



NOTICE OF MEETING

CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY

WEDNESDAY, 7 NOVEMBER 2018 AT 4.00 PM

THE EXECUTIVE MEETING ROOM - THIRD FLOOR, THE GUILDHALL

Telephone enquiries to Jane Di Dino 023 9283 4060

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If any member of the public wishing to attend the meeting has access requirements, please notify the contact named above.

CABINET MEMBER FOR ENVIRONMENT & COMMUNITY SAFETY

Councillor Dave Ashmore (Liberal Democrat)

Group Spokespersons

Councillor George Fielding, Labour

Councillor Gemma New, Conservative

(NB This agenda should be retained for future reference with the minutes of this meeting).

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AGENDA

- 1 **Apologies for Absence**
- 2 **Declaration of Members' Interests**
- 3 **Animal Welfare Licensing (Pages 5 - 22)**

Purpose

To set out how Portsmouth City Council (the Council) will fulfil statutory duties imposed upon it relating to animal welfare licensing for 2018 / 2019 by providing:

- a summary of the new statutory duties placed upon the Council and

- animal related business operators (ARBO) within Portsmouth;
- the scope of the animal welfare service (AWS) and the demands made on it;
- a profile of animal related businesses in Portsmouth;
- the business priorities of the Council and AWS relating to animal welfare and licencing;
- a summary of the service delivery in terms of animal related business premises inspections;
- a review of key AWS activities identified for 2017 / 2018;
- how ARBO are likely to be regulated in the future

RECOMMENDED that the Cabinet Member for Environment and Community Safety:

- a) **acknowledges the increased animal welfare licencing related demands placed on available resources as set out in Section 7 and 8 of this report, and the impact of forthcoming changes to governmental regulatory requirements as set out within Section 7; and;**
- b) **approves the continuation of a demand based approach to the statutory regulatory inspection of licenced animal related businesses and an approach in line with the Council's Enforcement policy in response to breaches of animal welfare related legislation as set out in Appendix 1;**
- c) **approves the continuation of the fees and charges currently levied as set out in section 7, Table 1**

4 Public Spaces Protection Order (Dog Controls) (Pages 23 - 50)

Report now published.

5 Proposal to incorporate glass into the waste disposal service contract (Pages 51 - 56)

Purpose

To agree to incorporate the glass processing into the waste disposal contract - joint contract with Hampshire County Council (HCC) and Southampton City Council(SCC).

RECOMMENDATIONS

That the Cabinet Member approves that PCC agrees with partners to incorporate glass processing into the waste disposal service contract with Veolia Environmental Services.

6 Forward Plan Omission

Ratification & update of waste management policy & rollout of wheeled bins for refuse to retain the weekly refuse collection was omitted from the Forward Plan covering 9 October 2018 to 1 January 2019. The Chair of the City Council's Scrutiny Management Panel has been notified and a public notice published.

RECOMMENDED that

- 1. The omission to the Forward Plan for November 2018 be noted and**
- 2. That publication of the omission notice be noted.**

7 Ratification and update on waste management policy and rollout of wheeled bins for refuse to retain the weekly refuse collection (Pages 57 - 102)

Purpose

To update the cabinet member on the outcomes of the previously approved weekly wheeled bins and weekly bin bag trials to include feedback from all trials;

To ratify the strategy for retaining weekly refuse collection whilst increasing recycling rates; and;

To update members on the progress of the changes being implemented to retain weekly refuse collections.

RECCOMENDATIONS

That the Cabinet Member:

- 1) Notes the outcomes of the weekly wheeled bins and weekly bin bag trials and approves the strategy for retaining weekly refuse collections whilst increasing recycling rates; and;**
- 2) Notes the progress of the rollout and approves changes to the waste management policy.**

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Agenda Item 3



Title of meeting:	Environment and Community Safety Portfolio Decision Meeting
Date of meeting:	7 th November 2018
Subject:	Animal Welfare Licencing
Report by:	Director of Culture and City Development
Wards affected:	All
Key decision:	No
Full Council decision:	No

1 Purpose of report

1.1 To set out how Portsmouth City Council (the Council) will fulfil statutory duties imposed upon it relating to animal welfare licencing for 2018 / 2019 by providing:

- a summary of the new statutory duties placed upon the Council and animal related business operators (ARBO) within Portsmouth;
- the scope of the animal welfare service (AWS) and the demands made on it;
- a profile of animal related businesses in Portsmouth;
- the business priorities of the Council and AWS relating to animal welfare and licencing;
- a summary of the service delivery in terms of animal related business premises inspections;
- a review of key AWS activities identified for 2017 / 2018;
- how ARBO are likely to be regulated in the future.

2 Recommendations

2.1 It is **RECOMMENDED** that the Cabinet Member for Environment and Community Safety:

- a) **acknowledges the increased animal welfare licencing related demands placed on available resources as set out in Section 7 and 8 of this report, and the impact of forthcoming changes to governmental regulatory requirements as set out within Section 7;**
- b) **approves the continuation of a demand based approach to the statutory regulatory inspection of licenced animal related businesses and an approach in line with the Council's Enforcement policy in response to breaches of animal welfare related legislation as set out in Appendix 1;**

- c) **approves the continuation of the fees and charges currently levied as set out in section 7, Table 1.**

3 Reasons for recommendations

- 3.1 To protect public health, contribute to a healthy community; and protect the welfare of animals in Portsmouth by preventing the spread of animal disease, to humans and other animals.
- 3.2 To safeguard the welfare of animals by ensuring they are provided with the necessary food; shelter and enrichment to ensure their health and well-being through education and appropriate intervention.

4 Legal background

- 4.1 Portsmouth's AWS has historically been delivered in accordance with the statutory requirements laid down in the following key statutes: The Animal Boarding Act 1964; The Animal Breeding Establishments Act 1963; The Animal Welfare Act 2018; The Pet Animals Act 1951; The Dangerous Wild Animals Act 1976; The Animal Health Act 1981 The Rabies Control Order 1974; The Trade in Animals and Related Products Regulations 2011; The Riding Establishments Act 1964.
- 4.2 In 2016 the Government consulted on whether to update the law in England concerning the licensing of various animal activities, namely; selling animals as pets, providing or arranging for the provision of boarding for cats and dogs, hiring out horses, breeding dogs and keeping or training animals for exhibition. They proposed to bring in secondary legislation under the Animal Welfare Act 2006 that would allow for an updated licensing regime for these activities. In September 2016 a summary of responses was produced and Defra further developed their proposals that could update and improve the legislation in this area. In February 2018 the Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018 were laid before Parliament. These came into force on 1st October 2018.
- 4.3 DEFRA states that the new Regulations are an important step forward in modernising and streamlining a number of previous Acts and Regulations. As well as updating the powers of local authorities to ensure high standards of animal welfare, the AW regulations also provide robust charging mechanisms that allow local authorities to more effectively recover their costs for this work.
- 4.4 DEFRA has published procedural guidance in relation to the new Regulations, along with guidance notes on the conditions that will apply to licenses issued to authorised different licensable activities. The effect of the new regulations is to replace some existing licensing regimes and to put in place a new licensing regime to control "licensable activities". The new licensing will replace the licensing and registration regimes currently in place. Individuals and businesses currently licensed under one of the above pieces of legislation (Section 4.1) will continue to be valid until the licence is due to expire.
- 4.5 The new Regulations are jointly enforced with local and central government partners; Hampshire County Council's Animal Health Service (HCC) who provide

trained animal health inspectors and The Animal Plant and Health Agency (APHA) who provide intelligence and inspectors to assist with animal welfare issues both inland and at Portsmouth International Port. Additionally, Defra inspectors and veterinarians provide specifically skilled professionals to assist in inspections / interventions at specialist animal business operations such as zoos.

5 Current scope of the Animal Welfare Service

5.1 Animal welfare activities currently undertaken by the Council include:

- Programmed inspections and interventions at licenced animal related businesses at a frequency determined by the licence duration; (currently between 1 and 3 years);
- Revisits to premises following programmed inspections to secure compliance with legal requirements;
- Investigating alleged illegally landed animals at Portsmouth International Ferry Port (IFP) and inland, taking appropriate action such as placing suspected animals into quarantine;
- Investigating complaints of breaches of animal welfare provisions such as unlicenced animal breeders/boarders and pet shops;
- Investigating complaints about the standard of animal welfare in animal related businesses in Portsmouth;
- Signatory and key stakeholder to the local and national emergency outbreak contingency plan in the event of an animal borne disease outbreak such as Rabies; Foot and Mouth (*Aphthae epizooticae*); and Avian Influenza. (HN51);
- Promoting animal welfare by education, training and business support and working with other organisations to assist ARBOs;
- Member of Trading Standards South East Ltd (TSSEL) animal health specialist panel;
- Member and key stakeholder of South East Local Authorities Emergency planning panel for animal related matters.

