

# Report - Scrutiny Investigation on Waste Enforcement

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# FOREWORD BY THE CHAIR

My report notes various issues and steps that the Cabinet could take in order to place the people of Gwynedd at the centre when planning and providing waste collection services and when co-planning and co-producing these services.

This Investigation acknowledges the huge amount of work that is already taking place and therefore we have focused on suggestions to introduce further improvements. Our sincere thanks are extended to all officers who have contributed to the work and to our requests for data and information.

Although we have considered the core element of Waste Management Enforcement, we have also noted a number of fields within the service where we believe that changes could lead to improvements to the service for customers and the broader population of Gwynedd.

Gratitude is also expressed to the Members of the Working Group who have worked with me on this Investigation, spending hours delving under the surface of this issue, and scrutinising the field thoroughly. We are particularly grateful to those who have contributed evidence and readily supported us in our work. Thanks are also conveyed to Cllr. Catrin Wager for Chairing the Working Group until her appointment to the Cabinet.

**Councillor Stephen Churchman (Dolbenmaen Ward)**  
**Chair of Investigation**

**July 2018**

## **1. Recommendations**

- 1.** To use the powers of the Environmental Protection Act (1990), Sections 46 and 47 which relate to waste containers, to introduce a new procedure to fine residents and businesses where and when necessary, who dispose of their waste on the wrong day or in the incorrect way, as a matter of priority.
- 2.** To undertake a county-wide promotion campaign to raise awareness of the waste and recycling arrangements, with a particular focus on the City of Bangor and acknowledging the geographical and demographical differences within the county at different times of the year.
- 3.** To place "QR Code" stickers on recycling receptacles to allow 24 hour access to residents to their waste and recycling collection days and information on items that can be recycled.
- 4.** To formalise collaboration arrangements between Council Departments.
- 5.** To increase awareness of the Clinical Collections Services and Special Collection Service available for older people and disabled people to dispose of their waste. This can be done as a part of the broader promotion campaign.
- 6.** To promote the current network of Recycling Centres and hold a specific campaign for the Bulky Waste Collection Service.

See page 12 for further information.

## 2. Introduction

**2.1** Following a Notice of Motion submitted by Councillor Lesley Day to the Council meeting on 2 March 2017, the Council adopted the former-Member's motion to ask Cabinet Members to consider issuing penalties as a matter of urgency to residents and businesses:

- who dispose of their waste on the wrong day,
- who dispose their waste in the incorrect way,
- who leave their receptacle out on the street at all times.

The Investigation brief can be seen in **Appendix 1**.

**2.2** In line with the Council's scrutiny processes, the matter was referred to the Communities Scrutiny Committee which decided that the best course of action would be to undertake a Scrutiny Investigation on the matter.

The following were appointed by the Communities Scrutiny Committee as members of the Investigation Group:

- o Councillor Stephen Churchman (Chair)
- o Councillor Keith Jones,
- o Councillor Mike Stevens,
- o Councillor Catrin Wager (up to 1 April 2019, when Councillor Wager was appointed to the Cabinet).

**2.3** It was agreed that the objective of the Investigation Group would be to draw up clear recommendations based on robust evidence for consideration by the Cabinet Member, and to give appropriate consideration to any barriers and how they can be resolved.

### **3. Background and Current Situation**

**3.1** Many communities in Gwynedd are suffering from problems caused by those who dispose of their waste on the wrong day or in the incorrect way. The Council deals with a high number of complaints from the public about this matter.

**3.2** Sections 46 and 47 of the Environmental Protection Act (1990) authorises County Councils to take enforcement steps in relation to crimes relating to waste collection and to issue fines where:

- A receptacle is left out on the wrong day,
- A receptacle is left out in the wrong location,
- A receptacle is left out on the street permanently,
- There is too much waste for the receptacle,
- Waste is being disposed of in the wrong receptacle.

It was noted that some Councils are already using these powers.

#### **3.3 The Current Procedure**

- i. When the Council becomes aware of the problem, a review is held which includes input from one of the Council's Street Enforcement Wardens.
- ii. If the individual complies, no further action is taken.
- iii. If the individual fails to comply, an informal warning letter is sent by the Council.
- iv. If the individual complies, no further action is taken.
- v. If the individual is unable to comply for the second time, the current policy does not allow for the Legislation to be implemented. This means that the bins continue to remain in the street, causing an obstruction to public roads and pavements, making it difficult for pedestrians to use them, particularly wheelchair users and parents with prams. Of course, this also creates an unfavourable image of communities across the county.

- vi. Should the Council incorporate the Environmental Protection Act (1990), it would be possible to issue a formal warning unless the individual would comply after receiving an informal letter. Further steps would then lead to a Court case.

As a Working Group, we are aware that it is important to strike a balance - an enforcement procedure needs to be considered; however, there is a need to accept situations where solutions are not available for every element, e.g. narrow streets and back streets.

## 4. Methodology

**4.1** Seven meetings of the Scrutiny Working Group were held between July 2018 and June 2019 in order to gather evidence and discuss recommendations. A detailed work programme was agreed upon to address the brief. There were several different elements to the work programme:

**4.2 Element 1 – Understanding and analysing the current situation.** The Streetscene Manager (Highways and Municipal) provided considerable input to assist the members of the Investigation to gain an understanding of the field.

- Key information was received about the nature of the existing service;
- Two site visits were arranged to gather evidence, one in Bangor and one in Porthmadog. Feedback was received from the Members of the Working Group noting that the experience of visiting these locations had been very valuable to the investigation;
- A presentation was given by the Streetscene Manager on the current situation, including photographic evidence. Examples of the evidence gathered can be seen in **Appendix 2**.

### **4.3 Element 2 - Relevant Legislations**

- A presentation was received from Geraint Brython Edwards (Gwynedd Council Solicitor) on relevant legislation, namely the Environmental Protection Act (1990)

("The Act"). This Act contains many provisions which assist the Council to deal with waste problems on land in general, including:

- fly tipping (section 33)
  - breach of duty of care in relation to waste (section 34)
  - waste receptacles (sections 46, 47, 47ZA and 47ZB)
  - statutory nuisance (sections 79 and 80).
- These are the sections of the Act that deal specifically with waste receptacles and are therefore most relevant to waste disposal on the incorrect day or in the incorrect manner:
    - Section 46: household waste containers
    - Section 47: commercial or industrial waste containers
    - Section 47ZA: fixed penalty notices
    - Section 47ZB: amount of fixed penalty under section 47ZA

#### **4.4 Element 3 - Engaging with officers working in the Planning and Landlord Licensing field**

- A presentation was given by Cara Owen (Planning Manager) on the issue of waste enforcement and planning arrangements. A discussion was held on ways in which the Planning Service could continue to improve the situation by ensuring that sufficient storage facilities were being considered for the waste and recycling containers when determining planning applications.
- It was noted that it would not be possible to demand a storage area of a specific size, but a request could be made for sufficient space to be earmarked.
- If a compound was created in any new development (flats), a condition could be imposed that the area be managed correctly with a bespoke management plan.
- It was noted that consideration also needed to be given to transportation matters within housing developments - e.g. suitable entrance for waste collection vehicles and turning space for lorries.



- A presentation was received from Carys Fôn Williams (Housing Manager - Supply and Enforcement) to share information on the enforcement rights held by Gwynedd Council Housing Department Officers to control waste.
- It was highlighted that the Housing Department implemented the Housing Act (Wales) 2014, and in accordance with the Act, every landlord must register and submit a licence application. One of the requirements of the licence is that the landlord has to inform tenants of the refuse and recycling collection arrangements. If the tenant does not comply, Housing Service officers could use their enforcement powers (provided that the waste is within the property's curtilage).
- It was noted that Waste and Recycling Officers ensured a sufficient provision of receptacles for houses in multiple occupation, i.e. larger bins for larger houses, and visited every student property during the first term in the University's timetable.
- It was noted that the Housing Officers did not have the right to punish a landlord if the tenant was at fault. Nevertheless, if the curtilage was untidy, officers would correspond with the landlord in writing or would visit the property to seek a resolution.

**4.5** Observations were considered from some Members of the Working Group who had received comments from members of the public about their experiences of the waste and recycling service. These included matters outside this brief, mainly that the collections were made before 6am and that they could be inconvenient and noisy for residents. However, the Department is currently in the process of introducing changes to the collection arrangements in order to ensure improvements.

## 5. The Evidence considered

### 5.1 The Scrutiny Investigation Group considered evidence:

- By receiving a **presentation from Peter Simpson (Streetscene Services Manager, Highways and Municipal Department, Gwynedd Council)**, on the current situation regarding bins being permanently out on the street.
- By receiving a **presentation from Geraint Brython Edwards (Gwynedd Council Solicitor)** on the **Environmental Protection Act (1990)** and the provisions that could **benefit the Council when dealing with waste problems**. See **Appendix 3**.
- **A visit to the City of Bangor to see the length and breadth of the problems** relating to waste enforcement in the City. The visit was held by Peter Simpson (Streetscene Services Manager), who led a tour around the commercial area of the City (High Street), residential areas, including areas with a high density of students, such as Upper Bangor (Menai Ward), and Cae Llepa (Deiniol Ward) and private residential areas in the Hirael Ward.
- **A visit to the town of Porthmadog to gather evidence** of the problems in the area. The visit was conducted by John Clive Price (Waste and Streets Enforcement Officer) and Alan Hughes (Street Enforcement Warden), who led a tour around the town, focusing on the locations with the greatest number of waste and recycling problems. Residential and commercial areas were visited in order to gather relevant evidence.
- By receiving a **presentation from Carys Fôn Williams (Housing Manager - Supply and Enforcement, Adults, Health and Well-being Department, Gwynedd Council)**, on the **HMO practice guidance**.
- By receiving a **presentation from Cara Owen (Planning Manager, Environment Department, Gwynedd Council)** on the issue of **waste enforcement and planning arrangements**.

- By **holding a focus group with students from Bangor University, asking them about their use of the waste and recycling service.** See **Appendix 4.**
- By **engaging with Bangor University students during the Freshers Week Fair (Serendipity) at the University, and engaging with the people of Gwynedd at the Gwynedd Older People Conference.** The questionnaire can be seen in **Appendix 5**, and the results can be seen in **Appendix 6.**
- By **engaging with the people of Gwynedd** and encouraging them to complete a questionnaire on their use of the waste and recycling arrangements, any obstructions facing them and where they store their bins on the day when they are not collected. The questionnaire can be seen in **Appendix 5**, and the results in **Appendix 6.**
- By **holding a focus group with the Falls Prevention group** at Glaslyn Leisure Centre. The results can be seen in **Appendix 7.**
- By **holding a focus group with the DementiaGo group** at Glaslyn Leisure Centre. The results can be seen in **Appendix 7.** Thanks to Gwenllian Roberts (Recycling Officer) and Lois Owens (Engagement Support Officer) for contributing to the success of the engagement sessions.
- By **engaging with Cllr Peter Read as the Gwynedd Disabilities Champion and as a wheelchair user** to identify whether any improvements can be made to the waste and recycling service to assist wheelchair users to make full use of the service. The suggestions received from this engagement have been included in the recommendations of the report.
- By engaging with landlords who have properties in Gwynedd by means of an electronic questionnaire, in order to ascertain their views on the waste and recycling service. A copy of the questionnaire and the results can be seen in **Appendix 8.**

## 6. Recommendations

- 6.1 The Investigation has identified a number of recommendations where it is considered that there is room for improvement. This is not a criticism of the service that is responsible for the field. However, in order to further improve our response to the demand and attempt to respond to the challenges facing the service to the future, the Scrutiny Working Group is proposing recommendations to be submitted to the Scrutiny Committee and the Cabinet Member.
- 6.2 **It is recommended that powers from the Environmental Protection Act (1990), Sections 46 and 47 which relate to waste containers are used to introduce a new procedure where and when necessary, whereby fines are imposed on residents and businesses who dispose of their waste on the wrong day or in the incorrect way as a matter of priority.**
- Throughout the investigation, much evidence was gathered which shows that there is an obvious problem with bins being left out on the street all the time, and receptacles being used incorrectly. By using the powers of the Act, it is anticipated that this situation can be improved. A flow chart showing how we will recommend for the Act to be implemented can be seen in **Appendix 9**. The successful implementation of these powers will depend on back-office support and effective software.
  - It is important to note that it is not the intention to start fining everyone immediately, however, introducing powers under Section 46 and 47 will also include a comprehensive promotional campaign to change behaviours. As a part of the Investigation, an Equality Impact Assessment was carried out and the Assessment gives specific attention to different equality features, such as race, gender, language, religion or belief and age. See the full report in **Appendix 10**. Every case will be reviewed on its own merits and we will not discriminate against anyone because of their equality characteristics or circumstances.

