



Title of report : Proposals to Restrict Residual Waste Key Decision No. NH Q47	
CABINET MEETING DATE (2019/20) 18th May 2020	CLASSIFICATION: Open
WARD(S) AFFECTED All wards	
CABINET MEMBER Cllr Jon Burke Cabinet Member for Energy, Waste, Transport, and Public Realm	
KEY DECISION Yes REASON Affects two or more wards	
ACTING GROUP DIRECTOR NEIGHBOURHOODS AND HOUSING Ajman Ali	

1. CABINET MEMBER'S INTRODUCTION

1.1 The recommendation to introduce fortnightly collections for residual waste is predicated on a number of factors. The drivers for this are not only to improve recycling performance, but also to reduce the amount of residual waste being incinerated. This will help insulate

the Council against the expected rise in residual waste disposal costs in the medium to long term, arising from the necessary construction of the replacement energy recovery facility. Further, and most importantly, by structurally reducing the amount of black bag waste sent for incineration we can eliminate the associated carbon dioxide emissions, reducing the carbon intensity of Hackney's waste system.

- 1.2 Residual waste restriction will play an important role in helping the Council achieve the highly ambitious decarbonisation targets set out in the climate emergency motion passed at Full Council, June 2019¹.
- 1.3 The expected outcomes of introducing fortnightly collections of residual waste include:
 - Reduction of approx. 4,400 tonnes of street level black bag waste being incinerated against current levels by 2022, which is a 21% reduction of waste per household;
 - Reduction in disposal costs of £246k per annum (based on current tonnage and levy charges) by 2022. The scope to increase disposal savings will increase proportionately with the levy charge;
 - Increase in recycling rate to 31% by 2022/23. This will see Hackney move from position 8² of 13 inner London borough's recycling rates to 4th³ (based on current data);
 - Reduction in emissions associated with incinerating black bag waste, contributing to achieve the 45% reduction in emissions against 2010 levels by 2030 and net zero by 2040. Using Zero Waste Scotland's Carbon Metric Publications, directing 4,400 tonnes of black bag waste to recycling/composting, shows a benefit of -661 to -610kg CO₂eq per tonne of material recycled/composted. This would indicate a potential benefit of around 2,910 to 2,680 tonnes CO₂eq savings.

2 GROUP DIRECTOR'S INTRODUCTION

- 2.1 This paper sets out the progress that has taken place following the approval at Cabinet on 17th June 2019 to submit Hackney's Reduction & Recycling Plan (RRP) to the GLA and, in particular, the consideration to introduce fortnightly collections for street level properties (recycling and food waste services will remain weekly).
- 2.2 The Mayor of London published the London Environment Strategy in 2018. This Strategy requires all London boroughs to develop and deliver their waste and recycling functions in 'general conformity' with the municipal waste provisions of the Strategy. Boroughs are required by the Strategy to produce Reduction and Recycling Plans to set out how they will make a contribution to the London-wide Strategy targets and in doing so demonstrate general conformity with the Strategy. Objective 7.2 in the Strategy requires all boroughs to maximise their recycling rates to achieve a London wide recycling rate of 45% by 2025.
- 2.3 Following approval at Cabinet in June 2019, Hackney's RRP was submitted to the Greater London Authority specifying how Hackney will increase the borough's recycling rate from 27.4% (baseline year 2017/18). For London to get to a 45% target, the GLA carried out service modelling on a number of service scenarios for Hackney. For the borough to contribute to this collective target, the GLA modelling, which included restricting residual

¹45% reduction in emissions against 2010 levels by 2030 and net zero by 2040

²Based on 2018/19 unaudited data: Lewisham (28%); Islington (29%); City (29.9%); Lambeth (30.1%); Camden (31.1%); Greenwich (33.4%); Southwark (35.2%)

³Based on 2018/19 unaudited data: Camden (31.1%); Greenwich (33.4%); Southwark (35.2%)

waste, resulted in Hackney's contribution as 33% - 36% (based on two modelled scenarios).

- 2.4** For this reason, Hackney's RRP considers a range of waste reduction and recycling interventions, including the introduction of fortnightly waste collections to street level properties by 2021. The performance changes are delivered through an anticipated reduction in waste arisings, growth in dry recycling and a significant increase in food waste capture. These changes in behaviour are driven by reducing the frequency of waste collections and the enforced limit on the capacity of waste collected. The modelling has been based on evidence from measured change in other authorities where similar services have been introduced.
- 2.5** The introduction of fortnightly collections will ensure that the Council is in general conformity with the Mayor of London's Environment Strategy. The cost of implementing fortnightly collections, detailed in the Finance section below, has an immediate funding requirement of £1.5m in 2020/21, which reflects the mobilisation costs and 25% of behavioural change costs to support the service change in the lead up and during phased implementation. There is a further estimated £1.5m of mitigation costs, a flexible resource that may be required in the event of significant non-compliance to support a successful implementation and subsequent bedding in of the service change.
- 2.6** With the levy payment to NLWA set to rise by 23.7% to £10,855,000 in 2023/24, and with significant pressure to reduce residual waste being sent to incineration, it is therefore essential for the Council to mitigate this additional cost as far as possible and divert as much waste as possible from incineration. The development and implementation of the RRP, including restricting residual, is key to supporting this aim and mitigating the extent of the increase in the waste levy.
- 2.7** Current tonnage estimates suggest that service changes could result in cost avoidance of approximately £246k per annum. Potential efficiency savings, if any, which may flow from reducing the frequency of residual waste collections will take time to realise. A review of the outcomes of the service change will be undertaken after 12 months of operation and this review will inform the potential for efficiency savings from waste collection operations over the medium term.
- 2.8** This paper details the progress taken to consider the introduction of fortnightly waste collections. It updates on the status of the RRP and then focuses on the results of the consultation exercise. It proceeds to outline the progress of the different work streams required to make an informed decision on the proposal to restrict residual waste to street level properties.
- 2.9** With the requirement to be in general conformity with the London Environment Strategy and Hackney's now approved RRP, and on the basis of the benefits outlined above and explained in detail throughout this report, both in terms of the environmental impact of averted waste incineration, increased recycling, and net reduction in waste, it is the recommendation of officers to proceed with proposals to limit black bag waste collections to fortnightly, at all qualifying street level properties.

3 RECOMMENDATION(S)

- 3.1** Approve the Waste Enforcement Strategy and Waste & Recycling Collection Policy (Appendix 4 & 5).

- 3.2 Approve the proposals to introduce fortnightly collections for residual waste to street level properties, using black 180l wheeled bins.

4 REASONS FOR DECISION

Introduction

- 4.1 The recommendation to introduce fortnightly collections for residual waste is predicated on a number of factors. The body of the report updates on the status of the RRP, and then focuses on the results of the consultation exercise. It further proceeds to outline the progress of the different work streams in developing the proposal to restrict residual waste to street level properties.

Reduction & Recycling Plan

- 4.2 The Mayor of London's Environment Strategy requires London authorities to write a Reduction & Recycling Plan. The RRP was submitted to the Greater London Authority (GLA) in June 2019, and set out actions on restricting residual waste and to consult on such.
- 4.3 Following amendments based on more up to date analysis of data, notably a slight reduction in the recycling rate, the RRP was 'signed-off' in December by the Mayor of London, and has been approved as being in general conformity with the London Environment Strategy. The confirmation letter noted that the GLA were particularly pleased to see food waste remaining weekly and that we had committed to meeting a stretching recycling target of 31%. The updated RRP is attached in Appendix 1.

Consultation Results

Consultation approach

- 4.4 Street-level properties were consulted on the proposal to introduce fortnightly waste collections between September and December 2019. Questions were set out in four sections: 'Your household and property'; 'Your rubbish & recycling collections service'; 'Rubbish & recycling proposal'; and, 'About you'.
- 4.5 The main method of consultation was by posting the consultation pack to 43,000 street level properties. The pack included the consultation summary, the questionnaire and a street level recycling services leaflet. The consultation was also available online and officers organised four drop-in sessions across the borough. It was widely promoted through the local newspapers, Hackney Life, and more targeted advertising included adverts in Newsheet, Hamodia and the Jewish Tribune. Further, briefings were produced for a number of internal audiences, as well as promoting the consultation at various internal and external events.
- 4.6 The response from this consultation was the largest the Council has received since the online platform was launched in 2014, with over 10,700 responses; a 25% response rate. An external company, Kwest Research, analysed the results. There were a number of free text comments that were further analysed, providing useful insight into concerns residents may have with the proposals. This data will enable the service to be developed in a way that should overcome the issues raised, should approval to the proposals be granted.

