

Report to the Cabinet

Report reference: C-091-2009/10

Date of meeting: 8 March 2010



**Epping Forest
District Council**

Portfolio: Environment

Subject: Community Buildings – Waste & Recycling Fees (Waste from places of worship and schools etc)

Responsible Officer: D Marsh (01992 564889).

Democratic Services Officer: Gary Woodhall (01992 564470)

Recommendations/Decisions Required:

(1) To agree the proposed collection fees for the collection of waste and recycling from places of religious worship, schools and village halls as set out in the table in paragraph 16 of the report; and

(2) To note that given the current County Council position on the collection and disposal of waste from charitable premises and shops, a collection service can only be made available subject to the receipt of the County Council's consent.

Executive Summary:

This report follows on from that presented to Cabinet in April 2009 and proposes the fee arrangements for the collection of waste from religious places of worship, schools, educational establishments, village halls and commercial businesses within the district.

These are key decisions

“A safe, healthy and attractive place” (Medium Term Priorities), Action Plan Ref GU 2 (Council Plan 2006-2010)

Others to be included

Reasons for Proposed Decisions:

To ensure that the Council complies with the guidance issued by Defra (Department for Environment Food and Rural Affairs) in respect of definitions of waste and its collection, and to avoid having to meet waste disposal costs in respect of household waste collected from charity shops.

Other Options for Action:

That no action is taken on the Defra interpretation but recognising the possibility of claims or legal action being taken against the Council for the non-collection of household and/or municipal waste

Report

Background

1. Cabinet at its meeting in April 2009 resolved to make available collections of waste

from schools, religious establishments and charitable institutions, upon request and at a charge. Cabinet further resolved to make available a trade waste collection service and to discharge this duty through its current waste service provider, Sita UK (Minute ref: 20 April 2009 – 189).

2. This is a complex area because of the fact that whilst certain premises have the legal right to have their waste collected, the Council is, in some instances allowed to levy a charge. Cabinet in April therefore also resolved that it should receive a further report setting out a charging framework.

3. This report sets out proposals for collection arrangements and the charging regime.

Places of worship

4. The statutory duty to collect waste relates only to that associated with a religious service. Waste arising from ancillary activities, such as the hiring out of a hall, is considered as a commercial activity, and therefore the arrangements for trade waste outlined later in this report will apply. It is therefore proposed to provide, upon request, the same level of service and frequency as is provided to local residents, including the facility to recycle. Although the recommendation of Cabinet in April 2009 was to levy a charge for collection, further consideration has been given and in view of the relatively small amounts of waste generated it is suggested that this service be free of charge.

5. Since the authority does not hold a register of Council Tax exempted properties a place of worship will be defined as a purposed built property or a established place for religious worship in the district. Private houses or commercial premises will not fall into this definition.

Schools & other educational establishments

6. Waste from schools is household waste for which the Council has a duty to collect, if requested, but may levy a charge. The report to Cabinet in April 2009 suggested that a charge should be levied for residual waste because volumes can be high and schools should be encouraged to recycle and reduce their overall waste stream.

7. However, schools provide an excellent environment to educate the community on the aspects of recycling both in the classroom and in the home. It is therefore suggested that all recycling from schools should be collected free of charge including food waste, unless the food is provided by a commercial business when, since this is trade waste, the business must make their own disposal arrangements. All containers for recycling will be provided by the council free of charge.

8. Where a school requests the Council to collect its residual waste, it is suggested that there should be a limit per school of 2 x 1100 litre wheelie bins. The collection cost per 1100 litre residual bin is £4.50 plus a £3.00 admin cost. These wheelie bins will have to be purchased/hired by the school. Arrangements for collection and decisions on the type of container will form part of a contract with the Council. The frequency and day of collection will be the same as for residential households on the relevant collection round.

Village Halls

9. Waste from village and community halls is household waste for which the Council may levy a charge. The report to Cabinet in April 2009 made no reference to village halls, which was an oversight. At recent meetings of the Local Council's Liaison Committee, the Committee made its position clear in requesting Cabinet to provide a collection service free of charge.

10. The operation of town and parish councils is a business, and waste is generated as part of that business. Therefore, although categorised as household waste, it is suggested that a charge should be levied for its collection, at the same rate as is suggested for schools (see para. 8 above). All containers for residual waste will have to be provided by the local council. However, in order to encourage the separation and recycling of waste, it is also suggested that all recycling be collected free of charge and containers will be provided by the Council. The frequency and day of collection will be the same as for residential households on the relevant collection round.

Charitable shops and premises

11. Waste generated by charitable institutions and charity shops is classified as household waste, for which a charge may be levied. Charities operate as businesses. Cabinet at its meeting in April 2009 resolved that a charge should be levied for its collection, which should be the same as for trade waste (see paras. 13, 14 and 15 below). However, the County Council, as the waste disposal authority, does not accept Defra's view on this matter and therefore in general refuses to accept such waste as household waste. If this Council was to collect it and present it at a County facility for disposal, the Council would be charged the full costs of disposal.

12. The County has indicated that where a charitable premise or shop wished to have its waste collected by a district council, it would make its own assessment as to whether in its view the waste could be defined as household waste and inform the collection authority accordingly. If the County grant consent for collection/disposal, then it is suggested that the charge levied should be the same as for trade waste.

