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To: Councillor Jean Morrison MBE, Convener; and Councillors Cooney, Corall, Delaney, Donnelly, Jackie Dunbar and Finlayson.

Town House,
ABERDEEN 19 June 2015

ZERO WASTE MANAGEMENT SUB COMMITTEE

The undernoted items are circulated in connection with the meeting of the **ZERO WASTE MANAGEMENT SUB COMMITTEE** to be held here in the Town House on **TUESDAY, 23 JUNE 2015 at 2.00 pm.**

RODERICK MACBEATH
SENIOR DEMOCRATIC SERVICES MANAGER

B U S I N E S S

- 4 Waste Enforcement Review-late circulation (Pages 1 - 34)

EXEMPT BUSINESS

- 5 Zero Waste Project Altens East Update -now exempt (Pages 35 - 40)

Should you require any further information about this agenda, please contact Lynsey McBain, tel. 01224 522123 or email lymcbain@aberdeencity.gov.uk

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ABERDEEN CITY COUNCIL

COMMITTEE	Zero Waste Management Sub-Committee
DATE	23 June 2015
DIRECTOR	Pete Leonard
TITLE OF REPORT	Waste Enforcement Review
REPORT NUMBER	ZWSC/7592
CHECKLIST COMPLETED	Yes

1. PURPOSE OF REPORT

The purpose to this report is to seek feedback on the a proposed report to Communities, Housing and Infrastructure Committee on Waste Enforcement.

2. RECOMMENDATIONS

It is recommended that the Sub-Committee considers the contents of the report and provides feedback to officers in advance of the Communities, Housing and Infrastructure Committee meeting in August 2015.

3. FINANCIAL IMPLICATIONS

There are no direct financial implications from this report, however, the CHI report includes options that require a financial commitment.

4. OTHER IMPLICATIONS

None from this report.

5. BACKGROUND/MAIN ISSUES

5.1 A report has been prepared for the Communities, Housing and Infrastructure Committee (Appendix 1). Feedback is requested prior to finalization.

6. MANAGEMENT OF RISK

See Appendix 1

7. BACKGROUND PAPERS

Appendix 1. Draft Waste Enforcement Review Report

8. REPORT AUTHOR DETAILS

Mark Reilly

Head of Public Infrastructure and Environment

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Tel: 01224 523910

Appendix 1. Copy of draft report.

ABERDEEN CITY COUNCIL

COMMITTEE: Communities, Housing and Infrastructure

DATE: 19th May 2015

DIRECTOR: Pete Leonard

TITLE OF REPORT: Waste enforcement review

REPORT NUMBER: CHI/

CHECKLIST RECEIVED: Yes

1. PURPOSE OF REPORT

The report outlines the current approach of Aberdeen City Council towards waste enforcement, identifies gaps with the current approach and provides a proposal for the way forward.

2. RECOMMENDATIONS

That the Committee:

Recommendation 1: It is recommended that option 2 is taken forward – the mid level enforcement approach. This would involve implementing a pilot project in the city centre for one year and seconding 2 officers into a dedicated waste enforcement role.

3. FINANCIAL IMPLICATIONS

There are potential financial implications from this report which would be found within current budgets. There is a potential for partnership working with Aberdeen Inspired which is being explored further.

4. OTHER IMPLICATIONS

Legal: introducing the recommendation outlined in this report would help the authority meet its legal obligations in this area outlined in 5.1.3.

Resource: The funding required to implement this project is outlined in appendix 4 and would be found within existing budgets.

Personnel: 2 full time enforcement officers would be recruited to deliver this pilot project for a temporary period of 12 months. Secondment opportunities would be considered in the first instance.

Sustainability and environmental: Introduction of this pilot scheme will have a positive environmental impact on the city centre through a reduction in fly tipping and education of local businesses about their responsibilities.

Health and safety: Risk assessments will be conducted for the activities of these officers and measures taken to mitigate any risks identified.

