

Waste Regulations and Time Banded Waste Collections

Key Decision No. NH R35

CABINET MEETING DATE (2021/22)

18th October 2021

CLASSIFICATION:

Open

WARD(S) AFFECTED

All wards

CABINET MEMBER

Cllr Mete Coban

Cabinet Member for Energy, Waste, Transport and Public Realm

KEY DECISION

Yes

REASON

Affects two or more wards

ACTING GROUP DIRECTOR

Ajman Ali

1. CABINET MEMBER'S INTRODUCTION

- 1.1 The London Borough of Hackney already provides a first-rate commercial waste collection service, providing separate collections for mixed dry recycling, glass and food recycling, as well as having the capacity to sort ad-hoc special collections into recyclable and non-recyclable materials.
- 1.2 This report recommends that timed waste and recycling collections ("time bands") be expanded to a total of 69 streets across the borough. The main driver behind this is to improve the street scene in ensuring that waste is kept off the pavement as long as is practicable, and to ensure that the collection of commercial waste and residential waste on our busiest streets is done as orderly and efficiently as possible.
- 1.3 The revocation, and then reintroduction, of the current time bands forms part of the process of expanding the timed waste collections; it provides an opportunity to review the time band times as well as the operational aspect of collections, a review that has not been undertaken for a number of years.
- 1.4 Expansion of the time band coverage is proposed to include roads encompassed in Special Policy Areas (SPA) (currently Dalston, Hoxton East and Shoreditch), and so will help contribute to the management of these exceptionally popular nighttime destinations.
- 1.5 The recommendation to introduce Regulations is predicated on a number of factors. It ensures that residents are aware of the collection arrangements for their property type and which receptacles they are permitted to use to dispose of their waste and recycling, which is particularly useful in supporting the recent shift to fortnightly waste collections. They also underpin the enforcement of waste and recycling presentation for residents and businesses, and so will help our enforcement teams reduce overproduced residential waste, contaminated recycling and illegal business waste.
- 1.6 With regard to illegal business waste, the Regulations and the time band expansion will enable our enforcement teams to tackle the estimated 4,500 tonnes of illegal business waste being disposed of on our streets each year. Reducing this waste on our streets will not only help work towards fairer, safer and more sustainable business practices, but also protect us against the expected rise in residual waste disposal costs in the medium to long term, arising from the necessary construction of the replacement energy recovery facility. Further, by reducing the amount of black bag waste sent for incineration we can eliminate the associated carbon dioxide emissions, reducing the carbon emissions of Hackney's waste systems.

2 GROUP DIRECTOR'S INTRODUCTION

- 2.1 This paper sets out the progress that has been made to date with time bands in Hackney and seeks to build on this success with the revocation, review and introduction of an expanded set of streets subject to timed waste and recycling collections.
- 2.2 The Mayor of London published the London Environment Strategy in 2018. This Strategy requires all London boroughs to develop and deliver their waste and recycling functions in 'general conformity' with the municipal waste provisions of the Strategy. Boroughs are required by the Strategy to produce Reduction and Recycling Plans to set out how they will make a contribution to the London-wide Strategy targets and in doing so demonstrate general conformity with the Strategy. Objective 7.2 in the Strategy requires all boroughs to maximise their recycling rates to achieve a London-wide recycling rate of 65 percent of its municipal waste by 2030.
- 2.3 The introduction of Regulations and expansion of time banded waste collections will strengthen the enforcement tools available to our enforcement teams, and also provide a very clear resource for businesses and residents to explain the requirements of them in terms of waste and recycling management and presentation.
- 2.4 As aforementioned, the introduction of Regulations and expansion of time banded waste collections will strengthen the enforcement tools that are available. This has been shown to be effective as enforcement of the current time bands over recent years has helped reduce unregulated waste (mostly illegal business waste) from 5,400 tonnes per year to 4,500 tonnes per year.
- 2.5 We propose to revisit the Regulations regularly to evaluate their success and appropriateness and we will listen to the points of view of residents and businesses with regard to time bands in their area. This may lead to the requirement to amend the Regulations in future, and as such there is a recommendation that powers are delegated to the Strategic Director of Sustainability & Public Realm (or equivalent) to make any amendments to the Hackney Waste Regulations 2021, including to revoke, expand and adjust the time bands.

