



EXECUTIVE 22nd February 2022

Report Title	Update on Garden Waste Service
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Lead Member	Cllr Graham Lawman, Executive Member for Highways, Travel and Assets

Key Decision	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

None.

1. Purpose of Report

- 1.1. This report provides the Executive with a summary of the existing garden waste service offered to residents of North Northamptonshire. The report recommends that a public consultation exercise is conducted to seek residents' preferences regarding the future provision of a household garden waste service.

2. Executive Summary

- 2.1. Residents of North Northamptonshire can dispose of garden waste, free of charge, at any of the Council's Household Waste and Recycling Centres (HWRCs). Residents can also have their garden waste collected from outside their home using the Council's kerbside garden waste service. North Northamptonshire has inherited the former district and boroughs models of

collection which differed from one another. These services were transferred to the new unitary authority on 1st. April 2021 and remain in operation.

- 2.2. This current situation has resulted in disparities between the services across North Northamptonshire. Notably, the kerbside collection service in Wellingborough operates for a shorter period (8 months of the year) and residents in the area of East Northamptonshire who choose to use the service are required to subscribe for it and pay the subscription charge.
- 2.3. It is important to look towards harmonising the garden waste service across North Northamptonshire so that all residents receive the same service on the same basis.
- 2.4. To achieve harmonisation, several options need to be considered and are presented in this report.
- 2.5. To inform a decision about the future provision of garden waste services, the Executive is recommended to conduct a public consultation exercise. This exercise would look to launch in March 2022, with the results presented to the Executive in July 2022 to inform their decision about future service provision.

3. Recommendations

- 3.1. It is recommended that the Executive agree to:
 - a) Conduct a public consultation regarding the future provision of a kerbside garden waste collection service.
 - b) Delegate authority to the Executive Member for Highways, Travel and Assets in consultation with the Executive Director of Place and Economy to finalise the content and timing of the consultation.
- 3.2. Reason for Recommendations: The proposed consultation will allow residents to share their views on the future provision of the service. This is particularly important given any decision will affect all residents, including those who do not require or need a garden waste service. Following consultation, the Executive will then be able to consider the responses and determine the nature of the future service.
- 3.3. Alternative Options Considered: The Executive could decide on the future provision of the garden waste service without consulting with residents. This option is not recommended as it will not enable residents to provide their opinions on this matter nor give the Executive analytical data on which to base their decision.

4. Report Background

- 4.1. The Council currently offers kerbside collection of household and garden waste for their residents.
- 4.2. Residents can also dispose their household and garden waste, free of charge, at any of the Household Waste Recycling Centres in North Northamptonshire; being sited in Corby, Kettering, Rushden and Wellingborough.
- 4.3. The former district and boroughs councils covering the area of North Northamptonshire operated kerbside garden waste services which differed from one another. These services were transferred to the new unitary authority on 1st. April 2021 and remain in operation. The current services provided in each area are outlined below:

Area	Collection Period	Subscription charge
Corby and Kettering	12 months, fortnightly	Nil
East Northants	12 months, fortnightly	£55/year
Wellingborough	Early March – Early November (8 months), fortnightly	Nil

- 4.4. This situation has resulted in disparities between the services across North Northamptonshire. Notably, the service in Wellingborough operates for a shorter period and residents in the area of East Northamptonshire who choose to use the service are required to subscribe for it and pay the subscription charge. It should be noted the Council is not the only provider of a subscription service in the East Northants area; a private operator provides a service on a subscription basis.
- 4.5. It is common across England for local authorities to run a subscription-based service requiring residents to pay a subscription charge to access a kerbside collection service. Local authorities are permitted to determine the rate of a reasonable charge and it varies across the country.
- 4.6. During the consultation phase, to inform the emerging Environment Bill, the Government asked whether local authorities should be required to introduce a free fortnightly garden waste collection service. Although the outcome of that consultation has still not been published, the Environment Bill is now enshrined into UK law having been granted Royal Assent in November 2021. Within the Act, there is no restriction on charging for the collection of garden waste. The Government may still change the regulations and restrict local authorities' flexibility to charge residents a fee to receive a garden waste service, but, they have not indicated any further intention to do so.

- 4.7. It is now appropriate to move quickly towards harmonising the garden waste service across North Northamptonshire so that all residents receive the same service on the same basis.
- 4.8. Before deciding upon the nature of the kerbside garden waste service for North Northamptonshire, it is recommended that a full consultation exercise is undertaken to seek the views of residents.

5. Issues and Choices

- 5.1. To implement a harmonised kerbside garden waste service, the Executive has several key options and considerations which will need to be explored as part of the consultation exercise:
 - 5.1.1. To provide a universal garden waste service to all residents without an additional charge;
 - 5.1.2. To determine which months of the year a kerbside collection service will operate.
 - 5.1.3. To provide a subscription-based garden waste service to residents who wish to subscribe to the service and pay a subscription charge;
 - 5.1.4. If a subscription charge is to be levied, the level of this charge.
- 5.2. To reach a decision on how to operate and fund the kerbside garden waste service, it is recommended that a public consultation exercise is carried out. This consultation will allow residents to share their views on the future provision of the service. This is particularly important given any decision will affect all residents, including those who do not require or need a garden waste service. Following consultation, the Executive will then be able to consider the responses and make decisions on the nature of the future service.

