

Cabinet

9 July 2024

Garden Waste Review

Portfolio Holder: Councillor Simon Curry, Portfolio Holder for Climate Change and Strategic Regeneration

Report from: Adam Bryan, Director of Place

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Summary

Medway Council propose to redesign the weekly organic waste (garden and food) collection to be two parts:

- Part 1: retain the free organic waste (food and garden) co-collection with each eligible household entitled to one 240 litre bin or two brown sacks and 23 litre food waste bin.
- Part 2: introduce a subscription 'garden waste only' collection for garden waste in excess of the free entitlement described in Part 1.

The redesigned organic waste collection service limits the quantity of garden waste households can present for free in Medway. Residents have the option of a new subscription garden-only collection service for households who regularly generate more than one brown bin of waste every week. Income from the subscription garden-only service will help cover the cost of collections and maintain critical front-line services.

The financial benefits of a subscription garden-only service should be considered in conjunction with the potential environmental consequences of reduced garden waste tonnage and a lower recycling rate.

1. Recommendations

- 1.1. The Cabinet is recommended to agree to introduce a new policy to limit volume of garden waste presented weekly for free for all kerbside properties to a maximum of one 240 litre bin or two brown sacks (no additional bins or bags) with effect from Spring 2025, subject to the caveats set out in paragraph 5.4 of the report.
- 1.2. The Cabinet is recommended to approve the introduction of a subscription fee for a second garden waste only bin with effect from Spring 2025 subject to the caveats set out in paragraph 5.4 of the report and recommend to Full Council to agree the fee of £40/year, as part of the Council's fees and charges.

1.3. The Cabinet is recommended to agree to delegate authority to Director of Place, in consultation with the Portfolio Holder for Climate Change and Strategic Regeneration to develop a detailed implementation plan to support the introduction of the new policy on the basis set out in paragraph 6.12 of the report and to make the service change.

2. Suggested reasons for decisions

2.1. Kerbside garden waste collection is a non-statutory service.

2.2. Weekly kerbside collection of food waste is a statutory service.

2.3. The proposed redesigned organic waste collection service retains free weekly household food and garden co-collection for all eligible households and minimises any substantial decrease in Medway's recycling rate.

2.4. The new subscription garden-only collection service would be available for households who regularly generate more than one brown bin of waste every week and the income will help offset collection costs.

2.5. The proposed redesigned organic waste collection service provides Medway households with an increased capacity for garden waste recycling compared to many other Council's including all Kent authorities.

3. Budget and policy framework

3.1. This proposed policy is consistent with the Council's policy and budget framework and ties into relevant priorities in the One Medway Council Plan (2024-28), strategic Council obligations and department/directorate service plans.

3.2. The provision of organic waste services aligns with the priority to promote a 'clean and green' community by providing residents with appropriate recycling services for their food and garden waste, ensuring it does not enter residual waste streams. By redesigning the organic waste collection service, Medway's households will benefit from an enhanced service that includes additional capacity for garden-only waste where needed.

3.3. The redesign of the organic waste service, encompassing a subscription garden-only service, aligns with the Council's commitment to achieving financial sustainability. This model effectively achieves a balance between delivering a high-quality service and maintaining a 'free' component.

3.4. The redesign of the organic waste service aligns with the Council's objective to review waste management systems and processes as part of Medway's overarching Waste Strategy aims.

3.5. The redesign of the organic waste service aligns with the Council's Climate Change Action Plan priorities of reducing carbon emissions and maintaining minimum levels of waste to landfill through the provision of a comprehensive recycling service for all organic waste.

3.6. This report has been circulated separately to the main agenda. Therefore, the Cabinet is asked to accept this report as urgent to enable consideration of the matter at the earliest opportunity given that the next scheduled Cabinet meeting does not take place until 30 July 2024, which would be too late in terms of allowing time for mobilisation and ICT integration to take place, should the recommendation be approved.

4. Background

4.1. Medway Council is the only local authority in Kent to offer a free weekly food and garden waste collection (organic waste collection), and one of only ten in England. See Appendix 1 for full details of garden waste subscription services in Kent, fees and associated policies.

