

Policy for Waste and Recycling Collections on Un-adopted Roads

Overview

Policy	Waste and Recycling Services on Un-adopted Roads
Portfolio	Streetscene and Transportation
Service Area	Service Delivery
Related Documents	

Revision History

Version	Issue date	Summary of Changes
1	September 2023	New policy following a review of waste and recycling collection services on un-adopted roads.
2	TBD	XX XX XX

Consultation

Version	Who	Date
1	Chief Officer, Operational Manager, Supervisors, Operational Staff	August 23
2		

Approval

Version	Who/Where	Date
1	Cabinet	TBC

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1. Introduction

The Streetscene and Transportation (S&T) portfolio is committed to providing high quality waste and recycling services whilst prioritising safety, efficiency, and customer service. This policy document outlines our approach to waste and recycling collections for properties that are located on private or unadopted roads and the criteria in place 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 with suitable indemnity agreements issued for acceptable roads.

There are currently a number of households, mainly in the more rural areas, which receive a recycling collection service (recyclables, food waste or garden waste) or refuse collection service (residual waste) that require collection vehicles to travel along un-adopted roads and private tracks. In some cases, these roads are in poor condition and consequently access can be difficult and potentially hazardous.

Un-adopted roads are privately owned, but still considered part of the highway. The responsibility to maintain these roads, rests with the owners, and the cost of repair and upkeep is not covered by local councils or the Trunk Road Agency. This policy aims to protect staff and ensure their safety, increase operational efficiency and engage with landowners to deliver a great service.

2. Purpose

This policy will establish a clear framework for managing waste and recycling collection services on un-adopted roads and private tracks within Flintshire. The policy provides guidelines for conducting risk assessments, collaborating with landowners, conducting regular reviews, and ensuring compliance with legal obligations.

3. Key Principles

Safety First:

Our number one concern is the safety of staff, residents, and the public. All decisions concerning waste and recycling collections on un-adopted roads and private tracks will prioritise the safety and well-being of everyone involved.

Working Together:

We recognise the importance of working collaboratively with landowners, residents, and stakeholders. Our approach will be based on open communication, transparency, and responding to the concerns and needs of the community.

Flexibility and Adaptability:

This policy promotes a flexible approach to waste and recycling collections and the methods, round schedules, and locations will be adapted to suit the unique characteristics of each un-adopted road.

Legal Clarity:

The policy ensures compliance with legal obligations whilst providing clear guidelines and agreements with landowners. Our aim is to establish a transparent framework for waste and recycling collection operations.

4. Implementation Guidelines and Process

Site-Specific Risk Assessments: Before initiating waste or recycling collections on any un-adopted road, a comprehensive risk assessment will be conducted. This assessment will evaluate road conditions under the following criteria:

- Road width
- Safe turning area for vehicle
- Soft verges
- Ditches at side of roadway
- Overhanging trees, shrubs, or cables
- Potholes / condition of the road surface / state of repair
- Number of properties on the un-adopted road / track
- Road condition at time of visit
- Any restrictions on the lane (weight limit, height limit etc)
- Suitable area for collection point
- Road surface type (loose gravel/stone, tarmac, concrete, unmade track)
- Other health and safety risks (adverse camber, poor visibility at bends, risk of flooding, unprotected steep embankments)

Indemnity Agreements

Providing that the risk assessment determines that collections can take place on an un-adopted road or private track, the Council will work with landowners to obtain indemnity agreements that allow waste and recycling collection services to take place on their un-adopted roads 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 landowner of the unadopted/private road does not sign an indemnity agreement, then a collection from the adopted highway will be necessary.

Customer Engagement:

We will actively engage with customers who live on un-adopted roads, through face-to-face meetings and digital platforms. These engagements will serve as avenues for addressing queries, disseminating information, and fostering collaboration.