6 Legal background – animal related businesses operators

6.1 ARBO's must ensure that they comply with the statutory requirements by:

- Submitting a fee and a licence application for a licencable animal related business activity;
- Complying with all licence conditions stipulated by the AWS and/or relevant inspector;
- Not importing animals into the UK that do not comply with animal health requirements and are not accompanied by the requisite health documentation;
- Not engaging in the activities of an animal related business such as a pet shop; zoo; boarder; or breeder without the required licence;
- Not keeping animals classed as dangerous wild animals by statute whether for business purposes or not without the required licence;
- Not mistreating any animal by causing it any unnecessary suffering whether by way of not supplying necessary food; shelter or enrichment or by other means.

7 Impact of the new animal welfare legislative requirements

- 7.1 Under the new Regulations the AWS will continue to enforce the licensing schemes but will be allowed to issue licences that run beyond the existing fixed 1 year term. The service will assess each individual business on a risk rating. Those that are considered to be at high risk of breaching the licence conditions will be issued with a 1 year licence. There will be a risk-rating matrix which will us to decide how a particular business should be rated. Risk will be assessed on the basis of past performance and compliance and whether the business is seeking to apply higher standards than the minimum. Voluntary higher standards are set out in guidance. The Regulations will set out the minimum allowable standards.
- 7.2 Licences of 2 or 3 years will be for those individual businesses that local authorities consider to be of medium and low risk. Licences of 2 or 3 years should produce savings for those businesses as there will be fewer inspections. However, those businesses with 1 year licences (high risk businesses) will still have to pay for annual inspections and so will not have any savings. This idea is to encourage businesses to gain earned recognition, become low risk and thereby save money. In the process good compliance and higher standards are encouraged.
- 7.3 All licensing inspectors must be suitably qualified and must hold a suitable qualification to continue to inspect such premises. A transitional provision applies until 2021 so that officers acquire the relevant qualifications.
- 7.4 Defra confirm that locally set fees are a vital means of ensuring that costs can be recovered by local authorities, rather than relying on subsidy from local tax payers. Businesses that benefit from an Animal Welfare License will therefore be asked to pay any reasonable costs incurred by us in providing that licence. However, they must also be able to depend on our fees being fair and reasonable. Our current fees are shown in Table 1.
- 7.5 At this point in time there are no plans to revisit the charges currently in place. Should there be a necessity for dog walkers be incorporated into the animal licensing schemes then these will be levied at the same costs as animal boarders.

Table 1

Licence	Fee
Pet Shops	£175 (plus vet's fees)
Dog breeding	£175 (plus vet's fees)
Animal boarding	£175 (plus vet's fees)
Dangerous Wild Animals	£210 (plus vet's fees)
Riding Establishment	£245 (plus vet's fees)
Zoos	£280 (plus vet's fees)

8 Animal related business profile and compliance

- 8.1 The profile of the licenced animal related businesses in Portsmouth by category, as

1st April 2018, is shown in Table 2. The city is characterised by a number of regular animal related businesses who have been trading for some time, the majority of which are animal boarders.

- 8.2 The city has two zoos, neither of which are a zoo in the conventional sense. One is an aquatic centre housing marine animals the other is a butterfly house.
- 8.3 The new Regulations are likely to see a significant increase in licence applications from animal day only boarders who were previously not required to be licenced. As necessary the AWS will advise ARBOs of this type and publish the new licensing requirements.
- 8.4 A profile of the licenced animal related businesses in Portsmouth is listed in Table 2

Table 2

Category	No of premises
Animal Boarders	40
Animal Breeders	2
Keepers of Dangerous Wild Animals (DWA)	2
Pet Shops	6
Zoos	2
Horse Riding Establishments	1
Total	53

- 8.5 Demands on the service continue to be far higher in other areas of responsibility. 100% programmed interventions were achieved in animal related businesses and 6 reactive service requests were dealt with in 2017 / 2018. The focus remains on working in partnership with animal related businesses which has led to a low level of enforcement activity during the year.
- 8.6 Of the 59 animal related interventions achieved in 2017 / 2018, 53 were scheduled premises inspections, 4 were visits in response to complaints and 2 involved education and business support.
- 8.7 It is policy that proportionate action will be taken against any business found to be in breach of animal welfare requirements to ensure it improves its compliance with the legislation. The action taken depends on the issue identified and the risk it presents to the animals and public. In 2017 / 2018 6 animal welfare warning letters were issued. This level of enforcement activity represents 11% of the total number of registered animal welfare related businesses in the city.
- 8.8 There is animal welfare business activity associated with the IFP. This entry point serves freight and ferry routes to France, Spain and the Channel Islands and receives animal imports from the European Union (EU). A significant number of passenger vessels dock at the IFP with passengers travelling with their animals on the Pet Passport Scheme. Intelligence has been received of possible illegal animal imports through Portsmouth Port. As yet the AWS is unaware of the changes that Brexit might bring to this area of its function.

8.9 Animal welfare licencing inspections are carried out by appropriately qualified and authorised environmental health and trading standards practitioners. The officers deliver a single "regulatory service" to a diverse customer base which, in addition to animal welfare, the service covers food safety, health and safety in the workplace, infectious disease control, and port health. As a consequence, the maximum resource that is available to deal with animal welfare is approximately 0.2 FTE officers.

9. Service delivery priorities in 2018 / 2019

9.1 Service delivery priorities in 2018 / 2019 include:

- Ensuring that authorised officers are appropriately trained and authorised to meet the new legislative requirements to enable the Council to meet its obligations to protect public safety and animal welfare;
- The implementation of the new risk based inspection system across all animal related licenced businesses;
- Instigating appropriate action against poorly performing businesses including proportionate enforcement measures in line with the council's enforcement policy;
- The use of necessary use of resource to maintain 100% inspection of licenced animal related businesses;
- Investigate all incidents of alleged illegal landings of animals and the instigation of appropriate action including the quarantining of animal(s);
- Examine the implications of EU exit for the delivery of the animal welfare controls at the IFP.

10 Equality impact assessment

10.1 The application of animal welfare enforcement has been subject to a preliminary equality impact assessment (Appendix 2). Implementation will not affect the concept of fairness established under the adoption of the council's enforcement policy, which ensures that all AWBO are being inspected and enforced equally in accordance with governmental requirements regardless of ethnicity or other matters relating to equality.

11 Legal implications

11.1 Legal Services has confirmed that there are no specific issues relating to the enforcement of animal welfare related business licencing other than the usual range of issues associated with local authority enforcement of legislative requirements.

11.2 They additionally confirm that the move to a risk-based approach for licensing and inspections will benefit those businesses deemed 'low risk' as they move to either a 2 or 3 year licence renewal as opposed to annual. In turn, we will benefit from fewer inspections for those businesses. Businesses that have multiple functions will benefit from only having to apply for a single licence that covers all activities.

11.3 The updated legislation and guidance should result in a clearer, simpler and more consistent licensing system. Licensing will no longer be restricted to the calendar

year, allowing for a more evenly distributed administrative burden for local authorities. Animal welfare conditions should improve as a result of bringing licensing standards in line with the Animal Welfare Act 2006.

12 Director of Finance's comments

12.1 There will be one-off familiarisation costs to regulatory services from the updated regulation and the necessary training of officers to the required standards. The activities proposed and summarised in Section 8 of this report will be funded from the existing service portfolio budgets, as approved by Full Council.

13 Service Director remarks

13.1 The activities of the AWS are an expression of the Councils' continuing commitment to the preservation of animal welfare and public safety in Portsmouth.

13.2 The AWS service contribution, although modest compared to other service delivery areas, is of significant importance to Portsmouth. The Government have made animal welfare a high priority as reflected in the new legislation. The AWS ensures that animal borne disease is prevented from entering the country and spreading putting public safety at risk. Animals are protected ensuring that they receive food, shelter and protection from disease and cruelty.

