

DATA LABEL: PUBLIC



ENVIRONMENT AND SUSTAINABILITY POLICY DEVELOPMENT AND SCRUTINY PANEL

PRESENTATION OF COMMERCIAL WASTE BINS

REPORT BY HEAD OF OPERATIONAL SERVICES

A. PURPOSE OF REPORT

The purpose of this report is to provide the Panel with information regarding how other councils manage the storage and presentation of commercial waste bins on their adopted footpaths and roads.

B. RECOMMENDATION

It is recommended that the Panel notes the terms of the report.

C. SUMMARY OF IMPLICATIONS

I	Council Values	Caring and compassionate; open, honest and accountable; collaborate, inclusive and adaptive
II	Policy and Legal (including Strategic Environmental Assessment, Equality Issues, Health or Risk Assessment)	Waste (Scotland) Regulations 2012 Road (Scotland) Act 1984 Environmental Protection Act 1990
III	Implications for Scheme of Delegations to Officers	None
IV	Impact on performance and performance Indicators	None
V	Relevance to Single Outcome Agreement	We live longer, healthier lives and have reduced health inequalities. We live in resilient, cohesive and safe communities.
VI	Resources - (Financial, Staffing and Property)	Additional resources would need to be identified to develop, introduce and police a scheme should one be required.
VII	Consideration at PDSP	None
VIII	Other consultations	None

D. TERMS OF REPORT

D1. Background

Commercial waste is any waste or recycling produced by a business. Businesses have a legal obligation to recycle and dispose of their waste safely and securely and normally arrange this via a commercial waste contractor.

Council agreed a motion on 19 March 2024 highlighting an increasing number of complaints regarding the presentation and storage of commercial waste bins on roads and pavements within West Lothian:

West Lothian is seeing a problem with commercial waste containers cluttering streets and pavements in our towns and villages. Where there is an obvious requirement for commercial waste disposal the demand is not being managed in a respectful way to compliment the efforts to keep our streets attractive to customers and new businesses. Large waste containers, which can be over 1000 litres in size, are regularly left out on the pavements and streets as a permanent fixture. There are no restrictions in planning terms specific to the placing of these bins.

In other local authorities restrictions have already been put in place to address such matters. Where there is no off-street storage, containers should be restricted to standard two wheel "wheelie" bins of 240 or 360 litres. These, or smaller containers, can be taken into premises overnight and not left out on the streets.

Businesses should no longer be permitted to permanently store their waste containers in public, and will be required to present rubbish and recycling during timed collection windows only. This may require more regular collections dependant on the waste demands of different businesses.

Council agrees to bring forward a report to the appropriate PDSP in regard to this matter in order to clean up our streets of these large waste containers.

Officers have reviewed how other councils manage this situation.

D2. Commercial Waste Storage and Presentation Management Schemes

A number of councils have schemes in place to manage the storage and presentation of trade waste on their adopted road and footpath network.

Table 1 – Councils with commercial waste storage and presentation management schemes

Council	Date scheme / pilot started	Timed slots for collection
Edinburgh City Council	01/04/2015	9.30-12pm, 2-4pm, 6.30-11pm
Glasgow City Council	26/06/2017	7.30-9.30am, 5-11pm
Highlands Council (for Inverness)	09/04/2018	7-10am, 6-9pm
Fife Council (for St. Andrews)	01/04/2019	7.30-10.30am
Dundee City Council*	01/03/2023	7-11am 4-8pm

*Trial operated for one year and was made permanent on 1 March 2024.

Whilst there are variances in schemes they all utilise specific timeslots to manage trade waste presentation within designated control zones.

The most recent scheme was piloted by Dundee City Council in 2023 and made permanent in March 2024.

Councils use powers within the Roads (Scotland) Act 1984 and the Environmental Protection Act 1990 to enforce their commercial waste storage and presentation management schemes.

The scheme adopted by Dundee City Council requires commercial waste contractors to apply for a permit to enable them to operate within the controlled zone.

If they do not obtain one they will be issued with a Roads (Scotland) Act 1984 Section 59 control of obstructions notice which allows 14 days for the removal of the obstructions within the control zone boundary.

If a permitted waste contractor's client (the business) present bags* or bins out with the collection window they will be issued with an Environmental Protection Act 1990 section 47 warning letter, if they fail to remove the bin they are then issued with an Environmental Protection Act 1990 section 47 notice.

If the business fails to comply with the latter notice they are issued with a Roads (Scotland Act) 1984 section 59 notice control of obstructions notice allowing 14 days to remove the obstruction. A fine of up to £1000 may be issued if the bins are not removed with that period.

*any further breaches of bagged waste presentation results in a £500 fixed penalty notice issued under Section 33 of the Environmental Protection Act 1990.

The management, administration and enforcement of the scheme is undertaken by council staff or contractors working on their behalf.

D3. Introducing a scheme for West Lothian Council

Introducing a similar scheme in West Lothian would require resources to be identified to develop and manage the scheme.

The implementation project would cover a number of key tasks including; the identification and agreement of zones where the restrictions would apply, setting up a permit scheme for trade waste contractors, liaising with businesses within the control zone to ensure they understood what was required of them, setting up the enforcement arrangements and resources and obtaining the required authorisation from committee before the scheme was implemented.

Further work is required to fully understand the resource requirements and process to implement a successful scheme and officers intend to work with the councils who have implemented schemes to develop the project plan for discussion at the Environment and Sustainability PDSP on the 10 September 2024.

E. CONCLUSION

Several councils use existing legislation to operate schemes to control the storage and presentation of trade waste with designated control zones. Progressing a similar scheme within West Lothian will require more detailed assessment. A further report will be presented to the Panel on the 10 September 2024.

F. BACKGROUND REFERENCES

None

Appendices/Attachments: none

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