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# Council Response to Garden Waste Petition

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**Committee considering report:** Council on 6 December 2018

**Portfolio Member:** Councillor Hilary Cole

**Date Portfolio Member agreed report:** 8 November 2018

**Report Author:** Jackie Ward

**Forward Plan Ref:** C3669

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## 1. Purpose of the Report

- 1.1 To respond to the Garden Waste petition containing 6,854 signatures submitted to the Council on 18 October 2018, which states;

‘Do not charge residents to recycle! Scrap the £50 charge! This charge comes as an additional separate payment on top of council tax, and is optional. Recycling is an essential service and should not be charged additionally - it is not a hobby for the wealthy. Less economically fortunate residents should not be trapped out of recycling their garden waste. Further to this, there are concerns disabled and elderly residents will not be able to take recycling to a waste facility as an alternative. We are at an environmental tipping point, everyone needs to be able to play their part in protecting the environment. We need to maintain and improve recycling rates not risk lowering them! Nearly 85% of respondents to consultation oppose the £50 charge. We do not support this charge, or the damage it could do to our environment. I urge you, West Berkshire Council, to scrap the £50 charge immediately!’

## 2. Recommendation

- 2.1 In light of the significant financial and resource implications that result from the proposal in the petition, the recommendation is that Council reject the proposal and continue charging for the garden waste collection service.

## 3. Implications

- 3.1 **Financial:** There would be a loss of income to the Council. Removing the charge at this stage would mean, that to balance the budget, savings of £900,000 per year would need to be found from other services.
- The Council has incurred costs to manage the introduction of the charges and these have been accounted for in arriving at the £900,000 expected annual saving position.
- Reinstatement of the free service would incur additional costs the value of which are unknown at this stage.
- 3.2 **Policy:** The Council took the decision to implement these charges following a public consultation which took place over a period of 6 weeks. The original consultation exercise

identified a number of potential issues, including:

- (a) Affordability / impact of the proposal on poorer households
- (b) Principle of charging
- (c) Reduction in recycling
- (d) Impact on the elderly
- (e) Impact on people with disabilities

The petition does not therefore raise any new issues beyond those which have previously been identified. All of the issues detailed in the petition were therefore clearly considered by the Council when it took the decision to implement the charge.

Reinstating the free service would require a further public consultation to identify the associated risks and how the savings would be replaced.

3.3 **Personnel:** None

3.4 **Legal:** The Council resolved to implement these charges following a public consultation exercise. This decision was taken in an open and transparent manner having regard to all relevant information. The decision of Council to implement this charge was both reasonable in the circumstances and lawful.

3.5 **Risk Management:** As described in this report.

3.6 **Property:** None

3.7 **Other:** None

#### 4. Other options considered

4.1 Where a Council debate is triggered by a Petition, the Council has 3 options. It may decide to:

- (1) Take the action the petition suggests
- (2) Not take the action requested
- (3) Commission a further investigation into the matter.

4.2 Option 2 is recommended for the reasons detailed in the report.

## Executive Summary

### 5. Introduction / Background

- 5.1 A public consultation took place from 27 November 2017 until 10 January 2018. The Council received 777 responses (including 37 incomplete replies). Of those that responded, 643 were opposed to the proposal.
- 5.2 The consultation responses helped to inform the recommendation which was considered at the meeting of Council which took place on 1 March 2018. At that meeting, the Council resolved to implement the charge for the collection of garden waste as part of its Revenue Budget. The recommendation to approve the recommendation was resolved; 31 for the motion, 1 against the motion and 0 abstained. No amendment was proposed to maintain the service free of charge.
- 5.3 The Council introduced a charge for the collection of garden waste from 3 September 2018. Over 26,000 subscriptions have been received so far.
- 5.4 In responding to the petition these are the major items which should be considered, the detail of which can be found in Appendix C Supporting Information:
  - (1) The Council decision including the public consultation and the equality impact assessment.
  - (2) The financial implications and the costs incurred.
  - (3) The current subscribers, including the administration to make refunds
  - (4) Impact on non-subscribers
  - (5) Reinstating the free service would require further work to identify the associated risks.

