

ABERDEEN CITY COUNCIL

COMMITTEE	Enterprise, Planning & Infrastructure
DATE	12 November 2013
DIRECTOR	Gordon McIntosh
TITLE OF REPORT	Obstructions – Commercial Waste Bins
REPORT NUMBER:	EPI/13/161

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) Approve the proposed charge of £500 for monitoring, uplift, storage, and return or destruction of commercial waste bins.
- (ii) Instruct officers to write to businesses advising of the decision and to advise them of the implementation date of 2 June 2014

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 9th 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 1st 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 A recent consultation response from colleagues in planning has highlighted that there is soon to be introduced SEPA regulations regarding recycling of commercial waste. The forthcoming change in the regulations for commercial waste management will increase the number of bins that will be required by individual premises and has the potential to intensify the present problems on street
- 5.7 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.
- 5.8 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.
- 5.9 In line with the current policy it 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.

- 5.10 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.
- 5.11 For the enforcement service to be self funding it is considered that a revised set of costs be introduced and in this respect 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.
- 5.12 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.
- 5.13 Following the previous meeting of this committee when the original report was deferred, officers presented the report and the original recommendations to Aberdeen Inspired Board meeting in September. To date no response has been received.
- 5.14 Similarly there have been ongoing discussions with various service managers on the operational implications of the increased charges. Officers from Planning & Sustainable Development are supportive of action to remove waste bins from the street as it would improve the environment for pedestrians. However they highlighted the waste regulations with respect to the recycling of commercial waste have been noted and the way in which this will be managed under the current policy. Officers from Waste and Environmental Health raised a number of issues regarding the application of the currently approved policy and how it potentially conflicts with differing service legislative functions. As the main thrust of the report is to address the recovery of costs and a simple charging structure the concerns are primarily operational as there is no proposal to change the existing policy.

5.15 It is important the Council is in a position to ensure that continued obstructions are dealt with and not all of the businesses currently using the public road to store their waste bins are food related. In some cases businesses will need to review their current arrangements and put in place collection frequencies that reflect their storage capacity. This will need some time to be adjusted and so an introduction of the revised charges would take effect on Monday 2 June 2014 giving around seven months for businesses to make adjustments. Officers will provide support and guidance where straightforward adjustments can be made and as long as businesses are working towards longer term solutions officers will apply common sense in their application of the policy.

5.16 Officers will also ensure that corporately there is a consistent message provided to businesses as to expectation including clear guidance at the planning or building warrant stage to ensure that there is not an increase in buildings potentially constrained in safely managing waste generated.

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 9th June 2009 – Control of Commercial Waste Storage

8. REPORT AUTHOR DETAILS

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Appendix

Currently Approved Policy 2009

- 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).