

BRIEFING PAPER

SUBJECT: HOUSEHOLD WASTE AND FLY-TIPPING POLICY
DATE: 9 MARCH 2023
RECIPIENT: OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

THIS IS NOT A DECISION PAPER

SUMMARY:

1. This Household Waste and Fly-tipping Policy 2023-26 ('the Policy') provides an updated household waste and recycling policy for the city, following the previous policy (the Managing the Local Environment Policy) reaching its review date in 2020. The Policy. Attached as Annex 1, sets out the requirements for all residents regarding the presentation of their household waste for collection, and information about Southampton City Council's ('the Council's') powers to prevent and respond to fly-tipping offences. It also provides a framework for the waste service to operate until the changes introduced under the Environment Act 2021 are expected to come into effect in 2024.
2. The Policy has been written to ensure that residents have a clear understanding of what is required from them in terms of correct waste disposal and what they can expect from the Council. It is also designed to clarify and formalise the processes that underpin the service offering, to improve residents' experiences with the waste service and to make the service more efficient.

BACKGROUND and BRIEFING DETAILS:

3. This Policy is designed to improve the efficiency of the service. The waste diary initiative, for example, aims to increase the amount of material recycled from household waste collections by raising awareness of which items can be recycled. This is set out in more detail in the Policy.
4. It details how the Council will inform residents if they breach terms of the policy, as well as the education and enforcement process that may be followed.
5. **Changes to waste and recycling:**

The draft Policy proposed a change to annual garden waste subscriptions only, instead of the current offering for subscriptions for whole or half a year. However, in light of consultation feedback, the Council will continue to offer both six month and annual garden waste subscriptions and, in the future, will explore options to offer a 12-month service that occupiers can sign up for at any point in the year.

6. Currently, the Council offers everybody the opportunity to apply for additional capacity. However, there has been confusion in the past around how carers can apply for additional

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capacity on behalf of people they care for. The new policy highlights that carers are able to apply for extra capacity through the additional capacity portal on the Council's website.

7. Under the existing policy, missed bin collections must be reported within 48 hours. To improve the efficiency of the service, the Council proposes that missed bin collections must be reported within one working day.
8. The Policy proposes that when requesting a larger general waste bin, residents may be asked to complete a waste diary. Currently requests are made by completing an application form and checking that a resident meets the criteria. In the new Policy, we are proposing that in addition to this, residents may also have to complete a two-week waste diary. The aim of the waste diary is to understand how occupiers are handling their waste and whether any more of it could be recycled. The Policy also states that successful extra capacity requests will be reviewed regularly to ensure the additional capacity is still needed.
9. The new Policy makes it clear that residents need to ensure operatives can easily access their bins for assisted collections. For example, making sure that any gates are unlocked and dogs are safely out of the way.
10. Under the existing policy, occupiers must pay for the replacement of a lost or damaged general waste bin, but the replacement of a recycling bin is free. Under the new Policy, residents must pay for the replacement of both general and recycling bins and glass boxes if lost or damaged.
11. The Council's fly-tipping enforcement powers are set out by law and therefore remain unchanged from the previous policy. However, the Council has added a commitment within the new Policy to continue working with communities who wish to keep unadopted highways and alleyways clear and help them apply for community funds to undertake this if appropriate. A fly-tipping action plan is currently in development and will set out more detail around the work currently being undertaken by the Council to tackle fly-tipping.

12. Public Engagement Exercise

The Council undertook a full 12 week public consultation on the draft Policy. This consultation took place between 22 September 2022 and 14 December 2022. The aim of this consultation was to:

- Communicate the draft policy clearly to residents and stakeholders.
- Ensure any resident, business or stakeholder who wished to comment on the proposals had the opportunity to do so, enabling them to raise any impacts the proposals may have.
- Allow participants to propose alternative suggestions for consideration which they feel could achieve the objectives in a different way
- Identify impacts on residents the Council had not previously identified and consider what mitigation might be offered to offset such impact where appropriate.

