

OPEN

## **Environment and Communities Committee**

**27 November 2024**

### **Waste Collection – 3 Weekly Residual Waste Collections**

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**Report of: Tom Shuttleworth, Interim Director Planning and Environment**

**Report Reference No: EC/32/24-25**

**Ward(s) Affected: All**

#### **Purpose of Report**

- 1 The purpose of this report is to seek approval to implement three weekly residual waste collections. At the meeting on 18 July 2024, Environment and Communities Committee delegated authority to officers to undertake a public consultation exercise relating to a move to three weekly kerbside collections.

#### **Executive Summary**

- 2 The report details the outcome of the public consultation and recommends moving to a 3 weekly residual waste kerbside collection system, aligned to the roll out and delivery of weekly food waste collections proposals, which were approved Committee at the July committee.
- 3 Changes to how the Council delivers its waste collection services has been identified as a core part of the Councils Transformation Plan (pg37), with a targeted £1M cashable saving, as approved by Corporate Policy Committee on 21 August 2024 in advance of submission to Government.
- 4 A consultation was held during September and October 2024 on proposal to change black bin collections to every three weeks. The consultation received 6,257 responses. Whilst a proportion of

respondents (13%) supported the preferred option, the majority of respondents (84%) opposed its implementation.

- 5 In response to the consultation feedback the proposals now include;
  - (a) Amendments to the policy setting out performance standards for returning to missed bins and specifics around medical needs qualifications for a larger household refuse bin,
  - (b) Introduction of boroughwide enforcement powers to issue fixed penalty notices and;
  - (c) Increased staff resource to provide targeted waste education and ensure enforcement activity can be proactively undertaken against a newly introduced three step approach.
- 6 The proposal will promote the objectives of the council's municipal waste strategy 2030 through an estimated 20.5% reduction in residual waste and 4.3% increase in recycling. In addition, it is estimated to achieve a net £1 million annual saving, already identified under the council's transformation plan for this service area.
- 7 The target date for the full roll out of changes in kerbside waste collections is the 1<sup>st</sup> of April 2026.

#### RECOMMENDATIONS

The Environment and Communities Committee is recommended to:

1. Note the outcomes of the recent public consultation exercise.
2. Approve the move to a three weekly frequency for the kerbside collection of residual waste, for all properties within Cheshire East.
3. Delegate authority to the Head of Environmental Services to:
  - a. Take all necessary actions to deliver 3 weekly residual waste collections
  - b. introduce service improvements to the 'Waste Management and Fly-tipping Policy' to require a specific service level improvement by introducing a return for a missed bin within 3 days, amend criteria to permit a larger residual bin in specific circumstances and introduction of missed bins performance measures.

4. Delegate authority to the Interim Director of Planning and Environment to amend the enforcement policy on the basis of having a defined staged education through enforcement process including the issuing a borough wide Section 46 notice with the introduction of a performance measure and reporting on the number of live cases and their status with a monthly officer case management meeting.

## **Background**

- 8 In October 2023 central government's 'Simpler Recycling' proposals entered legislation. This required all local authorities in England to provide a free, separate weekly food waste collection for all households by 31 March 2026.
- 9 In response to this, the July 2024 Environment and Communities Committee approved the introduction of weekly food waste collections. The committee also Delegate authority to the Interim Director of Environment and Neighbourhoods, in consultation with the Chair, Vice-Chair and Opposition Spokesperson, to take all necessary steps to undertake a public consultation exercise relating to a move to three-weekly kerbside collections, with the results brought back to Committee in support of a future decision around implementation.
- 10 The feasibility of three weekly residual collections was modelled as part of the report on food waste collection presented at the July committee. Cheshire East Council (CEC) was matched with similar authorities using the CIPFA (Chartered Institute of Public Finance and Accountancy) nearest neighbours' model from a socio-economic and demographic criteria.

- 11 Figure 1 below from the feasibility report shows the 2022/23 recycling rate of CEC's top 50 CIPFA NN listed above. CEC has the 22nd highest recycling rate of 52%. Also, shown is the projected recycling rate for CEC following implementation of the charged garden waste service.