13.3 Maintaining high compliance with animal welfare requirements is essential. Not only because of the health benefits but because animals are in the public consciousness and the public feel extremely strongly about their welfare which, in turn, highlights the importance of the AWS across all sections of the community.

13.4 The new legislation is a further example of how Local Government regulatory framework continues to undergo far reaching changes which we must adapt to. The AWS has identified service risks relating the range, depth and number of demands placed upon it and the resources assigned to it. Whilst the AWS develops appropriate protocols to maintain the level of skills needed within the team to deliver our responsibilities the levels of resourcing currently assigned to must be recognised. Resources are considered to be low when bearing in mind the maximum service cover available. Public confidence in the council's ability to maintain animal welfare is important and the Council must continue to ensure that the AWS is suitably resourced to ensure that the spread of animal borne disease and cruelty to animals is prevented from happening in Portsmouth.

.....
Signed by: Stephen Baily - Director of Culture and City Development

Appendices:

Appendix 1: PCC Enforcement Policy

Appendix 2: Preliminary Equalities Impact Assessment

Background list of documents: Section 100D of the Local Government Act 1972

The following list of documents discloses facts or matters which have been relied upon to a material extent by the author in preparing this report:

Title of Document	Location
The Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018	https://www.legislation.gov.uk/uksi/2018/486/contents/made

The recommendations set out in 2.1. above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for the Environment and Community Safety on 7th November 2018.

.....
 Signed by: Councillor Dave Ashmore, Cabinet Member for Environment and Community Safety



Regulatory Services Enforcement Policy Statement

This document sets out what businesses, individuals and the community as a whole can expect from Portsmouth City Council Enforcement Officers.

Introduction

Portsmouth City Council has responsibility to enforce various laws and recognise that some people may regard some of these laws as a hindrance.

In this respect, we aim to ensure effective compliance with legislation, where necessary to protect people and their environment, whilst minimising the burden to local businesses and residents.

Depending upon the circumstances, the Council has a variety of options available to it in order to ensure legal compliance.

These options include education, guidance, letters, and notices, revocation of licences, cautions and prosecution. In considering these options, the Council will take account of the Attorney General's Guidelines on Criteria for Prosecution and the Crown Prosecution Service's Code for Prosecutors.

This policy sets out how we will seek to strike a helpful balance in our approach to enforcement.

Underlying principles

The Council must seek to ensure compliance with the law in accordance with guidance issued by Central Government. We have signed up to the Enforcement Concordat issued by the Cabinet Office. We will carry out this duty in an appropriate manner according to the following principles:

Proportionality

Any action that we take will relate to the seriousness of the risk to health, safety or the environment, deliberate fraud or carelessness and to the seriousness of any breach of law.

Consistency

We will try to ensure that our Officers act in a similar way when faced with similar circumstances. We will also work with other Authorities to ensure that this principle is applied at a local and national level.

Transparency

The Council will help people to understand what the law requires of them and make clear what needs to be done, to comply. We will also make clear what businesses and the general public should do if they are not happy about any action we have taken or are proposing to take.

Targeting

Our enforcement efforts will normally be directed against those whose activities pose the most serious risks or those who have a history of non-compliance.

Enforcement effort will be given to providing information which is timely relevant and helpful to each situation.

Deciding whether to prosecute

Whilst it is important that each case be treated on its merits and it is not, therefore, possible to give definitive answers to every possible situation, the following guidance indicates the type of action we will normally take.

Fixed penalty offences

It will be normal practice, where a fixed penalty applies to an offence, for the penalty to be applied in all instances where such an offence is detected.

Minor breaches of legislation

Where a minor breach of the law has occurred and the person responsible is prepared to put things right, no further action will normally be taken, although, on occasions, a written warning may be given.

Serious breaches of legislation

Whilst the Council prefers to secure compliance with legislation by a process of education and encouragement, it will sometimes be necessary for more formal action to be taken. This may involve the service of a Statutory Notice which states what must be done and gives a date for completion. Such Notices will normally only be served when:

- there has been a serious breach of law
- there is a serious risk to health and safety or the environment
- the Council has a statutory duty to serve notice
- an informal approach by the Council has not been successful.

Whenever practicable, except when we believe that there is an immediate risk to health, safety or the environment, or other legal requirement, prior warning of our intention to serve notice will be given. At this time, people will be given an opportunity to make representations if they believe that the notice should not be served or that its requirements are unreasonable.

Breaches of licence conditions

Several licences are issued by Regulated Services. These include licences relating to animal welfare (pet shops, zoo, dog boarding etc.) petroleum, explosives and poisons and they are normally issued with specific conditions.

Minor breaches of licence conditions may result in formal action in support of the enforcement policy or be dealt with informally dependent on the circumstances. As licence conditions are imposed in order to control activities which would otherwise cause harm, serious breaches will tend to result in prosecution.

Prosecution

The council prefers to deal with contraventions of the law in other ways but, on occasions, it will be necessary for businesses and individuals to be prosecuted.

This will only happen when:

- an informal approach by the council has failed to resolve the problem, or
- there is serious risk to safety, the environment or health, or
- there has been a blatant disregard of the law, deliberate act of fraud, or failure to comply with a notice, or
- the offence is so serious that other forms of action would be inappropriate, and
- It would be in the public interest.

When the Council is considering prosecution, we will consider all available information and discuss matters with the person or company responsible to ensure that a fair, consistent and objective decision is made. When deciding whether to prosecute we will look at the following:

- the seriousness of the offence
- the history of the person concerned
- the willingness of the person concerned to prevent a repetition
- any explanation given
- the public benefit
- any deliberate actions intended to deceive
- the likelihood of success of the prosecution.

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Equality Impact Assessment

Preliminary assessment form 2018

www.portsmouthccg.nhs.uk

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - How are going to mitigate or remove any potential negative impacts
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

City development and culture

Service, function:

Environmental Health

Title of policy, service, function, project or strategy (new or old) :

Animal Welfare Licencing Paper 2018/2019

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

The Plan provides:

A summary of the new statutory duties placed upon the Council and animal related business operators (ARBO) within Portsmouth;
 the scope of the animal welfare service (AWS) and the demands made on it;
 a profile of animal related businesses in Portsmouth;
 the business priorities of the Council and AWS relating to animal welfare and licencing;
 a summary of the service delivery in terms of animal related business premises inspections;
 a review of key AWS activities identified for 2017 / 2018;
 how ARBO's are likely to be regulated in the future.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

All Portsmouth citizens, animal related businesses, and visitors to the city.

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note:Other excluded groups examples includes,Homeless, rough sleeper and unpaid carers. Many forms of exclusion are linked to financial disadvantage. How will this change affect people on low incomes, in financial crisis or living in areas of greater deprivation?

If the answer is "negative" or "unclear" consider doing a full EIA

If there are any potential negative impacts on any of the protected characteristics, What have you put in place to mitigate or remove the negative impacts/barriers?

None envisaged.

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups? e.g. A new service has been created for people with a disability to help them gain employment this would mean that this helps promote equality for the protected characteristic of disability only.

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Disability	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Race	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sex	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Please add in the text boxes below what feedback / meetings you have attended for each specific protected characteristic

Group	Positive or negative feedback
Age	N/A
Disability	N/A
Race	N/A
Sex	N/A
Gender reassignment	N/A
Sexual orientation	N/A
Religion or belief	N/A
Pregnancy and maternity	N/A
Marriage & civil partnership	N/A
Other excluded groups	N/A

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

PCC staff-If you have to complete a full EIA please contact the Equalities and diversity team if you require help Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

CCG staff-If you have to complete a full EIA please email: sehccg.equalityanddiveristy@nhs.net if you require help

Q7 - How have you come to this decision? Summarise your findings and conclusion below

Portsmouth City Council's animal welfare policy is based on the government's commitment to improving the effectiveness of existing animal welfare regulation whilst lifting the regulatory burdens on businesses to support growth, productivity and innovation. The intention is to relieve the administrative burden on local authorities, simplify the application and inspection process for businesses, as well as maintain and improve existing animal welfare standards by modernising the current animal licensing system in England. This applies across all local authorities across the United Kingdom. It serves to protect all relevant animals/citizens and will not disproportionately affect any equality group.

Q8 - Who was involved in the EIA?