13. The agreed approach for this consultation was to use an online questionnaire as the main route for feedback; questionnaires enable an appropriate amount of explanatory and

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supporting information to be included in a structured questionnaire, helping to ensure respondents are aware of the background and detail of the proposals. Respondents could also write letters or emails to provide feedback on the proposals. Emails or letters from stakeholders that contained consultation feedback were collated and analysed as a part of the overall consultation. The consultation was promoted in the following ways:

- Promoted to the Peoples Panel (3,700 members)
- Council e-bulletins
- Social media channels.

14. In total, 3,041 people responded to the public engagement exercise, including 2,951 residents.

15. Of those who responded, 77% felt the Policy was easy to understand (19% neither agreed nor disagreed, 4% disagreed) and 70% felt that it provided sufficient information (21% neither agreed nor disagreed, 9% disagreed).

RESOURCE/POLICY/FINANCIAL/LEGAL IMPLICATIONS:

Resource/Finance

16. The proposals in the Policy will be funded from existing resources in the City Services and Environmental Health budgets. There is no significant additional spend anticipated because of this policy. Charging for replacement recycling bins and glass boxes will be a new income stream for the authority but the budgetary impact is expected to be minimal as the charge is only to recover the cost of delivery and administration.

Policy

17. This Policy is in accordance with relevant Policy Framework items (embedded in the council's Constitution: Part 2, Article 4.01).

Legal

18. The primary legislation governing the collection of household waste is S.45 - 47 Environmental Protection Act 1990 (as amended by the Climate Change Act 2008 and the Deregulation Act 2015). The offence of fly-tipping, and the additional offences of 'knowingly causing' or 'knowingly permitting' fly-tipping, are set out in Section 33(1)(a) of the Environmental Protection Act 1990. Section 33 is enforceable by both the Environment Agency and the local authorities. Anyone who produces waste has a duty of care under section 34 of the Environmental Protection Act 1990 to ensure that it is disposed of properly. Therefore, a person may be guilty of an offence under section 34 if their waste has been found to be dumped, even if the dumping was carried out by someone else. The duty applies to both businesses and householders.

19. Powers available to require the clearance of fly-tipped waste are contained within Section 59 of the Environmental Protection Act 1990, Section 215 of the Town and Country Planning Act 1990 and Section 79 and 80 of the Environmental Protection Act 1990.

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20. In formulating the proposed Policy, the Council has had regard to its duties under the Equalities Act 2010, the Human Rights Act 1998 and the Crime & Disorder Act 1998 together with other relevant secondary legislation and guidance. A full equality impact assessment has been carried out in preparation of the policy and updated throughout the consultation process to identify impacts and offer mitigation / changes where appropriate to do so.

OPTIONS and TIMESCALES:

21. If approved by Cabinet on 14 March, the policy will be officially adopted on 22 March 2023.

RISK MANAGEMENT IMPLICATIONS

22. Reducing period for reporting a missed bin to one working day: There is a minor risk that this could potentially lead to increased side waste/fly-tipping if residents are unable to report in time. However, the HWRC network provides an alternative, legal way for residents to dispose of excess waste.

23. Implementation of the waste diary initiative: There is a minor risk that this could potentially lead to increased side waste/fly-tipping. However, the HWRC provides an alternative, legal way for residents to dispose of excess waste.

24. Introducing charges for replacement recycling bins and glass boxes: There is a minor risk that this could potentially lead to increased side waste/fly-tipping for those who cannot afford the charge. To mitigate against this, a reduced charge will apply to those in receipt of certain benefits. There is a minor reputational risk as the consultation results showed this to be an unpopular proposal. However, this needs to be balanced against the current financial position of the service and the Council more widely.

Appendices/Supporting Information:

Annex 1: Household Waste and Fly-tipping Policy

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