4.7 The following paragraphs outline key findings from the consultation. The numbers in brackets are the number of respondents to that question. It should be remembered that this is a self-selecting survey.

Respondent demographic

4.8 Of those that responded to the survey, and provided the relevant information (full details can be found in Appendix 2):

- 70% (7,139) were White; 47.91% (5,139) were White British;
- Nearly six out of 10 were Female (6,065);
- 48% (4,088) were aged between 25-44 years, and 49% (5,234) between 45-74 years.

4.9 Charedi Jewish and Jewish religious groups represent an estimated 6.3% of the borough's overall population, which aligns (6.21%) with those that responded to the consultation. Similar correlation can be found between those without a religion in the borough (28%) and those without a religion that completed the consultation (33%). The borough demographic for Muslim and Christian groups is 14% and 39% respectively. However, both these groups were underrepresented in the consultation responses at 3% and 18% respectively.

4.10 In terms of ethnicity, Asian and Black groups represent 10.5% and 23.1% of the borough's overall population, but of those that responded to the question, both groups were underrepresented at 5.97% and 7.43% respectively.

4.11 Hackney is a young borough with a quarter (25%) of the population aged under 20 years, but less than 2% from this age group completed the survey. In contrast 15% of those 65 and over participated in this consultation, but currently only represent 7% of the population. Men, who represent about half (49.7%) of Hackney's population, are underrepresented with a 32% response rate.

4.12 10% (1093) of respondents declared a disability, a little below the borough demographic of 14%.

Proposal on introducing fortnightly collections

4.13 Respondents were asked a series of questions about: the importance of recycling; the proposal to introduce fortnightly collections of waste; the provision of containers; and, the impact that the proposal may have on their household. The key results were:

- 80.6% of respondents (7,285) think it is very important and 12.8% (1,155) think it is important people in Hackney recycle more; a combined total of 93% of respondents (8,440). Less than 2% (184) didn't think it was important;
- 88% of all respondents (8,111) think the Council should encourage residents to recycle more. This figure rises to 93% of those who believe it is important residents should recycle more (7,798);
- 39% of respondents (3,571) agree or strongly agree that the Council should collect non-recyclable waste fortnightly; 21% strongly agree (1,891) and 18% agree (1,680);
- 52% of respondents (4,766) disagree or strongly disagree with the proposal; 37% strongly disagree (3,429) and 15% disagree (1,337);
- 55% (5,019) believed it would have a negative impact on their household and 19% (1,781) a positive one;

- The top reasons as to why people thought the proposal would have a negative impact were: smell and health concerns 30% (1,530), followed by concerns about vermin 27% (1,362), people rummaging through the bins 27% (1,362) and overflowing bins 21% (1,033). A small number of respondents 7% (361) cite nappies as a concern;
- Similar patterns in the findings can be seen across all sub-groups, with respondents in all groups tending to select the same top three or four reasons as to why they feel the proposals will have a negative impact on their household;
- 59% of respondents (5,372) agree that the Council should provide bins for non-recyclable rubbish if fortnightly collections are introduced, whilst 23% (2,066) disagree;
- 49% of respondents (4,445) agree with the proposal to only collect rubbish, contained within the provided bins, whilst 35% (3,194) disagree.

Current service and satisfaction levels

4.14 Respondents were asked a series of questions around households usage of the current services and their satisfaction or otherwise with them. The key results are:

- 88% of respondents (8,314) are satisfied with the recycling service;
- 9% (13) of respondents aged 16-24 are less satisfied with the current recycling services than their older counterparts; 3% (34);
- 91% of respondents (8,350) are satisfied with the waste collection service and satisfaction broadly increases with age. Those that are satisfied with the current service are more likely to support the proposed change to fortnightly collections at 51% (4,210), compared to the overall finding of 39%;
- Respondents in smaller households are less likely to put recyclable materials in their non-recyclable rubbish than those in larger households;
- 70% of Jewish and Charedi Jewish respondents in households of 5+ people (225) report putting food into their non-recyclable rubbish, compared to 38% of those in comparable non-Jewish households (450);
- 95% of respondents (9,094) recycle paper and card, 93% (8,912) recycle tins and cans, whilst 89% (8,497) include plastic pots, tubs and trays in their green sacks;
- 31% (2,957) are adding plastic film in their green sacks, and 27% (2,596) polystyrene; these materials are non-recyclable;
- Respondents aged 16-24 are also more likely than their older counterparts to put recyclable items in their non-recyclable rubbish. The proportion of respondents putting food in their non-recyclable waste collections decreases with age;
- Those respondents who are less likely to recycle food are those identified as being least in favour of the proposed changes, and include: those in larger households; the N16 postcode area; Jewish and Charedi Jewish respondents; respondents with disabilities; and, those aged 16-24;
- 38% of those who recycle no food or some food (1,420) did not provide any feedback on why this is the case. Of those that did, the most common reasons given are the smell (10%, 368).

Household size and food waste

4.15 Further analysis of the results was undertaken cross referencing responses against household size, and also household size and how much food was recycled or not. The key results were:

- 42% (3,208 respondents) who lived in a household size of 4 or less agreed with the proposals, and 20% (287) who lived in a household size of 5 or more agreed;

- 48% (3,667 respondents) who lived in a household size of 4 or less disagreed with the proposals, and 74% (1,060) who lived in a household size of 5 or more disagreed;
- 92% (265 respondents) who lived in a household size of 9 or more disagreed with the proposal;
- Of those that lived in a household size of 5 or more, and that recycle all or most of their food waste, 32% (199 respondents) agree with the proposal, and 60% (373) disagree;
- Of those that lived in a household size of 5 or more, and that recycle some or none of their food waste, 9% (69 respondents) agree with the proposal, and 86% (655) disagree;
- The top three reasons as to why people living in large households (5+) thought the proposal would have a negative impact were: smell / health concerns 39% (444); increase in vermin 28% (319) and; increase in people / animals rummaging in bins 25% (284).

Equalities impacts

4.16 Further analysis of the results was undertaken in respect of the protected characteristics that would be most impacted by the proposals, which are Religion, Age and Disability.

4.17 The key results for **Religious Groups** were:

- The religious group most in support of the proposal was Atheist / No religious belief, where 52% (1,660 respondents) agreed with the proposal;
- The religious group least in support of the proposal was the Charedi Jewish group, where 94% (224 respondents) disagreed with the proposal, (83% (198) strongly disagreed and 11% (26) disagreed);
- 15% (51) of the Jewish group agreed with the proposals and 80% (278) were against the proposals (67% (232) strongly disagreed);
- 28% (78) of the Muslim group agreed with the proposals and 62% (174) disagreed with the proposals;
- The Charedi Jewish and the Jewish groups believed the proposals would have a negative impact in their household at 94% (224 respondents) and 83% (290) respectively;
- 43% (1,369) with no religion and 45% (93) with secular beliefs are least likely to envisage a negative impact;
- 96% of Jewish and Charedi Jewish respondents in households of 7+ people (216) disagree with the proposals compared to 84% of comparable non-Jewish households (315);
- The top three reasons as to why the Charedi Jewish and Jewish group thought the proposal would have a negative impact were: smell / health concerns 44% (134); increase in vermin 30% (92), and; household produces too much waste for fortnightly collections 29% (88).

