

TONBRIDGE & MALLING BOROUGH COUNCIL



EXECUTIVE SERVICES

Chief Executive

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NB - This agenda contains proposals, recommendations and options. These do not represent Council policy or decisions until they have received proper consideration through the full decision making process.

Contact: Committee Services
committee.services@tmbc.gov.uk

1 February 2019

To: MEMBERS OF THE STREET SCENE AND ENVIRONMENT SERVICES
ADVISORY BOARD

(Copies to all Members of the Council)

Dear Sir/Madam

Your attendance is requested at a meeting of the Street Scene and Environment Services Advisory Board to be held in the Civic Suite, Gibson Building, Kings Hill, West Malling on Monday, 11th February, 2019 commencing at 7.30 pm

Yours faithfully

JULIE BEILBY

Chief Executive

A G E N D A

PART 1 - PUBLIC

- | | | |
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To confirm as a correct record the Notes of the meeting of the Street Scene and Environment Services Advisory Board held on 5 November 2018

Matters for recommendation to the Cabinet

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The report provides an update on the new Waste Services Contract starting on 1 March 2019 and the introduction of new recycling services commencing from 30 September 2019. It also seeks approval of proposals relating to the Mobilisation Arrangements, an Operational Marketing Plan and a Domestic Recycling & Waste Collection Policy & Procedure Statement and highlights the Government's recently published new Resources & Waste Strategy.

5. Public Conveniences Review 45 - 56

The report updates Members on the agreed way forward regarding the future provision of the Council's existing public conveniences and seeks approval of an Equality Impact Assessment.

6. Fixed Penalty Notices for Littering 57 - 60

The report advises on the recently amended limits for Fixed Penalty Notices for littering following last year's review by Central Government and subsequent legislation.

Matters submitted for Information

7. Waste and Street Scene Services Update 61 - 70

The report highlights a number of issues and initiatives managed by the Waste & Street Scene Services team since the last meeting of the Advisory Board.

8. Urgent Items 71 - 72

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Matters for consideration in Private

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The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

PART 2 - PRIVATE

10. Urgent Items

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Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

MEMBERSHIP

Cllr M O Davis (Chairman)
Cllr O C Baldock (Vice-Chairman)

Cllr Mrs J A Anderson
Cllr M A C Balfour
Cllr S M Hammond
Cllr D Keeley
Cllr D Keers
Cllr D Markham
Cllr Mrs A S Oakley

Cllr L J O'Toole
Cllr S C Perry
Cllr M R Rhodes
Cllr T B Shaw
Cllr Ms S V Spence
Cllr Miss G E Thomas
Cllr T C Walker

Apologies for absence

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Declarations of interest

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TONBRIDGE AND MALLING BOROUGH COUNCIL

STREET SCENE AND ENVIRONMENT SERVICES ADVISORY BOARD

Monday, 5th November, 2018

Present: Cllr M O Davis (Chairman), Cllr O C Baldock (Vice-Chairman), Cllr Mrs J A Anderson, Cllr M A C Balfour, Cllr D Keeley, Cllr D Keers, Cllr Mrs A S Oakley, Cllr M R Rhodes, Cllr T B Shaw, Cllr Ms S V Spence and Cllr Miss G E Thomas

Councillors Mrs P A Bates, V M C Branson, T I B Cannon, N J Heslop, R D Lancaster, Mrs S L Luck, B J Luker, M Parry-Waller, H S Rogers, Miss J L Sergison and A K Sullivan were also present pursuant to Council Procedure Rule No 15.21.

Apologies for absence were received from Councillors S M Hammond, L J O'Toole and S C Perry

PART 1 - PUBLIC

SSE 18/17 DECLARATIONS OF INTEREST

There were no declarations of interest made in accordance with the Code of Conduct.

SSE 18/18 MINUTES

RESOLVED: That the notes of the meeting of the Street Scene and Environment Services Advisory Board held on 4 September 2018 be approved as a correct record and signed by the Chairman.

MATTERS FOR RECOMMENDATION TO THE CABINET

SSE 18/19 WASTE SERVICES CONTRACT

Decision Notice D180066MEM

The report of the Director of Street Scene, Leisure and Technical Services provided an update on the implementation of the new Waste Services Contract and sought approval of detailed proposals relating to the new opt-in garden waste charge and the mobilisation of the new improved services. Details of the proposed Terms and Conditions for the Chargeable Garden Waste Collection Service were set out at Annex 1 to the report.

RECOMMENDED: That

- (1) the actions taken by the Directors of Street Scene, Leisure and Technical Services and Finance and Transformation in liaison

with the Cabinet Members for Street Scene and Environment Services and Finance, Innovation and Property to approve the final Inter Authority Agreement be noted;

- (2) the detailed terms and conditions and early bird discount proposed for the garden waste charges, as outlined in the report, be approved;
- (3) a discounted subscription rate of £25 per annum for each additional garden waste bin be approved;
- (4) the mobilisation arrangements for the new service arrangements, as outlined in the report, be agreed;
- (5) an Operational Marketing Plan be reported to the next meeting of the Street Scene and Environment Services Advisory Board following initial consideration by the Waste Contract Member Group;
- (6) a Data Protection Impact Screening Assessment be undertaken within any resultant actions implemented; and
- (7) a lease of the Vale Rise Depot be granted as per the terms outlined at paragraph 1.7.3 of the report.

SSE 18/20 CHERRY ORCHARD/BRAMPTON FIELD, DITTON

The report of the Director of Street Scene, Leisure and Technical Services set out details of an investigation undertaken following receipt of a letter from a resident raising concern about the condition and excessive height of a row of conifer trees on Council owned land between Cherry Orchard and houses in Brampton Field, Ditton.

The resident had requested that the trees be trimmed and topped and had sought guidance from the Government website in relation to the High Hedges Legislation. Members were advised that a petition had been received from residents of Cherry Orchard requesting that the trees not be removed.

The Advisory Board noted that advice had been sought from an external specialist tree contractor on the current condition and future management options for the trees who had advised that due to health and safety concerns, the trees should be felled, the stumps ground out and some replacement trees be planted on the public open space of a more suitable species and in a more appropriate location. The report set out details of the process for funding the removal of the trees as a matter of urgency.

RECOMMENDED: That 

- (1) the existing row of conifers on Council owned land between Cherry Orchard and Brampton Field be removed as soon as is practicable;
- (2) suitable replacement trees be planted on the Council's open space, in liaison with the local Members; and
- (3) urgency proceedings be invoked to secure the required budget to progress the works, in accordance with Financial Rules 15.1 and 15.2, with reports from the Chief Executive submitted to future meetings of the Executive and the Overview and Scrutiny Committee.

***Referred to Cabinet**

SSE 18/21 REVIEW OF FEES AND CHARGES

The joint report of the Director of Street Scene, Leisure and Technical Services, the Director of Central Services and the Director of Finance and Transformation set out proposed fees and charges for the provision of services in respect of household bulky refuse and fridge/freezer collections, "missed" refuse collections, stray dog redemption fees, pest control, food certificates, contaminated land monitoring, private water supplies and the Council's car parks from April 2019.

In bringing forward the proposals for 2019/20, it was noted that consideration had been given to a range of factors including the Council's overall financial position, market position, trading patterns, the current rate of inflation and customer feedback.

RECOMMENDED: That 

- (1) the scale of charges for household bulky refuse and fridge/freezer collection, "missed" refuse collection, stray dog redemption fees, pest control, food certificates, contaminated land monitoring and private water supplies be approved;
- (2) no changes be made to the Council's existing car parking charges;
- (3) the new charges be implemented from 1 April 2019; and
- (4) the option for new waste and recycling bins/containers for new housing developments to be funded by developers be investigated further and a report submitted to a future meeting of the Street Scene and Environment Services Advisory Board.

***Referred to Cabinet**

MATTERS SUBMITTED FOR INFORMATION

SSE 18/22 CAPITAL PROGRAMME: POST IMPLEMENTATION REVIEW

The report of the Director of Street Scene, Leisure and Technical Services brought forward a post Implementation Review for Phases 6 and 7 of the Car Park Enhancement Programme.

SSE 18/23 EXCLUSION OF PRESS AND PUBLIC

There were no items considered in private.

The meeting ended at 8.32 pm

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

11 February 2019

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 WASTE SERVICES CONTRACT

Summary

This report updates Members on the new Waste Services Contract starting on 1st March 2019 and the introduction of new recycling services due to commence from 30th September 2019. It seeks approval of proposals relating to the Mobilisation Arrangements, an Operational Marketing Plan and a Domestic Recycling & Waste Collection Policy & Procedure Statement for the new Service. The report also highlights the Government's recently published new Resources & Waste Strategy.

1.1 Background

1.1.1 At the last meeting of this Board on 5th November 2018, Members were updated on the new Contract and made a number of recommendations to Cabinet as follows:-

- the actions taken by the Directors of Street Scene Leisure & Technical Services and Finance & Transformation in liaison with the Cabinet Members for Street Scene & Environment and Finance, Innovation & Property to approve the final Inter Authority Agreement be noted;
- the detailed terms and conditions and early bird discount (of £5 per bin at £35) proposed for the garden waste charges be approved;
- a discounted subscription rate of £25 per annum for each additional garden waste bin be approved;
- the mobilisation arrangements for the new service arrangements as outlined in the report be agreed;
- an Operational Marketing Plan be reported to the next meeting of this Board following initial consideration by the Waste Contract Member Group;

- a Data Protection Impact Assessment be undertaken with any resultant actions implemented; and
- a lease of the Vale Rise depot to be granted as per the terms outlined in the report.

- 1.1.2 Members will be aware that the new Contract has been awarded to Urbaser and will commence on 1st March 2019. Urbaser will commence with our Partner Authority, Tunbridge Wells Borough Council, a month later on 30th March 2019.
- 1.1.3 The Business Development Manager and the new Contract Manager will be attending the Board to meet Members and to answer any questions.
- 1.1.4 A Member Group has been established by this Council to help oversee the implementation of the new contract and the Group met on 28th November 2018. It has been agreed that the Group will continue to meet throughout 2019 in order to retain a close link between Officers and Members.

1.2 General Update

- 1.2.1 Since the last meeting of this Board good progress has been made by the Partner Authorities with Urbaser, with weekly meetings ensuring close communication is maintained. Separate meetings have also taken place with Urbaser to focus on specific issues such as Information Technology, Communications and Operational Mobilisation.
- 1.2.2 This Council's Street Scene Manager has been successfully appointed into the new role of Contract Partnership Manager until 1st March 2020. The Partnership Manager reports to a Steering Group of Senior Officers from the Partner Authorities and Kent County Council, with this Council represented by the Head of Street Scene & Leisure. In addition to the administration of the Contract, the Partnership Manager will be developing an Annual Service Plan, which will be reported to a future meeting of this Board.
- 1.2.3 Urbaser has undertaken staff meetings with the employees of the existing contractor (Veolia), all of whom will automatically transfer over to Urbaser on the commencement date if they so wish. Initially, Urbaser will manage the Contract in accordance with current service delivery arrangements, prior to the introduction of the new improved service later in the year.
- 1.2.4 Close liaison will continue with both Urbaser and Veolia over the remainder of this month to help ensure as smooth a transfer as possible on 1st March 2019, with staff from the Waste & Street Scene team available to help address any initial teething problems facing the contractor on the ground.
- 1.2.5 The Inter Authority Agreement between this authority and Kent County Council has been approved and a lease of the Vale Rise depot is being progressed by the Director of Central Services. Consideration is currently being given to whether a

formal Data Protection Impact Assessment is required, but irrespective of this, the requirements of the General Data Protection Regulations will be met in full.

1.3 Mobilisation Arrangements for the New Service

1.3.1 At the last meeting of this Board Members were advised of Urbaser's outline proposals for the implementation of the new recycling services, which include the introduction of the opt-in garden waste service, the mixed dry recycling collections and the new food waste arrangements. Within the Contract Documents Urbaser are required to introduce the new arrangements between July – November 2019.

1.3.2 Following detailed discussions with Urbaser, and having carefully taking into account the contractors recent experiences with the introduction of other contracts elsewhere in the country, a phased Implementation Plan has been developed. The Plan will see the new collection service implemented from 30th September 2019, and follows 2 phases. The phases can be summarised as follows:-

i) Phase 1

- for subscribers to the opt-in garden waste service, new brown garden waste bins will be delivered before the service starts on 30th September;
- food waste bins will be delivered before the service starts on 30th September for each property.