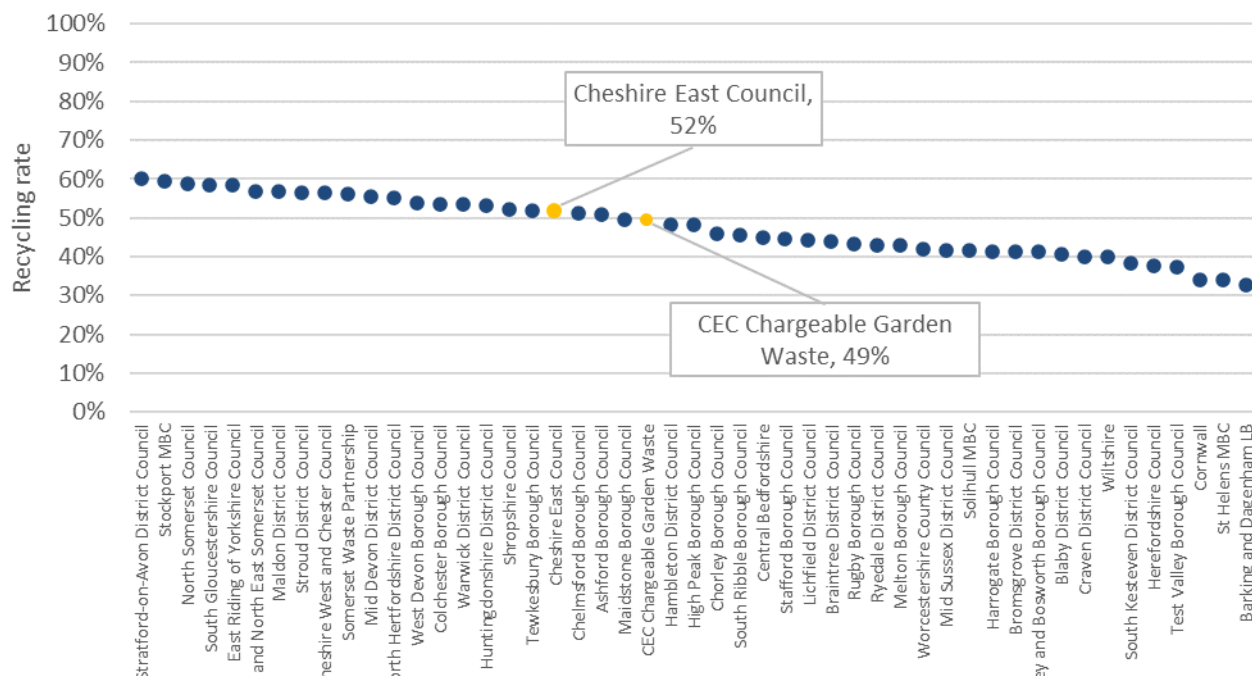


Figure 1 Resource Futures, Cheshire East Food Waste Options Modelling Report, (may 2024) p9

Based on the assumptions, CEC will fall by 3 places to 25th highest recycling rate of their top 50 NN.

- 12 The report also goes on to indicate compared to Cheshire East's direct geographical neighbours of Cheshire West, Staffordshire, Shropshire, Derbyshire, Warrington and Manchester. We currently have the third lowest recycling rate and the highest residual waste yield of all six neighbouring authorities. They state 'Cheshire East ranks 29 places lower than their direct neighbour Cheshire West and Chester in the Let's Recycle 2022/2023 league table, who are the highest performing of their geographic nearest neighbours.'<sup>1</sup>
- 13 Examining the quantity of residual waste in the CIPFA matched similar authorities, (before and after the change to three weekly collections. Table one shows the percentage change in kerbside tonnages for authorities implementing 3 weekly residual collections.

Authority	Dry recycling	Food	Residual
Bury	1.9%	*	-16.3%
Daventry	15.5%	57.3%	-15.6%

<sup>1</sup> Resource Futures, Cheshire East Food Waste Options Report, (May 2024) P 10)

Authority	Dry recycling	Food	Residual
East Devon	23.0%	7.7%	-22.5%
Gwynedd	4.1%	24.8%	-15.7%
Isle of Anglesey	28.2%	31.7%	-26.2%
Oldham	-8.1%	*	-17.2%
Powys	-3.0%	25.0%	-28.5%
Rochdale	8.2%	*	-29.2%
Mid Devon	0.4%	2.9%	-13.5%
New average change	7.8%**	21.1%	-20.5%

Table 1 Percentage change in kerbside tonnage for authorities implementing 3 weekly residual collections (Resource Futures, Cheshire East Food Waste Options Report, (May 2024) P 14)

