

WEST NORTHAMPTONSHIRE COUNCIL CABINET

9TH NOVEMBER 2021

**CABINET MEMBER WITH RESPONSIBILITY FOR CLIMATE, TRANSPORT,
HIGHWAYS AND WASTE SERVICES: COUNCILLOR PHIL LARRATT**

Report Title **Harmonisation of the Garden Waste Collection Service Across
West Northamptonshire**

Report Author **Vanessa Kelly, Waste Services and Projects Officer,
vanessa.kelly@westnorthants.gov.uk**

Contributors/Checkers/Approvers

West MO	Catherine Whitehead	Emailed
West S151	Martin Henry	21.10.21
Other Director/SME	Stuart Timmiss	18.10.21
Communications Lead/Head of Communications	Becky Hutson	14.09.2021

List of Appendices

Appendix A – A Review of Options Considered

Appendix B – Equalities Impact Assessment Screening Form

1. Purpose of Report

- 1.1. Since the creation of West Northamptonshire Council on 1 April 2021, there have been two different garden waste collection services running across the council area, both collecting garden waste from residents' homes fortnightly. There is a free of charge service in the former South Northamptonshire area and an opt-in, chargeable service in the former areas of Northampton Borough and Daventry District.
- 1.2. The purpose of this report is to consider the options for harmonising the garden waste collection service, so that all residents receive the same service across the whole of the council area.

2. Executive Summary

- 2.1 Garden waste is currently collected fortnightly across the whole of West Northamptonshire, with a break of one week at Christmas. The services in the Daventry and Northampton areas are opt-in chargeable services, whereas the service is free of charge for residents in the former sovereign Council area of South Northamptonshire.
- 2.2 The garden waste that is collected is treated by composting into a soil conditioner which is used on farmers' fields. The treatment arrangements are made under a contract and the Council pays an amount per tonne of garden waste treated. Household waste which goes for composting can be counted towards a council's recycling rate.
- 2.3 In the first few weeks of the new council the garden waste collection charges levied in the Northampton and Daventry areas were harmonised as well at the point in the year when residents renew their 'subscription' to the service. Northampton residents, who opted to subscribe to the service were charged £42 for 12 months. Daventry District residents who opted to subscribe to the service, were charged £35 for 10 months, which is the equivalent of £42 for 12 months, bringing their subscription date in line with that of Northampton. For residents in the former South Northamptonshire, the collection service has remained free of charge, under the new council as there was insufficient time to review the arrangements in advance of Vesting Day.
- 2.4 Sovereign councils were able to continue their existing charging policy under the Structural Change Order but maintaining a different charging position in each geographical location will not be a legally defensible position if allowed to continue.
- 2.5 Since 1 April 2021, the council has received negative feedback and several complaints about the disparity of charging across the council area. Complaints have also been considered by the Local Government Ombudsman, who on the basis of the ongoing review and future decision of the council has not found fault.
- 2.6 This report is the outcome of this review and makes recommendations for harmonising the garden waste collection service across the whole of West Northamptonshire in line with the Council's mandate to harmonise charging policies to ensure parity for its residents

3. Recommendations

- 3.1 It is recommended that the Cabinet:
- a) Agree that a charge is made for kerbside garden waste collection for all residents of West Northamptonshire who opt into this service of £42 per bin per year, from 1 April 2022;
 - b) Approve the decision to run the customer service and administration of the garden waste collection service in-house for all residents of West Northamptonshire, thus removing its administration from West Northamptonshire Norse, in the Daventry area.
 - c) Approve the establishment of a subsidised home composting scheme, to be launched at the same time as the charge 2022/23, to offer residents an alternative.

4. Reason for Recommendations

- 4.1 The introduction of a charge for the collection of garden waste brings the south of West Northamptonshire into harmony with the rest of the council area. The scheme will be run council-wide with the level of charge, terms and conditions and service standards the same across west Northamptonshire.
- 4.2 Charging for the collection of garden waste ensures that only those who wish to use the service pay for it and in that way, supports the Polluter Pays Principle. Therefore, those who home compost, or who don't have gardens or who take their garden waste to the Household Waste Recycling Centre are not paying for the collection service.
- 4.3 The Council is permitted to levy a 'reasonable' charge for the garden waste service (under the Controlled Waste (England and Wales) Regulations 2012). The proposed charge will generate income essential to part fund the waste collection services provided to the residents of West Northamptonshire. This includes approximately £800,000 in additional net income to the council in 2022/23 for the south area, where the charge will be newly introduced. It will also maintain the approximate £2.2 million of annual income from the areas of the council where there is an existing charge.
- 4.4 The £42 charge recommended for 2022/23 is the same as was charged in the Daventry and Northampton areas in 2021/22 and so represents no increase for those residents and is identified as average across the region.
- 4.5 The proposal to bring the customer service and administration of the garden waste collection service will enable to Council to have a direct interface with residents who wish to opt-in to this service, ensuring they receive the best possible customer service.
- 4.6 The subsidised home composting scheme provides an alternative option for residents who do not want to pay the collection fee. It also promotes home composting, which in waste management terms is a preferred option.