5. BACKGROUND/MAIN ISSUES

5.1 Background

- 5.1.1 There are over 4000 reported cases of fly tipping each year within Aberdeen City which includes anything from a bin bag next to a street bin, a piece of furniture or larger scale dumping from a vehicle. This figure could be potentially doubled by the unreported fly tipping that is proactively collected by the Waste and Street Cleansing teams. The 4000 reported cases cost an estimated £100,000 to collect and even more to dispose of. In addition to this the Waste team have regular complaints from the general public about businesses putting their waste into the domestic waste stream. This problem is not currently investigated by any team within the Council. As result of this a review of waste enforcement within Aberdeen City Council was carried out.
- 5.1.2 This investigation into waste enforcement carried out by Aberdeen City Council included most aspects of waste enforcement such as littering, fly tipping, side waste, businesses putting waste into the domestic waste stream and businesses segregating their waste correctly. It did not investigate the issue of bins being permanently left out on the streets as this is being discussed separately.
- 5.1.3 The following pieces of legislation are the main relevant pieces of legislation that provide the framework for all waste enforcement activities:
- **Environmental Protection Act (EPA) 1990** – this Act defines the fundamental structure and authority for [waste management](#) and control of [emissions](#) into the [environment](#).
 - **Section 33 (1) (a) of the EPA 1990** prohibits the unauthorised or harmful deposit, treatment or disposal of waste. Under this section a person shall not deposit controlled waste, or knowingly cause or knowingly permit controlled waste to be deposited in or on any land unless a waste management licence authorising the deposit is in force. This section is used to enforce against fly tipping offences. Fixed Penalty Notices (FPN) can be issued using this section of the EPA.
 - **Section 34 of the EPA 1990** lays out a number of duties with respect to the management of waste. Waste must be managed correctly by storing it properly, only transferring it to the appropriate persons and ensuring that

when it is transferred it is sufficiently well described to enable its safe recovery or disposal without harming the environment.

- **Section 46 of the EPA 1990** allows an authority to require householders to place their waste for collection in receptacles of a kind and number specified
- **Section 47 of the EPA 1990** allows a waste collection authority to require businesses to place their waste for collection in receptacles of a kind and number specified
- **The Waste (Scotland) Regulations 2012** amended section 34 to implement a number of actions in the Scottish Government's Zero Waste Plan. Under these amendments, holders of waste, including producers, have a duty to take reasonable steps to increase the quantity and quality of recycling. It requires businesses to present metal, plastic, glass, paper and card for separate collection and food businesses producing over 50kg of food waste per week to separate their food waste from January 2014. Businesses producing over 5kg of food waste a week will have to separate their food waste by January 2016.
- **The EU Waste Framework Directive (2008/98/EC)** came into force on 12th December 2010 and provides the overarching policy and legislative framework for the management of waste. The new Directive regards waste as a valuable resource which can provide raw materials for sustainable growth in a low carbon economy. It aims to transform EU member states into recycling societies moving away from a linear model of consumption and disposal towards a cyclical model where material productivity is optimised.
- **Refuse Disposal Amenity Act 1978** Section 2(1)(b) is also very useful for waste that is abandoned on land. The key element here is that the act does not define waste, it states "any 'thing'". Notice under Section 6 is served for the Section 2(1)(b) offence.

5.2 THE CURRENT SYSTEM AND GAPS IDENTIFIED

5.2.1 Current system – who does what

Responsibility for waste enforcement is divided up between various service areas within Aberdeen City Council, the following services either have responsibility or an interest in waste enforcement:

- **Environmental Services** – the role of the Environment Officers is to look after grounds maintenance, parks and community development. They used to have four Environmental Wardens but they moved over to the City Wardens when that team was established. They investigate any large scale fly tipping incidents in partnership with SEPA but very rarely taken any cases to court.
- **Environmental Health** – this service is divided into 2 sections – Commercial Team and Environment Protection. The Commercial Team cover food safety, health and safety and licensed premises. They have

the responsibility for enforcing the new requirements under the Waste (Scotland) Regulations for businesses who produce over 50kg of food waste a week to separate it out for collection.

- **City Wardens** – the City Wardens came into place in 2009 to deal with anti social behaviour, parking fines, littering, dog fouling and bus lane enforcement. There are currently 64 wardens spread across the whole city. They mainly concentrate on parking fines and litter fines. From April 2013 to April 2014 they handed out 50,000 parking fines and 850 litter fines.
- **Trade waste** – the Trade Waste team are part of the Waste and Recycling service and their remit is to provide a waste collection service for businesses within the city. They compete for business with private sector waste companies. They do not have an enforcement responsibility but have a strong interest in businesses who are putting their waste into the domestic waste stream (either via street bins or HWRCs) as these are potential customers.

