

Cabinet 11 September 2024	 TOWER HAMLETS
Report of: Simon Baxter, Corporate Director Communities	Classification: Unrestricted
Waste Regulations and Time Banded Waste Collections	

Lead Member	Councillor Shafi Ahmed, Cabinet Member for Environment and the Climate Emergency
Originating Officer(s)	Azizul Goni, Environmental Services Manager
Wards affected	All wards
Key Decision?	No
Reason for Key Decision	This report has been reviewed as not meeting the Key Decision criteria.
Forward Plan Notice Published	31 July 2024
Exempt information	None
Strategic Plan Priority / Outcome	1. Invest in public services 2. A clean and green future

Executive Summary

This report sets out proposals to introduce time-banded collections of waste and recycling on selected high streets, town centres, and main commercial areas in the borough. This will require businesses and residents to present their waste for collection within specified time periods. This is intended to:

- Keep the main roads and town centres free from bagged waste being present throughout the day.
- Reduce the amount of illegally dumped waste, and de-clutter the main roads and town centres of bins.
- Maintain a cleaner, safer environment for people living, working and shopping in our main roads and town centre areas.

Implementing this approach necessitates introducing new Household and Commercial Waste Regulations. These regulations will enable effective enforcement to ensure

compliance and offer comprehensive guidance to businesses and residents on waste and recycling management.

The scheme will be monitored for 12 months before options for expansion or continuation are considered.

Recommendations:

The Mayor in Cabinet is recommended to recommend that the Full Council:

1. Approve the introduction of Tower Hamlets Waste Regulations 2024 under section 20 and 22 of the London Local Authorities Act 2007. These are Household Waste Regulations 2024 (Appendix A) and Commercial Waste Regulations 2024 (Appendix B).
2. Approve the introduction of time bands for the collection of domestic and commercial waste on selected high streets, town centres, and main commercial areas in the borough. The list of streets are listed in Appendix C of the report and the proposed time bands are detailed in the Household and Commercial Waste Regulations 2024.
3. Set Fixed Penalty Notice (FPN) amounts for the enforcement of non-compliance with time bands by residents by issuance of FPN under s.46A of the Environmental Protection Act 1990, amended by s.58 of the Deregulation Act 2015. Proposed full amount of £80 payable within 28 days with a discounted rate of £50 if paid within 14 days of issue.
4. Delegate powers to the Corporate Director of Communities (or equivalent) to make any amendments to the Tower Hamlets Waste Regulations 2024 in consultation with the Mayor. Including the authority 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.

1 REASONS FOR THE DECISIONS

- 1.1 Managing waste on main roads and in town centre areas is a common problem for councils throughout the country. Lack of suitable waste storage areas, sacks being placed out throughout the day, associated fly-tipping, torn bags and litter are the key issues being experienced.
- 1.2 Due to the high profile locations, the negative impacts upon the street scene are clearly apparent. One key issue contributing to the problem are the three or four waste collection times for businesses and residents due to a number of different waste operators servicing the area. This results in bags and bins being presented for collection throughout the week at different times of the day and/or evening.

- 1.3 To help maintain local environmental quality the council undertakes additional collections on main roads to quickly remove any waste put out on street. Many take advantage of the inconsistency in collections times and put their waste on-street throughout the day rather than using their scheduled collection slot. This system is labour intensive, expensive and encourages waste to be put on the streets, and left there if the collection companies fail to remove the waste.
- 1.4 In the period June 2023 to June 2024, the Council received 2,501 street cleansing reports through the Find It Fix It app under the thirty one streets being proposed to be time banded. These reports were for dirty street (1,948) and fly-tipping (512). Of the 1,948 dirty street reports, more than 90% were actually people reporting both residential and business waste on the pavements. The Environmental Services Team regularly patrol and investigate reports of fly-tipping on these streets. Within the same period above officers have issued 143 fixed penalty notices to businesses for fly-tipping waste on these roads.
- 1.5 While commercial waste dumping is addressed through relevant legislation, residents disposing of waste at any time, leading to the degradation of the local environment, has proven more difficult to manage.
- 1.6 Officers have identified that official time banded collections could provide a solution. This is where residents and businesses are required to put out their waste only at clearly defined periods of the day. The waste can then be removed effectively and the area remains clear of waste for the majority of the day.
- 1.7 Time banded collections have been implemented in other London Boroughs. Some of these Council's are Barnet, Enfield, Newham Hackney, and City of London. Most council's have introduced time banding on their busy roads and town centre areas. The Time Banding Schemes applies to both residential and commercial bagged waste (including recycling and loose cardboard), and only the City of London have introduced the timed banded collections across the City. Communication from all of these boroughs say that there is evidence to suggest that time-banded collections have contributed to a noticeable improvement in street cleanliness, reducing visual clutter. They have all had challenges with resident compliance: Ensuring consistent adherence to the time restrictions has been an ongoing challenge, leading to issues with waste being left out of designated times.
- 1.8 The introduction of Tower Hamlets Waste Regulations 2024 and 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.
 - Improve street scene through reducing bags and bins left out for collection during the day in core business hours.