**6.3 It is recommended for a county-wide promotion campaign to be undertaken to raise awareness of the waste and recycling arrangements, with particular focus on the City of Bangor and acknowledging the geographical and demographical differences within the county at different times of the year.**

- It is recommended that Gwynedd Council collaborates closely with Bangor University in order to improve the quality of the local environment and raise the awareness of students of the waste and recycling arrangements in the City. At the moment, the Council and the University have a good working relationship, and collaborate on a number of campaigns, e.g. the "Hey Punk, sort your junk" campaign - namely an end of term campaign to dispose of waste responsibly and to reduce rubbish on the city's streets.
- In order to ensure the greatest possible impact, it is recommended that specific promotional activities are held at different periods of the academic year, using a range of various methods and mediums, e.g. social media campaigns by using video clips, door-to-door campaigns by Recycling Officers, and on-line campaigns by using the Council and University websites.

**6.4 It is recommended that QR Code Stickers are placed on recycling receptacles to allow residents 24 hour access to their waste and recycling collection days and information on items that can be recycled.**

- At the moment, paper calendars are distributed to every home, and details of collection days are available on the Council's website. However, residents (specifically students) are not always aware of the waste and recycling calendar dates.
- It is recommended that stickers with QR codes are placed on receptacles that will link directly to the relevant pages on the Council's website, where residents can check their collection day and download a copy of their calendar by inputting their post code.

**6.5 It is recommended that collaboration arrangements should be formalised between Council Departments.**

- Following discussions with the Working Group, the Street Enforcement Manager, the Planning Manager and Housing Manager, it is clear that there are opportunities to improve the situation by strengthening the relationship and the communication across the Departments and Services.
- Environment Department: There is a clear opportunity for the Council's Environment Department to give detailed attention to concerns relating to unsuitable HMO accommodation developments in a number of locations across the City of Bangor. To this end, the procedure introduced recently of drawing attention and questioning applicants for bin storage area considerations in planning applications is to be welcomed. Consideration should also be given to transportation matters within new housing developments - e.g. suitable entrance and turning space for lorries. The Planning Service could manage this also.
- Highways and Municipal Department: It is recommended that the Highways and Municipal Department establishes a general e-mail inbox in order to receive planning consultations and that it collaborates more closely with other Council Departments and Services, for example, with the Adults, Health and Well-being Department to ensure that the landlords of houses in multiple occupation (HMOs) ensure that there is a sufficient provision of receptacles, e.g. by ensuring larger bins for large houses and with the Environment Department regarding planning consultations.

**6.6 It is recommended that awareness should be raised of the Clinical Collections Services and Special Collection Service.**

- A Special Collection Service is available for those who cannot take their bins or recycling boxes out to the collection point due to disability or illness.

- During the focus groups with older people and the people living with dementia, it was noted that many individuals were unable to take their receptacles to the collection points, e.g. because of the weight of the receptacles.
- It is suggested that the Department works with the Council's Communication and Engagement Service to hold a promotional campaign to raise awareness of these valuable services.

**6.7 It is recommended to promote the existing network of Recycling Centres (locations and opening times) and hold a specific campaign for the Bulky Waste Collection Service.**

- The Recycling Centres are a resource that are highly valued by the residents of Gwynedd and is key to the effort to reduce fly tipping levels in the County. The Recycling Centres make an important contribution to the County's recycling levels with levels in the Centres being higher than the roadside recycling levels.
- It is suggested that the Department considers working with the Council's Communication and Engagement Service to hold a campaign to raise awareness of these services.

## **7 Conclusions**

- 7.1** The Working Group is of the opinion that the Waste and Recycling Service provides a very valuable service for the people of Gwynedd but that they are under pressure to respond to needs and high expectations, especially in some areas.
- 7.2** Over the last few years, the Service, as the rest of the Highways and Municipal Department had to cope with financial cuts, which meant that they had to prioritise their resources.
- 7.3** If we are to ensure that the streets in Gwynedd are clean and tidy, it is essential that we build a good partnership between the Council and the residents and businesses of the County. In the past, the Service's "behaviour change" campaigns has proved

some success. However, the demand is high and the resources available to address them are dwindling. To the future, it is essential that a clear and firm focus on raising awareness and behaviour change campaigns are central to the work of the Service.

- 7.4** There is much evidence that Gwynedd Council, in partnership with the University, has taken steps to deal with waste and recycling problems, by holding 'blitz' campaigns, publicity campaigns, the "Hey punk, sort your junk" campaign and discussions with the Officers from the Students Union. As a result of the focus group with Bangor University students, it is clear that using social media and websites, as well as knocking on the doors of student accommodation, is the most effective way of raising awareness.
- 7.5** As part of the Investigation, we made successful contact with 26 landlords, who were honest and open about their use of the service, their role and their engagement with tenants on waste and recycling matters.
- 7.6** Research undertaken by the Investigation has shown that a much stricter approach must be taken towards environmental crimes and to move to stricter arrangements for imposing fines. The above recommendations include steps to do so, including a specific recommendation to issue a fine as a matter of priority for residents and businesses who dispose of their waste on the wrong day or in the incorrect way and also a recommendation to raise awareness about waste and recycling arrangements so that the people of Gwynedd are prepared for the change.
- 7.7** An Equality Impact Assessment was carried out as part of the Investigation. The Assessment notes that the recommendation of issuing a fine as a matter of priority for residents and businesses who dispose of their waste on the wrong day or in the incorrect way is likely to have a marked negative impact on equality characteristics, provided that the steps noted are actioned.



## ACKNOWLEDGEMENTS:

The members of the Scrutiny Investigation wish to thank the following who contributed evidence and gave valuable support to the investigation:

- Steffan Jones (Head of Highways and Municipal Department)
- Peter Simpson (Streetscene Services Manager, Highways and Municipal Department)
- Jennifer Rao (Business Support Officer - Lead Officer for the Investigation, Corporate Support Department)
- Lowri Evans (Member Support Officer, Support Officer for the Investigation, Corporate Support Department)
- Councillor Mair Rowlands (Menai Ward, Bangor)
- Councillor Catrin Wager (Menai Ward, Bangor and Cabinet Member for the Highways and Municipal Department)
- Councillor Peter Read (Abererch Ward)
- Geraint Brython Edwards (Solicitor, Gwynedd Council)
- Gwenllïan Roberts (Waste and Recycling Officer, Highways and Municipal Department)
- John Clive Price (Waste and Streets Enforcement Officer, Highways and Municipal Department)
- Alan Hughes (Street Enforcement Officer, Highways and Municipal Department)
- Cara Owen (Planning Manager, Environment Department)
- Carys Fôn Williams (Housing Manager - Supply and Enforcement, Adults, Health and Well-being Department)
- Iwan Evans (Housing Environmental Health Officer, Adults, Health and Well-being Department)
- Vera Jones (Democratic Services Manager, Corporate Support Department)
- Emma Quaeck (DementiaGo Programme Manager, Adults, Health and Well-being Department)
- Lois Owens (Engagement Support Officer, Corporate Support Department)
- Delyth Gadlys Williams (Corporate Policy Officer, Corporate Support Department)
- Gwynedd Council Translation Unit
- Rhiannon Williams (Marketing Officer, Rent Smart Wales)
- Gwen Holland (Sustainability Research Officer and Campus Waste Coordinator, Bangor University)

# APPENDICES

**Appendix 1** - The Investigation Brief

**Appendix 2** - Examples of Evidence

**Appendix 3** - Presentation from Geraint Brython Edwards of the Environmental Protection Act (1990) and the provisions of benefit to the Council when tackling waste problems

**Appendix 4** - Minutes of the Focus Group with Bangor University Students

**Appendix 5** - Waste and Recycling Questionnaire

**Appendix 6** - Waste and Recycling Questionnaire Results

**Appendix 7** - Minutes of the Focus Group with the Falls Prevention Group and Focus Group with the Dementia Go Group

**Appendix 8** - Questionnaire and Result of Questionnaires with Landlords

**Appendix 9** - Proposed Action Flow Chart, Sections 46 and 47 Environmental Protection Act (1990)

**Appendix 10** - Equality Impact Assessment

Committee	Communities Scrutiny Committee
Date	10 October, 2017
Title	Waste Enforcement
Cabinet Member	Councillor Gareth Wyn Griffith
Purpose	To establish a Task Team of Members from the Committee to consider the matter and to advise the Scrutiny Committee of the way forward.

## 1. BACKGROUND

- 1.1 In its meeting of 2 March, 2017 the Council adopted the motion by the former Member, Councillor Lesley Day to request the Cabinet Member of the Environment to consider introducing effective sanctions as a matter of priority on residents that persist in disposing of household waste on the wrong day or in the wrong way; and that the matter be reviewed by the Scrutiny Committee by December, 2017.
- 1.2 In its consideration of the motion, the former Cabinet Member, Councillor John Wynn Jones noted:
- that there was a need to be very cautious when issuing a fine or penalty as some people were elderly and confused or did not understand the system
  - that the Council was entitled to fine people for placing the wrong materials in the wrong bins or for putting out bins on the wrong days, but there was a need to consider the implications of that to the Council
  - that it was suggested that the 'new look' Communities Scrutiny Committee established an investigation into the matter as one of its first functions.
- 1.3 This Report is for the purpose of gaining the Scrutiny Committee's support to establishing a Task Team of Members of the Committee to look into the matter and in order to advise the Scrutiny Committee of the way forward.

## 2. THE RELEVANT LEGISLATION

- 2.1 The right to take enforcement action on breaches involving the collection of waste by means of receptacles has previously been delegated to the Head of Highways and Municipal under Sections 46, 47, 47ZA and 47ZB of the Environment Protection Act 1990.
- 2.2 Under this legislation, it is possible to take action and set fines where:
- (i) receptacles are out on the wrong day/time
  - (ii) receptacles have been placed in the wrong location
  - (iii) receptacles are out on the street at all times
  - (iv) there is excessive amount of waste for the receptacle (over flowing)
  - (v) waste is placed in the wrong receptacle.

