
Council Response to Garden Waste Petition – Supporting Information

1. Introduction/Background

- 1.1 A petition containing 6,854 signatures was 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!’
- 1.2 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.
- 1.3 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. An amendment was proposed but was not seconded; to reduce the proposed green waste collection service from £50 per household to £25 per household for 2018/19 to assist residents with the transition. No amendment was proposed to maintain the service free of charge.
- 1.4 The Council introduced a charge for the collection of garden waste from 3 September 2018. Over 26,000 subscriptions have been received so far.

2. Supporting Information

- 2.1 In responding to the petition the following information should be considered:
- (1) The Council decision – 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.

- (2) Public consultation – 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.

The Council would be required to undertake a further public consultation exercise prior to taking any decision to make the garden waste collection service a free service.

- (3) Equality Impact Assessment. The petition references three specific groups; those of low income, those with a disability and the elderly. As part of the decision making process, the equality impact assessment acknowledged that these groups may be impacted by the charge and Council undertook to monitor the impact of the proposals on these groups. The Council also identified a number of steps that could be taken to mitigate potential adverse impacts such as home composting, community composting and making use of shared bins. Officers are monitoring the impact of the service with respect to elderly/disabled residents and will if required bring the decision back for further review. The original Equality Impact Assessment is at Appendix D of this report.
- (4) The financial implications. 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. If this saving was to be found from the waste budget it may mean a major change to a waste service. Charging for the collection of garden waste is a means to preserving rather than reducing a waste service.
- (5) The costs incurred. 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.
- (6) The current subscribers. Over 26,000 subscriptions have been received for the service. These households have been willing to pay for the service and have been using the service for two months. These subscribers have taken time to organise and pay for their garden waste service.
- (7) Administration to refund subscribers. Removing the charge immediately would result in time and cost in refunding all monies received. There would be

additional costs in the promotion of this change and the repayment process which are unknown at this stage.

- (8) Impact on non-subscribers. Some households who decided not to subscribe may have made other arrangements to dispose of their garden waste. For example purchasing home composters or making additional trips to the household waste recycling centre. Following instruction from the Council they may be using the green bin for something else, such as storage or making it into a water butt, so the Council would need to consider replacing bins and the financial implications of this.
 - (9) Reduction of the recycling rate. Any change to waste collection service comes with the risk that the recycling rate may be reduced and landfill increased, generating further financial implications. A change such as this could reduce the recycling rate as householders become wary of the services. To provide effective recycling services it is important to provide consistent services and clear messages about how to use them.
 - (10) Renegotiation of the contracted service. The waste contractor has committed resources to managing the service implications of charging. If the decision to implement charges was reversed, the contractor may seek compensation for any abortive costs associated with this change.
 - (11) Reinstating the free service. There would be additional costs and resource requirements to reinstate the free service which are unknown at this stage. There is no revenue budget available for these costs. The risks associated with reinstated the free service are not known at this stage and further work would be required.
- 2.2 Having considered all the above, officers recommend that Council reject the proposal detailed in the petition.

3. Options for Consideration

- 3.1 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.
- 3.2 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.
- 3.3 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.

- 3.4 The risks associated with taking the action proposed in the petition, including how the savings would be replaced, are not fully understood therefore a further public consultation would be required before the decision could be made to reinstate a free garden waste collection service.
- 3.5 It is therefore recommended that Council proceed with Option 2 and reject the proposal in the petition for the reasons outlined in this report.

4. Conclusion

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

5. Consultation and Engagement

- 5.1 The following officers have been consulted; John Ashworth, Andy Walker, John North, Sarah Clarke, Mark Edwards, Jenny Lyons, Lisa Selby.

