

## Appendix 1

### “Recycling and Waste Restricting Programme – Update on Implementation of Phase 1” Submission to the Environmental Scrutiny Committee by Residents of South Penylan

#### 1. Background

- 1.1. We represent a neighbourhood of 1,280 homes in South Penylan who are proud of the local environment and committed to recycling and the stated aim of increasing recycling rates to meet government targets. We are aware that residents of other affected areas, notably Canton and Llandaff North, share these concerns.
- 1.2. Our houses, including the Roath Mill conservation area, have small forecourts (and predominantly small rear gardens or yards with limited lane access or access involving steps). Black wheelie bins have been imposed on 823 households with 503 also receiving green wheelie bins. These often have to be stored at the front of properties detracting significantly from the beauty of the area (Appendix 1). The Council’s Head of Strategy and Enforcement has referred to this as “unsightly”<sup>1</sup>.
- 1.3. We believe that the best, and possibly only, way for the Council to engage the community and ensure best recycling practice is the use of a limited number of striped bags.
- 1.4. The council accepts that there is no evidence that the implementation of wheelie bins instead of restricted bags as a collection method will increase recycling (the objective of the strategy); indeed the Council has cited examples of local authorities such as Monmouth and Swansea which have successfully increased their recycling rates using bag collections. There is no technical or operational reason why the streets of inner city Cardiff could not continue to use bags on a restricted basis; in fact this is what 25% of households in South Penylan and other areas of Cardiff are continuing to do.<sup>2</sup>

#### 2. Summary

We believe that the implementation of Phase 1 by Cardiff Council has been an unmitigated disaster as a result of:

- lack of consultation, poor communication and failure to follow the correct procedures;
- failure to have regard to the correct or any factors when assessing suitability for bins;
- public statements on enforcement relying on an incorrect interpretation of the legislation;
- waste of public funds; and
- operational incompetence, a complete lack of engagement, and a high-handed approach by the Councillor responsible and his department.

#### 3. Public Opposition to the Changes

- 3.1. Properly conducted surveys of Canton (2009) and Penylan (2010) provide clear evidence of resident preferences. Bins were rejected by 66.9% (Canton) and 68.6% (Penylan). Nothing has changed.
- 3.2. More recent resident and local Councillor surveys of Penylan (July-August 2015) indicate an overwhelming majority of residents (89%)<sup>3</sup> reject the bins and want a return to bags. A survey of Canton residents indicates a clear majority of residents against black bins<sup>4</sup>
- 3.3. Residents organized a well-supported Change.org petition with over 350 signatures; press coverage has been singularly unsympathetic to the imposed change in policy and highly critical of the flawed consultation (see Appendix 2); a freedom of information request less

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<sup>1</sup> Letter from Jane Cherrington to Lee Fisher 21/8/15 – see para 6.1 below

<sup>2</sup> Extract; Letter from Environment Scrutiny Committee chair to Councillor Derbyshire 22nd October 2014 Ref: RDB/PM/BD/07.10.14: “Members felt that having one standardised waste collection scheme for Cardiff was not the best way forward. They understood that having a simple system that was easy for everyone to follow was important (74% of the consultation participants agreed with this), however, the recycling differences between certain areas are so significant that tailored solutions to meet specific needs are essential.”

<sup>3</sup> 310 questionnaires returned out of 828 – 276 rejected bins

<sup>4</sup> 355 forms returned out of 1400 – 62% against black bins and 70% against green bins

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than one month after the changes revealed 285 complaints about the bins and only 8 “thankyou’s”; protest letters continue to be sent to Councillors and Council officials; a protest song and a separate protest video have gone viral on social media.

### 3.4. All these views have been ignored by the Council.

## 4. Lack of consultation, poor communication and failure to follow correct procedures

- 4.1. In paragraph 22 of Appendix 4 Item 4 (the March 2015 report to the scrutiny committee) in relation to household waste collection changes the following was stated: “A *strong communication plan would be proposed to support any potential change as all communities would need to be made aware of alterations to the waste collection system. Existing Equality Impact Assessments’ would be completed and the consultation feedback would need to be built into any proposals. A statutory screening tool would need to be completed to ensure that the changes support all residents.*” **None of these pre-conditions has been met.**

### Lack of Consultation

- 4.2. Whilst it is appreciated that the scrutiny committee is considering the implementation of the strategy it needs to be considered in the context of the “consultation” which had taken place and the manner in which the consultation was misrepresented to Cabinet who approved the strategy (see Appendix 3).
- 4.3. **The Scrutiny Committee has been told at previous meetings by Council officers that there would be no changes to the method of collection without consultation. The Committee had also been assured that there had been consultation.**
- 4.4. **The simple fact is that in the consultation process no resident of Cardiff was ever consulted on the specific policy proposals to introduce smaller bins and replace black bags (in the bagged areas) with the new smaller bins. The Cabinet were also informed incorrectly that the most recent “consultation” provided general support for more wheeled bins.**

### Poor Communication of Changes

- 4.5. Given the complete failure to consult on the specifics of the policy changes, residents knew nothing about them until they were being rolled-out. Indeed, the ‘consultation’ results were not made public until early July 2015 to coincide with the roll-out of the new scheme. This failure made it even more important to clearly inform the public.
- 4.6. The Council’s primary publicity about the changes is attached at Appendix 4. The Council has confirmed<sup>5</sup> that the general rule was that all houses which were suitable for wheeled bins would have them save for cases of operational efficiencies. The leaflet at Appendix 4 in fact contained an entirely different message (but identical to the one given in the consultation - that in bagged areas bag collections would remain). It is only the small print in the bottom right corner which gives the correct position.
- 4.7. This publicity was supported by poorly advertised meetings held during the daytime and an individual mailshot (which in Kimberley Road arrived less than a week before the bins themselves).
- 4.8. Even Council staff did not understand the changes with @cityofcardiff twitter account telling people that if they did not want a green bin they could phone C2C and have it replaced with a re-usable sack. C2C knew nothing of this and the statements were incorrect.

