

## Scottish Parliament Region: Mid Scotland and Fife

### Case 200600144: Stirling Council

#### Summary of Investigation

##### **Category**

Local government: Refuse collection

##### **Overview**

The complainant, Mr C, complained when Stirling Council (the Council) changed the method and frequency of his refuse collection service.

##### **Specific complaints and conclusions**

The complaints which have been investigated are that the Council:

- (a) acted inappropriately by changing the waste collection service (*not upheld*); and
- (b) used an arbitrary figure for the number of people required before a household could apply for a larger bin (*not upheld*).

##### **Redress and recommendations**

The Ombudsman recommends that, as part of their review of the service, the Council should consider how five person households are coping with the arrangements.

The Council have accepted the recommendation and will act on it accordingly.

## **Main Investigation Report**

### **Introduction**

1. Mr C complained that Stirling Council (the Council) had drastically reduced the uplift of mixed waste from his property, from two bins per week to one bin per fortnight. While he found this was partially offset by the collection of recyclable materials, he still found it impossible to maintain his property in a hygienic state as he was required to store mixed waste on his premises for longer periods. He considered this to be a health risk and an attraction to vermin. In addition, the Council had set the number of permanent residents required before a larger bin would be provided at six, thus disqualifying families such as his own who had five members but who found the standard bin to be insufficient. Mr C said this was unfair.

2. Mr C complained to the Council but remained dissatisfied with their response. Having exhausted the Council's complaints process, he complained to the Ombudsman on 5 October 2006.

3. The complaints from Mr C which I have investigated are that the Council:

- (a) acted inappropriately by changing the waste collection service; and
- (b) used an arbitrary figure for the number of people required before a household could apply for a larger bin.

### **Investigation**

4. In order to investigate this complaint I have had access to the correspondence in relation to the complaint. I have corresponded with Mr C and with the Council and I have identified and reviewed the relevant legislation and guidelines and the way in which the Council have implemented them. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Council were given an opportunity to comment on a draft of this report.

#### **(a) The Council acted inappropriately by changing the waste collection service**

5. Mr C complained that the reduction in mixed waste collection was inappropriate, as it meant that he was required to store the waste on his premises for longer periods. He considered that the stored waste constituted a health hazard to his family and attracted vermin and that the Council were failing in their duty to provide him with a suitable waste collection service.

6. The Council said that, following a pilot of a new waste collection service, the Environmental Quality Committee (the Committee) approved standards of service delivery for waste collection on 9 September 2003. It was the Council's view that the waste collection system made appropriate provision for the disposal of waste from households. The Scottish Executive<sup>1</sup> had identified the collection of residual (mixed) waste, alternating with the collection of compostable waste, as a Best Value approach.

7. In 1999 the European Community issued a Landfill Directive, the aim of which was to reduce the volume of waste going to landfill sites. Member states are obliged to implement European Community Directives. The Scottish Executive produced the National Waste Plan 2003, which set out the 11 Area Waste Plans to be implemented throughout Scotland. Stirling Council is within the Forth Valley Area Waste Plan, which applies to the areas of Stirling, Falkirk and Clackmannanshire Councils.

8. On 9 September the Committee agreed to adopt the Forth Valley Area Waste Plan. The Committee considered the results of a pilot waste collection service, which had been started in an area of Stirling in May 2003. This involved providing households with boxes for recyclable materials and a brown bin for compostable waste, in addition to the existing (mixed waste) bin. The bins were collected on alternate weeks. The pilot had been operationally successful and also successful in diverting waste from landfill sites. The Council had analysed feedback which it had received from the public, both from correspondence and questionnaires and from a public meeting. The amount of negative feedback had been relatively low, as had non-compliance with the scheme. The Council, therefore, concluded that the scheme was an overwhelming success. Some small changes had been identified as necessary and these had been made. The Committee agreed to widen the scheme to include all of the Council's areas.

9. In response to my enquiries, the Director of Corporate Services said that, in terms of the Landfill Allowance Scheme (Scotland) Regulations 2005, the Scottish Executive issued guidance to local authorities setting a limit on the

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<sup>1</sup> On 3 September 2007 Scottish Ministers formally adopted the title Scottish Government to replace the term Scottish Executive. The latter term is used in this report as it applied at the time of the events to which the report relates.

amount of waste the authority could send to landfill sites. Fines for exceeding the set allowances are set at £150 per tonne. He said that, in view of that, it would be inappropriate for the Council not to implement the Forth Valley Area Waste Plan.

