

LONDON BOROUGH OF CROYDON

To: all Members of the Council (via e-mail)
Access Croydon, Town Hall Reception

PUBLIC NOTICE OF KEY DECISIONS MADE BY THE EXECUTIVE DIRECTOR OF PLACE ON 19 JANUARY 2016

In accordance with the Scrutiny and Overview Procedure Rules, the following decisions may be implemented from **1300 hours on 27 January 2016** unless referred to the Scrutiny and Overview Committee:

The following apply to each decision listed below

Reasons for these decisions: are contained in the **attached** Part A report

Other options considered and rejected: are contained in the **attached** Part A report

Details of conflicts of Interest declared: none

The Leader of the Council has delegated to the Executive Director of Place the power to make the decisions set out below:

EXECUTIVE DIRECTOR OF PLACE KEY DECISION REFERENCE NO. : 01/15/PL & 02/15/PL

Decision Title Delegated Kerbside Green Garden Waste Service

Having carefully read and considered the attached Part A report and the requirements of the Council's public sector equality duty in relation to the issues detailed in the body of the reports, the Executive Director of Place in consultation with the Cabinet Member for Clean Green Croydon.

RESOLVED to:

- 1.1 Cease the current free garden waste collection service;
- 1.2 Introduce a chargable garden waste collection service as detailed in paragraph 4 of the Part A report.

Scrutiny Referral/Call-in Procedure

1. The decisions may be implemented **1300 hours on 27 January 2016** (5 working days after the decisions were made) unless referred to the Scrutiny and Overview Committee.
2. The Borough Solicitor, Director of Legal and Democratic Services shall refer the matter to the Scrutiny and Overview Committee if so requested by:-

- i) the Chair or Deputy Chair of the Scrutiny and Overview Committee and 4 members of that Committee; or
 - ii) 20% of Council Members (14)
3. The referral shall be made on the approved pro-forma (*attached*) which should be submitted electronically or on paper to Solomon Agutu and Jim Simpson by **1300 hours on 27 January 2016**. Verification of signatures may be by individual e-mail, fax or by post. A decision may only be subject to the referral process once.
4. The Call-In referral shall be completed giving:
 - i) The grounds for the referral
 - ii) The outcome desired
 - iii) Information required to assist the Scrutiny and Overview Committee to consider the referral
 - iv) The date and the signatures of the Councillors requesting the Call-In
5. The decision taker and the relevant Chief Officer(s) shall be notified of the referral who shall suspend implementation of the decision.
6. The referral shall be considered at the next scheduled meeting of the Scrutiny & Overview Committee unless, in view of the Borough Solicitor, Director of Legal and Democratic Services, this would cause undue delay. In such cases The Borough Solicitor, Director of Legal and Democratic Services will consult with the decision taker and the Chair of Scrutiny and Overview to agree a date for an additional meeting. The Scrutiny & Overview Committee may only decide to consider a maximum of 3 referrals at any one meeting.
7. At the Scrutiny & Overview Committee meeting the referral will be considered by the Committee which shall determine how much time the Committee will give to the call in and how the item will be dealt with including whether or not it wishes to review the decision. If having considered the decision there are still concerns about the decision then the Committee may refer it back to the decision taker for reconsideration, setting out in writing the nature of the concerns.
8. The Scrutiny and Overview Committee may refer the decision to Full Council if it considers that the decision is outside of the budget and policy framework of the Council.
9. If the Scrutiny and Overview Committee decides that no further action is necessary then the decision may be implemented.
10. The Full Council may decide to take no further action in which case the decision may be implemented.
11. If the Council objects to the decision it can nullify the decision if it is outside of the policy framework and/or inconsistent with the budget.

12. If the decision is within the policy framework and consistent with the budget, the Council will refer any decision to which it objects together with its views on the decision. The decision taker shall choose whether to either amend / withdraw or implement the original decision within 10 working days or at the next meeting of the Cabinet of the referral from the Council.
13. The response shall be notified to all Members of the Scrutiny and Overview Committee
14. If either the Council or the Scrutiny and Overview Committee fails to meet in accordance with the Council calendar or in accordance with paragraph 6 above, then the decision may be implemented on the next working day after the meeting was scheduled or arranged to take place.
15. **URGENCY:** The referral procedure shall not apply in respect of urgent decisions. A decision will be urgent if any delay likely to be caused by the referral process would seriously prejudice the Council's or the public's interests. The record of the decision and the notice by which it is made public shall state if the decision is urgent and therefore not subject to the referral process.

Signed: Gabriel Macgregor, Acting Director of Legal and Democratic Services

Date: 21 January 2016

Contact Officers: Solomon.Agutu@croydon.gov.uk;
jim.simpson@croydon.gov.uk

Telephone: 020 8726 6000 Ext. 62326

PROFORMA

**REFERRAL OF A KEY DECISION TO THE
SCRUTINY AND OVERVIEW COMMITTEE**

For the attention of: Solomon Agutu & Jim Simpson,
Legal & Democratic Services Division

Meeting:
Meeting Date:
Agenda Item No:

Reasons for referral:

- i) The decision is outside of the Policy Framework
- ii) The decision is inconsistent with the budget
- iii) The decision is inconsistent with another Council Policy
- iv) Other: Please specify:

The outcome desired:

**Information required to assist the Scrutiny and Overview Committee to consider
the referral:**

Signed:

Date:

Member of _____ Committee

For General Release

REPORT TO:	Jo Negrini Executive Director of Place
AGENDA ITEM:	N/A
SUBJECT:	Delegated Kerbside Green Garden Waste Service Report
LEAD OFFICER:	Steve Iles Director Streets
CABINET MEMBER:	Councillor Stuart Collins, Deputy Leader and Cabinet Member for Green Clean Croydon
WARDS:	All
<p>CORPORATE PRIORITY/POLICY CONTEXT: The Administration has a commitment to make Croydon the cleanest and greenest borough in London. As part of the commitment to becoming the cleanest and greenest borough in London, it is recognised that the consistent delivery of high-quality Environmental Services is an integral element of achieving this aim.</p>	
<p>AMBITIOUS FOR CROYDON & WHY ARE WE DOING THIS: Cleaner & Greener – A review of the current service offer relating to the seasonal kerbside collection of green garden waste has been completed, and the recommended option for the future provision of this popular service will enable a new approach to the delivery of this service incorporating fairness of use for all.</p>	
<p>FINANCIAL IMPACT The current cost for the seasonal service for the collection and disposal of green garden waste is around £1.5m, and it is proposed through the recommended introduction of a chargeable green garden waste service with the aim that all associated collection costs for the new scheme will be covered over time once the scheme has established.</p>	
<p>KEY DECISION REFERENCE NO.: 02/15/PL 01/15/PL This is a Key Decision as defined in the Council’s Constitution. The decision may be implemented from 1300 hours on the expiry of 5 working days after it is made, unless the decision is referred to the Scrutiny & Strategic Overview Committee by the requisite number of Councillors.</p>	

The Leader of the Council has delegated to the Executive Director of Place (03/16/LR see Appendix 1 (for the power to make decisions as set out below) is recommended to 1.1 consider the Councils public sector equalities duty as analysed in the impact Assessment at Appendix 2;

1. RECOMMENDATIONS

The Executive Director of Place is recommended to consider the Councils public sector equalities duty as analysed in the impact Assessment at appendix 2 and agree;

- 1.2 That the current free garden waste collection service ceases;
- 1.3 That a chargeable garden waste collection service as detailed as in paragraph 4 be introduced.

2. EXECUTIVE SUMMARY

- 2.1 Croydon currently offers a fortnightly seasonal kerbside collection of green garden waste from kerbside properties (the current service) in the borough running for over five years. The 2015/16 budget for this service is around £1.5m. Residents pay for this service through their Council tax, whether they use it or not.
- 2.2 Unfortunately due to budget cuts of 41%, a total of £90 million, from central government since 2010, the Council has had to make some difficult choices which include substantial savings in its operation.
- 2.3 Therefore, along with all other Council services, a review of the current service was undertaken to help identify the potential options for change. The key aim being to achieve a saving of the annual cost of the garden waste service to the Council. As part of the review, the current service was benchmarked against neighbouring boroughs and their preferred service delivery models and consideration was also given to current market intelligence and to the existing integrated waste, recycling and street cleaning contract with Veolia which is due to end in March 2018.
- 2.4 It is clear from research undertaken by officers with other boroughs and feedback from the waste sector, that the majority of boroughs have moved away from providing the current free collection service offer (in that every household financially contributes to the cost of providing the service through Council Tax) to a chargeable service delivery model for the collection of green garden waste; 9 out of 32 London boroughs offer a free garden waste collection service.

2.5 The Landfill Directive (1999/31/EC) has set challenging targets for reducing the amount of Biodegradable Municipal Waste (BMW) going to landfill. In the UK the amount of BMW sent to landfill must be reduced to 75%, 50% and 35% of the 1995 baseline value by 2010, 2015 and 2020 respectively. Recent changes in waste legislation material facility regulations on what constitutes acceptable compostable waste has introduced tighter controls on quality.

3. DETAIL

- 3.1 The current service operates seasonally for 32 weeks a year between April and November, with fortnightly collections offering a service to an estimated 97,000 kerbside properties in the borough that are identified as having gardens or garden waste.
- 3.2 All residential households in the Borough (147,000) financially contribute to the cost of providing the current service which operate on ten recycling collection vehicles and a cage tipper each with a driver and two loaders.
- 3.3 The current participation from 147,000 households is not audited however participation of around the equivalent to 13,500 weekly households producing 10 sacks of 80L per collection is collected. This equates to around 26,000 fortnightly households currently participating.
- 3.4 Residents that can participate place up to 10 standard household sacks of green waste for collection on their scheduled collection day.
- 3.5 Based on the current tonnage collected 10,600 per annum, the highest amounts are collected from properties in the South of the borough. National regulated waste statistics indicate that garden waste comprises 20% of the 80% of the total recyclable waste content produced per household. Therefore the current garden waste service offers a service for around half of the total amount of garden waste we collectively produce.
- 3.6 The current garden waste service offers assisted collection service provision and facilitates collections from narrow streets using smaller vehicles.
- 3.7 Green garden waste, collected by the Council's waste & recycling collection contractor Veolia, is processed by contractor Viridor, at their plant in Beddington Farmlands facility where it is processed into a soil improver.
- 3.8 Croydon operates a 'Clear All' arrangement for all waste presented on streets, alternative mechanisms for controlling waste or fly tips such as enforcement approaches are limited.
- 3.9 The current service cost of £1.5m covers the collection costs charged by Veolia of around £1.03m per annum, and the processing costs charged by Viridor of around £480k per annum for these kerbside collections.
- 3.10 In December 2015 residents across the borough have presented a petition of 10,500 for the continuation of a free garden waste service which is being

processed. In addition to the petition a letter was received from KENDRA Residents Association regarding the approach to the introduction of the proposed garden waste service.

3.11 An initial review of the green garden waste service has been conducted by officers including a comprehensive desk based research exercise and a financial analysis of the potential options for change. The key aim is to achieve a £1.5M saving of the Council's annual cost of the garden waste service and to improve the service offer by improving the way the garden waste is collected for residents.

3.12 Several service delivery options were initially considered including:

Ceasing the service all together – would produce immediate savings of £1.5m based on the collection and processing costs provided previously. However a proportion of the 10,600 tonnes per annum currently collected would be diverted to landfill unless waste producing residents are able to either dispose of their waste as refuse sent to landfill or use one of the 3 Waste Reuse and Recycling Centres, and / or use a chargeable commercial waste collection company and/ or residents can home compost. See decision option under 1.2.