Background Papers:

Council Meeting 1 March 2018 agenda, reports pack and minutes

Consultation - Budget Proposal 2018/19: Garden Waste Collection Service

Subject to Call-In:

Yes: ☐ No: ☒

The item is due to be referred to Council for final approval



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Appendix D**Original Stage Two Equality Impact Assessment (EqIA 2)**

What is the proposed decision?	To charge an annual subscription of around £50 per household for the collection of garden waste in 2018.
Summary of relevant legislation	Charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.
Does the proposed decision conflict with any of the council's key strategic priorities?	No
Name of budget holder	Jackie Ward
Name of assessor	Jackie Ward
Name of Service and Directorate	Transport and Countryside, Economy and Environment
Date of assessment	16 January 2018
Version and release date (if applicable)	V2 31 January 2018
Date EqIA 1 completed	15 November 2017

Step One – Scoping the Equality Impact Assessment

1. What data, research and other evidence or information is available which will be relevant to this EqIA 2?			
Service targets		Performance targets	
User satisfaction		Service take-up	
Workforce monitoring		Press coverage	
Complaints & comments		Census data	
Information from Trade Union		Community Intelligence	
Previous EqIA		Staff survey	
Public consultation	X	Other (please specify)	

2. What are the findings from the available evidence for the areas you have ticked above?

The public consultation received the following types of comments:

- A negative impact on poorer households.
- Concern raised regarding the impacts to the elderly or vulnerable.
- Concerns raised regarding the ability of those with restricted mobility or without transport to use waste management alternatives. For example, those who could not make use of recycling centres.

The consultation responses provided suggestions for how we can reduce the impact on those affected:

- By making the subscription to the service free to some applicants or introducing a concession rate to those applicable such as the elderly.
- Either lower the cost of the subscription or continue to provide the service at no additional cost.
- Through the use of means testing.
- By offering a payment method with less impact such as direct debit.

3. What additional research or data is required, if any, to fill the gaps identified in question two? Have you considered commissioning new data or research e.g. a needs assessment?

No

Step Two – Involvement and Consultation

4. How do the findings from the evidence summarised in Step One affect people with the nine protected characteristics?

Target Groups	Summary of responses and type of evidence
Age – relates to all ages	<p>About 21% of the responses referred to the elderly that may not be able to use the alternative waste management options, for example those who could not drive to the recycling centres. People that do not want to subscribe to the service and have restricted mobility may find it difficult to use alternative waste management options, for example those who could not drive to the recycling centres.</p> <p>Many of the responses referred to low income elderly households which may find the service unaffordable.</p>

<p>Disability - applies to a range of people that have a condition (physical or mental) which has a significant and long-term adverse effect on their ability to carry out 'normal' day-to-day activities. This protection also applies to people that have been diagnosed with a progressive illness such as HIV or cancer.</p>	<p>About 3% of the responses referred to the people with disabilities that may not be able to use the alternative waste management options, for example those who could not drive to the recycling centres. People that do not want to subscribe to the service and have restricted mobility may find it difficult to use alternative waste management options, for example those who could not drive to the recycling centres.</p> <p>Many of the responses referred to low income households with disabilities which may find the service unaffordable.</p>
<p>Gender reassignment - definition has been expanded to include people who chose to live in the opposite gender to the gender assigned to them at birth by removing the previously legal requirement for them to undergo medical supervision.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Marriage and civil partnership – protects employees who are married or in a civil partnership against discrimination. Single people are not protected.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Pregnancy and maternity - protects against discrimination. With regard to employment, the woman is protected during the period of her pregnancy and any statutory maternity leave to which she is entitled. It is also unlawful to discriminate against women breastfeeding in a public place</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Race - includes colour, caste, ethnic or national origin or nationality.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>
<p>Religion or belief - covers any religion, religious or non-religious beliefs. Also includes philosophical belief or nonbelief. To be protected, a belief must satisfy various criteria, including that it is a weighty and substantial aspect of human life and behaviour.</p>	<p>There is no evidence to indicate that there will be a greater impact on this group than on any other.</p>

Sex - applies to male or female.	There is no evidence to indicate that there will be a greater impact on this group than on any other.
Sexual orientation - protects lesbian, gay, bi-sexual and heterosexual people.	There is no evidence to indicate that there will be a greater impact on this group than on any other.

