



REPORT TO:	Performance Monitoring Panel
DATE:	15 June 2022
SUBJECT:	Waste Collection Services from Private (un-adopted) Roadways Update
PURPOSE:	To provide an update on the policy relating to Waste Collection Services from Private (un-adopted) Roadways
KEY DECISION:	<i>N/A</i>
PORTFOLIO HOLDER:	Portfolio Holder for Environmental Services
REPORT OF:	Assistant Director Neighbourhoods, Victoria Burgess
REPORT AUTHOR:	Head of Environmental & Operational Services, Charlotte Paine
WARD(S) AFFECTED:	(All Wards);
EXEMPT REPORT?	<i>No</i>

SUMMARY

This report provides an update regarding the policy that was adopted in June 2020 regarding the longstanding practice of not collecting waste from private drives.

RECOMMENDATIONS

That the report be noted

1. BACKGROUND

- 1.1** A report of the portfolio holder for Place was published on 9th June 2020, which set out a number of recommendations relating to waste collection services from private (un-adopted roadways). This report set out to adopt as policy, the longstanding practice of not collecting waste from private drives, as well as authorising for the Environmental Services Manager, in consultation with the portfolio holder, to determine applications for deviation from the SHDC policy of collections from the curtilage.

- 1.2 The report set out an exception proposal for a development at Northons Lane, Holbeach using the set-out criteria for considering exceptional circumstances, that would be considered, upon request, for future applications.

2. REPORT

- 2.1 Since publishing the report, there have been two instances where the exceptional criteria has been met and an indemnity has been agreed with a third party, in order to undertake safe collections from an un-adopted road. This includes the Northons Lane development in the original report and Willow Walk in Spalding.
- 2.2 As a result of the original report in June 2020, there was an influx of enquiries regarding the possibility of seeking an indemnity so that developers could have collections from un-adopted roads. None of these met the criteria suitable for an indemnity to be considered.
- 2.3 As a result of this, and following discussions with the planning team, further guidance was created and published on 18 November 2021 to support the agreed policy. This guidance note provided a greater level of detail regarding the situations where an indemnity would be considered. This was done to provide support and guidance as to when an indemnity would be considered.
- 2.4 Since introducing this guidance, the number of unsuitable applications has reduced considerably.

3. CONCLUSION

- 3.1 The original policy, and the subsequent guidance note, clearly set out the position of the council in regards to the collections that it will undertake to satisfy its duty under Section 45 of the Environmental Protection Act 1990. Under section 45 the Council can specify where waste containers should be located in order for them and/or their contents to be collected.
- 3.2 The successful use of the exemptions criteria has enabled two suitable circumstances where an indemnity has been agreed to facilitate waste collections for developments in the District, therefore providing evidence that the policy is well placed to suit the needs to the council and its residents.

5. IMPLICATIONS

5.1 SOUTH AND EAST LINCOLNSHIRE COUNCILS PARTNERSHIP

- 5.1.1 Provides a clear policy and guidance regarding the councils' approach to satisfying its duty under Section 45 of the Environmental Protection Act 1990.

5.2 CORPORATE PRIORITIES

- 5.2.1 Supports the council in providing statutory services to residents.

5.3 STAFFING

- 5.3.1 None

5.4 CONSTITUTIONAL AND LEGAL IMPLICATIONS

5.4.1 Provides a clear policy and guidance regarding the councils' approach to satisfying its duty under Section 45 of the Environmental Protection Act 1990.

5.5 DATA PROTECTION

5.5.1 None

5.6 FINANCIAL

5.6.1 None

5.7 RISK MANAGEMENT

5.7.1 None

5.8 STAKEHOLDER / CONSULTATION / TIMESCALES

5.8.1 An update was provided to the Performance development panel on 8 July 2020 and 9 November 2021.

5.9 REPUTATION

5.9.1 By providing clear policy and guidance, the council can enhance its reputation of providing transparent processes and procedures.

5.10 CONTRACTS

5.10.1 None

5.11 CRIME AND DISORDER

5.11.1 None

5.12 EQUALITY AND DIVERSITY/ HUMAN RIGHTS/ SAFEGUARDING

5.12.1 None

5.13 HEALTH AND WELL BEING

5.13.1 None

5.14 CLIMATE CHANGE AND ENVIRONMENTAL IMPLICATIONS

5.14.1 None

5.15 LINKS TO 12 MISSIONS IN THE LEVELLING UP WHITE PAPER

None

6. ACRONYMS

6.1 None

APPENDICES

None

BACKGROUND PAPERS

Background papers used in the production of this report are listed below: -

Document title	Where the document can be viewed
<i>Waste Collection Services from Private (un-adopted) Roadways</i>	http://modgovsh/ieDecisionDetails.aspx?ID=698&\$LO\$=1
<i>Guidance Note - Private Drives – Waste Vehicle Collection Service</i>	http://modgovsh/ieDecisionDetails.aspx?ID=844&\$LO\$=1

REPORT APPROVAL

Report author:	Charlotte Paine cpaine@sholland.gov.uk
Signed off by:	Assistant Director - Neighbourhoods Victoria.Burgess@e-lindsey.gov.uk
Approved for publication:	Portfolio Holder for Environmental Services