5. Report Background

- 5.1 Under schedule 1 of the Controlled Waste Regulations, 2012, garden waste is household waste for which a charge can be made for collection. For clarity, the legal requirement is not to balance cost and income. However, the charges applied in West Northamptonshire are used to support the provision of waste services.
- 5.2 Traditionally garden waste has been collected free of charge, initially in attempt to meet government recycling targets and then to maintain performance. However, in more recent years and in response to budgetary pressures the number of councils who charge for garden waste has increased. In 2012/13 30% of local authorities England charged for garden waste collection, and in 19/20 the number has increased to 65 % of local authorities.
- 5.2 The Resource and Waste Strategy for England published in 2018, proposed making garden waste collections free of charge for all, or capping the charge at £30 from 2023/24. These proposals are yet to be agreed and an update from DERFA is expected before Christmas. In recent consultations regarding the 'consistency of waste collection services', DEFRA have said that they would fund the net additional cost for councils if they introduced changes, in line with 'new burdens guidance'. This means that the risk to West Northamptonshire related to these changes is considered to be low.
- 5.3 According to figures from WRAP in 2018/19, the average price charged for the collection of garden waste in England was £43 per year, within the range £24 to £96.

5.5 Daventry

- 5.5.1 A charge for the collection of garden waste was introduced in the former Daventry District, in June 2018, at the same time as the co-mingled recycling collection and 3 weekly refuse collections. The charge for the first year was £35 per bin for the full subscription year, non-refundable and that same price regardless of when in the year the resident signs up. 61 % of the households in the area signed up in 2018/19.
- 5.5.2 The price has gone up by £1 per year, until 2021, when the charge was changed to £35 for 10 months of the year (equates to £42 for a full year), to bring it into line with both the charge and the charging period levied in Northampton.
- 5.5.3 The level of the charge is set by the council, but it is the council's Joint Venture West Northamptonshire Norse, that administers the service and take the payments. WN Norse returns 90 % of the income back to the councils, retaining 10 % to cover administration costs.
- 5.5.4 WNC offer direct debits via an external provider and have 7,387 customers currently signed up on DD. In the last full year of the services, there were 23,145 subscriptions paid, with is 62% of eligible households.

5.6 Northampton

- 5.6.1 The charge for the collections of garden waste in Northampton was introduced in April 2020. The fee was set at £42 per bin in the first year, again with no refunds or discount for signing up part way through the year. The scheme is administered in house, which includes the taking of payments. A specialist company is used for the management and generation of the wheeled bin permits. There is currently no facility for signing up on Direct Debit.
- 5.6.2 A different scheme is in place for garden waste collected from terraced properties, where waste is collected in sacks rather than a wheeled bin. Residents still need to pay the £42 fee for the year, but then can book in collections of sacks of garden waste.
- 5.6.3 In the first year of the scheme 36,502 subscriptions were paid for, including around 200 for chargeable sacks. This is around 52 % of the eligible households.

5.7 Introducing a Charge into the former South Northamptonshire

- 5.7.1 If agreed, this charge for the collection of garden waste will be new for the residents of the former South Northamptonshire Council. This area of West Northamptonshire is largely rural, with relatively few flatted or terraced properties. Take up of the garden waste scheme is expected to be high, at least on par with Daventry's 62 % of households. Experience has shown that, once residents are paying for their garden waste to be collected, they are more likely to maximise the use of their bin. The total tonnage of garden waste collected each year in this area, is not expected to reduce significantly as a result of the charge.

5.8 A Council-wide Garden Waste Collection Service

- 5.8.1 It is proposed that, from April 2022, there will be one garden waste collection service operating across the whole of West Northamptonshire with a charge of £42 per bin per year.
- 5.8.2 The same charge, terms and conditions and service level agreements will apply across the whole council area, but the physical collections will still be provided by the area based collection teams.
- 5.8.3 The scheme will run from April to March each year and residents will need to purchase a permit to ensure that their garden waste bin is collected. Residents will be encouraged to purchase their permit on-line, but there will be an option to call and pay using a card over the phone, for those who do not have internet access. Additional staff will be required at renewal time of year to answer calls and take payments and these additional costs have been factored into the net income. Residents can pay for multiple bins, if they have a large garden, but measures will be in place to guard against commercial garden waste being collected.

5.8.3 It is proposed that the customer services and administration of the scheme will be run in house, which is currently how the service is undertaken in the Northampton area. In Daventry, West Northamptonshire Norse are currently responsible for administering the scheme, which includes, taking the payment (either via the telephone or online) and producing and issuing the bin permits to each participating household. Officers have been involved in discussion with West Northamptonshire Norse to remove this element of the service from the Joint Venture Service Agreement and appropriate financial deductions will be made. This proposal will allow the council to run one scheme across the whole Council area, benefitting from economies in scales in terms of IT, call handling and permit production and monitoring.

5.9 Subsidised Home Composting Scheme

5.9.1 When the garden waste charge was first introduced into the Daventry area, a subsidised home composting scheme was launched at the same time, to give residents a sustainable alternative to paying the collection charge, and to encourage home composting.

