

Equality Impact Assessment

See the leaflet *How to Make an Equality Impact Assessment* for help to complete this form. You are also welcome to contact Delyth Williams, Policy and Equality Officer on ext. 32708 or DelythGadlysWilliams@gwynedd.llyw.cymru, for further assistance.

I Details

I.1. What is the name of the policy / service in question?

Scrutiny Investigation on Waste Enforcement

I.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

Gwynedd Council is undertaking a scrutiny investigation to consider the issuing of penalties for residents and businesses who dispose of their waste on the wrong day or in the incorrect manner and leave the waste and recycling receptacles/bins out on the street permanently. Several parts of Gwynedd suffer as a result of problems caused by people who dispose of their waste on the wrong day or in the incorrect manner.

Legislation on waste enforcement is contained within the Environmental Protection Act 1990 ("the Act"). This Act contains many provisions which assist the Council to deal with waste problems on land in general, including waste receptacles (sections 46, 47, 47ZA and 47ZB).

These are the sections of the Act that deal specifically with waste receptacles and are therefore most relevant to waste disposal on the wrong day or in the incorrect manner.

- Section 46: household waste containers
- Section 47: commercial or industrial waste containers
- Section 47ZA: fixed penalty notices
- Section 47ZB: amount of fixed penalty under section 47ZA

The Council has a right to take enforcement action on offences involving waste collection under Sections 46/47 of the Environmental Protection Act 1990. Under the Act, a case can be made and fines imposed if:

- i) The receptacle is out on the wrong day

- ii) The receptacle is out in the wrong location
- iii) The receptacle is out on the street permanently
- iv) The receptacle is overflowing with waste
- v) Waste is in the wrong receptacle.

1.3 Who is responsible for this assessment?

Steffan Jones, Head of the Highways and Municipal Department.

1.4 When did you commence the assessment? Which version is this?

November 2018
Version I

2) Action

2.1 Who are the partners it will be necessary to work with to undertake this assessment?

- Members of the Communities Scrutiny Committee
- Gwynedd Council Councillors
- Gwynedd Residents
- Gwynedd Businesses

2.2 What measures have you taken to engage with people with equality characteristics?

As part of the investigation, the Working Group has conducted site visits in order to gather evidence of the current situation. Whilst gathering evidence, we have engaged with students from Bangor University, people who are living with dementia, and older people.

Also, the Council has held a public engagement exercise, 'What matters to you', and has engaged with a number of groups with equality characteristics as part of this project. A number of observations were received from the people of Gwynedd on the Waste and Recycling Service and the results of the exercise can be seen [here](#)

2.3 What was the outcome of the engagement?

As a Council, we have gathered some information regarding residents' views on the waste and recycling arrangements, collected as part of the 'What matters to you' engagement exercise in October 2018.

2,478 responses were received from individuals to the questionnaire and 38 organisations / businesses took advantage of the opportunity to complete the questionnaire. 59 options were presented to be placed in one of five categories namely most important, very important, important, fairly important and least important. In order to analyse the options, a score of 5 was given to the services in the 'most important' box, down to a score of 1 for the services that scored as being 'least important'. A total score was taken for all the responses for each service to enable us to rank them in order of importance.

The ranking of services in line with the views of Gwynedd residents regarding their importance indicates that 'Waste collection and recycling' was third according to the total score.

Also, there was an opportunity for responders to note any further comments in an open box at the end of the questionnaire. 90 comments were received (the second largest) regarding a 'need to have a better service to collect waste / dog fouling / recycling'. The results of the consultation can be seen [here](#)

As part of the Scrutiny Investigation on Waste Enforcement, a focus group was held with students from Bangor University to discuss their use of the waste and recycling service. It was noted that some students do not recycle in shared housing. Amongst the difficulties of living with a group of new people was that some were conscientious and others were not. It was noted that there was a problem with people walking past and using other people's bins incorrectly, e.g. pizza boxes after nights out. In addition, the strong message heard was that the landlords did not take responsibility for sharing information about the recycling arrangements with students and they did not provide enough recycling facilities. It was felt that measures should be put in place to educate people - and target the worst offending areas first. It was acknowledged that those who did not adhere to the arrangements correctly did so as they were not knowledgeable / did not bother and it was noted that some people had difficulties with plastics and their awareness of what could / could not be recycled. It was noted that recycling could be difficult for students from overseas. This would be mainly due to the fact that the arrangements were new to them, and they may not be aware of what could be recycled and the formal language used could also be considered as a barrier.