## Appendix 1

- 2.3 It should be noted that the Welsh Government is consulting on these sections of the legislation with a view to make it easier for Local Authorities to use and take enforcement action especially for the purpose of ensuring recycling.

3. **TERMS OF REFERENCE FOR THE TASK TEAM**

- 3.1 There will be a need to appoint a chair and agree on the details of the Task ahead but it is recommended that the Task Team comprise of 3/4 Members of the Scrutiny Committee who will join relevant officers to consider the matter in, say, 3 meetings e.g.

Meeting 1:	consideration of the legislation, actual cases, arrangements in other counties
Meeting 2:	site visit to known problem areas, examples on the street
Meeting 3:	consideration of the appropriate means of implementing, when to take action and when not to. Produce a report on the findings to the Scrutiny Committee.

4. **RECOMMENDATION**

- 4.1 The Scrutiny Committee is asked for its support in establishing a Task Team for the purpose and to nominate Members for the Task Team.

# BINS PERMANENTLY OUT ON THE STREET

Narrow pavement – dangerous to users



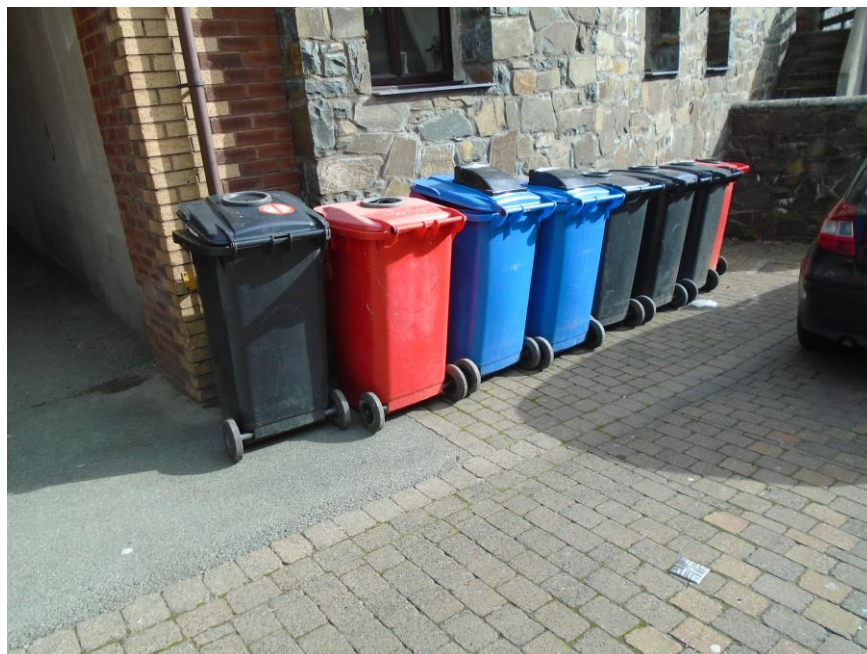




**Bins out on quiet residential back lanes**



Busy main thoroughfares – negative impact on an area’s appearance















**Commercial bins within tourist and shopping areas – negative impact on the area’s appearance and local economy**





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**PRESENTATION TO WASTE ENFORCEMENT SCRUTINY INVESTIGATION ON LEGISLATION**

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**YSTAFELL DWYRYD, PENRHYNDEUDRAETH, 6 JULY 2018**

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**OVERVIEW**

1. The purpose of this presentation is to give practical guidance to members of the Gwynedd Council scrutiny committee on the relevant legislation in relation to their investigation into waste enforcement.
2. The legislation on waste enforcement is included in the Environmental Protection Act 1990 (“the Act”). This Act contains a number of provisions of use to the Council in tackling problems of waste on land generally, including:
  - fly tipping (section 33)
  - breach of duty of care in relation to waste (section 34)
  - waste receptables (section 46, 47, 47ZA and 47ZB)
  - statutory nuisance (sections 79 and 80)
3. This note concentrates on the problem the committee is looking at, that is the disposal of waste on the wrong day or in the wrong manner. While it is possible in principle that some such incidents can lead to the commission of offences under sections 33 and 34, or be tantamount to statutory nuisance under section 79 in respect of which a prosecution can be brought under section 80, those sections are more generic and are outside the scope of this note. Rather, I will concentrate on those parts of the Act that have been tailored specifically to address the problem under consideration. Those parts of the Act deal with “waste receptables”, or in layman’s terms, the rubbish bins you and I leave out for the binman once a week/fortnight/three weeks, as the case may be.
4. Here are the sections of the Act which deal specifically with waste receptables and are therefore most relevant to disposing rubbish on the wrong day or in the wrong manner:
  - Section 46: household waste receptables
  - Section 47: commercial or industrial waste receptables
  - Section 47ZA: fixed penalty notices



- Section 47ZB: the sum of the FPN under section 47ZA

## SECTION 46

5. Section 46 deals with household waste receptables.
6. Subsection (1) says that where the “waste collection authority” (i.e. the Council) has a duty to collect household waste, it can give the occupier a formal notice. That notice can require the occupier to put his waste out for collection in receptables. It can also specify the type and number of receptables which need to be used.
7. Subsection (2) says that the type and number of containers required under subsection (1) must not be more than what is reasonable. Even so, the law may make it necessary for the occupier to use separate receptables or separate compartments of the same receptable for waste which is to be recycled and waste which is not.
8. Subsection (3) says that the Council may, when imposing requirements under subsection (1), decide that the Council will provide the receptables (whether for free or on payment of a fee) or that the occupier provides his own receptable.
9. Subsection (4) provides that any notice under subsection (1) can include conditions regarding the following:
  - size, construction and maintenance of the receptables;
  - where the receptables should be kept for the purposes of emptying and access for that purpose;
  - the placing of receptables for that purpose on the highway;
  - the substances or articles which may or may not be put into the receptables or compartments of receptables, and the precautions to be taken where particular substances or articles are put in them;
  - the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptables.
10. Subsection (5) says that no requirement shall be made under subsection (1) for receptables to be placed on a highway, unless the “highway authority” (i.e. the Council again) has given consent, and that arrangements have been made as to the liability for any damage arising out of their being so placed.

11. Subsection (6) makes it an offence for a person, without reasonable excuse, to fail to comply with any one of the requirements set by the Council under subsection (1), (3) or (4). The maximum penalty for this offence is a fine not exceeding level 3 on the standard scale, i.e. £1000.
12. Subsection (7) says, where an occupier is required to provide receptacles under subsection (1) he may appeal against the requirements in the Magistrates' Court on the grounds that they are unreasonable, or that the receptacles he has are adequate.
13. Subsection (8) says that an appeal must be presented within 21 days.
14. Subsection (9) says:
  - the requirement which is the subject of an appeal is of no effect pending the determination of the appeal;
  - in an appeal hearing the Court may either quash the requirement, or vary it or dismiss the appeal (i.e. leave the requirement as it is);
  - the unreasonableness of a requirement cannot be raised as a defence to a prosecution for an offence under subsection (6).
15. Subsection (10) provides a definition for some terms included in section 46.
16. Finally, subsection (11) says that the Council is not obliged to collect household waste that is placed for collection in contravention of a requirement under section 46.

## **SECTION 47**

17. Section 47 deals with waste receptacles for commercial or industrial waste.
18. Subsection (1) says that the Council, on the application of any person, may provide that person with receptacles for commercial or industrial waste which he has requested the authority to arrange to collect.
  - a. If the Council provides a container under this section then it must charge a fee (so long as it's reasonable) for any receptacle provided for industrial waste.
  - b. In the case of commercial waste, the authority may charge a fee in accordance according to its discretion.
19. Subsection (2) deals with a situation where it appears to the Council that industrial or commercial waste is stored on premises which, if not stored in particular receptacles, is

likely to cause a nuisance or is to be detrimental to the amenities of the locality. In these circumstances the Council can serve a notice on the premises occupier requiring that he provide receptables for the storage of waste.

20. Subsection (3) says that any requirement under subsection (2) regarding the type or number of receptables must be reasonable.

21. Subsection (4) provides that any notice under subsection (2) can include conditions regarding the following:

- size, construction and maintenance of the receptables;
- where the receptables should be kept for the purposes of emptying and access for that purpose;
- the placing of receptables for that purpose on the highway;
- the substances or articles which may or may not be put into the receptables or compartments of receptables, and the precautions to be taken where particular substances or articles are put in them;
- the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptables.

22. Subsection (5) says that no requirement shall be made under subsection (2) for receptables to be placed on a highway, unless the “highway authority” (i.e. the Council again) has given consent, and that arrangements have been made as to the liability for any damage arising out of their being so placed.

23. Subsection (6) makes it an offence for a person, without reasonable excuse, to fail to comply with any one of the requirements set by the Council under subsection (2) or (4). The maximum penalty for this offence is a fine not exceeding level 3 on the standard scale, i.e. £1000.

24. Subsection (7) says, where an occupier is required to provide receptables under subsection (2) he may appeal against the requirements in the Magistrates’ Court on the grounds that they are unreasonable, or that the receptables he has are adequate.

25. Subsection (8) says that an appeal must be presented within 21 days.

26. Subsection (9) says:

- the requirement which is the subject of an appeal is of no effect pending the determination of the appeal;
- in an appeal hearing the Court may either quash the requirement, or vary it or dismiss the appeal (i.e. leave the requirement as it is);
- the unreasonableness of a requirement cannot be raised as a defence to a prosecution for an offence under subsection (6).

27. Subsection (10) provides a definition for some terms included in section 47.

## **SECTION 47ZA**

28. Section 47ZA deals with fixed penalty notices (FPNs) for offences under section 46 and 47.

29. Subsection (1) says that section 47ZA applies whenever an authorised officer has reason to believe that a person has committed an offence under section 46 or 47.

30. Subsection (2) says that the authorised officer may offer that person an opportunity to discharge any liability for conviction for the offence by payment of a fixed penalty to the Council.

31. Subsection (3) says the Council cannot bring a prosecution case against a person who has been offered a FPN until 14 days after the date of the notice, and that person cannot be convicted of that offence if he pays the FPN within that period.

32. Subsection (4) says that a FPN must include such details as necessary for giving reasonable information of the offence.

33. Subsection (5) says that the FPN must state the period when no court proceedings will be taken for the offence, the sum of the FPN, and the person to whom and the address at which the FPN may be paid.

34. Subsections (6) and (7) enable a person to pay the sum by sending payment by post.

35. Subsection (8) deals with the form of the FPN.

36. Subsection (9) enables the chief finance officer to prepare a certificate confirming if a person has not paid a FPN by a specified deadline.

37. Subsection (10) provides a definition for certain terms included in the section. These terms include what is an “authorised officer” for the purposes of issuing a FPN. In short, it can include an employee of the Council, or external agent, of an employee of that agent, provided that the employee/agent etc has the Council’s written authority to undertake the function of issuing FPNs.

#### **SECTION 47ZB**

38. Section 47ZB elaborates on the sum payable for a FPN. These are the two most important parts:

- a. Subsection (2) confirms that the sum of the FPN is whatever sum is specified by the Council, or if no sum is specified, £100.
- b. Subsection (3) permits the Council to treat a FPN as having been paid in full if a lesser amount is paid before the end of a period specified by the authority.

