



FULL COUNCIL REPORT

Date Written	3 rd February 2016
Report Author	Valerie Steel
Service Area	Waste Management
Committee Division	Neighbourhood Services
Exempt/Non Exempt	Non Exempt
Committee Date	20 th April 2016

To: Chair, Ladies and Gentlemen

NO SIDE WASTE POLICY ENFORCEMENT PROCEDURE & REMOVAL OF DISCRETIONARY EARLY PAYMENT DISCOUNT

1.0 SUMMARY OF THE REPORT

- 1.1 The report seeks Council approval to change the existing enforcement procedure in respect of the Council's "No Side Waste" Policy. The recommended change will reduce the current 4 stage; 8 week (minimum) process to a 3 stage; 6 week (minimum) process that should have positive impacts on the street scene across the County Borough.
- 1.2 Currently there is a 6 month period following an offence whereby if a further offence is committed the householder will progress to the next stage of the process. There can be an 18 month procedure in these instances for a householder to receive a Fixed Penalty Notice after receiving the initial Red Tag. The report also seeks approval to dispense with the 6 month period so that any offence is progressed to the next stage of the process without any delay.
- 1.3 Currently MTCBC operates a policy of a discount for early payment of Fixed Penalty Notices issued for Failure to Comply with a Waste Receptacles Notice under Section 46 of the Environmental Protection Act 1990.
- 1.4 The default penalty for this offence is £100; however the discounted penalty for payment within 10 days of the Fixed Penalty Notice being issued is £60.
- 1.5 Given the Council's priority for a Sustainable Environment the report also seeks to remove the early payment discount to maximise the deterrent of not complying with environmental legislation.

2.0 RECOMMENDATION(S) that

- 2.1 The dispensation of the initial stage of enforcement as outlined in 7.1 be approved and to adopt the method of issuing a red tag and a warning letter immediately evidence is gained be approved.
- 2.2 The dispensation of the 6 month period to provide a quicker solution to issues mentioned in this report be approved.
- 2.3 The removal of the early payment discount from Fixed Penalty Notices issued pursuant to Section 46 of the Environmental Protection Act 1990 be approved.
- 2.4 The implementation of the changes from 20th April 2016 be approved.

3.0 INTRODUCTION AND BACKGROUND

- 3.1 Council approved a report entitled Customer Services Enforcement Policy on 20th July 2011 which dealt with waste and environmental crime enforcement.
- 3.2 Council approved a report on 30th January 2013 to make changes to the Customer Services Enforcement Procedure in respect of communal collection points that reduced the 8 week (minimum) enforcement procedure to 4 weeks (minimum) i.e. immediately evidence is found a Section 46 Notice is issued.
- 3.3 In an attempt to control waste across the County Borough the enforcement procedure mentioned below is used. Following 3 previous stages to encourage householders to comply with the requirements of how to present waste for collection, the final stage (and last resort) is to serve a Fixed Penalty Notice under Section 47ZA of the Environmental Protection Act 1990.
- 3.4 The Authority currently offers a £40 discount for early payment of the Fixed Penalty Notice fee.

4.0 NO SIDE WASTE POLICY

- 4.1 The current procedure for dealing with non-compliance with the Council's Waste Management Policies is as follows:-
 - 1st Offence – Red tag attached to wheeled bin container
 - 2nd Offence – Red tag attached to wheeled bin container and letter issued
 - 3rd Offence – Section 46 Environmental Protection Act 1990 Notice served on householder
 - 4th Offence – Fixed Penalty Notice served
- 4.2 The procedure takes a minimum of 8 weeks depending on the number of times a contravention of the policy occurs and within what timescale.

- 4.3 Currently there is a 6 month period following an offence whereby if a further offence is committed the householder will progress to the next stage of the process. There can be an 18 month procedure in these instances for a householder to receive a Fixed Penalty Notice after receiving the initial Red Tag.

5.0 COLLABORATIVE CHANGE PROGRAMME

- 5.1 As members are aware during January/February 2015 all 240 litre wheeled bins were changed to 140 litres as part of the Collaborative Change Programme that restricts the amount of residual waste householders can present for collection and therefore encourages participation in the Council's recycling collection services.
- 5.2 This was followed in June 2015 by the recycling collection service changes from co-mingled to multi-stream collections.
- 5.3 To accommodate the collection changes, in addition to existing recycling and food waste containers, householders have been issued with a blue sack with a Velcro flap to store plastic containers and cans plus free food waste caddy liners.
- 5.4 At the time of the changes, new "shower cap" lids have been issued to those households that required them.
- 5.5 To help alleviate a serious problem with contamination of materials being collected, householders have been requested not to present any waste in black sacks and to use the containers provided to separate materials presented for collection.

