

Agenda Item	<b>7</b>
Report No	<b>CIA/30/17</b>

## **HIGHLAND COUNCIL**

**Committee:** City of Inverness Area Committee

**Date:** 14 September 2017

**Report Title:** Inverness City Centre Trade Waste Project

**Report By:** Director of Community Services

### **1. Purpose/Executive Summary**

- 1.1 This report updates members on the proposed Inverness City Centre trade waste project and seeks approval to progress the project as provided in the report.

### **2. Recommendation**

- 2.1 Members are invited to:

Approve the overall vision and objectives of the Inverness City Centre trade waste project as provided in the report.

### **3. Background**

- 3.1 Members will be aware that the clean and welcoming appearance of Inverness City Centre is essential for ensuring that visitors and businesses continue to be attracted to the city. Unfortunately, the large numbers of trade waste bins on the streets of the city centre are making this increasingly difficult to achieve. Many of these bins are permanently stored on the pavements and other public spaces. The numbers and position of bins are not currently controlled and the volume has been increasing in recent years with the introduction of recycling requirements for businesses.
- 3.2 In addition to the visual impact, the unregulated presence of trade waste containers and bags left out on streets can cause obstructions and, if not properly managed, contribute to spilled waste and litter and associated vermin/gull issues.
- 3.3 The Draft Inverness City Centre Development Brief identifies priorities for development that make the city centre a great place to live, work, visit and invest. The Brief emphasises that the appearance of buildings, streets and spaces, how they are used, and their role in enhancing the look and feel of the city centre are key to creating a distinctive and attractive place. It acknowledges that the permanent storage of waste bins undermines the character of some areas, and prioritises a need to find innovative solutions for waste storage and collection. Development Management Criterion D7 for new development states that "Suitable, sufficient waste collection points and off-street bin storage must be provided at ground floor level. Storage areas must have adequate capacity to service the development and meet Council requirements for disposal of refuse and recyclable materials. No refuse or recycling material shall be stored or placed for collection on the pavement or public highway except on day of collection." The Draft Development Brief has been a material planning consideration for development management purposes since its approval by the City of Inverness Area Committee in December 2016. Once adopted, the Brief will become Supplementary Guidance which, as part of the Council's statutory Development Plan, carrying equal weight to Local Development Plans in the determination of planning applications.
- 3.4 Edinburgh has successfully operated a similar scheme for a number of years and in 2017 Glasgow has also launched a pilot scheme for their city centre.

### **4. Inverness City Centre position**

- 4.1 A survey was undertaken in late 2015 by Community Services. This involved visits to premises and a paper survey. In total 234 premises were surveyed within the Business Improvement District (BID area) of the City Centre. At that time, of those 234 premises, 76 premises (32%) had 193 bins of varying sizes (1100ltr, 660ltr; 240ltr) permanently positioned on the road or public space.

**Fig 1: Premises with bins permanently positioned on the street (2015 data)**



- 4.2 The survey highlighted that the largest proportion of trade waste bins permanently positioned on the street were from food premises. A significant number were also from large national retailers. At the time, it was found that 15 of the 234 businesses were responsible for 39% of the total number of bins in the city centre. Fourteen out of these 15 premises were either a bar or served hot food.
- 4.3 Discussions and consultation on the issue took place with relevant parties including direct consultation with the businesses responsible for keeping their waste containers on the street. This was to seek their views and comments regarding potential solutions and any concerns that would require to be considered in a change of policy. Consultation also included Inverness BID and waste contractors (BIFFA, Munro Highland, Pat Munro, and Northern Recycling). All acknowledged there was a problem.
- 4.4 Several suggestions for solutions were put forward, as well as a number of concerns. All the feedback can be summarised as follows:-

Suggested solutions:-

- Increase bin stores
  - e.g. use of vacant shop units within the City Centre for use as common bin stores. Council provide common bin stores or central disposal points around the City Centre for businesses to utilise. Could be designed to be visually attractive and provide a revenue stream for the Council. Close Hamilton Street to public access and utilise as common bin store;
- Standardise all the commercial bins within the City Centre – size, colour, logo etc. to make appearance better; and
- Remove parking bays at top of Stephens Brae to facilitate better access by waste vehicles and collection from this area.