**GERAINT BRYTHON EDWARDS**

**GWYNEDD COUNCIL**

**LEGAL SERVICES**

**6 JULY 2018**

## **Bangor University Student Focus Group: Scrutiny Investigation on Waste Enforcement (23/01/19)**

### **8 Attendees**

.....

#### **Issues with HMOs**

- In shared housing, some flatmates don't recycle. The difficulties of living with new people is that some are conscientious and others are not – who then takes responsibility for the recycling and bins?
- Issues / questions regarding HMO's:
  - How would the Council know who is not recycling properly if 5-7 people are living in the same flat and sharing a bin?
  - Would the Council fine the property or the individual(s)?
  - The landlord should be involved if it was continuously the same house repeat offending. The landlord must take responsibility for providing the bins and informing their tenants of the waste and recycling arrangements.
  - The Group didn't agree with just fining landlords. It was thought that the landlords would take it out of the deposit and students would not know until the end of term – which means they would not learn from any mistakes.

#### **Section 46/47 of the Environmental Act**

- It was noted that the students preferred the enforcement of litter picks rather than fines (used as a type of community service). It could work in a similar way to speeding fines e.g. you could pay a fine or take part in a litter pick or both a litter pick and fine could be enforced. However, is this possible with the legislation? Students do not see a monetary fine as "punishment" as it could be expected that they would ask their parents to pay on their behalf. It was suggested that an enforcement which benefits the community would be better.
- The offence should be evaluated over a 6 month period so that people have time to sort out any problems. It was suggested that people should receive 3 "strikes" before they get issued a fine / community service.
- There is an issue of people walking by and using other peoples bins incorrectly e.g. kebab wrappers and pizza boxes after nights outs. It would be unfair to penalise the residents as they are not the ones placing the items in the wrong containers.
- The ethics of the Service was questioned. There is a difference in punishing someone who keeps their bins out every day as compared to someone who try their hardest but sometimes put the wrong items in the bin. It was made clear that each case of offence would be viewed individually.
- It was questioned if the Council should be looking through personal bins? Should the Council be informing people that the recycling Officers will be out between X and Y date and targeting areas not people?

- It was noted that positive reinforcement should be undertaken rather than punishment. An idea would be for people to be rewarded with points for recycling correctly and could be entered into a prize draw every couple of months?
- Peer group pressure could help if one individual was causing the issue – try and encourage behaviour change.

#### **Issues with Landlords / Landlord Agencies**

- It was noted that often no bins are provided in private accommodation and no information is provided regarding the waste and recycling arrangements.
- Students noted that the landlords often tell the Council that they have given out information but this information is often not passed on to students.

#### **Calendars**

- The Students felt that Bangor should be on yearly calendars (rather than two yearly) because students moving out in summer often misplace / lose calendars. Unfortunately this often means that the new tenants then are not made aware of the waste and recycling arrangements.
- It was suggested that a good idea would be to make calendars available via an App, but there would be a need to advertise this to students directly. Concern that some would only download the app to get certain information and then delete because of issues with phone storage.
- In order to raise awareness of the arrangements, events such as Serendipity, Halls 2 Houses should be targeted.

#### **Education**

- It was felt that steps should be put in place to educate people – and target the worst offending areas first.
- It was acknowledged that those who do not adhere to the arrangements in the correct manner do it because they are ignorant / cannot be bothered and are not doing it maliciously. It was felt that the main reasons for not using the waste and recycling arrangements correctly was due to being uninformed / too lazy to recycle / in a rush etc.
- It was noted that some people have difficulties with plastics and awareness of what can and cannot be recycled.

#### **Overseas Students**

- It was noted that recycling could be difficult for students from overseas. This would be mainly due to the fact that the arrangements are new to them and they may not be aware of what can be recycled and also the languages used could be seen as a barrier. However, if the Council were to start translating the calendars into various languages, it would be difficult to determine into which languages.
- It was also noted that overseas students should not need translations into their first language as they study their university course in English and know more than the basics.

**Other Ideas**

- It was noted that there should be stronger links between the Council and the University.
- It was asked does the Council need to enforce Section 46 if the recycling targets are currently being met. It was felt that the focus should be on improving street littering.
- It was suggested that there should be more promotion / campaigns for individuals to see the benefit in customising their bins.

**Some areas where problems were reported:**

- **Mount Street Bangor**– can be difficult to keep bins off the road because the properties have stairs which are obstructing the movement of the bins.
- **Edge Hill Bangor** – the bins are often left out for days after collection. This causes problems blocking the entrance which is on an uphill drive.
- **The Crescent Bangor** – issue with bins being stolen.





### **Waste and Recycling Questionnaire**

Your response will be treated confidentially in accordance with the Data Protection Act (2018) and it will not be possible to identify you from your responses.

If you have any further questions about this questionnaire, contact Jennifer Rao on (01766) 771000 / [eichbarn@gwynedd.gov.uk](mailto:eichbarn@gwynedd.gov.uk)

We want to encourage more of the people of the County to make full use of the recycling and composting service for three main reasons:

- Mainly, to reduce the negative impact on our environment.
- To reduce costs for the Council as recycling and composting is cheaper than sending refuse to landfill sites.
- To avoid substantial fines and costs from the Government for sending refuse to landfill sites and for failing to meet their national recycling and composting targets

Welsh councils must currently recycle or compost 58% of all refuse collected from our homes. The next target is that 64% of refuse collected must be recycled or composted by 2020.

Gwynedd Council must now encourage many more of us to recycle and compost our waste; otherwise, Gwynedd Council could start facing substantial financial fines.

#### **1) Do you use the waste collection and recycling arrangements?**

- a) Yes
- b) No\*

\*If your answer is 'no', please note why:

#### **2) How often do you use the waste collection and recycling arrangements? - the cartgyllchu trolley or the blue box, the small brown food bin, the large brown garden waste bin, and the large green residual waste bin.**

- a) Every week
- b) Sometimes\*
- c) Very little use\*
- ch) No use\*

**\*If you are not making full use, what prevents you from making full use of the weekly recycling and composting service?**

(please select all that apply)

- Too much bother / no time \_\_\_\_\_
- Recycling is not important to us \_\_\_\_\_
- The process is unsuitable for our home (terraced house / stairwells / no room to keep 3 / 4 bins \_\_\_\_\_
- Do not understand the process \_\_\_\_\_
- Other - please note \_\_\_\_\_

**3) Where do you store your bins on days where they are not collected?**

**4) Do you have any further comments to make regarding the waste and recycling service?**

**The following questions relate to your equality characteristics. The questionnaire is anonymous therefore it will not be possible to identify anyone, and we will use the information to see whether there are patterns in the responses by, e.g. older people, or disabled people. You are welcome to select 'I prefer not to say' for any of the questions.**

**1) Are you ...**

Male

Female

Other

I prefer not to say

**2) Please note your age group:**

16 - 24      25 – 44      45 – 64      65 – 84      85+oed

I prefer not to say

**3) Please note your Post Code: \_\_\_\_\_**

**4) Section 6 (1) of the Equality Act 2010 states that an individual has a disability if:**

- a. That individual has a physical or mental impairment, and
- b. That the said impairment has a substantial and long-term detrimental effect on the ability of the individual to carry out normal day to day activities

**Using this definition, do you consider yourself a disabled person?**

Yes

No

I prefer not to say

**Thank you very much for completing the questionnaire.**

## Waste and Recycling Questionnaire

### 1. Responses to the questionnaire

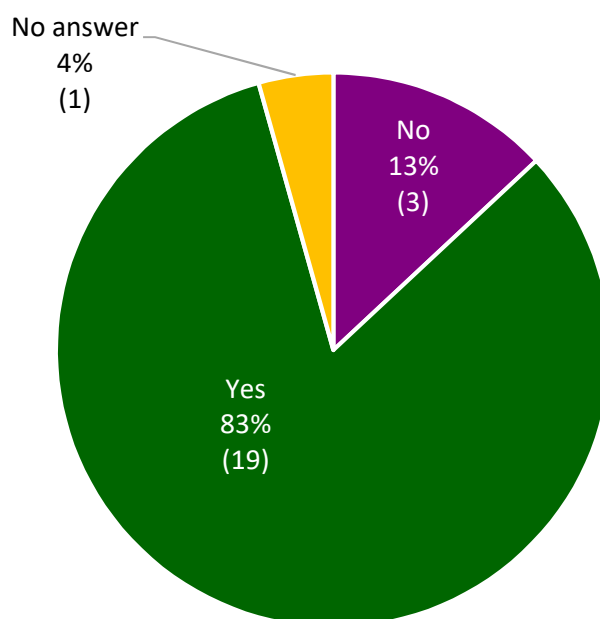
23 responses were received to the questionnaire.

#### 1.1. Question 1: Do you use the waste collection and recycling arrangements?

It can be seen that the majority of respondents use the waste collection and recycling arrangements (83%, N=19).

Those who had answered 'No' (N=3) were asked to explain their answer. 2 respondents had noted that they live in University halls, and 1 did not use the arrangements as they were having difficulties with the recycling collections.

**Graph 1**



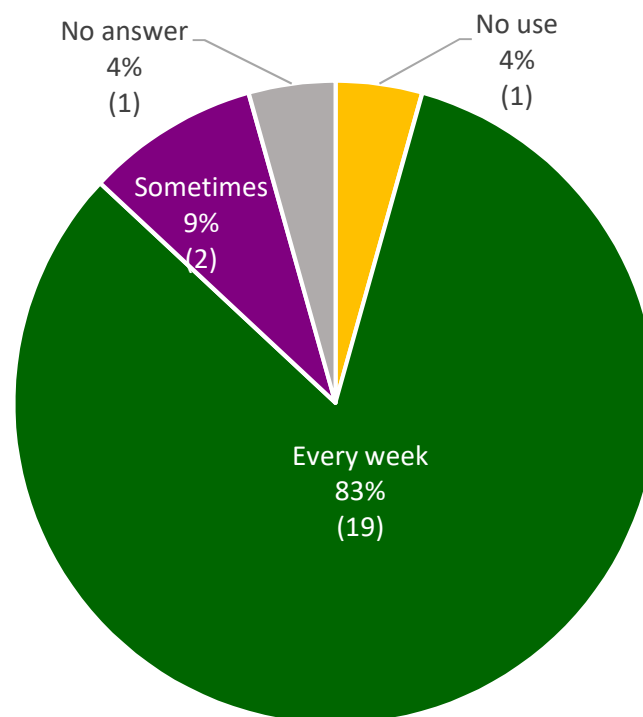
#### 1.2. Question 2: How often do you use the waste collection and recycling arrangements? - the cartgylchu or the blue box, the small brown food bin, the large garden waste brown bin, and the large green residual waste bin.

It can be seen that the majority of respondents use the waste collection and recycling arrangements **every week** (83%, N=19).

Those who did not make full use of the arrangements (N=3) were asked to explain their answer. These were the reasons given:

- Live in Ffriddoedd site, Bangor University (1)
- Only put out the cartgylchu trolley when it is full (1)
- Lost bin / cartgylchu trolley (1)

**Graph 2**



### 1.3. Question 3: Where do you store your bins on days when they are not collected?

Various responses were received to this question.

The majority of respondents noted that they kept the bins at the side or back of the house (N=11).

