

DOMESTIC WASTE & RECYCLING

Cleaner & Greener Advisory Committee – 22 February 2024

Report of: Deputy Chief Executive & Chief Officer - Finance & Trading

Status: For Decision

Also considered by: Cabinet – 14 March 2024.

Key Decision: Yes

Executive Summary: This report updates on the current domestic waste and recycling collection service issues; future challenges and proposes a number of new domestic waste collection recommendations for the district.

This report supports the Key Aim: a green environment and safer communities

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Recommendation to Cleaner & Greener Advisory Committee: That the recommendations as detailed in this report be considered by the Committee, and its views be submitted for consideration by Cabinet.

Recommendation to Cabinet: That the following recommendations be approved.

- I. An internal desktop feasibility study undertaken on bi-weekly waste collection costs and impacts.
- II. A Waste & Recycling residents' survey is undertaken in 2024.
- III. Consideration of implementing waste presentation rules restricting on black sacks placed out on collection days, restricting the use of existing wheelie bins for storage only.
- IV. Consideration for either the removal of garden waste sacks or the combination of a customer booking system and fee increase to reflect the service offered. The garden waste bin service will not be effected.
- V. To obtain legal advice on the Environment Act 2021 on other waste collection options under the legislation.

Reason for recommendation: Our domestic waste collection services are a main priority for the Council, so it is vital that they operate in an efficient and effective manner, while remaining sustainable and affordable for the council. Current working practices and future legislative challenges to the service require us to look at alternate service delivery options.

Introduction

1. At its meeting on the 6th July 2023, the Scrutiny Committee debated the need for a review into the councils recycling performance. The Scrutiny Committee asked Cabinet to consider this further. On the 19th September 2023, Cabinet considered the referral from Scrutiny Committee, which asked Cabinet to look at recycling rates within the District. Members discussed the referral, noting that a report be bought to Cabinet via the Cleaner & Greener Advisory Committee for further consideration.
2. Given the UK Governments, determination to deliver on its environmental targets it is vital that the Council actively plan to change and improve our waste collection services. The priority is to increase efforts to increase recycling rates, deliver greater value to local taxpayers, and shift towards net zero and to lower black residual waste.
3. The Department of Environment & Rural Affairs (DEFRA) classifies the council as a high cost, low performing waste collection authority, under the funding formula for extended producer responsibility grant. This gives us wider uncertainty on the modelled costs for Extended Producer Responsibility (EPR), which could fail to provide the full net costs required for us to continue to deliver waste collection services with all of the new requirements placed upon us, particularly for food and glass collections.
4. If our performance on recycling does not dramatically improve and we lower black residual waste, the new funding formula for local authorities to meet the cost of expanding our waste collection services to include new materials will leave us with significant capital and revenue expenditure shortfalls.
5. In our district, we currently provide:
 - A weekly domestic collection of both waste streams (residual waste via black sacks, and co-mingled dry recycling collection via clear sacks).
 - Glass managed via public bring-to sites and not collected from households at the kerbside.
 - A chargeable fortnightly garden waste service offered to households throughout the year, which includes unplanned collections of garden waste in paper sacks.
 - For all waste streams, waste presented collected regardless of quantity. Food waste mixed in with residual black waste.

- The Councils current weekly waste collection services involve over 65 full time employees, a fleet of 27 dedicated daily used waste vehicles on collection rounds at a yearly cost of £3.4 million.

Waste Collection Authority

- Under section 45 of the Environmental Protection Act 1990, Sevenoaks District Council are the Waste Collection Authority. This statutory duty requires the council to arrange for the collection of household domestic waste in its area except waste, placed, in the opinion of the authority in isolated or inaccessible places that the cost of collecting would be unreasonably high.
- As the Waste Collection Authority, the Council passes on the waste to Kent County Council, the waste disposal authority tasked with the ultimate treatment and disposal of that waste.
- Under the Environmental Protection Act, the council can require occupiers of households to present their domestic waste for collection in a specified way. Household waste, also known as domestic waste or residential waste is disposable materials generated by households only.