5.2 Waste enforcement gaps

5.2.1 The following illegal activities relating to waste are dealt with by Aberdeen City Council as follows:

- **Littering** – this is currently included in the duties of the City Wardens and has not been identified as requiring additional resources
- **Fly tipping** – this can vary in scale from a black bag or piece of furniture placed out on the street next to the street bins to a large scale organised criminal activity dumping large vehicle loads of waste. Scottish Environment Protection Agency (SEPA) and the Council's Environment Team work together to enforce against the larger scale criminal activities but rarely bring cases to court. Any smaller scale fly tipping is not investigated and reported to the waste collection team to collect. This costs the Council around £100k a year to collect and a significant amount to dispose of.
- **Residents with individual wheeled bins putting additional side waste out for collection** – this is not currently a significant problem within the city however once the residual waste containers are switched to 180 litres (compared to the current 240 litres) in 2017 this could increase. It would be useful to ensure policies are in place to cover the collection of side waste by then.
- **Residents using communal bins putting additional side waste out for collection** – this is small scale fly tipping when residents put items such as black bags or furniture next to the street bins if they are full. This is a daily occurrence and is just collected by a waste collection crew when it is reported.

- **Businesses putting their waste into the domestic waste stream** – it is hard to estimate the scale of this activity as it is not currently investigated and is just collected by the collection crews. However complaints are received by the Council's waste team on a regular basis from householders who have witnessed businesses using the street bins for their waste, and in many cases this has led to the bins being full and not enough space left for the householders waste. If the Trade Waste team have a contract with the business involved then they will advise the business to increase their container sizes or collection frequency.
- **Bins left out on the streets by householders and residents** – this issue was not covered by this review but it is understood to be a problem in the city centre tenemental areas where residents and businesses do not have the space to store their bins within the property.
- **Bins left out on the streets by businesses** – there is a significant problem with bins being left out by businesses in the city centre but this is being dealt with by a separate review process.

Significant gaps in the way that Aberdeen City Council deals with waste enforcement have been identified as part of this review.

6. APPROACHES OF OTHER LOCAL AUTHORITIES AND CASE STUDIES

6.1 Edinburgh City Council

- 6.1.1 Edinburgh City Council employs 45 Environmental Wardens whose remit includes domestic Waste enforcement, trade Waste enforcement, fly tipping and littering. When they have identified an offence under S33 or S34 of the Environmental Protection Act the normal course of action is to issue a S33 FPN for £200 and ask the perpetrator to remove the fly tipped items. For smaller items such as a black bag etc, they do not enforce the cleansing aspect but for larger amounts of fly tipping (van/truck loads) the Environmental Wardens will seek a cost from the Task Force for cleansing. They use this approach with any fly tipping offence including small scale domestic fly tipping, business use of domestic bins and any side waste that is placed next to bins.
- 6.1.2 In 2012/13 Edinburgh City Council issued a total of 1232 S33 Fixed Penalty Notices (FPNs) for fly tipping, and in 2013/14 they issued a total of 1986 S33 FPN's. In 2012/13 they reported 205 fly tipping offences to the Procurator Fiscal, and in 2013/14 they reported 289 fly tipping offences. Payment rate for FPNs – when the FPN was £50 the payment rate was 80% but this has dropped to 55% since the FPN increased to £200.

6.1.3 Edinburgh takes a zero tolerance approach to fly tipping within the city and issues a large number of FPNs for fly tipping offences. It has a large team of authorised officers that are able to investigate cases and issue FPNs.

6.1.4 A full case study for Edinburgh City Council can be found in appendix one.

6.2 Glasgow City Council

6.2.1 At present there are five Commercial Waste Enforcement Officers operating within Glasgow city. Their role is to provide advice and guidance to the business community in respect of waste disposal, to enforce the EPA 1990 and take action against offenders. In addition Glasgow City has staff who deal with enforcement in relation to domestic waste – these are Technical Officers (TOs) but they also deal with public health and housing issues.

6.2.2 Due to lack of corroboration and difficulty in obtaining sufficient evidence, most of small scale domestic fly tipping offences are dealt with by issue of littering FPN. If the business does not have a waste contract then advice and guidance is provided and in the main this has led to the engagement of a waste service. Should this fail then a notice under section 34 of EPA is issued and they are given 21 days to get a contract before being referred to the Procurator Fiscal.

