

# **Supplementary Committee Agenda**



## **Overview and Scrutiny Committee Tuesday, 28th February, 2017**

**Place:** Council Chamber, Civic Offices, High Street, Epping

**Time:** 7.30 pm

**Committee Secretary:** S. Tautz Tel: (01992) 564243  
Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

### **7. EXECUTIVE DECISIONS - CALL-IN (Pages 3 - 12)**

(Director of Governance) To consider the attached Call-in. Also attached are the Cabinet report that was called in and the relevant appendix to this report.

**This page is intentionally left blank**

## EPPING FOREST DISTRICT COUNCIL

### Notification of Call-In of Cabinet or Portfolio Holder Decision under Paragraphs 45-52 of Article 6 (Overview & Scrutiny) of the Constitution

*This form must be signed and completed and the original returned to the Proper Officer in person no later than the fifth working day following the publication of the decision to be called-in*

<b>Decision to be called-in:</b> Waste and Recycling Policies
<b>Decision reference:</b> Cabinet Decision 9 (2 February 2017)
<b>Portfolio:</b> Environment
<b>Description of decision:</b>  That the Waste Management Policy Statements, numbered 1 to 12 as attached to the report and tabled at the meeting, be adopted, subject to the following amendments:  (a) revising point 2 of the Residual Waste section of Policy 4, Contamination Policy, to read "...contains any of the following 3 <i>recyclable</i> materials:..."; and  (b) revising section 2(b) of Policy 11, Replacement Containers, to read "...or through the collection vehicle itself <i>or by normal wear and tear</i> , the Council will provide ..."
<b>Reason for call-in</b>  This call-in relates to Waste and Recycling Policy 10 (Supply of Waste & Recycling Services) only. It does not concern any other Waste and Recycling Policy adopted by the Cabinet at its meeting on 2 February 2017.  Policy 10 is a new policy, which indicates that only those properties that are registered on the Local Land and Property Gazetteer (LLPG) will in future benefit from the provision of kerbside waste and recycling services by the Council.  Although it is understood that the Council's waste management contractor (Biffa Municipal) uses LLPG data to configure and manage waste collection services across the District, the adoption of Waste and Recycling Policy 10 appears to indicate that any property that attracts a Council Tax charge through the subletting of a section of the property will, in the absence of planning permission for such sub-division, not be eligible for separate waste and recycling collection services.  Individual dwellings within domestic properties that have been sub-divided, often qualify as separate dwellings with a specific banding for Council Tax purposes, even though planning permission may not have been required for the creation of such dwellings. As the Council calculates a separate Council Tax bill for every separate dwelling and collects payment, it is considered unreasonable that separate dwellings for which planning permission was not required, do not receive separate waste and recycling services from the Council.  The signatories to this call-in respectfully request the Environment Portfolio Holder to clarify or reconsider the implementation of Waste and Recycling Policy 10, to ensure that all properties within the district for which Council Tax is paid, receive the normal level of kerbside waste and recycling collection services from Epping Forest District Council, including the supply of recycling containers.

--

**Members requesting call-in  
(3 members of the Overview and Scrutiny Committee or 5 other members)**

<b>Members Name:</b>	<b>Signed:</b>
<b>Lead member:</b> Councillor J. Lea	Signed
Councillor A. Mitchell	Confirmation by email
Councillor G. Shiell	Confirmation by email
Councillor S. Kane	Confirmation by email
<b>Office Use Only: Date Received:</b>	16 February 2017

## **Report to the Cabinet**

**Report reference:** C-054-2016/17  
**Date of meeting:** 2 February 2017



**Portfolio:** Environment  
**Subject:** Waste Management Policies  
**Responsible Officer:** Qasim (Kim) Durrani (01992 564055).  
**Democratic Services:** Gary Woodhall (01992 564470).

---

### **Recommendations/Decisions Required:**

(1) That the Waste Management Policy Statements, numbered 1 to 12 as attached, be adopted.

### **Executive Summary:**

The Council has in place a number of waste management policies previously introduced at the time of implementation of the original wheelie bin service, substantively updated in September 2009 when the food and garden waste collection was introduced. These policies provide clarity to the Councils' contractor Biffa, residents and Council officers.

It is considered necessary to update and amend these policies and introduce new ones, where necessary, to reflect the comprehensive household collection service that the Council offers.

### **Reasons for Proposed Decision:**

It is necessary to update some policies and introduce new ones to ensure efficient waste management services.