Resident Survey & Performance

- In the councils resident survey in September 2021 when asked about satisfaction with our refuse & recycling services, 91% said it was good or very good. The Local Government Association (LGA) benchmark is 79%.

Performance Indicator	2022/23 target	2022/23 actual
Number of missed collections per 100,000 of the population.	8	77.8
Percentage of missed collections put right by the next working day.	98%	94.3%

National Context

- The UK Government has a target to reuse and recycle at least 65% of domestic municipal waste by 2035. The 2022 national recycling rate is 44%, which is below the previous target set to reuse and recycle at least 50% of municipal waste by 2020.
- The current recycling rate for Sevenoaks is below the National average at 36.7%; made up of 20% garden waste and 16.7% recycled material.
- Recent waste research has shown that the lack of a consistent recycling infrastructure may prove an obstacle to improving recycling rates as residents

across the UK face different recycling schemes organised by each English authority.

14. By 2025 DEFRA, who set the targets, hope to have 55% of waste recycled, as measured by weight.

Resources and Waste Strategy for England - Environment Act 2021

15. The Resources & Waste Strategy for England makes it clear that the UK Government is determined to transform the way waste is collected, recycled and reused for waste materials so all avoidable waste eliminated by 2050.

16. The UK Government supports comprehensive and frequent rubbish and recycling collections. Household recycling rates in England increased significantly from 11% in 2001 to 45.2% in 2017. However, in recent years, progress has been slower and rates have remained at around 44%. While many local authorities continue to make improvements and introduce new services, some have seen a drop in recycling rates and do not collect the full range of materials that can be recycled, or do not collect food waste separately. According to the strategy, householders who want to recycle more are increasingly confused about what can be recycled.

17. The key provisions and implications for local government of the Environment Act 2021, which received Royal assent on 9th November 2021 are summarised as follows:

- a. Governance and the Office of Environmental Protection (OEP) - The Act introduces a new framework for setting long-term, legally binding targets for environmental improvement.
- b. The Act introduces the polluter pays principle and this will apply to producers of waste packaging. The Act establishes the new OEP as an independent, domestic watchdog. The OEP will have enforcement functions over public authorities who fail to comply with environmental law and powers to deal with significant environmental complaints.
- c. Waste and Resource Efficiency: recycling - The Act includes provisions that will require producers to pay the full net cost of managing specified products and materials at end of life, to incentivise more sustainable use of resources. DEFRA, working with local authorities to shape the reformed producer responsibility scheme. DEFRA has delayed this by a further year to October 2025.
- d. Managing waste: the Act provides provision for recyclable household waste in each recyclable waste stream to be collected separately, except where it is not technically or economically practicable to do so. Separate

recycling streams are glass, metal, plastic, paper and card, and garden waste. This requirement will also be applicable to commercial trade waste.

- e. From 2026, food waste collected separately on a weekly basis. Glass, collections made separately from the kerbside.

18. Statutory guidance awaited from the Government on other changes within the Act, including standardisation of waste bins, waste collection service standards; garden waste services and recycling targets, which will be linked to the funding formula from the producers' responsibility payment scheme.

19. In October 2023, the Government announced new plans for simpler recycling collections and tougher regulation to reform waste systems. Further guidance will follow, however the new scheme proposes to introduce exemptions to allow all councils in England to offer just 3 waste containers (bins, boxes or bags) – for dry recycling, food waste and residual (non-recyclable) waste. Simpler Recycling will ensure that local authorities retain the flexibility to collect the recyclable waste streams in the most appropriate way for their residents. Subject to consultation with relevant parties, the exemptions confirmed in regulations.