6.2.3 A full case study for Glasgow City Council can be found in appendix two.

6.3 Aberdeenshire Council

6.3.1 Aberdeenshire Council has 2 authorised Compliance Officers who are dedicated to waste enforcement. The Aberdeenshire approach is not about gathering revenue but getting people on board and educating them. They issue very few FPNs.

6.3.2 A full case study for Aberdeenshire Council can be found in appendix three.

7. Options for the way forward in Aberdeen City Council

7.1 Significant gaps have been identified by this review in the way that Aberdeen City Council manages its responsibilities to carry out waste enforcement, particularly in regards to the enforcement of fly tipping and businesses putting their waste into the domestic waste stream. An options appraisal detailing potential solutions to the identified gaps has been put together and can be found in the table below.

No	Option	Detail	Pros	Cons
1	No change to current approach	Maintain the current low level enforcement approach	No additional resources required	No solution to fly-tipping and side waste problems or trade abuse of domestic collections
2	Mid-level	Increase the	Could lead to	Doesn't

	enforcement approach	amount of enforcement against businesses using the domestic waste stream and continue light touch fly tipping enforcement when clear evidence is available. This approach would either involve creating a new waste enforcement team or adding extra resources to an existing team dealing with other enforcement responsibilities. It is proposed that this is implemented for an initial trial period of a year concentrating on the city centre.	increased revenue through more trade waste contracts Reduced costs by not paying for management of trade waste disposed of in domestic bins Extra resource can be used to educate and make businesses aware of their responsibilities Improvement in cleanliness of streets More likely to be accepted than Zero Tolerance approach Less risk of bad publicity than zero tolerance approach Provides a structured way for these issues to be dealt with	resolve all of the problems around lack of enforcement against fly tipping and side waste Difficult to enforce against minor fly tipping (sofas next to bins etc) due to lack of evidence Extra resources required Small businesses most likely to be affected
3	Zero tolerance enforcement approach	Follow the approach of Edinburgh with a zero tolerance approach. Use section 33 FPNs for fly tipping, side waste, business waste in the domestic stream.	Could generate sufficient revenue to pay for itself Significant improvement in cleanliness of streets Clear policy that no fly tipping will be tolerated	Requires significant extra resource with high risk of not raising sufficient revenue to be cost neutral High potential to be

			Provides a structured way for these issues to be dealt with	unpopular with the public , especially given current light touch approach
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7.2 Option 2, the mid level enforcement approach would require additional funding to be identified. A full costing for this option has been provided in appendix four. In summary this option would require an investment of £72,000 but could potentially generate additional savings or income of around £29,000. It would also generate additional savings that are hard to quantify as the current quantities are not known, such as taking trade waste out of the domestic waste stream.

Recommendation 1: It is recommended that option 2 is taken forward – the mid level enforcement approach. This would involve implementing a pilot project in the city centre for one year and seconding 2 officers into a dedicated waste enforcement role.

8. IMPACT

An Equality and Human Rights Impact Assessment (EHRIA) form has been completed for this report.

9. MANAGEMENT OF RISK

The main risks considered as part of this report are:

1. The potential for negative publicity about the increase in waste enforcement activity by the Council.

10. BACKGROUND PAPERS

Appendix 1. Case Study 1 – Edinburgh City Council

Appendix 2. Case Study 2 – Glasgow City Council

Appendix 3: Case Study 3 – Aberdeenshire Council

Appendix 4: Calculations for business waste enforcement team

11. REPORT AUTHOR DETAILS

Ros Baxter

Waste Collection Services Manager
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Appendix 1

Case Study 1 – Edinburgh City Council

Edinburgh City Council employs 45 Environmental Wardens whose remit includes;

- Abandoned Vehicles
- Dog Fouling
- Domestic Waste enforcement
- Trade Waste enforcement
- Engine Idling
- Fly Posting
- Fly Tipping
- Littering including Street Litter control Notices
- Table and Chair permits
- Accumulations and some other limited Public Health functions relating to Statutory Notices

The KPI target for the wardens to achieve is 2 FPNs a week.

Fly Tipping

All fly tipping is a criminal offence under S33 and S34 of the Environmental Protection Act 1990, which in Edinburgh is enforced by the Environmental Wardens. The problem Edinburgh tends to have is identifying the origin of flytipping when it involves for example an ironing board etc. unless the offence is witnessed or caught on CCTV.

