

ENVIRONMENT AND ECONOMY OVERVIEW AND SCRUTINY

Date of Meeting	Tuesday, 14 th November 2023
Report Subject	Review of Waste and Recycling Collections on Unadopted Roads
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy
Report Author	Chief Officer – Streetscene and Transportation
Type of Report	Strategic

EXECUTIVE SUMMARY

The purpose of this report is to present proposals for a new policy for waste and recycling collections for properties that are located on private or unadopted roads.

The report provides an overview of the recently commissioned review of waste and recycling rounds and associated risk assessments, specifically focused on properties located on private and unadopted roads. The trigger for this review stemmed from three serious incidents that occurred between October 2022 and January 2023. These incidents not only posed a significant risk of injury to our employees, but also led to considerable damage to the vehicles operated by the Council, all of which can lead to increased costs.

The report proposes changes for some properties to protect employees from injury and to prevent the risk of spending unnecessary money on vehicle repairs and maintenance and damage caused where the roads have fallen into a state of disrepair. The report details the conditions that will need to be met for the private or unadopted road to be a suitable standard for waste and recycling collections to continue to take place from the property boundary.

RECOMMENDATIONS

1	That Scrutiny notes the risks posed by continuing collections on private or unadopted roads and supports the mitigating action proposed to protect employees and prevent damage to vehicles and property.
2	That Scrutiny supports the proposed new policy for waste and recycling collections for properties that are located on private or unadopted roads and supports the establishment of criteria for assessing the roads and conditions that will need to be met for waste and recycling collections to continue to take place from the property boundary, accepting that suitable indemnity agreements are issued for acceptable roads.

REPORT DETAILS

1.00	EXPLAINING THE BACKGROUND FOR REVIEWING THE PROVISION OF WASTE AND RECYCLING COLLECTIONS ON PRIVATE AND UNADOPTED ROADS.
1.01	<p>The Environmental Protection Act 1990 (EPA) places a duty upon local authorities to collect household waste within in its area. As such, Flintshire County Council (the “Council”) is classed as a Waste Collection and Disposal Authority.</p> <p>Under Section 46(4) of the Act, the Council has specific powers to stipulate where the receptacle(s) must be placed for the purpose of collecting and emptying in addition to the size and type of the collection receptacle(s) and the waste types that may or may not be placed within each of the receptacle(s).</p>
1.02	<p>Currently, the Council states that collection vehicles will travel along private or unadopted roads allowing residents to present their waste receptacles at the same point on their property as though the road were adopted.</p> <p>Unadopted roads refer to roads that do not have to be adequately maintained by the highway authority under the Highways Act 1980. A legal duty to maintain these roads still exists, but the responsibility lies with the owners of the road, which usually consists of the owners of any properties fronting that road.</p> <p>A private road is a road that is owned and maintained by a private individual, organisation or company rather than by the Council.</p>
1.03	<p>Unadopted roads, despite being private, still retain the legal status of highways and the responsibility of repairs and maintenance for such roads, rests with their respective owners. The costs of upkeep for these roads are not covered by local councils nor the North & Mid-Wales Trunk Road Agency (NMWTRA).</p>
1.04	<p>There are currently a considerable number of households across the county, mainly in the rural areas, which receive a recycling (food waste, garden waste or recyclables) or residual waste collection service that requires vehicles to travel along unadopted roads and private tracks. In some cases, these roads are in poor condition and consequently access and egress can be challenging and potentially hazardous.</p>
1.05	<p>The trigger for this review follows a series of three serious incidents that occurred between October 2022 and January 2023. These incidents not only posed a significant risk of injury to our employees, but also led to considerable damage to the vehicles operated by the Council, all of which leads to increased costs.</p> <p>Brief details of the incidents are provided below: -</p> <ul style="list-style-type: none">• The first incident occurred on October 3, 2022, when a waste collection vehicle lost control on an unadopted lane, veering into an adjacent field in Lixwm causing damage to the property and the vehicle had to be recovered subsequently.

