



# B O S T O N

## B O R O U G H C O U N C I L

REPORT TO: ENVIRONMENT AND PERFORMANCE COMMITTEE  
DATE: 24 SEPTEMBER 2019  
SUBJECT: REPLACEMENT DOMESTIC WHEELED BIN CHARGES  
PORTFOLIO HOLDER: COUNCILLOR YVONNE STEVENS  
REPORT AUTHOR: HEAD OF ENVIRONMENTAL OPERATIONS  
EXEMPT REPORT? NO

### **SUMMARY**

To progress the resolution made by this Committee at the meeting of 24<sup>th</sup> July 2019 during discussion of the committee work programme for 2019/20 and the ensuing debate relating to the charges applied to the replacement of domestic wheeled bins.

This report seeks to respond to the resolution, setting out the history around replacement domestic wheeled bin charges for members to consider and, if appropriate, formulate recommendations for Cabinet/Council.

### **RECOMMENDATIONS**

That the Environment & Performance Committee consider the information contained in the report and if appropriate, formulate recommendations for consideration by Cabinet/Council, having taken into account the financial implications of such recommendations.

### **REASONS FOR RECOMMENDATIONS**

To progress the resolution made at Committee on 24<sup>th</sup> July 2019: that the charges for replacement domestic wheeled bins be added to the agenda for the next meeting of the Committee, to be held on 24<sup>th</sup> September 2019.

### **ALTERNATIVES CONSIDERED**

None

## 1.0 INTRODUCTION

- 1.1 At the meeting of the Environment & Performance Committee on 24<sup>th</sup> July, during discussion of the agenda item regarding the future work programme, a committee member put forward a suggestion that the charge for replacement domestic wheeled bins ought to be brought forward as a topic for future Scrutiny. The ensuing debate led to the resolution as follows; *that the charges for replacement wheeled bins be added to the agenda for the next meeting of the Committee, to be held on 24<sup>th</sup> September 2019.*
- 1.2 This report seeks to fulfil the resolution by setting out the history around replacement domestic wheeled bin charges for members to consider and deliberate and, if appropriate, inform the formulation of recommendations to Cabinet.

## 2.0 REPORT

- 2.1 An extract from the 2013/14 budget setting report, when charges for the replacement of domestic wheeled bins were first introduced, is set out in section 1.2 below. Since inception and in all subsequent years, the charge for a replacement wheeled bin has been set at £25 per bin.
- 2.2 The 2013/14 annual budget report, which includes fees and charges, was submitted to Cabinet on 15<sup>th</sup> January 2013 and included the following paragraph;

*9.3 During 2012, the Council was involved in a fees and charges benchmarking review with other East Midlands Councils, which set to identify potential income generating areas or potential to increase fees in income generating areas. Some new income streams for 2013/14 have been or are to be introduced, with the confirmed ones being included within **Appendix 3**. The new areas to be introduced are as follows:*

- *Bereavement – pall bearing service (£5,000)*
- *Property services – street naming and numbering (£2,000)*
- *Planning services – domestic pre planning advice (not approved by Planning committee yet)*
- *Central park – events charging (£2,000)*
- *Craft market – charging for craft market stalls (£6,000)*
- *New and replacement wheelie bins – (£12,500)*

- 2.3 The budget report and appendix 3 setting out the new fees and charges, was considered by the Corporate and Community Committee on 17 January 2013, Audit and Governance Committee on 28 January 2013, Cabinet on 15<sup>th</sup> January 2013 and 20<sup>th</sup> February 2013 before formal approval by Council on 4 March 2013. An extract from the actual budget report appendix 3 is reproduced below for reference;

