

TONBRIDGE & MALLING BOROUGH COUNCIL

STREET SCENE and ENVIRONMENT SERVICES ADVISORY BOARD

08 June 2021

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 UPDATE REPORT

Summary

This report updates on a number of issues and initiatives managed by the Waste & Street Scene Services team and makes recommendations relating to flytipping, the Saturday freighter service and the trial roll out to flats in Tonbridge.

1.1 Service Performance

- 1.1.1 Members will be aware of the previous implications that Covid-19 has had on the delivery of core services within the Council's Waste Contract. Through the period of the first lockdown this was most evident with around 50% of contractor staff either on sick leave, self-isolating or "shielding" at some points. This was combined with significantly increased tonnages across all waste streams, a situation that was replicated across Kent and nationwide. As such, service provision was prioritised to focus on key kerbside collections and resulted in several other service suspensions including garden waste collections, new garden waste subscriptions, bulky collections (charged doorstep collection service) and the Saturday Freighter Service. In addition, resources were also temporarily directed away from Street Cleansing, as well as from enforcement initiatives.
- 1.1.2 As the Covid-19 staffing pressures eased for Urbaser all services were reintroduced except for the Saturday Freighter Service. Whilst service performance improved following the re-introduction of services non-completion of rounds have again been an issue lately, with nine out of the last twelve weeks requiring some weekend catch up, both of non-completed rounds during the week and a build up of individual missed collections, due to prioritising resources to main collection rounds. This has largely been the result of a combination of staff shortages, vehicle breakdowns and delays at tips.

- 1.1.3 With national Covid restriction measures currently easing, consideration is now being given to current and future service delivery. Officers continue to monitor staffing and resource levels on a daily basis in liaison with Urbaser and - if required - prioritise key services in accordance with our Business Continuity Plan. Members will be aware that there continues to be issues with the quality of service provision, such as spillages not being cleared by the crews; bin placements; missed collections and delays in container deliveries. These are being monitored and managed through the regular Partnership Steering Group meetings and close liaison with the staff at the depot. When issues are not rectified within timescales as instructed by the Client team, default points are issued which, when reaching levels specified within the contract documents, result in financial deductions from Urbaser's monthly invoices.
- 1.1.4 A new street cleansing schedule has been approved and introduced recently. Specialist resources have also been deployed to clean high-speed roads and dual carriageways across the borough. Improvements on these roads has been facilitated by close partnership working with both Kent Highways and Highways England, partly due to the latter now having a dedicated officer for liaison with Kent districts.

1.2 Fly Tipping

- 1.2.1 In the past twelve months, levels of reports of fly tips have significantly increased in Tonbridge & Malling (up 76%), as well as across Kent (up 35%) and the South East (up 26%). Although still amongst the lowest levels for Kent districts, second only to Tunbridge Wells, this is clearly concerning. Analysis of the types of waste being fly tipped indicate a significant rise in larger items of furniture and building/construction waste. The highest rise in the size of fly tips is in the categories of small van & transit van loads. This would indicate that rather than individual householders fly tipping, it is more likely to be unregistered waste carriers, or registered carriers tipping illegally.

Total fly-tipping incidents			
	2018/19	2019/20	2020/21
Ashford	1,465	1,538	2,004
Canterbury	1,197	1,533	1,825
Dartford	2,446	2,700	3,495
Dover	948	942	1,517
Folkestone & Hythe	955	1,360	1,780
Gravesham	2,240	2,278	2,307
Maidstone	1,634	2,402	3,022
Sevenoaks	732	778	1,617
Swale	2,789	2,633	3,299
Thanet	1,918	2,066	3,330
Tonbridge and Malling	585	581	1,025
Tunbridge Wells	634	659	1,008
Kent Total Incidents	16,909	19,470	26,229
South East Total	83,752	90,507	113,653
National Total Incidents	1,072,431	975,631	1,051,425

1.2.2 TMBC does not record the cost of clearance of fly tips separately from other aspects of its street cleansing operations, as there are various resources which are used to clear fly tips as well as carrying out other works. However, each Waste Collection Authority in the country has a legal duty to report the number, size and type of fly tip incidents they deal with to the national "Waste Data Flow" database. That system uses national standard cost estimates based on the size of fly tipping being reported (e.g. £7.00 for a single sack of waste, £115 for a transit van-size load, etc). Using this data, the estimated costs of clearing fly tips for which TMBC are responsible was £69,948 in 2020/21. However this does not include the fly tips for which TMBC are not responsible, such as those blocking the highway which are cleared by KCC Highways, and those on private land which are the responsibility of the landowner to clear.