Reducing the service offer – reducing the number of sacks collected would provide savings only of the processed materials through Viridor based on an example of a reduction from 10 to 5 sacks or a 50% reduction in tonnage this would equate to a saving of £230,000 per annum and this cap may not be favorable with some current participating residents who produce variable quantities of garden waste.

Reducing the number of weeks the service operates- based on a 24 week service the savings have been estimated at £270,000 and this cap may not be favorable with some participating residents who continue to produce garden waste throughout the season.

The introduction of chargeable green garden waste service - based on an uptake of 12,000 properties subscribing to the scheme which is in line with officers assumptions based on other boroughs operating similar schemes, the estimated savings to the Council would be in the region of 1.5M at a charge of £60 for the service see decision option under 1.3.

3.13 For the purpose of estimating savings attributed directly to the above options costs any flytipping of disposal of garden waste directly to landfill costs have been excluded as these are unknown quantities and may occur which ever option is considered. The future total annual cost of garden waste to landfill is in the region of £975K unless available waste diversion options are utilised. Landfill is currently set at £92 per tonne, a significant £47 is saved for every tonne of garden waste diverted from landfill. Every year in the UK, the nation produces about 3% more waste than the year before.

Households No. (100% 1 tonne household rubbish per HH per annum)	(20% Garden Waste household Tonnes)/ Equivalent cost to Landfill 2015
147000 (All)	29000 / £2.3M
97000 (with Garden)	19400 / £1.6M
50000 (no Garden)	10000 / £826K
Current 2014/5	10600 / £875K

Based on WRAP UK standard figures for waste and homecomposting

3.14 Wider Benchmarking was carried out to review the viability of a payable garden waste service in comparison to other councils who have recently opted for chargeable garden waste services.

3.16 In June 2013 Sutton ended its free garden waste service, public consultation started in December and ended on the 15th January, 13000 residents registered and the scheme closed at year end with 18000 registered customers. Bins were priced at £55 and a £10 ‘early bird’ discount was applied to residents that joined the service before the 31st January. Sutton has increased its prices and extended the collection season for 2015/6. They currently have 8000 registered users and expect to receive 19000 customers by the end of February 2016.

3.17 Bexley Council ceased their food and garden waste service that had been operating for 11 years. Bexley offered the service as a collection only charge £27 for 25 fortnightly collections over 12 months 240L and is now £33 and they are likely to increase this in April 2017.

3.18 Comparative cost of bins with other local authorities

Borough	Type of receptacle for collection of chargeable green waste service	Frequency of collection	Annual cost of service
Bromley	240 litre bin	fortnightly	£60
Sutton	240 litre bin	fortnightly	£59
	140 Litre bin	fortnightly	£54
	2 x 240 litre bins	fortnightly	£94
Merton	240 litre bin	fortnightly	£65
Kingston	240 litre bin	fortnightly	£78

4. PROPOSED INTRODUCTION OF A CHARGABLE SERVICE

- 4.1 The introduction of a chargeable waste service based on a minimum uptake of 12000 would create annual savings of £1.5M. The service has with the future potential to grow to 32000 households approximately by one third of the 97,000 households producing garden waste.
- 4.2 The proposed chargeable garden waste service collection would be a fortnightly 30 week seasonal bin service offer to the 97,000 households that produce garden waste. It would operate between April and November. Around 19,400 tonnes of garden waste is estimated as garden waste and can be diverted from landfill.
- 4.3 The charges for the new service will be based on two bin sizes of a 240ltr bin and a 140ltr bin which are provided as part of the service but remain the property of the Council.
- 4.4 The collection service would consist of a minimum of 2 26 tonne recycling collection vehicles and a driver and two loaders per vehicle. A smaller 18 tonne narrow access vehicle that would enable narrow streets and collection points to be accessed.
- 4.5 The proposed charges for the two service option relating to the green garden waste collection service from April 2016 are for the cost of the running of the service and will be:
- 240 litre bin service at an annual cost of £60 or 140 litre bin service at an annual cost of £55

4.6 An 'Early Bird' discount will be offered in the the first part of first year of the scheme for £10.00 per bin collection service.

Type of Bin	EB discount	12000 Customers
140L / £55	-£16,110	1933 £106,315
240L / £60	-£72,460	8695 £521,700
2 x 240L £105	-£11,430	1372 £144,060
Total Sales	-£100,000	£772,075
Total Sales with EB discount		£672,075

4.7 Residents pay for their annual service online via credit / debit via MYACCOUNT, the weekly cost for the service over a calendar year equates to £1.15 per week for the 240 litre bin and £1.05 per week. for the 140 litre bin. There is a standard administration cover charge for taking credit card payment.

4.8 The assisted service provides assistance to residents who are unable to present their waste at the kerbside by collecting e.g. the bin from their property rather than the resident having to bring it out to the kerbside.

4.9 The assisted collection service provision would continue to be available for residents in respect of this service who are already registered on the Council's assisted collection schedule.

4.10 Residents are able to place their garden waste into their household refuse however doing this does not contribute positively to landfill waste reduction targets or in meeting national or locally set recycling targets.. Residents who choose to continue, or begin home composting of their green garden waste will be able to find some helpful advice on the Council's web page, and residents who do not use the chargeable service will be able to continue to take their green garden waste free of charge to any of the Council's three Household Reuse & Recycling Centres (HRRCs) at Factory Lane, Purley Oaks or Fishers Farm. Details surrounding home composting and the HRRCs are available on the councils website.

4.11 Based on the current uptake of around 12000 customers the service will be able to collect around 3750 tonnes of garden waste operating on 3 recycling collection vehicles. The service would generate a revenue of around £670K and

running and start up costs would be £670K.

4.12 The financial analysis of the costs of operating a chargeable service indicate that at the proposed charge to residents, a minimum 10,000 take-up rate is required to make the service viable.

5. Wider Engagement

5.1 The Croydon pre-registration process asked residents to request online if they would like to join the new service. This started on the 15th of November and ended on the 31st of December. The final registration count was 10,016.