The above approach takes into account that peak demand for garden waste is ending, will enable follow up messaging with residents still presenting 'old' garden waste receptacles, and will free up the contractor's staff and vehicles. The timing of the food waste will allow residents to continue to dispose of food waste when the garden waste receptacles are removed.

ii) Phase 2

- collection of residual waste and recycling will commence from 30th September;
- the new bring bank service will commence once the new service has bedded in. This will involve replacing banks at those sites earmarked to remain to mirror the new service. Banks will be removed from sites approved for closure in liaison with the land owners, and public notices will be displayed at the sites prior to closure.

The above approach ensures co-ordination with the new recycling and food waste collections.

1.3.3 With regard to the opt-in garden waste service the 'Early Bird scheme' will be available to residents between Tuesday 7th May and Friday 2nd August 2019. The Early Bird scheme will not only offer residents a reduced price of £35 p.a. for the service (guaranteed for the first 2 years), but will also ensure their new garden

waste bin is delivered and available for use in accordance with the aforementioned Implementation Plan. For all those applying for the garden waste service after 2nd August 2019, the full charge for the service will be applied (£40), they will be added to a waiting list and their new bin will be delivered as soon as is practicable. It is not anticipated that this will be before 30th September 2019.

- 1.3.4 Members will note from the above that there will be real and significant incentives for residents to sign up early for the new garden waste service, and it will therefore be essential that the Council's marketing makes this clear to residents.

1.4 Marketing/Communications

- 1.4.1 A detailed Operational Marketing Plan has been developed in liaison with the Member Group and a marketing consultant employed directly by Urbaser. A copy of the Plan is attached at **Annex 1** for Member comment/approval.
- 1.4.2 Members will note that a whole variety of marketing techniques will be used, starting later this month with Urbaser distributing an Introductory Leaflet about themselves and the contract to all households in the Borough.
- 1.4.3 A standalone temporary website is currently being developed in liaison with IT Services to inform residents of the changes and to take subscriptions for the garden waste service. The website will not only include written information but will also host a short video. Detailed answers to frequently asked questions will also be included.
- 1.4.4 At the request of the Member Group a separate leaflet on the new opt-in garden waste charge will be sent out with all Council Tax bills. This will ensure residents fully understand that the garden waste charge is not included in the Council Tax and will be a separate payment.
- 1.4.5 Whilst more traditional methods such as press adverts, posters, leaflets, booklets, bin stickers, bin hangers and printed calendars will be produced, there will also be a focus on social media including posts, Facebook adverts and digital marketing. Roadshows will be taken to local community events over the summer period and competitions will be run with local schools in the autumn term. It is the intention to run a joint school's competition with Tunbridge Wells Borough Council to come up with names for a recycling vehicle. Bookings are being taken for presentations to Parish Council meetings and updates will continue to be presented at the Parish Partnership Panel and Tonbridge Forum and front line Council staff will be fully briefed.
- 1.4.6 It is the aim of the Marketing Plan to ensure that all residents are aware of the changes, fully understand the new arrangements and are informed of the benefits of signing up early for the opt-in garden waste scheme.

1.5 Domestic Recycling & Waste Collection Policy & Procedure Statement

- 1.5.1 A copy of the draft Policy and Procedure Statement is attached at **Annex 2** for Members information and comment. Members will note that the Statement covers a wide range of operational issues including containers, assisted collections, clinical waste collections, bulky waste collections and acceptable/unacceptable materials.

1.6 Information Technology

- 1.6.1 An IT Officer Group has been established involving Officers from Financial Services, IT Services, the Waste Team and the Waste Admin Team to coordinate IT processes necessary for the new contract. The Admin Manager chairs this Group and liaises with the IT lead at Tunbridge Wells Borough Council and Urbaser.
- 1.6.2 The first IT process has been to provide Urbaser with this Council's current List of Properties, along with the current collection arrangements for every property in the borough. This has required considerable data cleansing to ensure accuracy and removal of any personal data on the current system. Officers will continue to check this data up until the contract starts, and will then need to consider which properties may or may not be suitable for the new service arrangements in September. For example, Officers will need to assess properties currently on weekly black bin collections or properties with bin stores.
- 1.6.3 The second key process is integrating the Council's current CRM (Customer Relationship Management) system with the back office facilities used by Urbaser called Whitespace. This system holds all the round collection data, all the requests for service and details of any incidences such as contamination or non-presented bins. The key benefit of this system is that as a crew enter details, via a hand held device, it will, in real-time, be visible to the Waste Admin team. The Group are currently configuring the Whitespace system for the current services via a number of workshops.
- 1.6.4 The aim is that on the 1st March the service will be "as-is" with both the public and staff not noticing any differences as data is fed from the CRM to Whitespace. In addition, the Waste Admin Team will be able to access and use Whitespace as a standalone system in order to use additional facilities, such as live data and photographs, not yet integrated into the CRM. Over time, as the integration increases, further improvements for both staff and public are anticipated.
- 1.6.5 The third key process is to introduce a payment system for the public to sign up and pay for the Garden Waste subscription service. To facilitate this IT Services has purchased a bolt on to the current Adelante system. Whilst various payment options will be available the bolt on that will allow customers to pay by direct debit, is the Council's preferred choice. The payment subscription system will need to

integrate with Adelante and the CRM. This system is currently in development with IT Services with a number of tasks to be completed before the direct debit facility will be available.

- 1.6.6 Once the property data, integrated CRM and payment systems are in place the IT Group will focus on providing data for the new service arrangements and introducing further improvements for the public and staff such as phone "Apps". The Apps will enable residents to access all information on collection days/calendar, set reminders for collections and find out what materials go into each bin.
- 1.6.7 It is the intention to focus on the IT arrangements at the next meeting of the Member Group, as it is essential to both the mobilisation and marketing of the new service to have a fully operational and reliable IT system in place. Members of the Group will also be presented with a demonstration of the Whitespace system.

1.7 Resources & Waste Strategy

- 1.7.1 At the time of writing this report the Council has received a copy of the Government's new Resources & Waste Strategy covering the next 25 years. The Government are planning to undertake 3 major consultations starting in January 2019 covering the Extended Producer Responsibility, Deposit Return Schemes and most relevant to this authority, Consistent Collections. In addition to the above, the Government will also launch a consultation on increased charges for carrier bags at some point in 2019.
- 1.7.2 With regard to Collection Systems, the Strategy contains an ambition to have more consistent collections across Council areas, which has been achieved by this authority through the introduction of the new service arrangements. There will be consultation on collecting a core set of dry recycling materials, and once again in line with this authority's planned approach, will promote weekly food waste collections. Of concern to this authority is an ambition of the Strategy to explore free garden waste collections, although the document does include a caveat of this being assessed to account for new burdens being funded appropriately.
- 1.7.3 Once the consultations are launched this Council will need to carefully consider its response, which will most likely be in liaison with all the other Kent local authorities through the Kent Resource Partnership. The response will need to take into account both service delivery and financial implications, together with the standards and levels of service outlined in the new contract.
- 1.7.4 Members will be updated verbally at the meeting on any further information regarding the new Strategy.

1.8 Legal Implications

- 1.8.1 The Council has a legal duty to provide waste and street cleansing services. The new Waste Services Contract was undertaken in compliance with all current legislation, including Public Contract Regulations.
- 1.8.2 The introduction of the new service arrangements is considered to assist the Council in meeting its requirements under the Waste (England & Wales) Regulations 2011, which are to provide separate collections where necessary to achieve high quality recycling.

1.9 Financial and Value for Money Considerations

- 1.9.1 At the November 2018 meeting of this Board Members received a detailed financial appraisal of the new Waste Services Contract, and the financial implications have been reflected in the revenue budgets reported to the January 2019 Finance, Innovation & Property Advisory Board.
- 1.9.2 The annual gross level of income for the opt-in garden waste service is forecast to be £550,000, which is based on a take up rate of 30%. For medium term financial planning purposes as mentioned in the report to the Finance, Innovation and Property Advisory Board on 9 January, it is assumed the inflationary increase in the contract sum over and above CPI is negated by a gradual increase in both the charge and the take-up of the garden waste service.
- 1.9.3 The Council's Capital Plan incorporates £600,000 to reflect the need to purchase new garden waste bins and internal and external food caddies. A revenue budget of £100,000 has been approved by Council to fulfil the Operational Marketing Plan, funded in full from the Invest to Save earmarked Reserve.

1.10 Risk Assessment

- 1.10.1 A Project Steering Group has been established by this Council, Tunbridge Wells Borough Council and Kent County Council to oversee the implementation and ongoing management of the Waste Services Contract. The Steering Group will be managed in accordance with a formal Joint Working Agreement agreed by each of the Partners.
- 1.10.2 This authority is represented on the Group by the Head of Street Scene & Leisure. The Contract Partnership Manager reports regularly to the Steering Group on progress and any key issues are addressed.
- 1.10.3 Weekly meetings are being undertaken with Urbaser to ensure good levels of communication are maintained, and the Operational Marketing Plan will ensure residents are kept fully informed and encouraged to embrace the new service arrangements.

1.10.4 A significant amount of information will be shared between the Council and contractor, and it is essential that General Data Protection Regulations are met in full.

1.10.5 Detailed consideration has been given to risks within the Operational Marketing Plan. The risks, together with mitigation measures are attached at **Annex 3**.

1.11 Equality Impact Assessment

1.11.1 A full Equality Impact Assessment (EQIA) has previously been reported to this Board and its recommendations have been implemented.

1.12 Policy Considerations

1.12.1 Communications

1.12.2 Community

1.12.3 Customer Contact

1.12.4 Procurement

1.13 Recommendations

1.13.1 It is RECOMMENDED TO CABINET that:-

- i) the Mobilisation Arrangements for the new Waste & Recycling Service as outlined in the report be approved;
- ii) the draft Operational Marketing Plan detailed at **Annex 1** to the report be agreed and implemented;
- iii) the Domestic Recycling & Waste Collection Policy Procedure & Statement for the new Service detailed at **Annex 2** to the report be agreed; and
- iv) the Partnership Manager brings forward an Annual Service Delivery Plan to a future meeting of this Board for approval and ongoing monitoring.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

contact: Darren Lanes

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Detailed Marketing/ Communications Plan

As at 15/01/18

	Service changes
	Activity
	Schedule

	Nov 18	Dec 18	Jan 19	Feb 19	Mar 19	April 19	May 19	June 19	July 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19	Jan 2020	Feb 2020	Mar 2020
	5 12 19 26	3 10 17 24 31	7 14 21 28	4 11 18 25	4 11 18 25	1 8 15 22 29	6 13 20 27	3 10 17 24	1 8 15 22 19	5 12 19 26	2 9 16 23 30	7 14 21 28	4 11 18 25	2 9 16 23 30			
1 Urbaser Introduction leaflet mailed to all residents																	
2 New Service flyer mailed out with Council Tax bills																	
3 New Service Website Live																	
4 Joint press release on new contract start																	
5 New service pull up banners displayed																	
6 T&M New contract starts with 'AS' IS Service																	
7 Garden Waste Early Bird sign up period																	
8 Social Media Posts - Garden Waste Sign up																	
9 Facebook Ads - Garden Waste sign up																	
10 Posters Displayed - Garden Waste sign Up																	
11 Media Advertising - Garden Waste sign up																	
12 Digital Marketing Campaign Garden Waste Sign Up																	
13 Interim Vehicle Livery - New Service																	
14 New Recycling Service Guide posted to all residents																	
15 Garden Waste bins delivered-Early Bird subscriptions																	
16 Food Bins/Caddies delivered																	
17 Digital Marketing campaign New Recycling service																	
18 Social Media Posts -New Recycling Service																	
19 Parish Council Visits																	
20 Stickers attached to bins-what goes in which bin																	
21 Letters to 'Sack Collection' Residents																	
22 Letters to Flats/Communal residents																	
23 New service video clips on website & social media																	
24 Start New Recycling & Garden Waste collections																	
25 School Recycling Visits & Competition																	
26 Customer Services/Gateway staff Training																	
27 Roadshows/events promoting new service																	
28 Permanent Vehicle Livery																	
29 Urbaser collection App available for download																	
30 New Collections Start - Press Release																	
31 Posters Displayed - New Service																	
32 Presentation/talk requests - various groups																	
33 Parish Partnership Panel Meetings																	
34 Tonbridge Forum Meetings																	
35																	
36																	
37																	

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Waste Services Contract

Domestic Recycling and Waste Collection Policy and Procedure Statement - New Service: Tonbridge & Malling Borough Council

The purpose of this Statement is to set out the Council's Recycling and Waste Collection Service Policies and Procedures for the new service being introduced on 30th September 2019.