Steve Bell, Richard Lee

This EIA has been approved by: Richard Lee

Contact number: 02392 853487

Date: 4th October 2018

PCC staff-Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789, Email: equalities@portsmouthcc.gov.uk

CCG staff-Please email a copy of your completed EIA to the Equality lead who will contact you with any comments or queries about your preliminary . Email: sehccg.equalityanddiversity@nhs.net

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Agenda Item 4

Title of meeting: Cabinet Member for Environment and Community Safety

Date of meeting: 7 November 2018

Subject: Public Spaces Protection Order

Report by: Director Culture and City Development

Wards affected: All

Key decision: No

Full Council decision: No

1. Purpose of report

- 1.1 To seek approval for the variation of the existing Public Spaces Protection Order ("PSPO") in relation to dog fouling and dog controls.

2. Recommendations

- 2.1 The Cabinet Member notes the two proposed variations to the existing PSPO in the following terms:
- To exclude dogs on the beach between the Royal Marine statue known as the 'Yomper' and Southsea Castle, between 30th April - 30th September (previously 31st March)
 - To exclude dogs on the beach at Hot Walls 30th April - 30th September (previously 31st March).
- 2.2 The PSPO is varied and approved in the terms shown attached (appendix 1) to continue to assist with the enforcement of dog fouling offences and dog controls.
- 2.3 The PSPO to be enforced by the Safe, Clean and Tidy team within the Housing, Neighbourhood and Building Services in the same way as for the previous Order. This directorate will be responsible for the administration of all fines and any subsequent prosecutions.
- 2.4 That costs for any changes to signage notifications and other statutory notices to be from within cash limits.

3. Background

- 3.1 The Clean Neighbourhoods and Environment Act 2005 (section 51) enabled PCC to introduce a Dog Control Order ("DCO") and it was enacted in Portsmouth in 2011. This legislation enabled PCC to cover all aspects of

owner's responsibility, fouling of land by dogs,, dog exclusion areas and dogs on leads. DCOs could not be amended unless a formal notification was given and full consultation had taken place.

- 3.2 The legislation governing DCOs was repealed and replaced on 20th October 2014 by the Anti-Social Behaviour, Crime and Policing Act 2014, sections 59 to 75. The Anti-social Behaviour Crime and Policing Act 2014 introduced several new tools and powers for local authorities to address anti-social behaviour (ASB) in their areas. These tools replaced and rationalised a number of previous measures, and were brought in as part of a Government commitment to put victims at the centre of approaches to tackling ASB, focussing on the impact behaviour can have on both communities and individuals, particularly the most vulnerable.
- 3.3 The effect of the Act was that existing DCOs could not, after this date, be amended but would continue in force for a 3 year period, until 20th October 2017. After that date, any existing DCOs still in force would automatically become Public Space Protection Orders. Portsmouth's DCO therefore became a PSPO on 17th October 2017. PSPOs can only last for a maximum 3 year period.
- 3.4 Local authorities may use PSPO's to prohibit specified activities and require certain things to be done by people engaged in particular activities within a defined area. PSPO's differ from other tools under the Act as they are council led and rather than targeting specific individuals or properties, they focus on the identified problem behaviour in a specific location.
- 3.5 The previous DCO is considered to have been successful with most people accepting the controls put in place and where these were ignored appropriate Fixed Penalty Notices ('FPNs') were issued.
- 3.6 The City Council intends to retain the successful controls contained within the current PSPO but introduce two changes, these being:
- To exclude dogs on the beach between the Royal Marine statue known as the 'Yomper' and Southsea Castle, between 30th April - 30th September (previously 31st March)
 - To exclude dogs on the beach at Hot Walls 30th April - 30th September (previously 31st March).

4. Reasons for recommendations

- 4.1 The existing PSPO will only remain in force up to a maximum of three years (2020) from the point of transition. There was no requirement under the legislation for local authorities to undertake a new consultation process for this transitional period.
- 4.2 Since the introduction of the original DCO, there have been various campaigns to extend the period when dogs may be exercised on two specific beaches,

including a 1,000 named petition. This varied PSPO will enable this change to be made.

- 4.3 The PSPO will be subject to a regular review as the maximum duration is of up to three years after which it may be extended if certain criteria under section 60 of the Act are met. This includes consideration of whether an extension is necessary to prevent activity from reoccurring or there has been an increase in frequency or seriousness of the activity. Extensions can be repeated, with each lasting for a maximum of three years. Effective evaluation of Orders will be important when determining whether extension or variations would be appropriate.
- 4.4 The powers / restrictions imposed by the proposed PSPO would not apply to those who are registered blind or use an Assistance Dog from Dogs for the Disabled, Support Dogs and Canine Partners for Independence or Hearing Dogs.

5. The legislation and consultation

- 5.1 Prior to making a PSPO the Council must be satisfied (under s.59) on reasonable grounds that:
- (a) activities carried out in a public place within the City are having a detrimental effect on the quality of life of those in the locality or it is likely that activities will be carried on in a public place within the City and that they will have such an effect; and
 - (b) the effect, or likely effect, of the activities is likely to be of a persistent or continuing nature or is likely to be such as to make the activities unreasonable and therefore justifies the restrictions.
- 5.2 Council enforcement officers have been issuing FPNs for dog fouling for many years under the terms of the previous DCO and current PSPO. Dog fouling has and is likely to continue to have a detrimental effect on the quality of life of people in the City and it is in the interests of the Council, for the benefit of the public, to continue to enforce responsible dog ownership. This information together with the consultation response indicate that there are reasonable grounds to be satisfied that the activities which the Council are seeking to restrict in the PSPO have a detrimental effect on the quality of life of people in the locality and the effect, or likely effect of the activities is likely to be persistent, unreasonable and therefore justifies the restrictions proposed.
- 5.3 It is a requirement of the Act that consultation takes place before a PSPO is varied. Consultation has taken took place with the following groups:
- General Public with a neighbourhood survey (appendix 2)
 - Cabinet Member for the Environment and Community Safety and the Cabinet Member for Culture, Leisure and Sport by discussion at weekly Cabinet Member meetings

- A letter was sent to the Police and Crime Commissioner and followed up with a further letter 4 weeks later and phone call and there were no adverse comment (appendix 3)
- A letter was written to The Kennel Club and followed up with a further letter after 4 weeks and no reply was received. A telephone call was made and the response was that if they had any objections they would have responded in writing(appendix 4)
- In addition, it should be noted that a 1,000 name petition in support of the two changes was submitted to the Council in 2016.

There were no objections received from the consultees.

5.4 In order to make the decision, the Cabinet Member has to be satisfied that the need to provide safe places to exercise dogs has been balanced against the interests of those who may be affected by the activities of dogs.

6. Timetable for implementing this decision

6.1 If the Cabinet Member decides to proceed with a PSPO in the terms attached, the Order will be published on the Council's website and implemented 28 days later. Suitable signage will also be erected and the PSPO will be kept under review to ensure it is still necessary.

7. Equality impact assessment

7.1 A preliminary equality impact assessment has been completed and the recommendation does not have a negative impact on any of the protected characteristics as described in the Equality Act 2010 for the following reasons:

- The existing dog control order was converted to a Public spaces protection order in 2017 by statute
- The effect of the two changes mean that dogs will be able to be exercised on the beach for a month later than was originally permitted
- The only protected characteristics that could potentially impact on is disabled people with an assistance or guide dog but they are exempt from the terms of the PSPO.

8. Legal implications

8.1 The Anti-Social Behaviour, Crime and Policing Act 2014 (sections 59 to 75) set out the requirements for a PSPO to be made (as set out in 5.1 above) and the procedures for consultation, publicity and notification of orders before a PSPO is made. The prohibitions imposed must be ones that are reasonable to impose in order to prevent the detrimental effect from continuing, occurring or recurring or to reduce the detrimental effect or reduce the risk of its continuance, occurrence or recurrence. Consultation includes consulting the chief officer of police and the local policing body, any community representatives the LA thinks

it appropriate to consult and the owner or occupier of land within restricted areas. In addition, consultation should be undertaken with dog law and welfare organisations.

