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## **PROPOSED REVIEW OF COMMERCIAL BUSINESS USE OF PUBLIC BINS**

To: **Overview & Scrutiny Panel – 18 August 2015**

Main Portfolio Area: **Operational Services**

By: **Senior Democratic Services Officer/Service Development Manager  
(Operational Services)**

Classification: **Unrestricted**

Ward: **Thanet Wide**

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**Summary:** **The purpose of the report is to introduce the issue that was raised by Members for consideration as a possible scrutiny review project.**

### **For Decision**

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#### **1.0 Introduction and Background**

- 1.1 At a Governance and Audit Committee meeting on 24 June 2015, Members agreed to refer a request that Councillor David Saunders, Chairman of the Overview & Scrutiny Panel considered including an item on the Panel agenda calling on Members to 'look at the practice adopted by some businesses of using public bins to remove their rubbish rather than arranging for the disposal of their waste separately.'
- 1.2 Members of the Governance & Audit Committee further sited some particular examples and felt that this activity was an added burden on the waste and recycling department which could be investigated.
- 1.3 Members observed that such practice by these business organisations amounted to fraudulent procurement of a Council service that they would not have paid for. They were concerned that this practice was a burden on the Council budget as these business waste collections had not been budgeted for. The Committee requested that ways had to be found to minimise the practice, with the aim of stopping it altogether.

#### **2.0 Current Waste Collection by TDC**

- 2.1 Officers produced a table of practices that appear to lend credence to the assertion made by Members as a number of incidents cited in Annex 1 to the report appear to show a pattern of practice adopted by some businesses with regards taking advantage of the public waste collection system being used by businesses to get their waste collected 'for free' by the Council's Waste and Recycling Collection Services.
- 2.2 Some of the officers observed that part of the problem may be caused by the fact that the public waste bins are not labelled with the 'no industrial waste' sign on the side-body of the bin. This was a historical issue which the Street Scene Enforcement Team is addressing as the team put on fly tipping signs on all the large 1280 bins. The signs are made of special cracked paper to stop removal.
- 2.3 In order to get a more informed view of the issue, it might be that the Panel would need to take further evidence from Council staff working in the waste and recycle collection service and Street Scene Enforcement to determine the gravity and prevalence of the problem and make recommendations to the Executive.

### **3.0 Enforcement by the Street Scene Team**

3.1 Current civil enforcement approaches that are being used by the Council's Street Scene Team include the following:

- i) Trade waste agreements are checked annually with a rolling programme of checks throughout the year. So far this year businesses in Margate, Broadstairs and parts of Ramsgate have already been checked with Westgate and Birchington currently being undertaken. All other areas will be completed by the end of the year. A watching brief is kept for any new businesses opening and a visit is made as soon as practicable by an enforcement officer.
- ii) Approximately 4492 complaints are received by the Street Scene Enforcement Team each year and any that may relate to commercial waste are investigated and documentation checked as a first instance. The problem with monitoring trade waste agreements is they can be cancelled at any-time by the business or by the commercial remover, for example, for non-payment of bill.
- iii) Two prosecutions have recently taken place for commercial waste dumping and not storing commercial waste correctly. A carpet store in Ramsgate - Lewis Carpets were fined approximately £800 for not having a trade waste agreement and for not containing their waste and paid a total of £540 in Fixed Penalty Notices over an extended period. A defendant was fined approximately £2000 for dumping furniture at two locations in Cliftonville after undertaking paid house clearances.
- iv) The street scene officers work closely with CCTV and any hotspot areas for fly-tipping or commercial waste dumping are monitored. Mobile CCTV has also been deployed at particular known hotspots.
- v) Officers carry out re-active responses to areas where bags are split by seagulls, mostly in town centres and investigate the origins of the bags. As there are so many flats and bedsits above commercial properties work has to be done to identify where the rubbish has come from, and serve the appropriate notice either on the business or flat. Unfortunately, we have to find evidence amongst the rubbish as to where the rubbish came from as ultimately we have to prove in a court of law beyond all reasonable doubt who committed the offence and not who we think dumped / placed the rubbish. Warning letters are sent to properties / businesses where we believe the misuse of the bins has originated but cannot prove.
- vi) The four street scene officers between them have 28 current fly tipping incidents under investigation and each fly tip has to be investigated to the standard of a police investigation. In addition they have to investigate all the dumping on private land and serving of PDPA notices and deal with black sack dumping and seagull proof bag offences. 314 PDPA notices (rubbish on private land) have been served during the last year plus 314 Section 46 / 47 notices (repeat dumped black bag offences by either businesses or householders).
- vii) Education plays a big part of the officer's job from dealing with businesses explaining their responsibilities regarding their rubbish and what action can be taken for non-compliance. Officers meet regularly with Waste & Recycling staff to discuss on-going rubbish issues from dumped rubbish, missed collections to inappropriate collection areas to find a resolution.