They do not differentiate between small scale and larger scale fly tipping, although the subsequent enforcement approach differs. When they have identified an offence under S33 or S34 of the Environmental Protection Act the normal course of action is to issue a S33 FPN for £200 and ask the perpetrator to remove the fly tipped items. For smaller items such as a black bag etc, they do not enforce the cleansing aspect but for larger amounts of fly tipping (van/truck loads) the Environmental Wardens will seek a cost from the Task Force for cleansing. This cost is then included with any report to Procurator Fiscal to act as guidance for any Fiscal fines or court fines imposed as a result of the report.

The only exception to this standard approach is when dealing with a persistent offender, in which case they do not offer a FPN and instead report direct to the Procurator Fiscal.

In 2012/13 Edinburgh City Council issued a total of 1232 S33 FPN's for fly tipping, and in 2013/14 they issued a total of 1986 S33 FPN's. In 2012/13 they reported 205 fly tipping offences to the Procurator Fiscal, and in 2013/14 they reported 289 fly tipping offences.

Payment rate for FPNs – when the FPN was £50 the payment rate was 80% but this has dropped to 55% since the FPN increased to £200.

Side Waste

Side Waste presented on the public highway is treated as fly tipping, and dealt with as above via a £200 S33 FPN. "Top hatting" or overfilled bins is not dealt with by the Environmental Wardens, unless it has occurred to the point that an escape or spillage has occurred in which case it is dealt with as above using S33 and S34 as above.

Enforcing against Businesses

Businesses have a responsibility to dispose of their waste responsibly in accordance with the Environmental Protection Act 1990, disposing of their waste in domestic or street bins is a breach of the EPA and is treated as fly tipping which they enforce in the same way as general fly tipping. In 2012/13 they issued 844 S33 FPN's directly relating to Trade Waste, and in 2013/14 they issued 1226.

Bins left out on the street

Edinburgh uses S46 of the Environmental Protection Act to serve a notice on the occupier of a domestic premises regarding the presentation of their bin. S47 allows them to take similar action against a business, however they are awaiting the outcomes of a Pilot in the city Centre before rolling out Commercial bin presentation enforcement. Both amendments only came into force on 30 June 2014, so there is not much enforcement data at the present although their teams are currently taking enforcement using the amendments.

Concerns with the current legislation and powers available

S46 and S47 offences result in a direct report to the Procurator fiscal. This is a lengthy process which does not solve the ongoing issue they are trying to address in the intervening period. Therefore Edinburgh City Council would like to see the inclusion of a FPN scheme so they could take quick and immediate action against such offences.

They would also like to see an increase the amount of action taken by the Procurator Fiscal against fly tipping, as the uptake is typically low. This could be down to the legislation which could be clearer in this respect to clarify some aspects such as a clarifying a "reasonable" excuse.

Appendix 2

Case Study 2 – Glasgow City Council

At present there are five Commercial Waste Enforcement Officers operating within Glasgow city. Their role is to provide advice and guidance to the business community in respect of waste disposal, to enforce the EPA 1990 and take action against offenders. Officers from Commercial Waste only enforce Commercial issues. In addition Glasgow City has staff who deal with enforcement in relation to domestic waste – these are Technical Officers (TOs) but they also deal with public health and housing issues. TOs deal with incorrect storage of domestic refuse (statutory notice in terms of EPA or Civic Government (Scotland) Act) and black bagging on street (Littering FPN).

Fly Tipping

It is very difficult to identify the source of fly tipped furniture. Glasgow's procedure is that these complaints are passed directly to cleansing; however if cleansing operatives note evidence as to source, or if there is a recurring hot spot, there is a mechanism for referral back to enforcement staff. Due to lack of corroboration and difficulty in obtaining sufficient evidence, most of these offences are dealt with by issue of littering FPN. Any incident involving waste larger in volume than skip load is referred to SEPA. Glasgow City Council issues several hundred littering FPN's for waste annually but only a handful of S33 FPN's.

Side Waste

Waste deposited on the footpath beside businesses commercial bins is considered an offence and dealt with by the issue of FPN's. At present no action is taken in respect of additional waste on top of bins as this is considered to be a contractual issue that the waste contractor needs to address with the customer.

Enforcing against Businesses

Occasionally they identify business waste being deposited in the domestic system and they attempt to recover evidence of source and deal with this by FPN. If the business does not have a waste contract then advice and guidance is provided and in the main this has led to the engagement of a waste service. Should this fail then a notice under section 34 of EPA is issued and they are given 21 days to get a contract before being referred to the Procurator Fiscal. PF has agreed to take on cases if they do not comply within 21 days but this is very rare.