- 8.2 The Cabinet Member must consider the results of the consultation and the evidence in support of making the PSPO in the terms attached.
- 8.3 Following the making of an order by the LA, an interested person may appeal to the High Court to question the validity of a PSPO, or a variation of an Order. An appeal must be made within the period of 6 weeks beginning with the date on which the Order or variation is made. An interested person is someone who lives in, regularly works in or visits the area in question.
- 8.4 The enforcement of breaches of the PSPO will continually to be initially enforced through the use of a simple fine under a fixed penalty notice in most cases and then to criminal prosecution in the Magistrates' Court if not paid.
- 8.5 The Cabinet Member has the power to make the recommendations contained within this report.
- 9. Director of Finance's comments**
- 9.1 The management of the PSPO will continue to be met from within existing budget resources.

.....

Signed by:

Stephen Baily

Director of Culture and City Development

Appendices:

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Appendix 1 draft PSPO	Attached
Appendix 2 public consultation	Attached
Appendix 3 P&CC letter	Attached
Appendix 4 Kennel Club letter	Attached
Drawing 1 fouling of land control map	Attached
Drawing 2 city wide dog controls	Attached

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

.....
Signed by:
Councillor Dave Ashmore
Cabinet Member for Environment & Community Safety

ANTI-SOCIAL BEHAVIOUR, CRIME AND POLICING ACT 2014**PORTSMOUTH CITY COUNCIL****PORTSMOUTH CITY COUNCIL (DOG CONTROLS) PUBLIC SPACES
PROTECTION ORDER 2018**

Portsmouth City Council (in this Order, called "the Council") hereby makes the following Order pursuant to Section 59 and Section 61 of the Anti-social Behaviour, Crime and Policing Act 2014 ("the Act") and to all other enabling powers.

1. This Order may be cited as the Portsmouth City Council (Dog Controls) Public Spaces Protection Order 2018 and shall come into force on [DATE TO BE INSERTED 2018]. Unless the Council extends or varies this Order before it has expired, it shall expire on [DATE TO BE INSERTED 2021].
2. This Order covers the following dog controls within the City of Portsmouth as shown on the plan in Schedule A (attached):
 - a. Exclusion of dogs from land
 - b. Fouling of land by dogs and the removal of dog faeces
 - c. Dogs only permitted on land if kept on lead
 - d. Dogs to be put on lead by direction of an authorised council officer

and creates the offences outlined below.

3. This Order applies to the land described in the Schedule to this Order below, being public land to which the public are entitled or permitted to have access (with or without payment) in the administrative area of the Council, identified for the purposes of Section 59(4) of the Act, and in this Order referred to as the "Restricted Areas".
4. In this Order, "an Authorised Officer" means Police Officer or a person who is authorised in writing by the Council for the purpose of enforcement of this Order.
5. The Council makes this Order on the basis it is satisfied on reasonable grounds that, without these controls, the activities carried on and/or likely to be carried on in the Restricted Areas will have a detrimental effect on the quality of life of those in the locality and that the detrimental effect or likely detrimental effect of the aforementioned activities is, or is likely to be, of a persistent or continuing nature, is or is likely to be, such as to make it unreasonable, and justifies the restrictions imposed by this Order.

Penalty:

6. A person who is guilty of an offence under this Order shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

A Police Officer or Authorised Officer may issue a fixed penalty notice to anyone he/she believes has committed an offence. The person will have 14 days to pay the fixed penalty. If they pay the fixed penalty within the 14 days they will not be prosecuted.

The Offences:

A. Exclusion of dogs from land

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, he/she takes the dog on to, or permits the dog to enter or to remain on, any Restricted Areas shown in Schedule A below unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her doing so.
2. This shall not apply to a person who:
 - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c. has a disability which affects his/her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.

The term "prescribed charity" includes but is not limited to;

 - i. Dogs for the Disabled (registered charity number 700454); and
 - ii. Support Dogs Limited (registered charity number 1088281); and
 - iii. Canine Partners for Independence (registered charity number (803680).

B. Fouling of land by dogs and the removal of dog faeces

1. If within the administrative area of the Council, as shown in Schedule A, a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission, and a person who is in charge of the dog at the time, without reasonable excuse, fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who;
 - a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c) has a disability which affects his/her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance.

The term "prescribed charity" includes but is not limited to;

 - i. Dogs for the Disabled (registered charity number 700454); and

- ii. Support Dogs Limited (registered charity number 1088281); and
- i. Canine Partners for Independence (registered charity number (803680).

C. Dogs only permitted on land if kept on lead

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule A, he/she does not keep the dog secured on a lead, of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who;
 - a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance. The term “prescribed charity” includes but is not limited to;
 - i. Dogs for the Disabled (registered charity number 700454); and
 - ii. Support Dogs Limited (registered charity number 1088281); and
 - iii. Canine Partners for Independence (registered charity number (803680).

D. Dogs on leads by direction of a Police Officer / PCS or Authorised Officer

1. A person in charge of a dog shall be guilty of an offence if, at any time and without reasonable excuse, on land detailed in Schedule A, he/she does not comply with a direction given to him by an Authorised Officer to put and keep the dog secured on a lead of a maximum length of 2 metres unless the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his/her failing to do so.
2. This shall not apply to a person who;
 - a. is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - b. is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he/she relies for assistance; or
 - c. has a disability which affects his/her mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he/she relies for assistance. The term “prescribed charity” includes but is not limited to;
 - i. Dogs for the Disabled (registered charity number 700454); and
 - ii. Support Dogs Limited (registered charity number 1088281); and
 - iii. Canine Partners for Independence (registered charity number (803680).

Appendix 1

Plan A - map of LA administrative area of Portsmouth

Plan B - map showing dog controls within the LA administrative area of Portsmouth

Appeals

Any challenge to this Order must be made in the High Court by an interested person within six weeks of it being made. An interested person is someone who lives in, regularly works in, or regularly visits the Restricted Area. This means that only those who are directly affected by the restrictions have the power to challenge.

Interested persons can challenge the validity of this Order on two grounds:

1. That the Council did not have the power to make the Order or variation, or to include particular prohibitions or requirements;
2. That one of the requirements of the Act, for instance consultation, has not been complied with.

When an application is made the High Court can decide to suspend the operation of the Order pending the Court's decision, in part or in totality. The High Court has the ability to uphold the Order, quash it or vary it.

Dated this day of 2018

SEAL

Public Space Protection Order - Dog Control

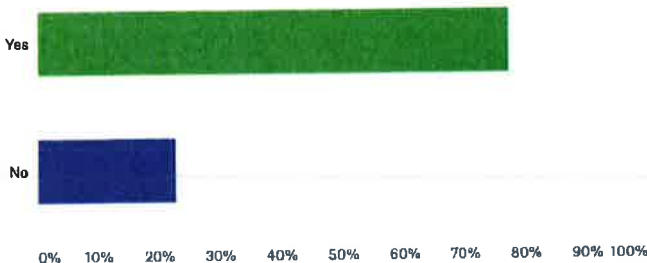
QUESTION SUMMARIES DATA TRENDS INDIVIDUAL RESPONSES

All Shown Pages ▾

Q1

Do you have a dog(s)?

Answered: 642 Skipped: 0

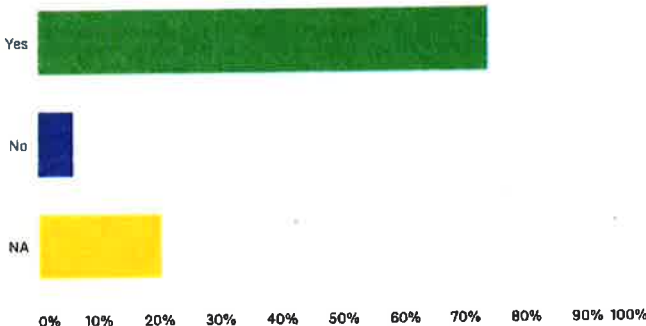


ANSWER CHOICES	RESPONSES	
Yes	77.41%	497
No	22.59%	145
TOTAL		642

Q2

If you have a dog do you walk your dog(s) on Southsea beach?

