

ABERDEEN CITY COUNCIL

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COMMITTEE	<b>Enterprise, Planning &amp; Infrastructure</b>
DATE	<b>29 August 2013</b>
DIRECTOR	<b>Gordon McIntosh</b>
TITLE OF REPORT	<b>Obstructions – Commercial Waste Bins</b>
REPORT NUMBER:	<b>EPI/13/161</b>

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1. PURPOSE OF REPORT

The purpose of this report is to advise the committee of the actions taken to date with regard to addressing the ongoing practice of commercial bins being left on the public road and to consider further enforcement measures to control the indiscriminate obstructions.

2. RECOMMENDATION(S)

That the committee

- (i) Endorse the previously approved policy and approve the proposed course of action to actively take enforcement action
- (ii) Approve the proposed charge of £500 for monitoring, uplift, storage, and return or destruction of commercial waste bins.

3. FINANCIAL IMPLICATIONS

The existing charges for removal, return and storage of commercial waste bins do not meet the enforcement costs and this is evident from the increasing levels of infringements. The proposed costs would be considered to meet the enforcement costs and would allow a more robust and immediate approach to enforcement.

4. OTHER IMPLICATIONS

Should enforcement not be progressed or remains limited it may have a detrimental impact on environmental health, the local built environment and accessibility, particularly for the less able within our community.

## 5. BACKGROUND/MAIN ISSUES

- 5.1 At its meeting of the 9<sup>th</sup> June 2009 the Policy and Strategy Committee approved a policy for the management of commercial waste bins across the city and instructed officers to proceed with enforcement of the Policy from 1<sup>st</sup> December 2009. A summary of the approved policy is appended for information
- 5.2 In line with the adopted policy letters were sent to commercial premises within the city centre who were noted to be causing an offence, advising them of their obligations with respect to storage and management of their waste bins and that action would follow should they continue with the current practices.
- 5.3 Officers have also visited individual premises on a number of occasions to provide advice and instruction with regard to the need to comply with the environmental and roads regulations. A limited number of fines were initially issued by Environmental officers but this practice has not been sustained because of organisational changes.
- 5.4 Due to resource implications and issues relating to the coordination of the various services required to rigorously enforce the policy further action to date has been restricted.
- 5.5 A recent survey and review of the city centre has indicated a significant increase in the depositing of commercial bins on the footways. It is therefore felt that the current low profile approach has not produced the necessary results and that actions using the full extent of the legislative powers available should be implemented to resolve the current problems.
- 5.6 It is considered that the use of the statutory powers given to this Council as the Roads Authority under the Roads (Scotland) Act 1984 would be the most effective instrument to use to take forward a robust enforcement regime.
- 5.7 Road occupations are currently controlled and managed by the granting of permissions with the application of a set of fees where permission is given and substantial surcharges when non compliance has been identified.
- 5.8 In line with the current policy is proposed that where a commercial waste bin has been placed on the road in contravention of the appropriate legislation and the owner or responsible person has not removed it following notification from the Council as Roads Authority of the offence, that the bin be removed to a secure store after disposal of waste with a charge applied in relation to that action.

- 5.9 The recovery of costs for the removal, storage and return of a bin to the owner was previously set in 2009 at £100 for removal, £100 for return and £10 per day for storage. Whilst these charges are substantial it is considered they would do meet the cost of enforcement incurred by this council and do not represent a significant deterrent. A factor in proactively managing street occupation obstructions where surcharges ranging from £300 - £600 have been introduced and approved by committee, have had a significant success in reducing the level of enforcement required and in the main have achieved the desired result in minimizing non compliance.
- 5.10 For the enforcement service to be self funding it is considered that a revised set of costs be introduced and in this respect and it is proposed that a new single charge of £500 for uplift with the £10 daily charge for storage maintained be approved. The Council would not return bins as they would have to be collected from the storage area either by the property occupier or the collection service provider. Whoever collects the bin will have to provide evidence as to ownership at the time of collection.
- 5.11 It will be noted that any bin uplifted to store would only be returned on the basis that a suitable alternative bin location has been agreed with officers and meets the legislative requirements. Any bin not uplifted within 10 working days would be destroyed.

## 6. IMPACT

This report meets with the local Community Plan objectives to continually improve road safety and maximise accessibility for pedestrians and all modes of transport.

These proposals are in line with the Councils Transportation Strategy to improve safety for all road users by continuing to reduce the number of casualties in traffic collisions.

The proposal aims to improve health and environment issues for local communities.

## 7. BACKGROUND PAPERS

Committee Report to Policy and Strategy 9<sup>th</sup> June 2009 – Control of Commercial Waste Storage

8. REPORT AUTHOR DETAILS

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## **Appendix**

### **Approved Policy**

- All commercial premises are to be informed of their responsibilities under the terms of the Environmental Protection Act 1990 as to the requirement that it is their responsibility to ensure that they have proper storage, within the bounds of their property, for the storage of refuse.
- In the event that a bin is left out in the street after 1100 hrs on any day of the week the business in question will be requested to remove the bin within 24 hrs. Any further transgressions will result in the business being served notice under the terms of Section 87 of the Roads (Scotland) Act 1984 to remove bin within 24 hours. To avoid further abuse the notice will apply for a period of 6 months from day of issue.
- Those businesses who do not comply with the notice will have their bin removed by the Council and a charge given to the businesses for the removal, storage and their return. This charge will be £100 for removal, £10 / day for storage and £100 for return.
- In the event that waste materials are left out with a storage bin a £50 Fixed Penalty Notice will be applied under the terms of the Environmental Protection Act 1990 (Section 34).

**Consultees comments**

Enterprise, Planning and Infrastructure Committee

**Report number EPI/13/161**

**Convener: Councillor Barney Crockett - email sent 2/08/13**

**Vice Convener: Councillor Ramsay Milne - email sent 02/08/13**

**Local Members**

**All Councillors consulted - email sent 02/08/13**

Councillor Morrison asked if the offending commercial businesses would be contacted in writing and advised of the increased charge. Agreed that this will be part of the protocol and that all parties would be advised before hand.

All Councillors have been consulted and there has been no other comments

**Council Officers**

Barry Jenkins, Head of Finance has been consulted.

Jane MacEachran, City Solicitor, Continuous Improvement has been consulted.

Ciaran Monaghan, Head of Service, Office of Chief Executive has been consulted.

Gordon McIntosh, Director of Enterprise, Planning and Infrastructure has been consulted.

Hugh Murdoch, Head of Service, Shelter and Environment – has been consulted and amendments included in the report.

Margaret Bochel, Head of Planning & Infrastructure, Strategic Leadership – has been consulted and supports the actions to remove waste bins from the street as it would improve the environment for pedestrians in the city centre and thinks the increased charges are a good start.

Mike Cheyne, Roads Manager has been consulted

Laura Watson, Service Coordinator

Mark Masson, Committee Clerk