

**NOT FOR PUBLICATION**

**Appendix A** to this report contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972

Report to: **Executive**

Date: **14<sup>th</sup> October 2021**

Title: **Garden Waste Collections**

Portfolio Area: **Cllr Keith Baldry, Executive Lead Member for Environment**

Wards Affected: **All**

Urgent Decision: Approval and clearance obtained: **Y**

Date next steps can be taken:

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**Recommendations:**

**That the Executive:**

- 1. Considers the options set out in section 4 of this report;**
- 2. Agrees to continue the suspension of garden waste collections until Spring 2022;**
- 3. Receives a further report by the Director, Customer Service Delivery to the Executive in December on future options; and**
- 4. Considers the recommendation of the Overview and Scrutiny Committee in Part 2 Appendix A of this report.**

**1. Executive summary**

- 1.1 The contractor FCC Environment ("FCC") still faces significant challenges daily with ensuring all waste collections rounds are sent out each day, therefore this report seeks the agreement of Members to continue with the garden waste service suspension until Spring 2022.

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- 1.2 Officers have explored a wide range of options to identify whether it would be possible to restore the garden waste service in the short term or provide a single collection for all residents ahead of the winter. Implementing any of these options would result in significant additional disruption to the statutory residual and recycling collections.
- 1.3 If agreed, Officers will bring a further report to the Executive in December exploring future options for the garden waste service.

## **2. Background**

- 2.1. The collection of garden waste is provided by FCC under the terms of the agreed contract. The garden waste service is free of charge to residents and there are currently 43,350 households in the South Hams that are eligible to receive a garden waste collection. The properties receive a collection once per fortnight and the contractor currently manages this over approximately 30 collection rounds per week.
- 2.2. South Hams is the only authority in Devon County that offers a free, year round garden waste service.
- 2.3. There have been significant issues with the performance of the waste contract following the implementation of the round changes in October 2020. The roll out of the Devon aligned service had to be halted with alternative collection methods put in place as an interim solution.
- 2.4. As previously reported to the Executive on 16<sup>th</sup> September 2021, due to the worsening performance of FCC in delivering the waste and recycling collection service, the operational decision was taken to suspend the garden waste collection service on 16<sup>th</sup> August 2021. This was to ensure that FCC directed all available resources to deliver the Councils statutory waste and recycling collections.
- 2.5. Regrettably, due to the short notice in which the garden waste suspension had to be initiated, it was not possible to communicate with all residents in advance. The Council recognises the suspension of garden waste was at very short notice and caused considerable disruption for residents. Some residents may have filled their bin and still have outstanding waste to be collected.
- 2.6. Additional challenges such as staff sickness, direct impact from the round review undertaken in October 2020, as well as the highly publicised national HGV shortage has exacerbated the issues around service delivery.

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- 2.7. As a waste collection Authority, the Council has a duty to provide statutory waste collections as outlined in the environmental Protections Act 1990 – Section 45.
- 2.8. The garden waste service is a non-statutory service, which is why other waste streams were prioritised when FCC began to experience daily operational challenges. This is in line with Defra advice 'service priority guidance' which is designed to protect other kerbside collections received by all households: food, recycling and residual (black bag rubbish) from further disruption. This was a key consideration in the decision making process.
- 2.9. Devon County Council has contractual responsibility for the composting of garden waste and directs the Council to the appropriate composting facility.

**3. Current Performance / Issues**

- 3.1. Performance of the waste service as a whole improved when the garden waste service was suspended, however this gradually declined despite efforts of Officers and FCC management. For the month of September, FCC failed to collect in excess of 22,000 recycling collections. October has seen an improvement in FCC's performance and so far they have been able to run all the statutory residual and recycling services.
- 3.2. The graph below illustrates the daily missed collections reported by residents and non-completed rounds since the suspension:



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- 3.3. The operational challenges faced by FCC at a local level has seen very little improvement. This has been exacerbated by the national shortage of HGV drivers, which has been well documented in the press and is affecting many other sectors nationally.
- 3.4. FCC advised the Overview and Scrutiny Committee on 13<sup>th</sup> October that they had 20% vacancies across their South Hams workforce and that for HGV/LGV drivers they have 27% unfilled vacancies.
- 3.5. A number of Devon Authorities have experienced significant disruptions to waste collections with suspensions or delays to garden waste collections, as well as impacting other waste streams. It has also been documented nationally that Local Authorities are also facing significant serious disruptions.
- 3.6. Officers will provide a report to a further meeting of the Executive to consider future options for garden waste that assesses and reflects the Councils commitment to biodiversity and the climate change emergency. This will consider the waste hierarchy and options for greener ways of recycling garden waste such as home composting and supporting community composting groups.

## **4. Options available and considerations of risk**

- 4.1. There are 5 options for the Executive to consider. These are set out below. The options are:
  - Option 1 - FCC restore the service to contracted levels with immediate effect.
  - Option 2 – Use local composting / community composting schemes.
  - Option 3 – Use an alternative provider to carry out the green waste service.
  - Option 4 – FCC carry out a one-off collection to empty of all green waste bins as soon as is possible.
  - Option 5 - The service is suspended until Spring next year and the Council offers no further collection of the green waste bins.
- 4.2. **Option 1**
  - 4.2.1. FCC has advised that with the current resources and despite an extensive recruitment campaign they have not been able to recruit enough drivers and staff to be able to re-establish the garden waste service.

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### **4.2.2. Benefits.**

- Residents will receive a garden waste service.