5.2 Uptake for the Pre registration period from the 1st of November until the 31st December:

- Letters requesting registration were sent in mid November to over 140,000 households
- An email reminder bulletin to 55,000 My account customers sent out in batches in December
- A door-stepping engagement exercise was undertaken between the 14th -31st of December focusing on the South wards, 300 residents supported the new service or 60% uptake based on the number of households visited per street.
- 5000 leaflets and 50 posters were distributed with a focus on the popular garden waste wards and the local libraries.
- An internal communications led campaign including twitter feed, facebook, website banners and other social media promoted the registration period.
- 300 people registered via by telephone and letter or by using visitor guided support at the Access building. This offered back office correspondence and caller support to register users not familiar with online or MYACCOUNT login and registration processes.

5.3 At the end of pre- registration period a total of 11143 bins were requested by the 31st December 2015.

5.4 Registrations are now closed at 10016, however an additional 2000 requests have been predicted for the payable service since registration closed on the 31st of December.

6. Futher Considerations

6.1 Cessation of the garden waste service without implementing a chargeable garden waste would result in immediate savings of £1.5M. However that saving would be reduced by the expected immediate expenditure of £975k to manage the cost to Landfill and other waste diversion mechanisms for change.

6.2 If the the service is discontinued there are a number of exsiting alternatives available to support the waste minimisation of the existing 10,600 tonnes of garden waste.

- 3 household recycling and reuse centres are accessible to residents
- Residents can buy a household composter for their garden
- Residents can optionally use the bulky waste services that allows for up to 10 sacks to be collected

6.3 The existing service has run for 5 years therefore changes to discontinue the service will need to be widely publicised and communications campaign and contact support to address public expectations, views and any public petitions on the cessation of the service are needed and could cost 100K to deliver

6.4 The diverted waste could be placed into the household waste or be presented on the public streets and may result in an increase in the quantites of flytipped mixed waste.

7 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

7.1 There is the risk that introducing a chargeable green waste collection service is not positively received.

7.2 Revenue and Capital consequences of report recommendations

	Current year	Medium Term Financial Strategy – 3 year forecast		
	2015/16 £'000	2016/17 £'000	2017/18 £'000	2018/19 £'000
Revenue Budget available				
Expenditure	1500.	1,500		
Income				
Effect of decision from report				
Expenditure	1,500	670	670	670
Income		(670)	(670)	(670)
Remaining budget	<u>0</u>	<u>1,500</u>	<u>0</u>	<u>0</u>
Capital Budget available				
Expenditure	660	120	95	85

Effect of decision from report

Expenditure	420	120	95	85
Remaining budget	<u>240</u>	<u>0</u>	<u>0</u>	<u>0</u>

7.3 The effect of the decision

7.4 Introducing a chargeable waste service will commit the council to capital and revenue expenditure as set out in the above table.

7.5 The capital costs of the bins will be depreciated over a 10 year period and are included in the annual charge to customers.

8. Risks

8.1 The main risks associated with this project relate to achieving the required financial savings from April 2016 and the delivery of a chargeable service.

8.2 There is the risk that introducing a chargeable green waste collection service is not positively received.

8.3 In order to achieve the saving a minimum of 10,000 subscribers are required in order for the service to be viable. There is the risk that the service does not achieve the required level and therefore is not implemented.

8.4 The implementation of the chargeable service is dependent on the receipt and delivery of bins to subscribers. In the event that there is a delay to this element of the service this would impact on the service ability to commence the service. This would have both cost and reputational impacts. There is a risk that fly-tipping or disposal by residents of garden waste directly to landfill will occur, however discussions with other boroughs on this issue have indicated that they have not experienced significant increases.

8.5 Negotiations are ongoing with Volia to agree the costs of collection. If the outcome of these negotiations are different to the £670k assumed, then the full £1.5m saving may no longer be achievable.

9. Options

See options listed under 1. draft recommendations 1.1 01/15/PL & 1. 2 02/15/PL **10.**

10. Future savings/efficiencies

In conjunction with the education and communications processes set out to introduce more residents to the new garden waste scheme, an increase in participation will help to contribute towards the diversion of more waste from landfill. This will help to generate future savings needed.

11. Approved by: *Dianne Ellender* Department Head of Finance/ nominated deputy Louise Lynch

12.COMMENTS OF THE BOROUGH SOLICITOR AND MONITORING OFFICER

- 12.1 The Council Solicitor comments that s.45 of the Environmental Protection Act 1990 (as amended) and the Controlled Waste (England & Wales) Regulations 2012 made under it, allows Local Authorities recover a reasonable charge for the collection of green garden waste.
- 12.2 The Act is quite specific that the charge shall not arise until a person who controls the waste requests the authority to collect it. Therefore, to ensure effective recovery, it will be important to ensure that the terms and conditions for the service are made clear to those using it.
- 12.3 The legal requirements regarding when the Council has a duty to consult are set out in well-established case law. The case law recognises four instances where a duty to consult may arise:
- 1) a statutory duty to consult – there is not statutory duty to consult in relation to these services;
 - 2) where there has been a promise to consult – the Council are not aware of any such promises to consult having been made;
 - 3) where there is an established practice of consultation – in relation to the introduction of charges for certain services there has been no established practice of consultation;
 - 4) in exceptional circumstances where a failure to consult would lead to conspicuous unfairness - the Council has considered whether it would lead to an conspicuous unfairness if it did not consult. The free green waste collection service is not a statutory service, it is not focused on vulnerable communities and the Council's budgets spent on providing such services are required to be reprioritised. It has therefore been concluded that this it is not an exceptional case where a failure to consult would lead to obvious and evident unfairness.