20. Therefore, under the new requirements:

All local authorities in England must collect the same recyclable waste streams for recycling or composting from households. The recyclable waste streams include paper and card, plastic, glass, metal, food waste, and garden waste

Local Authority Data Explorer (Office of Local Government) & Benchmarking

21. The Office for Local Government (OfLOG) provides authoritative and accessible data and analysis about the performance of local government, and support its improvement. Table 1. Waste Management

Data table for selected areas

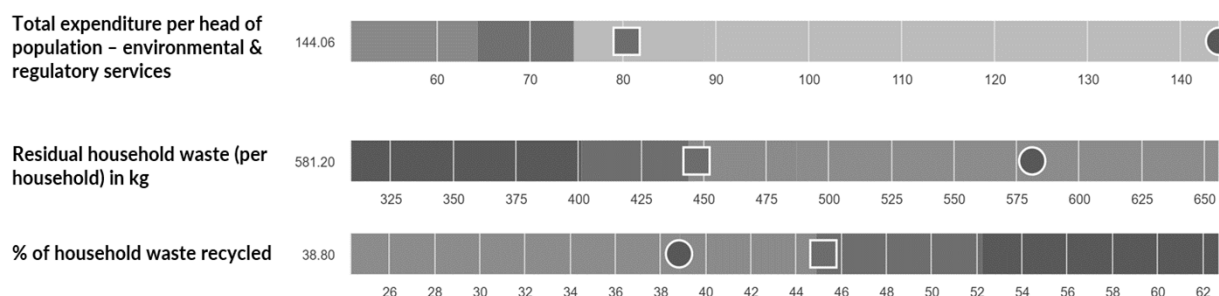
Indicator (click for source data)	Financial year	Sevenoaks	Median of Sevenoaks's CIPFA Nearest Neighbours
Household waste recycling rate	2021-22	38.8%	49.1%
Residual household waste	2021-22	581.2 kg per household	463.5 kg per household
Recycling contamination rate	2021-22	2.2%	4.0%

22. The data in table 1 clearly shows that for 2021-22 our recycling rate of 38.8% is well below the average recycling rate for our closest neighbours, which is 49.1%. As we recycle a low amount, our contamination rate is also proportionately low at 2.2%.

23. Benchmarking comparison with the District Council's in the South East shows our performance on waste and recycling as follows:

Benchmarking – waste & recycling

● Sevenoaks
■ Mean for All local authority districts in South East



24. The lack of any waste presentation rules in our district, in other words we collect everything placed out, results in an incredibly high kg per household of 581.2 when compared to our neighbours' average of 463.5 kg per household. This places a huge strain on our daily collection services, staff and vehicles.

25. To collect waste in accordance with new legislative requirements and to hit recycling targets the clear overall direction and priority for the Council for both recycling and residual domestic waste must be to reduce the kg per household for black residual waste and increase recycling.

26. Failure to hit set DEFRA targets for recycling and reducing residual waste will result in a lower funding settlement formula to the council within the new extended producer responsibility payments scheme.

Extended Producer Responsibility (EPR)/DEFRA funding formula.

27. Packaging definition - Packaging is any material that is used to cover or protect goods that are sold to consumers. It makes handling and delivering goods easier and safer. It also includes anything designed at the point of sale, such as a coffee cup.

28. Councils' EPR funding will depend on assessment of waste and recycling services.

29. DEFRA have set out how the scheme will operate to assess the efficiency and effectiveness of local authority recycling services. Technical advisers will examine, in detail, how each council performs. Our data shows us as a high cost, low performing Council.

30. EPR intended to shift the cost of dealing with packaging from councils to producers, but a method needed to allocate funds from producers to individual authorities. This is required because packaging producers will not want to pay extra for council services deemed excessively expensive because they are inefficient.
31. Our rating for this funding formula is of great concern as we have a high cost, low performing service for recycling. The result of this would mean that our funding settlement will be penalised and reduced, meaning that the costs of providing additional domestic waste collection services are unlikely to be covered.

DEFRA Funding

32. On the 9th January 2024, DEFRA announced indicative transitional capital funding available to the council for weekly food waste collections. The funding will be provided in the 2023/24 financial year.
33. Resources (revenue) transitional funding will be provided for the 2024/25 financial year.