1.2.3 Throughout 2020/21 and into the current financial year, the Kent Resource Partnership has been implementing publicity campaigns across Kent, largely aimed at raising awareness with the public of the importance of using registered waste carriers and checking the disposal point when paying to have waste taken away from their household or business premises. It's considered that cutting this illegal activity at source will have the effect of reducing illegal dumping of waste, as well as effective enforcement initiatives. It has also been suggested that increased costs for skip hire and reliable waste carriers have gone up since the pandemic, in order for businesses to make up for lost revenue. If this is the case, it opens up more opportunities for individuals who can register with the EA easily and cheaply, and not use the legal disposal methods, as per a recent Panorama investigation.

- 1.2.4 Whilst some councils have a team of staff dedicated to enforcement activities, TMBC's Waste Services team also has the responsibility for monitoring and managing the Waste & Street Cleaning contract, including dealing with service requests and complaints, Health & safety inspections, etc. As outlined above at 1.1.1, during 2020/21, the team have had to prioritise the delivery of core kerbside collection services, with little resource being available to deal with enforcement initiatives.
- 1.2.5 As Urbaser's performance stabilises, we can start to refocus on enforcement activities. However, in order to do so, staff need to receive appropriate training to carry out enforcement actions such as investigations, interviews under caution, issuing Fixed Penalty Notices, preparing prosecution cases, etc. Two members of staff have recently undergone the National Enforcement Academy training, with two further members of staff to complete it over the coming months. This training is nationally recognised as being an essential requirement for any staff who are to be designated as "authorised officers". The team are also currently recruiting a part-time Waste & Enforcement Support Officer whose main role will be to manage and coordinate fly tip reports, carry out initial investigations, arrange clearance as required and to feedback to the residents who have reported the fly tip so that they know what action is being taken.
- 1.2.6 The resources of KCC's Intelligence Unit (linked to their Trading Standards team) for supporting enforcement work have largely been focussed in those districts with highest levels of fly tipping. "Operation Assist" events, which are joint days of action with the Police targeting illegal waste carriers, have been put on hold due to Covid but will restart when safe to do so. A list of regular hot spots, largely in some of our rural areas has been provided to KCC for camera deployment as and when they become available. Officers feel that it would be useful for Members to gain a full understanding of the work being carried out in Kent to target fly tippers, and as such it is recommended that a KCC Intelligence officer present to a future meeting of this Board as to how they can support with enforcement activities aimed at deterring fly tippers.

1.3 Reintroduction of Weekend Bulky Waste Collection (Saturday Freighter Service)

- 1.3.1 The weekend service is still currently suspended, in both Tonbridge & Malling and Tunbridge Wells. Whilst its suspension was in part related to staffing resources, the other key consideration was the implications of social distancing guidance and the safety and welfare of both those residents using the service and the staff operating them. This was also an issue for Kent County Council in relation to the Household Waste Recycling Centres and whilst these have reopened, attendance continues to be controlled through a strict pre-booking system and safe social distancing measures that remain in place. The reopening of these KCC facilities

does provide the opportunity for TMBC residents to dispose of bulky waste that they may have otherwise taken to our weekend service. To date the Council has received a low level of public comment on the suspension of this service, although it is recognised that local Members have had the issue raised direct with them.

1.3.2 Officers will be carrying out a full review of this service prior to making a decision, taking into account a number of factors:

- Safe delivery of the service in the light of Covid, which still remains a concern even as national restrictions may be lifting.
- The impact of KCC's decision to retain the booking system at their HWRCs.
- The lack of recycling capability on the previous service. Although separate vehicles have been provided for electrical equipment, everything else was mixed together and not separated for recycling. There is also no incentive for reducing waste if residents are able to throw their items out, compared with HWRCs where there is ample opportunity for recycling, and potentially reuse;
- KCC's plans for introducing an additional HWRC within the borough, at Allington.

As such officers will be carrying out a full review of the service and will bring recommendations back to a future meeting of this Board.

