

Cabinet Member (Policing & Equalities)

04 September 2014

**Name of Cabinet Member:**

Policing and Equalities - Councillor Townshend

**Director Approving Submission of the report:**

Executive Director – People

**Ward(s) affected:**

All

**Title:**

**The storage of wheelie bins on pavements**

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**Is this a key decision?**

No

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**Executive Summary:**

In some areas of the City the pavements are permanently obstructed by wheelie bins, which can cause a number of problems for the blind, disabled and parents with pushchairs. It also encourages fly tipping and makes the streets difficult to clean. These cluttered streets generate many customer complaints who claim that it makes their streets look uncared for and also contributes to an area feeling unsafe.

This report provides a range of options for approaching this issue.

**Recommendations:**

The Cabinet Member is requested to instruct Officers to:

- (1) Implement Option 3 to control the storage of wheelie bins on the pavement between refuse collections, using the stated fly tipping qualification for a street's inclusion in this initiative, or at the direction of the relevant Cabinet Member.
- (2) Follow the proposed amended enforcement protocol, from that used in the 'Care 4 Our Area' project in tackling the storage of wheelie bins on the pavement between refuse collections.

**List of Appendices included:**

None

**Other useful background papers:**

None

**Has it been or will it be considered by Scrutiny?**

No,

**Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?**

No

**Will this report go to Council?**

No

**Report title:**

**The storage of wheelie bins on pavements**

**1. Context (or background)**

- 1.1 In some areas of the City the pavements are permanently obstructed by wheelie bins, which can cause a number of problems. The pavements are difficult to negotiate for the blind, disabled and parents with pushchairs. It gives the street a cluttered and uncared for appearance which generates many customer complaints and also contributes to an area feeling unsafe.
- 1.2 These congested pavements also encourage the depositing of side waste and fly tipping between the bins. Side waste is often ripped open by animals creating more litter. This generally untidy environment makes the dropping of litter more likely.
- 1.3 In 2010, the 'Care 4 Your Area' project was launched in particular parts of the City, which suffered from high levels of fly tipping, littering, dog fouling and areas where rear alley ways were blocked by rubbish. The project was designed to remove and control the storage of wheelie bins on the street and was successful in this aim and improving the local environment. This was achieved through promoting behaviour change and encouraging greater public ownership of the street scene. Face to face education, persuasion and the use of a pictorial leaflet was the major facet of this project. Any enforcement action, if required, was used as an absolute last resort after all avenues to seek compliance had been explored. However, this deterrent was important to secure the continued support of the vast majority of citizens who were keen for this initiative to succeed.

**2. Options considered and recommended proposal**

- 2.1 The City Council receives many complaints from residents concerning the inconsiderate storage of wheelie bins on the pavement between weekly collections.
- 2.2 The 'Care 4 Our Area' project has proven that streets cluttered by wheelie bins encourage fly tipping, the depositing of side waste and the proliferation of litter. In addition, the numerous wheelie bin obstructions on the pavement make the cleansing of the streets, more laborious, expensive and less effective. The following suggestions give a range of options in dealing with this issue.
- 2.3 **Option 1. Reserved for Care 4 Our Area:** The resource required to tackle this issue is high and should only be reserved for areas where there are a number of different compounding environmental issues. The City Council should only tackle the issue of wheelie bins left on the pavement, between collections, where they meet the current 'Care 4 Our Area' criteria' i.e. the street in question suffers from high levels of fly tipping, littering, dog fouling and the rear privately owned alley ways are frequently fly tipped with rubbish.
- 2.4 In areas of the City where streets fail to meet the above mentioned criteria. The following service responses will apply:
  - a) Where there are complaints concerning wheelie bins left on streets, the Street Scene and Green Spaces service will continue to respond to them in the usual way on a case by case basis. This approach will be informal and letters will be sent to perpetrators requesting their support.
  - b) The Environment & Housing Enforcement Team will continue to take enforcement action against fly tippers where there is sufficient evidence to clearly identify the offenders. The same action will apply regardless of whether the land is private, public or an alleyway.
  - c) Litter and dog foul offences will continue to be enforced by the use of Fixed Penalty Notices.
- 2.5 **Option 2. City Wide approach:** The City Council should operate a zero tolerance policy towards residents leaving wheelie bins on the streets between collections. However, it should also be recognised that in some areas of the City, residents are not able to store their wheelie bins within the curtilage of their own property because it is not reasonably practical to do so, or

there are physical barriers. There will also be residents who for a range of reasons may not be capable of presenting bins for collection. In all of these cases, exemptions will need to be granted for leaving the wheelie bins on the street and 'assisted lifts' arranged for residents who are physically incapable of moving their bins; this will be a sizable administrative task.