### **Other Options for Action:**

The alternative options are:

- (a) retain existing policies and not approve any changes,
- (b) manage the service with no new policies,
- (c) rescind all policies and manage the service with no policies

None of the above can be recommended as this would be contrary to the already adopted Essex Joint Municipal Waste Management Strategy, would present operational difficulties, hinder achievement of Council's Key Performance Indicators and adversely impact waste reduction and recycling targets that the Council aspires to achieve.

### **Report:**

1. The Council has already in place a number of policies which deal with matters such as:

- containers;
  - which materials should go in a particular container;
  - assisted collections;
  - collection times and placement of containers;
  - contamination of containers;
  - container capacity;
  - suitability of property for wheelie bin;
  - exception; and
  - exemption.
2. It is recommended to adopt three new policies. These cover the following issues:
- collections from flats and communal buildings;
  - provision of waste and recycling services only to those properties that are on the Local Land Property Gazetteer (LLPG); and
  - provision of replacement containers.
3. The policy documents are appended to the agenda. They are in some cases more restrictive than the predecessors and reflects the needs for the residents to:
- be more particular about the separation of recyclable materials from non-recycling waste; and
  - reuse and recycle as much as possible.
4. There are four Key Performance Indicators within the Neighbourhoods Directorate that relate to refuse and recycling service. It is anticipated that performance against these will be improved if the recommended policies are adopted. By diverting recycling materials from the residual waste stream the waste processing costs will be reduced for the Disposal Authority and will result in more sustainable and environmentally efficient waste and recycling collection services.
5. If adopted these policies will be implemented with due care and regard. Publicity and warning message will be delivered to residents, to ensure that residents who make innocent mistakes are not penalised, educational and promotional literature will be made available as well as direct advice from Council officers. Enforcement action will only be taken as a measure of last resort. Every effort will first be made to educate and inform residents so that they could make the best use of the waste and recycling collection services offered by the Council.
6. All the policies are attached to the report. Some of the changes are minor amendments to bring the policies in line with current Biffa contract and clarify, especially since the Council now offers an enhanced service compared to when some of these policies were first written. Any changes or additions are shown in underlined text, for ease of reference major changes are noted below:
- Policy 1 – Container: no change.
  - Policy 2 – Wheelie bin capacity: no change.
  - Policy 3 – Suitability of property for wheelie bin: no change.
  - Policy 4 – Contamination: the policy is now clearer and includes a list of what is classed as contamination and what are unacceptable materials in the wheelie bin. As a result any recycling material found in the residual wheelie bin will be classed as contamination. This will mean that residual wheelie bin which contains recycling materials will not be collected by Biffa. The resident will have to make alternative

arrangements or remove the recycling and present the residual waste for collection. A full list of materials that can be recycled is available on the Council website as well in the publicity material published from time to time. The Council offers weekly recycling of small electrical equipment, textiles and batteries and there is no reason why these should be put in the residual wheelie bin.

- Policy 5 – Side waste: no change.
- Policy 6 – Exemption from wheelie bin: no change.
- Policy 7 – Exception: the standard size of residual wheelie bin is 180 litres. A larger, maximum 240 litres, wheelie bin for residual waste can be issued following a positive assessment under these policies. Elsewhere in the policy clarification is provided in respect of criteria for the issue of additional food and garden wheelie bins and if clinical waste collection is required, which cannot be collected under normal residual waste collection, this can be provided at a cost to the resident.
- Policy 8 – Flats and Communal buildings: this is an entirely new policy and addresses the waste and recycling collection arrangements in multi occupancy dwellings. A draft Waste Planning Guidelines Booklet, attached as background paper, has been prepared to assist developers with the requirements for waste and recycling provisions in new buildings. The Council will provide, free of charge, recycling containers to flats and multi occupancy dwellings, however residual containers have to be paid for.
- Policy 9 – Use of Council issued containers: changes are made to clarify that the wheelie bins and containers remain the Council's property and will only collect in Council issued containers.
- Policy 10 – Supply of waste and recycling services: this is a new policy and clarifies that only those properties will benefit from the Council's waste and recycling services that are registered on the Local Land Property Gazetteer (LLPG). This is because the Council's contractor Biffa uses the LLPG data to configure and manage the waste collection services across the District. This will mean that a property that is attracting a Council Tax charge, by subletting a section of the property, in the absence of a formal planning approval, will not be able to receive separate waste and recycling collection service. This is because the Biffa contract uses LLPG as the bases data for contract management.
- Policy 11 – Replacement containers: this is a new policy: the policy clarifies the responsibility of the residents in relation to the wheelie bin and other containers. If a container is damaged by the misuse or neglect of a resident then the cost of replacement, including delivery, will be borne by the resident, the exception is normal wear and tear and when the container has reached the end of its useful life. However if the container is damaged by the actions of the contractor then there will be no charge to the resident. Officers will take due care and be pragmatic when implementing this policy and will only seek costs when there is strong evidence of wilful damage.
- Policy 12 – Location of a litter bin: this is a new policy and clarifies the criteria for the installation of a new litter bin. As the Principle Litter Authority the Council has the necessary powers to install and empty litter bins on the public highway. The policy clarifies the types of areas where the Council would consider installing a litter bin.