Local Authority	Kitchen Caddies	Kerbside Caddies	Communal Wheeled bins	Vehicles	Total Funding
Sevenoaks District Council	£109,941	£252,865	£0	£818,400	£1,181,206

34. The above capital announcement shows, from a funding formula view the disadvantages an assessment of high cost, low performing council for recycling has. Our current planned food waste collection scheme, as advised by Waste and Resources Action Programme (WRAP) in its independent report, utilising 8 x 12 tonne farid vehicles at a cost of £1.2 million (8 x £150,000 at current prices) will need to be reassessed, as the allocated capital funding is only £818,400.
35. A further concern will be the funding of the twenty staff that will be required and the Resources/revenue funding not matching that demand.

Independent Review of the Council's waste collection services.

36. In 2021 the Waste and Resources Action Programme (WRAP) a waste recycling charity, in partnership with Resource Futures, an environmental consultancy, as part of £25,000 funding made available by DEFRA completed an in-depth

review and options appraisal of waste and recycling collections for the Sevenoaks District.

37. The options appraisal looked to identify an optimal waste and recycling collection system. The purpose of the funded project was to review the comparative costs, anticipated performance and resource implications of a range of kerbside collection profiles to inform possible future development of the Council's household waste collection service.
38. Resource Futures completed a detailed data gathering exercise to replicate current operations and costs for the service. Ten alternative collection profile options developed including the current service of collection via sacks, weekly of both waste streams. All operational modelling was completed using WRAP's Kerbside Assessment Tool (KAT), which allows current collections modelled and potential kerbside collection profile options evaluated.
39. Costs calculated for each option by identifying the performance and resources necessary to deliver each of the modelled options. The financial assessment considered operational costs including staff costs, vehicle maintenance and fuel, and fees for treating, sorting and/or disposal of materials.
40. The options appraisal concluded that option 3 was the best option to increase recycling: Dry recycling collection changes bi-weekly multi-stream collection via a 'Resource Recovery Vehicle' (RRV). All kerbside households restricted to a limited number of black sacks for bi-weekly residual waste, collected via a single body RCV. In addition, Introducing a weekly food waste collection and separate glass collections provide the greatest increase in recycling to around 48.9%.
41. In June 2023 The Association of Public Sector Excellence (APSE) were commissioned, following a request from the previous Leader of the Council to review the Council's collection methods following the changes to the waste collection rounds in October 2022. (Appendix 1)
42. A waste industry expert carried out a full review, which included staff workshops to discuss the current waste collection service, full policy and procedure review, along with an in-depth study of performance, costs and waste data.
43. In the extensive review the main recommendations were:
 - a. The existing waste collection methodology used to collect waste, on a weekly basis using sacks, will be required to change to bring it in line with the Governments requirements within the Environment Act 2021 to standardised collection policies.

- b. The service cannot continue as it is, collecting unlimited amounts of waste is discouraging residents from separating their waste for recycling.
- c. The current collection methodology is outdated and out of step with waste industry standards and the new Governmental requirements.
- d. The APSE review agreed with the previous WRAP recommendations made in their 2021 option appraisal report to increase recycling by using a bi-weekly single stream waste system.
- e. Black sacks should be limited to encourage recycling and to minimise manual handling by waste operatives.
- f. A full review undertaken on fleet requirements going forward to ensure that changes implemented effectively.

Health & Safety Executive (HSE) Inspection

44. On the 9th July 2023, the HSE carried out a full inspection of our Dunbriek depot and waste and recycling services and operations. Following this inspection, the council received a written formal breach notice of Manual Handling Operations 1992 Regulations 4 (1) and 4 (1) b.