### Highlighted concerns:-

- Returning to a bag collection service would be a backward step. Wheelie bins implemented for a reason and could lead to problems of vermin/gulls etc. if left out overnight or for prolonged periods;
- Conflict between waste contractors and shop delivery vehicles/traffic. Waste contractors operate to tight schedule and driver hours. Currently wish to be out of City Centre by 0800 and therefore collection slots during the day would not work;
- Restricting collection slots to business operating hours would result in conflict between waste contractor vehicles and pedestrians, particularly on pedestrianised High Street; and
- Would result in significant increase in cost to businesses as a result of increased collection frequencies, potentially 30-40%

4.5 Regular inspections of the city centre since the survey have noted that there has been some improvement with some waste issues (e.g. greater number of bins being locked and less bags present) but overall there are similar numbers of on-street trade bins as noted in the 2015 survey. The photos in **Appendix 1** illustrate the issue.

## **5. Pilot project proposal**

5.1 The vision for the city centre trade waste policy is to achieve a city centre free from the visual and environmental blight of commercial waste containers.

5.2 The pilot project has a number of key objectives:-

- a) to reduce the amount of trade waste containers on the streets and improve the look and feel of the city centre;
- b) to reduce the amount of litter derived from trade waste;
- c) to encourage businesses to manage their waste more responsibly and recycle more;
- d) to reduce public safety issues by removing tripping hazards and bins blocking footways which can potentially have a detrimental impact on visually impaired or disabled residents/visitors. The Equality Act 2010, (section 20: Duty to make adjustments) states "*a duty not to indirectly discriminate and to make reasonable adjustments where existing arrangements place a disabled person at a substantial disadvantage*"; and
- e) to evaluate the impact and benefits of the project in order to make recommendations to Committee on potentially rolling out the programme across other areas of the city.

5.3 The pilot project will adopt a similar strategy to that which has been successfully implemented in other cities, such as the successful Edinburgh initiative. It is understood that this will present an initial period of disruption for businesses and waste contractors; however, the situation with commercial bins blocking footways and creating environmental blight cannot continue.

- 5.4 There has already been engagement with businesses, waste operators and Inverness BID on possible solutions to the problem. The implementation plan for the proposals contains a further formal consultation period and a report to the next Committee seeking approval of the implementation policy.
- 5.5 A map of the proposed pilot area is provided in **Appendix 2**. It covers the block enclosed by the High Street, Church Street, Union Street and Academy Street/Inglis Street.
- 5.6 The pilot trade waste project policy is provided in **Appendix 3** and a draft implementation plan for the pilot project is provided in **Appendix 4**.
- 5.7 The practical options for businesses with bins currently stored in a public place are:-
- a) they may need to move to smaller bins stored within the premises, being uplifted more often. This will have cost implications for the business;
  - b) there may be options for better utilisation of existing bin stores or creation of appropriate new bin stores in suitable locations. This will be explored further during the consultation phase;
  - c) Bag collection can be provided instead of wheeled bin. This will be explored further during the consultation phase.

## 6. Enforcement

- 6.1 The Council has powers under the Roads (Scotland) Act 1984 section 59, and the Environmental Protection Act 1990 section 47. The Council will now utilise these powers to improve the environment by removing trade waste bins from the streets and managing waste presentation more cohesively.
- 6.2 The Road (Scotland) Act 1984 states the following points:-
- *Section 59 subsection (1)..... nothing shall be placed or deposited in a road so as to cause an obstruction except with the roads authority's consent in writing and in accordance with any reasonable conditions which they think fit to attach to the consent;*
  - *Section 59 subsection (2) A person who contravenes subsection (1) commits an offence;*
  - *Section 59 subsection (3) Without prejudice to subsection (2) above, a person who contravenes subsection (1) above may be required by roads authority to remove the obstruction forthwith, and commits an offence if he fails to do so; and*
  - *Section 59 subsection (4) Where (a) a requirement under subsection (3) above is not complied with; (b) the person who placed or deposited the obstruction cannot be readily traced; or (c) the case is one of emergency, the roads authority or a constable may remove the obstruction (or cause it to be removed) and recover such expenses as are reasonably incurred in so doing from the said person.*