5.9.2 Residents of the Daventry District were able to buy a home composter for £10 delivered, which was around £15 cheaper than they are without the subsidy.

5.9.3 It is proposed to offer a subsidised home composting scheme for all West Northamptonshire Council residents in the run up to the new charge in the south and the re-subscription time of year for residents of Northampton and Daventry. This will be capped at £30,000, for one year only, the costs of which will be deducted from the first year increase in income.

6. Issues and Choices

6.1 In reviewing the council's garden waste service, several alternative options were considered for harmonising it across the whole of West Northamptonshire. Appendix A shows a table of the considered options, along with the positive and negative considerations of each option and the financial impact of each.

6.2 Officers have considered whether it will be appropriate and possible to offer discounts, for example in the following circumstances:

- A resident pays by direct debit; or
- A household has more than one bin (multi-bin discount); or
- If a household would like to pay for more than one year in advance; or
- For residents in receipt of certain benefits.

The council is currently seeking to establish a single auto payment system across West Northants which may enable future opportunities for any discounts to be administered as well as providing evidence of where any discounts are needed or justified based on usage.

Therefore, it is proposed to introduce the scheme using existing payment systems in April 2022.

7. Implications (including financial implications)

7.1 Resources and Financial

- 7.1.1 If agreed, this proposal will generate an approximate £800,000 of additional income to West Northamptonshire. This figure is net of implementation and running costs, such as the costs associated with the production of publicity material and bin permits, additional call handling staff and the subsidised home composting scheme.
- 7.1.2 There will be on-going revenue costs each year, in terms of publicity, permits and staff, but these will always be netted from the income, so there are no net additional revenue costs.
- 7.1.3 The proposal maintains the approximate £2.2 million of income already secured from the existing Northampton and Daventry schemes.
- 7.1.4 In year 1 of the new scheme £30,000 will be spent on providing the subsidised home composting scheme. This has been accounted for in the implementation costs (see section 7.1.1 above).

7.2 Legal

- 7.2.1 The Structural Change Order allowed the continuation of the sovereign council's charging policies in the short term, but this is unlikely to be a defensible position longer term.

7.3 Risk

- 7.3.1 There are several risks associated with not harmonising the garden waste charge across the whole of West Northamptonshire. As previously stated, there is a potential for a legal challenge if the difference in charging policy across the council area is not addressed in a timely way.
- 7.3.2 There is also the risk of reputational damage as a result of complaints from residents about the difference in the service provided across the council area. This could mean an increase in complaints to the Local Government Ombudsman, which will become increasingly difficult to defend.
- 7.3.3 There is a risk that the council will receive complaints from residents of the South area of West Northamptonshire due to the introduction of the charge. However, this risk is likely to be less than if the Council maintained a position where different charges are applied to the geographical areas.
- 7.3.4 There is a risk that central government will require garden waste collected services to be provided free of charge, or capped at a set rate when it publishes the outcome of the latest consultation paper. If this were to be the case, then central government has confirmed that any new burdens arising from the change in policy, would be funded, and sufficient time would be given to allow the necessary changes to be made.

7.4 Consultation

- 7.4.1 Public consultation was undertaken by Northampton Borough Council and Daventry District Council in advance of introducing their chargeable garden waste schemes. In both cases this was as part of a wider consultation exercise about the whole refuse collection and recycling service.
- 7.4.2 No specific consultation has taken place for the harmonisation of the service across West Northants or the introduction of a charge into former South Northamptonshire. However, in the formation of West Northamptonshire Council by bringing together 4 different sovereign authorities and the associated consultation, the new authority has a mandate to harmonise charging policies to ensure parity for its residents.

7.5 Equalities Implications

- 7.5.1 By virtue of the Equality Act 2010 the Council has to bear in mind, and demonstrate having paid due regard to its wider Public Sector Equality Duty (PSED) when proposing service changes i.e. the duty to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this (Equality) Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.” (‘protected characteristics’ are: Age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.)
- 7.5.2 In recognition of this duty the Council has carried out an Equality Screening Assessment, a copy of which is appended to this report.

7.6 Consideration by Overview and Scrutiny

- 7.6.1 Not considered by Overview and Scrutiny.

7.7 Climate Impact

- 7.7.1 Charging for garden waste collection, supports the polluter pays principle, whereby only those who wish to use the service, pay for it. Home composting is also being encouraged, which is the most sustainable and carbon neutral way of treating garden waste. There is potential for the garden waste rounds to be rerouted, thus potentially saving fuel and its associated emissions.

7.8 Community Impact

- 7.8.1 The proposal impacts the residents of the south area of West Northamptonshire, as their garden waste service is harmonised with that of Northampton and Daventry.

7.9 **Communications**

7.9.1 A full communications plan for this project has been produced and a comms lead has been part of the project team. The new scheme will be communicated to the public in good time and in a variety of different ways to ensure everyone is aware and to maximise scheme sign up.

8. **Background Papers**

8.1 None.