### Failure to follow the correct procedures

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<sup>5</sup> Answer to public question number 1 (Sarah Jones) dated 23<sup>rd</sup> July 2015

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- 4.9. **The Council appears to have treated the EIA as a tick-box exercise and conducted no specific inquiries into the differential impact of this policy change on older people or disabled groups.**
- 4.10. Despite the suggestion in March 2015 that the existing Equality Impact Assessments would be completed, the one completed by Jane Cherrington in November 2014 and reviewed and approved by Jane Forshaw in February 2015 has not changed.
- 4.11. The relevant policy change is detailed (paragraph 1) as: *'The proposal is to restrict black residual waste collection to either a smaller wheeled bin or less frequent collection for residual waste from September 2015.'* The document subsequently refers (para 4) to the period of public consultation between November and January. This is the consultation (see Appendix 3) which neither "consults" on the specific policy proposal to introduce smaller bins or even mentions the intention to replace bags with bins (in fact leaving the reader with the impression of exactly the opposite).
- 4.12. With respect to age (para 3.1), the EIA merely observes that the over-65's 'may need further support in understanding the changes'; and (para 3.2) that there will be no differential impact on any of the eight disabled categories whose needs must be considered.
- 4.13. Councils are mandated to collect evidence to ensure all these various categories are not differentially impacted by proposed policy changes. Within the Council's EIA there is no reference to any such 'evidence collecting' having been done. The continued provision of the assisted lift and the hygiene service is not 'evidence' that they have conducted a proper inquiry into the 'differential impact' of the changes (and not just in the bagged areas).

## 5. Factors/Conservation Areas

- 5.1. It is generally acknowledged that the Edwardian terraces of South Penylan are of architectural importance and heritage value. The area incorporates the Roath Mill Conservation Area. Cardiff Council's own literature on conservation areas states "*The Character of a Conservation Area is not only created by individual buildings, but also by groups of buildings and the relationship and quality of the space between them. Trees, landscape quality, road layout and street scenes all contribute to the character of the area.*". Now the bins (which are permanently on display in forecourts) blight the street scene (see Appendix 1).
- 5.2. In implementing the strategy the Council ignored its own conservation team which, when referring to the Roath Mill Conservation Area (and surrounding streets) stated: "*These late Victorian/Edwardian streets are laid out in a formal grid ... giving the areas their special character. The scale, architectural detailing and high level of preservation of these areas is unique within Wales. It is considered that the storage of wheelie bins within these front gardens and paved forecourts will undermine the special character of each area, harm the architectural composition of individual houses and detract from the distinctive stone bays and porches which define each terrace or building frontage.*". **These are precisely the issues which are now evident.**
- 5.3. Our attempts to understand how the Council implemented the policy in such areas has been met with mixed responses. The response provided at the cabinet meeting to a public question was that "*where properties are suitable for wheeled bins (i.e. they have a frontage and/or rear in which to keep the bins) the only reason why those properties do not have bins is due to operational efficiencies.*" It is clear this is simply not correct and there is evidence of curious compromises being reached. (e.g. Pontcanna, where the forecourts are significantly larger than in our area, has been exempted from bins). Different collection methods apply to neighbouring streets (and even neighbouring houses on the same streets) even though frontages are the same (or in some cases smaller for households with bins).

## 6. Seeking to use legislation incorrectly

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- 6.1. A number of residents have left their wheelie bin outside the boundary of their property either because there is no room for them or do not want them obstructing their forecourts. Jane Cherrington has referred to this in writing as “unsightly”. Given that boundary walls are normally 18 inches high they remain unsightly whichever side of the wall they are placed.
- 6.2. She has also stated that if residents do not place the bins within the boundaries of their property on days other than collection days they can face a fine of £100 under section 46 of the Environmental Protection Act. This is an incorrect use of the legislation which does not allow the Council to state where the bin will be stored outside collection times (a fact accepted by the Scottish government who have amended the same legislation in Scotland to allow them to do so).
- 6.3. This was first raised with the Council on 11<sup>th</sup> August and they have still failed to provide an adequate answer whilst continuing to threaten the imposition of fines.

### **7. Waste of Public Funds**

- 7.1. The introduction of bins into our area (which did not require them and could have operated on restricted bags) has undoubtedly incurred significant funds relating to:
  - 7.1.1. The cost of the bins (varying figures from £2.4m to £1.1m are reported);
  - 7.1.2. The increased cost of collection time given the time taken to correctly empty bins as opposed to bags - we would ask the scrutiny committee to investigate the overtime which anecdotally appears to have increased far more than expected;
  - 7.1.3. The costs of replacing 240L green bins with 140L green bins;
  - 7.1.4. The costs of surplus green bins delivered to blocks of flats or other properties without gardens (which have subsequently been removed by the Council).
  - 7.1.5. The costs of delivery collection associated with the above.
- 7.2. It is clear these latter three categories were never considered by the Council until they introduced the larger bins and faced complaints – caused by the complete lack of consultation/engagement and incompetent planning.

**Residents of South Penylan  
9<sup>th</sup> October 2015**