



NORWICH City Council

Committee Name: Scrutiny

Committee Date: 24/06/2021

Report title: The council's arrangements for managing and responding to residents' concerns regarding communal bins, fly tipping, and bins left on pavements.

Portfolio:	Councillor Alan Waters
Report from:	Executive director of development and city services
Wards:	All Wards
OPEN PUBLIC ITEM	

Purpose:

The Scrutiny Committee on 27 May 2021 decided that two reports would be taken to the June meeting of the scrutiny committee, on bins on pavements; and on communal bins including fly-tipping. Further guidance was subsequently issued that these could be combined into a single report.

The purpose of the report is therefore to provide the scrutiny committee with the council's current response to resident's concerns about communal bins, fly tipping and bins left on pavements.

Recommendation:

It is recommended that the scrutiny committee reviews the information presented at this meeting to allow it to consider:

- (1) How members might contribute to developing policies on communal bins, fly tipping and bins on pavement; and
- (2) Any other recommendations the committee wishes to make

Policy Framework

The Council has three corporate priorities, which are:

- People living well
- Great neighbourhoods, housing and environment
- Inclusive economy

This report meets the Great Neighbourhoods, Housing and Environment corporate priority.

This report addresses the “Maintain a clean and sustainable city with a good local environment that people value” strategic action in the Corporate Plan.

This report helps to meet Replacement Bin Policy adopted policy of the Council.

Communal Bins

Background

1. A project to roll out communal bins for residential properties project was initiated in 2007 as part of the council's Integrated Waste Management Strategy. The project evaluated the most appropriate location for bin storage.
2. Every proposed housing communal bin site was individually inspected, and site specific plans were developed to ensure that bin provision was the most appropriate and effective that could be achieved with the available resources.
3. A full engagement process supported the project gave residents in every communal bin location the opportunity to influence the proposals for their location. Once the proposals were confirmed, the final drawings were made available to residents and Elected Members, and a further period of comment was provided before implementation.
4. The objectives of the engagement were to:
 - a. Explain the reasons for the changes in refuse collection, i.e. to remove black sack collections, address a growing number of needlestick injuries, and support the introduction of recycling
 - b. Advise on proposed locations and design of the compounds.
 - c. Provide information on the potential effect on the local environment
 - d. Provide information on costs and time scales
 - e. Reduce fly-tipping and Anti Social Behaviour
 - f. Improve bin maintenance and cleaning
5. Estates where there were documented problems associated with health and safety, fly-tipping and anti-social behaviour were prioritised through this process. Neighbouring estates were also considered where they were in close proximity to the planned works. This enabled costs and disruption to be reduced.

Operational issues

6. Co-ordination between bin collecting and fly-tipping removal.
 - a. There are a number of channels for reporting fly tipping to the Council. Residents are encouraged to use the online form on the Council's website, but contact can also be made via email and phone call via the Council's Customer Contact Team
 - b. The Council's environmental maintenance contractor, Norwich City Services Limited, are responsible for the removal of fly-tipping.
 - c. Biffa's waste collection operatives are also responsible for reporting fly-tipping at communal bin sites.
 - d. The lack of a suitable, automated, interface between the Council, Biffa and NCSL can result in service failure at certain locations. However, workarounds have been developed to address this
7. Restricting access to communal bin stores
 - a. Individual locks for bin stores and bins have not proved successful previously since they can be forced or removed. Officers continue to research best-practice at other local authorities and Biffa will feedback intelligence from their other contracts and the industry in general.
 - b. Restricting access to bin stores by lockable gates, is impractical in many locations and can lead to missed collections if collection crews have misplaced keys or when locks are changed on bin stores and new keys are not provided.

Background

8. The council has a responsibility, as a service provider and land owner, to remove fly tipped material from public areas such as streets, parks open spaces, car parks and bin storage areas.
9. It does not, generally, have a responsibility to remove fly tipping from private property. However, where there is a risk to Public Health, it may investigate and require the landowner to remove the fly tipped material.
10. Members of the public can report fly tipping via the Council's website or by phone to the Customer Contact Team. The information collected helps to identify fly-tipping hot-spots and, in some cases, fly-tippers themselves. Where possible and appropriate, a legal sanction can be applied, but only where there is clear evidence to implicate that an individual or organisation. In the majority of cases it requires the incident to have been witnessed.

11. When dealing with fly-tipping (and other environmental crimes) the Council applies the principle of ACE – Advise, Confirm and Enforce.

Approach to enforcement

12. Officers from Citywide Services and Environmental Protection regularly work together to pro-actively investigate both business and residential waste issues. The objective of this work is to raise awareness of responsibilities around the safe disposal of waste. The high turnover of businesses and residents within the City means that this is a continual process
13. Through this process, we can provide advice on how waste can be disposed of safely and legally in future. The consequences of further transgressions are also explained fully.
14. Enforcement is a last resort, principally because the costs and resources required for education and encouragement are significantly less than those required for legal action and significantly more effective for the majority of the issues that arise in Norwich.
15. The issuing of fixed penalty notices does not guarantee that they will be paid, and therefore does not provide an effective deterrent. Furthermore, when considering the full costs of managing environmental crime, a fixed penalty notice, even on the occasions when it is paid, is unlikely to recover the full cost of investigating and prosecuting the incident.
16. Finally, officers are continually working with our contractors to examine opportunities to improve services.