Approved by: Gabriel MacGregor, Head of Corporate Law on behalf of the Council Solicitor & Monitoring Officer

13. HUMAN RESOURCES IMPACT

13.1 There are no human resources implications arising from this report.

13.2 Approved by Adrian Prescod, HR Business Partner, for and on behalf of Director of HR, Resources department.

14. EQUALITIES IMPACT

14.1 A full EIA has been carried out see appendix 1.

- 14.2 If the recommendations are agreed the impact assessment does not indicate that there will be any different or significant impacts on groups with a protected characteristic. Particularly in so far as garden waste may still be disposed at no additional charge to the resident.
- 14.3 If a decision is taken to continue with the current service there are no equalities implications.
- 14.4 If a decision is taken to cease the current garden waste service but not to adopt a replacement chargeable garden waste service there are implications and recommendations as set out in this report under section 6.

15. ENVIRONMENTAL IMPACT

- 15.1 It is assumed that as a result of the change in service delivery to a chargeable green garden waste service, this will enable some residents to begin composting their green waste. More green waste will be delivered directly by residents to the council's three Household Reuse & Recycling Centres, and overall, the amount of green waste that is collected by the council will reduce and this will impact on the council's overall recycling performance rate.

16. CRIME AND DISORDER REDUCTION IMPACT

- 10.1 There are no anticipated impacts on crime and disorder reduction resulting from the approval of the recommendations within this report.

17. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 17.1 The outcome of the service review has been that the proposed service delivery option now in place within the majority of the London Boroughs is for a chargeable green garden waste service, and feedback from the waste sector also supports this approach for service delivery for this element of waste, therefore the recommendation for consideration is to move to a chargeable service from April 2016.

17. OPTIONS CONSIDERED AND REJECTED

- 17.1 A range of delivery models were considered and explored through the review of the service options, and these are listed in paragraph 3.13

CONTACT OFFICER: Steve Iles, Director of Streets, Ext: 52821

BACKGROUND PAPERS - LOCAL GOVERNMENT ACT 1972

**MATTERS TO BE DEALT WITH UNDER EXECUTIVE POWERS BY THE
LEADER OF THE COUNCIL COUNCILLOR TONY NEWMAN**

Executive decision reference number: 03/16/LR

Key decision no. : this is not a key decision

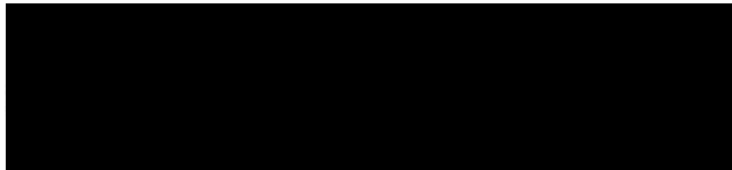
**DECISION TITLE: Delegation of executive powers to the Executive Director
Place - Changes to Garden Waste Service**

Recommendation:

Further to Cabinet minute no. A79/15 (vi), to recommend that the Leader gives executive delegated authority to the Executive Director Place in consultation with the Cabinet Member for Clean Green Croydon to undertake the relevant steps to finalise the review of the green garden waste service and introduce a green waste policy for the borough;

I agree the above recommendation

Signed:

A large black rectangular redaction box covering the signature of the Councillor.

Councillor Tony Newman, Leader of the Council

Date: 19/01/2016

Croydon Council Equality Analysis Form

Stage 1 Initial Risk Assessment - Decide whether a full equality analysis is needed

At this stage, you will review existing information such as national or local research, surveys, feedback from customers, monitoring information and also use the local knowledge that you, your team and staff delivering a service have to identify if the proposed change could affect service users from equality groups that share a “protected characteristic” differently. You will also need to assess if the proposed change will have a broader impact in relation to promoting social inclusion, community cohesion and integration and opportunities to deliver “social value”.

Please note that the term ‘change’ is used here as shorthand for what requires an equality analysis. In practice, the term “change” needs to be understood broadly to embrace the following:

- Policies, strategies and plans
- Projects and programmes
- Commissioning (including re-commissioning and de-commissioning)
- Service Review
- Budgets
- Staff structures (including outsourcing)
- Business transformation programmes
- Organisational change programmes
- Processes (for example thresholds, eligibility, entitlements, and access criteria)

You will also have to consider whether the proposed change will promote equality of opportunity; eliminate discrimination or foster good relations between different groups or lead to inequality and disadvantage. These are the requirements that are set out in the Equality Act 2010.

1.1 Analysing the proposed change

1.1.1 What is the name of the change?

Proposal to end the current free garden waste collection service and proposal to replace this with a chargeable garden waste service.

1.1.2 Why are you carrying out this change?

Please describe the broad aims and objectives of the change. For example, why are you considering a change to a policy or cutting a service etc.

The aim of this proposed change is to deliver a new low cost seasonal garden waste service offer for garden waste producing households collecting wheeled bins on a fortnightly collection.

The current garden waste service (the current service) is non-statutory 30 week seasonally run service collecting non- biodegradable sacks. The service costs 1.5M per year. It is estimated that around 20% of residents utilise the garden waste service and therefore around 80% do not benefit

from this service.

Instead the introduction of a new chargeable service model (the new service) with wheeled bins is being considered as it would create significant savings as part of managing expected reductions in public expenditure whilst continuing to supply services to those residents who require it.

1.1.3 What stage is your change at now?

See Appendix 1 for the main stages at which equality analyses needs to be started or updated. In many instances, an equality assessment will be started when a report is being written for Cabinet or Committee. If that report recommends that a proposed change takes place, the same equality assessment can be updated to track equality impacts as it progresses.

This equalities impact assessment is being undertaken in respect of the above proposals for the current and new service to inform the final decision when it is made.

A borough wide petition of 10,500 was received requesting for the continuation of the current service and this has since been processed.

Expressions of interest for running the proposed new chargeable garden waste collection service were captured between mid-November and the 31st of December, after which registrations were closed

A total of 10,092 residents have expressed an interest in the new service.

