



Report to: Cabinet Meeting - 21 February 2023

Portfolio Holder: Councillor Roger Jackson, Cleaner, Safer, Greener

Director Lead: Matthew Finch, Director - Communities & Environment

Lead Officer: Ryan Oliff, Waste & Recycling Manager, Ext. 5682

Report Summary	
Type of Report	Open Report, Non–Key Decision
Report Title	Changes to the Collection of Waste - Upholstered Domestic Seating
Purpose of Report	To notify of the required operational changes to ensure legal compliance associated with how waste containing Persistent Organic Pollutants (POPs) is collected and disposed of.
Recommendations	<p>That Cabinet:</p> <ul style="list-style-type: none"> a) approve the proposed changes detailed in this report to ensure that there are sufficient resources to facilitate the changes in collections; b) approve that 3 additional staff be added to the establishment in line with paragraph 4.1 below; and c) approve the vehicle purchase to be financed from the change management reserve in line with paragraph 4.1 below.
Alternative Options Considered	Officers have considered alternatives to the proposed solution and consulted Councils across Nottinghamshire. Some are choosing to re-direct cleansing resources to undertake this function, whilst others have no plans as yet. The size of Newark and Sherwood, accounting for one-third of the landmass of Nottinghamshire, and the volume of fly tips due to its size and connectivity to main trunk roads, are considerations specific to the N&S area. Given the Community Plan objectives to cleaner, safer and greener, it is also not recommended to divert away resources from cleansing duties.
Reason for Recommendations	In order to meet the new legislative requirements and mitigate the risk of service reduction in cleansing services which are valued by local residents and a key component of the Council’s work to create a Cleaner, Safer, Greener Newark & Sherwood as set out in the Community Plan.

	The community plan includes an objective of enhancing and protecting the district's natural environment and the proposed changes will ensure that POPs are disposed of properly and prevented from being distributed geographically.
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1.0 Background

- 1.1 On 25 August 2022, the Environment Agency contacted all local authorities in England to notify them that the way Waste Upholstered Domestic Seating (WUDS) is to be collected and disposed of is to change.

The Environment Agency has undertaken an investigation and confirmed the widespread presence of very large quantities of Persistent Organic Pollutants (POPs) and other hazardous chemicals in both the textiles and foam of upholstered domestic seating. Items that we would refer to as Bulky Waste items. The law requires that POPs in this type of waste are destroyed to prevent lasting environmental harm and impacts on the food chain. This means waste containing POPs must be incinerated and must not be re-used, recycled or landfilled.

- 1.2 The new legislation requires all waste containing POPs are to be kept separate at all parts of the collection and transport process.
- 1.3 We collected nearly 7,000 bulky items from around 3500 properties in 2021/22. Just over 40% of these items would fall under the new regulations and will need collecting separately. This averages at 54 items per week. 65% of these items are settees/sofas and 35% are armchairs /office chairs or dining chairs.

All bulky waste items (apart from electrical items) have traditionally been collected together and crushed in the back of a refuse collection vehicle. They are then disposed of together when the load is ejected at the waste transfer station. Under the new legislation this will no longer be an acceptable practice.

- 1.4 In 2021-22, over 2500 fly tipped jobs were completed. The figures show that 12 items per week that would be considered POP are cleared across the district. Traditionally all fly tipped items have been collected together in a Hit Squad type vehicle. New legislation means that the POP items contained within a fly tip will also need to be collected and transported separately from other waste.

2.0 Proposal/Details of Options Considered

- 2.1 The Environment Agency advised that all upholstered items will require incineration from 1 January 2023 which is a County/Veolia responsibility. There was no specific reference that collections needed to take place from this date and we were working to an operational live date of 1 April 2023. However, we were notified by Nottinghamshire County Council during the week before Christmas that there is a requirement for all collection authorities to collect and transport all upholstered items (including sofas, sofa beds, armchairs, kitchen and dining room chairs, foot stools, office chairs, futons, bean bags and sofa cushions) to Veolia's Waste Transfer Station at Welshcroft Close at Kirkby-in-Ashfield from 1 January 2023.

- 2.2 As our traditional transport infrastructure will not be acceptable moving forward, we will need to purchase an additional, differently specified vehicle to carry out both Bulky Waste and Fly Tip POP collections. This vehicle will then need to transport the items directly to the dedicated transfer station at Kirkby in Ashfield.
- 2.3 Travelling to the waste transfer station will add a significant amount of journey time to empty the vehicle. Kirkby in Ashfield is 25 miles from Newark and a return journey would take 1.5 hours. It is 35 miles from the furthest point in the district and would have a return journey time of 2 hours. We will also need to factor in the unloading time as there will be up to 7 Councils using the facility potentially leading to extended waiting times before we can manually unload each item.
- 2.4 The Persistent Organic Pollutants Regulations 2007 is enforceable by the EA from 1 January and whilst they have a duty to enforce the legislation, they do have a margin of discretion as to how to exercise the powers in a reasonable and proportionate manner.

They have advised that from January 2023, the intention is to review the state of compliance nationally and to contact non-complying local authorities. The expectation is that local authorities work towards compliance including putting in contingency plans.