6.0 STREET CLEANSING ISSUES

- 6.1 It appears that since the service changes the standard of cleanliness of some areas across the County Borough has deteriorated.
- 6.2 There has also been an increase in the number of fly tipping reported incidents.

7.0 ENFORCEMENT

- 7.1 If a refuse bin is situated outside a specific property and contravenes the "No Side Waste Policy", the bin and side waste is normally easily identified to the property and action can be taken with confidence that the waste has come from a particular property.
- 7.2 Substantial time is being lost in following the 4 stage enforcement procedure as householders that are contravening the policy are becoming familiar with the lengthy process and may be taking advantage by presenting side waste out for collection knowing that it will take more than one occasion before action is taken by the Council.
- 7.3 The 4 stage enforcement procedure has been operating since 2011 when the Council switched from weekly to fortnightly collections of residual waste. Since that

time there have been significant changes in MTCBC waste collections as mentioned in Section 5 above.

- 7.4 To ensure householders are complying with the Council's requirements in respect of the way in which they present their waste for collection and to assist in alleviating negative impacts on Merthyr Tydfil County Borough environmental surroundings that cause problems for the street litter crews the current enforcement procedure requires a review and an update.
- 7.5 If the procedure is reduced to a 3 stage enforcement procedure i.e. issuing of a red tag and warning letter immediately evidence is found, this would improve the situation on the streets and provide a quicker solution to issues mentioned in this report. It would also support the Council's persistent messages to householders' that depositing unsorted waste for collection and apathetic attitudes towards recycling is no longer an option.
- 7.6 A 3 stage enforcement procedure would free up valuable time for the Refuse & Recycling Wardens allowing them to focus on "hot spot" properties/areas and awareness raising and engagement projects in line with national behavioural change campaigns.
- 7.7 A reduced stage enforcement procedure will strengthen the 12 month joint working pilot project with the company 3GS that commenced on 1st February 2016.
- 7.8 The continuation of offering a discount for early payment of the Fixed Penalty Notice is lessening the deterrent to householders who continuously fail to comply with the Authority's requirements in respect of presenting waste for collection.
- 7.9 For information, the number of Fixed Penalty Notices issued by the Waste & Recycling Wardens since September 2011 is only 63.

8.0 FINANCIAL IMPLICATION(S)

- 8.1 The recommended changes to policies should have a positive impact on income.

9.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

- 9.1 The Single Integrated Plan & Sustainability Impact Assessment has been completed and the proposals positively impact on the following priorities:-
 - People in Merthyr Tydfil benefit from a strong, sustainable and diverse economy.
 - People, who live and work in Merthyr Tydfil are supported to enjoy a healthier and better quality of life.
 - People enjoy a vibrant, attractive, safe and sustainable place in which to live, work, play and visit.
 - Sustainable Development - enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations.

- Financial Sustainability of Public Services.
- Working with Communities - The role of communities working in partnership to help to deliver the Vision and Priority Outcomes for Merthyr Tydfil.
- Equal Opportunities – ending discrimination, ensuring equality of opportunity and that all parts of our population can live together, where every person has an equal chance to participate and has equal access to services.
- Social Inclusion - ensuring that no-one is disadvantaged because of poverty, geography or access to services.

9.2 A negative impact has been identified on the following priority however it can be mitigated by ensuring the public are notified of the change to the enforcement process:

- Poverty - preventing poverty, helping people out of poverty and mitigating the impact of poverty.

10.0 EQUALITY IMPACT ASSESSMENT

10.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council’s website/intranet via the ‘Equality Impact Assessment’ link.

ELLIS COOPER
CORPORATE DIRECTOR PLACE AND
TRANSFORMATION

COUNCILLOR DAVID JONES
CABINET MEMBER FOR
NEIGHBOURHOOD SERVICES AND
PUBLIC PROTECTION

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location
Does the report contain any issue that may impact the Council’s Constitution?		No

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.