Contact processes for expressions of interest pre-registration (1st of November - 31st December 2015):

- Letters requesting registration were sent in mid-November to over 140,000 households
- An email reminder bulletin to 55,000 My account customers sent out in December
- A door-stepping engagement exercise was undertaken between the 14th -31st of December focusing on the South wards, 300 residents supported the new service or approximately 60% uptake based on the number of households visited per street.
- 5000 leaflets and 50 posters were distributed with a focus on the popular garden waste wards and the local libraries.
- A communications led campaign including Twitter feed, Facebook, website banners and other social media promoted the registration period for Expressions of interest.
- 300 people registered via by telephone and letter or by using visitor guided support at the Access building. This offered back office correspondence and caller support to register users not familiar with online or MYACCOUNT login and registration processes.

Please note that an equality analysis must be completed before any decisions are made. If you are not at the beginning stage of your decision making process, you must inform your Director that you have not yet completed an equality analysis.

1.2 Who could be affected by the change and how

1.2.1 Who are your internal and external stakeholders?

For example, groups of council staff, members, groups of service users, service providers, trade unions, community groups and the wider community.

The current service is available to 97,000 garden waste producing households out of a total of 147,000 household's.

Current participation is not audited however participation of around the equivalent to 13,500 weekly households producing 10 sacks of 80L per collection is collected. This equates to around 26000 fortnightly households currently participating.

Any cessation or the continuation of existing service or implementation of a new service offer will affect the following stakeholders:

- All residents currently using the current garden waste service will be affected by the change; this will include residents from protected groups
- Business waste collection providers operating in and around Croydon which offer chargeable collections
- The contracted Service Provider is Veolia , see 1.2.2

See section 2.1 for protected groups considered.

1.2.2 What will be the main outcomes or benefits from making this change for customers / residents, staff, the wider community and other stakeholders?

The main benefit and driver for the cessation of the current service is immediate savings of 1.5M. The contracted service provider Veolia would no longer provide the service and jobs may be affected. An assumed 10,600 annual tonnes of garden waste will need to be diverted from landfill. All residents can present their garden waste as normal refuse for collection at their kerbside. Residents who prefer to not use the Councils proposed new service or the waste and recycling centre to recycle will therefore need to use an alternative registered waste carriers or waste

collection companies that will apply a charge for their garden waste collections.

The new service model is similar to the current service. Collections will continue to be fortnightly for a 30 week season from April to November 2016. It will offer an affordable and cost effective garden waste collection service to eligible residents which include all protected groups. Based on a customer uptake of 15-18,000 the service will be cost neutral and any funds surplus to the delivering of the service shall be used to reduce the fees and charges for the following year.

Residents using the new service will continue to be able to recycle their garden waste at the kerbside for collection.

The assisted service provides assistance to residents who are unable to present their waste at the kerbside by collecting e.g. the bin from their property rather than the resident having to bring it out to the kerbside.

The assisted service will continue to be provided to customers who have been registered with the Council as requiring further help or assistance with their collections.

Residents will choose to pay for a 140L or 240L sized bin service. There will no longer be the option of presenting sacks of green waste for collection. This also supports wider industry approaches for safe environmental working practice.

Home composting and other waste diversion will be promoted.

Any cessation or the continuation of existing service or implementation of a new service offer will not cease the current service offer of three household reuse and recycling centres that accept garden waste for free. .

1.2.3 Does your proposed change relate to a service area where there are known or potential equalities issues?

Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response
If you don't know, you may be able to find more information on the Croydon Observatory (<http://www.croydonobservatory.org/>)

No – All eligible residents are having their waste collected.

Please also see response under 1.2.1.

1.2.4 Does your proposed change relate to a service area where there are already local or national equality indicators?

You can find out from the Equality Strategy (<http://intranet.croydon.net/corpddept/equalities-cohesion/equalities/docs/equalitiesstrategy12-16.pdf>). Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response

No – There are no equality indicators

1.2.5 Analyse and identify the likely advantage or disadvantage associated with the

change that will be delivered for stakeholders (customers, residents, staff etc.) from different groups that share a “protected characteristic”

Please see Appendix 2 (section 1) for a full description of groups.

	Likely Advantage if there is 1) new service offer 2) Current service continues 😊	Likely Disadvantage if there is no service offer 😞
Disability	<p>1&2)Residents can still get their garden waste collected at the kerbside</p> <p>1&2)An assisted collection service will continue to be included within the garden waste service</p> <p>1&2)There continues to be low cost alternatives via the HRRCs and home composting options 1&2) Telephone support and access to public buildings for computer access will support the online booking process for residents needing further assistance.</p>	<p>Residents that are keen recyclers may not have the kerbside option for separating their garden waste for kerbside collection and may be unable themselves to take it to a recycling centre.</p> <p>There continues to be low cost alternatives via the HRRCs and home composting options</p>
Race/ Ethnicity	n/a	
Gender	n/a	n/a
Transgender	n/a	n/a
Age	See above response	See above response
Religion /Belief	n/a	n/a
Sexual Orientation	n/a	n/a
Social inclusion issues	n/a	n/a
Community Cohesion Issues	1)The new service proposes that bins can be shared between neighbouring properties therefore enhancing community cohesion.	n/a
Delivering Social Value	n/a	n/a

1.2.6	<p>In addition to the above are there any other factors that might shape the equality and inclusion outcomes that you need to consider?</p> <p>For example, geographical / area based issues, strengths or weaknesses in partnership working, programme planning or policy implementation</p>
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The proposed introduction of a new chargeable garden waste service, offers an easy to use, kerbside collection of garden waste as an alternative to visiting the Household Reuse and Recycling Centres or composting at home. The new service will continue to benefit eligible residents who do not have access to a car, or are unable to visit the HRRCs.

Residents can place their garden waste into their household waste bin.

Residents have the option to use other waste providers and a wide range of collection companies operate on a national to local scale; however they often charge variable fees for service. A discretionary Council run garden waste service offers an affordable fixed alternative and helps to keep local costs and fees regulated supporting the needs of lower income householders.

