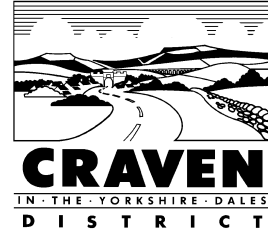


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Policy Committee –
16th September, 2014



COLLECTION POLICY

Report of the Director of Services

Ward(s) affected: ALL

1. **Purpose of Report** – To seek approval from members to introduce a Collection Point Waste Collection Policy.
2. **Recommendation** – Members are recommended to:
 - 2.1 Approve a Collection Point Waste Collection Policy as set out in Appendix A.
 - 2.2 Request the Waste and Recycling Manager consults with each individual householder who may be affected by the introduction of the Collection Point Waste Collection Policy prior to implementing any Collection Points.
3. **Background**
 - 3.1 The Council has operated an ‘edge of property’ or curtilage collection service for wheeled bins since 1997 when wheeled bins for domestic waste were introduced replacing the ‘back door’ collection scheme that was in place for black sack collections. Between 1997 and 2010 Craven District Council (CDC) operated a weekly domestic waste collection scheme. In February, 2010 The Council changed its collection scheme to an Alternate Weekly Collection scheme (AWC) meaning that collections of domestic waste changed to bi-weekly.
 - 3.2 There have been no changes to this Policy in the intervening years.
 - 3.3 In the three years to 2013/14 the Health and Safety Executive conducted an audit of every Local Authority’s waste collection service with the aim of improving health and safety outcomes by reducing the incidence of injury, ill-health and days lost in the waste management and recycling industry. Craven District Council’s waste collection service was audited between September and December 2013.
 - 3.4 This review of the Council’s current Collection Policy has been undertaken as a direct result of a recommendation from the HSE audit.
 - 3.5 The audit consisted of an initial review of the Council’s Waste Collection Health and Safety Policy, Risk Assessments and Safe Systems of Work. The follow up visits were evidence based ones and they consisted primarily of interviews with supervisory staff and a series of site visits to observe waste collection crews as they undertook their duties.
 - 3.6 As part of the Audit an Improvement Notice was served requiring the Council to carry out an assessment of their manual handling operations. In order to carry out a suitable and sufficient assessment, consideration had to be given to the tasks, loads, working environment and individual capability and required the Council to take appropriate steps to reduce the risk of injury to employees in their undertaking of manual handling operations to the lowest level reasonably practicable.

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- 3.7 The Manual Handling Risk assessment was completed and submitted to the HSE satisfying the initial Improvement Notice. However the assessment highlighted instances where Waste Operatives were retrieving a number of bins over considerable distances from where waste vehicles can safely access e.g. rear alleys and this continued practice over a period of time was, in the opinion of the HSE significantly increasing the risk of injury to waste collection crews. It is estimated this practice applies to around 10% (2,500) of the Craven properties.
- 3.8 In addition the HSE informed the Council that the Council had available to it the ability to designate collection points, a practice in other local authorities, including all North Yorkshire District Councils, York and Leeds and a practice that offers a reasonable practicable alternative to reduce the risk of injury.
- 3.9 The Council's sickness absence figures in Waste Management support the HSE concerns that in operating the current 'edge of property' collection service over a period of time is potentially leading to increased sickness levels. Waste Management has an ageing workforce. 49% of Waste Management staff are aged 45-54 and account for 54% of short term absence and the most common reason for short-term absence in the 45-54 age group in Waste Management are back and other musculo-skeletal problems.
- 3.10 The proposed Collection Point Policy is attached at Appendix A

4 Implementation of a Collection Point Policy

- 4.1 It is estimated that about 10% of households in the district would be designated collection points, the majority of which are terraced properties with back alleys where refuse collection vehicles could not directly access.

All other properties (approximately 90%) would see no change to their current collection arrangements.

- 4.2 Prior to the implementation of the Collection Point policy all affected householders will be consulted to identify the most convenient location for bins to be placed for collection. As part of this consultation process the Council will aim to be a sympathetic as practicable recognising the need to balance the health and safety of both employees and residents.
- 4.3 In order to implement the policy a resource will be needed for a period of 4 months to identify all affected households and communicate with the households.