45. The material breach stated:

- a. Your employees are manually handling unknown weights as the domestic collections carried out using black sacks. This compounded by having to bend to reach into wheelie bins used for storage to remove black sacks. Injuries to your employees carrying out this task formally recorded.
- b. The Regulations requires employers to avoid the need for his employees to undertake any manual handling operations at work, which involve a risk of them sustaining injury.
- c. To comply with the Regulations the Council should ensure they avoid manual handling risks to our employees by using manual handling aids, which are available and widely used within the waste industry, such as collection vehicles with integrated wheelie bin lifts.

46. A detailed action plan submitted to the HSE states by 31 December 2023 an independent report (APSE) will underpin a new waste and recycling update and considered by the Council's Strategic Management Team (SMT), Cleaner & Greener Advisory Committee and the Councils Cabinet for a decision.

47. Failure to comply with this formal material breach notification for manual handling may result in a further enforcement notices issued and possible prosecution for health & safety violations.

Waste Collection Industry Standards (ISO 45001)

48. ISO 45001 is the international standard for occupational health and safety management within the waste industry. The standard identifies health and safety risks up front and put controls in place to manage them. ISO 45001 focuses on;
- a. Reduce workplace accidents and illness - Through the implementation of BS standards, organisations can reduce the incidence of workplace accidents and illness, keeping people safe, and cutting related costs and downtime.
 - b. Create the best possible working conditions - As Britain's most dangerous industry, ISO 45001 can assist to create the best possible working conditions within the organisation, which can engage and motivate staff.

Service Challenges

49. **Resources (staffing, including agency)** – Given the large spread of staff and vehicles utilised daily to collect waste and recycling the service is heavily reliant on using temporary agency staff to ensure statutory waste collections are delivered, daily. Also, given the increasing presented waste weights across the district means that our waste services are spread thinly, meaning that any holidays or unexpected sickness absences compounds our reliability of using agency staff, which has a high cost.
50. In 2024-2025, we will look to increase permanent staffing and review or reduce non-statutory services that will allow the prioritisation of weekly waste services.
51. **Black waste sacks** – Black waste sacks used by residents is extremely high, as shown by the yield weight per household being one of the highest in the UK. (581.2 kg per household against National average 440.6 kg). KCC waste audits also show extremely high levels of recycling materials within our black waste. This combined with no presentation rules and the supply of free black sacks is resulting in high residual waste and a low recycling rate.
52. The current methodology for collecting residual and dry recyclable waste in Sevenoaks in no way encourages residents to separate their waste for recycling. The lack of restriction on the amounts of waste placed out for disposal actively encourages residents not to take the time and care to recycle properly. This is evident from the amounts of recyclable materials seen in the back of the residual portion of the vehicles on collection days.
53. To improve recycling rates and to rectify this increasing year-on-year problem it is proposed in the budget report to Council that we stop the supply and delivery of free black waste sacks. This is the first step in reducing residual waste across the district, while supporting the council's 10-year balanced budget. However, we also need to restrict the amount of black sacks presented each week.