3 RECOMMENDATION(S)

Cabinet is recommended to:

- 3.1 Approve the revocation of the current schemes in relation to time banded waste collections, including all of the current time bands in the 40 Streets listed in Appendix A.
- 3.2 Approve the introduction of Hackney Waste Regulations 2021 under section 20 and 22 of the London Local Authorities Act 2007, as set out in Appendix B (Household Waste Regulations 2021) and Appendix C (Commercial Waste Regulations 2021).
- 3.3 Approve the introduction of new and revised time bands to 69 streets across the borough. The streets are provided in Appendix A and the proposed time bands are shown in the table in section 2.2 of the Commercial Waste Regulations 2021, provided in Appendix B.
- 3.4 Delegate powers to the Strategic Director of Sustainability & Public Realm (or equivalent) to make any amendments to the Hackney Waste Regulations 2021, including to revoke, expand and adjust the timing of the time bands and the streets to which the Regulations apply. Any amendments, revocation etc will be in line with any of the requirements in section 20 and 22 of the London Local Authorities Act 2007.

4 REASONS FOR DECISION

Introduction

- 4.1 Following a review of the current schemes in relation to time banded waste collections, Hackney Council would like to introduce waste regulations that will specifically outline the requirements for waste storage and disposal and will ensure that our residents are aware of the requirements and their responsibilities whether they live on estates, in flats above shops or in our street-level properties. This is especially important given the move to fortnightly waste collections using wheelie bins from 1st March 2021, and the waste regulations also underpin commercial waste storage and disposal and the time-restricted waste collections (time bands) that are in place on some of Hackney's roads that feature commercial properties.
- 4.2 Hackney Council would like to revoke the current time banded waste collection schemes, which includes the time bands that are currently in place and the 40 streets included within those time bands. We will then introduce a new and revised set of time bands across the borough in 69 streets. The purpose of this is to allow the Council to roll out revised times to suit our changing business needs, as well as the practical aspects of collections (many of the time bands have been in place unchanged since 2009). There is also the need to expand time bands to more streets as there has been significant commercial expansion since they were first introduced.
- 4.3 With the ever-changing commercial landscape in Hackney and moves to control traffic flows, for example with Low Traffic Neighbourhoods, there is

likely to be a need to tweak the time banded collections and regulations in future. The Strategic Director of Sustainability & Public Realm requires the delegated authority to amend these under and in line with section 46 and 47 of the Environmental Protection Act 1990 as amended, and section 20 and 22 of the London Local Authorities Act 2007.

Waste Regulations

- 4.4 The proposed Household Waste Regulations and Commercial Waste Regulations aim to improve the quality of the local environment, ensure a smooth transition to fortnightly waste collections on our residential streets and will help make our town centres a more attractive place to live, work and visit.
- 4.5 Hackney's Waste Regulations 2021 would allow the Council to specify how, when and where recycling and waste containers should be placed for collection, as well as which containers should be used and what should and should not go in them.
- 4.6 The Regulations will provide guidance to residents and businesses. The Council would help residents and businesses to comply with the new Regulations by continuing targeted communications about what is required of them as part of the Regulations. These Regulations will complement the service change to fortnightly waste collections, whereby a new Domestic Waste and Recycling Policy has been developed and is provided [here](#).
- 4.7 The Regulations will further underpin enforcement action taken against residents and businesses in the borough. As part of the service change to fortnightly waste collections, a new Waste Enforcement Policy for Street-Level Properties has been developed which is provided [here](#).