These were the problems that 2 respondents noted:

- The students do not do it - unsuitable housing / access / garden / stairs. (1)
- Stairs are a problem, nowhere to leave them and pass, so (keep the bins) on the street. (1)

**Table 1**

	<b>Number</b>
Side / back of house	11
Front of house	5
Noted a problem (see 1.3 above)	2
On the stairs	1
A parcel of land	1
Site near the Halls (Bangor University)	1
No response	2
<b>Total</b>	<b>23</b>

#### **1.4. Question 4: Do you have any further comments to make regarding the waste and recycling service?**

Various responses were received to this question. The responses have been grouped into specific themes below.

**Table 2**

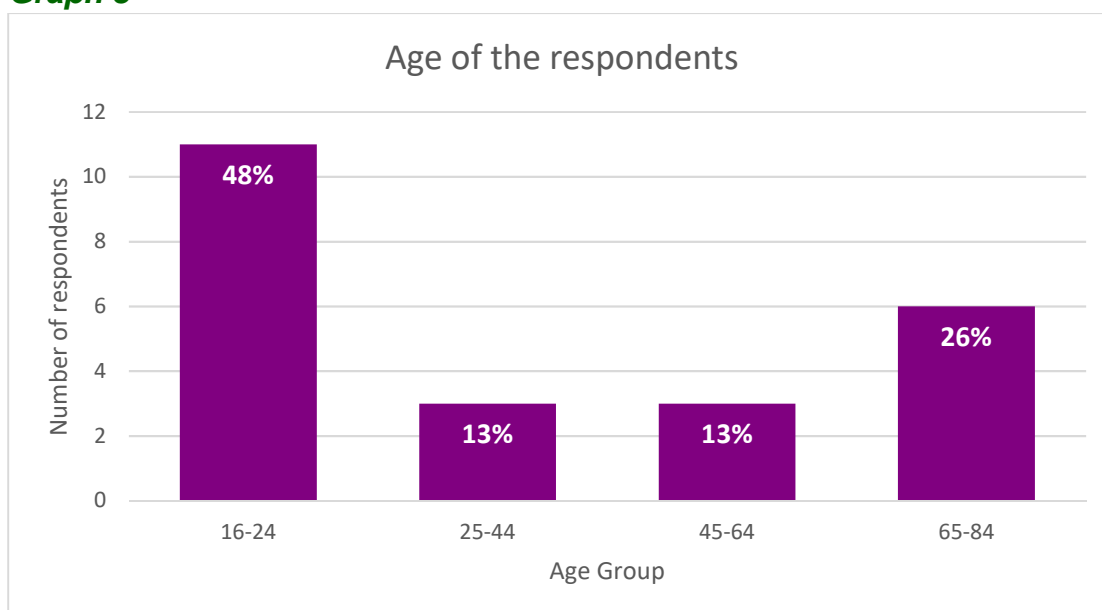
<b>Unsure of the materials to be recycled</b>
Black plastics
Batteries
Some unsure of the cans / plastic / glass
<b>Problems with the cartgylchu trolley / box</b>
Water getting into the recycling box
Cart durability
23ltr food bin is unsuitable
Need a new frame for the cart
Need bins
Need a new cart
Trying our best but the design of the garden / property is a barrier
<b>People not keeping bins</b>
Something must be done about the bins that are not taken back in. Understand that it is not possible to collect from the back without new vehicles.
<b>Other / Various</b>
Need to use the centre for end of term arrangements - rats are a problem
Rubbish after collection (Lithfaen)
People who walk past and use the bins

## 2. Respondents according to age

### 2.1 Overview

A higher number of respondents **16-24** (N=11) and **65-84** (N=6) have answered the questionnaire. The reason for this is that these age groups have been targeted through Bangor University and the Gwynedd Older People's Council Conference.

**Graph 3**



### 2.2 Question 1

Although the sample is small, the **3** respondents who noted that they did not use the waste or recycling collection arrangements were within the age group **16-24**.

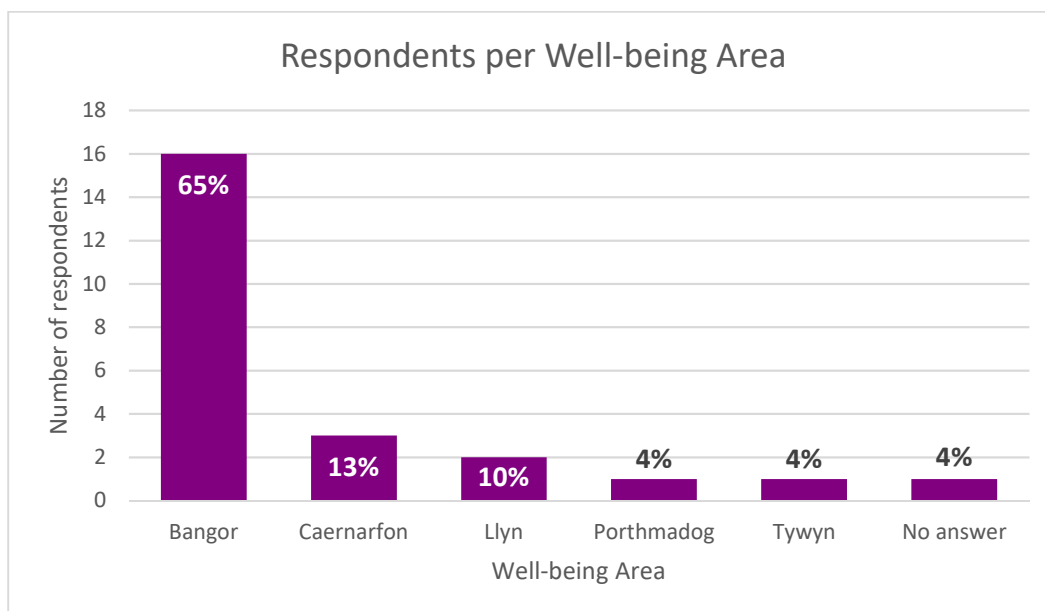
### 2.3 Question 2

Although the sample is small, each of the respondents aged **65-84** (N=6) noted that they used the waste and recycling collection arrangements **every week**.

### 3. Respondents per Well-being Area

#### 3.1 Overview

A large number of respondents (N=15) are from the **Bangor** area following the targeting of students through the University.



#### 3.2 Question 1

Although the sample was small, the **3** respondents who noted that they did not use the waste and recycling collection arrangements lived in Bangor.

#### 3.3 Question 2

No pattern to note.



**Focus Groups - Falls Prevention and DementiaGo:**

**Scrutiny Investigation on Waste Enforcement (08/02/19)**

**26 attendees**

**Containers / boxes**

- A large number of the group noted that they had noticed that staff who empty the recycling carts place the upper box inside the central box once the cart has been emptied, and it was asked why this was done. It was noted that the upper box often got stuck and they were not strong enough to take it out and therefore it was asked if it would be possible for staff to not do this? It was also suggested that a sticker could be used by those persons who do not want the recycling cart to be left in this way, once emptied.
- Another suggestion by the group members was that a sticker/something visual could be included on the recycling cart and the bins to inform the collection staff that homes have medical/mobile difficulties.
- A number of individuals also noted that they did not know how to order new bins/recycling receptacles. They were not aware that they can order blue boxes with net covers.
- It was noted that the bins/recycling carts were fragile and often broke, and it was asked how much this cost the Council?
- One person asked if it was possible to have more than one brown garden waste bin?

**Recycling materials**

- Many were not sure where to place some items e.g. in which box does foil go? Questions were also asked regarding cartons, flower pots and black plastics.
- It was noted that everyone in the group used the food waste bin and the recycling boxes.
- Several questions were raised regarding soft plastics. They were aware that soft plastics cannot be recycled and it was asked if the Council had any ideas or initiatives for these rather than to dispose them in the residual waste bin.
- They liked the laminated information sheets that were available in the sessions and individuals from the DementiaGo group felt that these were especially useful since they had lost their short term memory.

## Landlord Questionnaire

### 1. Responses to the questionnaire

26 responses were received to the questionnaire.

#### 1.1. Question 1: How do you ensure that your tenants make full use of the Gwynedd Waste and Recycling Service?

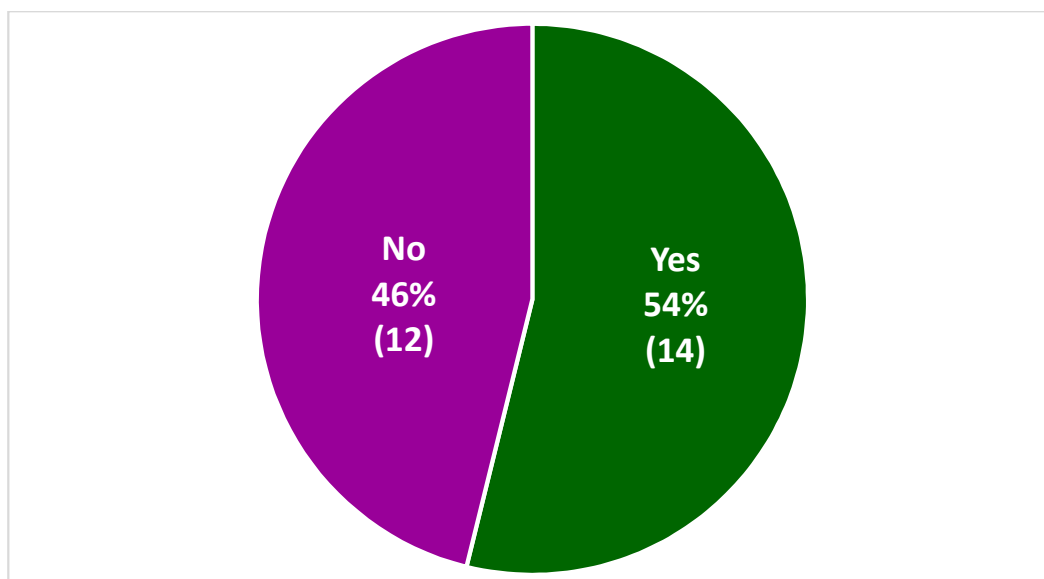
Various responses were received to this question. The answers have been sorted into specific themes below.

26 individuals chose to answer the question (with some comments falling into more than one theme).