Bins Left on Pavements

17. The pavement is part of the highway and responsibility for ensuring that it is kept clear sits with the Highway Authority, Norfolk County Council.
18. However, obstructions caused by wheelie bins tend to be temporary and can therefore be challenging to manage. As a result, the City Council will normally address these issues through an informal approach to residents and businesses
19. The council provides clear guidance for residents in our waste and recycling literature and on the council's website. Residents are advised that
20. Wheelie bins or bags are collected from the edge of their property.
21. Their wheelie bin should be placed out for collection by 6.00 a.m. on collection day, but no earlier than 6pm the evening before
22. After collection, the wheelie bin should be taken back inside the resident's property boundary by 9am the next morning

23. This guidance provides a balance between the requirements of the Council's waste collections, and residents' domestic and working routines. In the overwhelming majority of cases where bins are out before or after these times, the situation is soon rectified.
24. Longer-term issues should be reported to the Council via the online form on our website. This allows a prompt response and allows us to collect important data on the type, frequency and locations of neighbourhood issues. This information then informs the effective future planning of services and resources.
25. Council officers will normally respond to reports by providing education and advice. This approach will normally resolve the issue. However, where this approach is not effective, an enforcement process can be considered under section 46 of the Environmental Protection Act 1990. This legislation allows waste collection authorities (such as Norwich City Council) to issue notices to people who do not comply with the restrictions that the authority has imposed on the use of their wheelie bins. However, Norwich City Council has always promoted direct contact and a reasoned resolution to such neighbourhood issues.

Conclusion

26. Any change to the communal bin provision and facilities would require consultation with Elected Members and stakeholders including residents, our contractors and Housing Management organisations.
27. There would be policy and resource implications, and as result would require Cabinet approval.
28. Any change to individual or shared wheelie bins would need to take into account the Council's Replacement Container Policy agreed in 2016.
29. In addition, the replacement of Communal Bins with wheelie bins would require the introduction of Alternate Weekly Collections (many communal sites currently have weekly collections).
30. Collection costs would increase if we start to move from communal facilities to individual collections, and would result in a significant renegotiation of our existing contract.
31. Many of the communal sites would remain as potential fly-tipping sites even without the communal bins - they are in locations that are conducive to this activity due to easy vehicular access and being sheltered from general view.

Consultation

32. There has been no recent consultation with Members or residents on these issues.

Implications

Financial and Resources

Any decision to reduce or increase resources or alternatively increase income must be made within the context of the council's stated priorities, as set out in its Corporate Plan 2019-22 and Budget.

33. There are no proposals in this report that would reduce or increase resources

Legal

34. The Council is a Waste Collection Authority, and as such has a duty to collect household waste (S.45 of the Environmental Protection Act 1990). Under S.46 of this Act, the Council can also specify;
- a. the types and number of containers
 - b. the size, construction and maintenance of the receptacles
 - c. the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose
 - d. the placing of the receptacles for the purpose of avoiding nuisance or detriment to the amenities of the area
 - e. the placing of the receptacles for that purpose on highways
 - f. the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them
 - g. the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles
35. The Council also has powers under section 46A of the EPA 1990, to issue written warnings and penalties for failure to comply with requirements relating to household waste receptacles. A written warning must first be served on the individual before any fixed penalty notice is issued. The individual must be given a period of time (28 days) to make representations back to the council.
36. With regards to fly tipping, under Sections 33, 34 and 59 of the Environmental Protection Act 1990, the Council is responsible for investigating, clearing and taking appropriate enforcement action in relation to small scale fly-tipping on public land. The Environment Agency is responsible for dealing with larger-scale fly-tipping (more than a lorry load), hazardous waste and fly-tipping by organised gangs.

Statutory Considerations

Consideration:	Details of any implications and proposed measures to address:
Equality and Diversity	None

Health, Social and Economic Impact	None
Crime and Disorder	None
Children and Adults Safeguarding	None
Environmental Impact	<ul style="list-style-type: none"> • Any changes to collection arrangements could increase fuel consumption by our contractors through increased collections • Improved management of bin storage facilities could help minimise waste and increase recycling

Risk Management

Risk	Consequence	Controls Required
Reputational risk to the Council through poor perceptions of waste management arrangements	Reduced customer satisfaction Adverse social media coverage Increased representations to Elected Members	This risk can be managed through the review of existing arrangements and effective engagement with stakeholders.

Other Options Considered

None.

Reasons for the decision/recommendation

The recommendation is made to allow for improvements to existing arrangements for waste collection and removal of fly tipping.

Tracking Information

Governance Check	Name	Date Considered
Relevant Executive Director	Graham Nelson	16/6/21
Legal opinion	Katrina Hulatt	16/6/21
Relevant finance officer		
Chief Finance Officer (or Deputy)		
Monitoring Officer (or Deputy)		

Background papers: None

Appendices: None

Contact Officer:

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