### 6. Proposals

- 6.1 In light of the financial implications associated with a decision to take the action requested by the Petition, a further public consultation would be required before such a decision could be made. The Council cannot therefore lawfully resolve to immediately take the action the petition suggests.
- 6.2 The Council undertook a full public consultation prior to taking an informed decision to implement charges for the Garden Waste Collection Service. The Stage 2 Equality Impact Assessment identified a number of potential impacts that would arise from that decision, and as a result, the Council identified mitigation and determined to monitor those impacts following the introduction of the service. That monitoring is ongoing and a further investigation relating to this matter is not therefore considered to be necessary.
- 6.3 It is recommended that Council reject the proposal in the petition for the reasons outlined in this report.

## **7. Conclusion**

- 7.1 In light of the significant financial and resource implications that result from the proposal in the petition, the recommendation is that Council reject the proposal and continue charging for the garden waste collection service.

## **8. Appendices**

- 8.1 Appendix A – Data Protection Impact Assessment
- 8.2 Appendix B – Equalities Impact Assessment
- 8.3 Appendix C – Supporting Information
- 8.4 Appendix D – Original Stage Two Equality Impact Assessment (EqIA 2)

## Appendix A

### Data Protection Impact Assessment – Stage One

The General Data Protection Regulations require a Data Protection Impact Assessment (DPIA) for certain projects that have a significant impact on the rights of data subjects.

Should you require additional guidance in completing this assessment, please refer to the Information Management Officer via [dp@westberks.gov.uk](mailto:dp@westberks.gov.uk)

Directorate:	Economy and Environment
Service:	Transport and Countryside
Team:	Waste
Lead Officer:	Jackie Ward
Title of Project/System:	Garden Waste Service
Date of Assessment:	An assessment is not required as the process was already in place prior to the introduction of the GDPR.

**Do you need to do a Data Protection Impact Assessment (DPIA)?**

	Yes	No
<b>Will you be processing SENSITIVE or “special category” personal data?</b>  Note – sensitive personal data is described as “data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person’s sex life or sexual orientation”	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will you be processing data on a large scale?</b>  Note – Large scale might apply to the number of individuals affected OR the volume of data you are processing OR both	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will your project or system have a “social media” dimension?</b>  Note – will it have an interactive element which allows users to communicate directly with one another?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will any decisions be automated?</b>  Note – does your system or process involve circumstances where an individual’s input is “scored” or assessed without intervention/review/checking by a human being? Will there be any “profiling” of data subjects?	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will your project/system involve CCTV or monitoring of an area accessible to the public?</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will you be using the data you collect to match or cross-reference against another existing set of data?</b>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will you be using any novel, or technologically advanced systems or processes?</b>  Note – this could include biometrics, “internet of things” connectivity or anything that is currently not widely utilised	<input type="checkbox"/>	<input type="checkbox"/>

If you answer “Yes” to any of the above, you will probably need to complete [Data Protection Impact Assessment - Stage Two](#). If you are unsure, please consult with the Information Management Officer before proceeding.

## Appendix B

### Equality Impact Assessment - Stage One

We need to ensure that our strategies, policies, functions and services, current and proposed have given due regard to equality and diversity as set out in the Public Sector Equality Duty (Section 149 of the Equality Act), which states:

- “(1) A public authority must, in the exercise of its functions, have due regard to the need to:***
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;***
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; This includes the need to:***
    - (i) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;***
    - (ii) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of 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, with due regard, in particular, to the need to be aware that compliance with the duties in this section may involve treating some persons more favourably than others.***
- (2) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.***
- (3) Compliance with the duties in this section may involve treating some persons more favourably than others.”***

The following list of questions may help to establish whether the decision is relevant to equality:

- Does the decision affect service users, employees or the wider community?
- (The relevance of a decision to equality depends not just on the number of those affected but on the significance of the impact on them)
- Is it likely to affect people with particular protected characteristics differently?
- Is it a major policy, or a major change to an existing policy, significantly affecting how functions are delivered?
- Will the decision have a significant impact on how other organisations operate in terms of equality?
- Does the decision relate to functions that engagement has identified as being important to people with particular protected characteristics?
- Does the decision relate to an area with known inequalities?
- Does the decision relate to any equality objectives that have been set by the council?