The Council provides a separate weekly collection of food waste alongside a fortnightly collection of residual waste for the majority of domestic households within the borough, and an alternate weekly collection of dry recyclables, textiles, batteries and small Waste Electrical and Electronic Equipment (WEEE) and an optional, charged for, garden waste service.

The following policies and procedures are covered by this document:-

1. The Council's Collection Commitment
2. Standard Household Collections
3. Containers
4. Property Suitability for Wheeled Bins
5. Collection Point from Individual Properties
6. Assisted Collections
7. Side Waste
8. Additional Refuse and Recycling Capacity
9. Replacement or Broken Containers
10. New Property Developments
11. Clinical Waste Collection
12. Bulky Waste Collection
13. Missed Collections
14. Acceptable/Unacceptable Materials
15. Misuse of Containers & Enforcement Action
16. Schedule 1 Collections
17. Unadopted Roads

The Environmental Protection Act (1990) is the principal legislation that defines the roles and responsibilities of borough and district councils as waste collection authorities.

1. The Council's Collection Commitment

- i. The Council is committed to providing waste and recycling services, which are good value for money, responsive and which meet the needs of our residents.
- ii. This means the Council will:
 - explain clearly what services residents can expect to receive;
 - provide a reliable collection service;
 - design services responsibly and carry out collections in a way that

- minimises litter;
- collect as many materials for recycling as possible and explain to residents what happens to them;
- clearly explain service guidelines;
- tell residents in good time if changes need to be made to services;
- respond quickly and positively to complaints.

2. Standard Household Collections

- i. Recycling and waste will be collected on the same day every week. Food waste will be collected weekly, recycling and residual waste will be collected on alternate weeks.
- ii. Collections will be made on Bank Holidays. Exceptions over the Christmas and New Year period will be advised via a collection calendar, or other notification mechanisms. Services may be suspended in exceptional circumstances such as bad weather when notification will be provided via the Council's website and social media channels.
- iii. Food waste will be collected separately from recycling and refuse materials and stored in a separate compartment on the collection vehicle.
- iv. Garden waste will be collected fortnightly from residents subscribing to the service and may be collected on a different day to the other services. Separate collection calendars will be provided to households subscribing to the service.
- v. Textiles such as unwanted/worn out items of clothing and paired shoes, will be collected for recycling fortnightly in an average size carrier bag placed alongside the green lidded recycling bin on collection day. These are collected on the same day as the recycling bin and stored in a cage under the vehicle.
- vi. Small waste electrical items such as hairdryers and toasters will be collected for recycling fortnightly in an average sized carrier bag placed alongside the black refuse bin on collection day. These are collected on the same day as the refuse and stored in a cage under the vehicle.
- vii. Household batteries will be collected for recycling fortnightly in a clear plastic bag placed on top of the lid of the recycling bin. These are collected on the same day as the recycling bin and stored in a cage under the vehicle.
- viii. All recyclables and waste, including food waste, must be presented at the point of collection by the householder no later than 7.00 am on the scheduled day of collection or as otherwise notified by the Council.
- ix. The refuse and recycling collection calendar will be publicised twice per

year and residents will receive a new leaflet and calendar should their collection day change.

3. Containers

- i. **Standard collection** arrangements: all properties suitable for wheeled bins will use:
 - 1 x 240 Litre (L) black wheeled bin for refuse, (in the future it is the Council's intention to move to 180 litres for residual waste to encourage recycling);
 - 1x 240 L green lidded wheeled bin for recyclables (cans, plastics, glass bottles and jars, juice, milk or soup cartons);
 - 1x 5L grey kitchen caddy for use within the home for food waste;
 - 1x 23L black and orange external food bin for presentation of cooked and uncooked food waste for collection. The external food bin has a locking lid to prevent spillages; and
 - 1 x 55L green box – for the presentation of paper and cardboard for collection.
- ii. All properties NOT suitable for a wheeled bin service will receive 52 black sacks for residual waste each year and 60L reusable bags for recycling. The existing green 55 litre box will be used to present paper & card and residents will also receive a 23L food bin for a weekly collection. This enables participation in the new service and therefore these properties will receive alternate weekly collections of recycling and residual waste. Properties unable to store/present a food waste bin will remain on weekly sack collections and receive 104 refuse sacks annually.
- iii. Where a property is only able to accommodate one wheeled bin, the Council will provide a 240L refuse bin (fortnightly collection), a 23L food bin (weekly collection) a green box for paper and cardboard (fortnightly collection) and a re-usable 60L bag for dry recycling (fortnightly collection).
- iv. All containers will remain the property of the Council and will be provided free of charge.
- v. It is the resident's responsibility to maintain the cleanliness of the containers and to report any defects to the Council.
- vi. Containers must not be used for any form of advertising.
- vii. **Communal Containers:** Communal properties including flats will, where space allows, be provided with a bin or bins of appropriate size and being identifiable for recycling and residual waste (and will not receive sacks). Communal recycling and food waste collections will be assessed on an individual basis by Council staff and will be introduced wherever possible. If the recycling is contaminated on a regular basis, the recycling service

may be withdrawn.

- viii. Where a weekly food waste collection can be provided, the presumption will be that residual waste collections will be made on alternate weeks to the recycling collection. Communal properties that are unable to accommodate food waste collections will remain on weekly collections.
- ix. **Garden Waste Containers:** The Council will provide, on payment of the annual subscription charge, a 240 litre brown wheeled bin for the fortnightly collection of garden waste. All containers will remain property of the Council. Refer to Garden Waste Terms and Conditions for full details.
- x. Those properties classed as Exempt Properties i.e. properties unable to accommodate wheeled bins will be encouraged to consider options for garden waste such as home composting. These households will be able to subscribe to the garden waste service and receive 3 x 90L reusable green hessian sacks.

4. Property Suitability for Wheeled Bins

- i. The following criteria will assist the Council in determining the best service solution if the use of a wheeled bin is in doubt i.e.
 - no place to put the wheeled bin;
 - there is a place at the front of the property but it will cause an unacceptable obstruction to access and egress from the premises onto the highway;
 - there is a suitable storage space at the rear of the property but there is no way of wheeling the bin to the point for collection, for example, the only access is through the house;
 - there is no rear access and where the front area is of a size less than 5 square metres or there will be an unacceptable obstruction on the highway;
 - there is an excessive number of steps in a single flight e.g. 3 or more steps;
 - the distance required to manoeuvre the bins from the collection point to the collection vehicle is considered to be unreasonable, usually more than 10 metres;
 - there is no reasonable access for the refuse collection vehicle with bin lifting equipment; or
 - where there is a purpose-built bin storage cupboard located at the front of the property and is not large enough to cope with a wheeled bin or bins and has no outside space suitable for wheeled bins.
- ii. If it can be demonstrated that the use of wheeled bins is impractical the following will be offered to the resident:-
 - Black sacks (52 per year) for residual waste and 60 litre re-usable hessian bags for recycling, a 55L recycling box for paper and cardboard and a 23 litre food waste bin and kitchen caddy.

- Black sacks and recycling collections will operate on an alternate weekly basis in line with the rest of the borough.
- Properties unable to store or present a food waste bin will remain on weekly sack collections and receive 104 refuse sacks annually.

5. Collection Point from Individual Properties

- i. The normal collection point for all contained recycling and waste (whether in wheeled bins, food bins, boxes or bags) will be at the boundary of the property nearest to where the collection vehicles pass, with the exception of clinical waste which may be collected from an alternative collection point as agreed by a Council Officer.
- ii. Where a variation from the normal collection point is required (e.g. at the side or rear of the property, at the end of a rear access, at the nearest adopted highway) the occupants of the property concerned will be notified. The Council's decision as to where containers are to be presented for collection is final in line with its right to serve notice of a designated collection point under the terms of the Environmental Protection Act 1990 (Section 46).
- iii. Back alley collection will only be made in the most exceptional circumstances. In such cases a communal collection point will be considered in the first instance. Where this applies, containers will need to be labelled by the residents with their property name or number and placed out for collection at the designated point or storage area. The containers will need to be returned back to the properties by the residents as soon as possible after collection.
- iv. The collection point will be located no further than 10 metres from where the vehicle passes. This policy will be applied to all new developments, and may be applied to existing properties if risk assessments show the need for revised collection practices.
- v. For example, in the instance of shared driveways, the presentation point of the container should be at the boundary of each individual property where it meets the public highway, so long as this point is not further than 10 metres from the road which the collection vehicle uses to service those properties.
- vi. Wheeled bins and other collection containers must not be left on the public highway at any time other than for collection. Where wheeled bins are left on the public highway before or after collection in such a way as to cause an obstruction to pedestrians, the householder will be contacted and advised to remove the bin(s) from the highway. Enforcement action will be considered if householders repeatedly obstruct the highway with their wheeled bin(s) and other collection containers.

6. Assisted Collections

- i. In situations where all occupiers are physically unable to place their own refuse or recycling containers at the boundary, assisted collections will be offered. The recycling and refuse containers will be collected from an agreed storage point (no more than 10 metres from the highway, unless in exceptional circumstances). A Council Officer or Contractor visit may be required to carry out a risk assessment.
- ii. The following information may be requested:
 - the reason for the request;
 - medical confirmation of condition;
 - if there is anyone else, such as carers or regular visitors in the household, who can move the containers to the boundary and back; and
 - the location from where the containers are to be collected and returned to in order to identify any potential risks i.e. steps, locked gates etc.
- iii. Given that the number of properties receiving assistance impacts upon the efficiency and effectiveness of the collection service, and that there is an acceptance that households change ownership over time or individual residents circumstances change, an annual review of the Assisted Collections list will be undertaken by the Council to confirm that the arrangements are still required.

7. Side Waste

- i. "Side Waste" means excess residual or other waste materials from the household, left alongside the wheeled bin (or other container) or which prevent the lid from closing.
- ii. Residual side waste should not normally occur if the household is fully utilising all the recycling services offered to them. Additional residual waste will not be collected.
- iii. Side waste of recyclable material will be collected with the recycling container on the appropriate collection days (excluding garden or food waste), provided it is suitably contained (recycling box, cardboard box, open carrier bag) and not in refuse sacks.
- iv. Due to the nature of the waste, food side waste should not be presented next to the external food waste caddy. Additional food bins will be provided on request.
- v. All side waste is the responsibility of the householder and must be presented as above or properly disposed of by the householder.
- vi. Small electrical items, batteries and textiles are not defined as side waste and will be collected when appropriately contained on the correct day.

8. Additional Refuse and Recycling Capacity (excluding garden waste)

- i. If a householder requests additional recycling capacity because they are utilising the recycling container to its full capacity, an additional container may be provided on application.
- ii. A “larger” household can apply for an additional wheeled bin for non-recyclable refuse, which may result in additional capacity being agreed. A “larger” household is defined as one where there are six or more people in permanent residence or where a medical condition results in additional refuse. A visit may be made by a Council Officer to assess the situation
- iii. Where a household of five or fewer people reports that they have insufficient capacity to store non-recyclable refuse in a standard black wheeled bin, the Council will enquire into any medical conditions etc. and if not applicable give recycling advice. A visit may be made by a Council Officer to assess the situation and carry out a waste audit.
- iv. The Council Officer will seek to establish the extent to which the householder is currently recycling. If the householder is fully utilising the recycling facilities provided but can still demonstrate a shortfall in their bin capacity, an additional black wheeled bin may be provided for refuse.
- v. Where the Council Officer deems that a household is not making full use of the recycling collection services they will not be given an additional/larger refuse wheeled bin and any resulting side waste will be the responsibility of the householder to dispose of themselves.
- vi. Where capacity is exceeded due to cat litter or pet waste additional storage capacity will not be provided. Council Officers will provide advice to householders on an individual basis as to alternative methods of treatment and disposal.
- vii. Additional food waste bins will be provided on request. Up to two additional garden waste bins will be provided when each bin is paid for on subscription.
- viii. A review of households with larger or additional bins will be carried out by the Council annually to determine whether the household is still eligible for the larger/additional bin. Householders are encouraged to notify the Council where they no longer need, or qualify, for the larger or additional bin.

9. Replacement or Broken Containers

- i. All containers provided by the Council remain the property of the Council and where containers are damaged, stolen or lost, it is recognised that there will be a need to consider each request for a replacement on an individual basis. Replacement containers for

individual properties will be provided by the Council to ensure that they fully comply with the Council's specification. The following general criteria are considered reasonable and should be applied in most circumstances.

