

CABINET

Date of Meeting	Tuesday, 13 th July 2021
Report Subject	Side Waste Enforcement and Environmental Awareness
Cabinet Member	Cabinet Member for Streetscene
Report Author	Chief Officer (Streetscene And Transportation)
Type of Report	Operational

EXECUTIVE SUMMARY

In March 2018 the Council started enforcing against side waste, which is the presentation of excess residual waste outside the bin from residential properties throughout the County. This process resulted in the reduction of over 1,200 tonnes of residual waste being collected, which was diverted from treatment (disposal) to recycling. This had a positive impact on the Council's recycling performance, which brought about a 1% increase in recycling for the year 2018/2019.

Due to the COVID pandemic, side waste enforcement was suspended in March 2020 and, since that time, an increase of over 3,000 additional tonnes of residual waste has been collected from residential properties, which equates to a 12% increase in comparison to the year before the pandemic. During this time, collection crews collected all side waste presented at the kerbside, regardless of whether it was presented outside the black bin.

In addition to an increase in side waste presentation, there has been an increase in household residual waste being presented at communal waste collection points, in alley ways and on open green spaces, which has given rise to increased concern around fly tipping and littering. In order to encourage residents to continue to recycle, it is proposed that side waste restrictions need to be reinstated and enforcement reintroduced on kerbside collections.

This report sets out the Council's approach to reintroducing side waste enforcement from 1st September 2021 and how we propose to deal with the increase in environmental crimes in an attempt to reduce this antisocial behaviour and improve our Local Environmental Quality (LEQ).

RECOMMENDATIONS

1	That Informal Cabinet approves the reintroduction of side waste enforcement on kerbside collections for residual waste from 1 st September 2021.
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2	That Informal Cabinet approves the proposal for further work to take place to explore the options for a designated role to drive and deliver environmental improvement campaigns within local communities.
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REPORT DETAILS

1.00	BACKGROUND
1.01	<p>Under the terms of the Environmental Protection Act, 1990, Flintshire County Council (the “Council”) is classed as a Waste Collection and Disposal Authority and, as such, the Council has a statutory duty to collect household waste from all domestic properties in the County.</p> <p>Under Section 46(4) of the Act, the Council has specific powers to stipulate:</p> <ul style="list-style-type: none"> • The size and type of the collection receptacle(s); • Where the receptacle(s) must be placed for the purpose of collecting and emptying; • The waste types which may or may not be placed within each of the receptacle(s). <p>Under the legislation, the Council has specific powers to issue Fixed Penalty Notices (FPNs) to residents who habitually do not present their waste in an incorrect manner. i.e. the presentation of excess waste alongside the designated black bin, also known as side waste.</p>
1.02	<p>Most households should be able to fit their residual waste (i.e. waste that cannot be recycled) into their wheeled bin, especially if they are recycling as much as possible. Recycling is collected every week and there is no limit on the amount of recycling residents can place out for collection.</p> <p>Side waste is presented by a minority of residents and it has been identified that those who present it are often not making use of the kerbside recycling collection service. This is not acceptable or sustainable due to:</p> <ul style="list-style-type: none"> • The environmental problems that side waste causes when exposed to the elements when bags are split causing waste to spill onto the streets • The loss of valuable resources that can be recycled to make new products • The financial cost of disposing of residual waste and lost potential income from the sale of recyclable materials
1.03	<p>In July 2017, the Council’s Cabinet approved a report introducing changes to the Council’s waste and recycling collection services, as part of a revision to the ‘Household Waste Collection and Household Waste Recycling Centre Operations Policy’ (see Appendix 1). Included in the report was a commitment to enforce against the presentation of side waste outside the black wheeled bin.</p> <p>This new approach meant that residents who placed side waste out next to their wheeled bins could face being issued with an FPN if they chose not to follow the advice and refuse to use the available recycling services.</p>