\* Unknown as mixed organics service

\*\* excludes outliers of Powys and Isle of Anglesey (as in three weekly feasibility study)

- 14 The report’s analysis indicates almost all authorities moving to three weekly residual collections experience an overall reduction in kerbside waste. They also found no clear evidence of an increase, as Household Waste Recycling Centres and fly-tipping tonnages before and after the service change concluding ‘that there may be a genuine waste prevention effect of moving to three weekly residual collections’<sup>2</sup>.
- 15 The evidence suggests that a move to three weekly collections would therefore considerably assist the authority in achieving its waste strategy aims of reducing residual waste and increasing recycling. This would improve performance to be more compatible with our neighbouring authorities who have in recent years overtaken Cheshire East on these measures.
- 16 Based on this match data from similar authorities the report models a 20.5% reduction in residual waste in changing to three weekly residual waste collections with a assumed 4.3% increase in recycling. This reduction in residual waste is driven by a variety of factors, the main ones being residents increasing recycling rates, reducing waste at source and also with the introduction of weekly food waste collections this waste stream being accommodated separately.
- 17 The move would also have a considerable financial benefit to the authority. Based on these figures and reductions in collection costs the report indicates after investment in waste education and enforcement a saving of the order of £1 million revenue per year.

<sup>2</sup> Resource Futures, Cheshire East Food Waste Options Modelling ( May 2024) p15.

- 18 The limited number of properties still on a black bag collection due to property or access limitations would remain on a 2 weekly collection cycle.
- 19 In order to accommodate the forecast increased level of recycling and hence need to have more space in household bins for this purpose it is proposed to offer all residents a 50% reduced purchase rate for an additional grey/silver bin for their property. This reduced price will be available for a period of 6 months prior and 6 months post the implementation of the changes to black bin collection frequencies.
- 20 As part of the project the Council's Communications team will be developing a comprehensive communications and engagement plan which will cover each stage of the implementation process. The changes to collection systems will be publicised well in advance of go live date. Part of the role of the communications team which is currently sat within ANSA but due to be insourced back into the Council in early 2025 will be to support residents with understanding the changes.
- 21 This change would be implemented concurrently with the move to weekly food waste collections agreed at the July 2024 meeting of the committee. The target date for implementation of both service changes is 1st of April 2026 in line with the new statutory duties on the Council for weekly food waste collections.
- 22 As part of the wider food waste project the Council will need additional parking and staff welfare capacity, to accommodate new additional food waste collection vehicles to be located at the current central operations depot at the Middlewich Environmental Hub site. A planning application will therefore be brought forward early next year with construction works following subject to planning consent to extend the existing operational depot into the remaining footprint of the environmental hub site making a use of an area not previously developed.

#### Waste Education and Enforcement

- 23 A key part of the transition to three weekly collections will be communication, education and enforcement. A full communications campaign will be delivered as part of the wider changes to waste collections to ensure a high take up all food waste recycling and communication of new bin collection dates to properties.
- 24 Ongoing waste education will also be required to focus on where issues arise and to continually reinforce collection dates and promote food and dry recycling to maximise the potential to increase recycling and reduce residual waste per household.

- 25 Although the feasibility analysis undertaken by Resource Futures indicates no direct connection between 3 weekly collections and fly tipping we recognise that a three weekly collection of residual waste is likely to exacerbate areas that already struggle with a two weekly collection system.
- 26 It is proposed to amend the enforcement policy on the basis of having a defined staged education through enforcement process with reports as part of the directorate performance reporting on the number of live cases and their status with a monthly officer case management meeting.
- 27 To enable increased enforcement activity it is proposed to implement a borough wide section 46 notice in accordance with the rules of 46A of the Environmental Protection Act 1990 to allow the authority greater powers to issue fixed penalties following appropriate waste education to households causing a nuisance or detrimental effect on local amenities through misuse of household waste. The notice will allow the authority to issue fixed penalties to a maximum of £80.00 for instances such as leaving waste receptacles (bins or bags) out for several days prior to or after a waste collection and or causing an obstruction to a public footpath.
- 28 These proposals for 3 weekly residual and weekly food waste include provision of an additional 4 waste educationalists and 4 Community enforcement officers in addition to the existing provision of 4 officers (2 waste education & 2 Community totalling 12 in total). This will provide further capacity to manage all cases raised through the waste education and fixed penalty process.
- 29 This will be supported by the introduction of a fixed and timed three stage process of written warning, notice of intent and final notice. This staged process will be subject to performance reporting to understand how many cases are at which stage and to consider in specific instances where repeat issues occur we move immediately to enforcement action.
- 30 The Council also recognises the achievements of the Cleaner Crewe scheme and is grateful to our partners Crewe Town Council and local resident groups who have contributed to the initial project. We are seeking to continue and expand the scheme with the Town Council dedicating part of this new education and enforcement officer resource to a widened Cleaner Crewe areas with matched provision requested for the Town Council for overall project management and an additional waste education officer. The project would facilitate community groups, develop alley regeneration plans and be a central point of contact to

