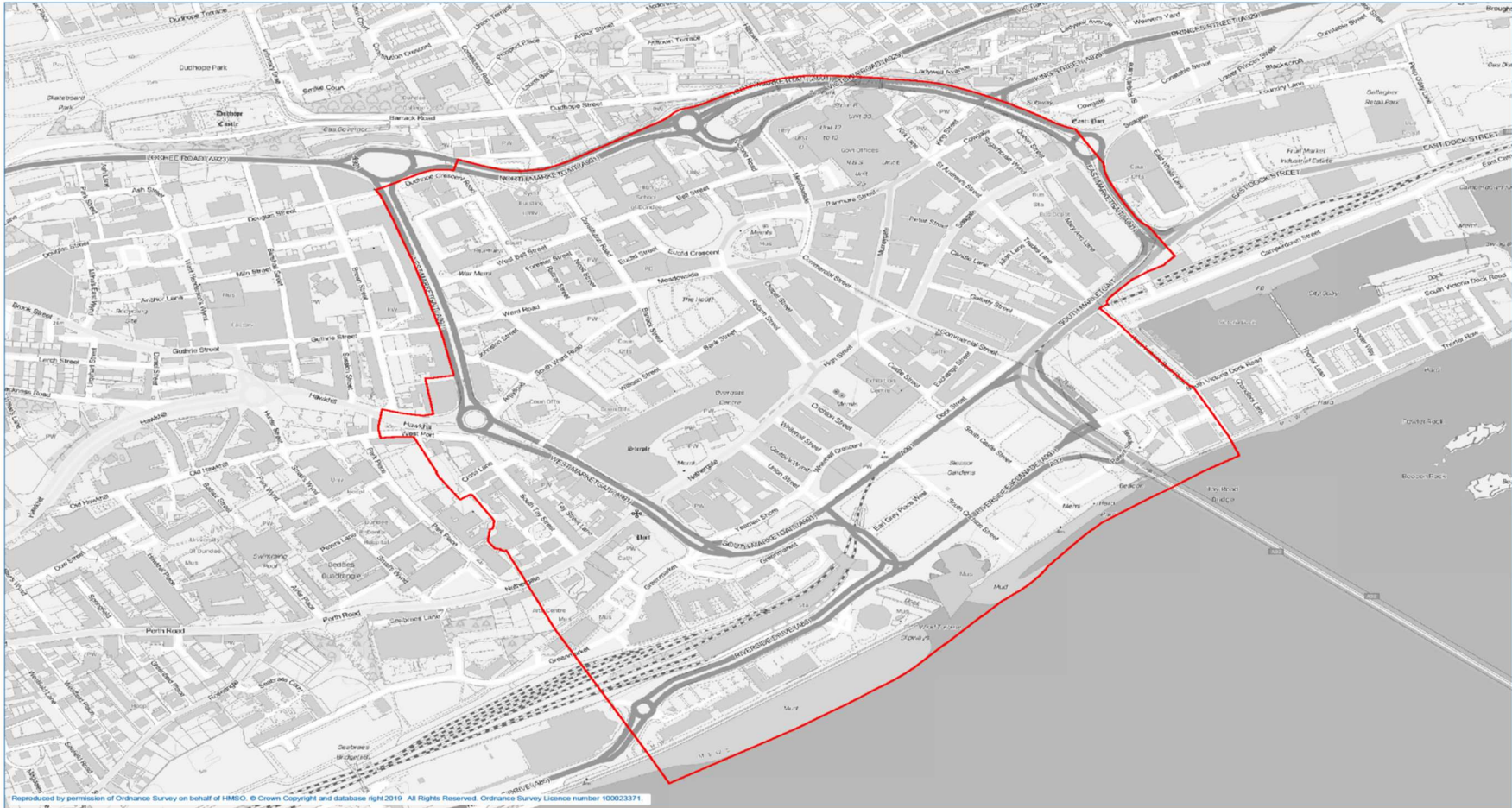


APPENDIX A

CITY CENTRE COMMERCIAL WASTE PILOT PROPOSED APPROACH

1 INTRODUCTION

- 1.1 Dundee City Council supports commercial waste contractors operating in the city. However, there are now in excess of 1200 commercial waste bins left out on the public roads and footways. These are visually unsightly and can be the cause of excess waste, spillage, fly-tipping and the attraction of vermin. The bins also present a hazard for pedestrians on the public footpaths.
- 1.2 It is important that commercial waste is properly managed to ensure that it meets public safety requirements and high standards expected within the city centre.
- 1.3 This document is intended to help businesses and commercial waste contractors understand what will be expected and if any necessary permissions are needed from the Council for commercial waste collections in the city centre as of 1st March 2023.
- 1.4 The project will be focused within a designated city centre zone, see map below for reference.