4.18 The key results for **Age** were:

- The age group most in support of the proposal was the 25-34 age group, whereby 43% (631 respondents) were in favour of the proposal, (25% (367) strongly agreed and 18% (264) agreed);
- The age group least in support of the proposal was the 16-24 age group, whereby 61% (89 respondents) were against the proposal, (51% (74) strongly disagreed and 10% (15) disagreed);

- The 16-24 age group also had the highest proportion who believed the proposals would have a negative impact on their household at 66% (96 respondents);
- The 65-74 and 75+ age groups were the groups most likely to believe the proposals would have a positive impact at 22% of respondents (241) and 26% (284) respectively;
- 47% of respondents aged 16-24 (67) disagree with the Council only collecting rubbish contained within bins, compared to 27% of those aged 65-74 (298) and 28% of those aged 75+ (71);
- The top three reasons as to why the 16-24 age group thought the proposal would have a negative impact were: 41% (39) smell or health concerns; 26% (25) bins will overflow; and, 23% (22) increase in vermin and people rummaging through rubbish.

4.19 The key results for **Disability** were:

- 29% (251) of respondents with a disability were in favour of the proposal, (15% (130) strongly agreed and 14% (121) agreed);
- 61% (527) of respondents with a disability disagreed with the proposal, (44% (380) strongly disagreed and 17% (147) disagreed);
- 60% (510 respondents) believed it would have a negative impact in their household and 20% (170) a positive one;
- The top three reasons as to why respondents with disabilities thought the proposal would have a negative impact were: increase in vermin 33% (169); smell / health concerns 31% (159), and; increase in people / animals rummaging in bins 27% (138).

Summary

4.20 To summarise, the proposal is supported by 39% of residents, whereas 52% do not support the proposal. Those that are satisfied with the current service are more likely to support the proposed change to fortnightly collections at 51% (4,210), compared to the overall finding of 39%. The number of people living in the property and whether the household recycles food are key factors influencing opinions. Agreement with the proposals increases with the amount of food recycled and decreases as household size increases. Respondents who recycle food are more likely to agree with the proposal than those in comparably sized households who do not recycle food.

4.21 Respondents least in favour of the proposals are most likely to anticipate a negative impact. These include the following groups: large families who do not recycle food; Jewish and Charedi Jewish respondents; disabled respondents; those aged 16-24; and, those in N16. However, respondents in all areas consider that the proposals will have a negative impact on their households. The top three negative reasons being smells, increase in vermin and animals (foxes were cited the most) rummaging through bins, and overflowing bins.

4.22 The provision of bins is the single biggest theme in the qualitative feedback provided in the consultation questionnaire, being mentioned in 26% (1,303) of all comments made. Overall, the majority of respondents, 59% (5,372), agree that the Council should provide bins for non-recyclable rubbish if the service is introduced. There are low levels of support for bin provision amongst those that disagree with the proposals. This trend is seen among Jewish and Charedi Jewish respondents, and those in large households who do not recycle food.

4.23 The full results of the consultation can be found in Appendix 2.

Waste Compositional Analysis

4.24 Previous waste composition analysis undertaken in 2015 shows that across Hackney, over half of the rubbish people currently throw away in their general waste bins could have been recycled or composted. Due to the nature of the proposed service change and the impact this may have on households, a further waste compositional analysis has been undertaken on the heaviest collection day, i.e. the day with the highest amounts of waste generated. This would allow analysis of a worst case scenario enabling potential solutions to be sought. As such, a sample of roads and households on the Tuesday collection round had their waste, recycling and food waste analysed.

4.25 The results have helped gauge the impact of reducing the frequency of general waste collections for households where levels of waste are particularly high. As well as giving indications as to the levels of waste and recycling being generated, the analysis also provided observations on the levels of materials that are currently recyclable at the kerbside and those which could potentially be captured in any proposed changes.

4.26 Key findings from the analysis are:

- Surveyed households are generating 33.1 kilograms per household per week (kg/hh/wk) of residual waste. This is the equivalent of 1.72 tonnes per annum, and over three times the borough average.
- Households are diverting 12.8% of kerbside waste to recycling and food waste.
- 69.0% of residual waste collected could have been recycled alternatively at the kerbside – 22.8kg/hh/wk - and the majority of this would be via food recycling bins. This is 1.2 tonnes per annum of recyclable material placed into the residual bin per household.
 - Food waste was seen to be the major component forming 42.1% of the total, equating to 13.9kg/hh/wk. This could have been placed into the food waste bins. Of this food waste 62% is deemed to be avoidable (e.g. leftover cooked food).
 - 23.5% of collected residual waste could have been placed into the green recycling sacks available – the equivalent of 7.8kg/hh/wk.
- An average of 85% of households presented recycling sacks out for collection.
- Main materials that were recycled were:
 - 60% of glass bottles and jars, and
 - 76% card and cardboard.
- Over 70% of recyclable paper and 80% of recyclable plastic is not being recycled.
- 12% of recycling waste collected was classified as contamination.
- An average of 12% of households presented food bins for collection.
 - Food waste placed in the food bin equates to 0.44kg/hh/wk.
 - Households diverted around 1.1% of their total waste through food recycling collections.

4.27 In conclusion, from the 52 households a total of 1,719kg of residual waste was collected. This equates to 33.1kg/hh/wk or 1.72 tonnes per household per year, which is over three times the borough average at 544.48kg/hh/yr. Were households to continue placing out these levels of waste, a fortnightly collection round may potentially be collecting 66kg from each household per visit.

4.28 However, it is clear to see that if households used the services available to them 69% of residual waste currently collected could be recycled through the dry recycling service

(approx. 32%) and the food waste service (approx. 37%). In terms of capacity required for these properties, if households recycled 90% of their dry recycling and 90% of their food waste that is currently in their residual bin, a larger capacity of a 360l wheeled bin would be required for their remaining waste.

4.29 The full Waste Composition Analysis report can be found in Appendix 3.

Containment

4.30 Current services operate based upon sack collections for waste, with the majority of street level properties provided with no containment, with the exception of approximately 8,000 properties (15%) where wheeled bin collections operate from a historic trial and where households have purchased their own wheeled bin. A change in collection frequency, from weekly to fortnightly, would impose a greater need for containment due to waste being held at properties for a longer duration.

4.31 A property survey was carried out in spring 2019 funded by Resource London. The survey looked at the capacity of street-level properties to accommodate containment, identifying that on average 65% of properties could accommodate some kind of containment. There are 770 streets (82%) where at least half of the properties on the street could accommodate the required bins and 56 streets (6%) where none of the properties could fit the required bins (this includes residential streets which open directly on to the pavement with no storage facilities).

4.32 With regards to provision of containers, a number of bin sizes were considered, as was the consideration to leave as a current sack collection service.

4.33 A number of criteria based on a range of qualitative and quantitative factors were applied to containment scenarios, each with their own advantages and disadvantages. These included impact on recycling rates, health & safety implications, productivity levels, collection and disposal costs, industry common practice, ease of behaviour change, aesthetics and issues with vermin.

4.34 Key points from the options considered are set out below:

- Analysis of data to identify industry norms shows that of the 75% of English authorities that have introduced fortnightly collections, the majority use wheeled bins for the containment of waste;
- Collection costs will remain unchanged with retaining a sack collection, but there may be an increase throughout the implementation phase if there is a high level of non compliance, which could be as much as £700k in the first year;
- Productivity levels are higher maintaining the current approach, with lower levels of productivity with the use of wheeled bins;
- The use of wheeled bins will provide a structural change to the collection methodology, and will provide greater opportunities with regards to communicating messages;
- Wheeled bins have attached lids, which will make it easier to ensure the lid can be completely closed (and the lid cannot get lost), and will at least minimise, if not eliminate, potential issues with vermin, and therefore littering, over dustbins. This was a key concern of respondents in the consultation.

4.35 Maintaining the current collections methodology of sacks offers the opportunity to maintain higher levels of productivity and has lower implementation costs than wheeled bins.

