

Withdrawal of Garden Waste Sacks

Final Decision-Maker	Communities, Housing and Environment Committee
Lead Head of Service	William Cornall, Director of Regeneration and Place
Lead Officer and Report Author	Jennifer Stevens, Head of Environment and Public Realm
Classification	Public
Wards affected	All

Executive Summary

As part of the preparation for the retendering of the Mid Kent Waste Contract it has been identified that the current garden waste sack service will be difficult to retender and poses a risk to the Council, the successful bidder, and customers. This work has identified that only 30 households in the Borough purchase compostable sacks and therefore it is proposed to withdraw the provision of garden sacks going forward and require garden waste to be presented in wheeled bins.

Purpose of Report

Decision

This report makes the following recommendations to this Committee:

1. To agree the withdrawal of the garden waste sack provision as an alternative for households who are unable to accommodate wheeled bins.

Timetable

Meeting	Date
Communities, Housing and Environment Committee	30 March 2022

Withdrawal of Garden Waste Sacks

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p>The four Strategic Plan objectives are:</p> <ul style="list-style-type: none"> • Embracing Growth and Enabling Infrastructure • Safe, Clean and Green • Homes and Communities • A Thriving Place <p>We do not expect the recommendation will by itself materially affect achievement of corporate priorities. The withdrawal of the garden sacks will affect a very small number of households and alternative options are available to continue the recycling of this waste.</p>	Head of Environment and Public Realm
Cross Cutting Objectives	<p>The four cross-cutting objectives are:</p> <ul style="list-style-type: none"> • Heritage is Respected • Health Inequalities are Addressed and Reduced • Deprivation and Social Mobility is Improved • Biodiversity and Environmental Sustainability is respected <p>The report recommendation is unlikely to have an impact on the cross-cutting objectives.</p>	Head of Environment and Public Realm
Risk Management	<p>The risks associated with this recommendation are included in section 5.</p>	Head of Environment and Public Realm
Financial	<p>The proposal set out in the report will reduce the financial risk associated with the retendering of the waste collection contract. If the provision of garden waste sacks remains part of the contract, it is likely that the contractor will inflate the contract price to reflect the risk of storage and supply, administration of the service, and manual</p>	Maxine Mahon Finance Manager

	handling of the bags.	
Staffing	We will deliver the recommendations with our current staffing.	Head of Environment and Public Realm
Legal	By virtue of Section 46 of the Environmental Protection Act 1990 the Council can specify the receptacles which must be used in order to present waste for collection and can decline to collect waste that is not presented as specified.	Interim Team Leader (Contentious and Corporate Governance)
Privacy and Data Protection	No implications identified.	Policy and Information Team
Equalities	Stage 1 of the Equality Impact Assessment has been completed and is attached in Appendix 1. The proposed changes will impact approximately 19 households who currently subscribe to the garden waste sack collection. These will not specifically affect groups with protected characteristics as those affected will be due to their property's location or landscaping.	Equalities & Communities Officer
Public Health	We recognise that the recommendations will not negatively impact on population health or that of individuals.	Public Health Officer
Crime and Disorder	No implications identified	Head of Environment and Public Realm
Procurement	Withdrawal of the service will remove the requirement to procure compostable sacks.	Head of Environment and Public Realm
Biodiversity and Climate Change	No direct or major implications have been identified for biodiversity and climate change.	Biodiversity and Climate Change Manager

2. INTRODUCTION AND BACKGROUND

2.1 Maidstone Borough Council operates a chargeable, fortnightly garden waste collection service as part of its waste contract. Residents can subscribe to the service for £45 per year which includes the provision, and fortnightly emptying, of a 240-litre wheeled bin.

- 2.2 There are currently 30 properties in Maidstone who wish to subscribe to this service but due to the location or landscaping of their property are unable to accommodate a wheeled bin. At present these properties are provided with 52 compostable sacks instead of a wheeled bin for the same annual subscription cost.
 - 2.3 The compostable bags provided are required to meet the European packaging standard EN13432 which means they will start to disintegrate within 12 weeks and fully biodegrade within 6 months.
 - 2.4 There are minimum order requirements for the compostable bags and due to their very limited shelf-life they regularly must be checked and disposed of before being used. Therefore, the provision of this service places a risk to the contractor for the ordering and storage of the bags for so few customers.
 - 2.5 The bags have never been a favoured option as they often start to disintegrate once the garden waste is put into them causing them to split at the point of collection. This has resulted in complaints about the quality and suitability of the bags from customers as well as putting the additional burden on the collection crews to clear up any spillages when the bags are collected.
 - 2.6 They also pose a manual handling risk to the collectors as the waste is usually heavy. However, no other suitable alternative has been identified for the collection of garden waste. Reusable sacks are no longer considered acceptable on the grounds of health and safety.
 - 2.7 The team have re-assessed the 30 households who have purchased garden sacks within the past 12 months and have determined that 11 of these properties are suitable for accommodating a wheeled bin and have now been advised that they will be provided with a wheeled bin when they renew their subscription.
 - 2.8 The Council has started the procurement of the Mid Kent Waste Collection Contract and it is recommended that the provision of garden waste sacks is withdrawn. This would mean that the 19 properties who currently subscribe to the service and are unable to accommodate wheeled bins would be required to dispose of their garden waste by other means, such as sharing a bin with a neighbour who is able to accommodate a bin, home composting or taking the waste to the local Household Waste Recycling Centre (HWRC).
 - 2.9 The Environmental Protection Act 1990, Section 46 enables the Council to specify how household waste is presented for collection. Whilst this is a statutory service, the Council can require residents to use a wheeled bin for the collection of garden waste and to make a charge for this service. Therefore, it is intended that the waste team will work with the 19 households who will currently struggle to accommodate a wheeled bin and where possible to agree a collection point.
-