54. A black waste sack capacity is 90 litres per sack; therefore, we need to restrict how many full sacks residents can place out for collection weekly. Once the restriction is agreed any additional sacks left will not be collected and stickered informing residents after a grace period for education and compliance.
55. Limiting black waste sacks to households would be positive mitigation for the health and safety material breach on manual handling, as it would significantly reduce the weights and quantity of black residual waste collected by staff.
56. For Christmas 2023 residual waste collections saw an increase, compared with Christmas 2022 of around 45% extra waste collections. An example of these extreme waste levels is that in Swanley crews faced with a group of three properties placing out over 100 black sacks. This huge increase in collecting Christmas period waste is that our vehicles fill up even quicker meaning that more trips to the disposal tip are undertaken. This level of waste collection is unsustainable.
57. **Recycling sacks** – It is proposed in the budget report to Council that clear plastic recycling sacks are replaced with recycling bags for life, which are weighted and reusable would increase recycling weekly capacity for households and only requiring delivery once. Replacement or additional bags for life obtained from Council offices. No further sack deliveries made with substantial savings from year 2.
58. **Waste Storage bins** – The council's current policy is to allow residents to use a bin to store their waste sacks, we recommend they use a smaller traditional 80 to 90-litre dustbin. If they use a wheelie bin, they need to remove sacks from the bin before collection or put a sturdy box in the bottom of the bin so our collection crews can reach the bottom sacks.
59. The operational reality is that a large percentage (estimated at around 65%) of residents have purchased 240 litre wheelie bins, with the majority simply placing their bin out on collection day without removing their domestic waste sacks. This dramatically slows our waste crews for collection and causes manual handling back and strain injuries on the crews through stretching into the bin to retrieve the waste sacks.
60. Wheelie bins used for storage enforced on collection days if not emptied, with the waste not collected and the bin stickered to advise the reason after education and a grace period. Sustained media communication will be required to publicise the new collection rules.
61. **Garden Waste paper sacks** – The council currently offers residents who are not garden waste permit customers paper collection sacks. Each sack holds up to 80 litres of garden waste. Any resident can purchase bundles of 25 sacks from the

council other locations for £25, (£1 per sack). Any resident can use the paper sacks when they need to without notice.

62. The challenges with this system are twofold 1) we never know when paper garden sacks are placed out for collection, so the garden waste crew need to visit every property in the district to see if paper sacks have been presented. This is in stark contrast to garden permit holders where we know what property to visit and 2) the costs of buying the paper sacks, together with paying our distributors and then collecting them means that the service is loss making.

63. The paper sacks are in addition to garden waste permits for bi-weekly collections using a 240-litre or a 130-litre bin service.

Recommendations

64. An internal desktop feasibility study undertaken by the councils' waste team on bi-weekly waste collection costs and impacts.

65. Consideration given to carrying out a full Waste & Recycling residents' consultation survey in 2024 to help shape the delivery of future waste services.

66. Consideration of implementing waste presentation rules restricting on black sacks placed out on collection days. Restricting and enforcing the use of existing wheelie bins for storage only. All sacks placed out for collection outside of the bin. Full bins not emptied after education and a grace period.

67. Consideration for either the removal of garden waste sacks or the combination of a customer booking system and fee increase to reflect the service offered. The garden waste bin service will not be effected.

68. To obtain legal advice on the four conditions and exceptions of the Environment Act 2021 section 45 & 45a requirements and on other waste collection options under the legislation. Recognising that further changes may be required as to how the service is delivered based on Government legislation and Member wishes.

Key Implications

Financial

All financial costs or savings detailed within this report.

Our rating for the Government funding formula is of great concern as we have a high cost, low performing service for recycling. The result of this would mean that our funding settlement will be penalised and reduced, meaning that we potentially not cover the full costs of providing additional domestic waste collection services.

Please note that prices quoted in the report relate to 2023/24.

Legal Implications and Risk Assessment Statement.

Under section 45 of the Environmental Protection Act 1990, Sevenoaks District Council are the Waste Collection Authority. This statutory duty requires the council to arrange for the collection of household domestic waste in its area except waste, placed, in the opinion of the authority in isolated or inaccessible places that the cost of collecting would be unreasonably high.

Equality Assessment

The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

Net Zero Implications

The decisions recommended through this paper have a remote or low relevance to the council's ambition to be Net Zero by 2030. There is no perceived impact regarding either an increase or decrease in carbon emissions in the district, or supporting the resilience of the natural environment.

Appendices - Appendix 1 – APSE Waste Report

Background Papers

<https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

<https://www.gov.uk/government/news/simpler-recycling-collections-and-tougher-regulation-to-reform-waste-system>

<https://www.gov.uk/government/news/update-on-packaging-reforms-to-help-drive-down-inflation>

<https://www.legislation.gov.uk/ukpga/1990/43/contents>

<https://oflog.data.gov.uk/>

<https://wrap.org.uk/>

<https://www.apse.org.uk/index.cfm/apse/>

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