6. Next Steps

- 6.1. If the Executive agree to consult residents on this matter, a consultation exercise will be launched in March 2022 and sufficient time will be given for residents to consider and respond to the consultation.
- 6.2. The consultation will be carried out using the Council's consultation on-line hub available here: <https://www.northnorthants.gov.uk/have-your-say/current-consultations>
- 6.3. Alternative formats will be made available for those unable to access the Council's website.
- 6.4. The consultation will be publicised through local media outlets, social media and the Council's website.

- 6.5. Following consultation, the Executive will be asked to consider the responses and make a decision on the future service provision. This is expected to occur at their meeting in July 2022.
- 6.6. Should the Executive decide to make changes to the existing arrangements, it is anticipated that these changes can be implemented by Autumn 2022, dependent on the necessary resources being made available.

7. Implications (including financial implications)

7.1. Resources and Financial

- 7.1.1. There are no resource or financial implications arising from the proposal to carry out a consultation exercise. Full financial details on the agreed way forward will be detailed in the July Executive report.

7.2. Legal and Governance

- 7.2.1. Continuity provisions contained within the Local Government (Structural Changes) (Transitional Arrangements) (No 2) Regulations 2008 provide that decisions of predecessor Councils automatically transfer to the new Council. The Council is able to continue with the legacy policies, however, to continue for an extended period of time, without working towards harmonisation, increases the risk of legal challenge. The recommended decision demonstrates a commitment to working towards a harmonised approach for North Northamptonshire.
- 7.2.2. The Council is the waste collection authority for the area with a duty to collect specified forms of waste under the Environmental Protection Act 1990.
- 7.2.3. Section 45 of the Environmental Protection Act 1990 enables such authorities to make reasonable charges for the collection for specified waste defined by the Secretary of State. The forms of waste for which the Council may charge is defined in the Controlled Waste (England and Wales) Regulations 2012 at Schedule 1, section 4. This includes green garden waste. The Council can, therefore, agree to implement a subscription-based garden waste collection scheme and make charges for collection, should it decide to do so.
- 7.2.4. In terms of consultation, there is no express statutory duty to consult on this matter. There is, however, a duty on public authorities to act fairly in the exercise of their functions and there is a risk of challenge due to the significance of the decision on residents of North Northamptonshire, if the Council did not consult prior to making a decision.

7.3. Relevant Policies and Plans

7.3.1. North Northamptonshire Waste and Recycling Policy as approved by Executive on 18th November 2021:

7.3.2. <https://northnorthants.moderngov.co.uk/documents/s3804/Appx%20A%20-%20NNC%20Waste%20Recycling%20Policy%20V0.1%2013.10.21.pdf>

7.4. Risk

7.4.1. There are no significant risks arising from the proposed recommendations in this report.

7.4.2. The implementation of any proposed changes to the garden waste service, following consultation and further Executive decision, will be subject to risks relating to timescales and costs of implementation.

7.4.3. Should the Government reduce the flexibility of local authorities to charge a fee for the collection of garden waste, the Executive may have to reconsider its options or change the basis of any future service.

7.4.4. The timescales mentioned in this report may not be achieved if insufficient resources are available to implement the Executive decision regarding future service provision or there is a delay in making the Executive decision.

7.4.5. An internal Project Team will be established to ensure the work progresses as planned and to manage and mitigate the risks detailed above.

7.5. Consultation

7.5.1. There has not been any consultation carried out in advance of this report. The proposed consultation is considered to be necessary to ensure an informed decision is made at a later date.

7.6. Consideration by Executive Advisory Panel

7.6.1. This item has not been considered by an Executive Advisory Panel (EAP). It is proposed that the results of any consultation are considered by the Climate Change, Environment and Growth EAP ahead of the Executive making a decision on the future provision of garden waste services.

7.7. Consideration by Scrutiny

7.7.1. This item has not been considered by the Scrutiny Commission but could be considered as part of its work programme during 2022.

7.8. Equality Implications

7.8.1. The consultation will be hosted on-line and alternative formats will be available to those who are not able to access it through the Council's website. Any changes to the garden waste service which arise from a future Executive decision will be considered in light of The Equality Act and a full Equalities Impact Assessment would be completed

7.9. Climate Impact

7.9.1. Any changes to the kerbside garden waste service which arise from a future Executive decision will be considered in light of the Council's commitment to tackling climate change.

7.10. Community Impact

7.10.1. There are no specific community impacts arising from carrying out the recommended consultation.

7.11. Crime and Disorder Impact

7.11.1. There are no specific crime and disorder impacts arising from carrying out the recommended consultation. Any changes to the garden waste service which arise from a future Executive decision will consider the importance of ensuring residents have a legal and reasonable route to dispose of their waste.

8. Background Papers

8.1. None.