### **4.2.3. Risks.**

- Implementing this solution without any additional staff will have a catastrophic impact on the Councils statutory residual waste and recycling service and will result in a further degradation of FCC's already unsatisfactory performance.
- This will result in significant disruption to residents residual and recycling collections with the cancellation of a minimum of 6-7 collection rounds per day across all services.
- Increase Residents dissatisfaction with the service, more complaints and further damage to the Councils reputation.

## **4.3. Option 2**

4.3.1. There are 6 existing community composting schemes across the district: Kingsbridge, Brixton, Ashprington, Dartington, Stoke Flemming, South Brent. These sites have a permitted exemption for the Environment Agency to collect and dispose of garden waste.

4.3.2. However the conditions of this exemption severely limit the amount of waste that can be collected. The total combined annual weight limit for all these sites represents less than 2% of the total tonnage of garden waste collected across the district.

4.3.3. As a result this does not present a practical solution to delivering a district wide green waste solution.

## **4.4. Option 3**

4.4.1. Officers have investigated whether a 3<sup>rd</sup> party could undertake this work and have approached established waste contractors and neighbouring Councils. All have stated that they are unable resource a single collection service.

4.4.2. Officers also considered creating a Council service to carry out this one off collection. However all the recruitment agencies approached stated that in the current marketplace whilst they could obtain staff, they could not guarantee that the Council would be able to retain these staff even for a short period of time. Also as this is part of the contracted service, the Council's ability to provide the service itself would depend upon the right being given the contract to do so and if not, would require a variation of the contract being agreed with FCC.

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### **4.5. Option 4**

4.5.1. Recognising the suspension of garden waste by the contractor was at very short notice and caused considerable disruption for residents and that some residents may have filled their bin and still have outstanding waste to be collected. To alleviate this, the Council could offer a single collection to empty these bins. Officers have investigated a number of options for this one of collection.

4.5.2. The key considerations are:

- Any one-off collection would have to be communicated to all residents.
- It would have to be reliable.
- It should not impact the existing statutory services.

4.5.3. No other provider was able to provide a one-off collection and Officers asked FCC how they would resource a single collection. As a result of detailed discussions with Officers the only potential solution is detailed below;

4.5.4. FCC could resource a one-off collection of all residents' garden waste by suspending the statutory co-mingled recycling service that is delivered to 14,500 residents for a minimum of 2 collection cycles.

4.5.5. This is the only part of the existing service that has the resources (types of vehicles and staff) need to carry out the Garden Waste Service.

#### **4.5.6. Benefits.**

- Residents will receive a one-off garden waste service.

#### **4.5.7. Risks.**

- Based on FCC's previous and current performance and their current resources, there is no guarantee that the garden waste collection would be completed as planned and would probably result in further disruption to the Council's statutory residual waste and recycling service and result in a further degradation of FCC's already unsatisfactory performance.
- This will result in further disruption to 14,500 residents that receive FCC's co-mingled recycling service. These residents do not receive a full recycling service with food waste being disposed of in the residual waste stream.
- The statutory recycling service for these residents is currently operating significantly below satisfactory performance, with FCC reporting that they failed to collect almost 15% of collections during the month of September.

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- Delivering a one-off garden waste collection to all residents (a non-statutory service) would disproportionately impact 1/3<sup>rd</sup> of residents' statutory recycling collection.

### **4.6. Option 5**

4.6.1. Whilst unpalatable, the Council could suspend the garden waste service until Spring 2022 without taking any further action. This would mean that residents would need to continue to either home compost, take their garden waste to the recycling centres.

#### **4.6.2. Benefits.**

- There would be no additional disruption to residents in relation to the Councils existing statutory residual and recycling services.

#### **4.6.3. Risks.**

- This option does not present any further operational risks to the service.
- Increase in residents' dissatisfaction with the service, more complaints and further damage to the Councils reputation.

## **5. Overview and Scrutiny Committee**

5.1. The Overview and Scrutiny Committee met yesterday to hear from FCC representatives about FCC's proposals to recover the Devon Aligned Service. Appendix A sets out the details of a recommendation from the Committee to the Executive. The Executive is asked to agree the recommendation. The Executive is advised to exclude the press and public during the consideration of the recommendation, as the discussion is likely to result in exempt information being disclosed.

## **6. Implications**

5.1 To note the contents and approve the recommendations of this report.

Implications	Relevant to proposals Y/N	Details and proposed measures to address
Legal/Governance	Y	The Council has a duty to arrange for the collection of household waste within its area. The arrangements must include the collection of at least two types of recyclable waste. The contract with FCC sets out those arrangements.

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		The recommendation from the Overview and Scrutiny Committee is exempt on the basis that the discussion of the recommendation is likely to result in the disclosure of information relating to the financial or business affairs of any particular person (including the Council) and/or information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. In both cases, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.
Financial implications to include reference to value for money	N	There are no financial implications for the available options.
Risk	Y	Detailed in Section 4 of the report
Supporting Corporate Strategy		
Climate Change - Carbon / Biodiversity Impact		
Comprehensive Impact Assessment Implications		
Equality and Diversity		Non as a direct impact of this report
Safeguarding		None as a direct impact of this report
Community Safety, Crime and Disorder		None as a direct impact of the report
Health, Safety and Wellbeing		None as a direct impact of the report
Other implications		None

**Supporting Information**

**Appendices:**

Appendix A (Part 2 Exemption from public)

**Background Papers:**

Not applicable