### **Resource Implications:**

There is no additional resource implications arising from this report and its recommendations, there is adequate existing budget to deal with the recommendations in this report.

The current cost to the Council, including delivery, of a new standard 180 litres wheelie bin is £21.57. On average the Council delivers circa 500 containers, including blue boxes and kitchen caddies, per month. There are significant costs associated with this, approximately £4,300 per month, and while there is every reason to continue to provide this service when it is no fault of the resident, charging residents who wilfully damage bins and ignore Council policies will result in reduced costs.

Recycling is a resource and every tonne of material recycled by residents results in an income for the Council. The level of income varies according to the material collected, for example, aluminium can generate an income of £600 per tonne and paper £50 per tonne.

Under the contract with Biffa any income from the sale of recycling material is passed onto the Council, this helps with the processing cost of the Material Recycling Facility where all the recycling material is sorted for sale in the market. If the recommendations in the report are agreed then it is likely that recycling will increase resulting in additional income for the Council.

Essex County Council pays the Council Recycling Credit of £64.39 per Tonne of material recycled. In the last financial year the total value of Recycling Credit Income was £823,595.

### **Legal and Governance Implications:**

The delivery of waste management services is predominantly under the auspices of the Environmental Protection Act 1990 and its subsidiary regulations and guidance. The collection of household waste (as defined by the Controlled Waste Regulations 1992) is a statutory duty placed upon the Council. Schedule 2 of these regulations prescribe that garden waste is, household waste, for which the Council can levy a charge.

### **Safer, Cleaner and Greener Implications:**

The increase in recycling performance is a Performance Indicator as is the reduction of non-recyclable waste generated per household. The aims of the Council's adopted Essex Joint Municipal Waste Management Strategy will be supported by the recommendation in this report.

### **Consultation Undertaken:**

The Council's waste management contractor Biffa has been consulted on the policies.

### **Background Papers:**

Cabinet report September and December 2009

### **Risk Management:**

For the waste management service to operate effectively and provide high level of recycling it is critical that adequate policies are in place to support the operation. In the absence of updated policies there is a risk that the recycling material will become contaminated resulting in rejection of refuse freighters at the processing facilities. This will, besides a loss in recycling income, result in the entire load to be declared a non-recycling and will attract



higher disposal, landfill, costs.

**Equality Analysis:**

The Equality Act 2010 requires that the Public Sector Equality Duty is actively applied in decision-making. This means that the equality information provided to accompany this report is essential reading for all members involved in the consideration of this report. The equality information is provided at Appendix to the report.

**This page is intentionally left blank**

## 10. Supply of Waste & Recycling Services Policy



The purpose of this policy is to ensure that all properties that receive waste and recycling collection services are registered in accordance with the requirements of the waste management contract with Biffa of being on the Local Land and Property Gazetteer.

All properties within the District will receive all the standard waste & recycling services as long as they are registered on the Local Land and Property Gazetteer, have appropriate planning permission as a separate dwelling.

Also in the District a number of residents have increased their living accommodation by building extensions, converting outbuildings or constructing new buildings. Some residents have then asked the Council to provide additional waste bins and collections.

The following explains when the Council will, and will not provide additional bins in these instances.

1. Residents who build an extension to their property but who do not have the correct planning permission for the use of that extension as a separate dwelling (irrespective if they are paying separate Council Tax) will not be given additional waste facilities or collections. All waste must be contained within the wheeled bin designated for that property.
2. Residents who build an extension or outbuilding, or who convert an existing out building and have the correct planning permission for its use as a separate dwelling will be provided with wheeled bins & containers for the new property.
3. The above does not prevent the original property from applying for larger capacity or additional food & garden bins.

**This page is intentionally left blank**