10. Research published by the Department for Environment, Food and Rural Affairs in February 2007 indicated that no significant adverse health effects were likely to be caused by alternate weekly waste collections of mixed waste.

*(a) Conclusion*

11. It is clear that the Council were obliged to restrict the uplift of mixed waste from households, in order to reduce the amount of waste going to landfill sites. I note that a small number of people at the Council's public meeting expressed a desire for more frequent collection of both bins, due to perceived odour and hygiene issues. The great majority of the audience, however, thought the pilot was a good idea. It was, therefore, reasonable for the Council to implement the scheme throughout the area. Accordingly, I do not uphold this complaint. Although I can understand Mr C's concerns, the research indicated that no significant adverse health effects were likely to be caused by alternate week collections of mixed waste.

**(b) The Council used an arbitrary figure for the number of people required before a household could apply for a larger bin**

12. Mr C complained that, in setting the figure for the number of permanent residents required before a household could apply for a larger bin at six, the Council had discriminated against households such as his which had five members. He considered the Council had selected the figure inappropriately.

13. The Council said that their policy was based on feedback from households of five and six people in the area covered by the pilot. The Council had accepted the proposal that households with six or more people could request a 360 litre bin (as opposed to the standard 240 litre bin), with the facility being reviewed every six months.

14. In response to my enquiries on this point, the Director of Corporate Services said that questionnaires had been delivered to all households within the pilot area. The survey showed that, in households with five or less residents: 67 percent said that the scheme was working effectively; 28 percent thought that it wasn't; and 5 percent did not say either way. On the other hand,

in households with six or more residents: only 15 percent indicated that the system was working efficiently; and 80 percent said it did not. It had, therefore, been proposed and accepted that households with six or more residents could request a larger bin for mixed waste. The Director said that all residents could, in addition, request reasonable amounts of additional recycling boxes and bins for compostable waste. Mr C said that all of the 28 percent of people in households of five or fewer residents might be in a five person household. The Director said, however, that since the policy was adopted it had repeatedly been shown that, if a householder used the collection system fully, separating all materials into the correct bin or box, there was rarely a problem, even with five or six in a household.

15. In response to his complaint, the Council arranged for the Waste Management Officer to visit Mr C. The Waste Management Officer arranged for Mr C to have three further recycling boxes, in addition to the one he already had. The Director of Corporate Services said that the Council regularly provided advice to residents on how to reduce waste and recycle more. Some people failed to realise that they could have more than one recycling box uplifted per week or that they could purchase a discounted home composter, which could further reduce the material in their mixed waste bin.

16. In response to my further enquiries, the Council said that the questionnaire was only one of the feedback methods used to provide management information. Collection crew reports and spot bin checks, combined with public feedback through telephone calls, letters, emails, door-to-door visits, anecdotal observations, workshops, the Stirling area community waste forum and discussions with partners had also been used. The system had also been upgraded since the pilot, to include the collection of plastic. Of the 70 five person households who responded to the survey (see paragraph 14), 34 said that the system was working for them and 32 said it was not. Four households did not offer a view. The Council said they intended to continue to review how the service was working.

*(b) Conclusion*

17. It appears from the evidence that the Council consulted widely about the new system but it appears that the only actual empirical evidence obtained by the Council with regard to five person households was contained in the survey results. Clearly, the 70 households referred to above (see paragraph 16), who responded to the survey, were fairly evenly split as to whether the system was

working for them. However, this is a discretionary decision which the Council are entitled to take, having regard to the facts. I have seen no evidence of fault in the way they reached their decision to set the family size at six. They are committed to keeping the matter under review and, accordingly, I do not uphold this complaint. However, the Ombudsman has the following recommendation to make.

*(b) Recommendation*

18. The Ombudsman recommends that, as part of the review, the Council should consider how five person households are coping with the arrangements.

19. The Council have accepted the recommendation and will act on it accordingly. The Ombudsman asks that the Council notify her when the recommendation has been implemented.

**Explanation of abbreviations used**

Mr C	The complainant
The Council	Stirling Council
The Committee	The Council's Environmental Quality Committee

**List of legislation and policies considered**

The Landfill Directive 1999/31/EC

The National Waste Plan 2003

The Forth Valley Area Waste Plan 2003

The Landfill Allowance Scheme (Scotland) Regulations 2005 Scottish Executive  
Guidance: March 2007

Health Impact Assessment of Alternate Week Waste Collections of  
Biodegradable Waste: Defra February 2007