- 4.36** Conversely, whilst a 180l wheeled bin reduces operational productivity levels and increases implementation costs, there are a number of advantages. A wheeled bin: provides a structural change and a platform to communicate messages to residents and collection crews; attached lids make a closed lid policy easier to enforce, and; they better address the concerns raised in the consultation around littering and vermin.
- 4.37** Wheeled bins are a well-established method of restriction employed by the majority of councils who provide a fortnightly collection. Standard wheelie bins come in a range of sizes, notably 140l, 180l, 240l and 360l. A bin size of 180 litres carries a lower level of risk around 'over-restriction' compared with using smaller 140 litre wheeled bins for fortnightly collections. Again, this addresses the concerns in the consultation raised around vermin and rummaging in bins, foxes being cited as the main concern, and concerns of overflowing bins.
- 4.38** It is therefore recommended that 180l wheeled bins are used as the method of containment for restricting residual waste. Where 180l wheeled bins can't be accommodated, alternative approaches to restrict residual waste, e.g. restriction by number of sacks, will be implemented. Whilst wheeled bins can come in a range of colours, there is already the association of black with waste, as households typically place waste out in black sacks. Hackney's recycling service uses green sacks for recycling, and has blue bins for the food service. Many councils use black/grey bins for residual waste, and green is usually associated with recycling services. It is therefore recommended that black/grey wheeled bins are procured.

Communications Approach

- 4.39** A Communication Plan will be developed to further encourage people to recycle more and provide targeted messaging about the service changes should they be approved. The approach will provide the information required for people to recycle more and will use the Council's corporate communications channels to ensure all are aware of the service change, new collection dates and restriction policies.
- 4.40** The communication methods used will involve a range of methods, including printed material (leaflets, letters, bin hangers), social media and advertising on lamp post banners and JCDecaux sites. Outreach will also be undertaken to engage with people through events, and with specific communities who might not engage through usual communication routes and communities who may find the changes more challenging.
- 4.41** The communications approach will also support the Waste Enforcement Policy and Waste & Recycling Collections Policy.
- 4.42** To ensure that households are provided with every opportunity to manage their waste and recycling, a team of Waste Education & Enforcement Officers, will be appointed to guide people through the service change.

Enforcement Approach

- 4.43** Should approval for the service change be given, a Waste Enforcement Policy and Waste & Recycling Collection Policy has been produced, setting out what is required by householders and what action will be taken should the policies not be followed.
- 4.44** The **Waste Enforcement Policy** is set out in a number of sections, the key elements of which are outlined below. The full document can be found in Appendix 4.

Section 4 Legislation

- 4.45** Part II of the Environmental Protection Act 1990 (“the 1990 Act”) is concerned with waste on land. Subject to certain exceptions, it is the duty of every waste collection authority to arrange for the collection of household waste in its area (section 45(1)(a) of the 1990 Act). No charge can be made for the collection of household waste, except in cases prescribed in regulations made by the Secretary of State: section 45(3).
- 4.46** Section 45A is concerned with arrangements for the separate collection of recyclable waste. Section 45A(2) states that where an English waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority shall ensure that the arrangements it makes in relation to those premises include the arrangements mentioned in section 45A(3) (unless it is satisfied that (in that case) (a) the cost of doing so would be unreasonably high; or (b) comparable alternative arrangements are available. The arrangements in section 45A(3) are arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste.
- 4.47** The Council will employ section 46 of the Environmental Protection Act 1990 to ensure domestic waste is managed correctly. Under section 46 (1) where a waste collection authority has a duty by virtue of section 45(1)(a) to arrange for the collection of household waste from any premises, the authority may, by notice served, require the occupier to place the waste for collection in receptacles of a kind and number specified.
- 4.48** The Council can detail a number of aspects in that notice, including stipulating the size, construction and maintenance of the receptacles, and the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose. A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under section 46.

Section 5 - Enforcement Approach

- 4.49** The enforcement approach will be measured and balanced, and will ensure that householders are not penalised for minor breaches of waste bin rules (except where they are intentionally repeated). In line with good practice Hackney Council will inform and educate residents in the first instance and only where this approach fails will penalty notices be considered. Our education and enforcement process is described below.



- 4.50** Stage 1 - During the transition period from weekly to fortnightly waste collections, the emphasis will be on encouraging residents to review their waste production and separation behaviours and to identify any areas that can be improved.
- 4.51** Stage 2 - Residents will be contacted by letter/leaflet when they are due to transition to fortnightly collections with a final reminder of the instructions for the new service.

4.52 Stage 3 - A written warning may be given where an authorised officer of the Council is satisfied that a person has failed, without reasonable excuse, to comply with a requirement about the presentation for collection of household waste. Where this situation arises the household will receive a Community Protection Warning letter (which will include a s46 notice) and, where possible, this letter will be accompanied by a visit from a waste education and enforcement officer.

4.53 Stage 4 - Where a community protection warning has been given in respect of a failure to comply and a further failure is recorded within 12 months, then the household will be visited by a waste education and enforcement officer. The household will also be served with a final formal warning in the form of a community protection notice served under the Anti-social Behaviour, Crime and Policing Act 2014.

4.54 Stage 5 - A person issued with a community protection notice who fails to comply with it commits an offence under section 48 of the Anti-social Behaviour, Crime and Policing Act 2014. Under Section 52 of the same legislation an authorised person may issue a fixed penalty notice (FPN) to anyone who that person has reason to believe has committed an offence under section 48.

4.55 Stage 6 - Any household who repeatedly fails to comply with the community protection notice will be subject to prosecution action and will not be offered the opportunity to discharge their liability by payment of a fixed penalty.

4.56 With regard to maintaining the street scene It is important that the service change does not have a negative long-term impact on the streetscene. Legislation available to the Council to address this include:

- Section 33 Environmental Protection Act - Fly Tipping
- Prevention of Damage by Pests Act 1949

4.57 Where it is appropriate some Houses of Multiple Occupation (HMO) will receive fortnightly collections. It will be the responsibility of both the tenants and the landlord to ensure waste is presented correctly for collection (and as such both will be served with a section 46 notice). If there are more than 4 occupants in a HMO then they can apply for an assessment that works in the same way as the 'Large Family' policy (see below).

4.58 The **Waste & Recycling Collection Policy** for Street Level Properties (Appendix 5), sets out what is expected from householders, and again key elements are outlined below.

Section 2 - General Waste (non-recyclable rubbish) Containment

4.59 In this section householders are informed of what their containment provision will be. If there is sufficient space within the property boundary for the household to store a 180 wheelie bin (either to the front or the rear) then the Council will supply this bin and householders will be required to use it. The bin will be emptied once every 2 weeks. The Council will not collect waste that is not contained within the bin.

4.60 Waste operatives should not pull wheelie bins up and down more than two steps, so if there is space outside a property but there are steps preventing collection then the Council will supply 2 x 90 litre dustbins to store outside the property. The Council will then collect the bags from inside the dustbins on collection day. The two dustbins will be emptied once every 2 weeks.

4.61 If there is no space outside of a property, for example if the door opens directly onto the street, then the Council will supply a 180 litre wheelie bin which should be stored on the public highway (pavement) immediately outside the property and tight against the property boundary. The bin will be emptied once every 2 weeks. Please note that storing a bin on the highway is a last resort and all reasonable efforts will be made to keep the bin within the boundary of a household's property.

4.62 Whilst the policy points above around general waste are provided for clarity and will apply respectively to the vast majority of street-level properties in the borough, the Council reserves the right to adjust the collection arrangements for the sake of efficiency and/or to mitigate against any issues. This may in some instances include properties remaining on a weekly collection.

4.63 There will be no changes to the collection frequencies of garden, dry recycling and food, and householders can request additional sacks, liners and caddies.

Section 3 - Waste & Recycling Presentation on Collection Day

4.64 With regards to presenting the bins for collection: bins should at no point be placed on the public highway to avoid obstruction and avoid enforcement action being taken (unless the Council has given prior permission as the only place a bin can be stored). The service will be a "point of storage collection", so where bins are stored within the boundary of a property, they will be collected from that point, emptied and returned to the same point. Bins stored on the street will be emptied and returned to their original storage location.

Section 4 - Overproduction of Waste

4.65 The Council's waste and recycling policy has been designed to provide enough waste capacity for any household as long as they are recycling all recyclable materials, including food, and employing reasonable steps to reduce their waste output overall. If there is still waste being produced that does not fit into the bins provided by the Council then the household is deemed to be overproducing waste and the Council will not collect this extra waste.

4.66 All lids on bins must be closed. If they are not because there are too many bags in the bin then the offending bag will be classed as overproduced waste and will not be collected.

