

ITEM No ...7.....

REPORT TO: CITY DEVELOPMENT COMMITTEE – 31 OCTOBER 2022

REPORT ON: CITY CENTRE COMMERCIAL WASTE PILOT

REPORT BY: EXECUTIVE DIRECTOR OF CITY DEVELOPMENT

REPORT NO: 289-2022

1 PURPOSE OF REPORT

1.1 This report seeks approval to introduce a pilot project to enhance the city centre by reducing the number of commercial waste containers on public roads and footpaths and changing the way in which commercial waste can be presented for collection by businesses.

2 RECOMMENDATIONS

2.1 It is recommended that the Committee:

- a approves the proposed approach to commercial waste in the city centre as set out in Appendix A; and
- b delegates the Executive Director of City Development to implement this from 1 March 2023; and to undertake a review of the pilot after 12 months and to make the project permanent if it is deemed successful.

3 FINANCIAL IMPLICATIONS

3.1 Implementing the pilot project will result in a one-off cost of £45,000. This will be met from Scottish Government City Centre Recovery Funding, which is included in the City Development Revenue Budget 2022/2023. Future years operational costs will be met through existing staff resources and a charge for the Permit to the Commercial Waste Contractors after year one to cover administration costs.

4 BACKGROUND

4.1 The appearance of the city centre can often be spoiled by the sight of bulky, brightly coloured trade waste containers lining the streets, lanes, and pavements as shown in Appendix B.

4.2 This issue has been recognised as part of the Council's Take Pride in Your City campaign (Article IV of the minute of the Neighbourhood Services Committee held on 22 August 2022 refers). Dundee City Council, through its operation and management of the street scene, engenders civic pride and enhances the local environment and quality of life for everyone. One of the proposed projects arising from the Take Pride in Your City Campaign is a change to the way in which commercial waste can be presented by businesses in the city centre. The project has the following key objectives:

- a reduce the number of trade waste containers on the streets and improve the appearance and cleanliness of the public realm in the city centre;
- b encourage businesses to minimise waste and recycle more; and
- c reduce public safety issues by removing trip hazards and improve accessibility for all.

4.3 This project is aligned with the emerging City Centre Strategic Investment Plan which will set out an ambitious vision for the future of the city centre and inform development and investment around major sites, housing, employment opportunities, leisure and tourism, transportation, active travel, pedestrianisation, environmental improvements, and public realm enhancements.

- 4.4 The project will be supported by the Dundee Local Development Plan. This requires that all new development should follow a design-led approach to sustainable high quality placemaking. A key element of this is ensuring that development considers the sustainable use of resources and waste management, which requires that appropriate space for the storage, separation and collection of commercial waste is designated.

5 INTRODUCTION TO PROJECT

- 5.1 Since the Waste Regulations Act in 2012, business have chosen to dispose of their waste by having multiple large containers with fewer uplifts which has caused a negative impact on the public roads and footpaths. There are currently in excess of 1,200 trade waste containers in the city centre. This is 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.
- 5.2 The purpose of this project will be to prevent the storage of commercial waste containers on streets and footpaths within the boundaries shown red on the plan attached to Appendix A. Waste will require to be stored on the business premises and can only be presented for collection at specified times.
- 5.3 There are around ten commercial waste contractors operating in the city centre. Implementation of the project will require commercial waste contractors to have a permit to allow the placement of their containers during these times.
- 5.4 Dundee City Council is the largest contractor with 579 bins and 200 bag customers so reducing its percentage of bins alone within the city centre will have a significant impact.
- 5.5 The proposed approach is informed by experience of the design and implementation of 'bins-off-streets' policies in Aberdeen, Edinburgh, Glasgow, Inverness and St Andrews. These policies have been successful, and bin-free streets are now regarded as business-as-usual by the local authorities involved.
- 5.6 The policy approaches of the five Councils are based on two pieces of legislation – Section 59 of the Roads (Scotland) Act 1984, and Section 47 of the Environmental Protection Act 1990.

6 COMMUNICATIONS AND RESOURCES

- 6.1 In developing this pilot project in Dundee, there has been engagement with all the commercial waste contractors by e-mail and on-site walkabouts. Several of the contractors operating in Dundee have been involved in this approach in the other cities and are accepting of its aims.
- 6.2 Subject to approval of this pilot project, a communications plan will be developed, including a dedicated web page, FAQs and business case studies from other cities.
- 6.3 The implementation of the project will require a temporary appointment of a Project Lead to oversee engagement with businesses both prior to and immediately after the commencement date of 1 March 2023. This will include mailshots, face-to-face visits and workshops delivered in partnership with Circular Tayside.
- 6.4 The Project Lead will work internally with Sustainable Transport & Roads, City Centre Ambassadors, Neighbourhood Resources and particularly the Environmental Compliance Team.

