

	<p>Full Council 31 October 2017</p>
<p>Title</p>	<p>Waste Regulations</p>
<p>Report of</p>	<p>Strategic Director Environment</p>
<p>Wards</p>	<p>All</p>
<p>Status</p>	<p>Public</p>
<p>Urgent</p>	<p>Yes</p>
<p>Key</p>	<p>No</p>
<p>Enclosures</p>	<p>Appendix A: Barnet Waste Regulations 2017 Appendix B: Waste Regulations Consultation Report Appendix C: Waste Regulations EIA Appendix D: Time Banding location maps</p>
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<p>Summary</p>
<p>The report seeks approval to implement the Barnet Waste Regulations 2017. These regulations aim to i) Create a cleaner and tidier borough so that our town centres are a more attractive place to live, work and visit ii) A cleaner and tidier borough so that our residential areas are a more attractive place to live, work and visit. iii) Reduce the number of obstructions on the footways from recycling and waste containers.</p> <p>Adoption of these regulations would;</p> <ul style="list-style-type: none"> • in town centre/shopping areas restrict businesses and residents from putting out BINS for collection on the public highway and footpaths outside of specified times • in town centre/shopping areas restrict the time BAGGED waste can be put out for collection • in all of Barnet require residents and business not to consistently leave bins out before and after collection for an excessive time. <p>Following approval to consult on the draft Waste Regulations by Environment Committee in</p>

March 2017, public consultation aimed at residents, businesses and visitors was undertaken for six weeks (4th May to 14th June 2017). The results of the consultation have informed the final Barnet Waste Regulations and shall be taken into consideration when implementing and communicating the Waste Regulations.

Recommendations

1. That Full Council approve the adoption and implementation of Barnet Waste Regulations 2017

1. WHY THIS REPORT IS NEEDED

- 1.1 A number of Local Authorities within London have adopted waste regulations. It is seen as an appropriate time to implement Barnet's own waste regulations which aims to improve the quality of the local environment by making Barnet's streets cleaner and tidier, and in turn help make our town centres a more attractive place to live, work and visit.
- 1.2 Barnet's waste regulations will also help to support Barnet's Recycling and Waste Strategy 2016 to 2030 and the Environment Committee's Commissioning Plan 2015/16. The implementation of the Waste Regulations will help to reach our 50% recycling target as noted in the Recycling and Waste Strategy, through increased recycling from residents and tackling and reducing fly tipping in town centres.
- 1.3 In March 2016 Environment Committee approved the investigation and drafting of Local Waste Regulations to enable time banded waste collection and to ensure waste and recycling was not left out on the street.
- 1.4 In March 2017 Environment Committee reviewed and noted the draft Waste Regulations and approved the commencement of a six week consultation. The consultation was undertaken on the draft regulations from 4th May to 14th June 2017. Analysis of the consultation has been used to inform the final waste regulations.
- 1.5 Appendix A is the Barnet Waste Regulations 2017. These set out the regulations for both Household Waste and Business waste. This includes the kinds and numbers of receptacle for waste, the placing of receptacle to facilitate emptying, what may or may not be place in receptacle, and steps to be taken to ensure the collection of waste.
- 1.6 Once the regulations are adopted, an implementation plan will be produced including the communication and information to be provided to the public. Roll out of the regulations in town centres/shopping areas will be carried out in stages to allow, pre-communication, monitoring of the changes, and adaptations to the next stage of roll out.

- 1.7 The enforcement of the regulations once adopted and rolled out, would be in line with the Council's wider enforcement policy and its Environment Enforcement Policy. There will be a graduated approach to enforcement as the Waste regulations are implemented, for example we will start with educating and warning residents as a first resort. The enforcement of these regulations will form part of the new Environment Enforcement Contract approved by Environment committee in May 2017.