4.2. In 2022/23, Medway collected 19,650 tonnes of organic waste for composting (20.53%), 18,547 tonnes of dry recycling (19.37%) and 57,540 tonnes of residual waste (60.10%). The annual published recycling rate was 37% (*Source: Waste and Recycling Information for Local Authorities, <https://laportal.wrap.org.uk>*).

4.3. Using the Waste and Resource Action Programme (WRAP) LA Portal, it is possible to benchmark performance and Medway is in the bottom 50% for recycling and bottom 25% for residual waste compared to other local and similar councils.

4.4. All waste collection and disposal costs are interdependent, any change to kerbside service will impact disposal tonnages and use of the Household Waste Recycling Centre (HWRC) network because of waste dispersal.

4.5. Organic waste collection, bulking and treatment has 3 interdependent contracts:

- Collection: Medway Norse (2019 – 2023 with an extension agreed to 2030 dependant on the core property contract being extended to the same time frame).
- Bulking: Veolia (2022– 2024 with the 2-year extension agreed through Cabinet on 12 March 2024, decision number 56/2024).
- Treatment: Countrystyle (2010 – 2025 with the option to extend for 5 years).

5. Options

5.1. **Option 1: No change (Cabinet Decision no. 81/2013)** to the current weekly organic waste collection service to 94,663 Medway households (50 collections annually).

- 88,663 households are suitable for a wheeled bin for weekly co-collection of food and garden waste.
- 6,000 households are unsuitable for a wheeled bin collection. They are provided with a 23 litre bin for food waste and two reusable brown sacks

for garden waste. Food waste cannot be put in brown sacks or any open container.

All eligible households are permitted to present an additional two sacks of garden waste every week. It's estimated that 9,000 households regularly present additional sacks of garden waste, approximately 1,706 tonnes of garden waste (9% of garden waste collected in 2022/23).

Table 1: Organic (food and garden) waste arisings calculation methodology	
Households with a mixed organic collection from a 240 litre wheeled bin	88,663
Households with a separate organic collection from a 23 litre food bin and two garden sacks	6,000
Estimate households regularly present two additional garden waste sacks	9,000
Total regular organic and additional garden waste collections	103,663
Kerbside organic waste tonnage 2022/23 (actual)	19,650
Estimated tonnage/collection/year	0.19
Estimated additional tonnage from 'side waste' annually (current service)	1,706

- 5.2. The advantages of option 1 include customer satisfaction, high yield of garden waste and no operational or ICT changes. However, households with a large volume of garden waste receive more service benefit than those with smaller volumes and households in flats are not eligible for the garden service.
- 5.3. **Option 2: Redesign the organic waste collection service.** The proposed organic collection service redesign would restrict the amount of free garden waste collected to either one 240 litre brown bin or two sacks per week. In addition, a new subscription garden-only collection charged at £40 per year will be introduced.
- 5.4. Residents will be invited to express interest in the subscription garden-only service to gauge interest and plan for service implementation. Some Medway households already have more than one brown bin and the survey will collect data on bin numbers including residents who may wish to return additional bins. The Council and its contractor have limited storage space therefore residents with a second bin who do not subscribe can either retain this for storage or request it be collected and removed.
- 5.5. Subscribers will receive a “garden-only” pack with a welcome letter, terms and conditions and their unique annual permit which they attach to their second garden-only bin. Only second bins with a valid permit will be emptied.



Figure 1: example of garden waste permit

- 5.6. The advantages of option 2 include residents retaining the benefit of a free garden waste collection with the option to subscribe for a second bin. There is no change to collection days. Income from the subscription garden-only service will help cover the cost of collections. Second garden-only bins will be clearly distinguishable. Households in flats would be eligible for the garden-only service.
- 5.7. **Option 2 Indicative timeline.** Many authorities who have launched garden charging schemes recommend a May/June launch to avoid April when council tax payments are processed. This would coincide with the growing season.
- 5.8. If agreed, the new subscription-only garden bin service would launch in Spring 2025 for collections to commence in May/June 2025. Service launch would coincide with the arrival of the new refuse collection vehicle fleet. A Spring 2025 launch is conditional on:
- Contract negotiations including updated garden waste collection specification, and
 - The Digital/ICT build, integrations and testing between Medway Council and Medway Norse.
6. Advice and analysis
- 6.1. The preferred option is option 2 – redesign the weekly organic waste collection service.
- 6.2. Garden waste subscription charges are common in many local authorities including all 12 Kent District Councils (Appendix 1). The majority have strict terms and conditions to prevent residents disposing garden waste in the residual waste stream.

