

**Report of: Executive Member for Environment and Transport**

<b>Meeting of:</b>	<b>Date:</b>	<b>Ward(s):</b>
Executive	27 May 2021	All

<b>Delete as appropriate:</b>		Non-exempt
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## **SUBJECT: CONTAMINATED WASTE AND WASTE CONTAINER CHARGES**

### **1. Synopsis**

- 1.1 It is proposed to introduce two new charges relating to contaminated waste and waste containers maintenance in order to deliver savings committed to in the Medium Term Financial Strategy (MTFS W&A11b- Annual Charge for Containers).
- 1.2 Currently, communal recycling bins contaminated with non-recyclable materials are emptied for no charge at a cost to the council. The proposal will offset the additional cost of collection for which there is currently no budget and improve the quality of recycling collected.
- 1.3 Large waste containers that are damaged throughout their working life are collected and sent for repair by the council. An additional charging structure has been developed which will remove this cost to the council, provide assurance to container owners and will generate further income to deliver the saving. This scheme does not apply to any assets of Islington's housing department which already have mechanism in place for managing and replacing containers.

### **2. Recommendations**

- 2.1 To agree the introduction of a charge to landlords for the cost of collection of contaminated recycling from communal properties, to be implemented as soon as practicable.

- 2.2 To agree to the introduction of a new repairs & maintenance scheme to waste container owners based on the £50 per annum model, to be implemented as soon as practicable.

### **3. Background**

#### What is contamination?

- 3.1 Contamination is when non-recyclable items are put into recycling bins. We cannot empty contaminated recycling bins on the usual recycling collection round as it will contaminate the other items in the collection vehicle and may lead to whole loads being disposed of as waste, incurring additional collection and disposal charges.

#### What do we currently do with contaminated communal recycling bins?

- 3.2 When collecting emptying communal recycling bins, the collection crew will do a visual check of the bin for contamination. If the bin contains significant amounts of non-recyclable material, they will not collect and leave the bin unemptied and log a report that the bin was contaminated. The bin will then be collected by a separate refuse crew within 48 hours. The Recycling Team review the report logs and take interventions to educate and encourage residents not to contaminate the bins. On average, 60 recycling sites are reported by the recycling crews monthly as having contaminated bins (see appendix 1).

#### Why are we proposing a charge?

- 3.3 A separate refuse crew is required to return to the sites to empty the bins; this is at additional cost to the council and also incurs increased disposal costs. Additionally, North London Waste Authority (NLWA) are reviewing their charging process for managing contaminated recycling meaning that it will be in Islington's interests to ensure that the costs of dealing with this are recovered by the authority. There is a time lag in the crew reporting the bin and the second crew clearing the bin leading to full to overflowing bins remaining on site and potentially generating complaints. Good quality recycling that is in the bin will be disposed of as waste due to the extent of the contaminated waste. It is anticipated that a charge will encourage managing agents and landlords to work with us to proactively engage with their residents to raise awareness of recycling and to reduce levels of contamination. Benchmarking has identified that other local authorities are making a charge for the collection of communal contaminated waste (see appendix 2). The average charge per bin is £38.75.

#### Who will be charged?

- 3.4 It is proposed that a charge will apply for the collection of contaminated recycling to landlords of all properties where communal recycling bins are provided (council housing, private and social landlords). The charge will not apply to properties using green recycling boxes or clear recycling sacks as contamination in these instances is less frequent and impactful and does not require an additional resource to clear, as non-recyclable material is simply left in the box for the householder to clear.

