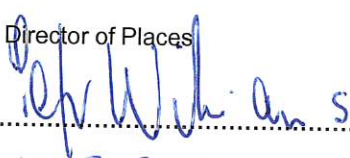


**NORTH LINCOLNSHIRE COUNCIL
OFFICER DECISION NOTICE AND RECORD
(PUBLISHED)**

1. DECISION TAKEN			
To approve charges for legal documentation required for commercial waste and recycling collection services in accordance with the delegated authority given to Directors to set fees and charges for council services approved by Full Council on 16 February 2017, as per the attached report.			
EXECUTIVE	✓	NON-EXECUTIVE	
			(Please tick either)
IS THIS A 'KEY DECISION' ? (see definition overleaf)			No
DOES THIS DECISION RELATE TO EXEMPT INFORMATION?			No
EXEMPT PARAGRAPH REFERENCE (NOT TO BE PUBLISHED)			

2. OFFICER DECISION TAKER	NAME Peter Williams POSITION/POST Director of Places SIGNATURE  DATE 10.3.2017
3. REASONS FOR THE DECISION (Please ref to any report/minute/background documents attached)	Need to establish charges for the 2017/18 financial year in order to achieve approved budget targets as agreed by Full Council on 16 February 2017.
4. ALTERNATIVE OPTIONS CONSIDERED AND REJECTED (BY DECISION TAKER(S))	As per attached report.

TO BE COMPLETED BELOW - ONLY WHEN A DELEGATED OFFICER DECISION REQUIRES PRIOR CONSULTATION WITH A MEMBER (LEADER OF THE COUNCIL, CABINET MEMBER/CHAIRMAN OF A COMMITTEE) IN ACCORDANCE WITH THE 'SCHEME OF DELEGATIONS TO OFFICERS' OR DECISION/MINUTE OF COUNCIL/COMMITTEE OR DECISION/MINUTE OF CABINET/CABINET MEMBER.

5. DECISION REQUIRED TO BE TAKEN IN CONSULTATION WITH RELEVANT MEMBER	COUNCILLOR POSITION SIGNATURE DATE
6. ANY CONFLICT OF INTEREST DECLARED BY ANY EXECUTIVE (CABINET) MEMBER (S) CONSULTED, WHICH RELATES TO THE DECISION, OR (NON-EXECUTIVE) – ANY MEMBER OF THE COMMITTEE THAT DELEGATED THE DECISION TAKEN	

7. WITH REFERENCE TO 6. ABOVE - HAS ANY DISPENSATION BEEN GRANTED TO THE EXECUTIVE (CABINET) MEMBER? (ONLY APPLIES TO EXECUTIVE)	
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PLEASE REMEMBER TO ATTACH ANY ACCOMPANYING REPORT.

**WHEN COMPLETE, PLEASE SEND TO HEAD OF DEMOCRATIC SERVICES, CIVIC CENTRE,
SCUNTHORPE FOR PUBLISHING.**

Definition of key decision (Part B Article 13.03 of the Council's constitution)

A **key decision** means an **executive** decision which is likely -

(i) to result in the Council incurring expenditure or the making of savings (including the receipt or loss of income) over £350,000 in any one financial year; or

(ii) to be significant in terms of its effect on communities living or working in an area comprising two or more wards or electoral divisions in the area of the local authority).

NORTH LINCOLNSHIRE COUNCIL

DIRECTOR OF PLACES

**CHARGING FOR LEGAL DOCUMENTATION REQUIRED FOR COMMERCIAL
WASTE AND RECYCLING COLLECTION SERVICES**

1. OBJECT AND KEY POINTS IN THIS REPORT

- 1.1 To seek approval to implement charging for arranging the legal documentation required for commercial waste and recycling collections.

