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**TITLE: WASTE COLLECTIONS FOR PRIVATE AND UNADOPTED ROADS**

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To: Operational Services Committee

Date: 9<sup>th</sup> September 2019

From: Hetty Thornton - Performance Management Officer

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[U57]

1.0 Issue

- i) To determine the future provision for refuse collections on private and unadopted roads
- ii) To review the assisted collections register in order to continue to offer support to our most vulnerable residents

2.0 Recommendations

2.2 Following on from a previous endorsement by Regulatory Services Committee, Members are requested:

- i) To approve the "Introduction of the Policy for Providing Waste Collection Services to Private and Unadopted roads and project plan" (Appendix A)
- ii) To instruct officers to undertake an annual review of the assisted waste collections
- iii) Delegate authority to the Director, Operations at ECDC for all issues arising from the Project Plan and the corresponding assisted waste collection review

3.0 Background

3.1 Unadopted and private roads are not maintained by a highway authority (county council) as defined by the Highways Act 1980. The duty to maintain the road falls to the frontagers i.e. the owners of the property fronting the road, which could also include the side, length or where their property fronts the unadopted road.

3.2 The Environmental Protection Act (EPA) 1990 places a duty on local authorities to collect household waste in their area. The EPA allows the local authority to specify where waste and recycling should be placed for collection.

3.3 The Council currently provides a waste service collection point for waste and recycling receptacles at the edge of the property where it meets the public highway. Collections have continued to be made to remote properties accessed on private and unadopted roads which can not only present a health and safety risk to the crews and public but in many cases they do not meet the legislative requirements set by the Highways Standards Agency and are therefore not adopted by the County Council. This poses and health and safety risk to the public and the waste collection crews.

3.4 In November 2017, Regulatory Services Committee endorsed the "Introduction of the policy for waste collections from private and unadopted roads and project plan" (Appendix A).

3.5 Following Committee endorsement, officers in Waste Services have been undertaking a mapping process of private and unadopted roads (see Appendix G). This has identified 2,249 properties (of which 716 are owned by housing associations, 170 properties are on studs and 462 properties are located on sites which are under managing agents or park homes). All of the 2,249 properties would be directly affected by the proposals in the policy and the quality of such roads against ECSS minimum road standards set out from 2.1 in the "Policy for providing waste collection services to private and unadopted roads" (Appendix A). It is important to note that this figure will be changeable due to new housing developments and where a new road is adopted by the County Council.

#### 4.0 Arguments

- 4.1 Waste vehicles are assets of ECDC and therefore any damage caused to them must be paid for by the Council. For Member information, the cost of a new waste vehicle is approximately £160,000.
- 4.2 As the shareholder, ECDC must work collaboratively with ECSS, however if ECSS was a private company the risks of accessing substandard private and unadopted roads would outweigh the benefits and therefore they would refuse to attend to residents located on such roads. Veolia took on this work historically as it was a part of the contractual agreement with ECDC. It would be unlikely that any private organisation would accept these terms and conditions due to potential insurance claims resulting from accessing substandard private and unadopted roads.
- 4.3 As an employer, ECSS has a legal requirement to ensure the continued safety of all its employees.  
In order to comply with these regulations ECSS must take the necessary steps to ensure its employee's work environment meets the required standards set.
- 4.4 Where any employee's work environment has been deemed unsafe, ECSS has a duty of care to ensure that exposure to such conditions does not occur.
- 4.5 To ensure that ECSS can continue to deliver the highest level of service possible, at best value for the residents of the District, the company needs to implement any mitigation against any financial risks. Therefore, the company will need to ensure that any spend associated with vehicle maintenance is genuine and other additional costs negated where possible.
- 4.6 Some private and unadopted roads across the District are in substandard conditions which has led to damage to vehicles and additional maintenance costs. Unfortunately historically these costs were not recorded by Veolia so it is difficult to attribute exact costs, however these figures are now being recorded. Examples of the sorts of roads which are sub-standard can be found in Appendix F.
- 4.7 Many private and unadopted roads have soft verges. Refuse collection vehicles of 18 or 26 tonnes have high centres of gravity compared to other trucks and are more prone to topple over in such conditions. This presents a serious safety risk to members of the crew and the public.
- 4.8 Overhanging trees on unkempt verges can impede vehicles from accessing a property, or cause damage to vehicles and employees.
- 4.9 The conditions of the roads, including deep potholes and obstructions can cause injury to people or damage to the vehicles.
- 4.10 Collections from remote properties on private roads can incur significant amounts of time for the collection crews to access which reduces collection rates and negatively effects service delivery performance.

#### 5.0 Proposal on future provision

- 5.1 To ensure that ECSS meets its legal health and safety requirements as an employer and that of its residents, and it is not left open to compensation claims made by the public for damage to properties or vehicles etc. resulting from accessing roadways in substandard road conditions, the following information sets out the salient points from the Policy for Waste Collections from Private and unadopted roads:
- i) House owners on private or unadopted roads will be required to ensure that the standard of such roads meet the minimum standards highlighted in the policy. Where this is not undertaken alternative collection arrangements will be

made whereby the resident will be required to take their wheeled bins and sack collections to the point where the road meets the public highway.