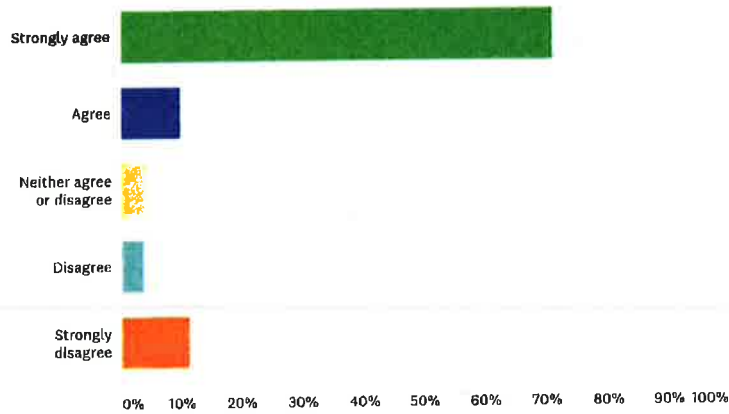
Answered: 626 Skipped: 16



ANSWER CHOICES	RESPONSES	
Yes	73.80%	462
No	5.91%	37
NA	20.29%	127
TOTAL		626

March and April when dogs can go on the beach between Southsea Castle and the Yomper statue, something that was successfully trialled this year and last year. Previously from 1 March to 30 September 2017, you weren't able to take your dogs on the beach. Do you agree with extending the time dogs are allowed on Southsea beach? (so allowing them to be on the beach in March and April.

Answered: 641 Skipped: 1



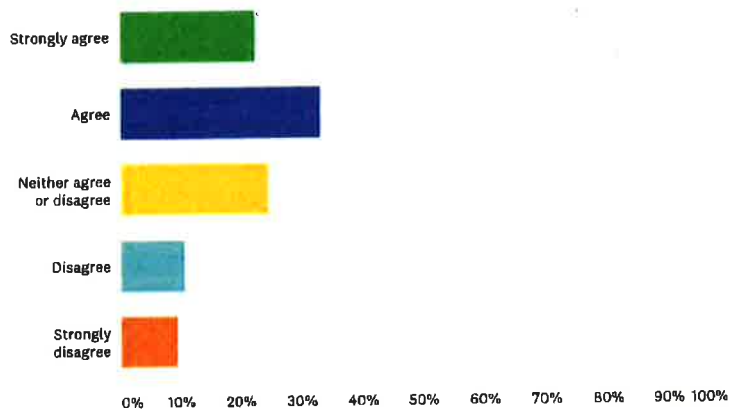
ANSWER CHOICES	RESPONSES	
Strongly agree	71.14%	456
Agree	9.83%	63
Neither agree or disagree	4.21%	27
Disagree	3.59%	23
Strongly disagree	11.23%	72
TOTAL		641

[Comments \(405\)](#)

Q4

Do you agree that other than for the provision for access to the beach, existing controls are sufficient and fit for purpose?

Answered: 624 Skipped: 18





Response	Percentage	Count
Neither agree or disagree	24.52%	153
Disagree	10.58%	66
Strongly disagree	9.46%	59
TOTAL		624

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**Culture & City
Development**

Civic Offices
Guildhall Square
Portsmouth
PO1 2AD
Phone: 023 9282 2251
Ref:
Date: 5 February 2018

Office of the Police Crime Commissioner for Hampshire
St Georges Chambers
St George's Street
Winchester
Hampshire
SO23 8AJ

Dear Mr Lane,

Reference: PSPO to replace The Clean Neighbourhoods and Environment Act 2005, Dog Control Order 2011

In order to ensure continuity with the Dog Control Order that was instigated in Portsmouth in 2011 we are proposing to replace it with a PSPO.

We have carried out community consultation and as we are making very little change to that currently in place, few comments have been received. In addition, we received a 1,000 named petition to increase the time when dogs are allowed to be exercised on our beaches.

We have taken the petition in to account and as there were no objectors, we are supporting the change. This change is to extend the dogs on beaches ban from 30 March to 30 September to 30 April to 30 September.

I have written to the Kennel Club and I await their comments.

I have included a draft of the proposed PSPO and associated documentation to which I would welcome your comments.

Yours sincerely,

David W Evans
City Development & Culture

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**Culture & City
Development**

Civic Offices
Guildhall Square
Portsmouth
PO1 2AD
Phone: 023 9282 2251
Ref:
Date: 5 February 2018

Ms Melissa Cradock
The Kennel Club
Kennel Club House
Gatehouse Way
Aylesbury
HP19 8DB

Dear Melissa,

Reference: PSPO to replace The Clean Neighbourhoods and Environment Act 2005, Dog Control Order 2011

In order to ensure continuity with the Dog Control Order that was instigated in Portsmouth in 2011 we are proposing to replace it with a PSPO.

We have carried out community consultation and as we are making very little change to that currently in place, few comments have been received. In addition, we received a 1,000 named petition to increase the time when dogs are allowed to be exercised on our beaches.

We have taken the petition in to account and as there were no objectors, we are supporting the change. This change is to extend the dogs on beaches ban from 30 March to 30 September to 30 April to 30 September.

I have included a draft of the proposed PSPO and associated documentation to which I would welcome your comments.

Yours sincerely,

David W Evans
City Development & Culture

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Equality Impact Assessment

Preliminary assessment form 2018

www.portsmouthccg.nhs.uk

www.portsmouth.gov.uk

The preliminary impact assessment is a quick and easy screening process. It should:

- identify those policies, projects, services, functions or strategies which require a full EIA by looking at:
 - negative, positive or no impact on any of the equality groups
 - How are going to mitigate or remove any potential negative impacts
 - opportunity to promote equality for the equality groups
 - data / feedback
- prioritise if and when a full EIA should be completed
- justify reasons for why a full EIA is not going to be completed

Directorate:

City development and culture

Service, function:

Public Safety

Title of policy, service, function, project or strategy (new or old) :

Public Spaces Protection Order (PSPO) is statutory requirement to replace the existing Dog Control Order (DCO)

Type of policy, service, function, project or strategy:

- Existing
- New / proposed
- Changed

Q1 - What is the aim of your policy, service, function, project or strategy?

To replace the existing DCO with a PSPO. The DCO was implemented in 2011 and expired in 2017. However, this was automatically replaced by a PSPO. This PSPO is inflexible and doesn't allow for the changes requested by the general public in a 1,000 named petition.

Q2 - Who is this policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

This change is to enable dogs to be exercised on beaches one month later than was permitted in the DCO

Q3 - Thinking about each group below, does, or could the policy, service, function, project or strategy have a negative impact on members of the equality groups below?

Group	Negative	Positive / no impact	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy and maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Note:Other excluded groups examples includes,Homeless, rough sleeper and unpaid carers. Many forms of exclusion are linked to financial disadvantage. How will this change affect people on low incomes, in financial crisis or living in areas of greater deprivation?

If the answer is "negative" or "unclear" consider doing a full EIA

If there are any potential negative impacts on any of the protected characteristics, What have you put in place to mitigate or remove the negative impacts/barriers?

Page 42
There are no potential negatives impacts across any of the protected characteristics.

Q4 - Does, or could the policy, service, function, project or strategy help to promote equality for members of the equality groups? e.g. A new service has been created for people with a disability to help them gain employment this would mean that this helps promote equality for the protected characteristic of disability only.

Group	Yes	No	Unclear
Age	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Disability	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Race	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sex	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender reassignment	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sexual orientation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or belief	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy or maternity	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marriage & civil partnership	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other excluded groups	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

If the answer is "no" or "unclear" consider doing a full EIA

Q5 - Do you have any feedback data from the equality groups that influences, affects or shapes this policy, service, function, project or strategy?

Please add in the text boxes below what feedback / meetings you have attended for each specific protected characteristic

Group	Positive or negative feedback
Age	There was no specific data collected for this group
Disability	There was no specific data collected for this group
Race	There was no specific data collected for this group
Sex	There was no specific data collected for this group

Gender reassignment	There was no specific data collected for this group
Sexual orientation	There was no specific data collected for this group
Religion or belief	There was no specific data collected for this group
Pregnancy and maternity	There was no specific data collected for this group
Marriage & civil partnership	There was no specific data collected for this group
Other excluded groups	There was no specific data collected for this group

Q6 - Using the assessments in questions 3, 4 and 5 should a full assessment be carried out on this policy, service, function or strategy?

yes No

PCC staff-If you have to complete a full EIA please contact the Equalities and diversity team if you require help Tel: 023 9283 4789 or email:equalities@portsmouthcc.gov.uk

CCG staff-If you have to complete a full EIA please email: sehccg.equalityanddiveristy@nhs.net if you require help

Q7 - How have you come to this decision? Summarise your findings and conclusion below

The PSPO is to replace the DCO, which is a statutory document that enables dog controls to be implemented within the city. The original DCO could not lawfully be amended and any change must take place via a PSPO. The changes recommended are to extend the period when dogs may be exercised on designated beaches and this has been seen as a positive way forward for all groups in Q5. The dog controls with regard to dog fouling does not apply to support dogs i.e. hearing or poor visual acuity

The initial proposal for the extended dog exercising period came from a 1,000 name petition. There are positive health impacts of exercising and as dogs need to be exercised regularly this PSPO will assist in promoting personal activity.

