**GENERAL PUBLIC SERVICES AND COMMUNITY SAFETY COMMITTEE –**

**7 DECEMBER 2017**

**PART I – DELEGATED**

**8.** **Garden waste; review of the chargeable service**

 (DCES)

1. **Summary**

1.1 To update Members on the progress of the chargeable garden waste service.

2. **Details**

2.1 ***Background***

2.1.1 Waste collections by Local Authorities are governed by the Environmental Protection Act 1990 and the Controlled Waste Regulations 2012. Within these regulations garden waste is included in Schedule two ‘Types of household waste for which a charge for collection may be made’. This differs from residual household waste, listed under Schedule one for which the local authorities must provide a free collection service.

2.1.2 Further to a number of reports to Committee and a public consultation it was agreed that TRDC would impose a charge for garden waste. This was publicised from May 2016 and the charging period commenced from 1 July 2016.

2.1.3 The TRDC recycling rate, including how garden waste contributes to the overall percentage is shown below:

|  |  |  |
| --- | --- | --- |
| **Year** | **Overall recycling rate %** | **Garden waste %** |
| 2014/15 | 63.2 | 37.32 |
| 2015/16 | 59.4 | 32.05 |
| 2016/17 | 61.9 | 31.61 |

2.2 ***Garden waste review***

2.2.1On 1 July 2016 the chargeable garden waste service (referred to as the Service) commenced. Annual payments were adjusted pro-rata to £25 and £20 respectively to account for the payment period starting in July rather than April. Second brown bins were offered for £70 (no concessions). Due to it not being a full year the part year reduction for residents signing up after 1 October was not offered.

2.2.2 On 1 April 2017 the full annual charge came into effect; £35, with a reduced rate of £28 for residents in receipt of Council administered benefits. Residents are entitled to a 50% reduction if signing up between 1 October and 31 March. Second and third brown bins are charged £70 each, with no reduction or concession. A household can have a maximum of three brown bins. Anyone not providing Direct Debit details at time of sign up is charged an additional £5.

2.2.3 During 2016/17 (part year) the target set for sign ups was 14,500 households, which was far exceeded. Current figures (as of mid-October 2017) show that 22,380 households are signed up for one bin, 868 for two and 50 for three.

2.2.4 Stickers are issued upon receipt of payment, these include a unique reference number. Following discussions it was agreed in the second year (from April 2017) to include the address as well the reference number. This helps the crew to identify where the bin needs to be returned to, as well as making it easier for the resident to identify their bin and to try and tighten up on bins being moved around the District.

2.2.5 The work involved in administering the Service is somewhat greater than initially planned for. However staff from Environmental Protection, Finance, the Customer Service Centre and Customer Contract Programme worked well together to ensure it was introduced seamlessly and it continues to run well.

2.2.6 Firmstep and the back office system used by Environmental Protection; Collective, has been partially integrated. There are some instances, such as updating second and third brown bins, that still require manual intervention by the Environmental Support team.

2.2.7 There has been a small increase in the number of reported garden waste fly tips (as recorded on Waste Data Flow) that are of a small van size or less. However, the levels are low and are not of undue concern to Officers. It should be noted that the Hertfordshire Waste Partnership Fly Tipping Group, is currently undertaking a county-wide campaign on fly tipping to ensure residents are aware of their duty of care for their waste. The Environmental Strategy Manager is the lead for this promotional campaign, so any publicity materials will be widely promoted in Three Rivers with the assistance of the Enforcement, Community Safety and Communications teams. £22,000 of Police Crime Commissioner funding was approved for this campaign, with the remaining £10,000 coming from the WasteAware budget.

2.2.8 The recycling rate in Three Rivers increased by 2.5% in 2016/17, from 59.4% in 2015/16 to 61.9%, although the composting rate on its own decreased. However this only decreased by 305 tonnes compared with the previous year, which was more than compensated for by an increase in recycling tonnage (868 tonnes) and a reduction of residual waste (1,051 tonnes). Three Rivers continues to have the highest recycling rate in Hertfordshire.