Trade waste

13. Where a local business requests that the Council collect its trade waste, this will be undertaken by the trade waste arm of Sita UK, operating from their depot in Barking, where it offers a trade waste service to the eastern part of London and home counties. Businesses will need to meet Sita's requirements with respect to containers etc.

14. Trade waste can be collected via wheeled containers or pre-purchased sacks. With respect to wheeled containers, it is suggested that the collection costs be those normally set by Sita (currently £12.50 per container), plus a £3.00 administrative charge to cover the Council's costs. All containers will need to be hired from Sita at their normal rates.

15. With trade plastic sacks there are two options available to provide this service. Whilst it would be simpler and preferable for a business to deal directly with Sita, this does not comply with the spirit of Government guidance because the business will not be dealing directly with the Council (even as an intermediary). Therefore, for those premises who request the Council to collect trade waste and whose premises are unsuitable for a wheeled container, the Council will have to make sacks available. It is therefore suggested that the Council purchase rolls of trade sacks from Sita for secure storage. Sacks will only be sold as full rolls of 25, subject to full payment being received in advance. The cost of a roll of sacks, including the Council's administrative charge, will be in the region of £45.00.

Summary of proposed arrangements

16. The table below sets out the suggested arrangements for collection and charging, where the Council is requested to provide the relevant service:

	Residual waste	Recyclable waste	Residual containers	Recycling containers	Sacks
Religious establishment	Free of charge	Free of charge	As for domestic collections	As for domestic collections	Not relevant
Schools etc	£7.50 per container per collection	Free of charge	£2.00 rental per week via Sita UK	Free of charge	Not relevant
Village / Community halls	£7.50 per container per collection	Free of charge	£2.00 rental per week via Sita UK	Free of charge	Not relevant
Commercial premises / Trade waste	£15.50 per container per collection	Not available	£2.00 rental per week via Sita UK	Not relevant	£1.80 per sack (Minimum 25 sacks)

Resource Implications:

The fee structure outlined above has been set up with a view to the scheme being at worst cost neutral to the Council. Where collections are suggested as being free of charge, the collection costs can be contained within the current contractual arrangements with Sita UK, and recycled material will generate a recycling credit from Essex County Council. The suggested fees for residual waste include the charge from Sita for collection and disposal plus an administrative overhead from this Council to cover the costs of arranging and billing the collections.

Fees will be increased as part of the annual budget cycle and will reflect any increases in charges applied by Sita UK for its trade waste operations.

There are no other resource implications since existing Waste Management and Directorate ESSD administration staff will administer and operate the scheme. If the take up of the scheme is significant, this position may require to be reconsidered.

Legal & Governance:

Relevant legislation includes:

- Environmental Protection Act 1990;
- Controlled Waste Regulations 1992;
- Local Government & Finance Act 1988;
- Household Waste & Recycling Act 2003; and
- Defra Guidance 2007.

Safer, Cleaner, Greener implications:

The collection and recycling of household waste is a key component of the Council's "Safer, Cleaner, Greener" strategy. Although the collection of additional household waste is unhelpful in constraining the Council's overall waste stream, it will enable additional recycling of waste which may boost the Council's performance and it will enable the Council to bring some influence to bear on premises/operations which might otherwise not recycle and/or reduce waste.

The recycling of trade/commercial waste cannot be directly provided by the Council, and even it is were, it would not contribute towards the Council's recycling performance. Sita UK are able to provide recycling opportunities for businesses as part of their trade waste operations and the Council will seek to encourage that.

Consultation Undertaken:

Sita UK
Essex County Council as the Waste Disposal Authority
Independent Schools Association

Impact Assessments:

Risk Management

The Council must be seen to be complying with the waste legislation and the associated Defra guidance. This was a matter identified by the Audit Commission in their 2008 inspection of the waste service. However, the Council is also required to be cognisant of the County Council’s position on what constitutes household waste and is eligible for free disposal.

The collection of added household waste will add to the total waste stream, and whilst the Council will endeavour to remove recycle from this waste, it is possible for the additional tonnages to have an adverse impact on the Council’s overall recycling performance. It may also impact adversely on the residual waste per household national indicator.

The Council will need to regularly review the fee structure to ensure that the process remains at least revenue neutral and to ensure that the administrative overhead is adequate to meet the scale of council resources being applied.

The application of a fee regime to charitable institutions may generate adverse publicity/comment, but this needs to be considered in the context that these are businesses competing with other local enterprises who also have to meet their own costs of appropriate waste collection/disposal.

Equality & Diversity

There are no direct equality issues in as far as there are no cost increases in the delivery of the service across the District. However there could be equality issues in that certain members of the community are going to benefit from a new service.

Places of worship

It is a requirement of Controlled Waste Regulations 1992 (schedules 1 and 2) that the Council collect waste from premises exempt from local non-domestic rate. These premises attract an exemption on the basis that they are used in connection with a public religious worship e.g. a church hall, mosque or synagogue etc.

There could be equality implications for those residents who do not attend an established religious place of worship, however there is no other alternative for the Council to comply with the legislation and Defra guidance.

<i>Did the initial assessment of the proposals contained in this report for relevance to the Council’s general equality duties, reveal any potentially adverse equality implications?</i>		No
<i>Where equality implications were identified through the initial assessment process, has a formal Equality Impact Assessment been undertaken?</i>		No

What equality implications were identified through the Equality Impact Assessment process?

N/A.

How have the equality implications identified through the Equality Impact Assessment been addressed in this report in order to avoid discrimination against any particular group?

N/A.