	<ul style="list-style-type: none"> • On December 30, 2022, another waste collection was subject to damage as it became lodged in a grass verge on an unadopted lane whilst manoeuvring to avoid a damaged section of the lane in Mold. Minor damage was caused to the vehicle and the Council incurred costs to recover the vehicle in challenging conditions at the time. The vehicle was repaired immediately and returned to service the following day. • On January 5, 2023, a waste collection vehicle navigating an unadopted road in Flint skidded on wet leaves, which ultimately caused the vehicle to tip onto its side. The vehicle was subsequently written off due to the extent of the damage caused. <p>Fortunately, nobody was injured in the above incidents; however, damage was caused to the vehicles and private property. These incidents also serve to highlight the potential significant risk of injury to our employees.</p>
1.06	<p>As a result of the above incidents, decisive action was taken by the portfolio to initiate a comprehensive review of waste and recycling collections on unadopted and private roads. Immediate measures were put in place to mitigate the risks in the short-term, including toolbox talks to educate crews and enhanced communication to those teams operating in rural areas. A supervisor was seconded to undertake an in-depth review of all waste and recycling rounds that currently access unadopted and private roads and review the risk assessments for all routes.</p>
1.07	<p>The review encompassed detailed site visits to 585 unadopted and private roads in Flintshire, coupled with an extensive site-specific risk assessment conducted at each location (referred to in Appendix 1).</p>
1.07	<p>Sites were assessed against the following criteria:</p> <ul style="list-style-type: none"> • Road width dimensions • Safe turning area for vehicle • Soft verges • Ditches at side of roadway • Overhanging trees • Potholes / condition of the road surface • Number of properties on lane • Road condition at time of visit • Any restrictions on the lane (weight limit, parked vehicles etc) • Suitable area for collection point • Road surface type / structure of the road (loose gravel/stone, tarmac, concrete, unmade track)
1.08	<p>The outcome of the review has concluded that a new policy is required for waste and recycling collections on unadopted and private roads, for which a draft is provided for consideration in Appendix 2.</p> <p>The draft policy details the conditions that will need to be met for the road to be a suitable standard for waste and recycling collections to continue to take place from the property boundary.</p>

1.09	<p>Most of the properties assessed are located on roads that are already at this standard and the Council requires an indemnity form (Appendix 4) to be signed to continue collections in the same way and ensure that the local authority will not be liable for any damage due to wear and tear to the road surface which may not have been built to highway standard. If the Council agrees to collect waste from an unadopted or private road then any indemnity agreement would need to be clear in respect of land ownership and responsibility, ensuring the safety of collection crews and the public, and indemnify the Council from any damage the collection vehicles may cause using the roads. It would also need to be clear that the Council could cease to access such roads to collect waste at any time should it be necessary to do so.</p> <p>If the landowner of the unadopted/private road does not sign an indemnity agreement, then a collection from the nearest adopted highway will be necessary.</p>
1.10	<p>Recommendations were formulated for each site based on the comprehensive assessment undertaken. These recommendations predominantly fall under three categories: -</p> <ol style="list-style-type: none"> 1. No action required 2. Introduction of collection points on the adopted highway 3. Engagement with householders / landowners to obtain the indemnity agreement.
1.11	<p>Residents who are physically unable to present their bins at the designated collection point or kerbside, and who have applied and been granted an assisted collection will be entitled to a collection service from their property.</p> <p>In some cases, this may mean an alternative collection method (e.g. smaller vehicle) or different collection day from the standard service and assisted collections on unadopted or private roads will need to be risk assessed independently and indemnity agreement arranged with the householder or relevant landowner.</p>
1.12	<p>The intention is to continue providing waste and recycling collections for those residents affected by the changes with the least disruption as possible. Before determining collection changes, we intend to write to property owners and a comprehensive communications plan will be developed once the policy has been adopted.</p>

2.00	RESOURCE IMPLICATIONS					
2.01	<p>Revenue: The primary focus of this report is around safety and reducing the risk to our employees, but there are also implications in relation to costs, both directly and indirectly. The estimated costs for the three incidents detailed in this report are shown below.</p> <table border="1" data-bbox="264 1935 1425 2085"> <tr> <td>Direct Costs:</td> </tr> <tr> <td>Vehicle Damage: Costs associated with recovering, repairing and replacing damaged vehicles</td> </tr> <tr> <td>Vehicle Rental: Costs for renting replacement vehicles during repairs</td> </tr> <tr> <td>Vehicle Recovery: Costs for recovering the HGV from the incident site</td> </tr> <tr> <td>Approximate total costs - £30k</td> </tr> </table>	Direct Costs:	Vehicle Damage: Costs associated with recovering, repairing and replacing damaged vehicles	Vehicle Rental: Costs for renting replacement vehicles during repairs	Vehicle Recovery: Costs for recovering the HGV from the incident site	Approximate total costs - £30k
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2.02	Human Resources: The implementation of the recommendations contained within this report will have implications for resources, which will include staff training, comprehensive communication plan, drafting the legal indemnity agreements and a sustained commitment to ongoing risk assessments of unadopted and private roads. These costs will be covered within existing revenue budgets.						
2.03	Technology: The vehicle telematics systems to manage driver performance and route assessment is required to mitigate the risks of new routes or drivers undertaking duties on unadopted and private roads. These costs will be covered within existing revenue budgets.						