- ii. For wheeled bins or other containers that have been damaged or lost, the Council will provide a replacement container or repair that meets the Council's specification for wheeled bins, boxes, food bins or re-usable garden waste sacks. If this is the fault of the householder the Council may re-charge the cost of provision.
- iii. The Council may issue clean, used bins to households as a replacement.
- iv. In the event that the occupancy of a property changes, all containers provided by the Council should be left at the property for the use of the incoming residents. For Garden Waste bins please see *Garden Waste Terms and Conditions*.
- v. Containers that have been damaged or lost in the collection vehicle or during the collection process as a result of mis-handling or misuse by the collection staff, excluding any damage caused as a result of prohibited waste being placed in the bin, will be the responsibility of the contractor.
- vi. In circumstances where the bin is reported as having been 'stolen', the Council may request a police incident log number (non-crime reference number). The Council will provide a replacement container of the type stolen, if subsequent bins are reported as lost or stolen the Council may re-charge the cost of provision to the householder.

10. New Property Developments:

- i. Landlords have a responsibility to remove and dispose of waste caused by lettings under the Environmental Protection Act 1990. Failure to do so can result in prosecution. Landlords must advise tenants about the waste facilities provided by the Council, and must encourage their tenants to recycle waste. Where tenants exceed their waste allowance, the landlord must ensure that the tenant uses a private waste collection contractor to remove any excess waste. Any waste produced by a contractor carrying out maintenance of a property is the responsibility of the landlord who must ensure the waste is removed in line with regulations.
- ii. The Council will not be held liable for excessive wear and tear, sinking or shifting of block or brick, or any other road surfaces as a result of its contractor's vehicle movements during the provision of the collection services and necessary movements related thereto.
- iii. Reversing refuse trucks can be hazardous so where possible, the road layout should include sufficient space for vehicles to drive in and turn

around keeping reversing manoeuvres to a minimum. Appropriate overall turning areas for refuse trucks is 22.5m and 4.5m height allowance must be designed into the development.

- iv. **Houses:** All collections are made from the front boundary of the property. Sufficient space should be allocated to allow space for storage and presentation of:
 - 1 x black refuse bin (up to 240 litre);
 - 1 x green lidded recycling bin (240 litre);
 - 1 x black & orange food waste bin (23 litre)
 - 1 x 55L green recycling box.
- v. The majority of residents in households with gardens will want to opt into the garden waste service, and therefore space should also be allocated to accommodate an additional bin.
- vi. The boundary (point of presentation) should be as close as possible to where the vehicle passes but no more than 10 metres from vehicle to collection point.
- vii. All houses are required to have an individual collection and must not be provided with communal collection arrangements unless otherwise agreed with the Council or specified by it.
- viii. **Flats** are generally serviced by communal bin stores. Details of the container specification will be provided on request to the Council.
- ix. Bin stores must be large enough to accommodate and manoeuvre sufficient 1100 litre refuse Eurobins for the number of dwellings in each block.
- x. Space must be allocated and all bins must be distinctly labelled and/or coloured for recycling in accordance with the Council's container specification.
- xi. Space must be allocated for a communal food waste collection in accordance with the Council's specification and the number of dwellings.
- xii. The immediate area outside the bin store should be level with the road, should not include an incline and the installation of a drop-kerb where necessary is mandatory. Car parking spaces should not be allocated immediately in front of the access to the bin store.
- xiii. The distance from bin store to vehicle should be no more than 10m where the development is a mixture of houses and flats and bin stores are used. It is a requirement that an FB1 or FB2 key arrangement or FB1 padlocks only are fitted.
- xiv. Communal Bin store guidance

Above ground stores to conform to BS5916 (1980) and must be:

- easy to clean;
- vermin proof and fire proof;
- of adequate height to lift lid of bin;
- allow all bins to be easily accessed and used by residents;
- allow wheeled containers to be withdrawn horizontally over a hard surface with no trip hazards;
- have drop kerb provision, close to the roadside;
- allow sufficient space for each bin to be maneuvered to and through the door without the need to move other bins for access;
- provide a minimum clearance of 500 mm width through any doorway over and above the largest bin size;
- have artificial lighting; and
- not to be used for any purpose other than the storing of bins.

11. Clinical Waste Collections

- i. The Council provides a separate clinical waste collection service for the collection of infectious waste, sharps (needle) waste, cytotoxic waste (medical, chemical, contaminated, biological waste) to householders, upon request from a District Nurse or Medical Practitioner.
- ii. The Council will supply compliant sacks/receptacles of a colour appropriate to the method of disposal to households when starting the clinical waste service. The health care professional should supply an initial sharps container and the Council will provide a replacement 5/7 litre container upon collection.
- iii. The Council will collect child and adult disposable nappies within the residual waste service as this does not require clinical waste disposal, additional capacity may be approved upon application. All clinical waste contained in the correct containers shall be removed from an agreed collection point.
- iv. Infectious clinical waste sacks will be delivered to the householder at the time of collection.
- v. Collections may be made weekly or fortnightly.

12. Bulky Waste Collections

- i. The Council offers residents the collection of bulky waste items for a charge.
- ii. The Council will collect Bulky Household Waste items such as furniture, metal items and also items of household WEEE (being items that fall under the EU Directive on Waste Electrical and Electronic Equipment) including, but not limited to:

- Televisions;
 - Computers;
 - Fridges (doors must be taped in the closed position);
 - Freezers (doors must be taped in the closed position);
 - Washing machines;
 - Tumble driers;
 - Cookers;
 - Microwave ovens.
- i. Charges apply for one (1) to six (6) items. These charges are reviewed annually by the Council.
- ii. Bulky collections will be made within 5 working days of the booking or on a date agreed with the householder. The householder will be advised of the date of collection at the time of booking.
- iii. The householder will be required to present the bulky items, as listed in the booking, on the boundary of their property, by 7am on the day of collection.
- iv. Terms & Conditions for Bulky Collections.
- Only items confirmed in the booking will be collected.
 - The collection must be from a residential property, (the Council will not collect from commercial premises, including schools and nursing homes).
 - Items must be clearly visible and accessible at the front of the property abutting the highway by 7am on the day of collection.
 - All items must be under two metres, items that cannot be lifted by two operatives or carried from the collection point to the vehicle will not be taken.
 - Fridges and freezers must be defrosted and empty of food/water as any contaminated items will not be removed.
 - Any changes or a cancellation of this booking should be notified to the Council no later than 48 hours before the scheduled collection.
 - Items put out for collection are the residents responsibility and no refund will be given if items are removed by anyone other than the Council's contractor unless the Council are notified no later than 11am on the day before the scheduled collection.
 - The collection crews will not be allowed to access the resident's household to collect items unless an indemnity/damage waiver is agreed when the booking is made.
- v. The Council will not collect the following items.
- Car parts
 - Window Units
 - Mirrors (if mirror is part of a unit/door then this must be securely cross

- taped)
 - Garage and Patio doors
 - Hazardous Waste
 - Builder's rubble and glass
 - Any items over 2 metres long
 - Any item that 2 operatives cannot safely lift
 - Loose garden waste (should be bundled/bagged)
 - Commercial Waste
 - Industrial Waste
 - Any other item deemed unsuitable
- vi. Collections will be made from a point abutting the highway as agreed at the time of booking.
- vii. If the contractor is required by the householder to enter the home in order to collect items, full details must be given at the time of booking, and the householder will be required to sign a damage waiver. This will only be agreed in exceptional circumstances such as the resident being elderly/disabled and having no other assistance in moving the item/s to the standard collection point.
- viii. If the items booked for collection are not out, or there is a discrepancy between items booked and those presented, the contractor will notify the occupier by posting a leaflet/card through the letterbox of the household concerned. Should an abortive visit be made owing to the householder failing to meet the agreed arrangement, the Council will attempt one further collection at no additional cost, by arrangement. If the householder fails to meet the agreed arrangements on a second occasion, the Council will be deemed to have fulfilled its obligation and no monies will be returned.
- ix. Collections cancelled up to 48 hours before collection will not be charged, cancellations after this time will be charged at full rate.

13. Missed Collections

- i. If collections are missed as a result of the crew's inattention, the collection will be made within one working day, of it being reported.
- ii. If collections are missed as a result of the highway being temporarily blocked or for any other exceptional circumstance, the collection will be made when access becomes available.
- iii. Missed collections must be reported within two working days of the scheduled collection. If a missed collection is not reported within two working days, the bin will not be emptied until the next scheduled collection. An exception will be made for assisted collections whereby the householder is unable to check whether the bin has been emptied.

- iv. Bins identified as being unacceptable for collection (such as the contents containing contaminating or excessively heavy materials) or not collected due to the resident not making them available, including blocked access, will not be collected until the next scheduled collection.
- v. During extremely cold conditions it is possible that some of the bin contents will freeze to the inside of the bin. This is a rare occurrence and only affects small quantities of material usually at the bottom of the bin. Should this occur, the waste will be collected during the next collection cycle (if thawed). Material will only be emptied as the bin tips up on the bin lift, crews are unable to scrape inside the bin.
- vi. During extremely cold conditions some of the wheeled bin lids may freeze shut, if the crews are unable to open them using reasonable force, the crews will return later the same day.

14. Acceptable/Unacceptable materials:

i. Food Waste:

Acceptable waste for the weekly food waste collection includes:

- all cooked and uncooked food including:-
- dairy produce;
- fish, meat and bones;
- bread and pastries;
- tea and coffee grounds;,,
- pasta and rice;
- fruit and vegetables;
- nut shells and egg shells; and
- mouldy or spoilt food.

ii. Unacceptable materials for food collections include:

- liquids & oils; and
- food packaging (must be removed).

Plastic bags must not be used to contain the food waste. Only compostable cornstarch or paper liners certified EN13432, newspaper or kitchen roll are acceptable materials to wrap the food waste in. Should any householder have any question as to the suitability of liners they intend to use then they should contact the Council to minimise the risk of collections not being made.

- iii. **Mixed Dry Recycling Collection: 240L Green lidded bin (or re-usable bags for exempt properties)**
- iv. **Acceptable** recyclable materials for the mixed dry recycling scheme, which should all be clean, empty and dry, are as follows.
 - Glass - bottles and jars of any colour (glass food & drink containers only)
 - Cans – drink & food cans, empty aerosol cans

- Kitchen foil and foil trays
 - Plastic bottles – all plastic bottles –household, detergent, shampoo, cleaning liquids and all drink bottles.
 - Mixed Plastic Containers – meat trays, pots, tubs & fruit and vegetable punnets
 - Food and Beverage Cartons – soup, milk, juice etc.
- v. **Recycling collection 55 L Green Box:** acceptable materials are as follows.
- Cardboard - packaging such as cereal packets and pizza boxes, cardboard sleeves, toilet & kitchen roll centers, greeting cards (those without glitter).
 - Paper - newspaper, magazines, brochures, catalogues, junk mail, envelopes, office paper.
 - Any large cardboard boxes which are flattened. If they will not fit into the box they can be presented alongside the recycling bin or a cardboard box can be used to contain additional paper/cardboard.
- vi. **Unacceptable** materials for dry recycling collections are any that are not specified in the above list, specifically including the following items.
- Clinical waste including medicines, needles or syringes
 - Food waste
 - Garden waste
 - Plastic film, bags or sacks
 - Scrap metal
 - Polystyrene foam
 - Plastic wrapped items
 - General household waste
 - Wet materials
 - Clingfilm
 - PVC (sheets, paddling pools)
 - Plastic toys, washing baskets, buckets, plant trays/pots
 - Hazardous materials
 - Soil, stones or builders rubble
 - Plastic foil laminated pouches (such as cat food pouches) or foil lined containers
 - Textiles
 - Expanded polystyrene food trays
 - Pet waste and litter
 - Corks
 - Broken ornaments/crockery
 - Glass mirrors, vases, window glass, glass ovenware
- vii. **Garden waste: Acceptable**
The subscription service is for the following items of garden waste.

- Grass cuttings
 - Leaves
 - Weeds
 - Dead flowers and plants from the garden
 - Light garden prunings
 - Hedge trimmings
 - Small branches (up to 3 inches in diameter)
 - Untreated wood chippings (without causing excessive weight)
 - Windfalls of fruit (without causing excessive weight)
- viii. **Garden waste: Unacceptable:** bins containing materials other than those permitted or listed below will not be emptied.
- Food Waste
 - Cardboard
 - Pet waste, animal bedding, cat litter
 - Dead animals
 - Plastics & Metals
 - Soil, stones & building rubble, plasterboard
 - Large pieces of wood
 - Hazardous materials

Residents will be required to remove the offending material and either put it into their residual waste container (if appropriate) or make arrangements to dispose of it separately.