4.67 If any overproduced waste is dumped on the public highway (i.e. the pavement) then the waste will be investigated and those responsible for the dumping will be subject to enforcement action, including the potential for fines and prosecution.

Section 6 and 7 - Large Family and HMOs

4.68 Large families and people living in HMOs are able to apply for extra bin capacity. For the purpose of the Large Family Policy a family must comprise: more than four people living in a single dwelling and/or 4 people including one baby in nappies living in a single dwelling.

4.69 Those who qualify as a Large Family / HMO under the above definition will need to apply for the extra capacity. They will then be contacted by an officer from Waste Strategy to assess their needs, which may include an assessment and education visit.

4.70 During the assessment and education visit families / households will be educated about recycling and will be required to sign a Recycling Commitment, committing the

household to recycling mixed dry recycling, food waste and garden waste, if applicable. Failure to meet the requirements of this commitment could mean that the extra capacity is reduced. Based on the outcome of the assessment and the number of permanent residents in the households, any additional capacity required will be provided.

- 4.71** Large Families, tenants and landlords of HMOs receiving extra capacity will also be served with a section 46 Notice to ensure that they only use the containment that has been supplied based on the assessment.

Section 9 - Special Collections

- 4.72** Where a household has overproduced waste, and this has led to a build-up of waste on the property, the Council may collect the extra waste for a charge. The charge will be set as a part of the Council's annual Fees and Charges process (exemptions apply) and the Council will collect up to 10 black sacks per request.

- 4.73** This only applies to instances where the resident has contacted the Council and procured the service. If waste is removed by the Council as a result of enforcement action then this charge may be substantially higher through fines and / or prosecution.

Section 10 - Managing the Impacts of Fortnightly Collections

- 4.74** This section reiterates reducing the impact on the street scene, as well as issues with regard to contamination of the recycling. It further addresses issues over the misuse of communal bins, whether on estates or the street.

- 4.75** Both documents (Enforcement Policy and the Waste & Recycling Collection Policy) contain a Frequently Asked Questions section to aid understanding of the policies, procedures and guidelines.

Operational Delivery Plan

- 4.76** Environmental Services are in the process of purchasing a new fleet of Euro VI vehicles to be ULEZ compliant by October 2020. This new fleet of vehicles will be received by September, ahead of that deadline. The vehicles have been ordered to a specification that can service both wheeled bins and sacks to accommodate the collection methodologies required for the proposed service change. They will also be fitted with advertising panels, which will be used to promote the new service change, should that be adopted.

- 4.77** It is envisaged that the operational service implementation will take place in two phases over two months, with a completion date of no later than April 2021. This will be backed up by a comprehensive communications and engagement programme.

Concluding remarks

- 4.78** The report details the results of the recent consultation on moving to fortnightly collections. 39% of respondents agree or strongly agree with the proposals, whilst 50% disagree and strongly disagree. When the responses are further analysed, it is evident that respondents from large families, those that are aged 16-24, those people with disabilities, and those whose religion is Charedi Jewish or Jewish are the ones who disagree most with the proposed service change. The analysis further shows that these groups don't currently engage with all the services that the Council offers, such as the food waste service. To take account of the concerns raised in the consultation and, in particular of protected characteristic groups, the Equalities Impact Assessment has been reviewed and updated.

- 4.79** Recurrent amongst all groups was the negative impact they felt it would have on their households: smell; increase in vermin and animals (foxes were cited the most) rummaging through bins; and overflowing bins. These concerns, in part, have guided the recommendation of provision of a 180l wheeled bin. This would support the views of the respondents, 59% of whom, support the provision of a bin.
- 4.80** Further work has been undertaken, including a waste compositional analysis of the highest waste producing area in the borough. This highlights the challenge facing the service, and those households who produce large quantities of waste, some three times the borough average. However, the analysis shows that if households used all of the services available to them, and to their full potential, restricting residual waste to a fortnightly collection can be achievable. For those that may have difficulties in achieving this, there will be policies that can assist, such as a large household policy.
- 4.81** It should be noted that the success of restricting residual waste is dependent on residents adhering to the new service changes. This will mean, in some instances, changes to their current disposal patterns, recycling all they can, both dry and food, and placing the remaining waste they produce only in the bin provided. Whilst a comprehensive communications and engagement strategy will be deployed, there may be instances, in the worst cases, where enforcement action will be taken. As such a Waste Enforcement Strategy sets out the six stage approach to enforcement, ensuring that encouragement and education is undertaken in the first instance. It also sets out the expectations in the Waste & Recycling Collections Policy that we require from our householders to ensure, as far as possible, compliance with the move to fortnightly collections.

5 DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1** As referred to in Section 4 above, London boroughs are required to produce a Reduction and Recycling Plan (RRP) to set out how they each will make a contribution to the Mayor of London's Environment Strategy targets and demonstrate general conformity with his Strategy.
- 5.2** Failure to produce a RRP may lead to the Mayor using his powers to direct a Waste Authority in London where he considers that it is necessary for the purposes of the implementation of the municipal waste elements of the Environment Strategy.
- 5.3** The RRP has now been approved by the Mayor of London, which included the consideration to introduce fortnightly collections to restrict residual waste. This action has the largest impact on increasing the recycling rate, thereby contributing to the London wide targets; it is unlikely that the RRP would have been approved without commitments to restrict residual waste.

6 BACKGROUND

Policy Context

- 6.1** Each London borough's RRP is the key document for delivery of the municipal waste element of the Mayor of London's Environment Strategy.
- 6.2** Further, Hackney's RRP has been informed by the Corporate Plan. It ensures that the relevant manifesto commitments have been incorporated, in particular by improving recycling on estates, and that it contributes to making Hackney a greener and more environmentally sustainable community, which is prepared for the future.

- 6.3** The key action with the largest impact on increasing recycling levels is through restricting residual waste. The recycling targets set out in Hackney's RRP have been modelled on this proposal.

Equalities Impact Assessment

- 6.4** The Council has a duty under the Equality Act 2010, and in particular, section 149 of the Act, which set out the three equality needs that must be taken into account when undertaking its functions:
- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic and those who do not.
- 6.5** An Equalities Impact Assessment (EIA) was undertaken to assess the impact of the proposal to introduce fortnightly collections, prior to the consultation on such going live. Following the analysis of the consultation results the EIA has been reviewed and updated taking into account the protected characteristics and the impact the proposals will have on those groups. The consultation has provided a significant amount of detailed information, providing a greater understanding of the impact of the proposed service change.
- 6.6** The equality need that is most relevant to the proposal to introduce fortnightly waste collections is the need to eliminate discrimination. This proposal does not amount to direct discrimination, as no individual is being treated less favourably by a reason of a protected characteristic.
- 6.7** However, the EIA that has been undertaken has acknowledged that there could be a risk of indirect discrimination by applying the proposal to all street level properties on individuals in certain protected groups; a particular impact on pregnancy/maternity (increased waste through use of nappies), disabled people (increased waste through use of medical/sanitary products and waste bin access issues), younger age groups (low levels of waste and recycling segregation) and religious groups in particular Charedi Jewish community (high levels of waste generated by larger households).
- 6.8** As outlined in previous sections, but to reiterate here, the Council is proposing a course of action, i.e. to introduce fortnightly collections to street level properties, that will result in a number of outcomes:
- General conformity with the Mayor of London's Environment Strategy;
 - Reduction of approx. 4,400 tonnes of street level black bag waste being incinerated against current levels by 2022, which is a 21% reduction of waste per household;
 - Reduction in disposal costs of £246k per annum (based on current tonnage and levy charges) by 2022;
 - Increase in recycling rate to 31% by 2022/23;
 - Reduction in emissions associated with incinerating black bag waste, contributing to achieve the 45% reduction in emissions against 2010 levels by 2030 and net zero by 2040 as set out in the Council's Climate Emergency Declaration of June 2019.