**DOMESTIC WASTE**

<b>Current Charges 2012/13</b>	<b>Proposed Increase 2013/14</b>	<b>Charges 2013/14</b>	<b>Proposed VAT LIABILITY</b>	
<b>£</b>	<b>£</b>	<b>£</b>	<b>£</b>	
<b>BULKY COLLECTION CHARGES</b>				
<i>Bulky Collections: white standard</i>				
<i>Collection of 1 standard white goods</i>	20.00	3.00	23.00	<i>Non business</i>
<i>Collection of 2 standard white goods</i>	30.00	3.00	33.00	<i>Non business</i>
<i>Bulky Collections: large standard</i>				
<i>Collection of 1 large white goods</i>	20.00	8.00	28.00	<i>Non business</i>
<i>Collection of 2 large white goods - new charge</i>	0.00	35.00	35.00	<i>Non business</i>
<i>Collection of american style/ double fronted fridge freezer - new charge</i>	0.00	35.00	35.00	<i>Non business</i>
<i>Bulky Collections - standard items</i>				
<i>Collection of 1-2 standard items</i>	10.00	1.00	11.00	<i>Non business</i>
<i>Collection of 3 standard items</i>	15.00	1.00	16.00	<i>Non business</i>
<i>For collection of up to 4-5 standard items</i>	22.00	1.00	23.00	<i>Non business</i>
<i>Bulky Collections - large items</i>				
<i>Collection of 1-2 large items - new charge</i>	0.00	16.00	16.00	<i>Non business</i>
<i>Collection of 3 large items - new charge</i>	0.00	21.00	21.00	<i>Non business</i>
<i>For collection of up to 4-5 large items - new charge</i>	0.00	28.00	28.00	<i>Non business</i>
<b>New charges</b>				
<b>Replacement 240L bin</b>	0.00	25.00	25.00	<b>Non business</b>
<i>Replacement 660L bin</i>	0.00	150.00	150.00	<i>Non business</i>
<i>Replacement 1100L bin</i>	0.00	175.00	175.00	<i>Non business</i>

2.4 The timeline for the annual budget setting report, including fees and charges, and its passage through the various committees of the Council prior to final approval by Full Council, is the same each year. This established process ensures that the statutory responsibilities of the Council are met and that the draft annual budget setting report is subjected to the appropriate level of scrutiny by all Members. All annual budget reports are released for public consultation with comments being captured and taken into account during consideration through the Committee and Council process.

- 2.5 The Council administers a broad range of services to its communities, businesses and householders. The Council has discretion to levy fees and charges for some of these services whereas for other services, fees and charges are mandated and the level of charge set by Government. All the fees and charges, whether discretionary or mandatory, are set out in the fees and charges schedule appended to the annual budget report.
- 2.6 Where the Council has discretion to implement fees and charges for services, such as for replacement domestic wheeled bins, these are determined and set with reference to the Corporate Charging Policy (CCP), which is appended to and agreed with the annual budget setting report each year.

### **3.0 IMPLEMENTATION OF CHARGES FOR REPLACEMENT DOMESTIC WHEELED BINS**

- 3.1 Since the 2013/14 budget setting report introduced a charge for replacement domestic wheeled bins, the same charge has appeared in each and every financial year up to and including the current financial year. However, it is apparent that since its implementation, the charge for replacement bins has not been consistently or robustly applied.
- 3.2 During 2018, the recently appointed Head of Environmental Operations recognised that many of the operational arrangements adopted in respect of waste and recycling services were not formally recorded and as a result, there was potential for discrepancies in how operational arrangements were applied and perceived by Members and wider Council support staff. Any inconsistency in service delivery left the service vulnerable to formal complaints and inconsistent application of decisions, such as that observed with replacement bin charges.
- 3.3 As a result, Environmental Operations embarked upon a process to capture, record and consolidate current operational arrangements into a single, written procedures document, called Waste and Recycling Operational Procedures, and to subject the document to scrutiny by Members.
- 3.4 The intent of the Waste and Recycling Operational Procedures document was not to change current working practices but to capture, set out and record current working arrangements so as to;
- avoid inconsistencies and misunderstandings, amongst Council staff and Members, in how operational matters are dealt with by the service.

- mitigate the risk of complaints from the public in how the service has responded to an issue or how service has been delivered to the customer
- assist the Council in its response to formal complaints where it can be demonstrated that we have adhered to standard procedures of service delivery
- mitigate the risk of the Council facing unfair criticism and adverse decisions by the Local Government Ombudsman by demonstrating consistent adherence to standard procedures and timescales.

3.5 Scrutiny of the draft Waste and Recycling Operational Procedures document took place at an Inquiry Evening, to which all Members were invited, on 14<sup>th</sup> January 2019 held in the Committee Room of the Municipal Buildings. The purpose of the Inquiry Evening was set out in an introduction delivered by the Head of Environmental Operations (see appendix A) to Members in attendance. The event itself was led by the Operations Manager and Environment Supervisor.

3.6 The Inquiry Evening was attended by 11 Members and there was no concern expressed during the debate to suggest that Members had any concerns with regard to the charge for replacement wheeled bins. The Waste and Recycling Operational Procedures document, finalised following feedback at the Inquiry Evening, was published on the Council's website and is attached at appendix B for reference.