- Provide better pedestrian access as stored waste will not block footpaths and pavements.
 - Enable enforcement action to ensure that private waste contractors service their customers.
 - Remove the hazards associated with waste left on the street, particularly for the partially sighted or persons who are infirm.
 - Remove a potential fire hazard from the street.
- 1.9 Time bands have been very successful in controlling waste in densely commercial areas when implemented in other councils because they are proven to work so well. As such, time bands is deemed a proven methodology for managing waste and recycling in the public realm for commercial areas.

2 ALTERNATIVE OPTIONS

- 2.1 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. It also makes it more difficult to control waste.

3 DETAILS OF THE REPORT

- 3.1 Rubbish dumping is a perennial problem in Tower Hamlets. Many residents persist in putting out rubbish and other bulkier items onto the public highway at any time of the day or night, rather than at the prescribed times.
- 3.2 The problem is not confined to household properties; rubbish dumping also occurs from commercial businesses. In this case, it can comprise waste that is paid for through a contract either with this Council (for up to three collections a day) or another waste collector, but presented at the wrong time; or, worse, waste that is unpaid for and simply dumped for the Council to collect.
- 3.3 Although this is a challenge for many authorities, it is particularly so for this borough because of its (probably unique) infrastructure. Most domestic properties on the main roads are flats above shops with little or no room for waste storage, either inside or outside the premises. Some residents find it more convenient simply to drop the waste onto the pavement on their way out, any time of the day or night.
- 3.4 Environmental Services Officers within Public Realm proactively inspect the borough's roads to check for various street scene issues, including (amongst many things) rubbish dumping. They also reactively respond to complaints. They search for evidence of the source of the waste and if found, endeavour to issue a Fixed Penalty Notice (FPN) to discharge liability under the relevant statute.

- 3.5 Currently the Council operates a pre-paid sack scheme (PPSS) route on all main roads. A total of 21 roads are included in this scheme which was introduced on 11 January 2010. The scheme sought voluntary agreements from all businesses within the scheme and all commercial waste contracts were converted to pre-paid sacks. As a result all bin storage were banned on the main roads. All businesses and residential properties were notified of time waste presentation and collection schedules. Private waste collectors were written to and requested to comply with the waste presentation and collection requirements.
- 3.6 The businesses on the time PPSS routes were issued with section 47 notices and the domestic properties were sent generic section 46 notices under the Environmental Protection Act 1990. This led to the removal of all bins from the public highway on the PPSS routes, which resulted in noticeable improvement in street cleanliness.
- 3.7 Ensuring adherence to the time restrictions was proven difficult, leading to issues with waste being left out of designated times. Over time the resources required to monitor and enforce the scheme could not be maintained. Both residents and businesses resorted to non-compliance and private waste collectors including the Council's waste collection contractor did not adhere to the three times a day collection schedules.
- 3.8 The PPSS scheme was not reviewed and since the time bands were not introduced in accordance with the requirements of the London Local Authorities Act 2007, failure to comply with the requirements could not be enforced.
- 3.9 As part of Waste Operations' collection Route Optimisation Project, it was decided that all commercial waste collections be segregated from other waste streams. This has given the council an opportunity to review the current time-bands for all services as part of wider changes taking place.

Time Bands

- 3.10 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.
- 3.11 Businesses and residents are provided with two 2-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 4 hours at each collection.
- 3.12 It is proposed to implement time banded collections in Tower Hamlets on 1st December 2024. Thirty one streets have been selected to be time banded as detailed in Appendix C. Within these thirty one time banded streets; timed waste presentation rules will apply to kerbside collection properties that have not been

provided with a receptacle (bin) for waste containment. These are mainly flats above shops and converted flats/houses fronting the main road with no internal waste storage facilities.