6.9 The above outcomes constitute a legitimate aim to introduce fortnightly collections for residual waste, and the Council can demonstrate that the proposal is proportionate for the following reasons:

- The legitimate aim is an important aim;
- There will be an education / engagement programme to encourage people in the Council's area to recycle more (and a targeted education / engagement programme for those groups most likely to be affected);
- In most cases, individuals are likely to adopt the actions that are being encouraged by the Council, and will recycle more waste, thereby reducing their residual waste so that it can fit within a 180 litre bin on a fortnightly basis;
- Where individuals are still producing more waste than can fit within a 180 litre bin on a fortnightly basis, then a policy would be put in place to increase bin capacity where required;
- For those who would have difficulties manoeuvring the bins or lifting rubbish into the bin, the Council will offer assisted collections.

6.10 Further, the Council has considered in its assessment the duty to make reasonable adjustments for disabled persons who are placed at a substantial disadvantage by the proposal when compared to persons who are not disabled (either because the disabled person produces more waste relating to their disability, or because they would struggle to put rubbish in an external bin). The Council is under a duty to take reasonable steps to avoid the disadvantage, or to provide a reasonable alternative method of collecting the waste. As such, and as detailed in the EIA, the Council is proposing to (a) increase bin capacity where more waste is being produced; and/or (b) offer assisted collections for those who cannot use the bins.

6.11 The following paragraphs outlines the EIA's monitoring of the main equality strands and mitigating measures that will be implemented for each of the groups identified as being potentially impacted by the proposals.

6.12 The survey included monitoring around the main equality strands, which have been analysed. This identified that the protected characteristics most affected by the potential service changes are 'Age', 'Disability' and 'Religion'.

Age

6.13 The age group most in support of the proposal was the 25-34 age group, with nearly half of them supporting the change in collections. The group least in support were the younger group, 16-24 years, whereby 61% were against it. The same group also had the highest proportion who believed the proposals would have a negative impact on their households; 66%. Also, almost half of the younger respondents disagree with the Council only collecting rubbish contained within bins. The reasons as to why they disagree or believe it will have a negative impact are comparatively the same as the overall responses received for that question: smell or health concerns; bins overflowing; and, increase in vermin, mainly foxes.

6.14 Prior to the consultation, the Council assumed elderly residents to be most negatively impacted by the service change due to difficulties manoeuvring the bin or difficulties lifting rubbish into the bin. However, analysis from the consultation confirms the negative impact decreases as the respondent's age increases. The rationale behind this is unknown as the reasons provided by all age groups are the same. There will however, be provision made for factors that may negatively impact older residents.

6.15 Younger respondents (aged under 35) are more in favour of having bins provided than older respondents. One possible reason for this is over half of younger respondents live in 'flats in converted houses' and that they may want to ensure they get their own bin without having to share it with their neighbours.

6.16 Respondents aged 16-24 are also more likely than their older counterparts to put recyclable items, including food, in their non-recyclable rubbish. Not having a blue bin was the most frequent reason given for not recycling food by those in 'flats in converted houses' (11%, 149) and those aged 16-24 (20%, 17). It should however be noted that this is a small sample size. To mitigate this the Council needs to encourage all age groups, but specifically the younger generation, to recycle all of their dry recyclables and food waste in the green sack and blue bin services. This will reduce the negative impacts (smells, vermin, overflowing bins) considerably.

6.17 The mitigating actions include:

- Develop and deliver a communications strategy to target under 24s, including social media and digital advertising;
- Encourage the uptake to the new fox-proof food waste bins which have proven to be successful;
- Focus groups to research barriers to recycling and benchmark campaigns targeting transient and younger residents;
- Encourage younger residents to recycle and to understand the implications to them and the borough if they don't;
- Education as to the appropriate storage of bins would be given to householders and alternatives can be considered for elderly residents with access issues, particularly wheelchair users;
- Engagement with amenity groups and organisations who can communicate service changes to elderly residents;
- For those with specific medical needs, and who may find that there is a lack of bin capacity with the standard allocation, the Council can provide an increase bin capacity where required;
- Deliver a face to face engagement campaign to explain the service change.

Disability

6.18 There was a fair representation of this protected group in the consultation responses (10%), against a borough demographic of 14%, who identify themselves as disabled or having a disability. 61% of respondents with a disability disagreed with the proposal in comparison to 50% for those without a disability. About the same proportion of disabled respondents believed it would have a negative impact in their household. As per the previous group and the overall findings, the reasons are the same: increase in vermin; smell or health concerns; and, an increase in people or animals rummaging in bins. This group is also less likely to recycle their food; having very little food waste (11%) as the reason given by this group.

6.19 Whilst the following points weren't raised in the consultation responses, it is worth noting that they have been assessed and mitigated against for the purposes of the EIA.

6.20 There is the potential negative impact of those with reduced ability to participate wholly or in part in services e.g. if there are mobility difficulties in using / moving additional containers. There are potential negative impacts for people using incontinence pads or who have specific medical needs, and who may find that there is a lack of bin capacity with the standard allocation. There could also be potential difficulties in accessing

information e.g. people with visual impairments or lack of understanding of information around service changes. There could be negative impacts with regards to space needed to store the bin, particularly for wheelchair users who require adequate space for turning wheelchairs in their homes and generally moving around.

6.21 The mitigating actions include:

- Identify and engage with disable amenity groups to identify appropriate solutions for service changes;
- Develop and implement a communication actions plan;
- Target this group to attend focus groups to understand their needs and to support them with the service change;
- Encourage the uptake to the new fox-proof food waste bins which have proven to be successful;
- Printed material will be pictorial to reduce the reliance on the printed word;
- Add assisted collections and increase bin capacity to the restriction policy service development, to encourage those unable to use the service to register with the Council;
- For those with specific medical needs, and who may find that there is a lack of bin capacity with the standard allocation, the Council can provide an increased bin capacity where required.

Religion

6.22 The religious group least in support of the proposal was the Charedi Jewish group, whereby 94% disagreed with the proposal, followed by the Muslim group, with 62% disagreeing. The vast majority of the Charedi Jewish and the Jewish groups believed the proposals will have a negative impact in their household; 94% and 83% respectively.

6.23 The proportion of respondents anticipating that the proposals will have a negative impact increases with household size: 47% of respondents in 1-2 person households expect a negative impact compared to 95% of those in households of 9+ people. The top three reasons are; smell or health concern; increase in vermin; and, household produces too much waste for fortnightly collections.

6.24 Respondents less likely to consider recycling important are also more likely to disagree with proposed waste collection changes, such as those in large families, especially those who do not recycle food, and Jewish and Charedi Jewish residents. Charedi Jewish and Jewish households will be disproportionately impacted by the service change if they do not fully utilise their (dry and food) recycling services in order to have sufficient capacity for their waste to be stored in the bins provided for fortnightly collections.

6.25 Previous engagement work with Jewish and Charedi Jewish households has not resulted in significant behaviour change. The Council has completed extensive research detailing the barriers to food waste recycling participation and delivered door knocking campaigns to overcome these. This has been done by recruiting local Charedi Jewish residents to engage directly with households in these communities and providing larger food waste bins and liners. The Council uses local Jewish newspapers (Jewish Tribune, Newsheet and Hamodia) to advertise and promote services, as well as send direct mail on an annual basis to increase participation in recycling services during Passover. Even with this engagement work there has been a lack of a step change from Charedi Jewish and Jewish households to increase recycling participation.

6.26 In reaching an understanding as to whether there may be a religious reason for Jewish & Charedi Jewish households not to recycle, research with the community has been undertaken. This research has not found any religious reason as to why the community wouldn't separate out their waste for recycling.

6.27 The mitigating actions include:

- To help remove barriers to recycling participation, the delivery of targeted engagement with the community, and face to face with residents, will be undertaken;
- Encourage the uptake to the new fox-proof food waste bins which have proven to be successful;
- A diversity of communication and engagement routes to be used. This will include members and officers engaging directly with residents, drawing on the advice of stakeholders, representatives and umbrella organisations, to design appropriate engagement;
- Ensure a policy that provides additional bin capacity for larger households is included, for non-recyclable waste only.