3.7 With reference to the Waste and Recycling Operational Procedures document members may wish to refer to the following sections that make reference to charges for replacement bins;

- *Procedure 3 (page 5): Charges for wheeled bins. Sets out the legal principle upon which Councils are entitled to make charges for bins and that these charges will be applied in accordance with the prevailing policy set out by Cabinet.*
- *Procedure 14 (page 12): Wheeled bin lost in collection vehicle. **Council pays for new bin.***
- *Procedure 15 (page 13): Stolen / vandalised wheeled bins. **Householder pays for new bin.***
- *Procedure 16 (page 13): Provision of wheeled bins to new dwellings. **Householder/Developer pays for new bin.***

3.8 For information and reference purposes, a survey of Lincolnshire Councils and what they charge for replacement domestic wheeled bins has been undertaken and is attached at appendix C for information.

#### **4.0 FINANCIAL CONSIDERATIONS**

- 4.1 From 2013/14 to date, the Council spent £162,000 on new domestic wheeled bins (£83,000 green, £73,000 blue).
- 4.2 Over the same time period, income of £53,000 was derived from the sale of bins to developers of new build properties (£50 per household, 1x blue and 1x green) whilst income from householders charged for replacement wheeled bins amounted to £5,000, £4,150 of which has been collected since April 2019.
- 4.3 Assuming the same trajectory of income is received over the remainder of the current financial year, annual income from replacement domestic wheeled bin fees is likely to reach the budgeted figure of £12,590.

#### **5.0 COMPLAINTS ABOUT REPLACEMENT WHEELED BIN CHARGES**

- 5.1 From 1<sup>st</sup> April 2019 until 31<sup>st</sup> July the Council received one formal complaint related to charging for replacement domestic wheeled bins. Upon investigation, the complaint was not upheld.
- 5.2 In the same period, the Environmental Operations Service recorded ten enquiries from the public pertaining to replacement domestic wheeled bin charges. All of these enquiries were resolved satisfactorily without further recourse to the Council's complaints process.

#### **6.0 SUMMARY**

- 6.1 The charge of £25 per bin for replacement domestic wheeled bins was introduced in the budget setting round of 2013/14, following public and Member consultation, and has appeared in each annual budget report since, in the fees and charges appendix.
- 6.2 In each annual budget setting round the draft budget is subject to Member Scrutiny via Cabinet, Corporate and Community Overview and Scrutiny Committee, Audit and Governance Committee before approval by Council.
- 6.3 In each annual budget setting round, the draft budget is subject to public consultation with any comments being considered by Members during the budget reporting Committee and Council cycle.
- 6.4 This report recognises that the implementation of charges for replacement domestic wheeled bins has not been consistently or robustly applied.

- 6.5 Section 3 sets out the financial considerations for Members whilst Section 4 sets out the position with respect to complaints about replacement bin charges.
- 6.6 In January 2019 all Members were invited to scrutinise the draft Waste and Recycling Operational Procedures to capture, set out and record current working arrangements within the service to ensure consistency in service delivery and application of working practices. The document makes reference in four sections to the charges applied to replacement domestic wheeled bins.
- 6.7 Following the Inquiry Evening the document was posted on the Council's website and is available for reference by Members and the public.

## **7.0 CONCLUSION**

- 7.1 The charge for replacement domestic wheeled bins was introduced in the 2013/14 budget round and included each year since, hence the charge is not new.
- 7.2 Each year the Council's budget is subject to scrutiny by Members and public consultation. The charge for replacement wheeled bins has not been challenged.
- 7.3 Consistent and robust application of the replacement bin charge has been applied following review and publication of the Waste and Recycling Operational Procedures document, with input from Members at a scrutiny Inquiry Evening.

### **FINANCIAL IMPLICATIONS**

None as a result of this report.

The 2019/20 budget includes an estimate of £12,590 income from replacement domestic wheeled bins.

### **LEGAL IMPLICATIONS**

The Environmental Protection Act 1990 allows Councils to make a charge for the supply of a wheeled bin for the purposes of household waste collection.

**ANY OTHER IMPLICATIONS**

None

**CONSULTATION**

*No consultation undertaken.*

**APPENDICES**

Appendices are listed below and attached to the back of the report: -

APPENDIX A	Head of Service Introduction to the Members Inquiry Evening of 14 <sup>th</sup> January 2019
APPENDIX B	Waste and Recycling Operational Procedures document 2019
APPENDIX C	Sample survey of Councils and what they charge for replacement domestic wheeled bins, August 2019.

**BACKGROUND PAPERS**

*No background papers as defined in Section 100D of the Local Government Act 1972 were used in the production of this report.*

**CHRONOLOGICAL HISTORY OF THIS REPORT**

*A report on this item has not been previously considered by the Council*