Consultation also took place with the following:

Residents

PCC Legal services

Kennel Club

Police and Crime Commissioner.

641 people answered the survey, 77.4% were people that owned dogs, it should also be noted that a 1,000 name petition in support of the changes was submitted to the Council. There were no objections received from the consultees.

There was no specific data collected on any of the protected characteristics but no objections were received by anyone so this would lead us to the conclusion that this will not disproportionately impact on these groups. Any disabled people with assistance or guide dogs are excluded from this order as they are permitted to access anywhere on the beach to enable disabled people to carry out their normal day-to-day activities.

Q8 - Who was involved in the EIA?

David Evans

This EIA has been approved by: David Evans

Contact number: 0702

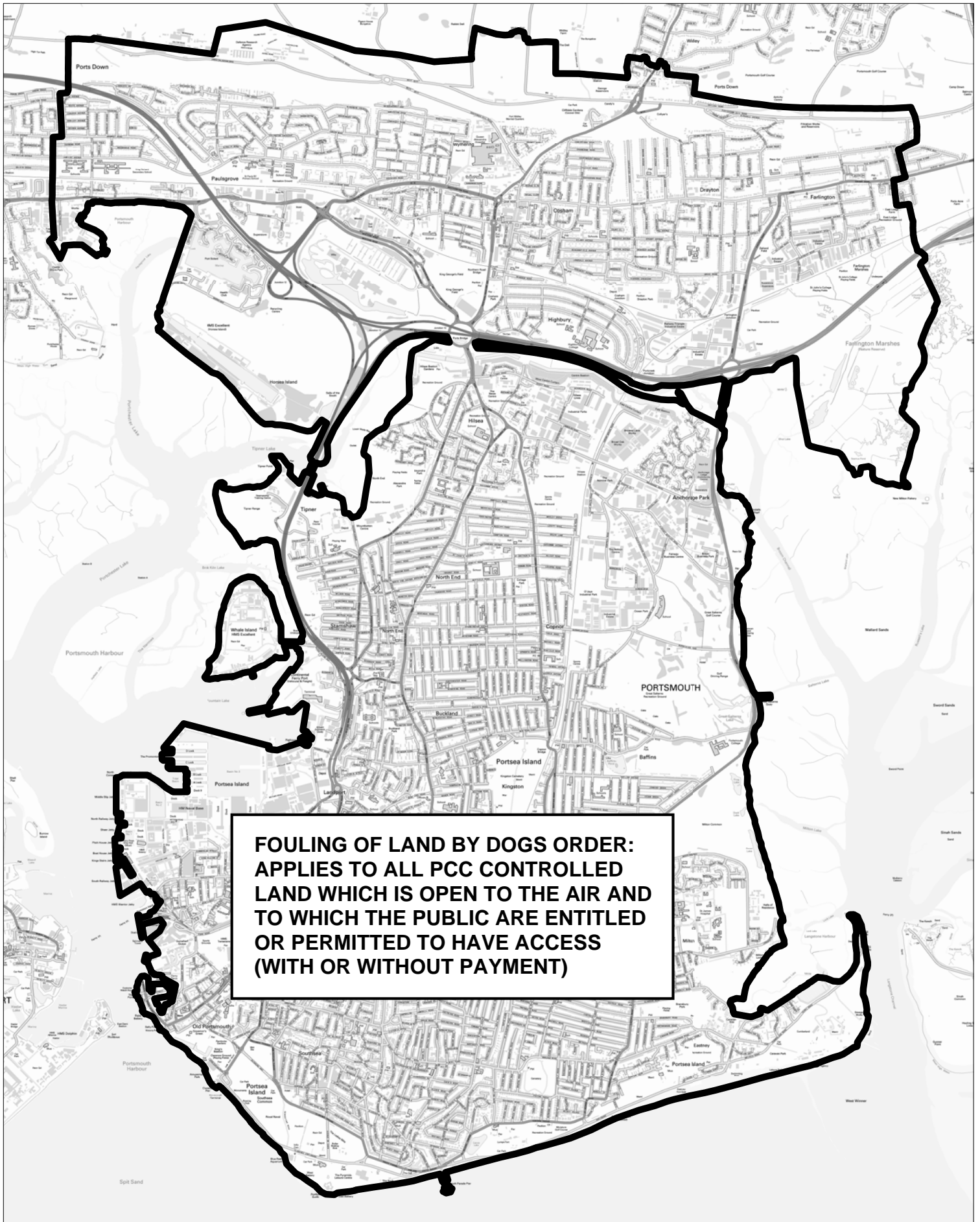
Date: 03 October 2018

PCC staff-Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789, Email: equalities@portsmouthcc.gov.uk

CCG staff-Please email a copy of your completed EIA to the Equality lead who will contact you with any comments or queries about your preliminary . Email: sehccg.equalityanddiversity@nhs.net

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**FOULING OF LAND BY DOGS ORDER:
 APPLIES TO ALL PCC CONTROLLED
 LAND WHICH IS OPEN TO THE AIR AND
 TO WHICH THE PUBLIC ARE ENTITLED
 OR PERMITTED TO HAVE ACCESS
 (WITH OR WITHOUT PAYMENT)**

2018 - PSPO fouling of land by dogs



Culture and City Development Portsmouth City Council, Civic Offices, Portsmouth. PO1 2AL.
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Scale : **Do not scale**

Created : 10 July 2018

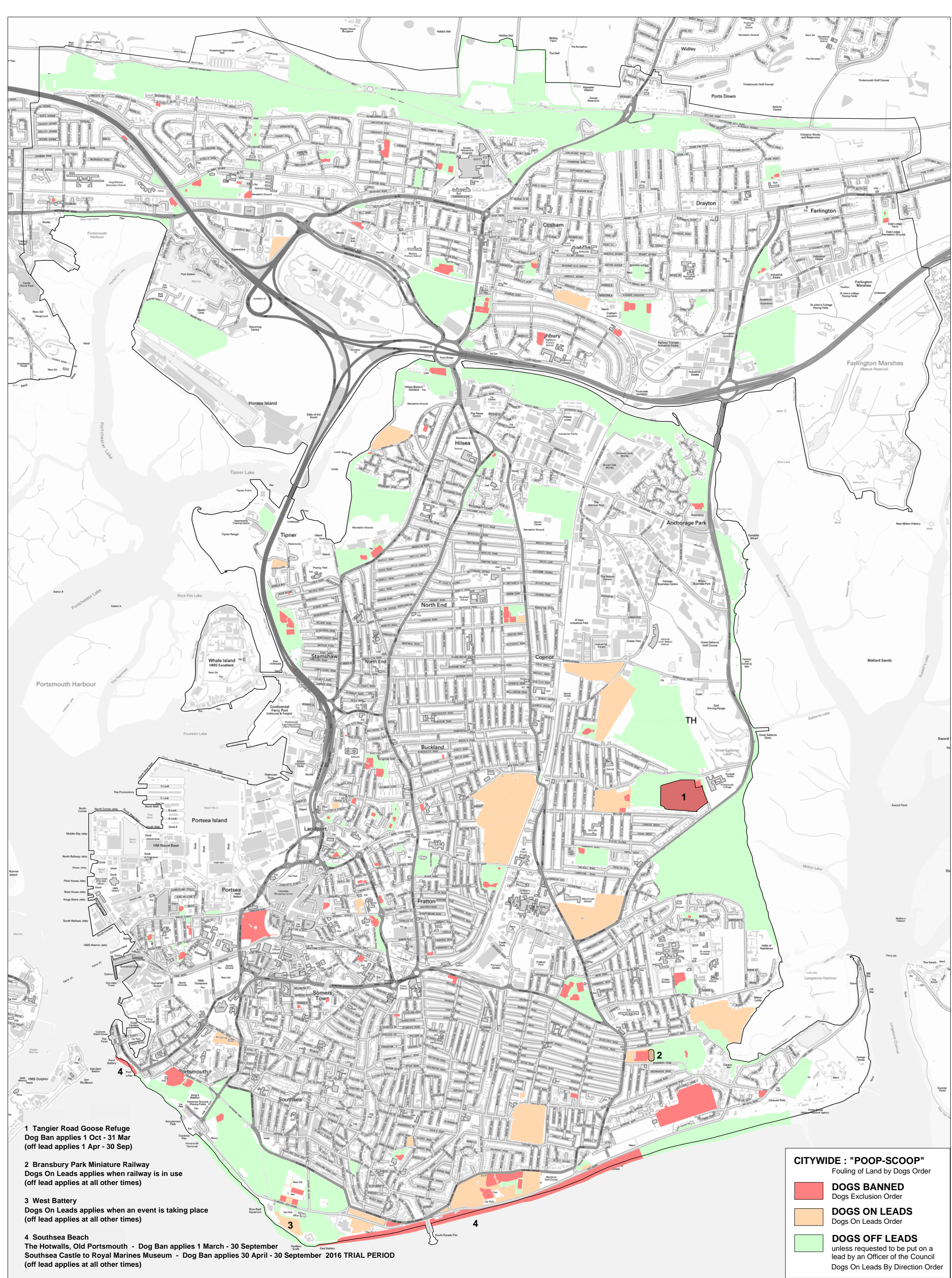
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Dwg. No. : **PSPO Drawing No 1**