A Project Plan/Timetable is attached at Appendix B that details how this policy change will be communicated to any affected householders.

- 4.4 Post implementation there may be an opportunity to review existing collection rounds. The rounds will be monitored for a three month period after which some day changes may be required to increase efficiency and balance workloads amongst collection crews.

Alternatives to Collection Point Policy

- 4.5 Alternatives to moving bins to the nearest point accessible by the waste vehicles that have been considered include;
- Smaller vehicles which may be able to access some households. These vehicles have limited capacity, adding significant additional capital and revenue costs.
 - Smaller bins. The existing 240 litre bins could be replaced with smaller 140 litre bins. However, there may not be enough capacity in some cases and it would still require operatives to push/pull bins

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- Communal bins. This could apply to 4 or more properties although would be unsightly and open to abuse.

Legislation

- 4.6 Craven District Council, as the Waste Collection Authority, has the necessary powers under legislation to stipulate to occupiers the type and number of refuse receptacles to be used.

Under the Wheeled Container Scheme the principle receptacle for refuse storage and collection is the wheeled bin. It is only in exceptional circumstances where the use of the wheeled bin is totally impracticable will other methods be considered.

If an occupier fails to comply with the requirements of the scheme the Authority may by issue of Notice require compliance. (Environmental Protection Act 1990 S.46)

- 4.7 The Waste Collection Authority has the powers to require occupiers to take their receptacles to a lane end or collection point under the terms of the Environmental Protection Act 1990 S46(4b).

Assisted Collections

- 4.8 The Council already has an 'Assist Scheme' in place to help householders who are physically unable to move bins. This scheme will also be available to any householder who will be asked to leave their bin at a Collection Point under the new policy.

- 4.9 To access the 'Assist Scheme' the householder is required to sign a declaration;-

- confirming they and all members of their household are physically unable to present the refuse / recycling containers at the required collection point.
- agree to inform the Council immediately if any circumstances change and they are no longer in need of the assisted collection service
- understand that the Council reserves the right to remove the property from its assisted collection list should their circumstances change and/or any family member residing at the property is found to be capable of presenting the refuse/recycling container(s) at the agreed collection point

- 4.10 The Council reserves the right to request a certificate from a doctor. The decision as to whether to assist or not is made by the Operations Manager. An appeal against the Operations Manager's decision can then be made to the Waste Manager.

- 4.11 Communication to householders about collection points will make it clear that the 'Assist Scheme' is available for householders. It is projected between 25-30% (700) of the predicted 10% (2600) of properties requested to locate their bins at collection points may receive an assisted service.

Best practice in other Local Authorities

- 4.12 Enquiries have been made with a number of local authorities and none have stated that they collect bins from rear alley ways. Councils have either ceased the practice on direction from the Health and Safety Executive or refrained from back alley collections at the point of introduction of a wheelie bin service.

- 4.13 The following is a sample of the responses from enquiries made;

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- City of York have a 'Central Collection Point' policy which requires householders to take their bins to a pre-determined collection point in alleys that the Refuse Collection Vehicle cannot directly access.
- Harrogate BC have a two tier policy for such properties. Firstly they would be offered Kerbside Front Garden collections if appropriate, secondly they would be given a collection point for wheeled bin collections
- Selby – if a back alley was uneven, or cobbled, Selby's policy is not to ask crews to pull bins over the surface. They also have a collection point policy for such households
- Hambleton – Hambleton BC have had a Collection Point Policy since the introduction of wheeled bins in 2002.
- Richmondshire – included collection points as part of their Alternate Weekly Collection Wheeled bin policy when introduced.