Time Bands

- 4.8 Time band schemes provide a means of ensuring that waste and recycling is placed out for collection, and therefore present on the public highway, for limited times during the day. Waste and recycling is then collected shortly thereafter, thus ensuring highways are kept clear as much as possible.
- 4.9 Business and residents are provided with two 1-hour time slots, one in the morning and one in the evening. They are applicable to every day of the week and are the same each day. Waste and recycling is then collected within 2 hours of the end of the time band. This means that waste is on the public highway for no more than 3 hours at each collection.
- 4.10 Timed collections (time bands) are currently in place across 40 streets and commercial parades in the borough. This report proposes to revoke all 40 of these time bands at 23:59 on the chosen day and to introduce time bands across 69 streets and commercial parades in the borough two minutes later, at 00:01 the following day. The chosen day is yet to be decided but will be no earlier than 22nd November 2021 and no later than 31st January 2022. The affected streets are detailed in Appendix A.

- 4.11 There are 3 main reasons for the revocation and expansion of time bands in Hackney and these are:
1. Removal of the time band from the parade of shops on Cassland Road, as the time band here is seen as unnecessary.
 2. Addition of roads to solve operational issues relating to household collection.
 3. Extension of coverage to include roads encompassed in Special Policy Areas (SPA) (currently Dalston, Hoxton East and Shoreditch):
 - Special Policy area maps are provided in the report linked here <https://hackney.gov.uk/licensing-policy>
 - More details on the Special Policy area is provided here <https://data.gov.uk/dataset/1fa7fa6f-9503-4328-9d71-f67b613ecc5c/hackney-special-policy-areas>
- 4.12 As part of the work to introduce these new roads, all roads have been reviewed to ensure compliance with the legislation and new signage will be erected where it is identified as necessary.
- 4.13 In line with section 20 and section 22 of the LLAA 2007 the Council is required to publish in at least two newspapers circulating in the borough notice of the making, amendment and revocation of the regulations. The notice will include:
- (a) the date on which the regulations are to come into force, or be amended or revoked, as the case may be;
 - (b) the general effect of the change in regulations;
 - (c) an address at which the regulations can be inspected during reasonable office hours and purchased for a reasonable amount; and
 - (d) a website address at which the regulations can be viewed.
- 4.14 The date on which the time bands are to come into force, be amended or be revoked, as the case may be, will not be earlier than the expiration of one month from the publication of the notice (as per the legislation).
- 4.15 Enforcement Officers will continue to address the issue of unregulated waste and waste placed out at incorrect times by undertaking targeted patrols with staff from waste operations. Enforcement action will be dependent on the nature of the offence(s) and the history of the engagement we have had with the business. The enforcement tools available to the Enforcement Officers include warnings, fixed penalty notices, formal interviews and cautions and prosecution. Enforcement Officers will continue to undertake visits with operational staff from Environmental Services during the day, evenings and at night in an effort to reduce the impact of unregulated waste.
- Operational Delivery Plan***
- 4.16 At the time of writing this report the operational delivery plan is being worked-up to ensure that time bands are appropriate for the areas where they are being introduced, as well as ensuring that collections can be completed as efficiently and economically as is possible.

5 DETAILS OF ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 5.1 An alternative option to introducing the waste regulations is to do nothing and remain without them. This would mean that we would continue to rely on section 47 notices to inform businesses of their requirements and section 46 notices to inform residents of their requirements. This is not considered to be the most efficient option and introduces a process that would be unnecessary with Regulations in place. An alternative option to the proposed changes in time bands is to do nothing and keep the current arrangements. However, this would make it more difficult to control waste, particularly in the SPAs and areas where we have seen an expansion in commercial growth, which is having a negative impact on the public realm.
- 5.2 Time bands have been very successful in controlling waste in densely commercial areas in our borough, and are employed by many other councils because they are proven to work so well. As such, expanding the time bands is deemed a proven methodology for managing waste and recycling in the public realm for our commercial areas.