7 POLICY IMPLICATIONS

- 7.1 This report has been subject to an Integrated Impact Assessment to identify impacts on Equality & Diversity, Fairness & Poverty, Environment and Corporate Risk. An impact, positive or negative, on one or more of these issues was identified. An appropriate

senior manager has checked and agreed with this assessment. A copy of the Integrated Impact Assessment showing the impacts and accompanying benefits of/mitigating factors for them is included at Appendix C.

8 CONSULTATIONS

8.1 The Council Leadership Team have been consulted in the preparation of this report.

9 BACKGROUND PAPERS

9.1 None.

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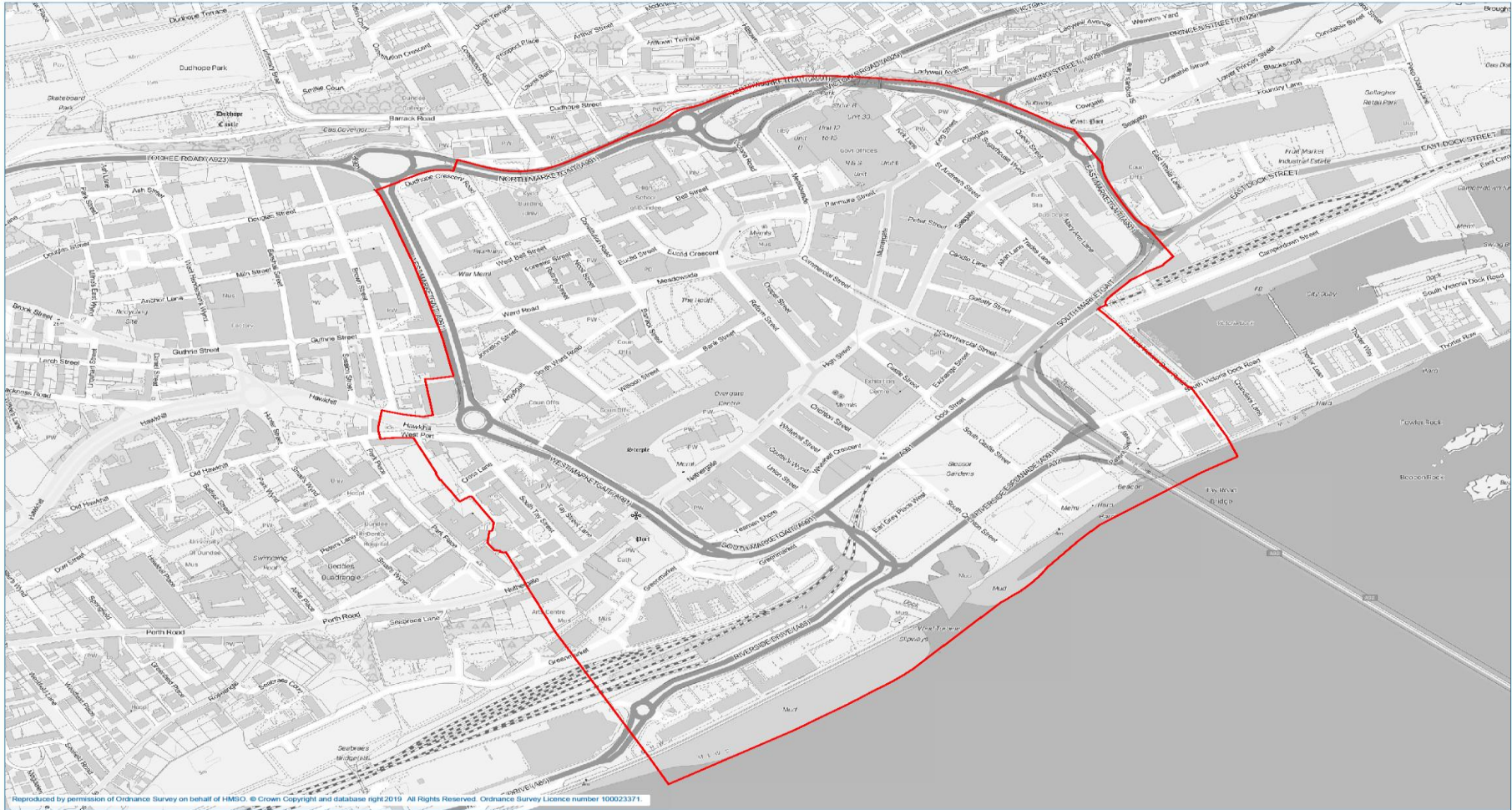
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3 October 2022

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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.