1.4 New Service Arrangements to Flats and Communal Properties

- 1.4.1 As reported to Members of this Advisory Board on 8 December 2020 it was proposed and agreed that a trial/pilot rollout of the new service arrangements to flats and communal areas in a designated area of Tonbridge commence in January 2021. Subject to the outcome of the trial it was then the intention to roll out across the rest of the borough during the spring. Progress had been made on the arrangements for the trial with a proposed commencement date of 25 January.
- 1.4.2 Following the further national lockdown a decision was taken to postpone the trial and review the issue in light of national & corporate guidance.
- 1.4.3 With the recent easing of Covid guidance it is now felt appropriate to review the implementation of the trial. Discussions have commenced with Urbaser regarding its capacity to implement the trial in light of recent performance and any potential impact on other parts of the contract. It is clear that residents in the flats quite understandably wish the opportunity to recycle more and are eager for this to be implemented as soon as possible.

1.5 Kent Resource Partnership – National Waste Strategy Consultations

- 1.5.1 As part of the development of the National Waste Strategy, DEFRA are carrying out consultations on three elements which require changes to legislation and to associated regulations. Officers are currently working with KRP colleagues, including the other twelve Kent councils, to formulate a consistent approach to the Kent councils' responses.
- 1.5.2 The first of the current consultations seeks views on proposals to introduce a Deposit Return Scheme for drinks containers in England, Wales, and Northern Ireland: <https://consult.defra.gov.uk/environment/consultation-on-introducing-a-drs/> It refers solely to deposit return schemes, explicitly for drinks containers, and the current proposal is for a system where you pay an upfront deposit which you must return the container to redeem.
- 1.5.3 Following their first round of consultation in 2019 the Government indicated they still intended to introduce a deposit return scheme for drinks containers in England, Wales, and Northern Ireland from 2023 and that the introduction of a deposit return scheme would be subject to receiving additional evidence and carrying out further analysis on the costs and benefits of such a scheme.
- 1.5.4 The Government says it remains committed to delivering on its commitments to introduce a deposit return scheme, but it also recognises that the Covid-19 pandemic has disrupted the economy and society in unanticipated ways. This current consultation will build on the first round, offering a chance to explore further what the continued appetite is for a deposit return scheme in a 'post-Covid' context.
- 1.5.5 The Government have reassessed what a realistic timeline for implementation of a deposit return scheme looks like, ensuring that sufficient time is given for a successful roll-out of the scheme. They anticipate that the introduction of a deposit return scheme in England, Wales and Northern Ireland would be in late 2024 at the earliest.
- 1.5.6 The second of the current consultations covers proposals for reforms to the packaging waste regulations: <https://consult.defra.gov.uk/extended-producer-responsibility/extended-producer-responsibility-for-packaging/> The current system of producer responsibility for packaging has been in place since 1997 but is considered to need reform. Initial reforms were outlined in the first round of consultations, where governments signalled their intent to introduce EPR for packaging so that producers pay the full costs of dealing with the waste they produce.
- 1.5.7 The Government estimates that producers' costs will be in the region of £2.7bn in the first full year of implementation. £1bn of this related to packaging waste collected from households, £1.5bn for packaging waste collected from businesses, and £200m for the management of bin and ground packaging litter. One of the key governing principles for packaging EPR is for payments to local

authorities to be fair and transparent and should include the cost of collecting packaging waste in the residual waste stream.

- 1.5.8 The third consultation is concerned with having consistent recycling collections to improve the quantity and quality of municipal waste recycled in England and achieve a national recycling rate of 65% by 2035:
<https://consult.defra.gov.uk/waste-and-recycling/consistency-in-household-and-business-recycling/>
- 1.5.9 It directly impacts on local authority waste services and is looking at proposals for all waste collection authorities to:
- collect the same core set of dry recyclable materials from households;
 - have separate weekly food waste collections from households; and
 - have separate minimum fortnightly collection of green waste (possibly free).
- 1.5.10 The section on collection of dry recyclable materials from households seeks views on the materials to be included in each of the dry recyclable waste streams; timelines for when the requirements must be implemented by and possible exemptions to collect a particular recyclable waste stream separately from other recyclable waste streams. This section also discusses the interaction of recycling consistency reforms with the other two consultations on Extended Producer Responsibility (EPR) for packaging and the introduction of a Deposit Return Scheme (DRS) for drinks containers. The proposed core set of materials required to be collected for recycling are:
- glass bottles and containers – including drinks bottles, condiment bottles, jars;
 - paper and card – including newspaper, cardboard packaging, writing paper;
 - plastic bottles – including clear drinks containers, HDPE milk containers, detergent, shampoo and cleaning product containers;
 - plastic pots, tubs and trays, and plastic film; and
 - steel and aluminium tins and cans.
- 1.5.11 Defra expect all local authorities to be able to collect the core materials from October 2023 to align with the date that they anticipate EPR for packaging will commence. The exception is for plastic films, where they have proposed this should be phased in with a defined ‘end date’ of the financial year 2026/27. Members will be aware that our current kerbside collection services comply with this proposal, with the exception of plastic films, which under current reprocessing capacity – which is lacking – and contractual arrangements with KCC’s existing disposal facilities, it is not possible to collect at present.