- 3.13 Section 20 of the LLAA 2007, requires that any authority wishing to enforce time banding must put in a sign, displayed on each side of the road, a description of the requirements of the periods (times) during which (waste) receptacles should be placed on the highway.
- 3.14 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,
 - b) the general effect of the regulations (or the amendment or revocation, as the case may be);
 - 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.
- 3.15 The date on which the time bands are to come into force, will not be earlier than the expiration of one month from the publication of the notice (as per the legislation).

Waste Regulations

- 3.16 In order to enforce the proposed time bands it will be necessary to implement new regulations under Sections 20 and 22 of the London Local Authorities Act 2007(LLA 2007). A copy of the proposed regulations are attached at Appendix A and B.
- 3.17 The proposed Household Waste Regulations (Appendix A) and Commercial Waste Regulations (Appendix B) aim to improve the quality of the local environment, and will help make our main roads and town centres a more attractive place to live, work and visit.
- 3.18 Tower Hamlets Waste Regulations 2024 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.
- 3.19 The Regulations will provide guidance and waste management directions to all residents and businesses within the borough. The Council would help residents and businesses to comply with the new Regulations through targeted communications about what is required of them as part of the Regulations.
- 3.20 The Regulations will further underpin enforcement action taken against residents and businesses on the time banded streets and locations.
- 3.21 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 (FPNs), 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.

- 3.22 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 Corporate Director of Communities (or equivalent) to make any amendments to the Tower Hamlets Waste Regulations 2024, including to revoke, expand and adjust the time bands in consultation with the Mayor.

Enforcement

- 3.23 Section 58 of the Deregulation Act 2015 decriminalised waste receptacle offences. It is no longer possible to prosecute a non-compliance with s.46 and, instead, it can be dealt with only by way of a fixed penalty and which is subject to an appeal in the First-tier Tribunal. Enforcement of commercial and industrial waste under s.47 is unaffected. This means that:

- The enforcement process for household waste is much lengthier and it is no longer possible to immediately take action for a first or one-off offence.
- An offence under section 46 is now committed only if:
- There has been a failure to comply with requirements under a section 46 notice; and
- The failure to comply:
 - has caused, or is or was likely to cause, a nuisance; or
 - has been, or is or was likely to be, detrimental to any amenities of the locality.

- 3.24 The new route for enforcing household waste and the unchanged route for enforcing commercial and industrial waste using the Environmental Protection Act 1990 are set out below:

<p>S.46 Environmental Protection Act 1990 (Household waste only), as amended by the Deregulation Act 2015</p> <p>Route required from 15 June 2015 for household waste enforcement. It cannot be used for commercial or industrial enforcement.</p>	<p>S.47 Environmental Protection Act 1990 (commercial waste)</p> <p>S.47 notice is served on the occupier of the business premises</p>
<p>Offence committed – it must breach regulations set by the council and cause a</p>	<p>Offence committed in breach of requirements (S.47(2) and (4)).</p>

nuisance or be detrimental to local amenities (see Section 46A(1)(b)).	
Local authority decides whether to issue a written warning. If the council intends to take further enforcement action, a written warning must be issued.	Opportunity to discharge criminal liability by paying a FPN, and avoid being taken to court. 14 days to pay. (Section 47ZA)
<u>If the failure to comply is continuous</u> the council must specify a date on the written warning for compliance (see Section 46A(3)(d)). If the person fails to comply, a Notice of Intent can be issued. The individual has 28 days to make representations to the council <u>If the failure to comply is not continuous,</u> only if an individual commits another same or similar offence within one year of the first offence can a Notice of Intent be issued (see Section 46A(7)). The individual has 28 days to make representations to the council.	No right of appeal against an FPN. Failure to pay will usually result in a referral to Legal Services to consider prosecuting for the s.47 offence.
If the representations are rejected by the council, a Final Notice is issued. The FPN is payable within 28 days or the individual can appeal. There is a reduced amount if paid within 14 days.	
Appeal possible to a First-Tier Tribunal, which either confirms FPN is payable or rejects it. 28 days to pay from ruling.	
Further appeal possible. If it reaches the High Court or county court, it is recoverable as a civil debt.	

