

Agenda Item	9
Report No	SR/6/24

The Highland Council

Committee: Isle of Skye and Raasay Committee

Date: 12 February 2024

Report Title: Waste Management and Environmental Health (Abandoned vehicles) Update

Report By: Executive Chief Officer – Communities and Place

1. Purpose/Executive Summary

- 1.1 This report provides an update to members on:
- i. Recycling Improvement Service Change, including Portree Waste Station.
 - ii. issues with abandoned vehicles

2. Recommendations

- 2.1 Members are asked to note:
- i. the progress on the Recycling Improvement Service Change and Portree Waste Station
 - ii. the update from environmental health on abandoned vehicles

3. Implications

3.1 Resource

The Highland Council secured significant capital investment finance from the Scottish Government's Recycling Improvement Fund (RIF). The £6.55m award will support a range of improvements to the Council's waste and recycling performance.

3.2 Legal

- a) The Council has statutory duty under the Refuse Disposal (Amenity) Act 1978 to remove abandoned vehicles from land or roads within their area.
- b) The Council's Waste Management Service operates in a highly regulated environment. This regulatory regime covers the type of collection services that must be provided to households and businesses.

3.3 Community (Equality, Poverty, Rural and Island)

The delivery of waste management services is undertaken in accord with Scottish Government legislation and takes community factors appropriately into account. A key aim of the Recycling Improvement Fund project is to extend recycling opportunities to all including rural areas.

- 3.4 **Climate Change / Carbon Clever**
Reducing the amount of waste in refuse bins and increasing recycling, will have a positive impact on the environment from a reduction in carbon emissions associated with waste.
- 3.5 **Risk**
- a) Failure to deliver statutory responsibilities for abandoned vehicles on environmental quality and open the Council to reputational risks.
 - b) Within the Recycling Improvement Fund activity to deliver the collection services changes there are a number of risks to be managed given the extent and complexity of the processes behind delivering the transformation and ensuring phased timings are achieved. Of particular importance is Portree Waste Transfer Station.
- 3.6 **Health and Safety (risks arising from changes to plant, equipment, process, or people)**
- a) Failure to deliver statutory responsibilities for abandoned vehicles may impact on the safety of residents and visitors to the Highlands.
 - b) The safety of staff undertaking waste management duties is a statutory obligation for local authorities. The effective management of waste is essential to the health and safety of all householders and other service users.
- 3.7 **Gaelic** – There are not considered to be any Gaelic implications.

4. Service Change and Portree Waste Station

- 4.1 The recycling improvement fund project will deliver improved recycling and reduce levels of residual waste through a phased service change that will introduce a new twin-stream recycling service to all households, internal services and business customers across Highland.
- 4.2 The existing green general waste bin will be converted to collect the containers mix (plastic bottles, pots, tubs, trays, cans, tins, foil, and cartons). The existing blue bin currently used for mixed recycling will be converted to collect the fibre mix (paper/card).
- 4.3 Residual (General) waste capacity will be reduced at the kerbside as part of the service change. Households in receipt of the weekly food waste recycling service will be provided with a new 140 litre general waste bin while all other households will be provided with a new 180 litre general waste bin.
- 4.4 The Council have a statutory duty to provide food collections in certain areas, an exemption exists for other rural areas of Highland including Skye.
- 4.5 The phased timescale for the delivery of the service changes is shown in table 1 below. The timescale for Skye is influenced by the need to provide an extension to Portree Waste Transfer Station.
- 4.6 The Council will develop further the Portree Waste Transfer Station as part of the £6.55m Recycling Improvement Fund award to modernise its waste collection service. This will incorporate constructing a new building opposite the current buildings and within the same overall footprint area of the existing site. It shall store, prior to bulk haulage, the recyclable materials collected from households that will have been split

into fibres (paper and card) and containers (plastic bottles, tubs, trays and metal cans). The enclosed building will be equivalent in size and height to the existing waste transfer station buildings already on the site. A planning application is intended to be submitted during the spring of 2024 and, subject to approval, construction should commence during late summer/autumn of 2024 with the intention this is completed and commissioned by early 2025, in advance of roll out of the local service change intended for spring 2025.

Area	Month the new bins will start being distributed	Food waste collection service expansion
Ross & Cromarty (including Dornoch)	Apr-24	Approximately 14,500 properties will be provided a food waste collection service. This includes: Alness, Avoch, Conon Bridge, Culbokie, Dingwall, Evanton, Fortrose, Invergordon, Kildary, Maryburgh, Milton, Munlochy, Muir of Ord, Rosemarkie and Strathpeffer
Nairn	May-24	Approximately 5,500 properties within Nairn and Auldearn will be provided with a food waste collection service
Inverness	May-24	A further 3,000 properties in Inverness-shire will be provided with a food waste collection service which will expand the service within the area to a total of 37,000 properties. New areas include Ardersier, Beauly, Croy, Bunchrew, Drumnadrochit, Kirkhill and Torngrain.
Badenoch & Strathspey	Aug-24	
Caithness	Sep-24	
Sutherland	Oct-24 / Nov-24	
Skye & Lochalsh *Linked to the timescale for building a new waste transfer station	Mar-25	
Lochaber *Linked to the timescale for building a new waste transfer station	Apr-25	Approximately 6,000 properties will be provided with a food waste collection service. This includes Fort William, Caol and Corpach

4.7 As reported to the Communities and Place Committee on 29 November 2023, a comprehensive communications and engagement plan has been developed to support householders and businesses through the transition to the new waste and recycling collection service.