A focus group was held with a group of individuals who attended DementiaGo sessions at Gwynedd Byw'n lach Centres, and a focus group with individuals who attended falls prevention sessions. A large number of the group noted that they had noticed that staff who empty the recycling carts place the upper box inside the central box once the cart has been emptied, and it was asked why this was done. It was noted that the upper box often got stuck and they were not strong enough to take it out and therefore it was asked if it would be possible for staff to not do this? It was also suggested that a sticker could be used by those persons who do not want the recycling cart to be left in this way, once emptied.

Many were unsure where to place some items e.g. in which box does foil go? Questions were also asked regarding cartons, flower-pots and black plastics. It was noted that everyone in the group used the food waste bin and the recycling boxes. Several questions were raised

regarding soft plastics. They were aware that soft plastics cannot be recycled and it was asked whether the Council had any ideas or initiatives for these rather than to dispose them in the residual waste bin. They liked the laminated information sheets that were available in the sessions and individuals from the DementiaGo group felt that these were particularly useful since they had lost their short-term memory.

Also as part of the investigation, a questionnaire was distributed during the Bangor University Freshers Fair and at the Gwynedd Older People Conference and 23 responses were received to the questionnaire.

It was noted that the majority of responders used the waste and recycling collection arrangements (83%, namely 19 people). One responder decided not to answer the question.

Those who had answered 'no' (3 people) were asked to explain their answer. 2 responders had noted that they lived in University halls, and that they did not use the arrangements as they were having difficulties with the recycling collections.

The responders were asked, "How often do you use the waste and recycling collection arrangements?" - namely cartgylchu or blue box, the small brown bin for food, the large brown bin for garden waste, and the large green bin for the residual waste.

It was noted that the majority of responders used the waste and recycling collection arrangements every week (83%, namely 19 people). Those who did not make full use of the arrangements (3 people) were asked to explain their answer. The reasons noted were: Live in the Ffriddoedd site, Bangor University (1), Only place the cartgylchu outside when it is full (1), Bin / cartgylchu has been lost (1).

The responders were asked, "Where do you keep your bins when they are not being collected?" The majority of the responders noted that they kept the bins at the back or side of the house (11 people). A number of responses were received to this question:

	Number
Side / back of house	11
Front of house	5
Noted a problem <ul style="list-style-type: none"> The students do not do it - unsuitable housing / access / garden / stairs. (1) Stairs are a problem, nowhere to leave them and pass, so (keep the bins) on the street. (1) 	2
On the stairs	1
A parcel of land	1
Site near the Halls (Bangor University)	1
No response	2
Total	23

2.4 On the basis of what other evidence do you operate?

The Working Group has gathered evidence from many areas and has conducted site visits in Bangor and Porthmadog.

The Members of the Working Group noted that the experience of visiting various locations had been very valuable to the investigation. It was noted that Bangor was clearly in a unique situation, which was concerning. Porthmadog had highlighted "the norm".

Observations about further visits:

- Rural Waste - suggestion that problems be recorded and photographs taken rather than visiting. Problems arose unexpectedly, not the same density as Bangor.
- 146 community bin locations (mainly in Meirionnydd). On the whole the arrangements worked. It appeared that there was an increase in use during the Summer.
- More complaints were being received about fly tipping.

A questionnaire was completed with students during 'Freshers Week'. Students were asked about their awareness of the different coloured bins and if they knew what type of waste went into each bin. They were also asked if they sorted their waste, if they knew when bins were collected and also where their bins were stored on days when the bins were not collected.

2.5 Are there any gaps in the evidence that needs to be gathered?

3) Identifying the Impact

3.1 What impact will the new policy/service or the changes in the policy or service have on people with equality characteristics? The Council must give due attention to the impact any changes will have on people with equality characteristics.