## Waste Container Repair Scheme

- 3.5 In areas where most practical, the council requires waste storage to utilise Eurobins. These are metal wheeled bins with four wheels conforming to British Standard BS EN 840: 1997. They have a fixed lid, which can also be locked where required.
- 3.6 Based on up-to-date waste collection schedules the borough has 4854 waste containers (sized at 1,100ltr or 1,280ltr) used to collect either residual household, recycling household and chargeable household waste types. This number excludes those on Islington Housing estates which are managed separately.
- 3.7 Over the course of their life these assets are exposed to particular stresses and strains, either being moved to and from their storage locations to the refuse collection vehicle (RCV) or via the lift to empty bins into the vehicle. Containers damaged in their day-to-day usage don't just represent a cost to the owner but also can raise health and safety issues with staff who empty them. Often waste and cleansing related issues arise where bins are damaged and cannot be properly emptied further impacting residents or commercial customers who rely on timely and effective clearance of waste.
- 3.8 Presently where containers are repaired, this cost is born by Street Environment Services despite the fact the containers are purchased and owned by the housing association/managing agents where they are based. This cost equates to around £105 per container, or a £37,516 gross expenditure. In some instances where a container is damaged and no longer serviceable the asset owner will be required to purchase a new container thus incurring greater costs than if they had had the option to repair the fault. In order to mitigate this cost a repair maintenance scheme is suggested to add an annual charge to be added to the cost of bins on an annual basis. This charge will mitigate the cost to the council, provide additional revenue and will offset larger costs to asset owners should their container be damaged.

## **Proposal Contamination Charge**

- 3.9 It is proposed that the following actions and charges are implemented:
- 3.10 A section 46 notice (EPA 1990) is issued to all occupiers (landlords and/or managing agents) of properties that use communal recycling bins setting out how to present their waste and recycling for collection and which containers to use.
- 3.11 The recycling container crews continue to report bins that contain in excess of a minimum threshold of non-recyclable material. All recycling crews will undertake a 'toolbox talk' or group discussion on what constitutes contamination. They will identify the number and location of the bins on their reporting sheet with photographic evidence of the contamination.
- 3.12 The occupier (managing agent or landlord) will be communicated with to inform them that their recycling bin has not been emptied due to contamination and will be emptied subject to payment of a £47.14 charge (see 3.14 below). If the occupier fails to pay the fee, the contaminated bin will not be emptied. Alternatively, the landlord will be invited to remove the contaminated material themselves and the recycling bin will be emptied as normal on the next scheduled collection day. If the landlord fails to pay for or

remove the contamination within a timely period, a community protection notice (CPN) will be served to prevent the contaminated bin negatively impacting the community and to ensure compliance with the contamination charging scheme.

3.13 The Recycling Team will continue to proactively communicate with households at locations with contaminated bins to improve the quality of recycling and reduce contamination. However, we expect the charge to incentivise landlords to take their own actions to reduce contamination. A range of resources will be made available to landlords to support them in engaging with their own residents to drive down levels of contamination at the properties they manage.

### **Breakdown of proposed charge**

3.14 The rate of charge has been calculated as follows:

Crew costs x 1 hr x 1.5 OT rate	£41.91
Collection cost	£5.22
<b>Total cost</b>	<b>£47.14</b>

3.15 Based upon existing volumes of contaminated bins (125 per month), it is anticipated that the charge could potentially generate £70,710 annually. However, the charge is also expected to drive levels of contamination down, reducing the revenue benefit over time.

3.16 The Waste Reduction and Recycling Plan (RRP) sets out the following in relation to contamination:

'We want to increase the proportion of waste that is recycled, but also the quality of recycling that is collected. If there are significant amounts of non-recyclable material in a recycling bin, it could result in the contents of the bin being disposed of.

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We are tackling this in several ways. Islington has led the development of a new design of recycling lid that reduces contamination at communal recycling sites. We will continue to use these bins to improve the quality of recycling collected.

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Islington, with its NLWA partners, has launched a 'bin your nappy' campaign, highlighting the problem of nappy waste in recycling bins, getting manufacturers to make the labelling on their product clearer and encourage residents to put nappy waste in the rubbish bin, not the recycling bin.

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We are also tackling contamination through better communications and bin labelling, direct and targeted communications to householders where the problem occurs, and through working with caretakers and housing providers to help identify and address problems locally.'

