

Report of: Interim City Works Business Manager

To: Executive Board

Date: 19th February 2007

Item No:

Title of Report : Council Motion – Issue of Wheeled Bins to Householders

Summary and Recommendations

Purpose of report: To consider a motion of the Council concerning the issue of wheeled bins to households

Key decision: No

Portfolio Holder: Councillor Jean Fooks

Scrutiny Responsibility: Environment Scrutiny Committee

Ward(s) affected: All

Report Approved by

Portfolio Holder: Councillor Jean Fooks

Legal: Jeremy Thomas

Finance: Andy Collett

Strategic Director: Sharon Cosgrove

Policy Framework: Oxford Plan part 3.2.5

Recommendation(s):

Executive Board is recommended to:-

Note the motion entitled “Domestic Waste Collection” adopted by Council on 22nd January 2007.

Confirm that the arrangements set out in paragraph 12 of the Executive Board report dated 17th July 2006 on this matter will remain in place.

- iii) By so doing to continue the practice that wheeled bins will be considered the primary receptacle for storage of residual household waste, and that the Council will expect householders to use the wheeled bins supplied to them, save in the circumstances identified in the said paragraph 12, or where officers, at their discretion, have permitted householders to use an alternative method of residual waste storage.

1. At its meeting on the 22nd January 2007, the Council adopted the following motion entitled "Domestic Waste Collection":-

"This Council believes that it should be Oxford residents who decide what is the most appropriate waste collection method for their property, not City Council officers, and that no resident should be forced to have a green wheelie bin when they have clearly expressed a preference for the alternative collection method."

2. Council does not have the power to reach such a substantive decision because the subject of the Motion, is an executive function. It is therefore for the Executive Board to consider the motion further and decide the matter.

3. The Executive Board has agreed the introduction of the new recycling and waste collection scheme, following consideration and agreement of a number of reports. All of these reports have proposed the use of wheeled bins for the storage of waste that is not being recycled, between the alternate week collections.

4. At Its meeting of the 17th July 2006, Executive Board approved a report which set out detailed operating proposals for the scheme.

Paragraph 12 of that report provided that: "It is proposed that in general, waste or recyclable materials will not be collected unless they are put out for collection in a container that has been provided by the Council, and in particular that waste contained in black bags will not be collected. This arrangement will mean that all households will have a wheeled bin for storage of their residual wastes, unless they have been identified as unable to use them in the recent survey carried out by technical officers. If any other householder believes that there are physical circumstances that would make the use of a wheeled bin impracticable or unsafe at their property, then these will be investigated on an individual basis. Where bins cannot be used, other arrangements will be provided and these are discussed later in this report."

The bins are issued free of charge to households and are available in 4 sizes, dependant upon the householders needs and preferences.

5. It is then clear that the Executive intended that the decision to require a householder to use a wheeled bin was to be made on grounds of safety and practicability and was to be made by officers (either following a survey or following representation from individual householders). Officers have been operating this policy since the inception of the scheme and have agreed alternative storage and collection arrangements where there is no reasonable prospect of providing a wheeled bin collection service. These households have been issued with lilac-coloured sacks.

Members will be aware that alternative collection services are available for residents who are physically unable to cope with a wheeled bin.

6. There are a number of technical reasons why residual collections should be based on wheeled bins wherever possible:-

- a) **Safety** – the Council has an overriding responsibility to provide for a safe system of work and to take steps to protect the health of and to reduce the risks of injury to its employees and the public. The collection of waste in sacks gives rise to risks in handling (lifting) and in the potential for cuts and lacerations from sharp objects contained in the sacks. With the wheeled bin system, neither the householder nor the collector is required to lift the waste and does not have to handle it;
- b) **Vermin** – wheeled bins provide a secure and robust method of storage that will prevent access by vermin. Sacks do not.
- c) **Cost** – a wheeled bin costs in the region of £15 and has an estimated life of 10 years and some are still in service after 20. The equivalent cost of providing sacks for 10 years is £52.

7. From a technical point of view these are important reasons to provide some controls over the proliferation of sacks. At the present time it is estimated that some 4,500 properties will be issued with sacks for access and practicability reasons. If the Executive were to agree a policy of choice for householders, then this number will increase. Any significant increase will place the operational efficacy of the scheme in jeopardy, as well as incur the undesirable implications listed in the preceding paragraph.

8. Members will wish to know that under the provisions of Section 46 of the Environmental Protection Act (extract at Annex 1 to this report), the Council has the power to specify the type of container that shall be used for collections of household waste and recyclable materials.

Officers therefore recommend that the Executive Board:-

- i) Note the motion entitled "Domestic Waste Collection" adopted by Council on 22nd January 2007.
- ii) Confirm that the arrangements set out in paragraph 12 of the Executive Board report dated 17th July 2006 on this matter will remain in place.
- iii) By so doing to continue the practice that wheeled bins will be considered the primary receptacle for storage of residual household waste, and that the Council will expect householders to use the wheeled bins supplied to them, save in the circumstances identified in the said paragraph 12, or where officers, at their discretion, have permitted householders to use an alternative method of residual waste storage.

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Environmental Protection Act

46.—(1) Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.

(2) The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but, subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and waste which is not.

(3) In making requirements under subsection (1) above the authority may, as respects the provision of the receptacles—

- (a) determine that they be provided by the authority free of charge;
- (b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority;
- (c) require the occupier to provide them if he does not enter into an agreement under paragraph (b) above within a specified period; or
- (d) require the occupier to provide them.

(4) In making requirements as respects receptacles under subsection (1) above, the authority may, by the notice under that subsection, make provision with respect to—

- (a) the size, construction and maintenance of the receptacles;
- (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
- (c) the placing of the receptacles for that purpose on highways or, in Scotland, roads;
- (d) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and
- (e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.

(5) No requirement shall be made under subsection (1) above for receptacles to be placed on a highway or, as the case may be, road, unless—

- (a) the relevant highway authority or roads authority have given their consent to their being so placed; and
- (b) arrangements have been made as to the liability for any damage arising out of their being so placed.

(6) A person who fails, without reasonable excuse, to comply with any

requirements imposed under subsection (1), (3)(c) or (d) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Where an occupier is required under subsection (1) above to provide any receptacles he may, within the period allowed by subsection (8) below, appeal to a magistrates' court or, in Scotland, to the sheriff by way of summary application against any requirement imposed under subsection (1), subsection (3)(c) or (d) or (4) above on the ground that—

- (a) the requirement is unreasonable; or
- (b) the receptacles in which household waste is placed for collection from the premises are adequate.

(8) The period allowed to the occupier of premises for appealing against such a requirement is the period of twenty-one days beginning—

- (a) in a case where a period was specified under subsection (3)(c) above, with the end of that period; and
- (b) where no period was specified, with the day on which the notice making the requirement was served on him.

(9) Where an appeal against a requirement is brought under subsection (7) above—

- (a) the requirement shall be of no effect pending the determination of the appeal;
- (b) the court shall either quash or modify the requirement or dismiss the appeal; and
- (c) no question as to whether the requirement is, in any respect, unreasonable shall be entertained in any proceedings for an offence under subsection (6) above.

(10) In this section—
"receptacle" includes a holder for receptacles; and
"specified" means specified in a notice under subsection (1) above.

Exempt from publication by virtue of : (fill in details or delete as appropriate)