District
Legal	Contradicts national legislation, and emerging statutory guidance resulting from the Environment Act 2021.	
Operational and staffing	<ul style="list-style-type: none"> 1 x Band 5 Driver on a 6-month agency contract 	<ul style="list-style-type: none"> 1 x Band 5 Driver on a permanent contract 2 x Band 3 Loader on a permanent contract

Implication	Pilot Scheme (6 months)	Whole District
	<ul style="list-style-type: none"> • 1 x Band 3 Loader on a 6-month agency contract • No additional vehicle requirement 	<ul style="list-style-type: none"> • Purchase of 1 additional fleet vehicle
Financial	<ul style="list-style-type: none"> • WLDC – £11,500 • LCC - £17,550 	<ul style="list-style-type: none"> • WLDC – £220,000 (Vehicle). Cost of maintenance and running costs of 1 additional fleet vehicle (inc. 1 driver and 2 loaders) £170,000 pa. • LCC - £700,000 per annum
Environmental	<ul style="list-style-type: none"> • Additional 4,239 tonnes approximately of household waste sent to landfill • Increase in carbon emissions 	<ul style="list-style-type: none"> • Additional 8,478 tonnes approximately of household waste sent to landfill per annum • Annual increase in carbon emissions

The evidence and implications demonstrate that to run such a scheme would contradict national legislation and the Council's own strategic priorities. Additionally, a trial scheme would pose significant operational challenges and have financial implications.

On the basis of the evidence presented in this paper, it is recommended that the Council continues to operate under its existing Policy 11: Collection of Side Waste (Refuse) and does not proceed with a trial side waste collection scheme.

To ensure that the Council's Operational Waste Policy, which includes Policy 11, continues to be supported by residents, as well as being legally compliant,

Operational Services will work closely with the Enforcement Team in identifying repeat offenders with side waste issues and through education and then enforcement (if no other options are available) will reduce any incidents of this type.