

Committee	Communities Scrutiny Committee
Date	10 October, 2017
Title	Waste Enforcement
Cabinet Member	Councillor Gareth Wyn Griffith
Purpose	To establish a Task Team of Members from the Committee to consider the matter and to advise the Scrutiny Committee of the way forward.

1. BACKGROUND

- 1.1 In its meeting of 2 March, 2017 the Council adopted the motion by the former Member, Councillor Lesley Day to request the Cabinet Member of the Environment to consider introducing effective sanctions as a matter of priority on residents that persist in disposing of household waste on the wrong day or in the wrong way; and that the matter be reviewed by the Scrutiny Committee by December, 2017.
- 1.2 In its consideration of the motion, the former Cabinet Member, Councillor John Wynn Jones noted:
- that there was a need to be very cautious when issuing a fine or penalty as some people were elderly and confused or did not understand the system
 - that the Council was entitled to fine people for placing the wrong materials in the wrong bins or for putting out bins on the wrong days, but there was a need to consider the implications of that to the Council
 - that it was suggested that the 'new look' Communities Scrutiny Committee established an investigation into the matter as one of its first functions.
- 1.3 This Report is for the purpose of gaining the Scrutiny Committee's support to establishing a Task Team of Members of the Committee to look into the matter and in order to advise the Scrutiny Committee of the way forward.

2. THE RELEVANT LEGISLATION

- 2.1 The right to take enforcement action on breaches involving the collection of waste by means of receptacles has previously been delegated to the Head of Highways and Municipal under Sections 46, 47, 47ZA and 47ZB of the Environment Protection Act 1990.
- 2.2 Under this legislation, it is possible to take action and set fines where:
- (i) receptacles are out on the wrong day/time
 - (ii) receptacles have been placed in the wrong location
 - (iii) receptacles are out on the street at all times
 - (iv) there is excessive amount of waste for the receptacle (over flowing)
 - (v) waste is placed in the wrong receptacle.

2.3 It should be noted that the Welsh Government is consulting on these sections of the legislation with a view to make it easier for Local Authorities to use and take enforcement action especially for the purpose of ensuring recycling.

3. TERMS OF REFERENCE FOR THE TASK TEAM

3.1 There will be a need to appoint a chair and agree on the details of the Task ahead but it is recommended that the Task Team comprise of 3/4 Members of the Scrutiny Committee who will join relevant officers to consider the matter in, say, 3 meetings e.g.

Meeting 1:	consideration of the legislation, actual cases, arrangements in other counties
Meeting 2:	site visit to known problem areas, examples on the street
Meeting 3:	consideration of the appropriate means of implementing, when to take action and when not to. Produce a report on the findings to the Scrutiny Committee.

4. RECOMMENDATION

4.1 The Scrutiny Committee is asked for its support in establishing a Task Team for the purpose and to nominate Members for the Task Team.