3.2 The problems of commercial waste dumping, identified by enforcement officers, are localised with differing types of misuse of waste bins in each town. In the lower sea end of Cliftonville commercial misuse of the bins centres around landlords dumping furniture from recently vacated flats, in Northdown Road it is excess waste from fast food outlets. Margate, Broadstairs, Westgate and Birchington all experience incidents of commercial

dumping which are investigated once we are informed or have been found by enforcement officers. Glass is dumped into the recycling banks in each of the towns but this has historically been condoned by the council as it increases recycling rates. In Ramsgate a number of the fast food outlets put black bags by the bins for collection which we continue to monitor. The offence is generally a random occurrence so can be difficult to detect but the CCTV is asked to be aware of the problem and report any suspicious dumping which is immediately investigated.

3.3 Small change that could make a difference and assist the enforcement team include: stencilling 'No Trade Waste' and 'Domestic Bagged Waste Only ' on the lids of all street bins. Although this is already done for 'Domestic Bagged Waste Only' when bins are replaced the signage is often left off. The enforcement team could do this task as they know where the bins are located. Better information sharing between street cleansing teams and their supervisors to inform street scene enforcement of regular dumping issues as until we know there is a problem we cannot take action. In hotspot areas street sweepers to carry cameras so enforcement can see the extent of the problem before the area is swept.

3.4 A review would not help at this time as the enforcement officers already use all the appropriate legislation available and take action where we can and when informed of a problem. The above recommendations could be of help and time should be given to see if they are successful.

#### **4.0 Options**

4.1 Members may wish to debate the report and take no further action.

4.2 The Panel could decide to consider the report and agree to conduct a more in-depth review that would include collecting evidence and thereafter make recommendations to Cabinet, depending on the findings of such a scrutiny investigation.

#### **5.0 Corporate Implications**

##### **5.1 Financial**

5.1.1 There are no financial implications arising directly from this report.

##### **5.2 Legal**

5.2.1 There are no direct legal implications arising directly from this report.

##### **5.4 Equity and Equalities**

5.4.1 There are no equity and equalities implications arising directly from this report.

#### **6.0 Recommendations**

6.1 Members are requested to note the report;

6.2 With reference to comments in section 3.0 and options in section 4.0 of the report, Members are asked to give guidance on how they would like to progress this issue.

#### **7.0 Decision Making Process**

7.1 The Overview & Scrutiny Panel can set up a sub-committee to assist Members of the Panel with conducting in-depth investigation on an issue of significant interest to Council and the district and make recommendations to an appropriate body of Council for decision.

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Reporting to:	Nick Hughes, Committee Services Manager, Ext 7208

**Annex List**

Annex 1	Examples of Commercial Use of Public Bins
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**Background Papers**

Title	Details of where to access copy
None	N/A

**Corporate Consultation Undertaken**

Finance	Nikki Walker, Interim Head of Financial Services
Legal	Colin Evans, Assistant Solicitor