

## APPENDIX F

**Committee:** Operational Resilience Task and Finish Group      **Date:** Tuesday 12 March 2024

**Title:** Waste Refunds

**Report Author:** Peter Holt, Chief Executive

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### Summary

1. This report sets out the position with regard to requests for refunds following the period of service disruption.

### Recommendations

2. None

### Financial Implications

- 3.

### Background Papers

4. None

### Impact

- 5.

Communication/Consultation	The council communicated the position with regard to council tax refunds during the period of disruption
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	None
Ward-specific impacts	None

Workforce/Workplace	None
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## Situation

6. Provision of weekly residential waste collections is funded through taxation not by an individual charge. All homes in the district are entitled to these collections, and there is no differential charge for larger/smaller homes, though homes in different Council Tax bands obviously pay different amounts of Council Tax, and individuals are entitled variously to single-person Council Tax discounts, Council Tax Relief Scheme etc.
7. As all homes pay for this service, there is effectively no incentive for a competitive commercial market for residential waste collection to exist, as any resident paying another supplier to empty their bins would get no Council Tax discount or refund, making the Council's domestic waste collection service a monopoly supplier. This of course has long been the case for every single local authority area in the country.
8. Service standards and frequency are at the Council's discretion, whether that is the alternating fortnightly cycle of recycling and residual waste (ie recycling bins one week and residual bins the next week), or the weekly food caddy collection. Over Christmas week in 2023, the waste collection service was suspended for the week, with staff required to take the three days that week which weren't statutory holidays as annual leave, with waste collections resuming as normal the following week.
9. There is therefore no contractual frequency or standard for waste collection which if not met gives any legal entitlement to residents to a refund or compensation, whether that is an individual bin missed or a wholesale system failure.
10. In contrast, the Council's commercial waste collections operate on a commercial basis, and in the market in direct competition with a number of commercial competitors. Individual businesses that choose to buy their commercial waste services from the Council pay a bespoke rate depending on frequency, volume etc. Failures in commercial waste collection services, whether an individual missed collection or a systemic failure, are therefore contractual do therefore in contrast stimulate conversations about refunds/compensation, though such discussions are normally a lot more fluid in terms of resolution, including a catch-up collection, and potentially influencing the negotiation at contract renewal time, such as rolling over the deal with an extra charge-free week of collection on renewal.
11. As well as the recycling, residual and food collection, the Council does offer residents a paid-for garden waste collection service for £50 a year, and this is taken up by about 25% of residents. This service did face its own operational difficulties prior to the recent bin disruption, though it also could not be operated for those weeks where there was no operator's licence in place. In light of these various disruptions, the 12 months of paid operation of this service has been extended to run for 15 months before renewal/charge for the next year, and Members also abandoned consideration as part of the 2024/25 budget just passed of raising the annual fee from £50 to £60.

12. Of these three separate waste collection models, it is therefore only the one – the main residential waste collection service – that has not already applied its own system in relation to charging following service disruption.
13. Residents in an average property – ie a Band D – pay Uttlesford District Council some £3.50 a week, as the district council only retains about 8% of the Council Tax it collects, with the rest going to Essex County Council, the Police and Fire Services, and to Parish/Town Councils
14. Of that c£3.50 a week, around 1/7<sup>th</sup> of that is attributable to the residential waste collection service. In layman's terms, this means that residents pay an average of 50 pence a week to have their bins emptied.
15. During this waste collection disruption the pattern of missed collections was asymmetric, as described elsewhere on the agenda, with most residents not having collections in one or two of the weeks affected (albeit with their collection days often out of the normal rota), with a smaller number of residents missing out for three or in the case of individual difficulties four weeks.
16. Various Councillors and members of the public have raised the issue of a refund or compensation; one resident sent an invoice claiming compensation of over £200 for a single missed waste collection (though this has no legal foundation, and is not being paid).
17. The obvious opportunity for Councillors to bring forward this issue for serious consideration was the February 2024 budget setting Council meeting – not least as any large scale refund or rebate would quickly add up to a substantial sum of money for which individual budget provision and authorisation would be required.
18. No Councillor proposed a budget amendment to this effect at the February full Council meeting, though all party groups were (as usual) offered the opportunity of officer support in advance of the meeting if they wished to bring forward an in-order budget amendment.
19. The opportunity to respond to this disruption by way of not increasing (or even reducing) the base level of Council Tax which funds this service has been missed by Councillors for the year. There would be an opportunity for Councillors to propose some other form of refund or rebate in-year still exists, though this would because of its scale likely require a mid-year budget change resolution, and would incur substantial additional administrative costs disproportionate to the cost of a small number of 50 pence a week service missed.
20. In light of the importance of providing the interim service during the disruption, drawing on the support of a local commercial provider and a neighbouring council, the waste service has spent more money than usual, rather than less. Both these additional costs incurred (which will be subject of a separate report, once the recharge bills from the other suppliers have actually been submitted) and the cost of any refund/rebate would need to either be carried by the waste

service – which would put future reliable provision at risk – or from Council funds generally,

21. Members of the Scrutiny Task and Finish Group are invited to take a view on this issue.