Consequences of Non Compliance with the HSE directions

4.14 Non-compliance with the HSE's recommendation to adopt a collection point policy could result in the HSE classing this as a material breach of legislation, in relation to the management of manual handling and as a failure to ensure the health safety and welfare of the Council's employee's as far as reasonably practicable. If the Council chose to not implement the policy it would be up to HSE to determine whether they classed this non-compliance as a material breach, and if they did what they felt the appropriate enforcement option was. The HSE have four main tools that they can use to address material breaches of legislation, these are:

- A further letter of recommendation, although this seems unlikely as CDC have already received a letter of recommendation. The cost of the issuing of a letter of recommendation would be in line with the HSE's Fee for intervention scheme, which is a cost recover scheme for HSE's time and resources for identifying a material breach in legislation in accordance with regulations 23 to 25 of The Health and Safety (Fees) Regulations 2012. This enables the HSE to charge £124 per hour based on the amount of time it takes HSE to identify and conclude its regulatory action, in relation to the material breach (including associated office work); and/or
- An improvement notice which is issued under Section 21 Health and Safety at Work etc Act states that, where an inspector is of the opinion that a person is contravening one or more of the relevant statutory provisions, or has contravened one or more of those provisions in circumstances that make it likely that the contravention will continue or be repeated, s/he may serve an improvement notice to require an employer to meet the required standard within a reasonable time limit. This will be classed as a material breach so will attract the Fee for Intervention charge highlighted above, as well as any costs to remedy the said situation; or
- Prohibition notices may be served under sections 22 and 23 of the Health and Safety at Work Act and may be served in relation to activities which are being, or are likely to be, carried on, and to which any of the relevant statutory provisions apply and the inspector is of the opinion that an activity carried on (or likely to be carried on) by or under the control of that person involves (or will involve) a risk of serious personal injury. The issuing of a prohibition notice means that the said activity must stop immediately until an appropriate solution which achieves the required standards can be implemented. This would also be classified as a material breach and so fee for intervention would also apply;

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- Prosecution proceedings could be started against CDC either because of failure to comply with an Improvement or Prohibition Notice or because the HSE deem the contravention to be sufficiently significant that in accordance with the Enforcement Management Model a prosecution would be an appropriate enforcement expectation. The likely cost implications of a prosecution could range from £5000 to £20000 in a Magistrates court or a multiple of such i.e. £20,000 + £5,000 depending upon whether a charge was laid for a breach of health and safety regulations or a breach of the health and safety at work etc. Act or a combination. Also if the case was taken to Crown court the fine could be unlimited, this would also be combined with the legal cost of defending a case and potential reputation risk as well.

5. Implications

5.1 Financial and Value for Money (vfm) Implications –

There is a cost associated with implementation requiring technical input identifying affected properties £8,000 and communications to any affected properties £1,000. These costs can be retained within existing service unit budgets.

5.2 Legal Implications –

The Council has a duty to comply with Health and Safety at Work etc. Act 1974 (the Act). By section 2(1) of the Act;

- (1) *It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees.*
- (2) *Without prejudice to the generality of an employer's duty under the preceding subsection, the matters to which that duty extends include in particular—*
 - the provision and maintenance of plant and systems of work that are, so far as is reasonably practicable, safe and without risks to health;*
 - arrangements for ensuring, so far as is reasonably practicable, safety and absence of risks to health in connection with the use, handling, storage and transport of articles and substances;*
 - the provision of such information, instruction, training and supervision as is necessary to ensure, so far as is reasonably practicable, the health and safety at work of his employees;*
 - so far as is reasonably practicable as regards any place of work under the employer's control, the maintenance of it in a condition that is safe and without risks to health and the provision and maintenance of means of access to and egress from it that are safe and without such risks;*
 - the provision and maintenance of a working environment for his employees that is, so far as is reasonably practicable, safe, without risks to health, and adequate as regards facilities and arrangements for their welfare at work.*

It is an offence to fail to comply with s2 of the Act. It is a separate offence to fail to comply with an Improvement or Prohibition Notice. A prosecution may be commenced against the Council and/or any director, manager, secretary or other similar officer.

The maximum penalty for each offence charged (against each defendant) is imprisonment for a term not exceeding two years, or an unlimited fine, or both. The Council would also be liable for prosecution costs.

6 Consultation with others

Trade Unions have been consulted as part of this process and have confirmed that they

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want to see the recommendations of the Health and Safety Executive implemented as soon as possible.