Consultation

- 1.8 In March 2017 Environment Committee approved the draft Waste Regulations for consultation. The consultation took place between 4 May 2017 and 14 June 2017 and was aimed at residents, businesses and visitors. The online consultation was held on Engage Barnet and was publicised on the website, a press release, social media channels and an email was sent to businesses registered on the business engagement database. A summary of the consultation results can be seen below and the full report can be found in Appendix B. Responses to the draft waste regulations were received through the formal consultation process, using an on-line questionnaire and a paper based questionnaire was available upon request. In addition to the formal online questionnaire a number of written responses on the consultation were also received.
- 1.9 A total of 258 responses were received; 256 via the online questionnaire and 2 responses on paper copies of the questionnaire. An additional 17 emails were received providing extra comments on the consultation. 94.6% of respondents identified themselves as Barnet Residents, while a further 3.1% identified themselves as a Barnet Resident and Business Owner.
- 1.10 Those who responded to the consultation and provided equalities data, the respondents do not closely match Barnet's population profile. In terms of gender there is a slight under representation in females and slight over representation in males. In terms of age, respondents aged 16 – 34 are unrepresented and those aged 34 and above are over represented. There is also a significant over representation of white respondents, and a significant under representation of Asian respondents and a slight under representation of Black respondents. Disabled respondents are also slightly under represented.
- 1.11 The consultation focused questions in three key areas;
- What we want to achieve and the aims for the waste regulations
 - Views on residents and businesses responsibility for their recycling and waste, including views on consequences for different situations.
 - Views on the introduction of Time Banded collections; including who would benefit from the change and initial views on proposed collection times and locations.
- 1.12 **The consultation showed:** that there was support for each of the aims of the waste regulations with between 88% and 94% of respondents agreeing (strongly agreeing or tended to agree) with each of the aims.

To what extent do you agree or disagree with each of these aims?	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know	Total number of Respondents
A cleaner and tidier borough so that our town centres are a more attractive place to live, work and visit.	72%	21%	5%	0%	2%	0%	234
A cleaner and tidier borough so that our residential areas are a more attractive place to live, work and visit.	74%	20%	5%	0%	1%	0%	233
Reduce the number of obstructions on the footways	66%	22%	9%	2%	1%	0%	233

We will: keep the aims of the waste regulations and refer back to the aims when planning the implementation, monitoring and reviewing the success and benefits of the implementation of the waste regulations.

1.13 **The consultation showed:** The consultation sought views on about how residents and businesses should take responsibility for their recycling and waste. Respondents were asked for their views on six statements regarding residents and businesses responsibility for the storage of recycling and waste, responsibility for ensuring the use of the correct recycling and waste containers and responsibility for ensuring the recycling and waste containers are secured.

Overall, there was support for each of the six statements with between 88% and 95% of respondents agreeing (strongly agreeing or tended to agree) with each of the statements. The most supported statements, with 95% of respondents agreeing (strongly agreeing or tended to agree) were “Businesses should take responsibility for their recycling and waste and ensure that their waste is properly stored on their premises and not on the public highway” and “Businesses should take responsibility for ensuring that their recycling and waste is put into the correct container (bin or sack)”.

We will: continue to keep a strong focus for the waste regulations on businesses and residents taking responsibility for their recycling and waste and provide support to ensure successful implementation.

1.14 **The consultation showed:** Respondents were asked if they agreed or disagreed with statements regarding whether Businesses and Residents should be fined in a number of situations regarding storage, recycling of materials and putting non-recyclable items into their recycling container. Overall respondents generally agreed with concept of fining in these situations; on the whole there was more agreement (strongly agree and tend to agree) with fining businesses. Overall, there was support for each of the statements with between 88% and 62% of respondents agreeing (strongly agreeing or tended to agree) and between 6% and 26% disagreeing (strongly disagreeing or tend to disagree) with each of the statements. There

was more agreement for fines after the Council had made contact and communicated the breach to the regulations, especially with regard to residents.

To what extent do you agree or disagree with whether residents and businesses should be fined in the following situations?	Strongly agree	Tend to agree	Neither agree nor disagree	Tend to disagree	Strongly disagree	Don't know	Total number of Respondents
Business who leave bags of waste on a high street all day should be fined	55%	33%	7%	3%	3%	0%	209
Business who leave bags of recycling and waste on a high street all night leaving them vulnerable to foxes and rats should be fined	58%	30%	6%	3%	3%	0%	209
Residents who leave wheeled bins of recycling and rubbish on the pavement all the time, when they have room to store them on their property should be fined	41%	27%	11%	10%	11%	0%	213
Residents who leave wheeled bins of recycling and rubbish on the pavement all the time, when they have room to store them on their property - AND have ignored a request to remove them by the Council should be fined	54%	26%	7%	7%	7%	0%	213
Residents who leave extra bags of waste by their black waste bin and do not recycle should be fined	34%	28%	11%	13%	13%	1%	208
Residents who leave extra bags waste by their black waste bin and do not recycle – AND have been asked to start recycling by the Council should be fined	50%	25%	8%	9%	7%	0%	212
Residents who put non-recyclable items such as nappies or garden waste in their blue recycling bin should be fined	38%	29%	13%	10%	10%	0%	211