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	<p>This report is a strategic report, which is proposing changes to operational practices and the policy for waste and recycling collections on unadopted roads, therefore an IIA is required and, which elected members are advised to read.</p> <p>Additionally, an assessment of risks has been undertaken as part of the development of the proposal, which is detailed below.</p>
3.02	The proposals have the potential to significantly mitigate the risks associated with waste and recycling collection operations on unadopted and private roads. The primary focus remains the safety and well-being of waste and recycling collection crews, safeguarding the integrity of vehicles, and protecting nearby properties.
3.03	The introduction of round modifications, such as strategically positioned collection points on the adopted highway, has the capacity to significantly reduce risks attributed to challenging road conditions while simultaneously enhancing operational efficiency by reducing vehicle damage, reduce unnecessary costly repairs and maintenance, as well as reduce downtime for collections.
3.04	By implementing an annual review mechanism, new and evolving hazards can quickly be identified and addressed, fostering an adaptable and resilient waste collection operation. This is particularly relevant where property ownership changes and new indemnity agreements are required.

3.05	The implementation of a robust and enhanced training programme is expected to bring substantial benefits. Enhanced hazard recognition, adept driving skills, and well-established communication protocols will collectively contribute to a safer work environment for waste collection crews.
3.06	Successful integration of the recommended measures will reflect favourably on the authority's commitment to the safety of its employees and the effective management of waste and recycling collection operations on unadopted and private roads. The ensuing enhancements demonstrate the portfolio's commitment to service excellence and community well-being.
3.07	<p>It is acknowledged that, from a customer perspective, the implementation of changes to waste and recycling services on unadopted and private roads will raise some potential concerns and risks. Addressing these concerns and mitigating risks is essential to ensure a smooth transition and maintain customer satisfaction. It is therefore our intention to promote the use of indemnity agreements as a preferred option wherever possible.</p> <p><i>Benefits of the Indemnity Agreement Approach:</i> The use of indemnity agreements will offer a balanced and flexible mechanism for continuing waste collection services on unadopted or private roads, providing that the roads meet the required conditions. This approach considers the rights of landowners whilst safeguarding the interests of residents and the efficiency of waste management operations.</p> <p><i>Tailored Solutions:</i> Indemnity agreements will allow for adaptations to be made based on the specific circumstances of each unadopted/private road. This flexibility will enable the Council to adapt collection methods, schedules, and collection points based on the unique characteristics of each location, thereby enhancing service efficiency.</p> <p><i>Minimised Disruption:</i> The indemnity agreements will offer the advantage of continuity in waste collection services. This approach ensures that residents' daily routines are least impacted, maintaining their overall satisfaction with the quality and reliability of the services provided.</p>
3.08	<p>The introduction of collection points has the potential to cause concerns for customers, which need to be considered and managed carefully, where indemnity agreements are not appropriate.</p> <p><i>Disruption to Collection Services:</i> Customers may be concerned about disruptions to their waste collection schedules due to the introduction of collection points or changes in procedures.</p> <p><i>Mitigation:</i> It is intended that clear communication is provided to customers well in advance of any changes and a detailed communications plan will be developed prior to implementation. This will include the distribution of informational pamphlets, use of local media (press, newspapers, newsletters) and digital platforms (social media, website) to inform customers about the upcoming modifications, collection point locations, and any alterations to collection schedules. A set of frequently</p>

	<p>asked questions and concerns will be developed with support from Customer Services and the Corporate Communications team.</p> <p><i>Accessibility Challenges:</i> Introducing collection points or changes in collection procedures could potentially pose accessibility challenges for some customers, especially those with limited mobility or physical disabilities.</p> <p><i>Mitigation:</i> Thorough accessibility assessments of the proposed collection points will be conducted to ensure that these points are strategically located and easily accessible to all residents, including those with mobility challenges. Where required and feasibly safe to do so, an assisted collection service will be provided.</p> <p><i>Perception of Reduced Service Quality:</i> Customers may perceive changes as a reduction in service quality if collection points are farther from their properties or if there are delays to collections.</p> <p><i>Mitigation:</i> The benefits of the changes will be highlighted, such as improved safety for collection crews and reduced impact on road infrastructure. The portfolio will monitor and maintain consistent collection schedules, ensuring that any potential delays are promptly communicated to customers.</p>
3.09	<p>The recommendations outlined in this report emphasise the portfolio's commitment to ensuring the well-being of staff and the wider community. By proposing options such as the introduction of collection points and use of indemnity agreements, the report aims to strike a balance between operational efficiency and residents' needs. The emphasis on regular reviews and ongoing communication signifies an intention to remain adaptable and responsive to evolving circumstances.</p>