facilitate reporting on progress including supporting education and enforcement functions of the scheme.

- 31 The authority also recognises for some households a larger bin will be required and will clarify existing Waste Policy guidance on this with respect to larger households and households with particular documented medical needs likely to require a larger bin.
- 32 In addition, the authority recognises that some bespoke arrangements may be required for multiple occupancy premises and will assess this on request on a case-by-case basis.

#### Policy Amendments - Improved service levels for waste collections

- 33 The Authority has targets for waste collection missed bins and consistency achieves, though our contractor, collection rates of 99.9%. We recognise however that were we are unable to return to a missed bin and for residents that are repeatedly missed this needs to be improved on a three weekly residual collections system.
- 34 We propose therefore to provide capacity when we redesign the collection system and associated resources needed to deliver to return for missed bins within a standard 3 working days and to end the practice of what is currently a minority of residents having to wait until their next scheduled collection, if we are unable to return.
- 35 In order to do this the existing Waste Management and Fly-tipping Policy section 4.3.3 will be amended to require return to a missed bin within 3 working days in all cases. As part of this review of policy we will look at how missed bins are recorded and actioned, to avoid the need for residents to report missed bins in different ways. This increased service level will be the subject of new performance indicators which will be used to monitor and report to the relevant Committee on a frequent basis.

#### Policy Amendments – medical exemptions

- 36 It is proposed to amend current waste policies to accommodate concerns from some residents around their need to dispose of bulky medical waste. The detail of the policy amendments are being drafted to be flexible, but will be underpinned by a need to provide suitable documentary evidence of specific medical conditions.
- 37 One such mitigation will be to offer residents a larger capacity bin, however it is fully accepted that in situations such as this there isn't a "one size fits all" approach, so there will be a level of officer discretion allowed within the policy in relation to working with residents to assess specific needs.



### Local Plan Housing Targets

- 38 The Authority recognises that we are at the end of a planning house building cycle and exiting collection rounds need rebalancing to adjust to housing growth and future increased housing targets though the updated local plan. By moving to three weekly residual collections, we will create capacity in the system to allow growth for future housing needs. This will be accounted for as new collection rounds are designed for all three waste streams involving the refuse and recycling collection fleet.

### Draft Statutory Guidance

- 39 In late 2023 the former Government launched a consultation including draft statutory guidance requiring councils to collect residual waste on a minimum of a 2 week collection cycle. There has been no clarification to date from the new government if this will be implemented into legislation the council would need to consider its obligations under this guidance before continuing with these proposals.

### Comparator Local Authorities

- 40 In terms of the position of other local authorities in the north west having made the same changes to the frequency of their own residual kerbside collection systems;

- Bury (Implemented 2015)
- Wigan (implemented September 2017)
- Rochdale (Implemented 2015)
- Salford (Implemented 2016)

- 41 Further to the same the following local authorities have made very recent decisions in regards to a move to three weekly collection frequency. The two key reasons for this shift are to save money and to increase recycling rates.

- East Suffolk Council, September 2024
- Flintshire Council, July 2024
- North Herts Council, September 2024
- North Somerset Council, July 2024
- Test Valley Borough Council, June 2022

