**GENERAL PUBLIC SERVICES AND COMMUNITY SAFETY COMMITTEE**

**29 JUNE 2017**

**PART I – DELEGATED**

**6. Trade waste service review**

 (DCES)

***The Appendix to this report is NOT FOR PUBLICATION because it deals with information relating to the financial or business affairs of any particular person (including the authority holding that information) (paragraph 3 of Schedule 12A)***

1. **Summary**

1.1 To share the recent external review carried out on the trade waste service and brief Members on future plans to increase income from this service.

2. **Details**

2.1 **Background on commercial waste collection**

2.1.1 As a Waste Collection Authority (WCA) the district council (the Authority) has a duty under section 45(1)(b) of the Environmental Protection Act 1990 (EPA) to arrange for the collection of commercial waste when requested to do so. This can be done either directly as in the case of the Authority or via a private sector contractor. Failure to do so means the Authority would likely be acting in breach of this duty.

2.1.2 It is worth noting that. whereas private sector providers can pick and choose their customers, local authorities in most circumstances cannot, as often they are the ‘provider of last resort’ with the duty in law to arrange for collection; this links back to the Authority’s role in the protection of public health. As a consequence, the Authority will have customers such as small rural businesses with difficult access that the private sector can avoid. Such customers will inevitably increase the Authority’s costs as well as the efficiency of its trade waste service.

2.1.3 In addition to the above, the European Revised Waste Framework Directive 2008/98/EC (rWFD) requires that waste, including household and commercial (trade) waste is dealt with according to the waste hierarchy and therefore recycling should be part of any service offered.  It is important to remember this when signing up new customers, dealing with current customers and ensuring our publicity highlights the importance of this.  The development of the Authority’s trade waste offering will have to address this by offering a comprehensive waste and recycling package in line with the services offered to residents.

2.1.4 It is also worth considering that the requirements of rWFD, including the relevant waste management targets and legislative requirements, could still apply to the UK as a condition of any Brexit deal. Further clarity on this aspect will be available when details of the Great Repeal Bill are published for consultation. Officers working with the Herts Waste Partnership unit are keeping a watching brief on developments and will present further reports for consideration by Members at the appropriate time.

2.1.5 Finally, at a local level, the Authority is also a signatory to the Hertfordshire Waste Partnership Agreement which requires the Authority to work in partnership with its neighbouring boroughs and districts as well as the county council in pursuit of agreed targets as well as the longer term joint working. Under the context of this report specifically any waste, household or commercial, collected by the Authority or a third party on behalf of Three Rivers is defined as controlled waste under section 51 of the EPA and falls under the direction of the county council (HCC) in its capacity as the waste disposal authority for Hertfordshire. This means HCC has the legal responsibility for making disposal arrangements for all residual wastes collected by the Authority. For clarity as a WCA this Authority has no ‘powers of disposal’ and therefore cannot make separate arrangements for dealing with residual waste regardless of whether it is household or commercial (trade).

2.2 **Trade waste review**

2.2.1 In December 2016 David Denson, a consultant sourced through the East of England Local Government Association (EELGA), was appointed to review the current trade waste and recycling service offered by the Council.

2.2.2 The final report is attached as Appendix A and is to be considered as a Part II item on the agenda, as it is of a commercially sensitive nature.

2.2.3 The report notes that, in general terms, the trade waste service is an asset to the Council and provides recommendations to further enhance this service.

2.2.4 In view of these recommendations and, as part of a restructure of the Environmental Protection section, one of the Environmental Enforcement Officers will be tasked to focus on trade waste. This role will aim to increase the customer base, improve consistency, follow-up and customer service as well as ensuring all businesses in the district are dealing with their waste correctly (and our taking enforcement action if necessary). By having one officer leading on trade, this will also ensure any queries from the drivers regarding day changes can be dealt with by one person, thus reducing any missed collections.

2.2.5 It should be noted that many businesses in the district may be tied into regional or national contracts and/or may be tied into existing contracts for a number of years. The trade service has never been proactively pushed and, whilst officers feel the target of 16 new customers a month is unrealistic, this service will now be viewed more commercially with a drive to encourage new custom. Sales literature will be produced and a systematic review of businesses will be scheduled across the district.

2.2.6 The implementation of Direct Debits for trade waste is on-going and, when it is up and running, this will be a key point in the promotion of the trade waste service.

2.2.7 Three Rivers District Council is already set up for ‘edoc’ (Electronic Duty of Care) and will continue to promote this to existing customers and use it as a selling point for new customers. This system allows customers to fulfil their waste disposal requirements without the need for us to send out paper documents. The Trade Enforcement Officer will work alongside the Support Team to progress this.

