

ENVIRONMENTAL SERVICES AND WASTE POLICY DEVELOPMENT GROUP

MEETING, 28TH JUNE, 2016

Present – Councillors Irving (Chairman), Chadwick, Haslam, Haworth (as deputy for Councillor Peel), Hayes, Richardson, Sherrington, Whitehead and P. Wild

Officers

Mrs. S. Schofield	Assistant Director Neighbourhood and Regulatory Services
Mr. A. Bolan	Environmental and Education and Enforcement Officer
Mrs. S. Bailey	Principal Democratic Services Officer

Apologies for absence were received from Councillors Jones and Peel.

Councillor Irving in the Chair

1. MINUTES

The minutes of the proceedings of the meeting held on 14th April, 2016 were submitted and signed as a correct record.

2. DOMESTIC WASTE RECEPTACLE ENFORCEMENT POLICY

The Director of Place submitted a report which put forward various options for the enforcement of domestic waste receptacle offences and the process for the issue of Fixed Penalty Notices in the light of amended legislation.

By way of background information, the report advised that the introduction of the Deregulation Act 2015 had removed the ability of councils to impose criminal sanctions to householders who presented waste collections incorrectly. A range of civil sanctions had been introduced as a replacement.

The report went on to outline the changes to the existing Section 46 requirements which aimed to ensure a fairer system of penalties that respected individual's civil liberties whilst dealing effectively with behaviours that had a negative impact on local neighbourhoods.

The amendments came into force in June 2015 and meant that local authorities could continue to issue penalties to those householders whose failure to

present their waste properly harmed the quality of the local area. The new amendments introduced a form of fixed monetary penalty set at a lower level that was more proportionate with other decriminalised offences such as parking violations.

The report went on to outline the differences between the old process and the new, summarised the powers available to the Council and outlined the enforcement routes available using the new legislation at Appendices 1 and 2, including monetary penalties and options for early repayment. The new enforcement process was lengthy and complex and an essential aspect was that the Council must have demonstrated that it had taken measures to educate customers prior to any legal action.

Following consideration of the report, members made the following comments/observations:

- it was felt that the fine should be at the higher end of the scale with a minimum penalty being £40 (up to a maximum of £80);
- it was felt that the removal of a bin as a penalty may not be a recommended option as this could lead to increased fly tipping or hoarding of rubbish;
- the issues surrounding the civil recovery of the fines; and
- the use of nuisance and anti-social behaviour legislation for prolific offenders.

It was agreed that the changes to the legislation be noted and that the Executive Member for Environmental Services be recommended to adopt the new procedures regarding the enforcement process, the monetary penalties suggested and early repayment options for domestic waste receptacle offences, on the basis detailed in the report now submitted.

(The meeting started at 5.30pm and finished at 5.55pm)