- ix. **Refuse Collection:** The refuse should only contain materials that cannot be recycled such as plastic film/bags, nappies, sanitary items, broken toys/crockery/ornaments, pet waste/litter/bedding, pet food pouches and soiled items such as cleaning cloths.

Unacceptable items for the refuse collection service include the following items

- Bulky & heavy items
 - Garden waste
 - Builders' waste including plasterboard
 - Paint tins
 - Liquids
 - Tyres and car batteries
 - Electrical items
 - Gas bottles
 - Hypodermic needles
 - Other hazardous waste
- x. Garden waste should not be placed in either the black refuse bin or green lidded recycling bin. If garden waste is found in either bin it will not be collected.
- xi. Householders are required to remove any contaminating material from

waste containers and dispose of it separately.

- xii. The residual waste bin will not be emptied if the collection crew perceive the weight of the bin could cause the bin to fall from the lifting equipment on the vehicle. The weight of the bin must be reduced before the next collection.
- xiii. **Textiles, Small Waste Electrical & Electronic Waste & Batteries Recycling Collections:**
- xiv. Textiles such as items of unwanted or worn out clothing and shoes (tied in pairs) will be collected. The Council can only accept an average size carrier bag full, as space is limited on the vehicle. The bag should be put out for collection next to, not inside, the green lidded recycling bin.

Unacceptable items for Textile collection includes duvets, pillows, cushions or similar or any items placed in black sacks or charity bags.

- xv. **Waste Electrical & Electronic Equipment**
- xvi. Small broken household appliances such as kettles, toasters and hairdryers can be placed in a standard sized carrier bag for collection next to, but not inside, the black refuse bin. No larger electrical items can be taken as there is limited space on the vehicle.
- xvii. Household batteries such as 6 volt batteries, 9 volt batteries (transistor batteries), D, C, AA, AAA and button batteries (watch batteries) as well as mobile phone batteries and laptop batteries are accepted. Batteries should be presented for collection in a small bag on top of but not inside the green lidded recycling bin on collection day.

Unacceptable: Car batteries or other industrial batteries.

15. Misuse of Containers & Enforcement Action

- i. Where a resident does not wish to participate in the service (for example, the resident finds the bin unsightly or they are not prepared to accept or use the containers provided) a number of steps will be taken to ensure that the householder is fully aware of how the service operates. If they still choose not to use the containers, the resident will be advised they will need to dispose of their own waste and will be considered to have “opted out” of the service, as per the Environmental Protection Act of 1990 and there will be no reduction in Council tax.
- ii. If the resident fails to use the recycling or food waste collection service but instead opts to use only the capacity available in the refuse container between refuse collections, then no enforcement action would be taken. Please note that no side waste will be accepted and

the bin will not be emptied if it contains unacceptable materials e.g. garden waste.

- iii. However, where a resident uses their recycling container for general refuse (black sack waste), the following steps will be taken.
- iv. On the first occasion, the bin will not be emptied and a hanger or sticker placed on the bin to explain why the bin could not be emptied. On the second occasion the same procedure will be followed.
- v. On the third occasion within any rolling six (6) month period a Council Officer may arrange to visit the resident to establish why the resident is failing to use the system correctly. An audit of the waste presented will be offered. This would entail sorting through the contents of the container/s with the householder present. The resident will be given further advice on how to use the service.
- vi. If the misuse continues further enforcement action will be taken.
- vii. In accordance with Section 46 of the Environmental Protection Act 1990, the Council may serve a Statutory Notice to the householder to require waste to be placed within the correct containers specified. The authority is entitled to specify that separate containers are used for waste to be recycled and waste which is not recycled and to determine where such containers must be placed to facilitate the emptying of them.
- viii. Any person that fails, without reasonable cause, to comply with the requirements of such a Notice may be issued a Fixed Penalty Notice in accordance with section 46 of the Environmental Protection Act 1990.
- ix. All households which are assessed as suitable for a wheeled bin for their refuse will be deemed suitable for fortnightly refuse collections. Where a resident presents their waste in sacks despite having a wheeled bin, this will be treated as side waste and will not be collected.
- x. Enforcement action may be taken as a last resort where the Council is satisfied that all reasonable attempts at discussion and explanation have been thoroughly explored and concluded
- xi. Mixed Dry Recycling Contamination**
- xii. Recycling collection crews will be instructed to lift lids of each recycling bin to check for contamination prior to emptying.
- xiii. Where contamination is present in the green lidded recycling bin, the collection crew will not be able to empty the bin. For example, upon lifting the lid, plastic sacks, food waste, garden waste or other non-acceptable material is visible the container will not be emptied, an advice note will be

placed on the container to advise of the reason for non-collection.

- xiv. Householders will be advised to remove the contaminating material from the recycling container prior to the next scheduled collection.
- xv. Where incidents of contamination are of a persistent nature (e.g. more than two collections), a letter will be sent to the householder and/or they may receive a visit from a Council Officer to reinforce what the householder should and should not be putting in their recycling container. Enforcement action may also be used for persistent offenders where the Council is satisfied that all reasonable attempts at discussion and explanation have been thoroughly explored and concluded.
- xvi. Food Waste Contamination**
- xvii. Collections crews will be instructed to lift the lids of the external 23L food bin and check for contamination prior to emptying.
- xviii. Where contamination is present in the food waste bin, the collection crew will not collect the waste and will place an advice note on the bin to advise the resident to remove the contaminant. Under these circumstances the resident can put the contaminated food waste into their refuse bin for disposal.
- xix. Where incidences of contamination are of a persistent nature (e.g. more than two collections) a letter will be sent to the householder and/or they may receive a visit from a Council Officer to reinforce what the householder should and should not be putting in their food waste caddy. Enforcement action may also be used for persistent offenders where the Council is satisfied that all reasonable attempts at discussion and explanation have been thoroughly explored and concluded.

16. Schedule 1 Collections

- i. This section refers to properties that are classified as Schedule 1 of the Controlled Waste Regulations (England and Wales) 2012. The Regulations explain the sources, other than domestic households, that produce waste described as being household, commercial or industrial waste. The Regulations also detail the types of activities that produce waste under each of the waste definitions and whether or not charges may apply for the collection and/or disposal of the waste.
- ii. For the purpose of this Policy & Procedure Statement, the property types for which the Council will only provide a domestic collection service, are Places of Worship. These are property types that by activity principally produce waste defined as being household in nature when used for public meetings, worship or similar activities.
- iii. These properties will be provided with a standard household collection

free of charge.

- iv. Where any Place of Worship, Church Hall, Village or Community Hall hires out the facility, and for where any charge is made, then the waste from that activity is commercial waste. A separate commercial waste container and servicing contract must be entered into. The Council is not able to collect mixed domestic and commercial waste nor commercial waste or garden waste, free of charge.

17. Unadopted Roads

- i. The Council has no statutory obligation to collect waste from non-adopted highways, where no suitable collection point close to the highway can be established. Where no suitable arrangement for servicing private (non-adopted) roads and properties can be agreed then the Council reserves the right to specify a collection point in accordance with its powers under the terms of the Environmental Protection Act 1990 (Section 46)
- ii. The Council will only collect waste from a non- adopted highway where the road construction is to an adopted highway standard and the management company or other responsible organisation responsible for the development provides and maintains an indemnity to the satisfaction of the Council for the refuse collection operation.

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Waste Services Contract - Risks and mitigation measures

Introducing a new waste & recycling service on such a large scale represents a number of areas of risk, both in terms of its practical implementation and the Council's reputation.

Areas of potential risk and identified mitigation measures include:

Risk	Mitigation
Poor take-up of garden waste service.	Advanced marketing campaign including introductory offer & allowing plenty of time for sign up before service commences. Charge set below National and County average.
Discontent with introduction of chargeable garden waste collection.	Effective media briefings; clear messaging and marketing campaign. Setting of charge below National and County average and introductory incentive.
Not being able to keep up with demand on garden waste bin delivery requests. If we achieve (30% take up = 16,000 bins to deliver)	Phased approach being adopted to coincide with period of lower demand of garden waste. Measures in place by contractor to learn from previous experiences.
Residents adding garden waste to their residual waste.	Clear labelling of residual waste bin showing unacceptable materials including garden waste. Initial light touch educational approach with subsequent sanctions for repeat offenders.
Residents' frustration at being unable to easily contact sources of advice/help.	Briefing of Customer Services team. Engagement of additional temporary staff to deal with high volume of contacts. Development of comprehensive website information; clearly produced explanatory literature.
Failing to meet the national recycling target of 50% by 2020.	Ongoing educational & promotional activities to reinforce messages. Participation monitoring to measure success and target any poor performing areas. Ongoing communications with residents thanking them for using the new service – publicise increases in recycling rates.
Residents fail to sort recycle correctly and put the wrong waste in the wrong bins/boxes.	Development of a comprehensive, multi-channel and adequately resourced tactical marketing campaign with training of all collection staff in contamination procedures to prevent repeat incidents.

	Robust application of agreed policies & procedures.
Level of service in lead up to commencement of new contract.	Officers working closely with the existing contractor to deliver the standard of service expected and encourage the co-operation of existing contractor during the handover period. Additional temporary monitoring staff appointed.
Problems with IT systems	Bespoke website being developed linked to Council's main website. Separate working group involving Partnership authorities and Urbaser established to oversee IT.
Data issues.	Systems to be thoroughly tested and trialled. IT Services fully engaged in the mobilisation process to ensure systems in place for processing payments (all types) and data feed/compatibility to new contractor. Internal ICT Workstream established in addition to the project ICT Group.
Concern among contractor staff about their jobs.	New contractor 'open days' and 1 to 1 staff meetings already progressed. Urbaser to arrange sufficient agency staff and ensure fully trained.
Adverse media coverage.	Early briefing of the media on the new service. Proactive engagements through regular updates/releases.
Inconsistent messaging to the local media from TMBC, TWBC and the new contractor.	Common protocols developed between the three parties regarding content/issuing of press releases and other publicity material. Consistent approach to be managed through Communications Workstream.
Ineffective partnership working	Clear project management structure between authorities in place. Partnership Manager appointed and Project Team established with clear lines of communication & decision making.

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

11 February 2019

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Non-Key Decision (Decision may be taken by the Cabinet Member)

1 PUBLIC CONVENIENCES REVIEW

Summary

This report updates Members on the agreed way forward regarding the future provision of the Council's existing public conveniences and seeks approval of an Equality Impact Assessment.

1.1 Background

1.1.1 At the forthcoming meeting of Cabinet on 14th February 2019, the recommendations of Overview & Scrutiny Committee, held on 18th October 2018 will be considered.

1.1.2 The decisions to be taken by Cabinet are as follows:-

- subject to agreement with the existing contractor, the existing public convenience cleansing contract be extended for 12 months in accordance with current contract conditions;
- meetings in liaison with the Estates Service Manager be undertaken with individual Parish/Town Councils to agree the leasehold or freehold transfer of ownership of the Council's public conveniences currently located in their area;
- the existing provision of public conveniences at Leybourne Lakes Country Park, Haysden Country Park, Tonbridge Racecourse Sportsground and Tonbridge Cemetery be retained;
- the existing Priory Road and Castle Grounds public conveniences in Tonbridge be retained;
- the existing Angel Centre public toilets be closed with the public redirected to existing alternative provision;

- further investigation be undertaken into the suitability of alternative toilets in the vicinity of Tonbridge Castle to determine the future provision of Castle Grounds toilets;
- the Building & Estates Manager be requested to bring forward, if required, an improvement programme for those facilities to be retained/transferred;
- future reports be submitted to the Street Scene & Environment Advisory Board on the outcome of the review, accompanied by an Equality Impact Assessment and financial appraisal.

1.1.3 It is worthy of note that the Council currently operates 15 public conveniences across the Borough at an annual operational cost of £155,300 (excludes management and administration expenses and non-current asset depreciation). 8 of the existing public conveniences are in Parish centres, 3 in Tonbridge town centre and 4 in open spaces owned by the Borough Council. A location plan of the existing facilities is shown at **Annex 1**.