1.04	<p>The enforcement process for side waste is a three staged approach with the initial emphasis on informing and educating residents on the correct way to present their waste and recycling. Formal action for continued non-compliance is taken only when no improvement is observed following the first stage.</p> <p>The three stage enforcement process is detailed in Appendix 2 which broadly consists of:</p> <ol style="list-style-type: none"> 1) Education and engagement with warning/improvement letter 2) A section 46 Notice served on the offending property 3) Issuing of a Fixed Penalty Notice
1.05	<p>Since the introduction of side waste enforcement in March 2018, over 2,000 warning/improvement letters have been issued to residents for not complying with the waste and recycling collection policy. Subsequently, following continued non-compliance, over 50 Section 46 Notices have been issued, which, on several occasions, have resulted in the issuing of a Fixed Penalty Notice.</p> <p>This evidence demonstrates that the first stage of education and engagement makes a significant impact on residents' waste disposal practices and that there are very few residents who then continue to present side waste and fail to recycle, which then results in formal enforcement action being taken.</p> <p>As a result of the introduction of side waste enforcement in 2018, there was a significant decrease in the amount of residual side waste being presented for collection, which resulted in an increase in annual recycling performance of 1% in 2018/2019. The 1% increase equated to the diversion of over 1,200 tonnes of waste from treatment (disposal) into recycling.</p>
1.06	<p>As a result of the COVID-19 pandemic, side waste enforcement has been suspended since March 2020. This was due to the health and safety risks posed to the enforcement team, who would be required to inspect the waste contained within the black bags for evidence in order to identify where the waste had come from. Additionally, owing to the closure of the Household Recycling Centres (HRCs) during this period, the opportunity for residents to dispose of any excess waste responsibly themselves was not available.</p> <p>Following a review of the waste tonnage data, we have observed an unprecedented increase in the amount of residual waste being disposed of at the kerbside. In comparison with the year before the pandemic, the amount of additional residual waste collected in 2020/2021 is over 3,000 tonnes at the kerbside, which equates to a 12% increase. This is attributable to a number of factors such as more people spending time at home, including people working from home, people taking the opportunity to undertake home improvements and more people shopping online.</p> <p>This increase is not sustainable and has had a significant impact on recycling performance, which has reduced from 69.16% in 2018/19 to 64.04% in 2020/2021.</p> <p>Due to strict national recycling targets set by the Welsh Government, this downturn in performance cannot be sustained. Additionally the financial impact of the increased disposal costs is unsustainable and, if not addressed, will create substantial budget pressures.</p>

1.07	<p>In addition to the increase in residual waste tonnages and side waste presentation, it has also been highlighted operationally that there has been an increase in residual waste being deposited at communal waste collection points, on community green open spaces and in alleys ways running behind terraced properties.</p> <p>Whilst this is not considered side waste and is in fact classed as fly tipping, the two forms of environmental crime are intrinsically linked and these behaviours are both antisocial and environmentally harmful, and reduce the Local Environmental Quality (LEQ) of the County.</p> <p>Again, through education and engagement, as well as the use of CCTV cameras as a deterrent, the Council has been able to target small localised campaigns to tackle these behaviours; an example of an education pack is detailed in Appendix 3.</p> <p>With the problem ever increasing in more locations around the County, there is an opportunity to take stock of the current situation and consider alternative approaches to addressing some of the problems experienced and ensure that the communities that are blighted by the issues are involved and engaged in providing a solution.</p>
1.08	<p>With the easing of restrictions by Welsh Government, it is proposed that side waste enforcement should be reintroduced from 1st September 2021 in order to reduce the amount of residual waste presented at the kerbside and start to recover our recycling performance ahead of 2024/2025 when the recycling target to be achieved is 70%.</p> <p>Prior to any reintroduction of side waste enforcement, a Countywide campaign will be undertaken to ensure that all residents are aware of the change. This would include, but not be limited to, press release, social media, YouGov emails to subscribers, briefings for elected members and notification to town and community councils.</p>
1.09	<p>In line with the Cabinet report from December 2019, approval was given to introduce enhanced enforcement as a means to increasing recycling rates, whereby a more robust enforcement approach would be taken for those properties found to be habitually failing to present any recycling out for collection.</p> <p>This means that an enforcement officer could inspect the contents of the black bin to identify whether recycling was not presented habitually for collection. If recyclable materials were found to be present in the black bin, enforcement action under the three stage approach would be taken subsequently.</p> <p>It is not proposed that the enhanced approach to enforcement is introduced at this time and that a period of time should be allowed to re-establish side waste enforcement and familiarise residents with restrictions on side waste.</p> <p>It is also proposed that in line with the reintroduction of side waste enforcement, a broader educational approach be adopted to the ongoing antisocial behaviours regarding waste being deposited in the natural environment.</p> <p>Given that prevention is often better than the cure, it would be reasonable for the Council to focus on education and engagement, as well as deterrents, to reduce</p>

