

Project Information	
Project Name	Managing commercial bins on the highway
Service	City Environment

1. Executive Summary

City Environment and Highways are receiving complaints from ward councillors, residents and businesses regarding the number of commercial trade waste bins on the highway and the adverse impact they are having across the city. Large waste containers are being placed on streets, pavements and lanes, sometimes obstructing the public right of way. There are concerns that the bins are also causing a risk to public health.

This options appraisal has been completed to inform a public consultation (subject to committee approval) on how best to manage commercial bins on the highway.

The preferred approach to managing commercial bins on the highway is to introduce time banding which allows bins on the highway between particular times. This will be complemented by the use of Section 47 of the Environmental Protection Act (1990) which allows the council to issue a notice on bins causing a nuisance or detriment to the amenity of an area.

2. Objectives

By managing commercial bins on the highway with a more structured approach, it is anticipated that:

- The appearance of the city will improve from a reduction of commercial bins on the highway
- Access to the public right of way will improve
- Businesses will be encouraged to manage their waste more responsibly
- Public safety issues will reduce by removing trip hazards and obstructions
- Complaints will reduce

3. Background and context

Businesses have a duty to ensure that their waste is stored, presented and disposed of in accordance with the waste Duty of Care. Through the Environmental Enforcement Framework, enforcement action can be taken when businesses do not have appropriate arrangements in place. A Fixed Penalty Notice (FPN) will be issued when one of the following offences is observed:

- Overflowing bins meaning lids cannot be closed
- Side waste
- Bins blocking the highway
- Bins left on the pavement outside of agreed collection days and times

There are currently no arrangements in place to be able to enforce “bins left on the pavement outside of agreed collection days and times” hence this options appraisal and a proposed public consultation on how to proceed.

To complement the Environmental Enforcement Framework, Environmental Enforcement Officers have spent time educating businesses across the city of their responsibilities with regards environmental issues. This included talking to those observed committing an offence and issuing letters to businesses highlighting the arrangements they must have in place to avoid getting an FPN.

However, City Environment and Highways continue to receive complaints from ward councillors, residents and businesses regarding the number of commercial trade waste bins on the highway and the adverse impact they are having across the city.

In addition to the Environmental Enforcement Framework, food businesses have safety responsibilities under Regulation (EC) No 852/2004 Annex II Chapter VI:

1. To remove food waste from food rooms as quickly as possible;
2. That food waste, non-edible by-products and other refuse be deposited in closable containers or an alternative system which removes the waste quickly;
3. That adequate provision is to be made for the storage and disposal of food waste, non-edible by-products and other refuse.

4. Preferred approach

The preferred approach is to implement options 3 and 4 (see section 6):

- Introducing time banding for commercial bins on the highway, the parameters of which will determine where and when commercial bins can be placed on the highway or council owned land in the city.
- Using Section 47 of the EPA 1990 will allow the council to enforce on those bins causing a nuisance or detriment to the amenity of an area, as well as those on the highway outside of agreed time.

It is important that in seeking to resolve the issue, the council does not create a worse situation where businesses retain waste in premises with associated risks.

5. Next steps

If the Environment, Transport & Sustainability Committee approves the recommendation, a public consultation will be designed to obtain residents' and businesses' views on the preferred scheme. This will include, amongst other topics:

- Which areas of the city should be subject to time banding
- What the time banding should be
- Where the bins can and cannot be placed on the highway
- Potential issues caused by the preferred approach
- How the preferred approach can be implemented, including timescales

The consultation will also provide an opportunity for stakeholders to share their ideas for any alternative ways of managing commercial bins on the highway that City Environment has not considered.

The consultation will be available online via the Consultation Hub on the council website and any stakeholder can respond. The consultation will be open for two months.

The results of the consultation will be brought to a future Committee for approval on how to proceed, depending on the outcome of the consultation, including how the preferred approach will be implemented.

6. Options

Option	Option 1: Make no changes to the current arrangements	Option 2: Introduce a ban on all commercial bins on the public highway at all times	Option 3: Introduce time banding which allows commercial bins on the highway between certain times	Option 4: Use Section 47 EPA 1990 powers to serve notices on businesses whose bins are causing a nuisance or detriment to the local community
Resources	<ul style="list-style-type: none"> Not applicable 	<ul style="list-style-type: none"> Environmental Enforcement Officers to patrol relevant areas to ensure ban is adhered to Communication to all affected businesses and commercial waste providers 	<ul style="list-style-type: none"> Environmental Enforcement Officers to patrol relevant areas to ensure time bandings are adhered to Communication to all affected businesses and commercial waste providers 	<ul style="list-style-type: none"> Environmental Enforcement Officers to patrol relevant areas and issue Section 47 notices where appropriate Communication to all affected businesses and commercial waste providers
Advantages	<ul style="list-style-type: none"> No changes to existing practices No additional resources required 	<ul style="list-style-type: none"> Clear and concise message for all businesses in the city 	<ul style="list-style-type: none"> Reduce the number of commercial waste containers on the highway Improve the appearance of the city Reduce the amount of litter caused by loose trade waste Reduce the likelihood of side waste and fly-tipping around commercial waste bins Encourage businesses to manage waste more responsibly 	<ul style="list-style-type: none"> Reduce the number of commercial waste containers on the highway Improve the appearance of the city Reduce the amount of litter caused by loose trade waste Reduce the likelihood of side waste and fly-tipping around commercial waste bins Encourage businesses to manage waste more responsibly Fewer businesses required to find space on their premises than with Option2
Disadvantages	<ul style="list-style-type: none"> Does not deliver the objectives detailed in section 2 The current issues associated with commercial bins on the highway will increase 	<ul style="list-style-type: none"> Businesses will have to identify areas to store waste in their own premises outside of times Businesses may have to increase their number of collections Requires significant cooperation from businesses 	<ul style="list-style-type: none"> Businesses will have to identify areas to store waste in their own premises outside of times Businesses may have to increase their number of collections Requires cooperation from businesses 	<ul style="list-style-type: none"> Businesses issued a Section 47 notice will have to identify areas to store waste in their own premises outside of times Businesses may have to increase their number of collections Requires significant cooperation from businesses