- 6.3 Members should note that the Council already has existing policies using these powers for dealing with the following scenarios: signs on footways and footpaths; signs on roadside verges; display of goods for sale; and street cafes (approved by Transport, Environment and Community Services Committee on 15 August 2013 (report TEC 56/13)).
- 6.4 The Council considers the position of trade waste bin(s) permanently occupying public land, within the boundaries of the project areas to be an obstruction. If the bin(s) cannot be stored inside the curtilage of a business, under the powers contained in Section 59 of the Roads (Scotland) Act 1984, which have been delegated to the local authority, the Council will instruct the business or waste contractor to remove the trade waste bin(s) forthwith.
- 6.5 In addition to the Roads legislation, the Environmental Protection Act 1990, Section 47 states the following points:-
- *If a trade waste bin(s) is “likely to cause a nuisance or to be detrimental to the amenities of a locality”, the Council, as Waste Collection Authority, has powers to control the placing and removal of commercial waste receptacles on the road through the issue of a statutory notice; and*
  - This includes the power to make provision for the time when the receptacles must be placed for that purpose and removed.
- 6.6 Enforcement will be carried out by officers from the Roads, Environmental Health and waste teams. The teams carry out regulatory work under the approved Environmental and Amenity Services Enforcement policy. This ensures officers carry out their work in a manner that is helpful, open, proportional, fair and equitable.
- 6.7 In exceptional circumstances, permission may be granted under the Roads Act to have a bin permanently placed in the public area. This would only be permitted if the business can clearly demonstrate they have exhausted all the options outlined above.

## **7. Implications**

- 7.1 Resource – Resource implications on Roads, Environmental Health and Waste teams during implementation and initial enforcement period.
- 7.2 Legal – No implications.
- 7.3 Community (Equality, Poverty and Rural) – No implications.
- 7.4 Climate Change / Carbon Clever – No implications.
- 7.5 Risk - No implications.
- 7.6 Gaelic – No implications.

Designation: Director of Community Services

Date: 30 August, 2017

Author: Alan Yates, Environmental Health Manager

Background Papers: Transport, Environment and Community Services  
Committee, 15 August 2013  
Report No TEC 56/13 'Managing Obstructions within the  
Adopted Road'.

APPENDIX 1



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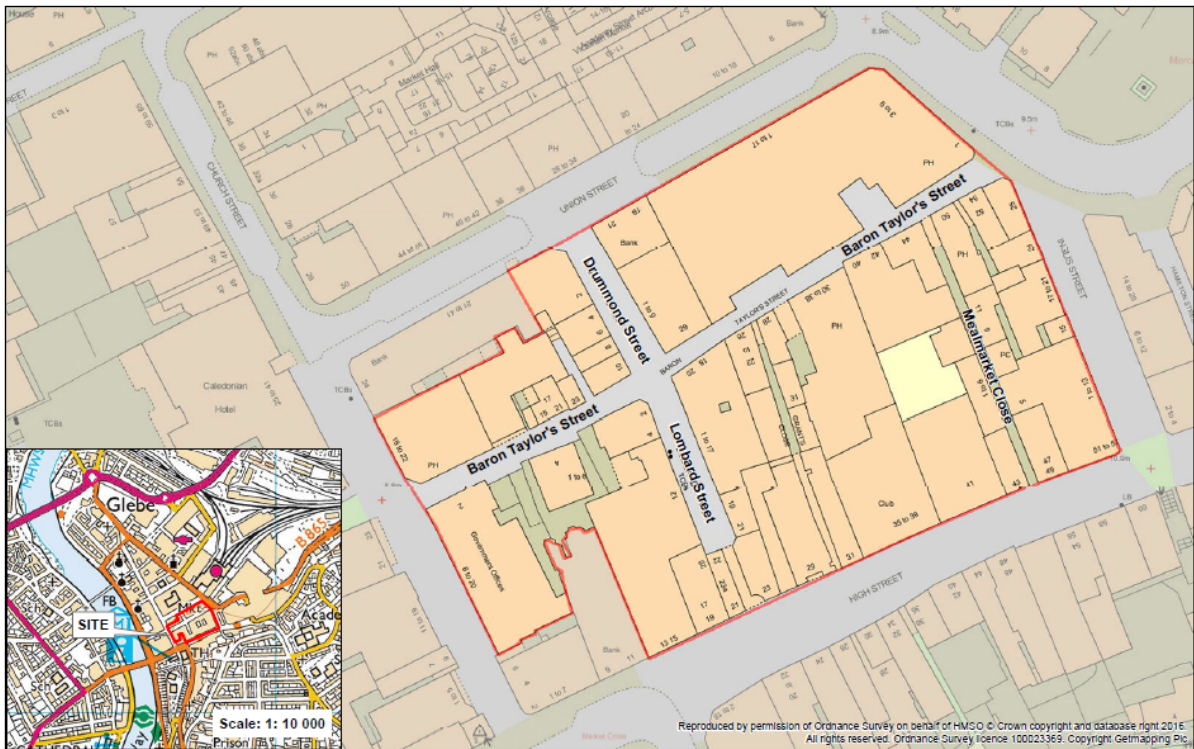
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Map of pilot area