## Consultation and Engagement

- 42 During September and October 2024, Cheshire East Council conducted a consultation to gather opinions on its proposal to move black bin collections to every three weeks. This proposal was made in response to the 'Simpler Recycling Scheme' legislation announced by the Government in October 2023, which mandates that all local authorities must collect food waste from residents on a weekly basis by no later than 1 April 2026<sup>1</sup>. A total of 6,257 responses were received.
- 43 Whilst a proportion of respondents (13%) supported the preferred option, feeling that it would be a positive move in increasing recycling rates / makes sense as the most cost-effective option, the majority of respondents (84%) opposed its implementation. Of those opposed, respondents expressed concerns about the potential negative impacts, such as an increase in vermin, pests, and smells due to overflowing bins and certain waste products being left within the bins for a longer period. There were also worries about an increase in fly-tipping and contamination of other bins, especially since the recent closure of some local HWRC sites and the introduction of a booking system at the weekend.
- 44 Certain households and areas were identified as being more negatively impacted by the proposed changes. These included larger families, those with younger children, medical needs, disabilities, and pets due to the extra waste produced by such households. Elderly residents and those with disabilities might struggle with a more complicated waste schedule and heavier bins, leading to missed collections. Residents in rural areas, terraced housing, and communal properties such as flats and apartments were also highlighted as potentially facing greater challenges.
- 45 Respondents suggested several ways the Council could support those negatively impacted by the changes. These included continuing with fortnightly collections, providing larger or additional black bins, offering more local opportunities to recycle and dispose of waste, and providing clear guidance on managing and reducing waste effectively. Ensuring timely bin collections and having a plan to manage potential increases in vermin, litter, and fly-tipping were also recommended.
- 46 The Council indicated that it would invest in additional waste educational specialists and enforcement officers to counter any potential negative impacts brought about by the changes. However, this approach was met with mixed reactions, with 69% of respondents disagreeing with it. Many felt that the impact of such specialists would be limited and that the funds would be better spent on waste collection.

There were also concerns about the approach being overbearing and not equally distributed across the borough.

- 47 In response to the Consultation the Council has amended its proposals in the following ways:
- (a) Improved levels of service for waste collection:- to return for missed bins within 3 working days and to end the current practice which impacts on a minority of residents having to wait until their next scheduled collection, if we are unable to return
  - (b) Enforcement :- To assist with enforcement it is proposed to implement a borough wide section 46 notice in accordance with the rules of 46A of the Environmental Protection Act 1990 to allow the authority greater powers to issue fixed penalties following appropriate waste education
  - (c) Medical Needs : For some households a larger bin will be required and we will seek to clarify Waste Policy guidance on this with respect to households with particular documented medical needs likely to require a larger bin.
  - (d) Larger Waste Education and Enforcement teams : The proposals for 3 weekly residual and weekly food waste include provision of an additional 4 waste educationalists and 4 Community enforcement officers.

## **Reasons for Recommendations**

- 48 Comparison of Cheshire East with matched authorities indicates Cheshire East is falling behind in its recycling levels and has increased levels of residual waste than it's neighbouring authorities.
- 49 The authority is also experiencing increased waste collection and disposal costs and there is a need to contribute to the authority's transformation saving proposals.
- 50 This recommendation would therefore further the objectives of the Councils Municipal Waste Strategy 2030 and deliverer the required £1,000,000 savings target outlined within the transformation plan for the authority.

## **Other Options Considered**

- 51 A number of options as set out in the feasibility study (Appendix A) have been considered to ensure that the option which minimises the operational and financial risks to the council is taken forward.
- 52 The dry recycling collection frequency remains fortnightly in each option to ensure that the Council's recycling rate is not otherwise affected.
- 53 Similarly, as the garden waste collections are now delivered via a paid subscription service the bi-weekly collections have not been considered for change.

## **Implications and Comments**

### *Monitoring Officer/Legal*

- 54 Following the completion of the public consultation process a Public Consultation report (Appendix C) has been produced. The full findings of the consultation have been made available.
- 55 Members should consider the findings of the consultation but in doing so need to bear in mind that the consultation outcome is one of a number of considerations that they need to take into account and that other factors, such as the Council's financial position, the duty to achieve a balanced budget, and the affordability of any alternative options or doing nothing.
- 56 The recommendation made in this report is the officer recommendation based on overall service provision and affordability. Whilst Members are not bound to follow the officer recommendation, if an alternative decision is made then this needs to be based on sound principles of reasonableness which take into account the need to achieve a balanced Budget.
- 57 In addition to considering the findings of the public consultation, the Committee should also have regard to Equality, Diversity and Inclusion. In this regard, Members should consider the Equality Impact Assessment provided at Appendix B

### *Section 151 Officer/Finance*

- 58 The financial benefits of moving to a 3 weekly collection frequency were set out within the financial implications section of the July 2024 report. The figures quoted were derived via a robust review undertaken by a specialist and independent consultant and have not changed.