Please complete the following questions to determine whether a full Stage Two, Equality Impact Assessment is required.

<b>What is the proposed decision that you are asking the Executive to make:</b>	To respond the petition considering the garden waste collection service.		
<b>Summary of relevant legislation:</b>	Charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.		
<b>Does the proposed decision conflict with any of the Council's key strategy priorities?</b>	Yes		
<b>Name of assessor:</b>	Jackie Ward		
<b>Date of assessment:</b>	5 November 2018		
<b>Is this a:</b>	<b>Is this:</b>		
<b>Policy</b>	<b>No</b>	<b>New or proposed</b>	<b>No</b>
<b>Strategy</b>	<b>No</b>	<b>Already exists and is being reviewed</b>	<b>Yes</b>
<b>Function</b>	<b>No</b>	<b>Is changing</b>	<b>No</b>
<b>Service</b>	<b>Yes</b>		

<b>1 What are the main aims, objectives and intended outcomes of the proposed decision and who is likely to benefit from it?</b>		
<b>Aims:</b>	To respond to the petition regarding the garden waste collection service.	
<b>Objectives:</b>	To consider the petition in line with the procedures set out in the Council Consultation Part 13 Codes and Protocols Appendix C.	
<b>Outcomes:</b>	To make a decision regarding the proposal in the petition.	
<b>Benefits:</b>		
<b>2 Note which groups may be affected by the proposed decision. Consider how they may be affected, whether it is positively or negatively and what sources of information have been used to determine this.</b> (Please demonstrate consideration of all strands – Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex and Sexual Orientation.)		
<b>Group Affected</b>	<b>What might be the effect?</b>	<b>Information to support this</b>
Age	None	
Disability	None	
Gender Reassignment	None	



Marriage and Civil Partnership	None	
Pregnancy and Maternity	None	
Race	None	
Religion or Belief	None	
Sex	None	
Sexual Orientation	None	
<b>Further Comments relating to the item:</b>		
There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other.		
<b>3 Result</b>		
<b>Are there any aspects of the proposed decision, including how it is delivered or accessed, that could contribute to inequality?</b>		<b>No</b>
<b>Please provide an explanation for your answer:</b> There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other. The Council would be required to undertake a further public consultation exercise and therefore a further stage 1 assessment prior to taking any decision to make the garden waste collection service a free service.		
<b>Will the proposed decision have an adverse impact upon the lives of people, including employees and service users?</b>		<b>No</b>
<b>Please provide an explanation for your answer:</b> There is no evidence at this stage to indicate that there will be a greater impact on one group than on any other.		

If your answers to question 2 have identified potential adverse impacts and you have answered 'yes' to either of the sections at question 3, or you are unsure about the impact, then you should carry out a Stage Two Equality Impact Assessment.

If a Stage Two Equality Impact Assessment is required, before proceeding you should discuss the scope of the Assessment with service managers in your area. You will also need to refer to the [Equality Impact Assessment guidance and Stage Two template](#).

<b>4 Identify next steps as appropriate:</b>	
<b>Stage Two required</b>	No
<b>Owner of Stage Two assessment:</b>	
<b>Timescale for Stage Two assessment:</b>	

Name: Jackie Ward

Date: 5 November 2018

Please now forward this completed form to Rachel Craggs, Principal Policy Officer (Equality and Diversity) ([rachel.craggs@westberks.gov.uk](mailto:rachel.craggs@westberks.gov.uk)), for publication on the WBC website.