5. Who are the main stakeholders (e.g. service users, staff) and what are their requirements?

The main stakeholders are the households in the district that currently use the garden and food waste service. Their requirements would be a continuation of the garden waste collection service. The garden waste collection service is not a statutory service and charging for Garden Waste collection is allowed under the Controlled Waste (England and Wales) Regulations 2012.

6. How will this item affect the stakeholders identified above?

The stakeholders would have to pay if they wish to continue to use the garden waste collection service.

If stakeholders choose not to subscribe they have alternative options to compost their garden waste of using the Household Waste Recycling centres or home composting their garden waste.

Step Three – Assessing Impact and Strengthening the Policy

7. What are the impacts and how will you mitigate them?

The consultation has identified a number of potential impacts particularly in relation to the elderly, disabled and low income families. A small number of those responding also suggested that the proposal, if approved, might result in fly-tipping. However, this is illegal and anyone found guilty of fly-tipping could be liable for prosecution. Others suggested that the amount of waste which goes to landfill or Energy from Waste facilities could reduce.

The consultation identified that the impacts could however be mitigated through:

- the Council supporting home composting.
- community involvement such as community composting, friends and family taking garden waste to HWRCs.

If this proposal is implemented then the impact will be monitored over the next 12 months and any appropriate action taken.

Step Four – Procurement and Partnerships

8. Is this item due to be carried out wholly or partly by contractors?

Yes

The collection service will be provided by a contractor. There will not be any additional requirements placed on the contractor because the design and promotion of the service is the responsibility of the Council.

Step Five – Making a Decision

9. What are your recommendations as a result of the EqIA 2?

In making your recommendations please summarise your findings.

The consultation identified that the proposal may impact on low income households who are unable to afford the service and in addition are elderly or disabled and cannot travel to use alternative waste services provided.

The consultation identified that the impacts could be mitigated through:

- (I) the Council supporting home composting.
 - a. The Council does support home composting and does intend to continue to do so. This option is recommended.
- (II) community involvement such as community composting, shared bins, friends and family taking garden waste to HWRCs.
 - a. The Council intends to provide information about these options in the service communications. This option is recommended.
- (III) by making the subscription to the service free to some applicants or introducing a concession rate to those applicable.
 - a. The Council does not currently provide any concessions for waste services. Additional resources would be required to administer the concessions and any concessions would impact on the amount of income received for the service. In view of the Council's overall financial position, this is not recommended. However, the impacts should be monitored.

It is therefore recommended that the proposal be approved subject to the mitigation points (i) and (ii) above. The recommendation is therefore that an annual subscription of around £50 per household is introduced for the collection of garden waste. In addition, officers will monitor the impact of the service with respect to elderly/disabled residents and bring the decision back for further review in a year's time if required. An action plan has been prepared which sets out steps as to how any impact will be monitored.

Step Six – Monitoring, Evaluating and Reviewing

10. How will you monitor the impact on the nine protected characteristics once the change has taken place?

To monitor the impact of the decision, the action plan below would take effect.

Step Seven – Action Plan

Categories	Actions	Target date	Responsible person
Involvement and consultation	No further action		
Data collection	<p>Benchmark pricing from other Local Authorities</p> <p>Assessment of loss of income due to concessions.</p> <p>Assessment of any additional resources required to administer service concessions.</p> <p>Assessment of any delay to the service start due to introducing concessions.</p>	1 st March 19	Jackie Ward
Assessing impact	No further action		
Procurement and partnership	No further action		
Monitoring, evaluation and reviewing	<p>Monitor the number of concession subscriptions against population data.</p> <p>In the event of conducting a customer satisfaction survey we will ask specific impact questions.</p>	<p>Setting fees for second year of service.</p> <p>On date of survey (none planned)</p>	Jackie Ward

Step Eight – Sign Off

The policy, strategy or function has been fully assessed in relation to its potential effects on equality and all relevant concerns have been addressed.		
Contributors to the EqIA 2		
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Sarah Clarke	Solicitor – Interim Head of Legal Services	31 January 2018
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Name: Mark Edwards		Date: 31 January 2018