The proposed charge would support the work outlined in the RRP by improving the quality and quantity of material collected for recycling.

## Proposal Container Repair

- 3.17 The scheme will be introduced initially by writing to all owners of assets stating that the cost of maintaining containers is currently born by the council and that the new scheme will replace this and where container owners are not bought into the scheme we will no longer offer a repair for a faulty asset. The scheme will cover damage only and not loss. Assets which become unserviceable will require a new asset to be purchased increasing the cost to the container owner. Based on the 2019/20 repair figures this would have costs container owners £165,000. Commercial waste, which currently manage the sale of assets to different housing organisations and trade customers, will manage the sign-up to the scheme going forward.
- 3.18 Owners with current assets in place will be contacted in writing to inform them of the scheme, whilst owners looking to purchase new containers will be offered contracts at the point of purchase of a new asset. The charging structure is based on an annual per bin cost.
- 3.19 Different pricing structures have been modelled with assumed sign-up rates to estimate the overall impact of the scheme on container owners. The assumptions considered in the below include a seven year life-span of a metal container. The cost of a new container is based on Islington's own container charge of £466 per 1,100ltr.

	<b>£30 pricing structure</b>	<b>£40 pricing structure</b>	<b>£50 pricing structure</b>
<b>Sign-up required to net cost</b>	20% minimum sign-up	15% minimum sign-up	12% minimum sign-up
<b>Years to cover repair fee</b>	3 1/2 years	2 1/2 years	2 years
<b>Saving if bin is repaired rather than replaced</b>	£256.00	£186.00	£116.00

- 3.20 Using the same assumptions additional income has been estimated based on different levels of sign-up to the scheme.

	<b>£30 pricing structure</b>	<b>£40 pricing structure</b>	<b>£50 pricing structure</b>
<b>Additional Income P/A based on 30% sign-up</b>	£6,169.90	£20,731.90	£35,293.90
<b>Additional Income P/A based on 40% sign-up</b>	£20,731.90	£40,147.90	£59,563.90
<b>Additional Income P/A based on 50% sign-up</b>	£35,293.90	£59,563.90	£83,833.90

- 3.21 Each pricing structure will have an impact on the “offer” to container owners however, each structure has been devised to ensure containers on the repair scheme will cost less (over a seven year period) than the cost of purchasing a new container during this time.

The £50 per annum model is recommended as that which optimally supports the required savings as well as providing value to asset owners.

Currently repairs of containers are delivered via our eurobin supplier UKCM with the assets themselves collected from across the borough and stored in a central point awaiting collection. This will be maintained for the present though the service is actively looking at means to bring some of this function in-house avoiding some of the current cost of repairs and possibly reducing the time damaged assets are removed from operations.

## **4. Implications**

### **4.1 Financial implications:**

The MTFS W&A11b saving has a savings target of £237k from 2021/22. It is proposed that a charge of £47.14 is made to cover the additional cost of collection of contaminated bins. At current levels of contaminated bins, this new charge would generate an income stream of around £70k per annum. It is expected that the introduction of a charge will decrease contamination levels and consequently this income stream is expected to fall but will be offset by decrease disposal costs associated with increased recycling opportunities.

Paragraph 3.19 sets out different charging scenarios for a container repair service. Depending upon take-up and pricing structure it is anticipated that this could generate an income stream of between £6k - £84k.

These two new charges are expected to generate a maximum saving of £154k which leaves £83k shortfall against the £237k target.

### **4.2 Legal Implications: Contaminated Recycling Bins**

The council is under a duty to arrange for the separate collection of at least two types of household recyclable waste (either together or co-mingled) from households (section 45A, Environmental Protection Act 1990).

Normally the council is under a duty to collect household recyclates free of charge. However, the council may, by notice require householders to put particular recyclates into recycling bins and not other general household waste. If a householder does not comply with such requirements and contaminates a recycling bin by putting in general waste then the council is not obliged to collect waste in that bin (section 46(11)).