The North of the borough has a higher population density than the South of the borough. Due to this arrangement some of the streets are narrow and unsuitable for the standard collection vehicles. The new service enables residents who live in high density areas with narrow roads to recycle their garden waste. The new service deploys narrow access vehicles to ensure that narrow roads are accessible for collections.

1.2.7	<p>Would your proposed change affect any protected groups more significantly than non-protected groups?</p> <p>Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response. For a list of protected groups, see Appendix.....</p>
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Yes –

Residents requiring an assisted collection receive a supplementary service offer which includes a doorstep collection of the bin from within the property boundary that is returned to position and not left at the boundary edge. This assisted collection ensures that residents who are eligible have ease of access to use their garden waste bin.

Additional advisory support and the option to use composting bags to facilitate the collection of their garden waste are available to a very small number of residents with extenuating eligibility or circumstances.

1.2.8	<p>As set out in the Equality Act, is your proposed change likely to help or hinder the Council in advancing equality of opportunity between people who belong to any protected groups and those who do?</p> <p><i>In practice, this means recognising that targeted work should be undertaken to address</i></p>
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the needs of those groups that may have faced historic disadvantage. This could include a focus on addressing disproportionate experience of poor health, inadequate housing, vulnerability to crime or poor educational outcomes etc.

Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response

- 1) New service**
- 2) Continue with current service**

1) The proposed new service assists with advancing equality as it creates more options available to residents to dispose of their garden waste.

1) Only 9 out of 32 London boroughs currently provide a free service and it is assumed that savings could be reallocated to support other key statutory services.

1.2.9 As set out in the Equality Act, is the proposed change likely to help or hinder the Council in eliminating unlawful discrimination, harassment and victimisation in relation to any of the groups that share a protected characteristic?

In practice, this means that the Council should give advance consideration to issues of potential discrimination before making any policy or funding decisions. This will require actively examining current and proposed policies and practices and taking mitigating actions to ensure that they are not discriminatory or otherwise unlawful under the Act

Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response.

Yes; all aspects of the service in relation to any of the groups that share a protected characteristic are mitigated as part of the new garden waste service. e.g. assisted collections and low cost alternatives.

1.2.10 As set out in the Equality Act, is your proposed change likely to help or hinder the Council in fostering good relations between people who belong to any protected groups and those who do not?

In practice, this means taking action to increase integration, reduce levels of admitted discrimination such as bullying and harassment, hate crime, increase diversity in civic and political participation etc.

Please answer either "Yes", "Don't know" or "No" and give a brief reason for your response

No; the new garden waste service offers an alternative disposal of garden waste. Without the introduction of a new service limited options would be available which would hinder the council fostering good relations between all people including those who belong to a protected group.

1.3 Decision on the equality analysis

If you answer "yes" or "don't know" to ANY of the questions in section 1.2, you should undertake a full equality analysis. This is because either you already know that your change or review could have a different / significant impact on groups that share a protected characteristic (compared to non-protected groups) or because you don't know whether it will (and it might).

- 1) New service
- 2) Continue with current service

Decision	Guidance	Response
	<p>Please state why not and outline the information that you used to make this decision. Statements such as 'no relevance to equality' (without any supporting information) or 'no information is available' could leave the council vulnerable to legal challenge.</p> <p>You must include this statement in any report used in decision making, such as a Cabinet report</p>	
<p>Yes, further equality analysis is required</p>	<p>Please state why and outline the information that you used to make this decision.</p> <p>1&2) All residents are stakeholders and due to this a full Equality Analysis is required.</p> <p>The analysis started in November 2015 and was completed by the 18th of January 2016</p> <p>The analysis will be published on the Council website and will be available under the cabinet report within the Demographic Services section.</p> <p>You must include this statement in any report used in decision making, such as a Cabinet report.</p>	
<p>Officers that must approve this decision</p>	<p>Name and position</p>	<p>Date</p>
<p>Report author</p>	<p>Linda Hall-Brunton, Garden Waste Project Manager</p>	
<p>Director</p>	<p>Steve Iles</p>	

1.4 Feedback on Equality Analysis (Stage 1)

Please seek feedback from the corporate equality and inclusion team and your departmental lead for equality (the Strategy and Planning Manager / Officer)

The implementation of the proposed new chargeable garden waste service in response to the cessation of the current garden waste service mitigates many of the equality issues associated with offering no service at all.

Name of Officer		Yasmin Ahmed / David Claydon
Date received by Officer		Please send an acknowledgement
Should a full equality analysis be carried out?		Note the reasons for your decision

Stage 2 Use of evidence and consultation to identify and analyse the impact of the change

Use of data, research and consultation to identify and analyse the probable impact of the proposed change

This stage focuses on the use of existing data, research, consultation, satisfaction surveys and monitoring data to predict the likely impact of proposed change on customers from diverse communities or groups that may share a protected characteristic.

Please see Appendix 2 (section 2) for further information.

2.1 Please list the documents that you have considered as a part of the equality analysis review to enable a reasonable assessment of the impact to be made and summarise the key findings.

This section should include consultation data and desk top research (both local and national quantitative and qualitative data) and a summary of the key findings.

- The borough profile

In this report stats relating to the following categories was reviewed as having a possible relevance:

BME
 Religion
 Gender
 Health
 Deprivation
 Disability
 Diversity
 Crime
 Barriers to Housing
 Income Deprivation
 Unemployment
 Environment and Transport
 Waste, Reuse and Recycling
 Conservation
 Travel and Car Access
 Homelessness
 Fly tipping

- <http://www.croydonobservatory.org/>
Equalities Data by ward
Borough Profile 2015
- Nomus Website
- Stats for the service
- Waste Data Flow Stats
- Service Delivery Plans & Reports

2.2 Please complete the table below to describe what the analysis, consultation, data collection and research that you have conducted indicates about the probable impact on customers or staff from various groups that share a protected characteristic.