Trade Waste Pilot Project -  
Inverness City Centre

0 10 20 30 40 50 Meters

1:700



**Inverness City Centre: Pilot trade waste policy**

- a) No trade waste containers will be permitted to be stored on public pavements/streets outwith designated uplift windows;
- b) Within designated uplift windows, waste will only be permitted to be placed for uplift within the specific time periods stated. Proposed designated uplift windows are:-
  - a. 07.00 – 09.30am
  - b. 17.00 – 22.00pm
- c) Waste can only be on the street for a specific time: 1 hour;
- d) If the waste is not collected within the specified time period the business must return the waste to their premises;
- e) Waste placed on street for collection must display the business name and collection time;
- f) Waste may only be placed out for collection when the business is open, and never overnight;
- g) Waste containers must be placed as near to the edge of a business as possible;
- h) It is the responsibility of businesses to find a waste contractor that will work with them to find an appropriate internal form of waste storage.
- i) For bins that have not been voluntarily removed from the public spaces the Council will use powers available under Roads (Scotland) Act 1984 section 59, and the Environmental Protection Act 1990 section 47:-
  - a. Business operator or waste contractor will be issued with a four-week notice of enforcement action;
  - b. Non-compliant business or waste contractor will have their bins confiscated after the designated compliance date, and stored off site by Highland Council;
  - c. Business or waste contractor will have 28 days to collect their bins from the Council with a corresponding charge for costs incurred by the Council e.g. for disposing of the waste, storage, administration;
  - d. Any bins not collected will be disposed of by the Council after 28 days.
- j) In exceptional circumstances, permission may be granted under the Roads Act to have a bin permanently placed in the public area. This would only be permitted if the business can clearly demonstrate they have exhausted all other options.

**Note**

- 1. The direct collection of waste from within a business is permitted at any time i.e. direct bag collection.
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## Inverness City Centre Pilot trade waste project

Proposed implementation plan

August 2017	<ul style="list-style-type: none"> <li>• Prepare publicity material</li> <li>• Engagement with businesses and waste operators</li> </ul>
September - October 2017	<ul style="list-style-type: none"> <li>• Committee consideration of vision/objectives of pilot project.</li> <li>• Further engagement with businesses and waste operators, Inverness BID, Inverness Chambers of Commerce and HIE.</li> <li>• Consultation event for businesses, waste operators and the public</li> <li>• Detailed consultation with businesses and waste operators</li> <li>• Public consultation.</li> </ul>
November 2017	<ul style="list-style-type: none"> <li>• Report to Committee on survey outcomes and approval of pilot project policy.</li> </ul>
December to February 2018	<ul style="list-style-type: none"> <li>• Publicity on implementation of project</li> <li>• Engagement with businesses and waste operators – information packs and visits.</li> <li>• <b>Provisional implementation date Monday 5 March 2018</b></li> </ul>
March 2018	<ul style="list-style-type: none"> <li>• 4 week educative, proportional enforcement of policy Monday 5 March to Friday 30 March 2018</li> </ul>
April 2018	<ul style="list-style-type: none"> <li>• Monday 2 April 2018 Formal enforcement for bins that have not been voluntarily removed from the public spaces: <ul style="list-style-type: none"> <li>a) Business operator or waste contractor will be issued with a four-week notice of enforcement action;</li> <li>b) Non-compliant business or waste contractor will have their bins confiscated after the designated compliance date, and stored off site by Highland Council;</li> <li>c) Business or waste contractor will have 28 days to collect their bins from the Council with a corresponding charge for costs incurred by the Council e.g. for disposing of the waste, storage, administration;</li> <li>d) Any bins not collected will be disposed of by the Council after 28 days.</li> </ul> </li> </ul>