2.2.9 Since the charge has been introduced in Three Rivers two other Authorities in Hertfordshire have also started charging in a similar way; Welwyn Hatfield Borough Council (although no separate collection of food waste is offered), and Broxbourne Borough Council. Watford Borough Council and Dacorum Borough Council each offer one bin free of charge, with additional bins requiring payment (See Appendix A for a comparison of current charges).

2.2.10 At the current time the charges of Three Rivers, Welwyn and Broxbourne are broadly similar, although Three Rivers offers concessions and part year reductions.

2.2.11 Having consulted the other District/Boroughs none are considering reviewing their charges at the current time, although it should be noted they are in effect ‘a year behind’ TRDC in this regard and this is subject to change.

2.2.12 Hertfordshire County Council are the client on behalf of the Boroughs/Districts when it comes to arranging disposal of organic waste, be that via windrow, anaerobic digestion or in-vessel composting. They have to ensure the right tonnage and mix of material is sent to the right facility.

2.2.13 The West London Composting contract for windrow composting, used by Three Rivers, is currently being considered, by Hertfordshire County Council, for extension (by one year) from the current expiry date of 7 April 2018. Once this contract expires Hertfordshire County Council may request our garden waste tonnage is delivered to an alternative processing facility. This is an operational matter and will require further discussion between Three Rivers and the County Council using recent round optimisation work, funded by the Hertfordshire Waste Partnership, and local knowledge and trials to determine if it is possible. The County Council pay a contribution to the costs of delivering to facilities that are unreasonably far from the administrative area through a transport subsidy, so if directed elsewhere it is likely these payments would increase.

2.2.14 Updated Terms and Conditions are included as Appendix B, however the charges are subject to change. There is a separate report on this. The main changes to the Terms and Conditions are an update in wording to clauses 5 and 8 and the introduction of Clause 20. Clause 5 has minor wording change to ensure residents know the new price (to be confirmed) includes a reduction for payment by Direct Debit. Clause 8 has been amended to ensure residents understand the difference between our £5 charge and the change in law re card handling payments. Clause 20 has been added to discourage the practice of residents supplying Direct Debit details to avoid paying the £5 charge, and subsequently cancelling the Direct Debit. The Council wants to encourage all residents to pay by Direct Debit. Clause 6 will also be updated with the new price once confirmed.

3. **Options/Reasons for Recommendation**

3.1 The Terms and Conditions have been reviewed and updated to ensure residents are fully aware of the £5 administration charge, the explanation of card handling fees and the discounted Direct Debit fee.

4. **Policy/Budget Reference and Implications**

4.1 None specific.

5. **Financial Implications**

5.1 The initial income target set for Garden waste when it was introduced in 2016/17 was £248,900. This was reviewed and adjusted to £584,000 as demand grew beyond initial expectations. The 2017/18 income target at the start of the year was £798,000. This has been revised to £828,000 and we have, as at end of October, collected actuals of £842,761.

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|  |   |   |   |   |   |
|   |  | **Original Budget**  | **Latest Budget**  | **Actuals**  | **% achieved above target**  |
|   | **2016/17** | 248,900  | 584,000  | 585,200  | 0.2% |
|   |  |  |  |  |   |
|   | **2017/18**  | 798,000  | 828,000  | 842,800  | 1.8% |
|   |   |   |   |   |   |

6. **Equal Opportunities Implications**

6.1 ***Relevance Test***

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| --- | --- |
| Has a relevance test been completed for Equality Impact? | No |
| Did the relevance test conclude a full impact assessment was required? | N/A |

7. **Staffing Implications / Community Safety / Legal / Public Health / Community Safety / Health and Safety / Customer Service Centre Implications**

7.1 None specific.

8. **Environmental Implications**

8.1 The recycling rate in Three Rivers remains the highest in the County and increased by 2.5% to 61.9% in 2016/17 compared to 2015/16.

9. **Communications and** **Website Implications**

9.1 Any changes to the service, including changes to Terms and Conditions will be updated on Firmstep and the website.

10. **Risk Management and Health & Safety Implications**

10.1 None specific.

11. **Recommendation**

11.1 The Terms and Conditions in Appendix B are agreed, subject to the charging level being updated by Officers once approved by Members.