- 6.3. The new subscription garden-only collection service would be available for households who regularly generate more than one brown bin of waste every week.
- 6.4. In addition, flats would have the option to subscribe to a garden waste recycling service, thereby fulfilling the mandatory obligation for all English local authorities to offer garden waste collection to flats by 31 March 2026.
- 6.5. A reasonable subscription fee of £40/year for Medway's unique service will minimise the risk of unintended consequences on the residual waste disposal budget and recycling rate measures/climate change implications.
- 6.6. Redesigning the weekly organic waste collection service has the potential to negatively impact Medway's recycling performance. Using the 2022-23 recycling rate of 37% it is estimated the negative impact of 0.8% to 1.2% dependent on the rate of subscriber uptake. The recycling performance risk decreases as subscriber uptake increases.

Table 2: Estimated impact of organic service redesign on recycling rate			
Take up rate of an additional garden waste bin subscription	Subscribers	Estimated loss of collected garden waste (tonnes/yr)	Estimated impact on the household waste recycling rate
2%	1,773	1,370	-1.2%
3.5%	3,103	1,118	-1.0%
5%	4,433	866	-0.8%

- 6.7. Redesigning the weekly organic waste collection service has the potential to increase residual waste costs if residents use black sacks for garden waste. Based on 2022-23 performance data disposal costs pressure of between £6,548 to £10,362 depending on subscriber uptake. The budget pressure decreases as subscriber uptake increases.

Table 3: Estimated impact of organic service redesign on residual waste disposal costs		
Take up rate of an additional garden waste bin subscription	Subscribers	Estimate costs if 20% garden waste disposal in black sacks
2%	1,773	£10,362
3.5%	3,103	£ 8,455
5%	4,433	£ 6,548

- 6.8. In line with industry best practice, the setting of a lower, more competitive subscription fee would encourage more households to subscribe, maximising the amount of garden waste collected whilst minimising the impact on Medway's recycling rate.

- 6.9. It is recommended that the annual subscription fee be set at £40 to encourage subscriptions and mitigate against the disposal budget cost pressure and decrease in recycling rate as described in 6.5 and 6.6.
- 6.10. The findings of a limited benchmarking exercise showed that Northwest Leicestershire District Council executed a similar service change in 2021. This change encompassed a fortnightly garden waste collection, wherein the first bin was provided free of charge, while an additional garden bin incurred an annual fee of £45 and the council reported a 3% uptake from eligible households.
- 6.11. The findings of a limited benchmarking exercise showed that the proposed Medway fee of £40 would be the lowest in Kent for a similar sized bin and comparable to the five neighbouring council's where annual garden subscriptions range from £48 to £59.
- 6.12. An implementation plan will be developed which will cover customer engagement and communication, contract schedules and variations, permits, Digital/ICT integrations, service delivery and monitoring. It is estimated implementation costs could range from £30,000 to £50,000 not including council officer resources in 2024-25. These will be recouped from subscription fees in service years 1 and 2 (2025-2027). In the event that any additional funding is required a report will be submitted to Cabinet for consideration and approval.
- 6.13. A Diversity Impact Assessment will not be required as the proposed service redesign does not change the weekly collection service provision, all households currently eligible for a weekly collection of garden waste will continue to receive a free collection.