6 BACKGROUND

Policy context

- 6.1 Keeping Hackney's streets clean and free of rubbish is one of Hackney's key objectives. We know that clean streets are important to our residents and businesses and we will maintain our high service standards and ensure they remain among the cleanest in London.
- 6.2 At the last audit in 2018 there were roughly 3,000 households on time banded streets. The households are estimated to produce around 1,700 tonnes of waste each year. The businesses on these streets produce around another 3,500 tonnes of waste collected in LBH commercial waste sacks. The Council also collects around 4,500 tonnes of unregulated waste, the majority of which is commercial waste.
- 6.3 Unregulated waste not only creates environmental issues it is also a significant cost to the Council. Unregulated waste was last audited to be around 380 tonnes per month. Over the year this stands at 4,500 tonnes and costs around £0.5m to collect and dispose of.
- 6.4 The unregulated waste figure previously stood at 5,400 tonnes per year but targeted action based on enforcement of time bands and illegal waste presentation brought the figure down over the last few years. It is hoped that expanding time bands and streamlining the enforcement process with the introduction of new regulations will help bring this figure, and its associated cost to the Council, down even further.
- 6.5 Environmental Services has officers dedicated to tackling unregulated waste. Their actions saw a reduction of 816 tonnes from the 2016/17 figure of 5,380 to the 2019/20 figure of 4,560 tonnes. The further expansion of time bands will

help enforcement officers tackle the remaining unregulated waste and reduce illegal dumping even further.

7 EQUALITIES IMPACT ASSESSMENT

- 7.1 The Council has a duty under the Equality Act 2010, and in particular, section 149 of the Act. The PSED consists of a general equality duty, supported by specific duties which are imposed by secondary legislation. In summary, those subject to the equality duty must, in the exercise of their functions, have due regard to the need to:
- a. Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
 - b. Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - c. Foster good relations between people who share a protected characteristic and those who do not.
- 7.2 An Equalities Impact Assessment (EIA) was undertaken to assess the impact of the introduction of regulations and expansion of time band collection. It is presented as Appendix D.
- 7.3 It is expected that the changes would have a positive impact on the cleanliness of the street scene, which would be to the benefit of everyone living on or visiting these and neighbouring streets. Further, it should also reduce obstructions on the pavements which would particularly benefit those with reduced mobility and/or sight.
- 7.4 The EIA acknowledges that there could be a risk of indirect discrimination on certain protected groups by applying time banded waste collections to all properties on the selected streets, in particular disabled people (difficulty meeting the timebands) and elderly people (difficulty meeting the timebands).
- 7.5 A series of mitigation measures for the potential indirect discrimination risks on the identified protected groups have been proposed, including providing the facility to apply to the Council for exemption from specified requirements and/or providing the facility to apply for an assisted collection.
- 7.6 The Household Waste Regulations make express provision for a person who is unable to comply with the requirements (by reason of age or disability) to apply for an exemption and/or to apply for an assisted collection (see paragraph 7.2 of the Household Waste Regulations). Assisted collections can be applied for via email (wasteoperations@hackn via the council's website (<https://hackney-awc.egovhub.net/AssistedWasteCollection/launch>) or over the phone (02083566688).

8 SUSTAINABILITY

- 8.1 Unregulated waste (waste dumped illegally, mostly by businesses in the borough) amounts to some 4,500 tonnes per year and costs around £0.5m to collect and dispose of. The introduction of regulations and expansion of time bands will enable the Council to reduce this burden, recover costs and prosecute those responsible for the worst offences.
- 8.2 The regulations will require businesses to store and present waste in such a manner as to prevent escape to the environment. This will help prevent such issues as litter and liquid escaping to vulnerable receptors such as drains and rivers.
- 8.3 Education and enforcement of the time bands will encourage businesses to dispose of their waste during set times each day. If waste placed out for collection outside of the time bands is reduced sufficiently, then it may be possible to reduce the number of collections/vehicles that are required outside of the time bands.
- 8.4 Regulations will make it easier to enforce material separation (through enforcement of contaminated recycling). This will reduce the amount of waste sent for disposal and possibly even make businesses reduce overall waste production (through reuse, or sending packaging back to the suppliers, for example).