- ii) Where a property is located on a private or unadopted road the house owner will be required to sign an Indemnity Agreement so that ECSS and the Council will not be liable for any damage due to wear and tear of the road surface sustained as part of routine waste collection. If all of the property owners on a private or unadopted road do not agree to sign the Indemnity Agreement (Appendix B), then a roadside collection at the point of where the road meets the public highway will be required (subject to a risk assessment by ECSS).
- 5.2 Where there is a private or unadopted road which ECSS does not currently access, this will remain as the status quo. However, we will look to review these at a later date. In most cases it would be impossible for waste services to access such roads, due to the width, lack of turning area, condition of the road etc.
  - 5.3 A review will be undertaken to run alongside the private and unadopted roads policy which will assess each resident currently provided with an assisted waste collection.
  - 5.4 Currently, when a resident requests an assisted waste collection they must verbally demonstrate that they are infirm, disabled or have a medical condition which means that they are unable to put their waste out for collection and there are no other people residing within the property who are able to undertake this task. This assessment is carried out by Customer Services Advisors over the phone.
  - 5.5 To ensure that our most vulnerable residents continue to be provided with a household waste collection, it is necessary to carry out a review of residents on the assisted collections list.
  - 5.6 The Council's 2014 Waste Collections Policy states that the Council may request evidence from a resident to show that they continue to require an assisted collection. We would therefore like to contact each resident to obtain a medical note or if a resident is unable to supply this and still requests an assisted collection, then a home visit will be arranged with a member of the ECSS team.
  - 5.7 The review will ensure that our most vulnerable residents will continue to have an assisted waste collection.
  - 5.8 For all future developments located on private or unadopted roads, including individual dwellings, Waste Services will take a proactive approach and contact the developer as soon as a new development has planning permission. The developer will be required to sign the Indemnity Agreement for the whole site on behalf of the residents, which is not dependent on whether they have moved in to the property (Appendix B). Once the road is adopted by the County Council the indemnity agreement will not be required. This will be undertaken in partnership with Planning Services.
  - 5.9 If a road is substandard or becomes substandard overtime (even after the Indemnity Agreement is signed), ECSS will not access the road by either its crew or vehicles until the minimum standard is met again. If this happens, all effected residents will be informed and a temporary collection location, at the public highway, will be agreed to ensure collections can continue until the standards are met.
  - 5.10 An annual review of each private and unadopted road will be conducted against the criteria set out within the Project Plan. If ECSS highlights concerns of a road being of a substandard nature during the intervening month's measures will be put in place. Each road will be assessed on an individualised basis.
  - 5.11 If a homeowner of a property fails to sign the Indemnity Agreement within one month of receiving the document, it shall be at the discretion of the Director, Operations to decide whether, following a full assessment by ECSS, the road is of such a poor condition that the

crews and vehicles will not be safe to enter, then an arrangement will be made with all affected residents whereby waste will be collected from a point where the road meets the public highway.

- 5.12 To ensure all of the residents in the district, including those not directly affected are fully aware of the implications and changes proposed as part of this policy, ECDC and ECSS will work with Prominent PR to create and issue a statement of intent. This will include information explaining the current situation, the details of work we are carrying out and the positive impact this will have on waste collection for the entire district.

## 6.0 Conclusion

- 6.1 East Cambs Street Scene Ltd (ECSS) currently provides a waste collection service to residents on a number of private and unadopted roads. Some are not built to the required standards. This provision is putting the public and waste crews at risk due to health and safety concerns.

- 6.2 Private and unadopted roads are causing unnecessary damage and additional maintenance costs to waste vehicles due to substandard road conditions. Similarly, ECSS and the Council are left exposed to possible insurance claims from damage caused as a direct result of accessing private and unadopted roads in poor conditions.

- 6.3 ECSS are working continually to improve the performance of our waste collection service. By providing a waste collection service on roads in substandard conditions this is impacting on the efficiency of the team hindering future efficiencies and performance improvements.

- 6.4 ECSS will work in partnership with residents located on private and unadopted roads. The proposal will still enable assisted waste collections to continue but ensures that a suitable alternative solution will be put in place if issues are highlighted.

## 7.0 Financial Implications

There are no financial implications associated with this report, only officer time.

## 8.0 Equality Impact Assessment

- 8.1 An Equality Impact Assessment has been completed. Please see Appendix D

## 9.0 Appendices

Appendix A- Project Plan: Introduction of the policy for the Waste Collections from Private and Unadopted Roads

Appendix B- 2 x Indemnity Agreements

Appendix C- 3 x resident letters

Appendix D- Equality Impact Assessment

Appendix E- Assisted collection letter

Appendix F- Examples of private and unadopted roads which are substandard

Appendix G- List of all private and unadopted roads broken down into each parish

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### Background Documents

None

### Location

The Grange,  
Ely

### Contact Officer

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