7. Risk management

7.1. Risk management:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Reputational	Fail to implement a service which meets or exceeds the expectations of all the end users	Robust project management including contract negotiation, thorough ICT and communication plan. Track record of seamless service transferred from Veolia to Medway Norse in 2019	DIII

Risk	Description	Action to avoid or mitigate risk	Risk rating
ICT integration failure	Fail to integrate Council payment and CRM with contractor ICT systems	Robust project management with sufficient time for system testing	CII
Financial Risk to the Council	Low subscriber uptake results in garden waste in the more costly residual waste collection stream	Retaining free weekly provision and setting a reasonable subscription fee	CIV
Increase in carbon footprint of waste service	Low subscriber uptake results in less garden waste being composted	Retaining free weekly provision and encouraging home composting	CIV

For risk rating, please refer to the following table.

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

8. Consultation

- 8.1. This report has been reviewed virtually through the relevant Departmental Management Team (DMT) and internal stakeholders prior to submission to the Cabinet for consideration.

9. Climate change implications

- 9.1. The disposal of food and garden waste in landfills leads to the emission of methane, a highly potent greenhouse gas with a warming potential far greater than carbon dioxide.
- 9.2. The collection and treatment of organic waste through Medway's composting service is in line with the waste management hierarchy. Reusing, recycling and composting waste prevents it from being sent to landfill, which in turn reduces the amount of greenhouse gas emissions attributed to the waste management process.
- 9.3. The objective of this organic waste collection redesign is to continue to provide Medway residents with the ability to dispose of garden waste weekly for free whilst also maximising the capture of additional garden waste. The proper composting of this material stream will mitigate landfill greenhouse gas

emissions which aligns with the Council's priorities of maintaining minimum levels of waste to landfill.

- 9.4. Waste prevention is a practical way for residents to minimise their carbon footprint. Any changes to the organic waste collection service will include wider promotion of home composting. The subscription garden-only bin charge will encourage residents to use the collection service as the final option rather than the first choice.

10. Financial implications

- 10.1. The mobilisation and set up costs in year one (financial year: 2024-25) including but not limited to ICT integrations, publicity and communication campaign, asset management and collection scheduling. It is estimated these could range from £30,000 to £50,000 and although this may represent a pressure in 2024-25, the subscription fee payments in 2025-26 and beyond will be in excess of that initial outlay. Work will continue to address any possible pressure in 2024-25 with the aim of meeting these costs through existing revenue budgets or from alternative sources of funding.
- 10.2. Subscriptions fees from the garden-only collection will be received when the service launches in Spring 2025 (financial year: 2025-26). Indicative cost projections using the best available data (not including ICT or communication costs) suggest an annual net surplus of between £45,485 and £133,090 when the annual subscription fee is priced at £40.00 depending on uptake.

Take up rate of an additional garden waste bin subscription	Subscribers	Estimate costs if 20% garden waste disposal in black sacks	Operational cost estimate	Net surplus with subscription £40/year
2%	1,773	£10,362	£15,073	£45,485
3.5%	3,103	£ 8,455	£26,377	£89,288
5%	4,433	£ 6,548	£37,682	£133,090

- 10.3. Implementation and ongoing project costs will be recouped from subscription fees.

11. Legal implications

- 11.1 The Environmental Protection Act 1990 specifies that the provision of garden waste is a non-statutory duty. The Controlled Waste (England and Wales) Regulations 2012 allows the charging of garden waste but not if it is co-collected with food waste. Appendix 2 includes a summary of all relevant legislation.

- 11.2 The Environment Act 2021 mandates the separate collection of food waste from all households by 31 March 2026. The government published Simpler Recycling commencement legislation on 17 May 2024 which bring into force the implementation dates for Simpler Recycling (as set out in the October 2023 Simpler Recycling government response) allowing co-collection of food and garden waste under an exemption to be published by Winter 2024.
- 11.3 Any change to the co-collection of food and garden waste would be subject to negotiations with Countrystyle because the total annual tonnage may change and could incur penalties.
- 11.4 Any change to transfer station requirements of food and garden waste would be subject to negotiations and may incur penalties with Veolia because the space requirements and vehicle movements could change.
- 11.5 Cabinet approved the change in governance model of the Council's LATCOS on 11 July 2023 (decisions 112/2023 – 116/2023) which include Medway Norse. Any service change to the co-collection of food and garden waste would be subject to negotiations with Medway Norse, including but not limited to collection round configuration, resourcing, new ICT integrations, performance management, customer satisfaction etc.