2.2.8 As a separate, but related project’ officers in Environmental Protection are commencing a review of collections from flats to ensure as many as possible are collected by the domestic rounds rather than the mixed domestic/trade rounds. This is not possible for all flats, due to space limitations for bins, but where possible this review will help free up capacity on the mixed round to allow for more trade custom.

2.2.9 It should be noted that a number of commercial premises within the district have been / are being converted to residential. For example Comet House in Rickmansworth and the Kenwood building in Tolpits Lane have already been converted and there are further planning applications for other sites in Tolpits Lane. If this trend to convert commercial to residential continues, this puts further capacity pressure on the domestic rounds and reduces the scope for income on trade. There are also a number of housing developments being built and there is the possibility that Watford Borough Council may wish to hand back the collection of Boundary Way properties to Three Rivers within the next two years. These issues need to be factored in when considering the future scope of the collection rounds. A round optimisation project is on-going with the Hertfordshire Waste Partnership which will aid modelling of such issues.

2.2.10 Two trade vehicles are currently on order, as part of the vehicle replacement programme. Each of these vehicles will have the capability to have bin-weighing systems retrofitted, if required. However this needs further thought as the bin-weighing equipment costs £20,000 each to buy and fit (for which a capital bid would be required) and officers are yet to determine if this money would be recouped.

2.2.11 With the above in mind, officers propose the following to promote and enhance the trade service over the next two years;

Year 1

* Review trade procedures
* Increase publicity and advertising (targeted at new custom)
* Get existing customers on Direct Debit
* Round optimisation
* Review the need for bin weighing (capital bid )
* Review collection charges (in Fees and Charges report 7th December 2017)
* Review flats
* Shift customers to eDoc

Year 2

* Monitor capacity of vehicles/consider if a new round is required
* Continue to review flats
* Round optimisation as required e.g. Boundary Way
* Explore possibility of a commercial food waste collection round
* Continuing with eDoc

3. **Options/Reasons for Recommendation**

3.1 If officers carry out the reviews and promotions as highlighted in para 2.2.11, this should improve the trade service offered by the Council, encourage new custom and increase income.

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

4.1 None specific.

5. **Financial Implications**

5.1 Any financial implications will be identified in the progress report in 12 months and used for future budget setting purposes.

6. **Equal Opportunities Implications**

6.1 **Relevance Test**

|  |  |
| --- | --- |
| 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 By encouraging businesses to recycle more this will reduce the amount being sent to landfill.

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

9.1 New literature will be produced as required and the website updated as necessary. The two new trade vehicles will have signage on them advertising the service, all of which can be met within existing budgets.

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

10.1 The Council has agreed its risk management strategy which can be found on the website at http://www.threerivers.gov.uk. In addition, the risks of the proposals in the report have also been assessed against the Council’s duties under Health and Safety legislation relating to employees, visitors and persons affected by our operations. The risk management implications of this report are detailed below.

10.2 The following table gives the risks if the recommendation(s) are agreed, together with a scored assessment of their impact and likelihood:

|  |  |  |
| --- | --- | --- |
| Description of Risk | Impact | Likelihood |
| 1 | Capacity to resource (staffing and vehicles) |  III | F |

10.3 The above risks are plotted on the matrix below depending on the scored assessments of impact and likelihood, detailed definitions of which are included in the risk management strategy. The Council has determined its aversion to risk and is prepared to tolerate risks where the combination of impact and likelihood are plotted in the shaded area of the matrix. The remaining risks require a treatment plan.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| **Likelihood** | A |  |  |  |  |  | Impact | Likelihood |
| B |  |  |  |  |  | V = Catastrophic | A = >98% |
| C |  |  |  |  |  | IV = Critical | B = 75% - 97% |
| D |  |  |  |  |  | III = Significant | C = 50% - 74% |
| E |  |  |  |  |  | II = Marginal | D = 25% - 49% |
| F |  |  |  1 |  |  | I = Negligible | E = 3% - 24% |
|  | I | II | III | IV | V |  | F = <2% |
| **Impact** |  |  |

10.4 In the officers’ opinion none of the new risks above, were they to come about, would seriously prejudice the achievement of the Strategic Plan and are therefore operational risks. The effectiveness of treatment plans are reviewed by the Audit Committee annually.

11. **Recommendation**

11.1 That Members agree the actions as outlined in para 2.2.11, with a view to officers providing a progress report in 12 months.

11.2 To note Appendix A and that public access to Appendix A is denied until the Year 1 tasks in 2.2.11 are completed.

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

 **Appendices**

Appendix A – EELGA Trade Waste Service Review