9 CONSULTATIONS

- 9.1 As per the legislation there is no requirement to consult before the introduction of the time bands or regulations. The legislation states that the Council must advertise the changes in at least two local newspapers and provide a website and location where the details of the changes can be read. Once the notices are published, time bands can only come into effect no sooner than one month from the published date of the notice.

10 RISK ASSESSMENT

- 10.1 High level risks and mitigating measures associated with the introduction of regulations and expansion of time band collections are set out below.

Risk	Mitigation
Non-compliance with regulations	<ul style="list-style-type: none">● Informal warning letters● Formal enforcement action, such as legal notices, financial penalties and prosecution
Potential impact on businesses with varying operating hours	<ul style="list-style-type: none">● Providing AM and PM time bands will mitigate this issue to a large degree, however, through the advertising we will hopefully identify those businesses that will need extra consideration.

Residents and business not aware of time band arrangements	<ul style="list-style-type: none"> ● In line with legislative requirements, if the introduction of regulations and expansion of time bands are supported by Cabinet then the time bands will be advertised shortly after the cabinet meeting, which will run for a month, and the decision and the changes will also be published in two local newspapers. It will also be promoted through other relevant Council communications channels (e.g. social media). ● The Council will also write to all businesses and residents on the new time banded streets (and any current time banded streets if the time band times are changing).
Waste carriers not complying with the time bands	<ul style="list-style-type: none"> ● All waste carriers known to be operating within Hackney will receive written notification of the changes. ● Enforcement Officers will contact any waste carriers that are not complying with the time band to discuss any barriers. Any that continue to be non-compliant will face enforcement action.
Impact of Covid-19- Staff shortages resulting in Hackney waste collection crews not meeting the timing requirements	<ul style="list-style-type: none"> ● Commercial customers will be advised to take waste back inside if not collected within 2 hours of the time band (to limit waste being left uncollected on the pavement).

11 COMMENTS OF THE GROUP DIRECTOR OF FINANCE AND CORPORATE RESOURCES

11.1 The financial implications arising from the recommendations of this report are the cost to advertise the changes, sign-post all streets subject to a time band, write to all businesses and residents on the new or adjusted time banded roads and some additional vehicle and crew support that may be required during the bedding-in period of the new time band rounds.

11.2 The estimated cost for the above activities is £20,000 and this can be met from existing budgets within the Waste Management Service.

12 COMMENTS OF THE ACTING DIRECTOR OF LEGAL AND GOVERNANCE SERVICES

12.1 As per Section 30(3) of the Environmental Protection Act 1990, the Council is a “waste collection authority” for the purposes of Part II of the 1990 Act.

- 12.2 Sections 20 and 22 of the London Local Authorities Act 2007 enable the Council to “make regulations” relating to the kind and number of receptacles required to be used. Section 22(4) specifically mentions the ability to include requirements relating to the period during which the receptacles should be placed on the highway. Section 20 also applies the requirement-making powers of section 46 of the 1990 Act.
- 12.3 Enforcement of the regulations is dealt with in section 23 of the 2007 Act.
- 12.4 In order to make, amend or revoke any regulations made under s.20(1) and s.22(1) the Council is required to place a notice in at least two newspapers circulating in the borough, as per 4.13 of this report.
- 12.5 This is a key decision affecting two or more Wards. Cabinet are authorised to approve the recommendations in 3.1-3.4 of this report.
- 12.6 In order for the Strategic Director of Sustainability & Public Realm (or equivalent) to make any amendments to the Hackney Waste Regulations 2021, including to revoke, expand and adjust the timing of the time bands and the streets to which the Regulations apply going forward, approval of the recommendation in 3.4 is required.

APPENDICES

Appendix A: Proposed time banded Changes

Appendix B: Household Waste Regulations 2021

Appendix C: Commercial Waste Regulations 2021

Appendix D: Equalities Impact Assessment

EXEMPT

Not applicable.

BACKGROUND PAPERS

None.

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