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|  |  |  |
| --- | --- | --- |
| 1 | Poor |  |
| 2 | Sufficient | **✓** |
| 3 | High |  |

**Appendix A – Comparison of current charges**

NB: North Herts have just agreed to start charging from May 2018 and will charge £40 further details to be confirmed.

|  |  |  |
| --- | --- | --- |
| **Council** | **Charge for first bin** | **Charge for subsequent bins** |
| Three Rivers District Council | £35 £28 for Council administered benefits.50% reduction if signing up between 1st October and 31 March.£5 extra charge if not paying by Direct Debit | £70 each.A maximum of three bins. No concessions or part year reductions.  |
| Welwyn Hatfield Borough Council | £35No concessions or part year reductions.  | £60A maximum of two bins.No concessions or part year reductions.  |
| Broxbourne Borough Council | £34£39 if not paying by Direct Debit. No concessions or part year reductions. (no signs ups allowed from 1st December to 31st March) | £38.25 per bin plus annual subscription.No limit on number of bins. No concessions or part year reductions.  |
|  |  |  |
| Dacorum Borough Council | None.(food waste is collected separately) | £25 to purchase each additional bin.  £50 annual charge to empty each additional bin.No limit on number of bins.No concessions or part year reductions.  |
| Watford Borough Council | None.(food waste included with green waste) | £35A maximum of six bins£5 reduction for Council related benefits.50% reduction for part year payments (1st Feb – 31st May, bearing in mind their annual charge is from August-July). £5.50 for delivery of a bin, or residents can collect for free. |

**Appendix B – Draft Terms and Conditions**

**Terms and Conditions of the Garden Waste Subscription Service 2018/19**

1. This agreement is made between the resident (‘the customer’) and Three Rivers District Council (‘the Council’) of Three Rivers House, Northway, Rickmansworth, WD3 1RL and sets out the terms and conditions under which the customer may use the Council’s garden waste fortnightly collection service (‘the service)’ The Council may vary or change these terms and conditions at any time. You will be given 10 days written notice of any such changes
2. In line with the Distance Selling Regulations, you have seven working days from receipt of these Terms and Conditions to request cancellation of this service. Requests to cancel the service must be in writing to Waste Services, Three Rivers District Council, Three Rivers House, Northway, Rickmansworth WD3 1LU or emailed to enquiries@threerivers.gov.uk. Cancellations cannot be accepted by phone.
3. Collections for the garden waste service will only be available to customers who have subscribed for the service in advance. Our crew will not empty any brown garden waste bin that does not display a valid current sticker, with a unique reference number applicable to your property, unless instructed to by a supervisor. It is the responsibility of the customer to place the sticker on the brown garden waste bin. If your sticker becomes detached or lost, contact us on 01923 776611. We will not return to collect any brown garden waste bin which does not have a valid sticker on it.
4. Customer subscriptions are renewable annually. Only customers who have paid their subscription in advance are eligible to receive the service. Renewed subscription is required every year on or before 15 March. You will be notified of any price increases at least 10 working days before this date. If you don’t pay by this date, we will withdraw the service.
5. The subscription consists of an annual charge for one brown garden waste bin to the customer which has been set by the Council for the period April to March at £XX. Customers in receipt of Council-administered benefits will be entitled to a concessionary rate of £XX. Subscription prices including concessionary rates are subject to review at the Council’s discretion. These prices include a discount for payment by Direct Debit.
6. There is the option of a maximum of three brown garden waste bins supplied per property. The second and third brown garden waste bin will each be charged at an additional £XX for all properties (no concessionary rate will apply to the second or third brown bin).
7. Customers who join the scheme during the first 6 months of the financial year (April to September inclusive) will be expected to pay the full costs. However, there will be a 50% reduction for those joining between October and March of any one year. The 50% half year reduction only applies to the first bin. Second and third bins are charged at the full annual rate regardless of when they are paid for in the year.
8. For new subscriptions initial payments are made by credit or debit card. Customers are requested to then complete a direct debit mandate for all future payments. There will be a surcharge of £5 to cover administration costs for anyone not providing direct debit details for future payments from April 2017 onwards. This does not include card handling fees, which are paid by the Council.
9. The Council empties brown garden waste bins fortnightly, except for a short period over Christmas and New Year or when other factors affect the service, such as extreme weather conditions. If we miss your brown garden waste bin, we will do our best to collect it as soon as possible.
10. We will not return to empty and do not give refunds for missing or being unable to empty a brown garden waste bin for access issues, if the bin was not on the boundary (except assisted collection), contaminated, too heavy or due to frozen contents. Refunds will only be issued in the following exceptional circumstances, as detailed below.