APPENDIX B



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APPENDIX C

Integrated Impact Assessment

Committee Report Number: 208-2022

Document Title: City Centre Commercial Waste Pilot

Document Type: Policy

Description:

To introduce a pilot project to enhance the city centre by reducing the number of commercial waste containers on public roads and changing the way in which commercial waste can be presented for collection by businesses.

Intended Outcome:

Reduce the number of trade waste containers on the street and improve the appearance and cleanliness of the public realm in the city centre Encourage business to minimise waste and recycle more.

Reduce public safety issues by reducing trip hazards and improve accessibility for all.

Period Covered: 01/03/2023 to 28/02/2024 Monitoring: 12 month evaluation and review

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EQUALITY, DIVERSITY AND HUMAN RIGHTS

Impacts & Implications

Age: No Impact

Disability: Positive - will improve accessibility and remove trip hazards

Gender Reassignment: No Impact

Marriage & Civil Partnership: No Impact

Pregnancy & Maternity: No Impact

Race/Ethnicity: No Impact

Religion or Belief: No Impact

Sex: No Impact

Sexual Orientation: No Impact

Are any Human Rights not covered by the Equalities questions above impacted by this report?

No

FAIRNESS & POVERTY

Geographic Impacts & Implications

Strathmartine:	No Impact
Lochee:	No Impact
Coldside:	No Impact
Maryfield:	Positive
North East:	No Impact
East End:	No Impact
The Ferry:	No Impact
West End:	No Impact

Positive Implications (Maryfield): Part of the area for this pilot focusses on city centre including a part of Maryfield ward.

Household Group Impacts and Implications

Looked After Children & Care Leavers: No Impact

Carers: No Impact

Lone Parent Families: No Impact

Single Female Households with Children: No Impact

Greater number of children and/or young children: No Impact

Pensioners - single/couple: No Impact

Unskilled workers or unemployed: No Impact

Serious & enduring mental health problems: No Impact

Homeless: No Impact

Drug and/or alcohol problems: No Impact

Offenders & Ex-offenders: No Impact

Socio Economic Disadvantage Impacts & Implications

Employment Status: Positive

Creation of a temporary post

Education & Skills: No Impact

Income: No Impact

Caring Responsibilities (including Childcare): No Impact

Affordability and accessibility of services: No Impact

Fuel Poverty: No Impact

Cost of Living/Poverty Premium: No Impact

Connectivity/Internet Access: No Impact

Income/Benefit Advice/Income Maximisation: No Impact

Employment Opportunities: Positive

1 temporary post

Education: No Impact

Health: No Impact

Life Expectancy: No Impact

Mental Health: No Impact

Overweight/Obesity: No Impact

Child Health: No Impact

Neighbourhood Satisfaction: Positive

Cleaner, greener city centre for visitors, business and residents

Transport: No Impact

ENVIRONMENT

Climate Change Impacts

Mitigating Greenhouse Gases: No Impact

Adapting to the effects of climate change: Positive

Reducing waste, increased recycling

Resource Use Impacts

Energy efficiency & consumption: No Impact

Prevention, reduction, re-use, recovery or recycling of waste: Positive

Reducing waste overall

Sustainable Procurement: No Impact

Transport Impacts

Accessible transport provision: No Impact

Sustainable modes of transport: No Impact

Natural Environment Impacts

Air, land & water quality: Positive

Reduction of all types of waste which could have negative effect on air quality

Biodiversity: No Impact

Open & green spaces: Positive

Will improve the overall appearance of the city centre and open spaces therein

Built Environment Impacts

Built Heritage: No Impact

Housing: No Impact

Is the proposal subject to a Strategic No further action is required as it does not qualify as a Plan, Programme or Strategy as defined by the Environmental Assessment (SEA)? Environment Assessment (Scotland) Act 2005.

CORPORATE RISK

Corporate Risk Impacts

Political Reputational Risk: No Impact

Economic/Financial Sustainability/Security & Equipment: No Impact

Social Impact/Safety of Staff & Clients: No Impact

Technological/Business or Service Interruption: No Impact

Environmental: Positive

Improving the quality of environment in city centre by reducing the number of waste containers on the street Legal/Statutory Obligations: No Impact

Organisational/Staffing & Competence: No Impact

Corporate Risk Implications & Mitigation: There are moderate levels of risk associated with the subject matter of this report. However, having undertaken a full analysis of the upside and downside risks there is a clear benefit in what is proposed and we are satisfied that adequate controls are available to mitigate the downside risks. The downside financial exposure to the Council is less than Â£250,000 and this together with other areas of risk can be effectively managed.

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