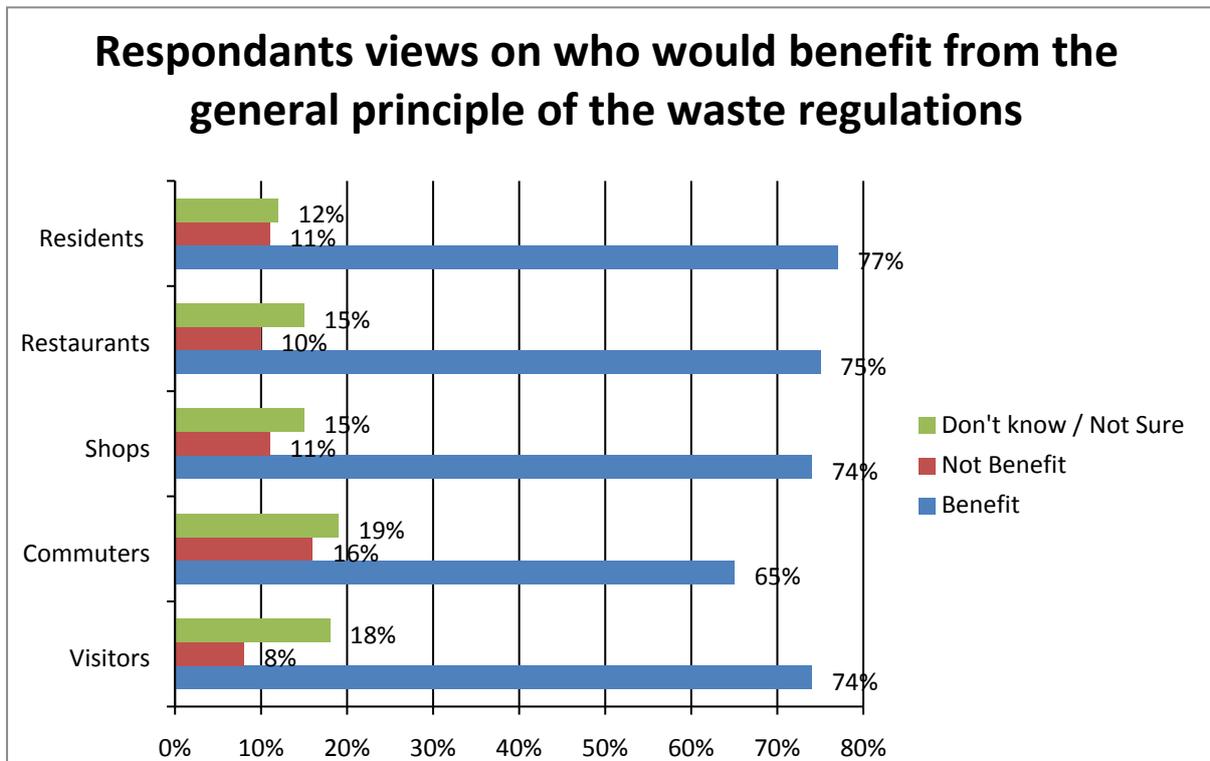
We will: ensure that the Council has a graduated approach to enforcement, following the Councils enforcement protocols, meaning that any enforcement activity (including fines) is clearly communicated to residents / businesses prior to commencement. In residential area investigation into breaches of the regulations would be complaint lead and

as a first resort involve a request to residents to change behaviour. I.e. If a complaint was received about a resident storing bins on the pavement all the times, initially the Council would request the that resident removes the bins outside of collection time. Enforcement though fines would only be used if the bins continued to be stored on the pavement.

1.15 **The consultation showed:** Respondents were asked who they thought would benefit and not benefit from the general principle of time banded collections.

“The general principle for the Time Banded Collections is that there will be three recycling and waste collections per day for our town centres and two collections per day for high streets and smaller shopping locations, this will help to reduce litter and obstructions of bags and bins on the street when the high streets are busy”.

Those that responded thought that each of the groups would benefit from the principle of Waste Regulations, with between 65% and 77% of respondents stating it would benefit each of the groups. The group which were seen to benefit the most from the principle of time banded collections, with 77% were residents. However 11% of respondents disagreed and thought this group would not benefit and 12% stated that they did not know or were not sure.

