

GWYNEDD COUNCIL CABINET



Date of Meeting: 17 September, 2019
Cabinet Member: Councillor Catrin Wager
Contact Officer: Steffan Jones, Head of Highways and Municipal
Contact Telephone Number: 32402
Title of Item: Waste Enforcement Scrutiny Investigation Report

Report to a meeting of Gwynedd Council Cabinet

1. THE DECISION SOUGHT

- 1.1 Implement the recommendations of the working group Scrutiny Investigation (enclosed report) which includes the following:
- 1.2 To use the powers of the Environmental Protection Act (1990), Sections 46 and 47 which relate to waste containers, to introduce a new procedure to fine residents and businesses where and when necessary, who dispose of their waste on the wrong day or in the incorrect way, as a matter of priority.
- 1.3 To undertake a county-wide promotion campaign to raise awareness of the waste and recycling arrangements, with a particular focus on the City of Bangor and acknowledging the geographical and demographical differences within the county at different times of the year.
- 1.4 To place "QR Code" stickers on recycling receptacles to allow 24 hour access to residents to their waste and recycling collection days and information on items that can be recycled.
- 1.5 To formalise collaboration arrangements between Council Departments.
- 1.6 To increase awareness of the Clinical Collections Services and Special Collection Service available for older people and disabled people to dispose of their waste. This can be done as a part of the broader promotion campaign.
- 1.7 To promote the current network of Recycling Centres and hold a specific campaign for the Bulky Waste Collection Service.

2. INTRODUCTION

- 2.1 Following a Notice of Motion submitted by Councillor Lesley Day to the Council meeting on 2 March, 2017, the Council adopted the former member's motion to ask the Cabinet Members to consider issuing penalties as a matter of urgency to residents and businesses.
- 2.2 In line with the Council's Scrutiny process, the matter was referred to the Communities Scrutiny Committee which decided that the best course of action would be to undertake a scrutiny investigation on the matter.
- 2.3 The objective of the Investigation Group was to draw up clear recommendations based upon robust evidence for consideration by the Cabinet Member. The investigation brief can be seen in Appendix 1 of the Scrutiny Investigation report (Appendix A).
- 2.4 The background and current situation is highlighted in section 3 of the Scrutiny Investigation Report (Appendix A).
- 2.5 Detailed work has been undertaken in order to understand the current situation, look at the relevant legislations including engaging with officers working in the Planning and Landlord Licencing field.
- 2.6 The Waste and Recycling Service including the Street Cleansing Service provides a very valuable service for the people of Gwynedd but are under pressure to respond to the needs and high expectations especially in some areas.
- 2.7 In order that we ensure the streets within Gwynedd are clean and tidy, it is essential we build up a good partnership between the Council and the residents and businesses of the County.
- 2.8 During the investigation it became clear that a much stricter approach must be taken towards environmental crimes and to come to a stricter arrangement for imposing fines.
- 2.9 The recommendations set out steps to do so, including a specific recommendation to issue a fine as a matter of priority for residents and businesses who dispose of their waste on the wrong day or in the incorrect way.

An Equality Impact Assessment was carried out as part of the Scrutiny Investigation. Proposed operational procedures will closely adhere to this evidence as enforcement is unlikely to be appropriate if an individual is vulnerable, for example due to age related ill-health, or a mental or physical disability. All such cases will need to be resolved with utmost sensitivity.

- 2.10 We therefore ask that all the recommendations as noted are adopted in order that we may follow a procedure where residents and businesses:
 - dispose of their waste on the wrong day
 - who dispose their waste in the incorrect way
 - who leave their receptacles out on the street at all times.

3. THE REASON FOR THE NEED FOR A DECISION

3.1 Many communities in Gwynedd suffer from problems caused by people disposing of their waste on the wrong day or in the wrong way. The Council deals with a high number of complaints from the public about these issues.

3.2 Sections 46 and 47 of the Environmental Protection Act (1990) authorises County Councils to take enforcement steps in relation to crimes relating to waste collection and to issue fines where:

- A receptacle left out on the wrong day,
- A receptacle is left out in the wrong location,
- A receptacle is left out on the street permanently,
- There is too much waste for the receptacle,
- Waste is being disposed of in the wrong receptacle.

Some Councils are already using these powers.

3.3 The Current Procedure

- When the Council becomes aware of the problem, a review is held which includes input.
- From one of the Council's Street Enforcement Wardens.
- If the individual complies, no further action is taken.
- If the individual fails to comply, an informal warning letter is sent by the Council.
- If the individual complies, no further action is taken.
- If the individual is unable to comply for the second time, the current policy does not allow for the Legislation to be implemented. This means that the bins continue to remain in the street, causing an obstruction to public roads and pavements, making it difficult for pedestrians to use them, particularly wheelchair users and parents with prams. Of course, this also creates an unfavourable image of communities across the county.
- Should the Council incorporate the Environmental Protection Act (1990), it would be possible to issue a formal warning unless the individual would comply after receiving an informal letter. Further steps would then lead to a Court case.

Appendices

Appendix A – Scrutiny Investigation on Waste Enforcement – Communities Scrutiny Committee (04.07.19)

4. VIEWS OF THE STATUTORY OFFICERS

Monitoring Officer:

The report is the result substantial work undertaken i respect of scrutiny and the recommendations follow from this work. The Legal Service has been advising in terms of enforcement matters and it is expected that this will continue whilst establishing the necessary procedures. No further comments in terms of probity.

Head of Finance Department:

The Highways and Municipal Department are not asking for a direct budget to implement this decision. The Department have declared that they are confident that they will be able to absorb the additional work of promoting and raising awareness within the current resources of their waste/recycling and enforcement teams. It is anticipated that all of the recommendations will be achieved within 12 months.