1. Partial refunds, for the service, depending upon the given facts, will only be considered where there has been a complete service failure as detailed below:
	1. If the Council fail to deliver a brown garden waste bin within 6 weeks of the date on which the customer should have had their first collection, and/or
	2. If the Council fail to replace a brown garden waste bin within 6 weeks of the date on which the Council reported that they had damaged a brown garden waste bin; and/or
	3. If, without reasonable cause, the Council fail to rectify a report of a missed garden waste collection on 3 consecutive cycles.
2. Customers will be responsible for the brown garden waste bins, which must remain with the property in the event of the customer(s) moving home during the year. The new householder will therefore benefit from the provision of the garden waste brown bin (whether or not they sign up to the scheme) for the remainder of the year and there will be no refund payment to the former customer who has moved from that property.
3. There are no refunds or part refunds for the cancellation of the service part way through the year. If there is evidence of misuse of the service or the brown garden waste bin by you, then the service may be cancelled. There will be no refund in these circumstances.
4. Your brown garden waste bin(s) must only be used for garden waste from your property. Only garden waste may be placed loose in the bin. Garden waste includes grass cuttings, hedge clippings, tree loppings, twigs, bark, leaves, straw, hay, flowers, plants, small branches, fallen fruit and rabbit bedding. Unacceptable items are large branches, Japanese Knotweed, turf, earth, soil, stones, gravel, wood that has been treated or painted, food or kitchen waste including peelings, cat or dog faeces, plastic trays, cat litter etc. No plastic of any kind may be put in the brown garden waste bin. Any such items will be treated as contamination.
5. Contaminated brown garden waste bins (i.e. bins containing incorrect materials) will not be emptied. If your brown garden waste bin is contaminated, it is your responsibility to remove the item(s) of contamination prior to the next collection. If the contamination continues, we may remove the brown garden waste bin(s). There will be no refunds issued for occasions on which your brown garden waste bin is not emptied, due to contamination
6. The customer will be responsible for not overfilling the brown garden waste bin and making it too heavy for the bin lift. If a brown garden waste bin is left by the collectors, as it is deemed too heavy (more than 95kg), it will be the customers responsibility to remove a portion of the contents before next collection. The Council will not be responsible for returning to collect the brown garden waste bin before the next specified collection date and will not give a refund for the missed collection. Should the brown garden waste bin actually break on the bin lift, due to its being too heavy, the Council will reserve the right to recharge for a replacement. The Council will endeavour to deliver the replacement brown garden waste bin as quickly as possible, after payment is received
7. The brown garden waste bin(s) must be presented at the property boundary by 6.00a.m. on the designated collection day. If the customer is unable to move it there they must apply to the Council in advance for an assisted collection. The bin lid(s) must be completely closed and no side waste will be collected, i.e. no extra waste next to the bin(s) or placed on the lid(s).
8. The brown garden waste bin(s) is provided for use by Customers, but remains the property of the Council. Customers joining the Scheme may not receive a new brown garden waste bin, but will receive one which is washed and deemed fit for purpose. Garden waste presented in any other receptacle will not be collected. The only exception will be for real Christmas trees (free of all decorations) in January, which will be collected if left out on garden waste collection week
9. If your brown garden waste bin becomes damaged we will repair or replace it, free of charge, as soon as is reasonably practical. However if the brown garden waste bin is damaged through neglect or misuse, the cost of repair or replacement may be recharged to you. If your brown garden waste bin is damaged, please call the Council on 01923 776611.
10. Should Direct Debit details be given, to receive the discounted rate, and subsequently cancelled, the £5 administration charge will apply for future sign ups.