In these circumstances, the council may make a collection charge if it is requested to collect waste from a contaminated waste recycling bin. The charge may be sufficient to meet the cost of collection (section 93 Local Government Act 2003).

## **Container Repair Scheme**

The council may, by notice require householders to provide receptacles for the storage of household waste and recyclates. The notice may contain provisions in respect of the maintenance of those receptacles. There is no obligation on the council to maintain receptacles belonging to the householder. However, the council may agree with the householder to maintain their receptacle(s) at a charge that reflects the reasonable cost to the council of their maintenance (section 46 EPA 1990 and section 93 LGA 2003).

### **4.3 Environmental Implications and contribution to achieving a net zero carbon Islington by 2030:**

The introduction of a contamination charge is likely to have a positive environmental impact, as it should reduce contamination of recycling bins. This reduction in contamination will mean increased recycling rates (reducing the environmental impact of alternative disposal methods) and a reduced number of trips made by the refuse crew who empty contaminated bins, reducing vehicular emissions and congestion. The container repair charge is unlikely to have any significant implications.

### **4.4 Resident Impact Assessment:**

The council must, in the exercise of its functions, have due regard to the need to eliminate discrimination, harassment and victimisation, and to advance equality of opportunity, and foster good relations, between those who share a relevant protected characteristic and those who do not share it (section 149 Equality Act 2010). The council has a duty to have due regard to the need to remove or minimise disadvantages, take steps to meet needs, in particular steps to take account of disabled persons' disabilities, and encourage people to participate in public life. The council must have due regard to the need to tackle prejudice and promote understanding.

A Resident Impact Assessment was completed on 26/02/2021 and is appended. No negative impacts on residents were identified.

## **5. Reason for recommendations**

- 5.1 These recommendations have been put forward to support the delivery of MTFs savings W&A11b. Without these new charges being in place this saving will be at risk of delivery.

## **Appendices**

- Appendix 1- Number of contaminated bin report
- Appendix 2 – Local authority benchmarking
- Appendix 3 – Resident Impact Assessment

Final report clearance:

**Signed by:**



11.5.21

Executive Member for Environment and  
Transport

Date

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## Appendix 1 – Number of contaminated bin reports

Date	Number of sites where contaminated bins reported	Number of bins contaminated (reported or estimate).
05/12/2020	2	6
07/12/2020	2	6
08/12/2020	8	16
09/12/2020	2	4
10/12/2020	1	2
11/12/2020	1	2
14/12/2020	1	2
15/12/2020	8	16
14/12/2020	1	2
11/12/2020	1	2
10/12/2020	1	2
09/12/2020	2	4
08/12/2020	5	10
17/12/2020	2	4
18/12/2020	1	4
22/12/2020	2	5
23/12/2020	4	8
28/12/2020	4	8
29/12/2020	8	16
31/12/2020	2	3
04/01/2021	2	3
<b>Total</b>	60	125

## Appendix 2 – Local authority benchmarking

Authority	Charge	Detail/Council comment
Manchester City Council	£15	Charge per bin and managed through contractor.
Cambridge City Council	£30	Charge per bin. Email to request collection of contaminated bin.
Wigan Council	£20	Charge per bin. You can report your contaminated bin to Wigan Council and we will empty it on one occasion only. In doing so, we will place the household under s46 of the Environmental Protection Act, which means that if you put contaminated bins out in the future, you may face a fine and/or prosecution. Online form to pay for bin collection.
Watford Council	£90 (1100) or £68 (240)	Charge per bin. Call to book. It is the responsibility of managing agents and landlords to arrange for contaminated recycling bins to be emptied - this can be arranged with Veolia (see above costs) or independently through a registered waste operator.
Solihull	Charge on adhoc basis if managing agent does not clear contamination.	Where a communal rubbish/recycling or garden waste container is found to be contaminated with excluded items it will not be emptied. It will be the responsibility of the Managing Agent/Housing Association/Landlord/Residents to arrange for the offending materials to be removed before the bin will be emptied on the next scheduled collection day. On rare occasions the collection crews may clear communal bin areas, for example if clearance is required to gain access to service the bins, which would otherwise pose a health and safety risk. Where this occurs, the council reserves the right to recoup any costs incurred as a result of the clearance process from the Managing Agent/Housing Association/Landlord/Residents.
Eastleigh	Unknown	If recycling bins are contaminated with non-recyclable items or any bins are not accessible, then your landlord will be contacted and we will be unable to collect the bin(s).