Bins left out on the street

The Style Mile within the city does not have any bins on the footpath other than for service, this was achieved with the co-operation of the business community. They do not deal with domestic bins that are permanently left on the footpath.

Concerns with the current legislation and powers available

There is a general belief that waste issues are not real crime and the willingness to prosecute is not present. Glasgow's view is that the establishment of an Environmental Crime Unit is the way forward as both Police Scotland and CO&PS would take more notice of issues either referred to them or requests for assistance.

Domestic Issues are primarily at flatted properties. The Council has no powers to require owners to provide bins, present bins, or retrieve bins; the sanction is against occupier only and it is often difficult to identify occupier; in addition sanction is referral to PF and there is no power to provide bins in default of a notice. PF has already indicated he would not take a case against an occupier for problem with bins.

Appendix 3

Case Study 3 – Aberdeenshire Council

Aberdeenshire Council has 2 authorised Compliance Officers who are dedicated to waste enforcement. The Aberdeenshire approach is not about gathering revenue but getting people on board and educating them.

Fly Tipping

Aberdeenshire Council follow the draft Flytipping Investigation and Enforcement Protocol which was agreed between COSLA and SEPA but never formally adopted. This protocol states that local authorities will lead in investigating and prosecuting those responsible for flytipping waste in quantities of less than a standard waste skip (6m³) and SEPA will be responsible for investigating flytipping incidents larger than a standard skip size.

The system of enforcement that is used in Aberdeenshire is very much based on achieving compliance with the law and remedy rather than diving straight in with a fixed penalty notice (FPN), particularly now that the fixed penalty is £200 for fly tipping which is a serious amount of money for most. Officers would have to be absolutely certain that they have the evidence required to conclude without doubt that an offence has been committed before serving the FPN. There are two main reasons for this. The most important reason is fairness; that the person is actually receiving a FPN on the grounds that there is sufficient evidence to do so. Secondly FPNs of this size are more likely to go unpaid and as there is no appeal process the accused may risk challenging the case in court. In order to proceed then it is clear that evidence is paramount. In addition Scots law requires corroboration for the fly tipping offence which is harder to achieve (this is not required for a littering offence). Since 2006 a limited amount FPNs have been issued for fly tipping (approx. 70) but hundreds of warning letters have been sent and educational visits to households conducted.

Officers must consider if the enforcement action they are taking is lawful and proportionate.

Side Waste

If side waste is reported the Compliance Officers would normally just conduct a visit to assess the situation and provide advice.

Appendix 4

Calculations for business waste enforcement team

Expenditure	£
2 x authorised officers for waste enforcement (grade 11 TBC following a job evaluation process)	2 x 26,282
On costs (30.3%)	2 x 7963
Training	1000
Vehicle hire and fuel	2100
Total expenditure	71,590
Expected income/ reduction in costs	
Performance target = 3 per week in total = 144 FPNs issued per year (over 48 working weeks). But assume 50% payment rate = 72 paid FPNs.	14,400
Total income	14,400
Total budget required	57,190

Notes:

- Based on the projected total figures for the collection of fly tipped waste in 2014 the Council spends an estimated £100k a year collecting fly tipped waste. This does not include unreported fly tipped waste that is collected by the waste collection crews whilst out on their rounds.
- It is expected that some savings would be made in the collection costs for the fly tipping
- Savings will also be generated by not having to pay for the trade waste that is currently put into the domestic waste stream although it is difficult to quantify the amount of savings that could be achieved.
- In addition there would be an opportunity to increase trade waste contracts as a result of more stringent enforcement of the legislation

COMMITTEE REPORT CHECKLIST

Name of Committee:	Zero Waste Management Sub-committee	
Date of Committee:	23 June 2015	
Title of Report:	Waste Enforcement Review	
Report Number:	ZWSC/7592	
Report Author:	Mark Reilly	
Directorate:	CH&I	
Date(s) report considered by CMT (if appropriate):		
Is report "exempt" under the Access to Information Act? Please also specify paragraph numbers opposite. Guidance can be found at: http://thezone/cg/DemocraticServices/ct_exemptinfo.asp	No	
Equalities Impact Assessment included: (also to be submitted to Sandra Bruce sandrab@aberdeencity.gov.uk)	Yes – see appendix 1	
Report Consultation – <u>Required in terms of Standing Orders</u> Please read the guidance on the Zone: http://thezone/cg/DemocraticServices/ct_Guidance_For_Report_Authors.asp		
	Date of Issue	Date of Response
Elected Members:		
Convener: Councillor Jean Morrison	16.06	No response
Vice Convener:	NA	No response
Council Leader: Jenny Laing	16.06	No response
Convener of Finance, Policy and Resources: Councillor Willie Young	16.06	No response
Local Members (if applicable):		