6.28 The consultation results have informed the development of the EIA, and the approach to communications and community engagement thus ensuring that tailored support is provided for those community groups most likely to require it. The consultation demonstrated that the disability, religion and age protected characteristics are less likely to support the fortnightly collection of the residual waste proposal. This highlights the importance of tailored, targeted communications and work with the groups most affected. Further engagement will be undertaken in order to develop and produce appropriate communications, and to enable the Council to adapt its operations, as appropriate, to enable participation in the services.

6.29 It should be noted that the consultation, completed by nearly 11,000 respondents, was self-selecting and not representative of the demographic of Hackney. The respondent profile, as detailed in section 4, has a higher proportion of women, white residents and older residents. The results have, however, provided useful disaggregated data across different groups, and demonstrates that there is still a need to engage with communities and develop communications work with residents, in particular those from minority groups and younger residents.

6.30 The EIA can be found in Appendix 6.

Sustainability

6.31 The Reduction & Recycling Plan (RRP) is the guiding document for provision of waste and recycling services in Hackney, and is where the consideration to introduce fortnightly collections is documented. The Plan has now been approved by the Mayor of London.

6.32 The RRP sets out how the activities within the plan will contribute to improving environmental performance through the reduction in overall waste, the increase of material recycled, reducing the environmental impact of waste services including measuring the carbon impacts of activities, as well as ensuring that vehicles used for services are ULEZ compliant. The RRP further sets out how Hackney will contribute to the transition towards a circular economy.

6.33 More specifically, the benefits of introducing fortnightly collections include:

- Reduction of approx. 4,400 tonnes of street level black bag waste being incinerated against current levels by 2022, which is a 21% reduction of waste per household;
- Increase in recycling rate to 31% by 2023. This will see Hackney move from position 8⁴ of 13 inner London borough's recycling rates to 4th⁵ (based on current data);
- Reduction in emissions associated with incinerating black bag waste, contributing to achieve the 45% reduction in emissions against 2010 levels by 2030 and net zero by 2040. Using Zero Waste Scotland's Carbon Metric Publications⁶, directing 4,400 tonnes of black bag waste to recycling/composting, shows a benefit of -661 to -610 kgCO₂eq per tonne of material recycled/composted. This would indicate a potential benefit of around 2,910 to 2,680 tonnes CO₂eq savings.

Consultations

6.34 The results of the consultation that took place in autumn 2019 have been covered in the main body of the report, Section 4.

Risk Assessment

6.35 High level risks, and mitigating measures, associated with the introduction of fortnightly collections are set out below. Should a decision to approve the proposal be taken a full risk register will be maintained.

- Performance gains not achieved: Modelling of tonnages based on internal and external analysis has taken place, ensuring that the projections are as accurate as possible. It should be noted that a number of other factors will impact on the overall recycling rate (housing growth, property type, impact of potential Government policies e.g. Deposit Return Schemes).
- Implementation costs escalate: the implementation costs for the service have been estimated at the upper end, and as such should remain within or be less than what has been forecasted.
- Potential impacts on different sectors of the community: A comprehensive EIA has been undertaken prior to the public consultation. This has been reviewed and updated taking on board consultation responses and mitigating measures set out.
- Impact on public realm: Whilst there are likely to be teething problems as the service beds in, in the longer term the service design, collection policies and enforcement approach will address any negative impact on the street scene.
- Keeping residents informed: A comprehensive communication and engagement plan will be developed. The approach will provide the information required for people to recycle more and will use the Council's corporate communications channels to ensure they are aware of the service change, new collection dates and restriction policies.
- Household behaviour change: Households who misuse the new services and produce additional waste, will impact on the amount of waste sent to incineration and subsequently recycling & composting rates. A comprehensive communications and engagement approach will be adopted, followed by enforcement action.

⁴Based on 2018/19 unaudited data: Lewisham (28%); Islington (29%); City (29.9%); Lambeth (30.1%); Camden (31.1%); Greenwich (33.4%); Southwark (35.2%)

⁵Based on 2018/19 unaudited data: Camden (31.1%); Greenwich (33.4%); Southwark (35.2%)

⁶ <https://www.zerowastescotland.org.uk/our-work/carbon-metric-publications>

- Covid-19: Depending on the length of time the coronavirus impacts frontline services, and potentially on internal back office support and the supply chain being affected, the implementation of fortnightly collections may be delayed. This will be kept under review.

7 COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

- 7.1 This report sets out the results of the recent consultation on moving to fortnightly collections for implementing restricted residual waste to street level properties and recommends a fortnightly residual waste collection for street based properties throughout the borough.
- 7.2 The current annual cost to the Council of waste collection and disposal is £13.9m. The 2019/20 service budget for refuse collection and co-mingled recycling is £6.9m. The 2019/20 waste disposal levy payment to the North London Waste Authority is £7m. As outlined in the Council's Medium Term Planning Forecast the cost of the waste disposal levy is expected to rise significantly over the medium to long term as new waste management infrastructure is constructed over the next seven years. As has been known for some time, NLWA's existing waste management infrastructure at Edmonton is reaching the end of its operating life and options for a replacement facility are being developed. The estimated levy payments based on the latest estimates from NLWA and included in the Council's financial planning for the next 4 years is set out in the table below.

	2019/20	2020/21	2021/22	2022/23	2023/24
Estimated NLWA Levy £000	6,998	7,076	8,524	8,775	10,855
Increase £000		78	1,448	251	2,080
Increase %		1.1	20.5	2.9	23.7

- 7.3 It is therefore essential for the Council to mitigate this additional cost as far as possible and diverting waste from incineration, i.e. increasing our recycling rate is the most significant factor in this. The development and implementation of the RRP, including restricting residual, is key to supporting this aim and mitigating the extent of the increase in the waste levy. Current tonnage estimates suggest that service changes could result in cost avoidance of approximately £246k per annum.
- 7.4 The most effective way of increasing the recycling rate is to restrict residual waste through reduced residual waste collections. A move to fortnightly collections for street based properties is a significant service change and would require implementation funding. The service has worked with finance to estimate the cost of implementation of the service change; this estimate totals £3m and includes mobilisation, behavioural change and mitigations costs as follows:

Estimated implementation costs for service change	Amount (£)
Mobilisation costs	

Consultation package	60,000
Communications package	110,000
180l wheelie bins *	632,500
180l wheelie bins and sacks logistics	130,000
Sacks for restriction for remaining properties	60,000
Bags, liners and caddies	26,500
Temporary contact centre staff (6 months)	37,500
IT/systems development	60,000
	1,116,500
Behaviour Change	
Behaviour change advisors 6 months - mobilisation phase 6 months (14 staff @£44k)	308,000
Behaviour change advisors - in the event of non compliance up to 18 months (14 staff @£44k)	924,000
	1,232,000
Mitigation against non compliance	
Additional x3 vehicle, crews year 1	700,000
Total	3,048,500

* There will also be an ongoing budget for bin replacement of £30,000 based on a 5% per annum loss rate.

- 7.5** To implement this service change there is an absolute funding requirement of £1.5m in 2020/21 which reflects the mobilisation costs and 25% of behavioural change costs to support the service change in the lead up and during phased implementation.
- 7.6** In respect of the other estimated costs, a flexible resource is required to be drawn upon swiftly in the event of significant non compliance to support a successful implementation and subsequent embedding of the service change. This resource is required because there may be an impact on the productivity of the waste crews, and a potential negative impact on the street cleansing function as the changes are introduced; this will need to be effectively managed. The Group Director of Finance and Corporate Resources will manage this flexible resource in conjunction with the relevant Change Manager and release resources as required on an evidence based approach.
- 7.7** The cost of the implementation is significant and with the financial challenges facing the Council, the service will need to work with the Group Director of Finance and Corporate Resources to continually evaluate the impact of this plan on the overall financial position of the Council. Due diligence and detailed financial modelling has been undertaken to fully understand the investment required for this service change. Throughout implementation

and beyond there will be a requirement for checkpoints within the plan to evaluate the success of the service change to ensure that the desired outcomes, i.e. increased recycling rates, are on target so that we do not get to the end of the implementation with limited success and the one off investment becomes an ongoing requirement.