1.2 Update

- 1.2.1 Following Cabinet on 14th February 2019 a number of immediate actions will be progressed. Liaison will be undertaken with the Council's existing cleansing contractor to extend the current contract for 12 months until 28th February 2020, in accordance with current contract conditions. The extension will provide the Council with a full year to progress the recommendations of the review.
- 1.2.2 Parish/Town Councils will be updated on the review at the meeting of the Parish Partnership Panel on 7th February 2019, and letters will be sent to those Parish/Town Councils directly affected in due course. It is the intention to arrange meetings with the 8 Parish/Town Councils which have a public convenience in their Parish area, although these are likely to be in the early summer, due to current workload pressures relating to the new Waste & Recycling contract.
- 1.2.3 Liaison has been undertaken with the Leisure Trust regarding the closure of the Angel Centre public toilets, with the public redirected to existing alternative provision, including other toilets within the Angel Centre and Sainsburys. Following Cabinet it is the intention for the facility area currently used as a public convenience within the Angel Centre to be transferred to the Leisure Trust under a lease arrangement. This will enable the Trust to consider suitable alternative uses for the area in the future.
- 1.2.4 The Building & Estates Manager will be requested to bring forward an improvement programme for the facilities to be retained/transferred, with the condition of the public conveniences specifically referred to by Members of the Overview & Scrutiny Committee. The improvement programme will be reported to a future meeting of the Finance & Property Advisory Board as it is likely that it will have a financial impact on existing provision within the Building Repairs Fund. It

should be noted that currently no funding for such works has been allowed for with the BREP.

- 1.2.5 If the local public convenience service is carried out by one or more parish council(s) in part of the area at the same time as it being performed by the borough council in another part of the area, then the service itself becomes a 'concurrent function'. Other local concurrent functions identified by Cabinet during 2016 have been included within a Special Expenses Policy, and the costs of those functions are treated as Special Expenses for the purposes of levying council tax within the borough.
- 1.2.6 It is fair and equitable that the cost of the *local* public convenience function retained by the borough council is met by taxpayers in that particular *local* area, given that in the parished areas that cost will be met by taxpayers of the relevant parish council. The Special Expenses Policy will therefore need to be updated.
- 1.2.7 It is noted that three of the public convenience sites mentioned in paragraph 1.1.2 support services that we have deemed to be '*strategic*' sites. These are Leybourne Lakes and Haysden Country parks, plus Tonbridge Cemetery. Due to their nature, therefore, it is recommended that these public conveniences are not deemed to be *local* concurrent services for the purposes of the Special Expenses Policy.

1.3 Legal Implications

- 1.3.1 There is no statutory requirement for the Council to provide public conveniences. The current public convenience cleansing contract will be extended until 28th February 2020.
- 1.3.2 The Provisions relating to "special expenses" are contained in the Local Government Finance Act 1992 at sections 34 and 35. These sections allow different amounts of council tax to be calculated for different parts of the district, depending on what if any "special items" relate to those parts. The Special Expenses policy adopted by Full Council in November 2016 would need to be updated and approved if changes as outlined in the report went ahead.

1.4 Financial and Value for Money Considerations

- 1.4.1 It is estimated that future revenue savings of circa £75,000 could be achieved from the approved approach, contributing to the Council's Savings & Transformation Strategy. This broad estimate has taken into account potential savings on the cleaning contract, utilities and repairs expenditure. It is too early at this stage to be accurate over the savings and these will need to be confirmed within a future report to this Advisory Board. This amount excludes any funding for repairs and works, if required, prior to any transfer.

1.5 Risk Assessment

- 1.5.1 It is important for the Council to undertake the review to ensure that existing services are being provided in accordance with need, it is not duplicating alternative provision and is delivering the services as cost effectively as possible.

1.6 Equality Impact Assessment

- 1.6.1 An Equality Impact Assessment has been completed and is attached for Members information at **Annex 2**. The Assessment follows the agreed corporate template, looking at each of the protected characteristics included in the Public Sector Equality Duty.

1.7 Policy Considerations

- 1.7.1 Asset Management
- 1.7.2 Communications
- 1.7.3 Community
- 1.7.4 Procurement

1.8 Recommendations

- 1.8.1 It is RECOMMENDED to CABINET that the update on the way forward regarding the provision of public conveniences be noted, and the Equality Impact Assessment attached at Annex 2 to the report be approved.
- 1.8.2 It is further RECOMMENDED that, subject to the outcome of the recommendation above, Cabinet update the Special Expenses Policy for approval by Full Council in readiness for implementation in the financial year 2020/21.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

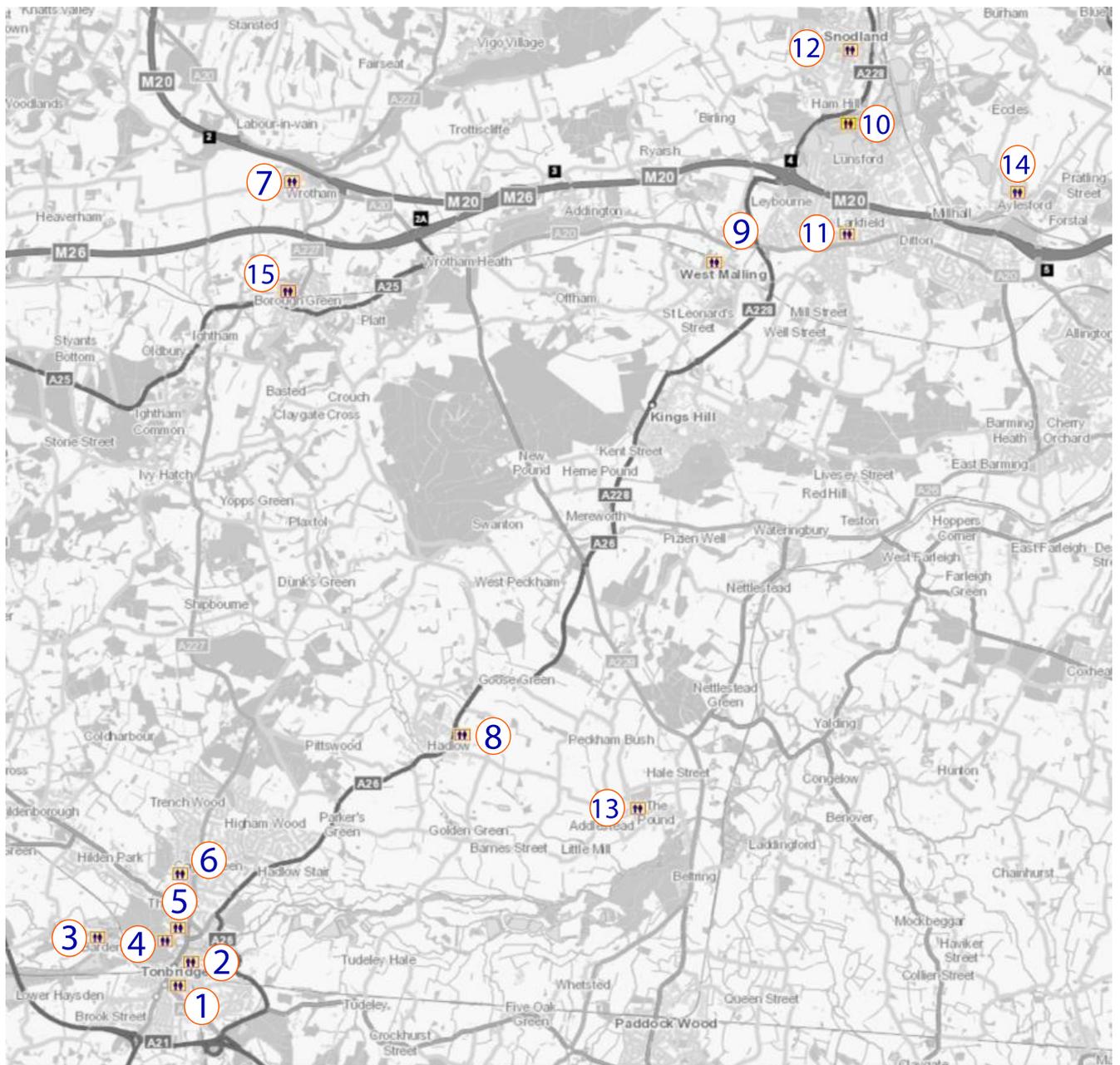
contact: Robert Styles

Nil

Robert Styles

Director of Street Scene, Leisure & Technical Services

Map of Public Conveniences in Tonbridge & Mailing



01 - Priory Road, Tonbridge
 02 - Angel Centre Tonbridge
 03 - Haysden Country Park
 04 - Racecourse Sportsground
 05 - Castle Street Tonbridge
 06 - Tonbridge Cemetary
 07 - High Street Wrotham

08 - Hadlow
 09 - West Malling
 10 - Leybourne Lakes Country Park
 11 - Larkfield, Martin Square
 12 - Snodland
 13 - East Peckham
 14 - Aylesford
 15 - Borough Green

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Summary of decision to be made:	To implement the recommendations of the Overview & Scrutiny Committee & Cabinet regarding the future provision of public conveniences currently provided by the Borough Council.		
Lead Officer (job title):	Director of Street Scene, Leisure and Technical Services		
Date the final decision is due to be made:	19/03/2019	Date this assessment commenced:	26/11/2018
Sign off by Tonbridge & Malling B.C.	Name / electronic signature	Date:	Click here to enter a date.
Is the decision relevant to the aims of the Public Sector Equality Duty to:			
Eliminate discrimination, harassment and victimisation			No
Advance equality of opportunity			Yes
Foster good relations			No
Background:			
<p>The Borough Council currently operates 15 public conveniences across the Borough at an annual operating cost of £155,300. Eight of the existing public conveniences are in Parish centres, three in Tonbridge town centre and four in Open Spaces owned by the Borough Council. Members of the Council have considered the future provision of this service (Overview & Scrutiny Committee 18th October 2018) in light of the Council's financial position and to ensure the public conveniences are being provided in the most appropriate way. The provision of public conveniences by local authorities is a discretionary service. The Council's Cabinet has approved the transfer of the eight Parish public conveniences to the relevant local Parish Council's, with the other seven public conveniences retained by the Borough Council, with the exception of the public convenience at the front of the Angel Centre. The public will still be able to use toilets in the Angel Centre or in the adjacent shops. A recommendation of Cabinet was that an EQIA regarding the way forward be progressed and reported to the Street Scene & Environment Advisory Board.</p>			
Scope of this equality impact assessment:			
<p>This Equality Impact Assessment will consider the proposed future approach by the Borough Council, and is summarised as:</p> <p><u>Transfer to Parish Councils</u> – it is proposed to transfer seven of the eight public conveniences in Parished areas to the local Parish Council (the public convenience in Wrotham is already owned by the Parish Council). The facilities will be transferred through a long lease which will require the buildings to be maintained for use as a public convenience. If necessary the buildings will be improved in advance of the transfer with no reduction to existing facilities provided. The Parishes will be responsible for the future management funding and operation of the public conveniences.</p> <p><u>Retain Existing Facilities</u> – Six of the existing public conveniences in the Council's main Public Open Spaces and in Tonbridge Town Centre will be retained by the Borough Council, which will continue to be responsible for their management/operation. Funding will either be direct from the Borough Council or via Special Expenses for those public conveniences in Tonbridge in non-strategic sites.</p> <p><u>Closure of Angel Centre Public Convenience</u> – the existing public conveniences at the front of the building will be closed, with the public redirected to the toilets within the Centre. Use of these toilets will remain free of charge and there will be no reduction in the range of facilities provided. Publically accessible toilets are also available in the adjacent shops, (Beales and Sainsburys) should the public wish to use them.</p>			

This Equality Impact Assessment focuses on the changes outlined earlier in this assessment. It does not consider day to day operational issues.

Data and information:

Census (2011)

Average Household Size is in line with the Kent (2.4) and national average (2.4):

Tonbridge & Malling: 2.5

Performance and residents feedback

The Council do not have resident's feedback on the provision of its public conveniences. The only performance data held by the Council relates to the ongoing performance of the external contractor employed by the Council to clean the existing toilets. The Cleaning contract has been extended to enable adequate time to implement the new arrangements in liaison with the Parish Councils.

In advance of the Overview & Scrutiny Committee Review the Borough Council sought feedback from the relevant Parish/Town Councils and Tonbridge Ward Members regarding the existing public conveniences located in their area. A summary of the feedback received was reported to the Committee. Liaison was also undertaken with the Community Safety Unit which highlighted very few anti-social behaviour issues within the toilets.

Relevance to the three aims of the Public Sector Equality Duty:

1. The provision of public conveniences is not relevant to the first aim of the Duty to eliminate discrimination, harassment and victimisation.
2. The need to consider how we can take steps to meet the needs of people with "protected characteristics", who use public conveniences, is relevant to the second aim of the Duty to advance equality of opportunity.
3. The provision of public conveniences is not relevant to fostering good relations.