- 2.6 This City wide approach would be popular in certain electoral wards, but it will have acute resource implications. In practice, it is likely to divert enforcement resources away from tackling environmental crime problems in the Priority Locations.
- 2.7 **Option 3 (Recommended). City Wide but with strict qualifying criteria:** This option is seen as a middle way between the strict criteria used for the 'Care 4 Our Area' project (Option 1) and a whole City approach (Option 2).
- 2.8 With the finite resources available to the City Council it would make sense to use these resources in parts of the city where they are needed most. It is suggested that the qualification criteria for this initiative should be where a particular street suffers 10 or more fly tips per annum (assuming the average road is 100M long and where the road is longer appropriate adjustments are made to this ruling), or at the discretion of the relevant Cabinet Member.
- 2.9 **Enforcement process.** At the Cabinet Member meeting on 1<sup>st</sup> March 2011 permission was granted to use Fixed Penalty Notice enforcement where residents had failed to comply with a Notice issued under S.46 Environmental Protection Act 1990 directing that a wheelie bin should not be stored on the pavement. The issuing of a Fixed Penalty Notice was only permitted within the 'Care 4 Our Area' and then only after reference to the Assistant Director responsible for this area of service and the relevant Cabinet Member.
- 2.10 It is recommended, that after the project is implemented the following enforcement criteria apply:
- a) First Offence: A Notice is served under S.46 Environmental Protection Act 1990; this Notice clearly sets out what is expected. It will be served by hand on the occupier and any legitimate reasons for non-compliance will be ascertained at a face to face meeting.
  - b) Second offence: A Fixed Penalty Notice is served by the Neighbourhood Enforcement Officer after reference to the relevant Assistant Director and the relevant Cabinet Member.

**3. Results of consultation undertaken**  
None

**4. Timetable for implementing this decision**  
The decision can be implemented immediately after sanction by the Cabinet Member.

**5. Comments from the Executive Director, Resources**  
**Finance:** The proposed options will be implemented within the existing resource; the pace of implementation will depend on the option chosen. Any additional income generated by the further use of these powers is difficult to estimate and will also depend on the actual option chosen. Any extra increase in income will contribute towards Council resources.

**Legal:** The provisions for taking action against persons leaving wheelie bins on the pavement between waste collection dates is covered by S.46 Environmental Protection Act 1990 (as amended) and is a two staged approach. Prior to the issue of a Fixed Penalty Notice, the offender must be issued with a separate Descriptive Notice, which clearly sets out what is required to comply with the law. Some Local Authorities issue all of their households with S.46 Notices as a matter of course. The decision was made in Coventry that these Notices should only be served on a householder where an offence has occurred.

Failure to comply with the Fixed Penalty Notice will result in prosecution in accordance with the Public Safety Enforcement Policy.

**6. Other implications**  
None

**6.1.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?**

6.1.2 There are clear research findings that show that the local environmental quality in a person's living environment has a significant impact on their health and well-being. Residents in areas which have a low environmental quality often have an increased "fear of crime". This particular tool will contribute to the Council's key objectives to 'create an attractive, cleaner and greener city' and 'make communities safer together with the police, to reduce crime and anti-social behaviour'.

**6.2 How is risk being managed?**

None

**6.3 What is the impact on the organisation?**

None

**6.4 Equalities / EIA**

In all inspections and visits, account is taken of the ability of alleged offenders to understand written and spoken English. The printed material used is largely picture based to overcome language barriers.

**6.5 Implications for (or impact on) the environment**

See 6.1.1

**6.6 Implications for partner organisations?**

None

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