

**OVERVIEW AND SCRUTINY COMMITTEE  
21 JANUARY 2020**

**PUBLIC DOCUMENT**

**TITLE OF REPORT: GARDEN WASTE SERVICE**

REPORT OF: THE SERVICE DIRECTOR - PLACE

EXECUTIVE MEMBER: Executive Member for Recycling & Waste Management

COUNCIL PRIORITY: Responsive and efficient.  
Be a more welcoming and inclusive council

**1. EXECUTIVE SUMMARY**

To consider and agree implementing concessionary rates and reconsider implementation of direct debits for future garden waste charges commencing in 2020/21.

**2. RECOMMENDATIONS**

For Cabinet to consider and agree:-

- 2.1. concessionary rates principles as proposed in para 8.2 and to delegate to the Service Director for Place the authority to update the relevant Council's waste and environmental policies to incorporate these principles
- 2.2. to implement concessionary rates and Direct Debits from April 2020 as stated in para 8.4
- 2.3. to implement plan B if necessary as state in 8.3 up to a max of £20k revenue per annum

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To deliver objectives set out in the Councils plan and to implement the recommendations in 2020/21.

**4. ALTERNATIVE OPTIONS CONSIDERED**

- 4.1. Not to provide a concessionary rate payment system.

**5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS**

- 5.1. The Executive Member for Recycling and Waste and Political Liaison Board has been consulted.

## **6. FORWARD PLAN**

- 6.1 This report contains a recommendation on a Key Executive decision that was first notified to the public in the Forward Plan on the 1<sup>st</sup> November 2019.

## **7. BACKGROUND**

- 7.1. The Council want to provide an equitable and accessible garden waste service in the most efficient and effective way.
- 7.2. The Waste Contract does not currently include concessionary rates for the garden waste service. Although included in the contract as a payment method, Direct Debits have yet to be implemented.
- 7.3. The Council have approximately 55,000 households of which 90% are eligible for the garden waste service (properties with gardens). In 2018/19 approximately 29,000 households (58%) signed up to the service at a cost of £40. In 2019/20 at the time of writing this report there are currently 26,666 households signed up to the service.
- 7.4. Due to service disruption in 2018/19 the Council agreed a free three month extension to all subscribers of the garden waste service. This now means that the service year commences on the 1<sup>st</sup> August each year, there are no current reductions for part year provision.
- 7.5. The waste contractor, Urbaser, is responsible for the collection and management of the garden waste subscription service. Therefore any changes to the service need to be negotiated and agreed with the contractor in advance.
- 7.6. The new contract relies on technology including data bases which keep administration and management costs to a minimum. At the start of the contract this did cause some disruption due to lack of data and other significant changes to services.

## **8. RELEVANT CONSIDERATIONS**

- 8.1. With regard to implementing concessionary rates the following are the key considerations
- Agree concessionary rate principles as stated in 8.2
  - Utilise the Council Tax Reduction Scheme as the evidence for eligibility for concessionary rates for garden waste. Any other process would be complicated, time consuming and costly. This is discussed further in para 8.5.
  - Any IT solutions will need to provide a robust and secure process of transferring data from the Council Tax Reduction Scheme to the waste contractor's software management system.
  - Contractor to agree with their software provider on any changes necessary to accommodate any such changes and any associated one off capital costs.
  - The contractor will need to test the system before going live however it is intended to fully test the system with the relatively small number of household's that are eligible for a concessionary rate (circa 7,000) between March - July 2020.
  - To provide a simple and transparent process to pay a concessionary charge, online, telephone and in person.

- To provide a unique reference number for every property eligible for concessionary charge and ensuring that this can only be used by one property annually.

8.2. The following principles are proposed to be adopted as part of a concessionary rate

- a. 50% reduction in the standard rate, currently £40
- b. Concessions only apply to those households that receive Council Tax Reduction as stated in para 8.4 and they be required to provide evidence of eligibility by providing a unique reference number to for the concessionary rate to be applied
- c. The unique reference number can only be used for one property annually, Applicants will need to renew annually for concessionary rates as their personal circumstances may change during the year.

8.3. Operationally there are many issues that need to be considered and resolved prior to implementation, these include but not limited to:-

- a. Development of the contractor's management system for accommodating both concessionary and direct debits. Initial meetings have taken place and a further update will be available at the meeting.
- b. Development of the Council Tax Reduction System to allow daily transfer of data to ensure residents can apply for garden waste concessionary rates who are receiving Council Tax Reduction at the time of their application.
- c. Concessionary rate applicants would not be able to automatically renew annually as their personal circumstance may change.
- d. Development of the on-line system to accommodate concessionary payments
- e. Plan B in the event the system cannot be automated and this is manually inputted (further discussed in para 14 of this report), this will have staffing implications and would then only be available to eligible customers by phone or in person and not on-line.