For each of the following characteristics:

- Summarise available data, statistics or consultation findings.
- State how the proposal will impact on people.
- What action will be taken to reduce or mitigate any potential negative impacts.

Disability

Data and information

Census (2011): the percentage of the population in receipt of disability benefits (individuals not households) is lower than the Kent (8%) and national average (8.2%):

Tonbridge & Malling: 6.4%

The percentage of households with one or more people with a long-term health problem or disability:

Tonbridge & Malling: one person - 23%; two or more people - 6%.

	<p>Complaints (2017/18): Complaints and service requests relating to public conveniences are dealt with by the Waste Services Team. The number of complaints in 2017/18 was low.</p> <p>As part of the review the Council undertook a detailed audit of its existing public conveniences. The audit identified that all of the public toilets have access for disabled people and most have a separate facility. To use the disabled toilets a RADAR key is needed, which can be purchased from the Council for £5 or are provided by health authorities. This service will be retained in the future.</p> <p>Assessment of impacts</p> <p>For the six public conveniences being retained and directly operated by the Borough Council there will be no impact on disabled users as there will be no change in service provision.</p> <p>For the eight public conveniences being transferred to Parish/Town Councils there will be no impact on disabled users as there will be no change in service provision. If the Parish/Town Council do not accept responsibility for the future operation of the toilets, the Borough Council will work in partnership with the Parish/Town Council to help identify suitable alternative publically accessible toilets in the near vicinity. A number of alternatives have already been identified in the audit of the existing facilities.</p> <p>With respect to the closure of the Angel Centre public conveniences there will be no impact on disabled users as disabled toilets are available within the Angel Centre.</p> <p>The opportunity exists to enhance the quality/range of facilities available for people with disabilities as part of the planned improvement programme.</p>
<p>Race</p>	<p>Data and information</p> <p>Census (2011) Ethnic group of household reference person:</p> <ul style="list-style-type: none"> ▪ Tonbridge & Malling: 97% White; 0.7% Mixed/Multiple ethnic group; 1.4% Asian/Asian British; 0.4% Black/African/Caribbean/Black British; 0.2% Other ethnic group.

	<p>Assessment of impacts</p> <p>We have no evidence to indicate that people have different needs based on their ethnic group, in relation to the use of public conveniences. We have not identified any needs that would need to be addressed in the review.</p>
Sex	<p>Data and information</p> <p>We have no evidence to indicate that males would have different needs to females in relation to the use of public conveniences.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the review.</p>
Age	<p>Data and information</p> <p>Census (2011)</p> <p>One person households over the age of 65 are in line with Kent and national averages:</p> <ul style="list-style-type: none"> ▪ Tonbridge & Malling: one person - 1%; one family - 10%; other household types all aged over 65 - 0.3%. <p>Whilst the Council does not possess data on the age profile of users of its public conveniences, it is recognised that potentially the elderly and young children could be most affected if public conveniences are closed.</p> <p>For the six public conveniences being retained and directly operated by the Borough Council there will be no impact on any age group of users as there will be no change in service provision. For the eight public conveniences being transferred to Parish/Town Councils there will be no impact on any age group of users as there will be no change in service provision. If the Parish/Town Council do not accept responsibility for the future operation of the toilets, the Borough Council will work in Partnership with the Parish/Town Council to help identify suitable alternative publically accessible toilets in the near vicinity. A number of alternatives have already been identified in the audit of the existing facilities.</p> <p>With respect to the closure of the Angel Centre public conveniences there will be no impact on the elderly or young children as suitable toilets are available within the Angel Centre.</p>

	The opportunity exists to enhance the quality/range of facilities available for older or younger people as part of the planned improvement programme.
Religion / Belief	<p>Data and information</p> <p>We have no evidence to indicate that people would have different needs based on their religion/belief in relation to the use of public conveniences.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the review.</p>
Sexual Orientation	<p>Data and information</p> <p>We have no evidence to indicate that people would have different needs based on their sexual orientation in relation to the use of public conveniences.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the review.</p>
Pregnancy / Maternity	<p>Data and information</p> <p>We have no evidence to indicate that people would have different needs based on pregnancy/maternity in relation to the use of public conveniences.</p> <p>Assessment of impacts</p> <p>We have not identified any needs that would need to be addressed in the review.</p>
Marital or Civil Partnership Status	We have identified that the provision of public conveniences is not relevant to the first aim of the Duty to eliminate discrimination, harassment and victimisation.
Gender reassignment	<p>Data and information</p> <p>We have no evidence to indicate that people would have different needs based on gender reassignment in relation to the use of public conveniences.</p>

	Assessment of impacts We have not identified any needs that would need to be addressed in the review.			
Armed Forces Community	Data and information The needs of the Armed Forces community are considered as part of the commitments within the Community Covenant to encourage support for the Armed Forces community working and residing in the borough. Assessment of impacts We have not identified any needs that would need to be addressed in the review.			
Please tick the outcome of this assessment:	No impact	Adjust the policy	Continue the policy ✓	Stop and remove the policy
How will you summarise the impacts in the committee report:	We have considered how we can take steps to meet the needs of people with protected characteristics who use public conveniences, and have identified that: <ul style="list-style-type: none"> ▪ For those public conveniences being retained by the Borough Council there will be no impact. ▪ For those public conveniences being successfully transferred to Parish/Town Councils there will be no impact. ▪ For those public conveniences unsuccessfully transferred to Parish/Town Councils the Borough and Parish Councils will work in partnership to identify suitable and publically accessible toilets. ▪ As part of the planned improvement programme for the public conveniences particular focus will be given to enhancing facilities for people with protected characteristics identified in this EQIA. 			
When will you review this assessment:	01/04/2020 This date marks the deadline for the new arrangements being fully implemented.			

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

11 February 2019

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Recommendation to Cabinet - Key Decision

1 FIXED PENALTY NOTICES FOR LITTERING

Summary

This report seeks to advise Members on the recently amended limits for Fixed Penalty Notices for littering following last year's review by Central Government and subsequent legislation.

1.1 Background.

1.1.1 For certain environmental offences, such as littering, Fixed Penalty Notices (FPNs) are an alternative option to criminal prosecution. The levels that can be charged for an FPN for littering were set in 2006 - under Section 88 of the Environmental Protection Act - with an upper tier limit of £80, to be paid within 14 days, and a suggested early payment level of £50 if paid within 10 days. TMBC adopted these levels at that time and have not changed them since, adhering to government guidance. This approach is in line with our zero-tolerance approach to littering and other environmental offences.

1.2 Litter Strategy for England

1.2.1 In April 2017, the Government launched a new Litter Strategy for England with an ambition to be "*the first generation to leave the natural environment of England in a better state than it found it*". Environmental issues such as littering were identified as being a high priority amongst residents, and there was a clear drive for enforcement action to be taken, as well as a view that existing FPN levels were not high enough to be an actual deterrent. It was also noted that FPN charging levels had not changed since 2006, and that if this level was adjusted for inflation, it would now be around £100.

1.2.2 Following consultation, new legislation was introduced in order for local authorities to be able to increase their FPN charging levels. In April 2018, The Environmental Offences (Fixed Penalties)(England) Regulations 2017 came into force. The legislation allows local authorities to revise their FPN charges, with existing levels being allowed until 31 March 2019. After that date the higher levels should be

taken into account when setting maximum and early payment charges. This table shows the current and revised limits:

Table 1:

	Lower limit	Upper limit	Default rate as recommended by Government
Current TMBC charge	£50	£80	£80
National limits from 1 April 2019	£65	£150	£100

1.3 Proposed FPN Charges

- 1.3.1 Revised guidance from Defra on setting the charges for FPNs has not yet been published, but it has made reference to them needing to be proportionate in their notes accompanying the new legislation.
- 1.3.2 Given that the new legislation was introduced in order to provide an increased deterrent against littering and that levels set should be proportionate, it is proposed that the new default level of £100 be adopted by this Council as its standard charge, as per government guidance. In order to assist in maintaining this Council's high level of collecting payments, it is proposed to retain a reduction level for early payment (within 10 days of issue), but that this be increased to £65.
- 1.3.3 Currently there are a considerable number of anti-litter signs at fixed locations around the borough. Most of these currently indicate the maximum FPN level of £80 for littering offences. Rather than remove these signs wholesale and replace them with brand new signs (an initiative for which there is currently no allocated budget), it is proposed that they be amended with stickers over the coming months, and replaced with permanent signs as and when necessary. Members should be advised that it is not necessary to have any such signage, nor for existing ones it to be updated, in order for FPNs to be issued and enforced correctly. This means that a challenge against an FPN for not having signage in place, or without updated charges, would not be successful.

1.4 Legal Implications

- 1.4.1 The proposals will assist TMBC in complying with The Environmental Offences (Fixed Penalties)(England) Regulations 2017.

1.5 Financial and Value for Money Considerations

- 1.5.1 The 2019/20 income estimate for FPN's is £6,250. Whilst revised charges could be seen to generate additional income, the primary purpose is to act as a deterrent and reduce littering. Based on this it is not proposed to amend the income estimate at this stage, but to review it at revised estimates.

1.6 Risk Assessment

- 1.6.1 It is important that the Council responds to the views of residents with regard to addressing the issue of littering. The proposed revised charges are in line with Government guidance.

1.7 Equality Impact Assessment

- 1.7.1 The decisions recommended through this paper have a remove or low relevance to the substance of the Equality Impact. There is no perceived impact on end users.

1.8 Policy Considerations

1.8.1 Communications

1.8.2 Community

1.8.3 Customer Contact

1.9 Recommendations

1.9.1 It is RECOMMENDED TO CABINET that:-

- i) this Council's revised charge for Fixed Penalty Notices for littering offences be set at £100 from 1 April 2019;
- ii) a revised early payment charge (within 10 days) for Fixed Penalty Notices for littering offences be set at £65 from 1 April 2019; and
- iii) the proposed approach to updating existing signage be approved.

The Director of Street Scene, Leisure & Technical Services confirms that the proposals contained in the recommendation(s), if approved, will fall within the Council's Budget and Policy Framework.

Background papers:

Nil

contact: David Campbell-
Lenaghan

Robert Styles

Director of Street Scene, Leisure & Technical Services

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TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

11 February 2019

Report of the Director of Street Scene, Leisure & Technical Services

Part 1- Public

Matters for Information

1. WASTE & STREET SCENE SERVICES UPDATE

Summary

This report highlights a number of issues & initiatives managed by the Waste & Street Scene Services team since the last meeting of this Board.

1.1 Pest Control – Extension of contract

- 1.1.1 The Pest Control Contract procured jointly in 2013 with Tunbridge Wells Borough Council (TWBC) was due to end in November 2018, with an option to extend by a 24 month period should all parties agree. TWBC is the lead authority in procuring and managing the contract which is delivered by Monitor Pest Control. Most of the works carried out by Monitor on this contract are from referrals via TMBC's & TWBC's Customer Services teams. Only those works for households in receipt of Council Tax Rebate are recharged to the Partner Authorities, and the current TMBC budget for these works is £2,000 per annum. In addition, TMBC receives a referral payment from Monitor each year of £2,000.
- 1.1.2 The contract achieves very good value for money, and Monitor has provided a high level of customer service, both to its customers and to the Partner Authorities, with no formal complaints being received since the contract started in 2013. The current financial arrangement is not expected to be improved as a result of retendering, given the experience of a number of other local authorities which have retendered recently. Following discussion with TWBC and Monitor, it has been agreed to extend the contract for the full 24 month period allowed for within the original contract. The Partners have received written confirmation of this extension and a Record of Officer Decision has been published for TMBC. The contract will, however, need to be retendered during 2020 in time to have a new contract in place for November of that year.

1.2 KRP Waste Strategy Refresh

- 1.2.1 The Joint Municipal Waste Management Strategy has been developed by the 13 local authorities in the Kent Resource Partnership (KCC and the twelve District Councils). The Strategy sets out how the Kent Resource Partnership intends to manage household waste across Kent, and was first adopted in 2007/08. The Strategy was refreshed in 2012/13 with targets set up to 2020, and again during 2018/19. The latest version has been provided in full at **Annex 1** to this report for Members awareness and information.
- 1.2.2 Although the overall objectives of the Strategy are still to manage Kent's household waste in the most environmentally effective way whilst trying to achieve best value for the Kent council tax payer, this latest version aims to provide some key performance measures, and also to reflect the achievements of the various partnership contract arrangements in place across Kent. Members will note that the joint contract with TWBC is highlighted within the Strategy due to its potential efficiencies in service delivery and in potential disposal cost avoidance to our residents. Officers from other areas of Kent are keen to learn from our recent experience in order to inform their own upcoming retendering arrangements and service configurations.