- 3.25 The Deregulation Act 2015 reduces the previous level of FPN (previously £110) to a scale of between £60 and £80, with an early payment amount of no less than £40. London Boroughs and the City of London are able to set their own amount of penalty (within the range permitted) if they wish to continue using FPNs to enforce this legislation. If no level is set, the statute sets a default sum of £60.00.
- 3.26 Tower Hamlets Council did not previously set an FPN amount under section 46 of the Environmental Protection Act 1990, amended by section 58 of the Deregulation Act 2015.
- 3.27 Officers propose that the Council sets FPN amount for the enforcement of non-compliance with the Household Waste Regulations 2024 (Appendix A) and time bands by residents by issuance of FPN under s.46A of the Environmental Protection Act 1990, amended by s.58 of the Deregulation Act 2015. Proposed

full amount of £80 payable within 28 days with a discounted rate of £50 if paid within 14 days of issue.

- 3.28 Normally, a fixed penalty notice is a conditional offer – one can accept guilt, pay the fixed penalty, and close the matter; or reject the fixed penalty notice and be summoned to court. There is no formal route of appeal. However, the Deregulation Act 2015 has changed FPNs for household waste receptacles; they have introduced a route of appeal and any unpaid FPNs are recoverable as civil debt, and are no longer a criminal offence.
- 3.29 Businesses will be issued £110 Fixed Penalty Notice (FPN) if they do not follow the time-banded collection restrictions. If businesses continue to put rubbish out incorrectly, they can be issued with further FPNs or prosecuted.
- 3.30 The Environmental Services Officers working in partnership with the Tower Hamlets Enforcement Officers (THEOs) will be using the existing FPN database to issue FPNs under both sections 46 and 47 of the Environmental Protection Act 1990. Any unpaid FPNs will be followed up as per the process described in the table above in 3.24.

Operational Delivery Plan

- 3.31 At the time of writing this report the operational delivery plan is being tested and finalised 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. Waste operations team have conducted test runs on the roads selected for Time banding as part of the route optimisations programme.
- 3.32 According to reports run on the council's Whitespace application which uses data from the Gazetteer; there are over 3,900 commercial properties and over 9,000 residential properties on the thirty one time banded streets. Most of these are flats within communal properties (blocks) and will not be impacted by time banded collections.
- 3.33 Officers have carried out an exercise to identify the range of property numbers (domestic and businesses) within the proposed time banded streets which will be required to comply with the time bands for waste presentation. The council's Property & GIS Team Leader used the Gazetteer and estimated that approximately 2,680 commercial properties and 3,842 residential properties which will be impacted by time banding. A mapping exercise is being carried out which will be available on the council's website for the residents and businesses to access for information.
- 3.34 Environmental Services Officers will be engaging businesses and waste collection companies to ensure all can prepare and make the appropriate arrangements in order to comply with the Commercial Waste Regulations 2024.

Communication and implementation plan

- 3.35 Following approval of the regulations and time banding, certain steps are required to be taken. At least one month before implementation the following statutory requirements of the LLA 2007 will be undertaken:
- Formal notice of the regulations placed in two local newspapers circulating in the affected area.
 - Copies of the regulations will be made available on website and in hard copy at Town Hall.
 - Signage confirming the new regulation is in force will be placed at appropriate locations on the time banded streets.
- 3.36 In addition to the statutory requirements the following will also be undertaken ahead of implementation:
Letters will be sent to all affected residents, businesses and private waste collectors confirming the new collection time bands and implementation date.
- A communication plan will be agreed to promote details of new time banding arrangements. This will make use of all communications channels including local press, posters and social media. We will ensure widespread communication with BAME communities affected by this change.
 - Briefing and FAQs will be sent to all Members. A short Explanatory Memorandum in respect of the Regulations will be provided to explain in simple terms the effect of the Regulation and the principal provisions.
 - Details of the changes including FAQs will be put on the Councils web site.
 - The Customer Contact Centre team will be briefed and updated scripts made available for them in order to answer enquiries from the public.
 - Managers, Supervisors and frontline operational staff will be briefed to ensure consistent messages are provided in response to queries.

Enforcement Approach

- 3.37 To reduce the level of enforcement action required; clear, widespread communications will be provided ahead of implementation. This will be backed up with permanent street signage at appropriate locations and officers on site to educate and assist customers immediately following implementation. However as we are seeking to change behaviour that has been in place for some time it is likely that some enforcement action may be required initially.
- 3.38 Following implementation officers will be:
- available in the time banded streets daily to provide assistance, monitor compliance and assess the need for enforcement action for the first month of the new system. The level of on-site monitoring will be reviewed and adjusted as necessary after this.
 - Analyse queries and complaints to identify trends and issues requiring specific attention.
- 3.39 If specific problems persist then enforcement officers will:
- Investigate to obtain evidence and identify where waste or bins are originating from.
 - Contact the person or organisation responsible for the problem and issue a warning letter if appropriate.