- 1.5.12 Defra intend to take powers in the Environment Bill to require all Waste Collection Authorities (WCAs) in England to arrange for the collection of food waste, separately and at least once a week for recycling or composting. This consultation seeks views on the timelines for the requirements to be implemented, considerations regarding collection with garden waste, provision of caddy liners and collection of biodegradable and compostable packaging materials. Defra intend to introduce the requirement for separate food collections in 2023/24 and want all local authorities to have collections in place by 2024/25 at the latest. TMBC already provide such a service, so would already be compliant.
- 1.5.13 The Environment Bill requires all Waste Collection Authorities in England to arrange for the separate collection of garden waste for recycling or composting. However, there was mixed support in response to the first round of consultations in relation to introducing a free, minimum collection service for householders producing garden waste. Support was – unsurprisingly - lowest amongst local authority respondents. Defra are now seeking views on alternatives to a having to provide a free minimum collection service, including updated guidance on reasonable charges, clear communications to non-participating households, and increasing home composting. Currently the average charge in England is £43, compared with TMBC's current charge of £42.
- 1.5.14 The first two consultations on EPR and DRS have a deadline of 4 June for response, and the Consistency consultation of 4 July. At the time of writing, officers are finalising the KRP responses for the first two, with progress already being made on the response to the third.

1.6 National Spring Clean 2021

- 1.6.1 The National Spring Clean event, organised and promoted by Keep Britain Tidy, was unfortunately postponed last year due to Covid restrictions. This year's event was delayed from its usual March timeslot to late May and June this year to tie in with the phased lifting of legal restrictions. Our residents have, as always, responded very enthusiastically, and have planned litter picking events in most areas of the borough this year. There are now over 30 groups regularly litter picking on a weekly or monthly basis. This spring we also have over 40 groups carrying out ad-hoc or one-off events, such as schools, youth groups and uniform groups. There are also 20 young people litter picking for their Duke of Edinburgh service award.
- 1.6.2 In addition, there are now over 50 small family groups and individuals who have requested litter picking kits. This is proving hugely popular due to previous restrictions relating to Covid, and residents' ability to get out of the house and take exercise in smaller groups.
- 1.6.3 One issue of concern, that has been raised and discussed through the KRP working groups, is the litter picking by volunteers alongside high-speed roads. Our own contractor has to implement specialist traffic management procedures when

carrying out this type of work, as would any street cleaning contractor. As such the advice sent to residents prior to TMBC supporting their events clearly states that roads with a speed limit of over 30mph should not be included within their events and ideally to avoid working along any roads at all, particularly when large numbers and/or children are taking part. As a result of the concerns raised by Kent councils, the KRP are reviewing & revising the standard advice being issued.

1.7 Legal Implications

- 1.7.1 The statutory framework governing the response to the pandemic is evolving and changing on a frequent basis, both in the restrictions placed upon individuals and upon the responsibility of local authorities. Specific proposals or changes brought forward will be assessed at the appropriate time in liaison with Legal Services to ensure they are lawful.
- 1.7.2 The responses to the various Defra consultations outlined at 1.5 above will hopefully influence the legislation being brought forward. However, the final legislation & associated regulations will need to be fully reviewed and any measures required, such as changes to service delivery, implemented to ensure compliance.

1.8 Financial Implications

- 1.8.1 None

1.9 Risk Assessment

- 1.9.1 The Operational Risk Assessment for Street Scene Leisure and Technical Services has been updated and is being revised on an ongoing basis as government guidance on Covid-19 changes.

1.10 Equalities Impact Assessment

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

1.11 Policy considerations

- 1.11.1 Community, Customer Contact, Health and Safety

1.12 Recommendations

- 1.12.1 It is **Recommended to Cabinet** that:-

- i) an officer from Kent County Council's Intelligence Unit be invited to present to a future meeting of this Board on fly tipping;
- ii) a review of the Saturday freighter service be undertaken and reported to a future meeting of this Board; and

- iii) discussions continue with Urbaser over the implementation of the trial roll out to flats in Tonbridge.

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: David Campbell-
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Nil

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