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Appendices

Appendix 1 – Garden Waste Services in Kent and Council's operating weekly food and garden waste collection

Appendix 2 – Garden Waste Charging Legislation

Background papers

None

Appendix 1 – Garden Waste Services in Kent and Council’s operating weekly food and garden waste collection

Kent District Council garden service and associated policies to prevent displacement to residual collection (2024/25 fees)

Kent Authority	Garden frequency and container	Garden charge 24/25	Fortnightly garden service policy	Refuse frequency and container	Refuse waste minimisation policies
Ashford Borough Council	Fortnightly 180/240L	£60.00	No Side Waste Lid Down No return (unless missed) HH remedy contamination or weight issues	Fortnightly 180L Bin	No Garden Waste No Side Waste Lid Down Charged Containers <i>Weekly separate food collection</i>
Canterbury City Council	Fortnightly 240L	£57.20	No return (unless missed) HH remedy contamination or weight issues Must buy bin separately June 2020 launch £21 for collection	Fortnightly 180L Bin	No Garden Waste No Side Waste Charged Containers <i>Weekly separate food collection</i>
Dartford Borough	Fortnightly 240L	£49.00	No Side Waste No return (unless missed) HH remedy contamination or weight issues Must buy bin separately	Weekly 180L Bin	No Garden Waste No Side Waste
Dover District	Fortnightly 240L	£62.65	No side waste Free composter for ineligible properties Must buy bin separately	Fortnightly 180L Bin	No Garden Waste No Side Waste <i>Weekly separate food collection</i>
Folkestone & Hythe District	Fortnightly 180L	£60.00	No Side Waste No return (unless missed) HH remedy contamination or weight issues Must buy bin separately	Fortnightly 180L Bin	No Garden Waste No Side Waste Lid Down Charged Containers <i>Weekly separate food collection</i>

Gravesham Borough	Fortnightly 140L/240L	£42.00/ £59.00	No Side Waste No return (unless missed) HH remedy contamination or weight issues	Fortnightly 180L/240L Bin	No Garden Waste No Side Waste Charged Containers <i>Weekly separate food collection</i>
Maidstone Borough	Fortnightly 240L	£48.00	No Side Waste Lid Down No return (unless missed) HH remedy contamination or weight issues	Fortnightly 180L/240L Bin	No Garden Waste No Side Waste Lid Down Charged Containers <i>Weekly separate food collection</i>
Sevenoaks District	Fortnightly 80l Sacks 140/240L	£25.00 £40.00/ £55.00	No Side Waste (unless in paid sack) Lid Down No return (unless missed) HH remedy contamination or weight issues	Weekly Sacks	Unrestricted
Swale Borough	Fortnightly 240L	£59.00	No Side Waste Lid Down No return (unless missed) HH remedy contamination or weight issues	Fortnightly 180L Bin	No Garden Waste No Side Waste Charged Containers <i>Weekly separate food collection</i>
Thanet District	Fortnightly 240L	£ 68.25	No Side Waste No return (unless missed) HH remedy contamination or weight issues Set up fee	Fortnightly 180L/240L Bin	No Garden Waste No Side Waste Charged Containers <i>Weekly separate food collection</i>
Tonbridge & Malling Borough	Fortnightly 240L	£53.00	No side waste Only flats where residents responsible for own building/grounds	Fortnightly 180L/240L Bin	No Garden Waste No Side Waste <i>Weekly separate food collection</i>
Tunbridge Wells Borough	Fortnightly 240L	£56.00	No Side Waste Lid Down No return (unless missed)	Fortnightly 240L Bin	No Garden Waste No Side Waste Lid Down

			HH remedy contamination or weight issues		<i>Weekly separate food collection</i>
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Source: local Council websites, June 2024