2 BACKGROUND INFORMATION

- 2.1 The Environmental Protection Act (EPA) 1990 introduced the principle of the duty of care for waste management. This requires that individuals and organisations are responsible for the storage, handling and transfer of their waste and recycling.
- 2.2 One element of the duty is to evidence that waste and recycling is stored at correctly licensed premises, handled by and transferred to legitimate waste management organisations. This is known as "the duty of care documentation".
- 2.3 The council provides waste and recycling collections to businesses and provides duty of care documentation to these customers. The customer signs the documentation and returns it to the council. By this process the legal requirements of the EPA 1990 are satisfied.
- 2.4 The council compiles the evidence for the documentation, prints and posts, currently without charge. It is a legal requirement that the signed documents are exchanged before any collections can take place. About 20%-40% of our customers are late in providing this documentation. Waste Services then have to chase them up with letters, phone calls and personal visits. Sometimes their collections are stopped, their bins recovered and financial recovery proceedings begin. Most end up signing and returning the documents, paying for their bins to be delivered back and continuing with our collections.

- 2.5 It is this 20%-40% who cause additional demands on Waste Services that divert resources. Our main commercial competitor introduced annual charges for the duty of care documentation provided to every customer some years ago and saw their level of problem customers reduce significantly.
- 2.6 The duty of care documentation is sent out early in February to give business customers six weeks to sign and return them before their annual invoice is prepared and sent to them.

3 OPTIONS FOR CONSIDERATION

- 3.1 **Option 1:** To introduce a fixed annual fee for the preparation, production and provision of the legal duty of care documentation. To charge a penalty fee if the signed documentation is not returned by the deadline.
- 3.2 **Option 2:** To charge a penalty fee if the signed documentation is not returned by the deadline but not charge an annual fee.
- 3.3 **Option 3:** To continue with free provision.

4 ANALYSIS OF OPTIONS

- 4.1 **Option 1:** The proposed annual charge is small in comparison to the annual bills and the level of the penalty charge is considered sufficient to promote action by the business to remain compliant with their legal obligation. Our main commercial competitor and other councils levy a fixed annual charge for preparing, producing and posting the duty of care documents.
- 4.2 **Option 2:** This would only affect those businesses who did not return a completed and signed copy of the duty of care documentation by the six week deadline. This would be fairer to those businesses that fulfil their legal obligation on time but does not reflect commercial practice in the sector to charge the fixed annual charge and levy penalties.
- 4.3 **Option 3:** This would not provide any means to promote legal compliance by those businesses who do not return a properly completed and signed document before collections commence. It does not reflect commercial practice in the sector.

5 RESOURCE IMPLICATIONS (FINANCIAL, STAFFING, PROPERTY, IT)

- 5.1 **Finance:** Full Council approved the revenue budgets for 2017/18 at their meeting on 16 February 2016. The approved budget includes a target to generate additional Waste Income amounting to £157,000. Adopting option 1 is consistent with the approved revenue budget and is forecast to contribute around £26,000 in 2017/18 towards achieving the approved income target. The other options will fail to realise the additional income required to achieve the approved targets. The fee levels proposed are £10 for the annual provision of the documentation to be added to invoices and a further £40 charge in the event of a failure to complete a return by the required deadline.
- 5.2 **Staffing:** The two month period between sending out the duty of care documents and invoicing customers is very busy for the service as it coincides with year-end closedown and the watershed for free bulky collections. This combination of demands usually means that we have to bring in additional resources. The additional income will go towards helping with the costs of this extra provision.

6 OUTCOMES OF INTEGRATED IMPACT ASSESSMENT (IF APPLICABLE)

- 6.1 The IIA shows that the only impact is on the council's commercial waste customers who can decline our service and therefore not pay any of the proposed additional charges.

7 OUTCOMES OF CONSULTATION AND CONFLICTS OF INTERESTS DECLARED

- 7.1 Finance colleagues have been engaged through the budget planning process. No conflicts of interest are declared.

8 RECOMMENDATIONS

- 8.1 That the Director of Places approves Option 1 to be implemented for the 2017/18 financial year.

HEAD OF WASTE SERVICES

Civic Centre
Ashby Road
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North Lincolnshire
DN16 1AB
Author: John Coates
Date: 20 February 2016

Background Papers used in the preparation of this report: Nil