- 7.8** It is also recognised that there are potential efficiency savings which may flow from reducing the frequency of residual waste collections but this will take time to realise. A review of the outcomes of the service change should be undertaken after 12 months of operation to assess the impact on the recycling rate and whether there have been the desired reductions in tonnage collected. This review will inform the potential for efficiency savings from waste collection operations over the medium term.

8 COMMENTS OF THE ACTING DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

- 8.1** Section 351A of the Greater London Authority Act 1999 (“the 1999 Act”) imposes a statutory duty on the Mayor of London (“the Mayor”) to prepare and publish a document known as the “London Environment Strategy”. The Strategy must contain provisions dealing with a number of matters, including the Mayor’s policies and proposals in relation to municipal waste management in relation to Greater London. The Mayor published his Environment Strategy in May 2018. Section 355 of 1999 Act states that:

“(1) In exercising any function under Part II of the [1990 Act] (waste on land) –

(a) each of the waste collection authorities in Greater London,

(b) ...shall act in general conformity with the provisions of the London Environment Strategy”

- 8.2** Section 355(2) states that this subsection has effect only to the extent that compliance by an authority with the requirements of that subsection does not impose excessive additional costs on the authority.
- 8.3** In order to comply with the Mayor of London’s Environment Strategy on 17th June 2019 Cabinet approved the Council’s Reduction & Recycling Plan (RRP). The RRP was submitted to the Greater London Authority on 18th June 2019 and was approved by it on 5th December 2019. The recommendations in this Report, including those related to approve formally fortnightly collections to street level properties, support the Council’s aims as set out in the RRP. The approval of all formal service strategies is reserved to the Mayor and Cabinet under the Mayor’s Scheme of Delegation so this report is being submitted to Cabinet for approval.
- 8.4** Members must bear in mind the duties under section 149 of the Equality Act 2010 in the approval of the recommendations in this Report. Members must know and understand the legal duties in relation to the “public sector equality duty” and consciously apply the law to the facts when considering and reaching decisions where equality issues arise.
- 8.5** The public sector equality duty is set out at Section 149 of the Equality Act 2010. It requires the Council, when exercising its functions, to have ‘due regard’ to the need to eliminate discrimination (both direct and indirect discrimination, and the duty to make reasonable adjustments), harassment and victimization and other conduct prohibited under such Act, and to advance equality of opportunity and foster good relations between those who share a ‘protected characteristic’ and those who do not share that protected characteristic. Having ‘due regard’ to the need to advance equality of opportunity

between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to (a) remove or minimize disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic; (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it; and (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low (section 149(3) of the 2010 Act).

- 8.6** It is unlawful for a local authority to discriminate in the provision of services to the public or section of the public, and to do anything that constitutes discrimination in the exercise of a public function that is not the provision of a service.
- 8.7** Direct discrimination occurs if, because of a protected characteristic, a local authority treats a person less favourably than it treats or would treat others.
- 8.8** Indirect discrimination occurs if a local authority applies to a person a provision, criterion or practice which is discriminatory in relation to a relevant protected characteristic of that person (“B”). A provision, criterion or practice is discriminatory if:–
- (a) the local authority applies, or would apply, it to persons with whom B does not share the characteristic,
 - (b) it puts, or would put, persons with whom B shares the characteristic at a particular disadvantage when compared with persons with whom B does not share it;
 - (c) it puts, or would put, B at that disadvantage, and
 - (d) the local authority cannot show it to be a proportionate means of achieving a legitimate aim.
- 8.9** In short, indirect discrimination would arise if a local authority applies the same provision, criterion or practice to everyone, but it puts those in a certain protected group at a “particular disadvantage” when compared with persons who are not in that protected group. However, even if a “particular disadvantage” arises, indirect discrimination does not arise if the provision, criterion or practice can be justified – i.e. if it is a proportionate means of achieving a legitimate aim.
- 8.10** A local authority also discriminates against a disabled person if it fails to comply with the duty to make reasonable adjustments in relation to that person. If, when providing a public service or performing a public function, a provision, criterion or practice of a local authority puts a disabled person at a particular disadvantage, in comparison with persons who are not disabled, a local authority is under a duty to take such steps as it is reasonable to have to take to avoid the disadvantage or to adopt a reasonable alternative method of providing the service or exercising the function.
- 8.11** Members must pay due regard to any obvious risk of such discrimination arising in respect of the decisions to be made in this Report. These matters are examined in the Equality Impact Assessment in Appendix 6.
- 8.12** A ‘protected characteristic’ is defined in the Equality Act as:
- age;
 - disability;
 - gender reassignment;
 - pregnancy and maternity;

- race;(including ethnic or national origins, colour or nationality)
- religion or belief;
- sex;
- sexual orientation.

Marriage and civil partnership are also a protected characteristic for the purposes of the duty to eliminate discrimination.

- 8.13** Having due regard to the need to ‘advance equality of opportunity’ between those who share a protected characteristic and those who do not includes having due regard to the need to remove or minimize disadvantages suffered by them. Due regard must also be had to the need to take steps to meet the needs of such persons where those needs are different from persons who do not have that characteristic, and encourage those who have a protected characteristic to participate in public life.
- 8.14** The steps involved in meeting the needs of disabled persons include steps to take account of the persons’ disabilities.
- 8.15** Having due regard to ‘fostering good relations’ involves having due regard to the need to tackle prejudice and promote understanding.
- 8.16** Complying with the duty may involve treating some people better than others, as far as that is allowed by the discrimination law.
- 8.17** The equality duty arises where the Council is deciding how to exercise its statutory powers and duties under the Environmental Protection Act 1990 and the Greater London Authority Act 1999.
- 8.18** The Council’s duty under Section 149 of the Equality Act is to have ‘due regard’ to the matters set out in relation to equalities when considering and making decisions in relation to its statutory duties to collect waste. Accordingly due regard to the need to eliminate discrimination, advance equality, and foster good relations must form an integral part of the decision making process. Members must consider the effect that implementing a particular policy will have in relation to equality before making a decision.
- 8.19** There is no prescribed manner in which the equality duty must be exercised. However, the Council must have an adequate evidence base for its decision making. This has been achieved through extensive consultation and the other information contained within the detailed Equality Impact Assessment. The potential equality impact of the proposals has been assessed, and that assessment is included in the Equalities Impact Assessment. A careful consideration of this assessment is one of the key ways in which members can show “due regard” to the relevant matters.
- 8.20** Where it is apparent from the analysis of the information that the proposals would have an adverse effect on equality needs then adjustments should be made to avoid that effect (mitigation). The mitigating measures proposed to be taken are also set out in paragraphs 6.11 – 6.30 of this Report.
- 8.21** Members should be aware that the duty is not to achieve the objectives or take the steps set out in s.149 of the Equality Act. Rather, the duty on public authorities is to bring these important objectives relating to discrimination into consideration when carrying out its public functions (which includes the functions relating to waste collection). “Due regard” means the regard that is appropriate in all the particular circumstances in which the

authority is carrying out its functions. There must be a proper regard for the goals set out in section 149. At the same time, Members must also pay regard to any countervailing factors, which it is proper and reasonable for them to consider. These factors include the need to create a more environmentally sustainable community, and, in particular, the need to increase recycling levels across the Borough. The weight of these countervailing factors in the decision making process is a matter for Members in the first instance.

APPENDICES

- Appendix 1: Reduction & Recycling Plan
- Appendix 2: Consultation Report and Analysis
- Appendix 3: Waste Compositional Analysis
- Appendix 4: Draft Waste Enforcement Policy
- Appendix 5: Draft Waste & Recycling Collection Policy
- Appendix 6: Equalities Impact Assessment

EXEMPT

Not applicable.

BACKGROUND PAPERS

Reduction & Recycling Plan, Key Decision No. NH P86, 17th June 2019.

Report Author	Sam Kirk, Environmental Services Strategy Manager 020 8356 4855 sam.kirk@hackney.gov.uk
Comments for and on behalf of the Group Director of Finance and Resources	Deirdre Worrell Director - N&H Finance 020 8356 7350
Comments for and on behalf of Acting Director of Legal and Governance	Patrick Rodger Senior Lawyer, Legal Services (020) 8356 6187 Patrick.rodger@hackney.gov.uk