8.4. Officers would recommend that the new payment system is implemented from no later than April 2020, this is because there will be significant changes with third party providers to implement both the newly adopted Direct Debit and concessionary rate payments for garden waste, any teething problems can take place over the four month period before the next subscription year that commences on the 1st August 2020. We are anticipating another 3,000 garden waste subscription in this subscription year (approximately 10% of the total). Approximately 90% of our subscription will take place during the months of August and September (start of the subscription year).

8.5. The Council Tax Reduction Scheme for North Herts that is intended to be used to determine eligibility for the concessionary rates for garden waste is a means tested discount applied to Council Tax accounts for those on low incomes. The Scheme is closely aligned to Housing Benefit and is calculated taking the following into account:

- The amount of income of the claimant and partner, if applicable. This could be earned income from a job, or unearned income such as a pension or welfare benefits or could be a combination of the two
- The amount of any capital held over £6,000
- The circumstances of the household, i.e. number of dependents, whether there are any disabilities, certain outgoings such as the cost of child care, whether there are any non-dependants in the household and the amount of Council Tax payable

## **9. LEGAL IMPLICATIONS**

- 9.1. Paragraph 5.6.1 of the Council's Constitution confirms Cabinet's authority *"To prepare and agree to implement policies and strategies other than those reserved to Council."*
- 9.2. Section 45(3) of the Environmental Protection Act 1990 states *"no charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State"*. Section 4 of Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012 states that charges may be made for the collection of household garden waste.
- 9.3. Section 45(3) of the Environmental Protection Act 1990 requires that collection authorities make a reasonable charge for the collection of household garden waste. The Council has therefore set a charge with a view to recovering its operational contract costs, overheads, risks and administration costs. Cabinet may choose to update its waste collection policies to include a garden waste charge subsidy for certain residents based on criteria subject to an equality impact assessment and data impact assessment.
- 9.4. It is advisable for the Council to update its enforcements policies to cover applications for the proposed concessionary rate.

## **10. FINANCIAL IMPLICATIONS**

- 10.1. This report is seeking a decision on the scope of how concessions will operate. The system proposed is believed to be the simplest possible and therefore should be the lowest cost to implement and operate on an ongoing basis. Following a decision on the concession system, work will be carried out to determine what the costs involved will be. Up-front revenue costs could be incurred in either 2019/20 or 2020/21 and any budget overspends will be reported to Cabinet as required by the Financial Regulations. Any up-front capital costs should be significantly less than £100k, and therefore approval for these costs will be sought from the Executive Member for Finance and IT in line with the financial regulations.
- 10.2. The draft budget for 2020/21 onwards includes an estimate of the ongoing cost of providing the concessionary rate. This attempts to reflect the lost income from those that are currently paying £40, but will become eligible for the reduced £20 rate. This is based on there being a similar level of take-up (50%) of the current service amongst those that would be eligible for a concessionary rate as amongst the total population. It is expected that this will be an over-estimate as the current take-up is likely to be lower than amongst the wider population e.g. due to not being able to afford the £40 charge. No allowance has been made for ongoing administration costs, so this will off-set the expected over-estimate on take-up levels. There has been no assumption made on the impact of the concessionary rate increasing take-up. The financial impact of this would be minimal as the direct costs of each additional sign-up are broadly in line with the £20 concessionary charge.

## **11. RISK IMPLICATIONS**

- 11.1. The transfer of Data from the Councils benefit system to the Waste Contractor, and other relevant third parties, will need to be set up in line with the GDPR rules in order to ensure there is no risk to sensitive personal data.

- 11.2. Efforts have been made to balance the simplicity of the concessions system with sufficient controls to check eligibility. However there is a risk that the system will allow a discount to be claimed incorrectly or not allow a discount when it should be allowed. The system testing should help to reduce this risk.
- 11.3. If there are any complications regarding setup and implementation, there is the potential for service disruption and negative impact on residents. It is not possible at this stage to estimate the length and cost of disruption because this depends on the reasons and how quickly officers can mitigate the issues. Starting in April 2020 should help mitigate many of the risks as the subscription year starts in August
- 11.4. The ability of third party contractors to develop their systems to incorporate a two tier payment system and direct debits.
- 11.5. One off capital and ongoing revenue costs are not certain at this stage and this creates financial risk to the Council.
- 11.6. In the event the system cannot be automated there will be additional on-going revenue costs associated with manual input (Para's 2.3 & 8.3)

## **12. EQUALITIES IMPLICATIONS**

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2. A concessionary rate policy may provide more access to some of our financially disadvantaged residents for our garden waste service. Any change needs to be trialled as set out in 8.1. It would be prudent to carry out a consultation to test the assumptions that lower income families will participate in the paid garden waste scheme and that those who benefit from the CTRS are the most financially disadvantaged. There is a presumption that a reduced fee will attract greater take up from these and other financially disadvantaged groups. For example, the report suggests that a £20 is a small sum of money, whereas this may not be the case. An initial Equality analysis has been completed (Appendix A)

## **13. SOCIAL VALUE IMPLICATIONS**

- 13.1. The Social Value Act and "go local" requirements do not apply to this report. However, a concessionary rate for the garden waste charge would improve residents access to this service

## **14. HUMAN RESOURCE IMPLICATIONS**

- 14.1. Providing there are no issues with the Council Tax reduction data being automated with the waste data system managed by Urbaser; it's not anticipated there will be a significant impact on either Urbasers or the client team and managed within existing resources.