1.3 Improvements at Bring Sites

- 1.3.1 Currently, collections from this Council's recycling bring sites for glass & cans are undertaken by Veolia, utilising two collection vehicles that are owned and maintained by the Borough Council. Following an increase in glass recycling the pressure on the bring sites has increased, as has public expectations for the Council to keep the sites clear to encourage more recycling in general. This additional pressure has impacted on our collection vehicles that have now operated beyond their anticipated operational life, and as such are increasingly prone to maintenance and repair that has led to issues with service provision. These vehicles will also be used by our new incoming contractor, Urbaser, to deliver the 'As Is' service from 1 March 2019 until the roll out of the new bring site services after October 2019. At that time there will be a programmed reduction in the number of recycling sites across the borough, which will result in the utilisation of new collection banks which will be emptied by new vehicles that will be supplied by Urbaser. There will also be a significant reduction in use of the recycling sites following the introduction of the new kerbside recycling collections.
- 1.3.2 Until the rationalisation of the recycling sites is complete, service provision will primarily be reliant on the existing vehicles and so a number of measures have been implemented to maintain service levels to residents. This has included the designation of additional resources to clear overspills from the ground at sites; liaison with Medway Council to utilise its own recycling vehicle (when available); and the provision of additional bins at key sites. Cabinet has also approved additional funding of £30,000 to engage a separate external specialist contractor, Lucy & Martin Recycling Ltd, to undertake additional collections. The additional

collections are now taking place twice a week at key sites across the borough and support the work undertaken by our own existing vehicles and contract with Veolia. Since the above measures have been in place service levels have improved and the number of complaints has reduced.

1.4 Christmas Collections

- 1.4.1 Members will be aware that due to the way in which Christmas Day, Boxing Day and New Year's Day fell, the Council once again had to suspend green-lidded bin collections, this year for Tuesday properties. In order to prevent those properties going more than 15 days without a scheduled black bin collection, half of those properties had to have their green-lidded bins suspended for two cycles, and the other half for one cycle. In practice, that did mean that a number of households had their last green-lidded bin collections on 4th December, with their next one on 15 January. However, their green box collections were maintained throughout.
- 1.4.2 Information was again provided via bin hangers which were delivered prior to the changes taking place. It was also published on our website, via social media channels, and via automatic email alerts to residents who subscribe to the My Account service. Although the vast majority of households placed the correct bins out throughout the Christmas period, a small number of properties did not, with some residents claiming not to have received the information. A number of residents who contacted the Council confirmed that they had received their bin hangers but simply didn't read them as they assumed they only referred to collections during Christmas week, rather than the changes that took place earlier in December 2018.
- 1.4.3 Residents' experiences & comments will inform future communications and operational changes, and Officers will consider further what improvements can be made in time for next year's Christmas collection arrangements. One example would be not to refer to "Christmas collections" on the hangers/leaflets, but to make it even clearer that the changes start in early December. The Council will also continue to promote the My Account service so that residents can receive automatic updates as and when changes are taking place. Officers will also work with our new contractor, Urbaser, in the development of further IT solutions such as the use of phone apps to provide service update information and to deal with residents' queries.

1.5 Allington planned closure in March

- 1.5.1 Members will be aware that since the Allington Energy-from-Waste plant came online, it has had to close on occasion for short-term planned maintenance works, as well as a few unplanned emergency works. The latest scheduled works are due to start on 9 March 2019 and will last for up to three weeks. Works being carried out during this period are expected to assist in preventing any further long-term maintenance closures for around ten years. This is of great benefit given this

Council's reliance on the Material Transfer Station at Allington being available for the new recycling service due to start in late September.

- 1.5.2 The latest closure has been in the planning for almost two years, and cannot be delayed further due to the nature of the works required and availability of resources & staff required. The closure will unfortunately be implemented just over one week after the start of our new contract with Urbaser. In line with other similar closures, KCC will be providing alternative disposal points for our residual waste, which is normally delivered direct to the Energy-from-Waste plant. This means a likely diversion to Dunbrik Transfer Station near Sevenoaks, and to North Farm Transfer Station in Tunbridge Wells.
- 1.5.3 Previous closures have resulted in little or no disruption to residents' experiences of collection services, other than some collections taking place earlier or later than normal on the usual collection day. The Council will remind residents via its website, social media accounts and via the My Account service to have their bins & boxes out by 7am on collection day in case of any change to normal collection times during the closure. Officers are also working with our new contractor, Urbaser, in order to mitigate any risks to collection services caused by this closure, which unfortunately occurs so close to the start of their contract and takeover from Veolia.

1.6 Brexit Preparedness/Potential Impacts on Collections

- 1.6.1 Members will be aware of recent publicity regarding considerations being given by KCC and other local authorities to the potential impact of the results of the current Brexit negotiations. A report was considered at the recent meeting of Overview & Scrutiny Committee on this issue. The current focus is on the possible impacts of traffic disruption to the local motorway & road networks caused by increased checks at Kent & French ports, the resultant management of freight traffic and associated disruption in areas adjacent to the arterial routes to the coast. KCC has approached every waste collection authority in Kent asking Councils to consider what mitigations may need to be put in place in the event of such disruption, given the likely impact on their ability to transport waste from their transfer stations and disposal points to the ongoing reprocessors. For example, not only would traffic problems around the A20/M20 junction at Allington impact significantly on our collection vehicles trying to deliver waste, KCC would also have trouble with haulage of waste materials from their network of transfer stations that would normally go to Allington. As such, this could cause backlogs at those sites, thus reducing any contingency we might have available to us.
- 1.6.2 Early discussions have taken place with Urbaser and they have been tasked with addressing mitigations in their Business Continuity Plan. The Head of Technical Services has also briefed Urbaser and a number of other contractors on Kent Resilience Forum's current thinking regarding the potential impact of Brexit on transport networks and the supply chain.

1.6.3 The Council will continue to work with its contractor, KCC and TWBC in order to try to mitigate the risks of any disruption, and will provide appropriate communications with our residents as and when appropriate. Although the outcome of the current Brexit process remains unclear, and such disruption may not indeed take place, I wish to assure Members that planning is in place to address any impact and Officers will work with partners to try to minimise any disruption to the service received by our residents.

1.7 Legal Implications

1.7.1 The Council has a statutory duty to provide refuse and recycling collection services. The extension of the existing Pest Control contract is in accordance with contract conditions.

1.8 Financial and Value for Money Considerations

1.8.1 None.

1.9 Risk Assessment

1.9.1 Careful planning, good communication with residents and coordinated arrangements for collections, help to ensure minimal disruption and effective delivery of these high profile services.

1.10 Policy Considerations

1.10.1 Communications

1.10.2 Community

1.10.3 Customer Contact

Background papers:

Nil

contact: David Campbell-
Lenaghan

Robert Styles

Director of Street Scene, Leisure & Technical Services

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Kent Joint Municipal Waste Management Strategy (KJMWMS)

2018/19 to 2020/21

Overarching Vision	
The Kent Resource Partnership (KRP) will lead the transformation to a circular economy, where the value of material resources flowing into and through Kent are retained, generating employment, skills and training opportunities, and realising wider economic, environmental, health and wellbeing benefits for the local and regional community and beyond.	
Strategy Mission Statement	
We are committed to delivering efficiency and quality in our resource management and waste services, with focus on: -	
<ul style="list-style-type: none"> • Maximising the ‘value’ of resources that we manage from households, in terms of realising the social, environmental and economic opportunities; • Providing the best possible value for money service to the Kent taxpayer, taking into account whole service costs; • Realising opportunities to improve services now and in the future through engagement, collaboration and working in partnership with the supply chain; and • Supporting future thinking through ongoing research and evidence that will facilitate the transition into a circular economy for Kent. 	
Policies & Policy Objectives	
1.	Maximising the Value of Resources
1.1	Up until 2020/21, the KRP will achieve a year on year reduction to its Kent-wide residual household waste per household (kg/h’hold) tonnage. [Note: measured using the ex NI191 as published by Defra’s waste statistics annually].
1.2	By 2020/21, the KRP will recycle and compost at least 50% of household waste tonnage. [Note: measured using the ex NI192 as published by Defra’s waste statistics annually].
1.3	By 2020/21, the KRP will ensure no more than 2% of Kent’s municipal waste ends at landfill. [Note: measured using the ex NI193 as published by Defra’s waste statistics annually].
1.4	By 2020/21, the KRP will develop a joint approach to facilitate the procurement of third sector/reuse providers/charities in managing and delivering a reuse service for bulky waste.
1.5	The KRP will explore the possibility of implementing recycling on-the-go initiatives, and other similar activities aimed at recovering resources and help reduce litter. The KRP will also look to engage and work with the supply chain to deliver recycling on-the-go in key areas of high footfall e.g. towns, beaches etc.
1.6	The KRP will publish its Materials End Destinations Publication on an annual basis and continue its transparent approach to reflect where all material resources end up.

2.	Value for Money for Kent Taxpayers
2.1	The KRP will deliver value for money to Kent residents by maximising joint service delivery opportunities between its councils; cross-boundary working and ensuring all opportunities to realise economy of scale savings through procurement exercises are delivered.
2.2	The KRP will continue to build on its reputation as a leading resource partnership and work with the supply chain to deliver research projects, services and campaigns. As with previous successes, the KRP will continue to seek external funding opportunities, where possible.
2.3	The KRP will retain its focus on food waste as a priority waste stream and support, through the sharing of good practice and identification of joint opportunities, separate collection for discarded food waste on a weekly basis for all residents by 2020/21 where possible.
2.4	The KRP will develop a joint approach to tackling littering, fly-tipping and other related enviro-crimes which would be underpinned by creating a culture of sharing high quality intelligence within the KRP and with others where appropriate e.g. Highways England, Environment Agency, Kent Police, neighbouring local authorities and others.
2.5	The KRP will facilitate the sharing of resources both in terms of communication campaigns linked to priority actions and focus areas, and in terms of ensuring local intelligence and information can be shared across the County.
2.6	The KRP will support its councils in ensuring first class health and safety standards are maintained across the County. This includes employees (& potential employees) have the skills, training and competencies to meet the increasingly technical requirements of the resource management and waste sector.
3.	Engagement, Collaboration and Partnership Working
3.1	The KRP will identify opportunities for joint working and realise greater efficiency savings. This to be achieved by maximising on economies of scale and implementing good practice across all aspects of its resource management and waste services, in partnership with both its own councils and through developing new relationships across the supply chain.
3.2	The KRP will continue to maximise engagement with national and local government and those operating across the supply chain, and wider industry bodies through representation on forums, networks, working groups, and through its own Annual Conference.
3.3	The KRP will produce an Annual Report that reflects the focus and priorities of the previous financial year in delivering the KJMWMS, and any other activities within its remit.
3.4	The KRP will maintain a publically available Operating Framework that defines its scope, remit and procedures; review its continued operation at least in 2019 and 2024, or any other times as agreed by the KRP.
3.5	The KJMWMS will be fully reviewed in 2021/22; or at any other times as agreed by the KRP; or in accordance with any changes in legislation relating to such strategies.

4.	Future Thinking
4.1	<p>The KRP will research activities that will provide an evidence base to enable a more detailed review of the KJMWMS from 2021/22 onwards. This would include focus on:-</p> <ul style="list-style-type: none"> • Aligning with key policies such as the EU Circular Economy Package, 25 Year Environment Plan and the imminent Resource & Waste Strategy. In addition, to maintain a flexible approach to other potential changes that may come from Extended Producer Responsibility (EPR) reform, Deposit Return Schemes (DRS), single-use plastic charges etc. • Exploring the possibility of extending the partnership and reviewing potential opportunities for greater cross-boundary working; • Considering requirements to secure infrastructure to enhance and develop the network of local resource management and waste facilities. This may include the development of consistent collection specifications across all councils as a means to attract future investment and infrastructure. • Developing other metrics and means to focus on quality and value of resources as opposed to traditional weight based targets; and • Target material streams and/or specific sectors in order to identify and implement management options within a more circular context.

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Agenda Item 8

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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Agenda Item 9

The Chairman to move that the press and public be excluded from the remainder of the meeting during consideration of any items the publication of which would disclose exempt information.

**ANY REPORTS APPEARING AFTER THIS PAGE CONTAIN EXEMPT
INFORMATION**

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Agenda Item 10

Any other items which the Chairman decides are urgent due to special circumstances and of which notice has been given to the Chief Executive.

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