3.10 Ways of Working (Sustainable Development) Principles Impact

One of the challenges for applying the Ways of Working (Sustainable Development) Principles to this change in policy is the issue of unadopted roads, which are roads that are not maintained by the local authority or any other public body. Unadopted roads may have poor or unsafe road surfaces, lack of lighting or signage, or restricted access for collection vehicles. These factors can affect the quality and frequency of waste and recycling collections on unadopted roads, as well as the health and safety of collection staff and residents. Moreover, unadopted roads may create confusion and inconsistency in the responsibility and liability for waste and recycling collections, as different parties may have different expectations and obligations.

Long-term	Neutral - Agreeing on an indemnity between the local authority and the residents or property owners on unadopted roads, which clarifies the roles and responsibilities of each party for waste and recycling collections, as well as the risks and costs involved could address some of the challenges outlined above, as well as supporting the innovation and improvement of waste collection methods and technologies.
Prevention	Neutral - Providing alternative options for waste and recycling collections on unadopted roads, such as communal bins or collection points will ensure that residents continue to receive waste and recycling collections, whilst minimising the risk to collection vehicles and employees, promoting the social and economic well-being of residents and communities, such as health, safety and quality of life
Integration	Neutral – the proposed policy will ensure the fairness and accessibility of waste services for all households, regardless of their location or circumstances
Collaboration	Positive – the proposed policy has involved working with others to find shared solutions and deliver actions e.g. other local authorities to share best practice, trade unions, supervisors and workforce
Involvement	Positive – the policy change will involve engaging with residents to reflect their needs, as well as providing clear guidance and criteria for collecting waste from unadopted roads, based on risk assessment and operational considerations, or offering alternative collection points or arrangements for households that cannot be serviced by regular vehicles, such as collection points

Well-being Goals Impact

Prosperous Wales	No impact
Resilient Wales	Positive - Agreeing on an indemnity between the local authority and the residents or property owners on unadopted roads, which clarifies the roles and responsibilities of each party for waste and recycling collections, as well as the risks and costs involved could address some of the challenges outlined above, as well as

		supporting the innovation and improvement of waste collection methods and technologies.
	Healthier Wales	Positive - Improving health, safety and well-being of employees and residents by reducing the risks associated with collecting waste and recyclables from roads that are not of the required standard
	More equal Wales	The proposed policy will ensure the fairness and accessibility of waste services for all households, regardless of their location or circumstances
	Cohesive Wales	The proposed policy change will involve engaging with residents to reflect their needs, as well as providing clear guidance and criteria for collecting waste from unadopted roads, based on risk assessment and operational considerations, or offering alternative collection points or arrangements for households that cannot be serviced by regular vehicles, such as collection points
	Vibrant Wales	No impact
	Globally responsible Wales	No impact
<p>The proposals will also support the Council's Well-Being Objectives in terms of supporting safer communities and limiting the impact of Council services on the natural environment.</p>		

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	Deputy Leader of the Council and Cabinet Member for Streetscene and Regional Transport Strategy.
4.02	Trade Unions and employees via the employee-led Service Improvement Group
4.03	Senior Management Team and Operational Managers
4.04	A communications plan will be developed in advance of the implementation of the policy. The homeowners living on the affected roads will receive a letter from the council, which will outline the new arrangements and invite them to liaise with the council to come to an agreed resolution.

5.00	APPENDICES
5.01	Appendix 1 - Risk Assessment Example
5.02	Appendix 2 – Draft Policy for Waste & Recycling Collections on Unadopted or Private Roads
5.03	Appendix 3 - Street Count per Town

5.04	Appendix 4 – Letter of Indemnity
5.05	Appendix 5 – IIA – to be circulated prior to the meeting.

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	None

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Christopher Goddard – Service Manager, Streetscene Telephone: 07867 192311 E-mail: christopher.goddard@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
8.01	None