3. AVAILABLE OPTIONS

3.1 There are several options for the Council to consider:

3.2 Withdrawal of the garden waste sack service

The current bags are not fit for purpose, particularly when used in such low levels as they are likely to degrade before being used. The number of households using the bags is exceptionally small – less than 0.1% of garden waste customers – however the stock would need to be purchased in much higher numbers. It is therefore expected that prospective contractors will significantly elevate the cost for this provision on the assumption that most of the stock will be unusable and will require disposal. Any stock purchased is also likely to require disposal after 6 months as they will have started to degrade. The current contractor is trying to purchase the bags through online marketplaces and auction sites in order to fulfil their contractual requirements and has highlighted that this is not sustainable for the long term.

The sacks also pose a significant manual handling risk which has been highlighted by the Health and Safety Executive. Sacks are not recommended particularly for the collection of heavy waste such as garden waste. Therefore, it is possible that prospective contractors will refuse to collect garden waste sacks on these grounds. Alternatively, they will price additional resources to collect the sacks more safely, such as in vehicles without bin lifts and with low level hoppers.

3.3 Removal of requirement for Contractor to maintain stocks

Given the difficulties highlighted above, the Council could decide to retain the service but take on the risk of maintaining stocks of the garden sacks. The Council would therefore purchase the compostable bags and maintain a stock of them, it is still likely that the stock would need regular replacement and degraded bags to be disposed of.

However, this option will not mitigate the risk that the contractor refuses to collect the bags on the grounds of health and safety or requires additional resource to collect the bags safely, as outlined above.

3.4 Retain current service

The Council could decide to continue with the service as is and retender the contract on that basis. However, it is likely that there will be significant additional costs for offering a service to 19 households and that health and safety grounds may still prohibit this from being delivered. The risk of this approach is that should the service be withdrawn after the contract start, it becomes more difficult to ensure the costs for the service are recovered. This means it is likely costs for this service will remain in the contract despite it not being delivered.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 It is recommended that the Council withdraw the provision of compostable bags as an alternative for garden bins, as providing a bespoke service for

19 households within the Borough is not considered viable. As outlined in the report, the provision of bags for the collection of garden waste is no longer considered acceptable on grounds of health and safety and the bags themselves are not designed to meet the needs of the service.

- 4.2 Alternative options have been sought, but no examples of other collection methods have been identified. The primary concern is due to the weight of garden waste and the manual handling risks of lifting the waste. Wheeled bins are the only method for the safe collection of garden waste, without the need to specialist equipment or vehicles, which would not be feasible for 19 properties.
- 4.3 These households will be able to use the garden waste service if they are able to agree a location for the storage and presentation of a wheeled bin.
-

5. RISK

5.1 The risks associated with the removal of the garden sack collection are:

- Reputational – withdrawal of this service from 19 properties poses a low reputational risk to the Council as a whole, however to the individuals this will be a loss of service or will make the collection of garden waste more difficult. The waste team will work with those households to identify if there are options for a garden bin to be presented in an alternative location or whether they could share with neighbours.

5.2 The risks associated with continuing to operate this service are:

- Financial – it is expected that the cost to continue to provide this service will significantly increase as part of the new contract to reflect the additional resources required to collect the waste safely. This cost is likely to be disproportionate to the annual income received from the 19 properties purchasing the annual supply of bags. Due to the pricing mechanism for the contract, it is expected that the additional cost for collecting bags will increase the total overall cost of the garden waste service

- Health and Safety – it is possible that the prospective tenders will decline to provide this aspect of the garden waste service on the grounds of health and safety. It is more likely that during the 8-year term of the next contract, the collection of garden waste in sacks will not be acceptable and that the service would then have to be withdrawn. The collection of garden waste in sacks poses a significant manual handling risk to the operatives collecting the bags as well as the residents presenting them.

- Reputational – the quality of the bags for the service is poor, however thicker bags cannot be used as they must meet the standards required for the composting facility. When the bags were widely used, regular complaints were received about the quality and usability of them. It is likely that this is the reason only a small number of households currently subscribe to the service.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 The garden waste service has been discussed previously at the Communities, Housing and Environment Committee. No direct feedback has been received about the sack collection service.
 - 6.2 Residents currently purchasing the bags who have been identified as suitable for wheeled bins have been approached and discussions have commenced with them about the change to their service. This is in line with the Council's current policy for the provision of wheeled bins.
-

7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 If the recommendation is agreed, the Waste Team will contact the 19 households who currently purchase garden sacks to discuss how they may dispose of their garden waste in the future. When residents' supplies of garden sacks run out, they will be advised that they can no longer use the sack collection.
 - 7.2 All garden waste sack subscriptions run for 12 months, so the service will be withdrawn 12 months from the last purchase of garden waste sacks, which will be 1 November 2022.
 - 7.3 The garden sack service will also be removed from the contract specification for the tendering process.
-

8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Equality Impact Assessment
-

9. BACKGROUND PAPERS

None