

Environmental Services - Supporting the responsible disposal of household waste

Date: 9 February 2022

Report of: Director of Communities, Housing and Environment

Report to: Executive Board

Will the decision be open for call in? Yes No

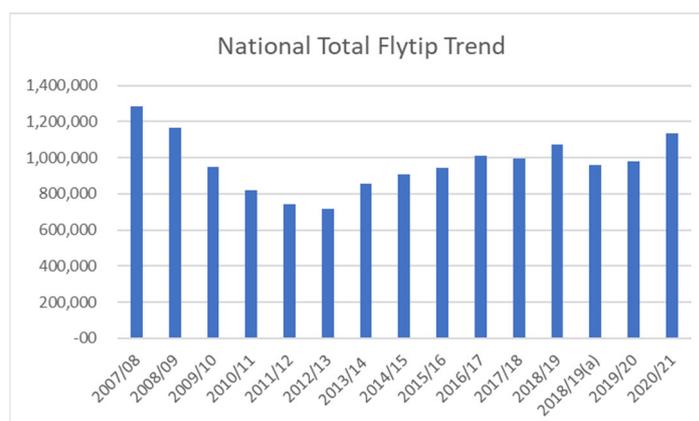
Does the report contain confidential or exempt information? Yes No

What is this report about?

Including how it contributes to the city's and council's ambitions

- The Council's Waste Strategy sets out a number of aims and objectives falling under the main categories of; all doing our part, reducing excess and getting the most of our resources. Our ambition is for less to be waste produced by the residents of Leeds; by reducing consumption, reusing more materials/items and recycling more.
- The pandemic has slowed progress on some significant changes that will help make a difference, such as the Government's implementation of its national Resource and Waste Strategy which has promised new funds for Councils to introduce kerbside food and glass collection, together with a national Deposit Return Scheme for plastic and glass containers.
- With more people working and learning from home, the pandemic has also seen a huge rise in the amount of waste being produced by households, with a disproportionate amount appearing in the city's black bins. Although in Leeds only 0.6% of waste collected is landfilled, this still means more waste is not being reused or recycled.
- The Council has prioritised and provided additional resources to ensure all household waste collections were kept going during the pandemic and all recycling (and garden waste) material is sorted, processed and kept from going to landfill. In addition, since June 2020, all eight Household and Recycling Centres have been open as usual, 7 days a week, and collection of glass from bottle banks has been increased allowing for over 12,000 tonnes to be recycled in the last year.
- Work is ongoing to bring forward proposals to further improve the recycling offer in Leeds, to better understand the carbon/climate change impact of individual waste streams/materials and to build on the successful and innovative re-use initiatives operating in Leeds; such as the Revive charity shops at Kirkstall and Seacroft HWRCs, the paint re-use charity Seagulls and the furniture re-use charities working across the city supported by the Council.

- Building on that work, this report focuses on what more can be done to further support residents in being able to dispose of their household waste and unwanted items legally and responsibly; as well as outlining plans to target those who operate illegal waste collection services, often resulting in flytipping.
- Most day-to-day household waste can be legally disposed of using the kerbside refuse collection service provided by the Council.
- In addition, currently Councils are required to collect “at least two types of recyclable waste together or individually separated from the rest of the household waste”. In Leeds we have a green recycling bin which can take a wide variety of recyclable waste, including most plastics, paper, cardboard and metals (tins/cans/foil).
- Waste not allowed in household waste bins, that is too heavy or cannot fit in the black bin is the responsibility of the household to organise the legal disposal of. To help, the Council operates eight Household Waste and Recycling Centres where the disposal of household waste is free. The exception to this is the disposal of mainly construction related waste such as rubble and plasterboard, for which there is a small charge The Council also operates a subsidised unwanted bulky item collection service, free to those on council tax benefits.
- Other ways the Council supports residents to dispose of their waste responsibly include: the largest free garden waste collection service in the UK delivered by a council which collects and composts over 34,000 tonnes of waste a year; a citywide network of over 700 bottle banks sending over 12,000 tonnes of glass for recycling last year; and, an increasing network of bring banks for items such as clothes/textiles and small electrical equipment.
- Residents can of course also use commercial alternatives to dispose of waste, such as skips and waste removal companies or arrange for old items to be taken by suppliers of replacement items, such as fridges, washing machines etc. However, a householder/occupier is legally required to take reasonable steps to check that people removing waste from their premises are authorised to do so. If they don't, and the items are fly-tipped, they could be fined/prosecuted. Reasonable steps to take would be to:
 - ✓ ask the waste carrier to provide you with their full address and telephone number;
 - ✓ ask to see their waste carrier licence issued by the Environment Agency;
 - ✓ contact the Environment Agency for a free instant Waste Carrier Validation Check (available online).
- Despite these clear legal responsibilities and wide range of options available to responsibly dispose of waste/unwanted items, the problem of flytipping remains a national issue. The following graph demonstrates the national flytipping picture/trend as published by DEFRA:



- This report outlines a programme of work that further improves the support provided to Leeds residents to legally and responsibly dispose of their household waste and unwanted items, complemented by the establishment of a Serious Environmental Crime Team for the city that will focus on offences such as flytipping committed by organised, illegally operating waste disposal companies/individuals.
- These actions/enhancements to services to further improve the options available to residents to legally and responsibly dispose of their household waste/unwanted items are;
 - ✓ The removal of bulky item collection charges and expansion of capacity to increase the number of collections citywide by 20%.
 - ✓ Establishment and expansion of a specialist Serious Environmental Crime Team (SECT) for the city that will focus on serious and organised environmental crime and expand the use of cameras at hotspot locations;
 - ✓ Increase of opening days/hours for commercial disposal of household waste at Kirkstall and Seacroft HWRCs to help those disposing of waste at weekends.
 - ✓ Increase to the amount of free disposal allowed for landlords who are accredited to the Leeds Rental Scheme to encourage and support those wanting to promote the responsible management of properties and tenants.
 - ✓ Introduce a scheme making it easier for Leeds residents to find a local waste carrier/clearance company with the required licences and disposing of waste legally.
 - ✓ Financial and practical support for Zero Waste Leeds to further develop the innovative and successful School Uniform Exchange Scheme to increase the re-use of clothes/textiles
 - ✓ Further support to the Litter Free Leeds social movement, with the joint development of a citywide, community driven anti-litter campaign for 2022;
 - ✓ Suspend the decision to reduce the opening days for the Otley Ellar Ghyll HWRC; with an ambition to develop a modern, more fit for purpose facility with Re-use shop to replace the Otley and Yeadon HWRCs.
- These additional supportive actions will complement the existing successful work to deter and catch those companies and individuals who illegally dispose of waste. Examples are provided in Appendix A of how, often working with West Yorkshire Police colleagues, the Council has successfully prosecuted through the courts and issued Fixed Penalty Notices.

Recommendations

Members are recommended to:

- a) Approve the programme of action as set out in this report which will be implemented by the Chief Officer (Environmental Services) within existing available resources, with the exception of recommendation b below.
- b) Note that the action related to bulky item collection charges and expansion of capacity to increase collections is subject to formal agreement of the related budget proposal by Members of Full Council.

Why is the proposal being put forward?

- 1 The action plan is in response to the continued national rise in environmental crime and to help reduce the impact on residents in Leeds; by both providing more support to help

people dispose of waste legally and responsibly and to take further, targeted action against those seeking to profit by illegally disposing of waste.