Characteristics	What type of impact? (delete if not applicable)	In what way? What is the evidence?
Race (including nationality)	Negative	Negative - many students from overseas, who do not use Welsh or English as their first language, live in the Bangor area. At the moment, we do not create leaflets and calendars in different languages but we will work with the Students Union to ensure that overseas students understand the waste and recycling arrangements.
The Welsh language	None	No impact, everything would be available in Welsh and English.
Disability	Positive and negative	Negative - imposing fines without considering various needs could cause problems for disabled people who find

		<p>it difficult to move the bins or who do not understand the arrangements. Also, consideration needs to be given to people who use BSL and those who are unable to use the service correctly due to ill-health.</p> <p>Positive - the investigation includes using powers for those who leave their bins out on the street permanently. Disabled people, particularly wheelchair users, find it difficult to use the pavements when bins cause an obstruction. Using the powers should cause fewer obstructions to these people.</p> <p>A Special Collection Service is available for those who cannot take their bins or recycling boxes out to the collection point due to disability or illness. Special arrangements are in place for the weekly collection of clinical waste.</p> <p>It is recommended that awareness should be raised 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.</p>
Gender	none	We have not identified an impact
Age	Positive	<p>Positive - The investigation includes using powers for those who leave their bins out on the street permanently. Some older persons and parents with prams find it difficult to use the pavements when bins cause an obstruction. Using the powers should cause fewer obstructions.</p> <p>See also the section on disability, as older people are more likely to be disabled.</p>
Sexual orientation	none	We have not identified an impact
Religion or belief (or non-belief)	none	We have not identified an impact
Gender reassignment	none	We have not identified an impact
Pregnancy and maternity	none	We have not identified an impact. Special arrangements are in place for the weekly collection of nappies.
Marriage and	none	We have not identified an impact

civil partnership		
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3.2 Does the policy or the service affect their General Duties under the 2010 Equality Act? The Council must give due attention to the way any change affects these duties.

General Duties of the Equality Act	Does it have an impact? (Delete if not applicable)	In what way? What is the evidence?
Abolishing illegal discrimination, harassment and victimisation	Yes	<p>Positive - the current situation indicates that a number of residents and businesses leave bins out permanently and these cause an obstruction on the roads and pavements.</p> <p>This makes it difficult and sometimes impossible for wheelchair users and those with prams to use the pavements.</p> <p>Negative - something needs to be put in place to ensure that some groups e.g. disabled people, people who do not speak Welsh or English as a first language, older people are not affected negatively by being fined due to a lack of awareness of the arrangements rather than a lack of compliance.</p>
Promoting equal opportunities	Yes	As above
Encouraging good relationships	Yes	This will strengthen the relationship between the groups with equality characteristics being affected by the bins being out on the streets permanently, and their neighbours, etc.

4) Analysing the results

4.1 Is the policy therefore likely to have a significant, positive impact on any of the equality characteristics or the General Duty and what is the reason for this?

Yes. The current situation indicates that a number of residents and businesses leave bins out permanently and these cause an obstruction on the roads and pavements.

This makes it difficult and sometimes impossible for wheelchair users and those with prams to use the pavements.

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4.1 Is the policy therefore likely to have a significant, negative impact on any of the equality characteristics or the General Duty and what is the reason for this?

Perhaps some residents may not understand the arrangements as the leaflets and calendars are difficult to understand. We have to consider that people with a specific illness may also find it difficult to follow the arrangements. We will engage with people who live with dementia in order to find out what are the current obstacles.

4.3 What should be done?

Choose one of the following:

Continue with the policy / service since it is robust	√
Amend the policy to remove any obstructions	
Suspend and delete the policy as the detrimental impacts are too great	
Continue with the policy as any detrimental impact can be justified	

4.4 What steps will you take to reduce or mitigate any negative impacts?

The Department will undertake a county-wide promotion campaign to raise awareness before implementing any changes. It is important to ensure that people know about the services that already exist e.g. the special collection service.

4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.

5) Monitoring

5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?

We will update the assessment as required when drafting the policy.