2 CONDITIONS OF THE PROJECT

- 2.1 All waste, including recyclable material, must be managed and stored on the business' own premises and not on public space (e.g. streets, paths and lanes*).

<https://www.dundee.gov.uk/service-area/city-development/roads-and-transportation/list-public-roads-lopr>

- 2.2 It is the responsibility of businesses to find a waste contractor that has the necessary permit from the Council, that will work with them to find an appropriate internal form of waste storage and suitable receptacles.
- 2.3 Food businesses must have adequate provision for the storage and disposal of food waste and other refuse. Food businesses will also need to demonstrate that food safety will not be compromised.
- 2.4 All waste (bins and bags) can only be placed on the street for collection for no more than 90 minutes during the following allotted times of 7.00 am – 11.00 am and 4.00 pm – 8.00 pm. (Monday to Sunday)
- 2.5 If the waste is not collected within the specified time period by the waste contractor, the businesses must return the waste to their premises and rearrange the collection.
- 2.6 Waste should only be out for collection when the business is open and never left out overnight.
- 2.7 All waste (bins and bags) placed on the street for collection must display the trade waste contractor, business name.

3 PERMIT REQUIRED

- 3.1 Commercial waste contractors will require to apply and obtain a permit (known as a Commercial Waste Permit) from Dundee City Council as Roads Authority in terms of Section 59 of the Roads (Scotland) Act 1984 to authorise them to use the public roads and footways for the placement of commercial waste (bins and bags) within the area shown outlined in red on the plan attached hereto (the enforcement area). Waste placed on public roads and footways without permission within the enforcement area would be deemed to be an illegal obstruction in terms of the said Act and after the introduction of the Project, the Council will take enforcement action in such cases.
- 3.2 The granting of consent in the form of permits issued under Section 59 of the Roads (Scotland) Act 1984 will enable the Council to make full use its powers under s.47 of the Environmental Protection Act 1990. A business who fails to comply with the condition of any notice issued under this section could result in a fine of up to £1000.
- 3.3 It will be a condition of a Commercial Waste Permit that the permit holder will indemnify the Council against all actions, demands, costs, charges or expenses arising from using the footway under the permission granted. The Council will, therefore, require the permit holder to hold third party public liability insurance in the sum of at least £5,000,000 with an insurance company of repute to be approved by the Council. Details of the third-party liability insurance should be enclosed with the permit application.
- 3.4 The permit holder will be required to provide their SEPA registration number.
- 3.5 Commercial Waste Permits issued by Dundee City Council are not transferable and should not, therefore, be regarded as a transferable asset.
- 3.6 Commercial Waste Permits will normally be granted for a maximum of one year and will be renewable annually at the discretion of the Council. As it is a pilot, there will be no cost for the permit in year one and thereafter an appropriate fee will be applied.

3.7 The Commercial Waste Permit will include terms and conditions that must be complied with. The Council will carry out periodic inspections to make sure that all the terms and conditions of the permit are being adhered to.

3.8 The Council may suspend or terminate a Commercial Waste Permit if any of the conditions of the permit are breached.

4 DELIVERY AND ENFORCEMENT

4.1 The Council has powers under Section 59 of the Roads (Scotland) Act 1984 and Section 47 of the Environmental Protection Act 1990 that will enable them to deliver and enforce the Project, including the removal by the Council of bins belonging to commercial waste contractors that have been placed on public roads and footways within the enforcement area in contravention of Section 59 of the Roads (Scotland) Act 1984. The Project will come into force on 1st March 2023.

4.2 After that date, the Council will remove bins in the following circumstances: -

- a if a commercial waste contractor has not obtained a Commercial Waste Permit to store their containers on the public roads and footways within the enforcement area;
- b if a Commercial Waste Permit has been issued to a commercial waste contractor but their bins are still stored on the public roads and footways within the enforcement area out with presentation times specified in their Commercial Waste Permit.

4.3 The bins will be collected and stored off site by Dundee City Council. Waste Contractors will have 28 days to collect their bins from Dundee City Council. The Council will impose a charge for costs it has incurred for the collection, storage, administration and disposing of waste if necessary. Any bins not collected will be disposed of by Dundee City Council after 28 days.

4.4 After the 1 March 2023, if a Commercial Waste Permit is in effect but trade waste bins or bags are presented out with the allotted times and 90-minute presentation window then the businesses responsible will be served with a notice under Section 47 of the Environmental Protection Act 1990 as noted in 3.2.

4.5 All trade waste must be suitably contained as not to cause litter. Enforcement action may be taken for any litter caused by overflowing bins or burst bags presented by the businesses.