## Resident Impact Assessment

**Title of policy, procedure, function, service activity or financial decision: Waste & Waste container charges**

**Service Area: Street Environment Services**

### 1. What are the intended outcomes of this policy, function etc?

To introduce two new charges to deliver on approved savings on contaminated waste charges and a container repair scheme for waste containers. The contamination charge aims to recover the cost to the council of clearing contaminated recycling bins and aims to improve the quality of household recycling. The repair scheme aims to reduce the cost to the council of repairing large waste containers by introducing an annual repair charge against each eurobin.

### 2. Resident Profile

Who is going to be impacted by this change i.e. residents/service users/tenants? Please complete data for your service users. If your data does not fit into the categories in this table, please copy and paste your own table in the space below. Please refer to **section 3.3** of the guidance for more information.

		Borough profile	Service User profile
		Total: 206,285	Total: 206,285
Gender	Female	51%	51%
	Male	49%	49%
Age	Under 16	32,825	32,825
	16-24	29,418	29,418
	25-44	87,177	87,177
	45-64	38,669	38,669
	65+	18,036	18,036
Disability	Disabled	16%	16%
	Non-disabled	84%	84%
Sexual orientation	LGBT	No data	No data
	Heterosexual/straight	No data	No data

Race	BME	52%	52%
	White	48%	48%
Religion or belief	Christian	40%	40%
	Muslim	10%	10%
	Other	4.5%	4.5%
	No religion	30%	30%
	Religion not stated	17%	17%

### 3. Equality impacts

With reference to the [guidance](#), please describe what are the equality and socio-economic impacts for residents and what are the opportunities to challenge prejudice or promote understanding?

- Is the change likely to be discriminatory in any way for people with any of the protected characteristics?

No, the chargers will be levied against landlords in both instances so will have no direct impact on residents.

- Is the proposal likely to have a negative impact on equality of opportunity for people with protected characteristics? Are there any opportunities for advancing equality of opportunity for people with protected characteristics?
- No, the chargers will be levied against landlords in both instances and will not raise any equality of opportunity issues.
- Is the proposal likely to have a negative impact on good relations between communities with protected characteristics and the rest of the population in Islington? Are there any opportunities for fostering good relations?
- No, the chargers will be levied against landlords and will not impact residents more generally.
- Is the proposal a strategic decision where inequalities associated with socio-economic disadvantage can be reduced?
- No

### 4. Safeguarding and Human Rights impacts

#### a. Safeguarding risks and Human Rights breaches

Please describe any safeguarding risks for children or vulnerable adults AND any potential human rights breaches that may occur as a result of the proposal? Please refer to **section 4.8** of the [guidance](#) for more information.

N/A

If potential safeguarding and human rights risks are identified then **please contact equalities@islington.gov.uk to discuss further:**

## 5. Action

How will you respond to the impacts that you have identified in sections 3 and 4, or address any gaps in data or information?

For more information on identifying actions that will limit the negative impact of the policy for protected groups see the [guidance](#).

Action	Responsible person or team	Deadline
N/A	N/A	N/A

Please send the completed RIA to [equalities@islington.gov.uk](mailto:equalities@islington.gov.uk) and also make it publicly available online along with the relevant policy or service change.

**This Resident Impact Assessment has been completed in accordance with the guidance and using appropriate evidence.**

**Staff member completing this form:**

**Head of Service or higher:**

DocuSigned by:  
  
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Signed:

Signed:

Date: 26/02/2021

Date: [Click here to enter a date.](#)