Officers:		
Head of Legal and Democratic Services: Craig Innes	16.06	No response
Head of Finance: Steven Whyte	16.06	No response
Head of Service, Office of Chief Executive: Ciaran Monaghan	16.06	No response
Other officers: Karen Donnelly Helen Sheritt Pete Leonard Mark Reilly Dave Young	16.06	No response
Clerk	16.06	No response
Trade Unions (where applicable):		
External (where applicable):		

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Equality and Human Right Impact Assessment: The Form



EHRIA

There are separate guidance notes to accompany this form – “Equality and Human Rights Impact Assessment – the Guide.” Please use these guidance notes as you complete this form. Throughout the form, **the word “proposal” refers to policy, strategy, plan, procedure, report or business case.** This then, embraces a range of different actions such as setting budgets, developing high level strategies and organisational practices such as internal restructuring. Please also refer to the “Completion Terminology” at the end of the form.

Aberdeen City Council

1: Equality and Human Rights Impact Assessment- Essential Information	
Name of Proposal: Waste Enforcement Review	Date of Assessment: 17/03/15
Service: Waste and Recycling	Directorate: Communities, Housing and Infrastructure
Committee Name or delegated power reference (Where appropriate): Communities, Housing and Infrastructure	Date of Committee (Where appropriate): 19 th May 2015
Who does this proposal affect? Please Tick ✓	Employees ☒ Job Applicants ☐ Service Users ☐ Members of the Public ☒ Other (List below) ☒ Local businesses

2: Equality and Human Rights Impact Assessment- Pre-screening	
Is an impact assessment required?	Yes ☒ No ☐
If No, what is the evidence to support this decision? (Once this section is completed, please complete section 8 of the form).	

3: Equality and Human Rights Impact Assessment	
a- What are the aims and intended effects of this proposal?	The report outlines the current approach of Aberdeen City Council towards waste enforcement, identifies gaps with the current approach and provides a proposal for the way forward. The report recommends implementing a pilot project in the city centre for one year and seconding 2 officers into a dedicated waste enforcement role.

b- What equality data is available in relation to this proposal? (Please see guidance notes)	None
c- List the outcomes from any consultation that relate to equalities and/or human rights issues e.g. with employees, service users, Unions or members of the public that has taken place in relation to the proposal.	None
d- Financial Assessment If applicable, state any relevant cost implications or savings expected from the proposal.	Costs (£) Implementation cost £ 71,590

	Projected Savings	£ 14,400
e- How does this proposal contribute to the public sector equality duty: to eliminate discrimination, harassment and victimisation; advance equality of opportunity; and foster good relations?		
No impact.		
f- How does this proposal link to the Council's Equality Outcomes?		
This proposal would enhance the environment in the city centre for all members of the public and local businesses.		

4: Equality Impact Assessment - Test					
What impact will implementing this proposal have on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?					
Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a 'Genuine Determining Reason' exists *(see completion terminology)	
Age (People of all ages)	✓				
Disability (Mental, Physical, Sensory and Carers of Disabled people)	✓				
Gender Reassignment	✓				
Marital Status (Marriage and Civil Partnerships)	✓				
Pregnancy and Maternity	✓				
Equality Impact Assessment Test:					
What impact will implementing this proposal have on employees, service users or other people who share characteristics					

protected by <i>The Equality Act 2010</i> ?					
Protected Characteristic:	Neutral Impact: Please ✓	Positive Impact: Please ✓	Negative Impact: Please ✓	Evidence of impact and if applicable, justification where a 'Genuine Determining Reason' exists *(see completion terminology)	
Race (All Racial Groups including Gypsy/Travellers)	✓				
Religion or Belief or Non-belief	✓				
Sex (Women and men)	✓				
Sexual Orientation (Heterosexual, Lesbian, Gay And Bisexual)	✓				
Other (e.g: Poverty)		✓		Local businesses and residents in the city centre – improved local environment	