	Nifer
Provide the correct bins / waste calendars	11
Meet face to face / give out a welcome pack when they move in	4
This is not the landlords responsibility	3
Tenant has been living in the house for years	3
Encourage recycling / make sure they are aware	3
Remind them through house Facebook Group	1
Housing company responsible for renting	1
Comment not relevant	3
<b>Total</b>	<b>29</b>

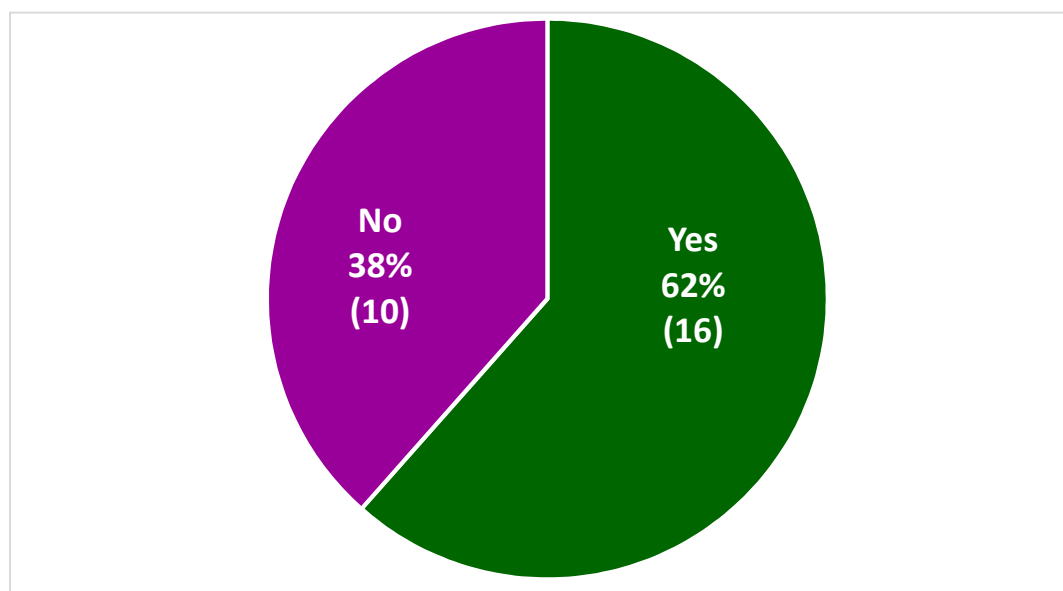
#### 1.2. Question 2: Are you aware that penalties can be imposed for not recycling correctly?

Although the result was close, the majority of the respondents (N=14, 54%) were aware that penalties can be imposed for not recycling correctly.



**1.3. Question 3: Do you give clear instructions to your tenants on the rules for recycling and how important it is the stick to them?**

The majority of the respondents (N=16) noted that they do give clear instructions to their tenants.



Those who answered 'Yes' (N=16) were asked to explain their answer. The answers have been sorted into specific themes below (with some comments falling into more than one theme).

	<b>Nifer</b>
Verbal instruction	9
Written information / leaflet or Gwynedd Council waste calendar	6
Reminder on the house Facebook page	1
Tenant Agreement	1
The council should provide information leaflets	1
<b>Total</b>	<b>18</b>

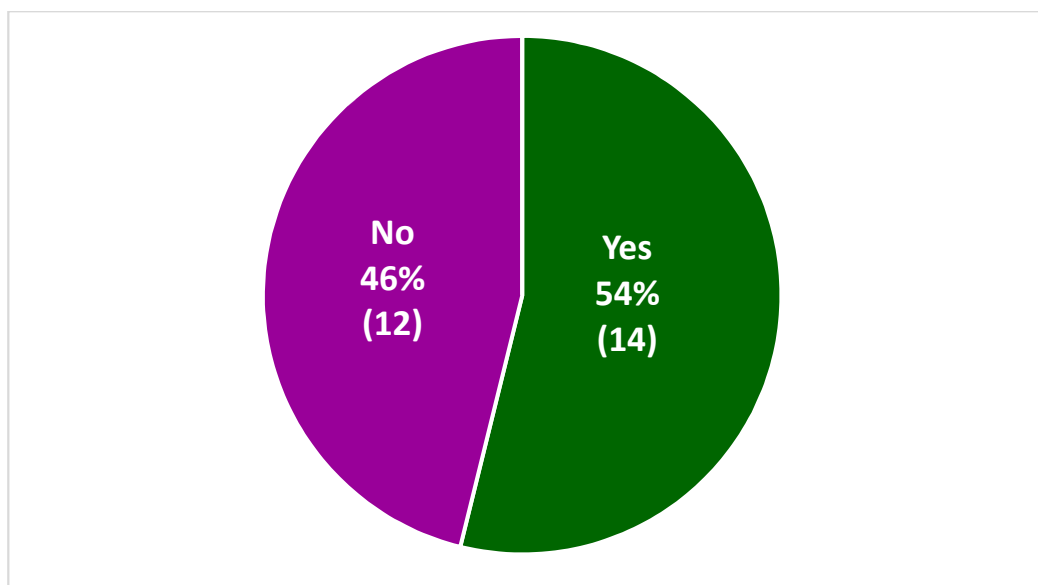
**1.4. Question 4: Where do your tenants store their bins/recycling trolley on days where they are not collected, and does your property have a specific area for keeping bins/trolley?**

Various responses were received to this question. The answers have been sorted into specific themes below (with some comments falling into more than one theme).

	<b>Nifer</b>
Back of the house / back garden	10
Front of the house / front garden	6
Shed / garage / specific place where bins are kept	6
Kitchen / inside the flat	2
There have been problems regarding where bins are kept	1
Comment not relevant	3
<b>Total</b>	<b>28</b>

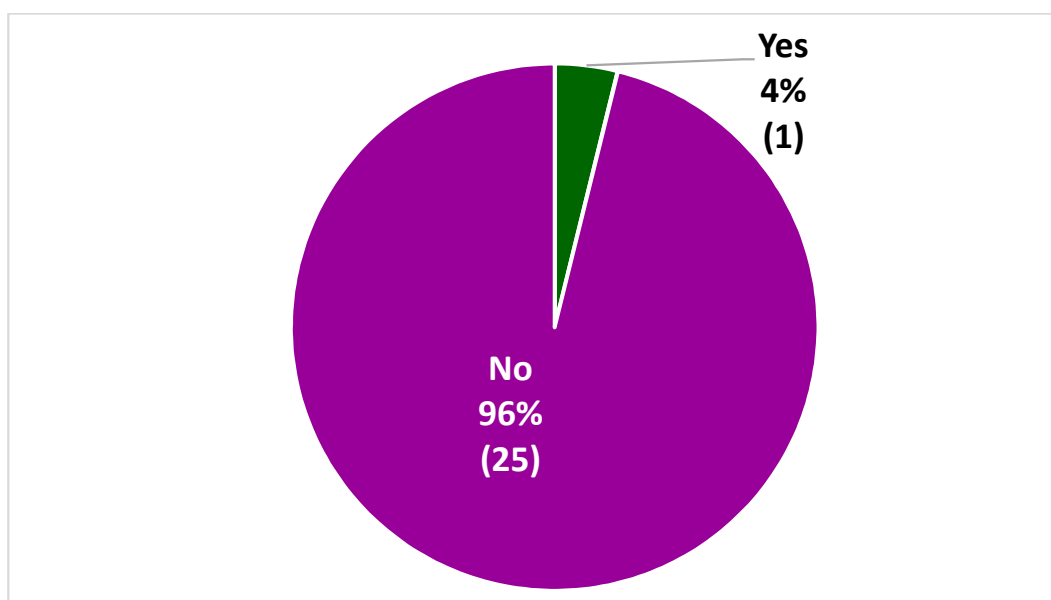
**1.5. Question 5: Are you aware fines can be imposed for leaving bins/trolleys out on the pavement other than on collection day?**

Although the result was close, the majority of the respondents (N=14, 54%) were aware penalties can be imposed for leaving bins/trolleys out on the pavement other than on collection day.



**1.6. Question 6: Do your tenants contact you regarding the waste and recycling service?**

The majority of the respondents (N=25) noted that their tenants do not contact them regarding waste and recycling service.

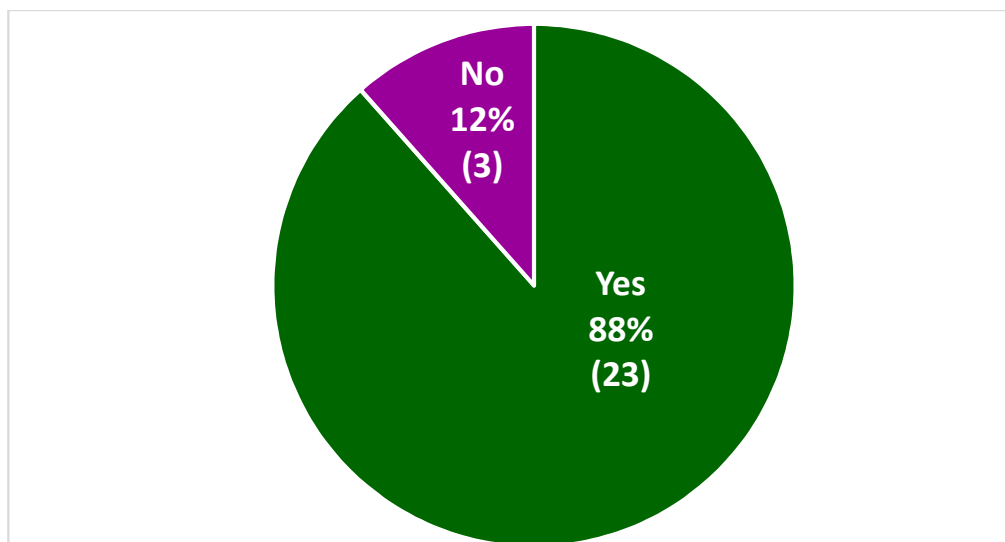


The respondent who answered 'Yes' was asked what type of queries they had received. This was what was said:

"Why do the council only collect household waste only once every three weeks? At which point I tell them that if they recycle everything once every three weeks is adequate"

**1.7. Question 7: As a landlord, are you aware that Gwynedd Council offers a bulky waste collection Service where for a small fee, we will collect large items such as a sofa, freezer?**

The majority of respondents (N=23) were aware that Gwynedd Council offers a bulky waste collection Service.



**1.8. Question 8: Do you have any recommended improvements for the domestic recycling and waste collection services? Please note your comments below.**

14 respondents chose to answer this question.

Their answers have been sorted into specific themes below (with some comments falling into more than one theme).

	Nifer
Staff not emptying the bins / damaging the bins / leaving rubbish and mess after the collections	5
Problems with the bins – standard, need clear labels and quality of the food bin bags.	3
Need a better arrangement regarding recycling plastics	2
Better instructions / leaflets	1
Punish people / implement 'bin checks'	1
Happy with the Service	1

Need a windy day Policy	1
Opening hours of the recycling centres not suitable (10am - 4pm)	1
Problem because the bins are far away from the house (farm)	1
<b>Total</b>	<b>16</b>

**1.9. Question 9: Do you have any further comments to make regarding the waste and recycling service? Please note your comments below.**

10 respondents chose to answer this question.

Their answers have been sorted into specific themes below (with some comments falling into more than one theme).