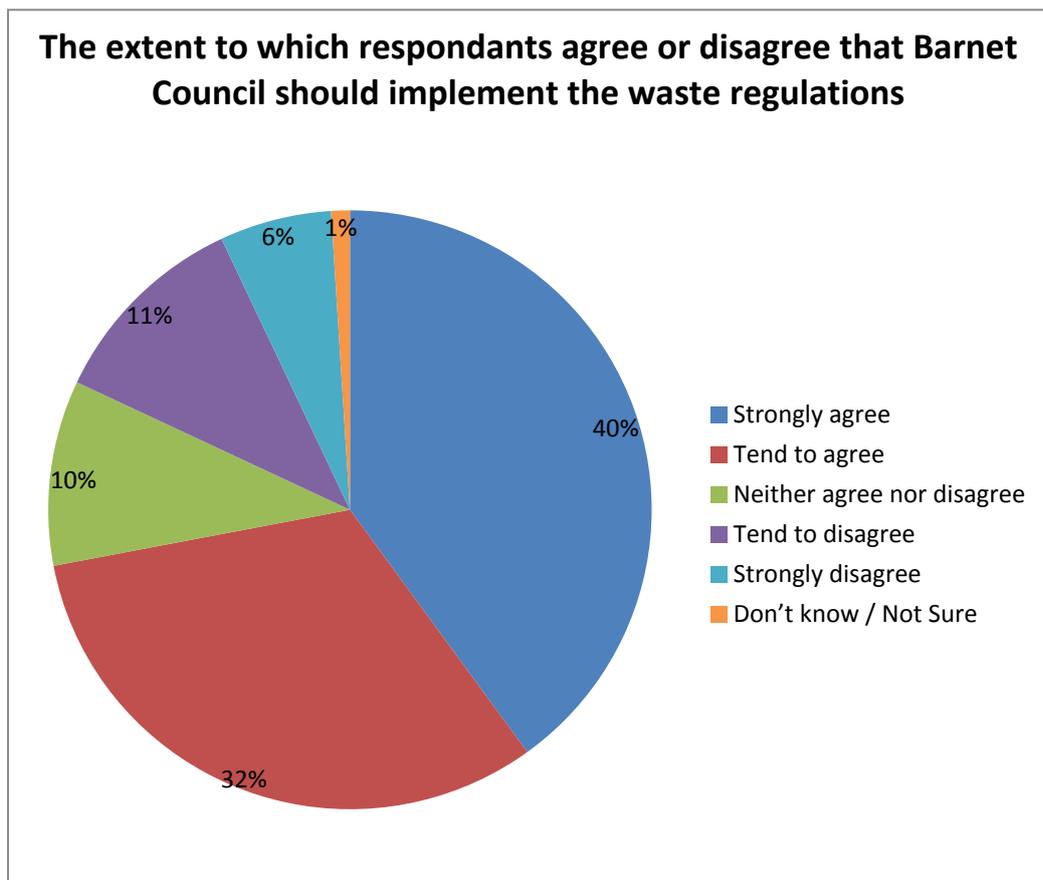


We will: Ensure that that there will be three periods of time where recycling and waste collections can take place per day for our town centres and two collection times per day for high streets and smaller shopping locations.

1.16 **The consultation showed:** 65 respondents provided a number of additional comments regarding the implementation of time banding. The responses are spread across 37 headline subjects. The area of highest commonality was 13 responses saying that the Time Banded collections would affect those with other obligations, most prominently those who work and the suggested times are not practical. Additionally, 10 respondents noted that collection times would be better outside of rush hour / peak commuting times.

We will: Amend the time banding to make the collection times more accessible for some groups such as those with long commutes.

1.17 **The consultation showed:** There was strong support for the implementation of the waste regulations - with 72% of respondents agree (strongly agree and tend to agree) that the regulations should be implemented.



We will: As noted in this report, it is recommended that Full Council approve the adoption and implementation of Barnet Waste Regulations 2017.

1.18 **The consultation showed:** In addition to the questionnaire 17 written responses were received. There was commonality between the responses

and the area of highest commonality was 5 respondents who all noted that Paragraph 10 of draft regulations regarding collections from unadopted roads should not be enforced for those roads who currently receive the service. In addition, other comments noted that clarification was required as to where the Time Banding will be implemented and whether it would be included in residential areas, that the waste collectors should take more care in returning bins to the location in which they were left (off the footway) and that clarification was sought for implication for those households that have their bins permanently on the pavement because the configuration / space of their front garden.

We will: The additional comments indicated that additional information and communication is required when implementing the regulations to ensure that it is clear which properties are included within the time banding and that residents will be provided with waste bags rather than bins. The waste regulations have been updated to include the exact locations which will be included within a time banding. For unadopted roads, the Waste Regulations will not change any current practice and those roads who currently receive a collection service will continue to do unless new issues are raised.