- If further problems occur issue a notice, and or a fixed penalty notice.
- As a final stage formal prosecution may be undertaken against businesses.

CONSULTATIONS

- 3.40 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.

RISK ASSESSMENT

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

Risk	Mitigation
Non-compliance with regulations	<ul style="list-style-type: none">● High levels of enforcement resource may be required if residents and businesses do not follow the requirements of the regulations. The educational approach with clear communications before and officers on site to support customers immediately after implementation will reduce need for enforcement.● Informal warning letters● Formal enforcement action, such as legal notices, financial penalties for residents and fixed penalty notices and or prosecution for businesses.
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 time bands are introduced by Council then the time bands will be advertised shortly after the full council meeting, which will run for a month, and the decision will also be published in two local newspapers. It will also be promoted through other relevant Council communications channels (e.g. social media and website).● The Council will also write to all businesses and residents on the time banded streets.
Waste carriers not complying with the time bands	<ul style="list-style-type: none">● All waste carriers known to be operating within Tower Hamlets 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.

4 EQUALITIES IMPLICATIONS

4.1 Equalities screening tool was completed, and it determined that an equalities impact assessment/analysis is neither relevant nor proportionate.

Is there a potential that the policy, proposal or activity covered by this FP1 disproportionately adversely impacts (directly or indirectly) on any of the groups of people listed below?	Yes	No
<p>Please consider the impact on overall communities, residents, service users and council employees. If you have answered Yes to one or more of the groups of people listed above, a full Equality Impact Analysis is required.</p> <p>This should include people of different:</p>		
▪ Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Religion or Philosophical belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Sexual Orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Gender re-assignment status	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ People who have a Disability (physical, learning difficulties, mental health and medical conditions)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ Marriage and Civil Partnerships status	<input type="checkbox"/>	<input checked="" type="checkbox"/>
▪ People who are Pregnant and on Maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<p>You should also consider:</p> <ul style="list-style-type: none"> ▪ Parents and Carers ▪ Socio-economic status ▪ People with different Gender Identities e.g. Gender fluid, Non-binary etc. ▪ Other 	<input type="checkbox"/>	<input checked="" type="checkbox"/>

5 OTHER STATUTORY IMPLICATIONS

- 5.1 Local authorities have a number of different statutory powers and responsibilities in relation to street cleaning, recycling and waste collection. The Environmental Protection Act 1990 (as amended), the Controlled Waste Regulation 1992 (as amended) the London Local Authorities Acts 2007 (as amended). These acts set out the duty of the Local Authority to ensure that land in its area for which it is responsible is kept clear of litter and refuse.
- 5.2 The proposals will support improvements to the public realm in shopping frontage locations and help encourage customers, visitors, and businesses to the Borough.
- 5.3 Introducing the waste regulations and time bands will allow the council to deliver more effective and efficient waste collection and street cleansing operations. With reduced amounts of illegal waste, increased revenue from legal commercial waste activities and more cost effective street cleansing our best value duties will be more easily achieved.

Best Value Benefits of Time-Banded Collections

- 5.4 Time-banded collections offer several potential benefits that can contribute to cost-effectiveness and improved service delivery:
- 5.5 Environmental Benefits:
- Reduced waste on streets: This can lead to a cleaner environment, potentially reducing costs associated with litter and fly-tipping.
 - Improved recycling rates: By managing waste presentation, it might encourage better recycling habits.
- 5.6 Operational Benefits:
- Increased efficiency: Time-banded collections fit in with the route optimisation of collection routes, reducing fuel consumption and vehicle emissions.
 - Reduced health and safety risks: Fewer obstructions on the streets can improve safety for both residents and collection crews.
 - Potential for reduced collection frequency: In some cases, effective time-banded collections might allow for less frequent collections, saving costs.
- 5.7 Economic Benefits:
- Cost savings: Reduced fuel consumption, fewer missed collections, and less time spent dealing with waste-related issues can lead to overall cost savings for the council.
 - Reduced fly-tipping: By limiting the time waste is accessible, it can deter fly-tipping and the associated disposal cost.
- 5.8 Social Benefits:

- Improved quality of life: A cleaner environment can enhance residents' quality of life and sense of community.
- Reduced anti-social behaviour: By addressing waste-related issues, time-banded collections can help to reduce anti-social behaviour.