5. Environmental Health - Abandoned vehicles

5.1 As members are aware, abandoned vehicles are a blight on local communities and have a negative impact on the local environment for the following reasons:

- They are potentially a danger (particularly children);
- There is a risk of serious injury from explosion or fire;
- They can become a beacon for crime and anti-social behaviour (vandalism, graffiti and fly-tipping);
- They can cause damage to the environment from leaks of fluids and fuels into the surrounding area;
- They lower the quality of life in our neighbourhoods;
- They can take up valuable parking spaces, particularly in residential areas.

5.2 In the Highlands, the environmental health team deal with around 500 reports of abandoned vehicles per year. For the Skye and Raasay area there are relatively low reports of around 10-15 per year although an increase was noted in 2023 with over 30 reports submitted.

5.3 The Council has a statutory duty under the Refuse Disposal (Amenity) Act 1978 to remove abandoned vehicles from land or roads within their area. The Act and its supporting Regulations provide powers for the Council to serve notice to remove, if necessary store, and dispose of abandoned vehicles. The local authority can prosecute a vehicle owner for the offence of abandoning a vehicle.

5.4 **Abandoned vehicles on private land** - Where an abandoned vehicle is on private land, the Council must give the landowner or occupier 15 days' notice that they propose to remove a vehicle. The Council cannot remove the vehicle if the landowner or occupier objects. The duty of removal does not apply where the costs of removing an abandoned vehicle to the nearest convenient carriageway is unreasonably high e.g. when a vehicle has been abandoned on very remote or hard to access areas, or where special and/or additional machinery is needed to aid removal.

5.5 **Definition of 'abandoned vehicle'** - There is no legal definition of 'abandoned vehicle' and there are differing views on how the term should be interpreted. Some common characteristics used by UK Government and Police Scotland that can be taken into account in deciding if a vehicle is abandoned include:

- it has no keeper on DVLA's database and is untaxed;
- it's stationary for a significant amount of time;
- it's significantly damaged, run down or unroadworthy - for example, has flat tyres, missing wheels or broken windows;
- it's burned out;
- lacking one or more of its number plates;
- contains waste.

This is not an exhaustive list and a vehicle would not have to be displaying the full list to be considered abandoned.

5.6 The Council often receive reports of vehicles that the complainant feels are abandoned but on investigation are not found to be abandoned. These are often referred to as nuisance vehicles. This may include:

- vehicles poorly parked
- vehicles under repair
- vehicles causing obstruction
- vehicles broken down
- untaxed vehicles

5.7 Other agencies

It must be noted that other agencies have key roles regarding vehicles that may be considered abandoned by complainants:

- The DVLA have an enforcement role where a vehicle is untaxed or does not have a 'Statutory Off Road Notification' (SORN). The Council work closely with the DVLA on this issue and a number of targeted enforcement operations have been carried out through the Highlands.
- Police Scotland can take action to deal with obstruction of a roadway or if a vehicles is causing a danger to other road users. The Police will also respond to reports of individuals using vehicles that do not have a current MOT certificate.

5.8 As members will be aware, environmental health prioritise our resources based on a number of factors including public health, public safety, environmental risk and statutory responsibilities. Officers will assess incoming service requests against these factors and their and other officer's availability for investigations. All reports of abandoned vehicles are followed up by the team but priority is given to vehicles with a clear safety risk e.g. burnt out or vandalised. Officers will explain to complainants that the process can take time to complete i.e. to ensure adequate steps are taken to trace the owner, statutory notice periods are followed and the time involved with practical arrangements of visiting the site location and the availability and arrangements on uplifting the vehicles, if required.

5.9 Environmental health continue to with colleagues in Housing, legal, fleet and the parking team on reviewing procedures on abandoned and nuisance vehicles.

Work previously completed has included updating and improving the Council's [website](#) to provide further guidance and signposting for the public including the flowchart as shown in **Appendix 1**.

In 2024 work is planned on considering possible collection and storage arrangements for abandoned vehicles where vehicle licence has not expired. An officer group with environmental health, housing, legal, fleet and the parking team are exploring options on this.

Designation: ECO Communities & Place

Date:

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Background Papers:

Abandoned Vehicle **Enquiry** Flow Chart