Group's with a "Protected characteristic" and broader community issues	Description of potential advantageous impact	Description of potential disadvantageous impact	Evidence Source
AGE	1) New service 2) Continue with current service 3) No advantageous impact if service is removed. 1) The disadvantages will be addressed by introducing a new chargeable garden waste service as an	3) If cessation of current service is not replaced with a new service 3) Affected residents who prefer not to use the refuse service only are unable to use or access the Household Waste and Recycling Centres and/ or no use of home composters to recycle or	Under 2.1

Group's with a "Protected characteristic" and broader community issues	Description of potential advantageous impact	Description of potential disadvantageous impact	Evidence Source
	1) New service 2) Continue with current service alternative kerbside option and assisted collections offer with online and customer support.	3) If cessation of current service is not replaced with a new service compost garden waste. Only options are to use the current chargeable bulky waste service/ private waste company or alternatively landfill in refuse or travel to Household Reuse and Recycling Centres. No further assistance.	
DISABILITY	3) No advantageous impact if service is removed. 1) The disadvantages will be addressed by introducing a new chargeable garden waste service as an alternative kerbside option and assisted collections offer with online and customer support. With the option of ordering 2 x 240L bins or smaller bins for containment.	3) Unable to home compost large amounts of garden waste produced. Only option to use the current chargeable bulky waste service/ private waste company or alternatively landfill in refuse or travel to Household Reuse and Recycling Centres. No further assistance.	Under 2.1

2.3 Are there any gaps in information or evidence missing in the consultation, data collection or research that you currently have on the impact of the proposed change on different groups or communities that share a protected characteristic? If so, how will you address this?

Please read the corporate public consultation guidelines before you begin:
<http://intranet.croydon.net/finance/customerservices/customerserviceprogramme/stepbystepguide.asp>.

The Council had a vast amount of information in which to carry out this analysis see section 2.1. No consultation was necessary.
A community engagement exercise to make residents aware of the proposals see section 1.1.3

2.4 If you really cannot gather any useful information in time, then note its absence as a potential disadvantageous impact and describe the action you will take to gather it.

Please complete the table below to set out how will you gather the missing evidence and make an informed decision. Insert new rows as required

Group's with a "Protected characteristic" and broader community issues	Missing information and description of potential disadvantageous impact	Proposed action to gather information

Stage 3 Improvement plan

Actions to address any potential disadvantageous impact related to the proposed change

This stage focuses on describing in more detail the likely disadvantageous impact of the proposed change for specific groups that may share a protected characteristic and how you intend to address the probable risks that you have identified stages 1 and 2.

3.1 Please use the section below to define the steps you will take to minimise or mitigate any likely adverse impact of the proposed change on specific groups that may share a protected characteristic.

Equality Group (Protected Characteristic)	Potential disadvantage or negative impact e	Action required to address issue or minimise adverse impact	Action Owner	Date for completing action
Age	Unable to participate in recycling or access alternative locations as no kerbside service offer other than	Main mitigation is for the paid service or continuation of the existing service, however a number of waste diversion alternatives are offered by the Council but require travel i.e. by car		

	household refuse is available			
Disability	See above response	See above response		

3.2 How will you ensure that the above actions are integrated into relevant annual department or team service plans and the improvements are monitored?

If there is a cessation of service then there will be an impact to residents under the above affected protected groups. The mitigation is for the continuation of a kerbside collection offer with assisted collections and customer services support.
 By reviewing the cost model for the kerbside service to implement service delivery and collection improvements each year. The Contracts Manager will oversee the service delivery under the waste service's plan and ensure that deliverables are incorporated into service review points.

3.3 How will you share information on the findings of the equality analysis with customers, staff and other stakeholders?

The information will be available on the Council website under Equalities and under Democratic Services section with a link within the cabinet report 18/1/15.

Section 4 Decision on the proposed change

4.1 Based on the information in sections 1-3 of the equality analysis, what decision are you going to take?

Decision	Definition	Yes / No
We will not make any major amendments to the proposed change because it already includes all appropriate actions.	Our assessment shows that there is no potential for discrimination, harassment or victimisation and that our proposed mitigation change for the new chargeable service already includes all appropriate actions to advance equality and foster good relations between groups.	No
We will adjust the proposed change.	We have identified opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the proposed change to introduce a chargeable garden waste service. We are going to take action to make sure these opportunities are realised.	YES
We will continue with the proposed change as planned because it will be within the law.	<p>We have identified opportunities to lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups through the proposed mitigation for change i.e. proposed new chargeable service.</p> <p>However, we are not planning to implement them as we are satisfied that our project will not lead to unlawful discrimination and there are justifiable reasons to continue as planned.</p>	YES
We will stop the proposed change.	The proposed change for the cessation of the current service would have adverse effects on one or more protected groups that are not justified and cannot be lessened. It would lead to unlawful discrimination and must not go ahead. The proposed mitigation to introduce a chargeable garden waste service would lessen the impact of discrimination, harassment or victimisation and better advance equality and foster good relations between groups.	No

4.2 Does this equality analysis have to be considered at a scheduled meeting?
If so, please give the name and date of the meeting.

Yes cabinet report on 18/1/16

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4.3	When and where will this equality analysis be published? An equality analysis should be published alongside the policy or decision it is part of. As well as this, the equality assessment could be made available externally at various points of delivering the change. This will often mean publishing your equality analysis before the change is finalised, thereby enabling people to engage with you on your findings.
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On the Council website by the 18 th January.

4.4	When will you update this equality analysis? Please state at what stage of your proposed change you will do this and when you expect this update to take place. If you are not planning to update this analysis, say why not
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This analysis report will be reviewed following any significant consultation feedback received.

4.5	Please seek formal sign of the decision from Director for this equality analysis? This confirms that the information in sections 1-4 of the equality analysis is accurate, Comprehensive and up-o-date.
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Officers that must approve this decision	Name and position	Date
Head of Service / Lead on equality analysis		
Director		

Email this completed form to equalityandinclusion@croydon.gov.uk , together with an email trail showing that the director is satisfied with it.
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