Action	Why this is needed
<p>1. Removal of bulky item collection charges and expansion of capacity to increase the number of collections citywide by 20%</p>	<p>A contribution charge for the booking and collection of unwanted bulky items from households was introduced in Leeds in 2017/18. The charge was primarily introduced to both encourage residents to find more environmentally ways of disposing of unwanted items (for example through reuse organisations) and to create a sustainable income stream for the council to support re-use charities/organisations. The charge was and remains in line with the majority of local councils and core cities across the country.</p> <p>For households in receipt of council tax benefit the collections are free.</p> <p>However, it is felt that in order to support the additional efforts to reduce flytipping in Leeds outlined in this report, by further assisting residents to dispose of unwanted items that are unfit for re-use, the removal of the charge at this time is beneficial. There will remain a focus on steering residents to consider re-use as the first option.</p> <p>The cost of the lost income and increase in capacity for collections will be met by a proposed increase in the Council budget so the support for re-use organisations is not reduced.</p>
<p>2. Establishment and expansion of a Serious Environmental Crime Team (SECT) for the city.</p>	<p>To provide a more effective deterrent to those who commit organised environmental crime with an increased success rate and publicity of prosecutions. The current capacity and expertise within Cleaner Neighbourhoods Teams is limited and requires a more dedicated approach. Initially a manager and four EOA posts will be transferred into the new team from CNT, to develop specialist capabilities and expertise.</p>
<p>3. Increase of opening days/hours for commercial disposal of household waste at Kirkstall and Seacroft HWRCs to help those disposing of waste at weekends.</p>	<p>The Council provides facilities for commercial/trade waste disposal at these two sites but is currently closed Saturday afternoons and Sundays. By increasing the opening times this will help those carrying/collecting waste to dispose of their waste legally and responsibly all weekend. The increase in income will pay for the increase in opening times.</p>
<p>4. Increase to the amount of free disposal allowed for landlords who are accredited to the Leeds Rental</p>	<p>This improved benefit will make joining the scheme more attractive and responds to issues raised by residents and landlords, particularly in</p>

	Scheme to encourage and support those wanting to promote the responsible management of properties and tenants.	areas with significant levels of transient tenant populations such as students.
5.	Introduce a scheme that makes it easier for Leeds residents to find a local waste carrier/clearance company that has the required licences and is disposing of waste legally.	This is a common complaint/comment from residents – that it's not easy to know if someone you are paying to take waste away for you is not flytipping it. We would like to help with that.
6.	Financial and practical support for Zero Waste Leeds to further develop the innovative and successful School Uniform Exchange Scheme to increase the re-use of clothes/textiles	The greater re-use of clothes/textiles would have a significant impact in reducing the carbon footprint of Leeds' waste.
7.	Further support to the Litter Free Leeds social movement, with the joint development of a citywide, community driven anti-litter campaign for 2022;	This growing social action movement promotes and encourages residents to take action in their neighbourhoods to do something about litter/waste. It plays an important role in helping bring about behavioural change and increased personal responsibility.
8.	Suspend the decision to reduce the opening days for the Otley Ellar Ghyll HWRC; with an ambition to develop a modern, more fit for purpose facility with Re-use shop to replace the Otley and Yeadon HWRCs.	The cost saving decision to reduce the number of days this site is open was made by Council as part of its 2021/22 budget. However, the decision has yet to be implemented due to the sustained increased need/demand caused by Covid. The service has found equivalent savings and income of £75k elsewhere to offset this. The service would like to explore further the ambition to build a new, modern facility with better facilities (including a re-use shop) and access to in effect replace the Otley Ellar Ghyll and Yeadon Milner Road sites. In the meantime the service will keep the Otley site open 7 days/week to continue to support the additional demand and meet the cost from within its existing budget.

What impact will this proposal have?

Wards Affected:

Have ward members been consulted? Yes No

- Greater public understanding of the legal responsibilities in how to dispose of waste and the range of options available to do so, together with a reduction in organised environmental crime. The impact should be a reduction in flytipping.

What consultation and engagement has taken place?

- The programme of action has not been specifically consulted on. However, the proposed actions have been developed having listened to discussions and feedback in various

settings such as Community Committees, Scrutiny Boards, social media, local forums and Full Council.

What are the resource implications?

- 4 The annual cost of removing the bulky item collection charge and increasing the number of collections will be £308k. This cost is included in the 2022/23 Council Budget proposals. All other costs will be met from within existing service budget/resources.

What are the legal implications?

- 5 Householders/occupiers must ensure their household waste is properly disposed of. Household waste is defined in section 75(5) of the Environmental Protection Act 1990. The householder duty of care is provided by Section 34(2A) of the Environmental Protection Act 1990 (updated in the Household Waste Duty of Care Regulations 2005).
- 6 The 2005 regulations specifically added that:
 - there is “a duty on an occupier of domestic property as respects the household waste produced on the property. The duty imposed is to take all such measures available to him as are reasonable in the circumstances to secure that any transfer by him of household waste produced on the property is only to an authorised person or to a person for authorised transport purpose”;
 - it “makes it a criminal offence for any person to fail to comply with the new duty imposed by the amendment in regulation 2(2). On summary conviction, the penalty for the offence will be a fine not exceeding the statutory maximum (at the date of these Regulations £5000) and, on conviction on indictment, a fine”.