	<p>environmental crimes, which would allow the available enforcement officers to concentrate on habitual offenders.</p> <p>It is anticipated that the improvements could provide efficiencies in terms of releasing resources from clearing up waste and a reduction in waste disposal costs.</p>
1.10	<p>Finally, options are being explored to determine whether there is scope for a designated role to be created to act as a conduit between the Council, the local community and community groups as well as key stakeholders such as Keep Wales Tidy and Fly Tipping Action Wales. Together, with a unified purpose, it could drive significant behavioural change and encourage communities to get involved and make a difference in tackling waste crime and improving their Local Environmental Quality.</p> <p>At present the Civil Parking and Environmental Enforcement team does undertake educational campaigns, but their key focus is on the enforcement of a wide range of parking and environmental offences, which can give little capacity to focus on community involved projects.</p> <p>With the Council adopting the Caru Cymru initiative, together with Keep Wales Tidy, there is an opportunity to focus on a project of this nature, as funding (up to £37k for the next two years) is available to procure resources for delivering, supporting and implementing such initiatives.</p>

2.00	RESOURCE IMPLICATIONS
2.01	Caru Cymru funding of £37,000 is available for the next two years to procure the resources to deliver environmental awareness campaigns and purchase associated equipment in support of the initiatives.
2.02	It is estimated that £50,000 would be required for the introduction of a designated role to deliver environmental awareness and engagement campaigns within the local communities.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	Only those residents not complying with the waste collection policy will be accountable for their actions. There will be no impact to those residents who continually present their waste correctly and recycle all that they can.
3.02	Improved recycling knowledge and understanding, promoting better engagement with Council services
3.03	Not meeting national recycling targets could have financial implications due to Welsh Government imposing infraction fines.
3.04	Significant financial budget pressures of over £200k if the increase in residual waste tonnages were to continue post-pandemic.

3.05	A positive impact has already been observed on the local environment where the Council does work with the local community to drive behavioural change.
3.06	Continued and sustained pressure on the waste collection operational teams to continue to collect the additional waste streams and collect fly tipped waste.

4.00	CONSULTATIONS REQUIRED / CARRIED OUT
4.01	Cabinet Member for Streetscene.
4.02	Elected Members.

5.00	APPENDICES
5.01	<p>Appendix 1 – Household Waste Collection and Household Recycling Centre Operations Policy.</p> <p>Appendix 2 – Side Waste Enforcement Process</p> <p>Appendix 3 – Example Education Pack</p>

6.0	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.1	<p>Caru Cymru https://www.keepwalestidy.cymru/pages/category/caru-cymru</p> <p>Zero Towards Waste https://gov.wales/sites/default/files/publications/2019-05/towards-zero-waste-our-waste-strategy.pdf</p> <p>Contact Officer: Ruth Cartwright Telephone: 01352 704796 E-mail: ruth.cartwright@flintshire.gov.uk</p>

7.00	GLOSSARY OF TERMS
7.01	<p>Side waste – excess black sack residual waste placed at the side of the designated residual black waste bin</p> <p>Residual waste – Waste that cannot currently be recycled</p> <p>Caru Cymru – Keep Wales Tidy initiative, (a Welsh phrase meaning ‘Love Wales’) aims to inspire everyone to take action and care for the environment.</p>