

REPORT TO: ENVIRONMENT COMMITTEE – 9th MARCH 2015
REPORT ON: REGULATORY REFORM (SCOTLAND) ACT 2014
REPORT BY: DIRECTOR OF ENVIRONMENT
REPORT NO: 111-2015

1.0 PURPOSE OF REPORT

- 1.1 To seek Committee approval for the adoption of the new regulatory measures within the Regulatory Reform (Scotland) Act 2014 to encourage householders to correctly use their waste and recycling containers.

2.0 RECOMMENDATIONS

- 2.1 It is recommended that Committee approves the procedures detailed below and remits the Director of Environment accordingly.

3.0 FINANCIAL IMPLICATIONS

- 3.1 There are no direct financial implications arising from this report.

4.0 MAIN TEXT

- 4.1 Under the Environmental Protection Act (EPA) 1990, householders have a responsibility for ensuring that they correctly use and present for collection the receptacles provided in order to facilitate the relevant collection services. Legislation to date however has been extremely limited in its ability to allow authorities to enforce the returning of domestic containers to the correct storage point and as a result, there are areas within the city where containers are left permanently on the pavement.
- 4.2 Containers that are left out by householders can present a significant health and safety hazard and fire risk and are an obstruction to pedestrians and in particular wheelchairs and prams. In addition, containers can be an attraction for gulls and vermin and can be detrimental to the visual amenity.
- 4.3 The Regulatory Reform (Scotland) Act 2014 has recently amended the EPA and it now extends the regulatory powers to local authorities to also include specifying to householders the requirement to promptly return their containers to the correct storage point.
- 4.4 All domestic containers should be presented for collection before 07:30 on the relevant collection day. Householders will be required to present their containers to as close to this time as possible and to return them as quickly after the container has been emptied as is possible.
- 4.5 Where necessary and where containers are not being correctly presented and returned, householders will be issued with an advisory/warning letter. Where they fail to respond to the written request to return their containers to their storage point, consideration will be given to formal enforcement action via the issue of a Notice under section 46 of the Environmental Protection Act 1990.
- 4.6 Failure to comply with a formal Notice served under the EPA 1990 may result in a report being submitted to the Procurator Fiscal.

4.7 The Environment Department has previously worked in conjunction with Tayside Fire and Rescue to highlight the risks associated with containers being left on pavements and these initiatives will continue. In addition, and prior to employing the new regulatory measures that are available, the Environment Department shall be issuing further information to areas of the city where such problems exist.

5.0 POLICY IMPLICATIONS

5.1 This report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-poverty, Equality Impact Assessment and Risk Management. There are no major issues.

6.0 CONSULTATIONS

6.1 The Chief Executive, Director of Corporate Services, Head of Democratic and Legal Services and Director of City Development have been consulted in the preparation of this report.

7.0 BACKGROUND PAPERS

7.1 None.

Ken Laing
Director of Environment

Kenny Kerr
Head of Environmental Protection

25th February 2015