- 14.2. If there are issues with the two separate systems working together, then a manual process of putting the information in will be necessary and there would need to be additional staff employed by Urbaser and possibly the client team for an 8 week period during the renewal period. These costs would need to be determined and agreed but not expected to be greater than £20k p.a.
- 14.3. There may be resource implications for the Council's enforcement team as there would be further consideration of claims for the concessionary charge in respect of fraudulent Council Tax Reduction claims.

## **15. APPENDICES**

- 15.1. Appendix A – Equality Analysis

## **16. CONTACT OFFICERS**

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## **17. BACKGROUND PAPERS**

- 17.1. None

## Equality Analysis

## Equality Analysis Template

1. Name of activity:	<b>Garden Waste Service</b>			
2. Main purpose of activity:	<ul style="list-style-type: none"> <li>a. implementing concessionary rates in the following manner</li> <li>b. 50% reduction in the standard rate, currently the rate is £40</li> <li>c. Concessions only apply to those households that receive council tax reduction (to be required to provide evidence of eligibility by providing a unique reference number relating to the already established the CTRS benefit).</li> </ul>			
3. List the information, data or evidence used in this assessment:	Existing garden waste subscribers and policies, council tax benefit database and policies			
4. Assessment				
Characteristics	Neutral (x)	Negative (x)	Positive (x)	Describe the person you are assessing the impact on, including identifying: community member or employee, details of the characteristic if relevant, e.g. mobility problems/particular religion and why and how they might be <b>negatively or positively</b> affected.  <b>Negative: What are the risks?</b> <b>Positive: What are the benefits?</b>
Community considerations (i.e. applying across communities or associated with rural living or Human Rights)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Negative</b>
				There is a possibility that those on a low income may not be on receipt of CTRS and not benefit from this reduction on fee. Those on low incomes may still not to choose to spend funds on garden waste removal over other essential purchases/costs
A person living with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Positive</b>
				a. Those that are part of the CTRS are on low incomes and therefore are most likely to benefit from a reduction in the charge if they apply. The CTRS is already a well used method of means tested benefit provision.
A person of a particular race	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Negative</b>
				n/a
A person of a gay, lesbian or bisexual sexual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Positive</b>
				n/a

## Equality Analysis

orientation				n/a
				<b>Positive</b>
				n/a
A person of a particular sex, male or female, including issues around pregnancy and maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Negative</b>
				n/a
				<b>Positive</b>
				n/a
A person of a particular religion or belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Negative</b>
				n/a
				<b>Positive</b>
				n/a
A person of a particular age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Negative</b>
				Some elderly residents have a lower income and therefore have less availability for spending on non-essential items such as garden waste collections. Elderly residents may be capital rich and revenue poor so may not meet the criteria for means testing.
				<b>Positive</b>
				Elderly residents may need assistance to remove their garden waste, which they cannot achieve themselves. By paying for removal this reduces a burden on them.
Transgender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Negative</b>
				n/a
				<b>Positive</b>
				n/a

**5 Results**

	Yes	No	
Were positive impacts identified?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Greater uptake of the paid garden waste scheme to reduce the impact on the environment. Ensures the service is made more accessible to the community.
Are some people benefiting more than others? If so explain who and why.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	All householders that pay for the service benefit from the removal of green waste.
Were negative impacts identified (what actions were taken)	<input type="checkbox"/>	<input type="checkbox"/>	Some residents on a lower income may not be eligible for CTRS – CTRS is already established as a trusted means tested benefit system and can be translated to a concessionary rate decision for garden waste. There are no current reductions for part year provision.



**Equality Analysis**

			This may disadvantage those who circumstances change within the year.
<b>6. Consultation, decisions and actions</b>			
If High or very high range results were identified who was consulted and what recommendations were given?			
None identified			
Describe the decision on this activity			
n/a			
List all actions identified to address/mitigate negative impact or promote positively			
Action	Responsible person	Completion due date	
n/a	n/a	n/a	
When, how and by whom will these actions be monitored?			
n/a			
<b>7. Signatures</b>			
Assessor			
Name:		Signature**	
Validated by			
Name:		Signature**	
<b>Forward to the Corporate Policy Team</b>			
Signature**			
Assessment date:		Review date:	

**\*\* Please type your name to allow forms to be sent electronically.**

***A copy of this form should be forwarded to the corporate policy team and duplicate filed on the council's report system alongside any report proposing a decision on policy or service change.***