- 1.19 Overall, the waste regulations have been updated to reflect the responses to the consultation and will be reflected within the implementation plan. Especially in regard to the emphasis put on clarifying the time banding, ensuring bespoke communication is provided to all with regards to the regulations as a whole and the time banding and the importance of clean and clear streets for all.

2. REASONS FOR RECOMMENDATIONS

- 2.1 It is recommended that Full Council approve the adoption and implementation of Barnet Waste Regulations 2017. This will enable the council to provide guidance and as a last resort where applicable use enforcement to make Barnet's streets cleaner and tidier, and in turn help make our town centres a more attractive place to live, work and visit.

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

- 3.1 Consideration was given to not adopting Barnet Waste Regulations 2017; however, this would mean that no enforcement action could be taken against business and residents who leave waste containers out on our high streets and contribute to the clutter and litter on the streets.

4. POST DECISION IMPLEMENTATION

- 4.1 If the recommendation is approved, the Barnet Waste Regulations 2017 will be adopted and implementation of the regulations will commence. We will implement the regulations in stages with a clear plan including communications to residents, businesses and councillors in the town centre / shopping centres, monitor the implementation and gather lessons learned.

Enforcement of the Waste Regulations will be undertaken in a graduated approach, communications would also ways be used first and enforcement would only be used as last resort if issue was not resolved.

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 The Corporate Plan 2015-2020 is based on the core principles of fairness, responsibility and opportunity to make sure Barnet is a place:

- Of opportunity, where people can further their quality of life
- Where people are helped to help themselves, recognising that prevention is better than cure
- Where responsibility is shared, fairly
- Where services are delivered efficiently to get value for money for the taxpayer

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 For the implementation of the regulations, the authorisation for spend and reporting of spend will be undertaken in line with the council budget monitoring and reporting process. In addition, current contracts will be used and at this stage no additional procurements are required. The cost of implementing the Waste Regulations will be met within existing budgets

5.2.2 At this stage there are no implications on property, staffing or IT.

5.3 Social Value

5.3.1 The Public Services (Social Value) Act 2013 requires people who commission public services to think about how they can also secure wider social, economic and environmental benefits. This report does not relate to the procurement of services contracts.

5.4 Legal and Constitutional References

5.4.1 There is no statutory duty for the council to produce waste regulations.

5.4.2 The Council's Constitution (Part 15 Responsibility for Functions) gives Full Council specific responsibilities for approving matters which require a decision that represents a significant departure from any existing strategy, policy or budget previously agreed by the Council. Therefore this matter is allocated to Full Council rather than Environment Committee.

5.5 Risk Management

5.5.1 All project risks are managed using the risk management procedure, as set out by the Corporate Risk Management Framework. The current key

risk areas include the implementation of the waste regulations and ensuring that communications are effective and easy to understand by all who are affected.

5.6 Equalities and Diversity

5.6.1 The 2010 Equality Act outlines the provisions of the Public Sector Equalities Duty which requires Public Bodies to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Equality Act 2010.
- Advance equality of opportunity between people from different groups.
- Foster good relations between people from different groups.

5.6.2 The broad purpose of this duty is to integrate considerations of equality into day business and keep them under review in decision making, the design of policies, and the delivery of services. The nine protected characteristics are:

- Age
- Disability
- Gender reassignment
- Pregnancy and maternity
- Ethnicity
- Religion or belief
- Gender
- Sexual orientation
- Marriage or civil partnership

5.6.3 The Corporate Plan 2015-2020 sets the Strategic Equalities Objective, which is: that citizens will be treated equally, with understanding and respect, and will have equal access to quality services which provide value to the tax payer. Changes to policies and services are analysed in order to assess the potential equalities impacts and risks and identify any mitigating action possible before final decisions are made.

5.6.4 Equalities information on the respondents of the online questionnaire can be found in section 1.10 above and in the full consultation report (appendix B).

5.6.5 The strategy has been reviewed against the protected characteristics under the 2010 Equality Act. An Equalities impact Assessment can be found in Appendix C. At this time no specific impacts have been identified and support such as Assisted Collections for eligible residents will continue to be provided as is currently.

5.7 Consultation and Engagement

5.7.1 In May 2017 Environment Committee approved the draft waste regulations for consultation. Public consultation was undertaken between 4 May 2017 and 14 June 2017. A high level overview can be found in section 1.8 above and the consultation report can be found in appendix B

5.8 **Insight**

- 5.8.1 No specific insight has been undertaken in order to inform the decision, except for the consultation above.

6. **BACKGROUND PAPERS**

- 6.1 [March Environment Committee 2017 Papers](#)
6.2 [Environment Committee March 2016 Papers](#)