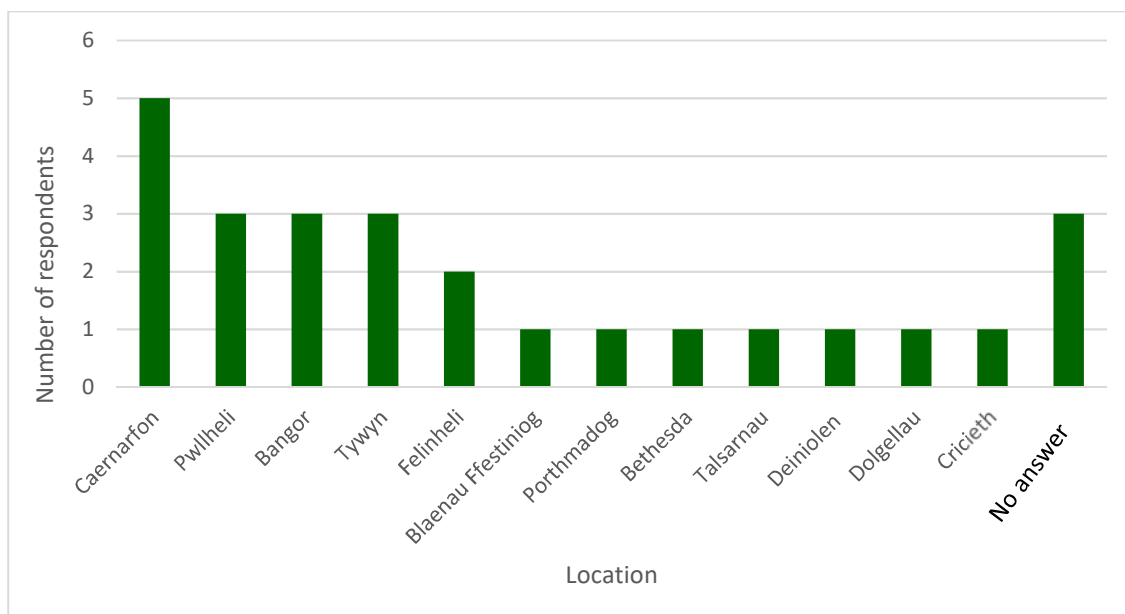
	<b>Nifer</b>
Staff leaving rubbish and mess after the collections	3
It's the tenants responsibility to recycle – not the landlord	3
Good service at Pwllheli recycling centre	2
Disagrees with the Garden waste fee	2
Recycling should be collected less often	1
It's hard to recycle and there's no help from the council	1
<b>Total</b>	<b>12</b>

**2. Location and number of properties owned by the respondent**

**2.1 Location**

A higher number of respondents (N=5) were landlords on properties in the Caernarfon area.

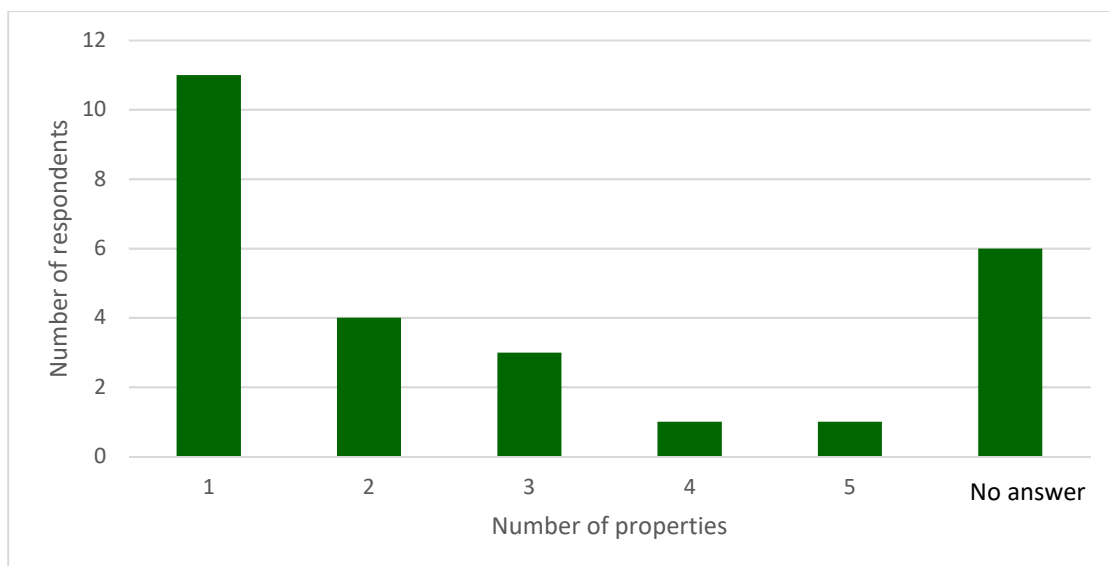
The sample was too small to compare fully but overall there was no significant difference between responses to the questionnaire from different areas.



## 2.2 Number of properties

The answers ranged between 1 and 5 properties. The majority (N=11) noted that they were landlords on 1 property only.

The sample was too small to compare fully but overall there was no significant difference between responses to the questionnaire from different areas.





## The Questionnaire

Gwynedd Council want to encourage more of the people of the County to make full use of the recycling and composting service for three main reasons:

- Mainly, to reduce the negative impact on our environment.
- To reduce costs for the Council as recycling and composting is cheaper than sending refuse to landfill sites.
- To avoid substantial fines and costs from the Government for sending refuse to landfill sites and for failing to meet their national recycling and composting targets

Welsh councils must currently recycle or compost 58% of all refuse collected from our homes. The next target is that 64% of refuse collected must be recycled or composted by 2020.

Gwynedd Council must now encourage many more residents to recycle and compost our waste; otherwise, Gwynedd Council could start facing substantial financial penalties.

Please answer the questions below **as a landlord** with properties in Gwynedd.

1) How do you ensure that your tenants make full use of the Gwynedd Waste and Recycling Service?

2) Are you aware that fines can be imposed for not recycling correctly?

Yes / No

3) Do you give clear instructions to your tenants on the rules for recycling and how important it is the stick to them?

Yes / No

If Yes, how do you do this?

4) Where do your tenants store their bins/recycling trolley on days where they are not collected, and does your property have a specific area for keeping bins/trolley?

5) Are you aware fines can be imposed for leaving bins/trolleys out on the pavement other than on collection day?

Yes / No

6) Do your tenants contact you regarding the waste and recycling service? If so, what kind of queries do they have?"

7) As a landlord, are you aware that Gwynedd Council offers a bulky waste collection Service where for a reasonable fee, we will collect large items such as a sofa, freezer.

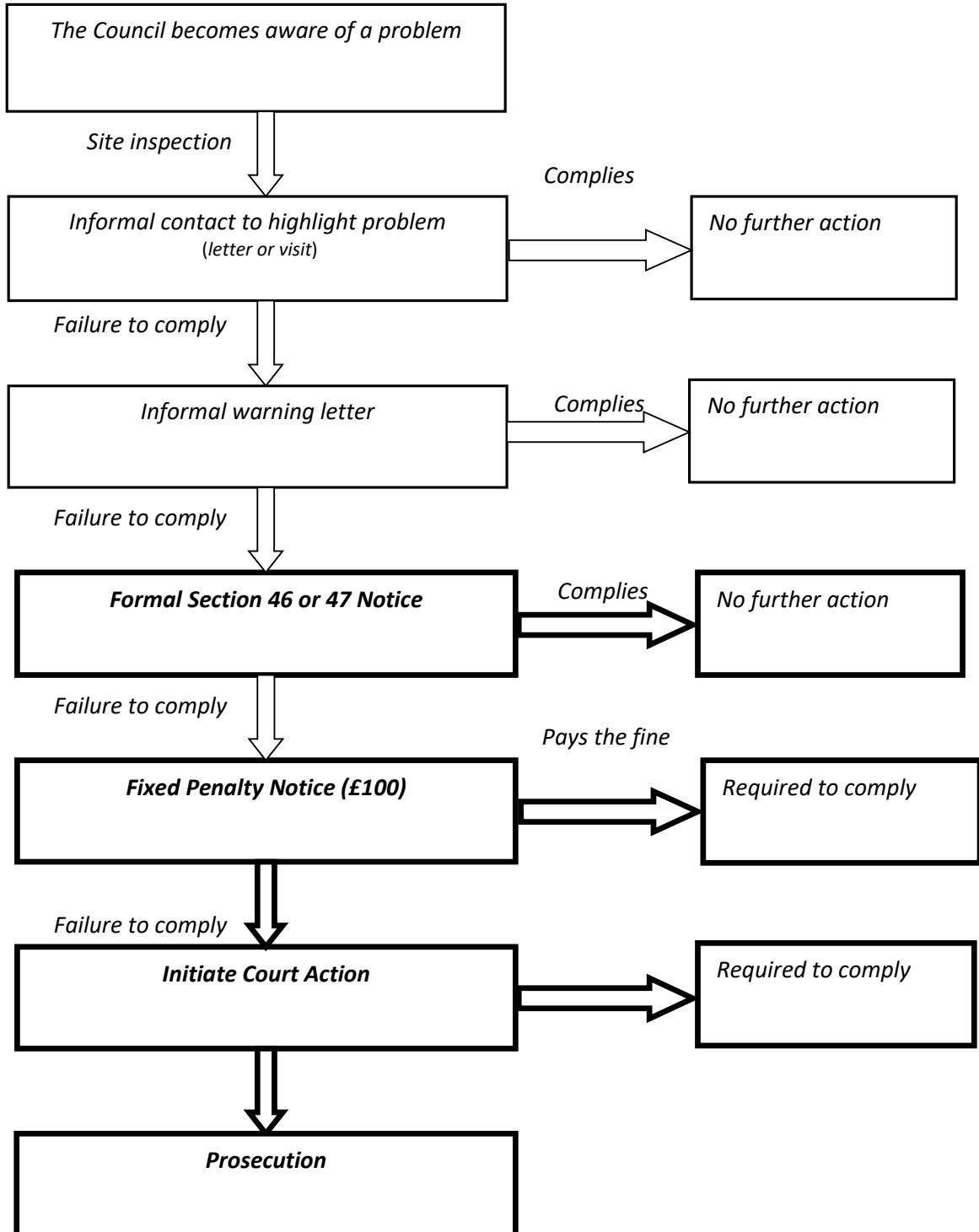
Yes / No

8) Do you have any recommended improvements for the domestic recycling and waste collection services? Please note your comments below.

9) Do you have any further comments to make regarding the waste and recycling service? Please note your comments below.

10) Please note the location(s) of your properties, e.g Bangor, Tywyn and the number of properties which you rent out.

**ENVIRONMENTAL PROTECTION ACT 1990 - SECTION 46 and 47 ACTION- Proposed**



# Equality Impact Assessment

See the leaflet *How to Make an Equality Impact Assessment* for help to complete this form. You are also welcome to contact Delyth Williams, Policy and Equality Officer on ext. 32708 or [DelythGadlysWilliams@gwynedd.llyw.cymru](mailto:DelythGadlysWilliams@gwynedd.llyw.cymru), for further assistance.

## I Details

### I.1. What is the name of the policy / service in question?

Scrutiny Investigation on Waste Enforcement

### I.2 What is the purpose of the policy / service that is being created or amended? What changes are being considered?

Gwynedd Council is undertaking a scrutiny investigation to consider the issuing of penalties for residents and businesses who dispose of their waste on the wrong day or in the incorrect manner and leave the waste and recycling receptacles/bins out on the street permanently. Several parts of Gwynedd suffer as a result of problems caused by people who dispose of their waste on the wrong day or in the incorrect manner.

Legislation on waste enforcement is contained within the Environmental Protection Act 1990 ("the Act"). This Act contains many provisions which assist the Council to deal with waste problems on land in general, including waste receptacles (sections 46, 47, 47ZA and 47ZB).

These are the sections of the Act that deal specifically with waste receptacles and are therefore most relevant to waste disposal on the wrong day or in the incorrect manner.

- Section 46: household waste containers
- Section 47: commercial or industrial waste containers
- Section 47ZA: fixed penalty notices
- Section 47ZB: amount of fixed penalty under section 47ZA

The Council has a right to take enforcement action on offences involving waste collection under Sections 46/47 of the Environmental Protection Act 1990. Under the Act, a case can be made and fines imposed if:

- i) The receptacle is out on the wrong day

- ii) The receptacle is out in the wrong location
- iii) The receptacle is out on the street permanently
- iv) The receptacle is overflowing with waste
- v) Waste is in the wrong receptacle.