English Council's with a free weekly co-collection of food and garden waste

English Authority	Food and garden container	Households with a food and garden collection	Refuse Frequency	Total Households
Stockport Metropolitan Borough	240L Bin	120,858	Fortnightly	130,858
Trafford Metropolitan Borough	240L Bin	85,130	Fortnightly	102,300
Milton Keynes Council	140L Bin	129,070	Weekly	129,070
Rochdale Metropolitan Borough	240L Bin	96,338	3 Weekly	100,339
Salford Metropolitan Borough	240L Bin	97,878	3 Weekly	127,740
Tameside Metropolitan Borough	240L Bin	90,000	Fortnightly	103,259
Oldham Metropolitan Borough	240L Bin	50,000	3 Weekly	97,300
Royal Borough of Greenwich	240L Bin	98,376	Fortnightly	123,204
Rochford District Council	140L Bin	36,201	Fortnightly	36,286

Source: Waste and Recycling Information for Local Authorities, WRAP LA Portal, <https://laportal.wrap.org.uk> and local Council websites, June 2024

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Appendix 2 - Garden Waste Charging Legislation

Environmental Protection Act 1990

Under Section 46 the Council can:

- Specify the type, size, construction and maintenance of the receptacles provided
- Determine the position that householders should place their receptacles for collection and the steps to be taken by residents to facilitate the collection of waste from the receptacles
- Take enforcement action against a householder who fails, without reasonable excuse, to comply with the Council's requirements under this legislation
- Refuse to collect waste not presented in accordance with instructions under the section
- Make a charge to residents for the provision of waste receptacles, if it so wishes

Controlled Waste (England and Wales) Regulations 2012

Schedule 1, Section 4 defines household waste for which collection and disposal charges may be made by the Council.

This section allows for a charge for the collection but not onward disposal of garden waste. Food waste is not specified as a chargeable waste.

The Council cannot charge for collection of co-collected food and garden waste.

Animal By-Products (Enforcement) (England) Regulations 2013

Food waste from households is termed 'catering waste' and falls into 'Category 3' waste not for human consumption. under Regulation (EC) No 1069/2009 (Animal By-Products Regulation; ABPR) and as such these wastes should be collected for recycling by composting/AD or disposal by incineration.

Authorities collecting such wastes have the duty of care to keep food waste securely contained throughout the collection cycle.

A rigid plastic container such as a wheeled bin or 23L caddy with a lid prevents leakage, avoids attracting vermin and satisfies these requirements for recycling.

The Environment Act 2021:

The Environment Act enshrines in law the principles and commitments of the UK Government's 2017 '25 Year Environment Plan' and 2018 'Resources and Waste Strategy for England'. The Act commits the UK to a target of reducing residual waste by 50% compared to 2019 levels by 2042 and supports the achievement of a 65% municipal waste recycling rate by 2035 including a number of resources and waste policies affecting future local authority service provision. This summary focus on those relevant to food and garden waste.

Section 57 amends the Environment Protection Act 1990 S45 A setting out 4 conditions for the collection of recyclable materials defined as glass; metal; plastic; paper and card; food waste & garden waste.

- Must be collected separately from other household waste, including refuse.
- Must be collected for recycling or composting.

- Can be collected with other recyclable materials if it is technically or economically not possible to collect separately and there is no significant environmental benefit of separate collection.
- Food must be collected at least one a week (and from all properties including flats by 31 March 2026)

The UK Government's Simpler Recycling reforms in 2023 shifted the focus of legislation and policy from quality to quantity of recyclable materials to meet targets and confirmed statutory duties regard to garden waste described previously were unchanged. Subsequent exemptions (to be confirmed in secondary legislation in 2024) will permit:

- the co-collection of food and garden waste in one container
- a charge to be levied for the garden proportion of a co-collected service on condition that the food proportion is collected weekly.

Near elimination of biodegradable waste to landfill

In May 2023 the UK Government consulted on developing policies to achieve the near elimination of biodegradable waste (including food and garden waste) sent to landfill by 2028 through additional Landfill Tax escalators or other financial levies. At the time of writing a UK Government response has yet to be published.