Ongoing Reviews:

To avoid any interruption to our waste and recycling collection services, an annual review process will be established. This process will assess the effectiveness of current procedures on un-adopted roads, identify evolving hazards, accommodate changes in property ownership, and ensure the timely renewal of indemnity agreements.

Resource Allocation:

Adequate resources will be allocated to facilitate crew training, thorough risk assessments, and implementing necessary adjustments following risk assessments.

5. Property and Road Management

In cases where an un-adopted road / private track does not meet the established criteria for waste and recycling collections, or if its suitability diminishes over time, the following actions will be taken:

Criteria Assessment:

Un-adopted roads will be subject to annual assessments to determine their suitability for waste and recycling collections. These assessments will be based on factors such as road conditions, turning areas, accessibility, and safety considerations for collection crews and the public.

Temporary Cessation or Modification:

If an un-adopted road is deemed unsuitable for our waste and recycling collection vehicles to operate safely, temporary collection points will be implemented until necessary improvements are made to meet the criteria. When improvements cannot be made, permanent collection points will be implemented.

Community Notification:

Residents and landowners situated on affected un-adopted roads will be promptly informed of any temporary cessation, the reasons for it, and the necessary improvements required for the resumption of services.

Consultation and Communication:

S&T will engage with relevant stakeholders, including residents and landowners, to collaboratively address road suitability concerns and identify potential solutions.

Collection Points

If the landowner of the un-adopted road or private track does not sign an indemnity agreement, then a collection from the nearest adopted highway will be implemented.

Where a collection point is in place, householders must ensure that bins, bags and containers are placed safely and securely and that these are not obstructing the pavement, footpaths or other road users.

Review

There will be no regular review of properties eligible for collection from un-adopted roads and collection points will be reviewed on an as required basis when a request is received either from the collection crews or the householder.

6. Decision Making, Appeals, and Assisted Collections

Decision-Making:

The decision-making authority to determine the suitability of un-adopted roads rests with the Waste Management Team. This team will review assessment outcomes, customer input, and prioritise safety to make informed decisions.

Appeals Process:

Residents and landowners have the right to appeal decisions regarding waste and recycling collection services on un-adopted roads and private tracks. Appeals must be submitted in writing to the Streetscene Service Manager within 28 days. The appeals process will ensure fair consideration of concerns and any additional pertinent information.

Assisted Collections:

S&T recognises the need for assisted collections to cater for residents who are physically unable to present their bins and containers at the designated collection point or at the kerbside. Assisted collections will be provided on un-adopted roads and private tracks where suitable arrangements can be made, ensuring equitable access to waste and recycling services.

In some cases, this may mean an alternative collection method such as smaller vehicles or different collection day from the standard service and assisted collections on un-adopted roads or private tracks will need to be risk assessed independently and indemnity agreement arranged with the householder or relevant landowner.

Applications for Assisted Collections can be submitted [here](#) or via the call centre 01352 701234

7. Legal Obligations and Legislative References

S&T operates its waste and recycling services in accordance with legal obligations set out as follows:

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.

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).

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. A private road is a road that is owned and maintained by a private individual, organisation, or company rather than by the Council.

The Council acknowledges its responsibilities and complies with all relevant legal mandates, ensuring the safe and lawful provision of waste and recycling collection services on un-adopted roads / private tracks.

The indemnity agreement provided by Legal Services encompasses the necessary clauses, thereby indemnifying the Council against potential losses, legal claims, and responsibilities arising from the use of un-adopted roads for waste and recycling collections. This agreement will be a vital component of our commitment to safety, legal compliance, and community collaboration in the provision of waste management services.

8. Conclusion

By adhering to the principles and practices articulated in this policy, Streetscene & Transportation aims to uphold its commitment to providing safe, efficient, and excellent waste and recycling services on un-adopted roads / private tracks. This policy is intended to safeguard staff, protect against damage, strengthen community partnerships, and maintain the high standards of waste management services that our residents expect.

Date of Policy Approval: [Date] **Next Review Date:** [Date]