7 **Appendices**

Appendix A – Collection Point Policy
Appendix B – Implementation Plan

8 **Author of the Report** – Paul Florentine, Waste Manager, 01756 706429
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Appendix A

COLLECTION POINT POLICY

Definitions

A 'road' is legally defined as a way over which there is a public right of access. That is access is by right and not by permission of the owner.

An 'unadopted road' is a road which is not maintained by the Council as the Local Roads Authority.

Legislation

The Council has a duty to uplift household waste under the Environmental Protection Act 1990, except where the waste is situated at a place which is so isolated or inaccessible that the cost of collecting is unreasonably high.

The Council may also stipulate the collection point of the waste receptacles be so positioned that they can be accessed and serviced.

A statutory service is one that the Council has to carry out. A non statutory service is a service that the Council can choose to carry out but it is not required to carry out. A Council may charge for this service. The Garden Waste Collection Service is a non statutory service that Craven District Council does not need to supply.

Background and reason for the Collection Point Policy

Currently we have a 'Lane-End' and a Curtilage policy for presentation of wheeled bins. This has been the case since the introduction of wheeled bins. The new policy will include any households that are required to take their wheeled bins to collection points. These will be predominantly terraced properties with rear alleys. .

POLICY

- 1) Council vehicles will not travel up unadopted roads unless approved by the Operations Manager
- 2) Residents living in properties situated on unadopted roads will be required to present their waste to the nearest public highway unless the collection point is agreed with the Council.(The Road has to be driveable with a suitable turning point and contain three or more properties).
- 3) The Council will only travel up an unadopted road to collect waste if a disclaimer for damage to the road is signed and recorded.
- 4) In respect of terraced properties if the collection vehicle cannot access the back alley then residents will be required to present their waste to collection points.
- 5) Damage to collection vehicles will be a priority when considering provision of service. Deterioration of any aspect of the suitability of the unadopted road may result in the removal of the arrangement. In this case a direction would be made requiring waste to be placed at a specified point adjacent to the adopted highway.
- 6) A waste collection vehicle will only reverse a maximum of 12 metres up an unadopted road to provide a service.

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- 7) A waste collection service will only be provided if the bin collection point is within 30 metres of the main highway (maximum walking distance).
- 8) When considering the suitability of uplift points the following safety considerations must be met.
 - i) There must be a minimum turning circle of 23 metres at the end of a dead end road.
 - ii) Roads must have a minimum width of 5 metres allowing the collection vehicles to continue in a forward direction. If reversing is unavoidable then the distance should not exceed 12 metres.
 - iii) The bearing strength of the road and any associated structure must be adequate for a 26 tonne vehicle.
 - iv) The condition of the road surface must be to an acceptable standard.
 - v) There should be no soft verges on narrow roads.
 - vi) There should be no risk to hydraulics, mirrors or paintwork from overhanging or projecting trees/bushes.
 - vii) Road gradients should not be excessive.
- 9) For unadopted roads that do not meet the criteria, the Council will agree alternative uplift arrangements at the road end.
- 10) Assisted collection can be applied for as part of the Collection Point Policy. The final decision will be at the discretion of the Operations Manager.
- 11) Where refuse is required to be taken to a lane end or communal collection point the Waste Collection Authority has the powers to require occupiers to do so under the terms of Environmental Protection Act 1990 S46(4b). This being as a consequence of S45(1) of the Act in respect to a property being in the opinion of the Authority so isolated or inaccessible that the cost of collecting it would be unreasonably high. There would be no appeal process as part of this policy.

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Appendix B Project plan/timeline

Date	Action
August 2014	Consultation with Lead Member
August 2014	Report to CLT
September 2014	Policy Committee
October-December 2014	Identify any affected households via consultation with collection crews. Communicate numbers per Parish to Members
January 2015	Prior to the implementation of the Collection Point policy all affected householders will be consulted to identify the most convenient location for bins to be placed for collection. As part of this consultation process the Council will aim to be a sympathetic as practicable recognising the need to balance the health and safety of both employees and residents.
April 2015	Upload Collection Points to Website (subject to cost)
April 2015	Go live
July 2015	Review existing collection rounds and implement any necessary changes to balance workloads