

## **RECORD OF DECISION MADE UNDER DELEGATED AUTHORITY**

### **\*PART 1 – PUBLIC DOCUMENT**

Any interest to declare/ or conflict and any dispensation granted N/A

**SERVICE DIRECTORATE:** Place

#### **1. DECISION TAKEN**

1.1 To amend the terms and conditions of the garden waste service to provide fortnightly collections for all subscribers except for one collection during the two week catch up period after Christmas.

1.2 To amend the terms and conditions of the garden waste service to allow residents to transfer their subscription to their new property, should they move house within the district.

#### **2. DECISION TAKER**

Cllr Amy Allen, Executive member for Waste and Recycling

#### **3. DATE DECISION TAKEN:**

7 July 2022

#### **4. REASON FOR DECISION**

4.1 Decision at 1.1 introduced as a business continuity measure to ensure the council's core waste and recycling collection services are not adversely impacted by potential resource issues over the Christmas period.

4.2 Decision at 1.2 introduced to enable the transfer of a subscription when a resident moves house within the district, to ensure they continue to benefit from their current subscription and to provide a simplified customer journey i.e. no need to cancel direct debits and customer accounts and set up new instructions at their new property.

#### **5. ALTERNATIVE OPTIONS CONSIDERED**

5.1 To continue to collect garden waste over the Christmas period. This has been discounted due to the need to ensure resilience of core services over the period.

#### **6. CONSULTATION (INCLUDING THE EFFECT ON STAKEHOLDERS, PARTNERS AND THE PUBLIC)**

6.1 The Executive Member for waste and recycling and Deputy Executive Member for waste and recycling have been consulted and the proposal was also presented to Political Liaison Board on 14 July. Urbaser, our waste contractor have also been consulted.

#### **7. FORWARD PLAN**

7.1 This decision is a key Executive decision that was first notified to the public in the Forward Plan on 9 June 2022.

## **8. BACKGROUND/ RELEVANT CONSIDERATIONS**

- 8.1 In recent years, the waste service has suffered from resourcing issues over the Christmas period. This is due in part to staffing issues, including local effects of the national HGV driver shortage and collection crews and potential agency staff taking seasonal jobs. There is also always the possibility of severe weather causing disruption to services over this busy period. With increased waste and recycling tonnage over Christmas it is vital that these services can be effectively resourced to ensure any potential risk of disruption to service is minimised.
- 8.2 While recycling tonnages increase over Christmas, the amount of garden waste collected over the Christmas period shows a significant decrease e.g.in April 2019 we collected 307 tonnes a week of garden waste in North Herts, however in December 2019 this was only 50 tonnes a week.
- 8.3 To ensure staffing resources can be directed where they are most needed (i.e. to the universal recycling and refuse services which have high tonnages over Christmas), the decision has been taken not to collect garden waste bins during a two week period over Christmas - meaning subscribers will miss one collection. The impact of this will be minimal, given how few garden waste bins are presented over this time and how low the tonnage is. Real Christmas trees can be presented with brown bins on the next scheduled collection.
- 8.4 The change to the wording of the terms and conditions is “collection of garden waste, fortnightly, for the duration of this agreement, with the exception of one collection during the two-week catch up period following Christmas.”
- 8.5 The change to terms and conditions will be specifically referenced in the reminder letters and emails which are sent out to subscribers in advance of the next subscription period, giving direct debit customers adequate time to cancel should they wish to. A copy of terms and conditions is also sent with the permit which would give residents the opportunity to cancel under our t’s and c’s.
- 8.6 The process to change the terms and conditions as in paragraph 8.3 has already been carried out in East Hertfordshire and the council did not receive any complaints during the new subscription period.
- 8.7 The change to the terms and conditions with regards moving house is being introduced to provide a more streamlined customer journey, avoiding residents who move house having to cancel their direct debits and accounts and set up new ones for their new property. Instead residents will contact the council with their new address and their subscription will be transferred over to that property. If there is no permit on the bin when they move, they will be issued with a new one.

## **9. LEGAL IMPLICATIONS**

- 9.1. Constitution Terms of Reference state the following at 14.6.14:  
“Delegations of Executive Function for inclusion in the Scheme of Delegation  
In accordance with the Cabinet Procedure Rules and Terms of Reference executive functions will be delegated to the Cabinet Portfolios detailed on the Council’s website.”  
At 14.6.15 of the Constitution, the following is provided:  
“Extent of Delegated Authority  
The extent of the authority delegated to these Executive Members will be limited to:  
(a) Decisions which have a cost or saving less than the European Union Procurement threshold for Supplies and Services such as the limit may be from time to time.”

- 9.2. Section 45(3) of the Environmental Protection Act 1990 states “*no charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State*”. Section 4 of Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 states that charges may be made for the collection of household garden waste.
- 9.3. Section 45(3) of the Environmental Protection Act 1990 requires that collection authorities make a reasonable charge for the collection of household garden waste.

## **10. FINANCIAL IMPLICATIONS**

- 10.1. There are no direct financial implications arising from the decision, other than minor costs associated with issuing some households with new permits when they move house, should there not already be one on the bin when they move.
- 10.2. There may also be a small number of duplicate subscriptions e.g. two subscriptions for the same bin, when residents move house and these will be reduced.

## **11. RISK IMPLICATIONS**

- 11.1 There is a risk if we don't implement the change to the terms and conditions that the more heavily used and statutory waste services will encounter significant disruption due to resource issues, with potential for services to be suspended at short notice, or collection rounds not completing.
- 11.2 There is a risk that some residents will comment or complain about the change to their terms and conditions. However, the roll out of the change in East Herts saw no complaints despite clearly publicising the change. This experience combined with historical low garden waste tonnages captured over Christmas, and low participation rates mean this risk is likely to be minimal.

## **12. EQUALITIES IMPLICATIONS**

- 12.1 In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 Section 8.3 notes the reallocation of resources to where they are most required. This support of the universal recycling and refuse service provision acknowledges the high tonnages rates over Christmas period, and supports the identified needs of residents, of which may include those who have a protected characteristic.

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1 The Social Value Act and “go local” policy do not apply to this decision.

## **14. ENVIRONMENTAL IMPLICATIONS**

- 14.1. The reduction in garden waste collection rounds at Christmas will have a small impact on fuel use and positive impact on the Councils carbon footprint.

**15. HUMAN RESOURCE IMPLICATIONS**

15.1 The purpose of the decision is to provide greater staffing resilience for our contractor at an extremely busy time for our collection crews. Garden waste crews and drivers will be utilised for other parts of the service.

**16. BACKGROUND PAPERS**

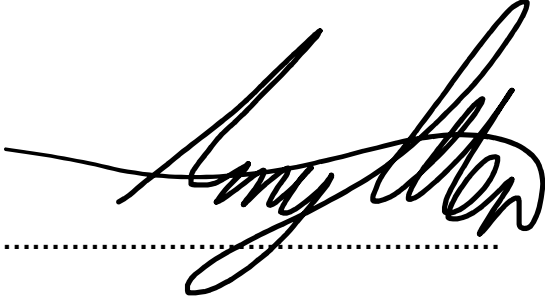
16.1 None

**17. APPENDICES**

17.1 None

**NOTIFICATION DATE**

TBC



Signature of Decision Taker .....

Date .....06/07/2022.....

**Please Note: that *unless urgency provisions apply* EXECUTIVE decisions cannot be implemented until 5 clear working days have elapsed after the decision has been taken to allow for scrutiny call-in.**

**Call-in does not apply to NON-EXECUTIVE DECISIONS**