5: Human Rights Impact Assessment Test	
Does this proposal have the potential to impact on an individual's Human Rights? Evidence of impact and , if applicable, justification where the impact is proportionate	

☐
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Article 2 of protocol 1: Right to education	Yes Evidence:	No
Article 3: Right not to be subjected to torture, inhumane or degrading treatment or punishment	Yes Evidence: ☐	No ☒
Article 6: Right to a fair and public hearing	Yes Evidence: ☐	No ☒
Article 8: Right to respect for private and family life, home and correspondence	Yes Evidence: ☐	No ☒
Article 10: Freedom of expression	Yes Evidence: ☐	No ☒
Article 14: Right not to be subject to discrimination	Yes Evidence: ☐	No ☒
Other article not listed above, please state:	Yes Evidence: ☐	No ☐

6: Assessment Rating:			
Please rate the overall equality and human right assessment (Please see Completion terminology)	☐ Red ☐ Red Amber ☐ Amber ☒ Green		
Reason for that rating:			

7: Action Planning					
As a result of performing this assessment, what actions are proposed to remove or reduce any risks of adverse outcomes identified on employees, service users or other people who share characteristics protected by <i>The Equality Act 2010</i> ?					
Identified Risk and to whom:	Recommended Actions:	Responsible Lead:	Completion Date:	Review Date:	
8: Sign off					

Completed by (Names and Services) :	Ros Baxter
Signed off by (Head of Service) :	
Please send an electronic copy of your completed EHRIA - without signatures - together with the proposal document and/or committee report to: Equalities Team Customer Service and Performance Corporate Governance Aberdeen City Council Business Hub 13 Second Floor North Marischal College Broad Street Aberdeen AB10 1AB Telephone 01224 523039 Email sandrab@aberdeencity.gov.uk	

9: Completion Terminology:	
Assessment Pre-screening Rating:	This section will highlight where there is the obvious potential for a negative impact and subsequent risk of negative media coverage and reputational damage to the Council. Therefore, a full impact assessment is required, for example around sensitive issues such as marching, Gypsy/ Traveller

	issues, change to social care provision. It should also be completed to evidence why a full impact assessment was not required, example, there is no potential negative impact on people.
Assessment Rating:	After completing this document, rate the overall assessment as follows: Red: As a result of performing this assessment, it is evident that we will discriminate (direct, indirect, unintentional or otherwise) against one or more of the nine groups of people who share <i>Protected Characteristics</i>. It is essential that the use of the proposal be suspended until further work or assessment is performed and the discrimination is removed. Red Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists to one or more of the nine groups of people who share <i>Protected Characteristics</i>. However, a genuine determining reason may exist that could legitimise or justify the use of this proposal and further professional advice should be taken. Amber: As a result of performing this assessment, it is evident that a risk of negative impact exists and this risk may be removed or reduced by implementing the actions detailed within the <i>Action Planning</i> section of this document. Green: As a result of performing this proposal does not appear to have any adverse impacts on people who share <i>Protected Characteristics</i> and no further actions are recommended at this stage. Equality data is internal or external information that may indicate how the proposal being analysed can affect different groups of people who share the nine <i>Protected Characteristics</i> – referred to hereafter as ‘<i>Equality Groups</i>’. Examples of <i>Equality Data</i> include: (this list is not definitive) 1: Application success rates by <i>Equality Groups</i> 2: Complaints by <i>Equality Groups</i> 3: Service usage and withdrawal of services by <i>Equality Groups</i> 4: Grievances or decisions upheld and dismissed by <i>Equality Groups</i> Certain discrimination may be capable of being justified on the grounds that:
Equality Data:	
Genuine	

Determining Reason	(i) <i>A genuine determining reason exists</i> (ii) <i>The action is proportionate to the legitimate aims of the organisation</i> Where this is identified, it is recommended that professional and legal advice is sought prior to completing an Equality Impact Assessment.
Human Rights	The rights set out in the European Convention on Human Rights, as incorporated into the UK Law by the Human Rights Act 1998.
Legal Status:	This document is designed to assist us in “<i>Identifying and eliminating unlawful Discrimination, Harassment and Victimisation</i>” as required by <i>The Equality Act Public Sector Duty 2011</i>. An Equality Impact Assessment is not, in itself, legally binding and should not be used as a substitute for legal or other professional advice.

Document is Restricted

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