From August 2023, the EA will be undertaking targeted site visits, reviewing processes, carrying out audits and tracking waste movements. They will then consider whether enforcement action is proportionate and appropriate.

It is important that as a responsible local authority, we are setting the standard in terms of legal compliance. Veolia have also committed to ensuring compliance and therefore if POP items were mixed with other waste and tipped at a Veolia facility, it would result in a rejected load and leave us with no other disposal outlet to accept this waste.

- 2.5 The collection of the upholstered furniture will take place over 5 days with the number of bookings being distributed across the week to reflect the additional journey time (those on the West of the district will be significantly nearer to the disposal point than those on the East).

The collections will be carried out by 2 operatives in a 7.5 tonne truck and they would collect 10-14 booked jobs per day plus any reported fly tipped jobs in that area. The team would make 1 or 2 trips to the transfer station at Kirkby-in- Ashfield.

Residents will be required to make a separate booking for these items and will be advised to present them separately from any non-POP items. The items must be collected separately and can only be transported mixed with other POP items. The regulations also require the POP items to remain intact to prevent any of the persistent organic pollutants from escaping into the environment. Therefore, a refuse collection vehicle would not be appropriate due to the compaction of waste and van/truck would be required

- 2.6 History has shown that all changes in legislation that result in an item or material becoming more difficult to dispose of will have a knock-on effect on fly tipping figures and officers are expecting the number of fly-tipped items to increase.

- 2.7 The bulky waste booking system will be amended to allow residents to make a separate booking in a similar way to how a fridge/freezer is booked. 11% of bookings include both POP and non-POP items so there is a need to be able to separate these bookings and the teams will be using a handheld electronic device to manage the work.
- 2.8 The team that collects bulky waste also collect waste from schools and a number of HMO/assisted living complexes. As the proposed new team will be collecting the POP bulky items, this will reduce the number of bookings and items that the usual 'excess' crew would be collecting. This will free up capacity to generate income with additional paid domestic or commercial bulky waste collections.
- 2.9 Officers are still awaiting industry guidance on the health and safety requirements of collecting these items. It is anticipated that there will be guidance from the Waste Industry Safety and Health forum in the coming weeks, but this will be after collections have started. Operatives are issued with gloves as part of their standard PPE, but they will be instructed to wear a mask if they are handling POP items that are damaged as an added precaution. The current risk assessment will be updated to reflect this and will be reviewed as further industry guidance is published.
- 2.10 The Business Manager had included a note in the Fees & Charges for bulky waste for 2023-24 to reflect this new service so this can be reviewed after the initial collection period from January 2023. The current pricing structure is £13 for the first item and £7 for subsequent items which will include POP and non-POP items.
- 2.11 Officers have considered alternatives to the proposed solution and consulted Councils across Nottinghamshire. Some Councils are choosing to re-direct cleansing resources to undertake this function, whilst others have no plans as yet. The size of Newark and Sherwood, accounting for one-third of the landmass of Nottinghamshire, and the volume of fly tips due to its size and connectivity to main trunk roads, are considerations specific to the N&S area. Given the Community Plan objectives to cleaner, safer and greener, it is also not recommended to divert away resources from cleansing duties.

3.0 Short Term Collection Arrangements

- 3.1 In response to the short notice period to be compliant, a 3.5 tonne vehicle has been hired for 8 weeks at a cost of £300 per week. It will be staffed by garden waste operatives who are stood down from week commencing 2nd January and the following weeks it will be resourced by street cleansing operatives who will be re-deployed to carry out the collections from week commencing 9th January. This is a very short-term fix and can in no way be considered to be even a medium-term fix.
- 3.2 The website has been updated to reflect the changes and to advise residents who have POP and non-POP items that there will be a different crew collecting these items and it is likely to result in different collection times. There are similar messages for those reporting fly tipping.

4.0 **Implications**

In writing this report and in putting forward recommendations, officers have considered the following implications: Data Protection, Digital and Cyber Security, Equality and Diversity, Financial, Human Resources, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

4.1 **Financial Implications (FIN22-23/1338)**

As per paragraph 3, the short-term arrangements are costing £300 pw. This cost can be funded from existing Environmental Service revenue budgets.

The table below sets out the costs that have been added to 2023/24 Capital and Revenue Budget in order to facilitate the changes in the collections.

There will be a requirement for 3 FTE's at grade NS05 to cover the post and to provide cover for annual leave and sickness.

A 7.5 tonne truck with a tail lift will be required to carry out these collections at a cost of approximately £75,000, along with running costs in the region of £22,000. It is recommended that the vehicle purchase is financed by the Change Management Reserve.

Expenditure	Capital	Revenue
New Vehicle	75,000	
Vehicle Running Costs		22,010
Staffing Costs (inc on costs)*		89,610
Total	75,000	111,620

**Estimated at the top of the scale*

The lead times involved in acquiring a vehicle can be extensive. It is anticipated that should vehicle need to be hired into 2023/24 financial year, that the costs can be funded from the additional budgets set up for running costs.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

None.