- 59 The costs of implementing the change from two to three weekly collection is anticipated to be a one off £270k.

*Policy*

- 60 The proposal supports the following Cheshire East Council Corporate Plan 2021-25 as follows;

<p><b>An open and enabling organisation</b></p> <p>Support a sustainable financial future for the council, through service development, improvement and transformation</p>	<p><b>A thriving and sustainable place</b></p> <p>Reduce impact on the environment and also;</p> <p>Be a carbon neutral council by 2027</p>
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*Equality, Diversity and Inclusion*

- 61 An equality impact assessment (EIA) has been produced in respect of the proposals for a move to 3 weekly residual waste collections, which is contained at Appendix B.
- 62 In summary the impacts relating Age and Disability were highlighted though the constitution. The EIA acknowledges this impacts but concludes that existing mitigation measures in the Councils waste policy relating to assisted collections to residents who are infirm or who cannot put their waste out on the collection day due to illness or disability are sufficient.

*Human Resources*

- 63 A shift to three weekly residual waste collections will be undertaken at the same time as the introduction of weekly food waste collections meaning there will be a need for increased waste collection staff and drivers overall.
- 64 Any reprofiling of staffing resource will be undertaken through the next stages of implementation in consultation with the staff themselves and the trade unions as this .

*Risk Management*

- 65 Table 2 sets out an overview of key relevant project risks associated with the combined project to deliver weekly food waste collections alongside 3 weekly food waste collections and their mitigating actions where appropriate.

Risk	Mitigating Actions
<p><b>Timescale</b> – limited time allowed to implement major operational change.</p>	<p>Commence change process early to alleviate risk.</p> <p>Initial Feasibility is complete informing direction of travel. Permission is sought from the November committee to proceed with the three weekly collection element of the overall proposed changes to kerbside waste collections.</p>
<p><b>Financial</b> – decision to implement three weekly collections is made and then legislation introduced to mandate bi-weekly collections</p>	<p>Continue with regular dialogue with DEFRA seeking earliest possible alert of any legislative changes.</p> <p>Limit costs of change spend relating to 3 weekly collections to minimum level, undertaking work in house within existing resources.</p> <p>Develop delivery strategy in stages and commit funding in a staged manner to limit liability.</p> <p>Explore alternative methods of funding including use of flexible capital receipts to fund costs of change.</p> <p>Maximum cost liability to the Council in implementing this change is £270k.</p>
<p><b>Financial</b> – ongoing “new burdens” revenue grant is insufficient to cover actual costs of operating a weekly food waste collection – impact to Council’s already difficult financial position</p>	<p>We have modelled a proposal to move to three weekly residual collections and likely saving it would deliver to ensure that this revenue risk is mitigated as far as reasonably practicable.</p>
<p><b>Resources</b> - recruitment of new staff to deliver existing and new weekly food waste collection service, fall in service performance due to lack of staff</p>	<p>This will be partially mitigated by reductions of staff though 3 weekly collections that could be reallocated, Recruitment and retention remains an ongoing risk across on the Council’s waste collection operations.</p>

Table 2: Summary of key risks and proposed mitigations

### *Rural Communities*

- 66 There are no implications for rural communities arising from this report, the changes to waste collection services will be delivered consistently across all areas of the borough.

### *Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)*

- 67 There are no implications for children and young people arising from this report.

### *Public Health*

- 68 There are no implications for public health arising from this report.

### *Climate Change*

- 69 The carbon impact has been measured as part of the feasibility study which can be seen in Appendix A table 7 p25 showing the preferred option has the lowest carbon emissions. Existing vehicles carbon is accounted for under the council's carbon action plan 2027.

<b>Access to Information</b>	
Contact Officer:	Ralph Kemp, Head of Environmental Services
Appendices:	Appendix A – Waste Collections - Feasibility Study (May 2024)  Appendix B – Equality Impact Assessment (post consultation)  Appendix C - Consultation Report
Background Papers:	<a href="https://www.cheshireeast.gov.uk/municipal-waste-management-strategy-review-2020">Municipal Waste Management Strategy Review 2020 (cheshireeast.gov.uk)</a>  <a href="#">Environment and Communities Committee report, Implementation of weekly food waste collections, July 2024 - CEC Report Template</a>  Corporate Policy Committee report, Cheshire East Transformation Plan, 21 August 2024 - <a href="#">Transformation Plan V1 Final CPC 003.pdf</a>