### **1.3 Who is responsible for this assessment?**

Steffan Jones, Head of the Highways and Municipal Department.

### **1.4 When did you commence the assessment? Which version is this?**

November 2018  
Version I

## **2) Action**

### **2.1 Who are the partners it will be necessary to work with to undertake this assessment?**

- Members of the Communities Scrutiny Committee
- Gwynedd Council Councillors
- Gwynedd Residents
- Gwynedd Businesses

### **2.2 What measures have you taken to engage with people with equality characteristics?**

As part of the investigation, the Working Group has conducted site visits in order to gather evidence of the current situation. Whilst gathering evidence, we have engaged with students from Bangor University, people who are living with dementia, and older people.

Also, the Council has held a public engagement exercise, 'What matters to you', and has engaged with a number of groups with equality characteristics as part of this project. A number of observations were received from the people of Gwynedd on the Waste and Recycling Service and the results of the exercise can be seen [here](#)

### 2.3 What was the outcome of the engagement?

As a Council, we have gathered some information regarding residents' views on the waste and recycling arrangements, collected as part of the 'What matters to you' engagement exercise in October 2018.

2,478 responses were received from individuals to the questionnaire and 38 organisations / businesses took advantage of the opportunity to complete the questionnaire. 59 options were presented to be placed in one of five categories namely most important, very important, important, fairly important and least important. In order to analyse the options, a score of 5 was given to the services in the 'most important' box, down to a score of 1 for the services that scored as being 'least important'. A total score was taken for all the responses for each service to enable us to rank them in order of importance.

The ranking of services in line with the views of Gwynedd residents regarding their importance indicates that 'Waste collection and recycling' was third according to the total score.

Also, there was an opportunity for responders to note any further comments in an open box at the end of the questionnaire. 90 comments were received (the second largest) regarding a 'need to have a better service to collect waste / dog fouling / recycling'. The results of the consultation can be seen [here](#)

As part of the Scrutiny Investigation on Waste Enforcement, a focus group was held with students from Bangor University to discuss their use of the waste and recycling service. It was noted that some students do not recycle in shared housing. Amongst the difficulties of living with a group of new people was that some were conscientious and others were not. It was noted that there was a problem with people walking past and using other people's bins incorrectly, e.g. pizza boxes after nights out. In addition, the strong message heard was that the landlords did not take responsibility for sharing information about the recycling arrangements with students and they did not provide enough recycling facilities. It was felt that measures should be put in place to educate people - and target the worst offending areas first. It was acknowledged that those who did not adhere to the arrangements correctly did so as they were not knowledgeable / did not bother and it was noted that some people had difficulties with plastics and their awareness of what could / could not be recycled. It was noted that recycling could be difficult for students from overseas. This would be mainly due to the fact that the arrangements were new to them, and they may not be aware of what could be recycled and the formal language used could also be considered as a barrier.

A focus group was held with a group of individuals who attended DementiaGo sessions at Gwynedd Byw'n lach Centres, and a focus group with individuals who attended falls prevention sessions. A large number of the group noted that they had noticed that staff who empty the recycling carts place the upper box inside the central box once the cart has been emptied, and it was asked why this was done. It was noted that the upper box often got stuck and they were not strong enough to take it out and therefore it was asked if it would be possible for staff to not do this? It was also suggested that a sticker could be used by those persons who do not want the recycling cart to be left in this way, once emptied.

Many were unsure where to place some items e.g. in which box does foil go? Questions were also asked regarding cartons, flower-pots and black plastics. It was noted that everyone in the group used the food waste bin and the recycling boxes. Several questions were raised

regarding soft plastics. They were aware that soft plastics cannot be recycled and it was asked whether the Council had any ideas or initiatives for these rather than to dispose them in the residual waste bin. They liked the laminated information sheets that were available in the sessions and individuals from the DementiaGo group felt that these were particularly useful since they had lost their short-term memory.

Also as part of the investigation, a questionnaire was distributed during the Bangor University Freshers Fair and at the Gwynedd Older People Conference and 23 responses were received to the questionnaire.

It was noted that the majority of responders used the waste and recycling collection arrangements (83%, namely 19 people). One responder decided not to answer the question.

Those who had answered 'no' (3 people) were asked to explain their answer. 2 responders had noted that they lived in University halls, and that they did not use the arrangements as they were having difficulties with the recycling collections.

The responders were asked, "How often do you use the waste and recycling collection arrangements?" - namely cartgylchu or blue box, the small brown bin for food, the large brown bin for garden waste, and the large green bin for the residual waste.

It was noted that the majority of responders used the waste and recycling collection arrangements every week (83%, namely 19 people). Those who did not make full use of the arrangements (3 people) were asked to explain their answer. The reasons noted were: Live in the Ffriddoedd site, Bangor University (1), Only place the cartgylchu outside when it is full (1), Bin / cartgylchu has been lost (1).

The responders were asked, "Where do you keep your bins when they are not being collected?" The majority of the responders noted that they kept the bins at the back or side of the house (11 people). A number of responses were received to this question:

	<b>Number</b>
Side / back of house	11
Front of house	5
Noted a problem <ul style="list-style-type: none"> <li>The students do not do it - unsuitable housing / access / garden / stairs. (1)</li> <li>Stairs are a problem, nowhere to leave them and pass, so (keep the bins) on the street. (1)</li> </ul>	2
On the stairs	1
A parcel of land	1
Site near the Halls (Bangor University)	1
No response	2
<b>Total</b>	<b>23</b>

## 2.4 On the basis of what other evidence do you operate?

The Working Group has gathered evidence from many areas and has conducted site visits in Bangor and Porthmadog.

The Members of the Working Group noted that the experience of visiting various locations had been very valuable to the investigation. It was noted that Bangor was clearly in a unique situation, which was concerning. Porthmadog had highlighted "the norm".

Observations about further visits:

- Rural Waste - suggestion that problems be recorded and photographs taken rather than visiting. Problems arose unexpectedly, not the same density as Bangor.
- 146 community bin locations (mainly in Meirionnydd). On the whole the arrangements worked. It appeared that there was an increase in use during the Summer.
- More complaints were being received about fly tipping.

A questionnaire was completed with students during 'Freshers Week'. Students were asked about their awareness of the different coloured bins and if they knew what type of waste went into each bin. They were also asked if they sorted their waste, if they knew when bins were collected and also where their bins were stored on days when the bins were not collected.

## 2.5 Are there any gaps in the evidence that needs to be gathered?

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## 3) Identifying the Impact

**3.1 What impact will the new policy/service or the changes in the policy or service have on people with equality characteristics? The Council must give due attention to the impact any changes will have on people with equality characteristics.**

<b>Characteristics</b>	<b>What type of impact? (delete if not applicable)</b>	<b>In what way? What is the evidence?</b>
<b>Race (including nationality)</b>	Negative	Negative - many students from overseas, who do not use Welsh or English as their first language, live in the Bangor area. At the moment, we do not create leaflets and calendars in different languages but we will work with the Students Union to ensure that overseas students understand the waste and recycling arrangements.
<b>The Welsh language</b>	None	No impact, everything would be available in Welsh and English.



<b>Disability</b>	Positive and negative	<p>Negative - imposing fines without considering various needs could cause problems for disabled people who find it difficult to move the bins or who do not understand the arrangements. Also, consideration needs to be given to people who use BSL and those who are unable to use the service correctly due to ill-health.</p> <p>Positive - the investigation includes using powers for those who leave their bins out on the street permanently. Disabled people, particularly wheelchair users, find it difficult to use the pavements when bins cause an obstruction. Using the powers should cause fewer obstructions to these people.</p> <p>A Special Collection Service is available for those who cannot take their bins or recycling boxes out to the collection point due to disability or illness. Special arrangements are in place for the weekly collection of clinical waste.</p> <p>It is recommended that awareness should be raised of the Clinical Collections Services and Special Collection Service available for older people and disabled people to dispose of their waste. This can be done as a part of the broader promotion campaign.</p>
<b>Gender</b>	none	We have not identified an impact
<b>Age</b>	Positive	<p>Positive - The investigation includes using powers for those who leave their bins out on the street permanently. Some older persons and parents with prams find it difficult to use the pavements when bins cause an obstruction. Using the powers should cause fewer obstructions.</p> <p>See also the section on disability, as older people are more likely to be disabled.</p>
<b>Sexual orientation</b>	none	We have not identified an impact
<b>Religion or belief (or non-belief)</b>	none	We have not identified an impact
<b>Gender reassignment</b>	none	We have not identified an impact
<b>Pregnancy and maternity</b>	none	We have not identified an impact. Special arrangements are in place for the weekly collection of nappies.

<b>Marriage and civil partnership</b>	none	We have not identified an impact

**3.2 Does the policy or the service affect their General Duties under the 2010 Equality Act? The Council must give due attention to the way any change affects these duties.**

<b>General Duties of the Equality Act</b>	<b>Does it have an impact?</b> (Delete if not applicable)	<b>In what way? What is the evidence?</b>
<b>Abolishing illegal discrimination, harassment and victimisation</b>	<b>Yes</b>	<p>Positive - the current situation indicates that a number of residents and businesses leave bins out permanently and these cause an obstruction on the roads and pavements.</p> <p>This makes it difficult and sometimes impossible for wheelchair users and those with prams to use the pavements.</p> <p>Negative - something needs to be put in place to ensure that some groups e.g. disabled people, people who do not speak Welsh or English as a first language, older people are not affected negatively by being fined due to a lack of awareness of the arrangements rather than a lack of compliance.</p>
<b>Promoting equal opportunities</b>	<b>Yes</b>	As above
<b>Encouraging good relationships</b>	<b>Yes</b>	This will strengthen the relationship between the groups with equality characteristics being affected by the bins being out on the streets permanently, and their neighbours, etc.

**4) Analysing the results**

**4.1 Is the policy therefore likely to have a significant, positive impact on any of the equality characteristics or the General Duty and what is the reason for this?**

Yes. The current situation indicates that a number of residents and businesses leave bins out permanently and these cause an obstruction on the roads and pavements.

This makes it difficult and sometimes impossible for wheelchair users and those with prams to use the pavements.

**4.1 Is the policy therefore likely to have a significant, negative impact on any of the equality characteristics or the General Duty and what is the reason for this?**

Perhaps some residents may not understand the arrangements as the leaflets and calendars are difficult to understand. We have to consider that people with a specific illness may also find it difficult to follow the arrangements. We will engage with people who live with dementia in order to find out what are the current obstacles.

**4.3 What should be done?**

Choose one of the following:

Continue with the policy / service since it is robust	√
Amend the policy to remove any obstructions	
Suspend and delete the policy as the detrimental impacts are too great	
Continue with the policy as any detrimental impact can be justified	

**4.4 What steps will you take to reduce or mitigate any negative impacts?**

The Department will undertake a county-wide promotion campaign to raise awareness before implementing any changes. It is important to ensure that people know about the services that already exist e.g. the special collection service.

**4.5 If you are not taking any further action to delete or reduce the negative impacts, explain why here.**

**5) Monitoring**

**5.1 What steps will you take to monitor the impact and effectiveness of the policy or service (action plan)?**

We will update the assessment as required when drafting the policy.