6 COMMENTS OF THE CHIEF FINANCE OFFICER

- 6.1 This report is seeking approval to introduce the Tower Hamlets Waste Regulations 2024, enabling the introduction of time bands for the collection of domestic and commercial waste on selected high streets, town centres, and main commercial areas in the borough and the ability to enforce these time bands, introducing fixed penalty notices for non-compliance, set at £50 if paid within 14 days, increasing to £80 if paid within 28 days.
- 6.2 There are a number of costs associated with implementing time banded collections including advertising, sign-posting all streets subject to a time band, writing to businesses and residents on the new or adjusted time banded roads, additional officers required to monitor and enforce throughout the day and to deliver education and enforcement. These costs will be met from the £5m one-off growth for the Mayors Waste Improvement Programme in 2024/25.
- 6.3 There is no budget provision to meet any additional costs beyond 2024/25 and any increase in costs will need to be met from the Fixed Penalty Notice receipts received. There will be an expectation that the service will utilise the combined THEO and ESO resources within the budgeted establishment in order to minimise any ongoing revenue costs.

7 COMMENTS OF LEGAL SERVICES

- 7.1 Section 45 of the Environmental Protection Act 1990 (EPA 1990) imposes a duty on waste collection authorities to collect household waste (subject to certain exceptions) and, where requested to do so, to collect commercial waste. Tower Hamlets is a waste collection authority under EPA 1990. The manner and frequency of collections are a matter for each waste collection authority to determine.
- 7.2 Sections 46(1) and 47(2) of EPA 1990 allow the authority to serve notice on an occupier of premises to require waste to be placed in receptacles of a kind and number specified. S.46 applies to household waste and s.47 to commercial waste and the basis for serving such notices differs. Such notice may also make provision as to the size and construction of the receptacle, the placing of them, the substances or articles which may or may not be placed in them, and steps to be taken by the occupier of the premises to facilitate access to them. It would therefore be possible to introduce timed collections by way of the issue of individual s.46 and s.47 notices. However, a notice would need to be given to each individual premises and, as the notices do not run with the land, fresh notices would need to be served as and when changes in occupation came to the authority's attention. This would be administratively cumbersome and impracticable.

- 7.3 Part 2 of the London Local Authorities Act 2007 (LLAA 2007) permits the authority to make regulations that have effect on all occupiers as if the requirements imposed were requirements imposed in an s.46 or s.47 notice.
- 7.4 Sections 20(4) and 22(4) LLAA 2007 provide that any requirement in regulations relating to the period during which receptacles can be placed on the highway will not be enforceable on any side of a road unless they are described on a sign displayed on that side of the road. It will therefore be necessary to ensure that the signage complies with these requirements and is placed at sufficient intervals on both sides of the road. It may also be necessary to regularly check the signs for defacement or removal.
- 7.5 Prior to making any such regulations, ss.20(5) and 22(5) LLAA 2007 require that a notice is published in at least two newspapers circulating in the borough. The notice must state the making of the regulations, the date on which they come into force, and the general effect of the regulations. It must also state an address at which the regulations may be inspected during reasonable office hours and purchased for a reasonable amount and a website address at which they may be viewed. The regulations cannot come into force earlier than one month from the date of publication of the notice.
- 7.6 S.20(10) and s.22(10) provide that the making of regulations does not prevent an authority from issuing notice to an individual occupier of premises under s.46 or s.47 EPA 1990.
- 7.7 Breach of regulations made under LLAA 2007 allows the authority to issue a penalty notice. In the case of household waste, the penalty process is essentially the same as that under s.46 and criminal enforcement is not an available option in either instance.
- 7.8 The decision is a “local choice” function by virtue of Regulation 3 of and Schedule 2 to the Local Authorities (Functions and Responsibilities) (England) Regulations 2000. The Council’s Constitution provides that all local choice functions are non-executive functions and remain the responsibility of the Council.
- 7.9 S.101 Local Government Act 1972 allows the Council to delegate the discharge of its functions to a committee, sub-committee or officer.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE.

Appendices

- APPENDIX A - Household Waste Regulations
- APPENDIX B - Commercial Waste Regulations
- APPENDIX C - Timebands

Background Documents – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- NONE.

Officer contact details for documents:

Or state N/A