The recommendations set out in this report support householder options in lawful disposal of their household waste.

What are the key risks and how are they being managed?

- 7 The main risks are related to the removal of charges for the collection of unwanted bulky items from households. These are:
 - That less residents choose re-use options as they can now have the items collected for free by the council.
This is a concern. The Council will however continue to promote re-use over free bulky collection and continue support for the re-use charities/organisations citywide. The service will work with the re-use organisations to better publicise/promote what they do.
 - The demand for collections increases by more than the service can deliver, and complaints/contact with customer services increase.
Additional funding is being proposed in the 2022/23 budget to increase the capacity within the Cleaner Neighbourhoods Team service to so that the number of booking slots for collection can be increased citywide by 20%. Expectations will continue to be managed with clear messages and communications to customers. The service already experiences and manages times when demand outstrips capacity.

Does this proposal support the council’s 3 Key Pillars?

Inclusive Growth

Health and Wellbeing

Climate Emergency

- 8 The actions planned/proposed will collectively support cleaner communities and further help residents manage their waste. This will have a positive impact in communities, with an anticipated benefit to wider wellbeing.
- 9 The increase in actions to encourage more responsible disposal of waste and to support community based organisations such as Zero Waste Leeds and Litter Free Leeds will help improve re-use and recycling and reduce the amount of litter and waste that finds its way into the living environment.

Options, timescales and measuring success

a) What other options were considered?

- 10 The two main changes to existing decisions are the removal of charges for unwanted bulky item collections and the further suspension of the decision to reduce the number of days that Otley HWRC is open.
 - Removal of charge for bulky collection – *options were considered to reduce the charge rather than remove altogether. However, it was felt that removing the administrative burden (on the customer and the council) altogether, considering the relatively low charge per transaction, and that the proposal was part of number of improvements to help residents more easily understand how to responsibly dispose of waste, the most helpful and effective option was to remove the charge in full.*
 - Suspension of the decision to reduce opening days at Otley HWRC – *an option was considered to reduce the number of days the site was to be closed on so that it was just closed Tuesday-Thursday (rather than Monday – Friday). However, as the service is confident that it will be able to continue to manage the reduction in budgeted savings and having considered the continuing impact of Covid on household Waste levels and the views of customers and ward members, it was felt that keeping the site open every day should be continued whilst longer term options are looked at.*

b) How will success be measured?

- 11 There are a number of separate actions contained in this report. Collectively they set out to provide further support to residents/households to legally and responsibly dispose of their unwanted items/waste, deter those who would illegally dispose of waste, and to further promote re-use and recycling as the preferred sustainable option. Success will be measured through a decrease in the recorded cases of flytipping (in comparison to the national average), an increase in the successful prosecution of those committing environmental crime and greater re-use of items.

c) What is the timetable for implementation?

- 12 All actions will be delivered in 2022/23.

Appendices

- 13 There is one appendix that provides a summary of the current ways that the Council's Cleaner Neighbourhoods Team tackles environmental crimes, such as flytipping, through education and enforcement.

Background papers

- 14 None

Appendix A Tackling Waste Crime: Enforcement Activities and Outcomes

The Council's Cleaner Neighbourhoods Team (CNT) have a vital role in helping to keep the city clean and safe. This includes tackling waste crime such as flytipping, promoting positive waste behaviours and reminding residents and businesses of their duty of care for the waste they produce. The city's waste strategy commits to supporting behaviour change through encouraging people to take responsibility for the waste they produce, as individuals and collectively as a city.

The CNT teams undertake daily fly-tip monitoring and removal (including examining fly-tips for evidence), litter picking and street cleansing activities seven days a week. Using proactive intelligence and reports from the public, additional resources are targeted into waste crime hotspot areas. Areas providing the greatest challenges are those with large areas of terraced, back-to-back, and densely populated housing, often with shared bin-yards and high volumes of privately let residential properties and transient populations.

Environmental Enforcement:

The CNT includes a dedicated team of environmental enforcement officers working in communities across the city. These teams respond to fly-tipping and littering complaints quickly by talking to residents, investigating complaints (using CCTV where possible and local intelligence) and taking enforcement action against offenders and landlords. In our priority areas we also have a targeted programme of highly visible litter and waste awareness campaigns aimed at local residents and businesses.

Public Spaces Protection Orders (PSPO's) which include household waste management requirements, are in place across inner north-west Leeds (Headingley, Hyde Park, Little London and parts of Woodhouse and Burley), Armley, Harehills and Burmantofts. PSPO's are geographic legal measures that enable the council and its partners to deal with persistent anti-social behaviour (including waste crimes) impacting on a community's quality of life. PSPO's provide increased powers to deal with issues like fly-tippers and people persistently dumping waste in gardens, shared areas or at the sides of their bins, as well as those who leave bins on streets.

Engagement and behaviour change:

Regular face-to-face engagement is conducted via enforcement officers, street wardens and social media activity. The Cleaner Neighbourhoods Team work closely with local Councillors and active residents determined to make a difference to where they live. We also support a number of active local volunteers working as part of the Litter Free Leeds social action movement, who have more than 3,200 members filling their purple bags with street litter.

Enforcement Data and Case Studies

Where appropriate, enforcement begins informally with advice and support to help householders comply with managing their waste. For more serious offences, that are criminal in nature, formal enforcement begins at the first opportunity.

Enforcement Action Taken	2018	2019	2020	2021
Fixed Penalty Notices (FPN's) Issued for commercial waste, flytipping and waste in garden offences	172	183	162	246
Prosecutions for commercial waste, flytipping and waste in garden offences	10	16	30	15

** Lower figures in 2020-21 due to face-to-face enforcement work being restricted by the pandemic.*

Court Case Successes Include:

- fines and costs totalling £2,799 for a landlord not managing waste in the garden of their property.
- several occasions of bins being left out resulted in an £880 fine £1,060 costs and a victim surcharge of £88 totalling £2,028.
- fines and costs totalling £5,154 levied on commercial fly tipping from an electronics store into residents' gardens
- fines and costs totalling £2,832 on a local supermarket with uncontrolled commercial waste.
- fines and costs totalling £12,000 on a commercial takeaway business for waste fly tipped outside garages.
- fines and costs totalling £2,235 plus a community order of 60 hours unpaid work on an individual for fly tipping fridges and freezers out of his van on to a street.
- fines and costs totalling £670, a community order of 60 hours unpaid work and a van seizure was levied on a fly-tipper who dumped various items, including lawnmowers and mattresses, across Leeds.

Harehills PSPO enforcement for bins left on street:

- Between October 2020 to October 2021, 64 people were referred to court for not paying FPNs for bins persistently being left on the street on non-collection days and contributing towards environmental problems in their streets. 54 were successful prosecutions and 7 are ongoing cases. The average fines for the 54 successful cases were £454 (made up of £220 fine and victim surcharge £34 and legal costs of £200).

Headingley PSPO enforcement for bins left on street:

- Enforcement work started in the Headingley Mount/Escourts areas in October 2021.
- By the end of 2021, 208 first warnings and 96 final warnings had been issued to properties in the target area.

Establishment of a dedicated citywide Serious Environmental Crime Team (SECT)

In order to prioritise fly tipping and better tackle the more serious and organised environmental crime that happens in Leeds we are establishing a dedicated Serious Environmental Crime Team (SECT).

SECT will deal specifically with the detection and enforcement of more serious and complex waste crimes that are likely to lead to prosecution in court, focusing on such issues such as:

- illegal waste carriage & associated vehicles including current waste carriers and scrap vans;
- commercial/industrial fly tipping;
- targeted enforcement at flytip hot spots – including greater use of covert and overt cameras/cctv;
- thematic issues such as organised waste crimes and social media fly tippers;
- rogue Landlords/letting agents;
- businesses that produce significant amounts of waste but cannot demonstrate legal means of disposal.