Revised :

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- 1 Tangier Road Goose Refuge
Dog Ban applies 1 Oct - 31 Mar
(off lead applies 1 Apr - 30 Sep)
- 2 Bransbury Park Miniature Railway
Dogs On Leads applies when railway is in use
(off lead applies at all other times)
- 3 West Battery
Dogs On Leads applies when an event is taking place
(off lead applies at all other times)
- 4 Southsea Beach
The Hotwalls, Old Portsmouth - Dog Ban applies 1 March - 30 September
Southsea Castle to Royal Marines Museum - Dog Ban applies 30 April - 30 September 2016 TRIAL PERIOD
(off lead applies at all other times)

CITYWIDE : "POOP-SCOOP"
Fouling of Land by Dogs Order

- DOGS BANNED**
Dogs Exclusion Order
- DOGS ON LEADS**
Dogs On Leads Order
- DOGS OFF LEADS**
unless requested to be put on a lead by an Officer of the Council
Dogs On Leads By Direction Order



Dog exclusion areas and dogs on/off leads
Culture and City Development Portsmouth City Council, Civic Plaza, Southsea, Portsmouth, PO1 2AL 023 9283 4180
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Drawing No.: **PSPO drawing No 2**
Scale: Do not scale
Date: **10 July 2018**
Drawn by:

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Title of meeting:	Cabinet Member for Environment & Community Safety
Date of meeting:	7 November 2018
Subject:	Glass processing contract
Report by:	Director of Housing, Neighbourhoods and Building services
Wards affected:	All
Key decision:	Yes
Full Council decision:	No

1. Purpose of report

- 1.1. To agree to incorporate the glass processing into the waste disposal contract - joint contract with Hampshire County Council (HCC) and Southampton City Council(SCC)

2. Recommendations

2.1. That the Cabinet Member for Environment & Community Safety:

- Approves that PCC agrees with partners to incorporate glass processing into the waste disposal service contract with Veolia Environmental Services.

3. Background

- 3.1. PCC is in a joint waste disposal service contract with HCC and SCC for waste disposal. There is a Project Integra (PI) contract (currently held by Veolia) for the processing of glass collected from bring banks, kerbside and Household Waste and Recycling Centres (HWRCs). In practice the key function is to manage and market the glass. The contract was let by Portsmouth City Council in 2010/11, but subsequently novated to Hampshire County Council (HCC), who manage the contract on behalf of Project Integra (PI) partners for a nominal fee. A partnering agreement between all councils underpins the current relationship between HCC as contract manager and the partners as users of the service.
- 3.2. The original contract term was 5 years, which ended in 2016. By agreement at PISB in February 2015, this was extended by a further 2 years.
- 3.3. This contract came to an end in July 2018. The contract is income generating for PI partners, as a result of the sale of the glass collected on the open market.
- 3.4. At the Project Integra Strategic Board (PISB) meeting in June 2017, members agreed that the service would be procured by one lead authority with support from the PI executive and a PI working group. Authorities were then asked to express an interest in being the lead authority for both the procurement and the ongoing management of the glass processing contract. HCC was the only authority to do so, and it was agreed that they would be the lead authority.
- 3.5. Income from glass sales - See Appendix A (exempt)

3.6. The cabinet member for environment and community safety approved PCC taking part in a joint procurement exercise (led by HCC) for glass processing in November 2017.

4. Procurement

- 4.1. The PI executive officer led a procurement exercise supported by HCC's legal and procurement teams utilising the OJEU open procurement procedure. Two tenders were received, one of which was declared non-compliant as the bidder failed to submit the pricing schedule in the format that was requested. The bidder was given the opportunity to submit in a compliant format, but this offer was declined.
- 4.2. The remaining tender has been evaluated by the panel and is deemed to be compliant and meets the quality requirements that were set out in the tender documents. The procurement is now complete and the contract is ready to be formally awarded.
- 4.3. HCC has reviewed the outline financial position that would result if the contract were awarded; and established that compared with the current level of income derived it would result in a significant reduction for all PI partners. As an indication, based on the 2017/18 data and prices for glass, the total income earned by the partners would have been 57% less.
- 4.4. As a result of the potential significant reduction in income, HCC requested Veolia submit a proposal for bringing glass into the Waste Disposal Service Contract (WDSC). This option was considered at the PISB meeting in June 2017, but discounted as it was felt that there was a procurement risk having alerted the market via a Prior Information Notice (PIN) on the glass contract.
- 4.5. The procurement only attracted 2 tenderers, despite a third contractor indicating their interest in such a contract through their response to the PIN that was issued; illustrating that there is limited market interest in the contract. This indicates that there is a very limited procurement risk with bringing glass into the WDSC, particularly as it is a material that was originally envisaged as being part of that contract as a separated dry recyclable.
- 4.6. In addition, the significant reduction in income that would occur if the tendered option was taken show that the option under the WDSC outperforms what the market will offer at this time.

5. Waste Disposal Contract Proposal

- 5.1. The proposal submitted to include glass into the WDSC is very similar to the existing contract with Veolia proposing to market the glass on the most economically advantageous basis with the authority retaining a share of the ex-works price.
The income will be shared on a banding basis as set out below to incentivise Veolia to seek the maximum value for the material. (See appendix B - exempt)

6. Project Integra Strategic Board decision

- 6.1. At the PISB meeting on 28 June 2018, PI board members agreed to formally abandon the procurement exercise and that the tenderer be notified of the decision not to award.
(Appendix C)

6.2. It was also agreed that HCC would undertake a variation to the WSDC to make a glass contract material on the terms set out in section 5 of this report.

7. Reasons for recommendations

7.1. The inclusion of glass as a contract material as part of the WSDC would provide a framework for management of this material in line with other materials collected as part of this contract. This arrangement would remain in place until the end of the WSDC in 2030.

7.2. This arrangement is more financially beneficial to PCC.

- a. Along with PI partners helps PCC deliver maximum levels of income to partners
- b. Allows PCC to participate with PI partners, maximising the economies of scale
- c. Contract ensures glass handled in a manner that preserves its quality and value to ensure maximum use as re-melt feedstock
- d. Ensure service is reliable and reduces operational difficulties at glass delivery points

7 Equality impact assessment

7.1 There is no requirement for an EIA as this is not a change that affects the network of bring banks that residents use, but rather the processing of the glass once collected.

8. Legal implications

8.1. The proposed course of action is a decision that can be supported on the facts, evidence (procurement process) and one that is within scope as being a competent decision. The possibility of a challenge has been mitigated by reason of the established cost to the cohort of LA's and by reason of the withdrawal of the tender being a proportionate response to that information.

9. Director of Finance's comments

9.1. The cost of glass processing and the income derived from it are currently included within a separate contract held with Veolia. This is funded from the Environment and Community Safety Cash Limited budget, as will the cost of the new agreement.

9.2. The financial impact of this new agreement will mean that the amount that the Contractor retains from the sale of glass would increase, and this would equate to a loss of income of less than £1,000 per annum. This will be met within existing cash limits.

.....
Signed by:

Director of Property & Housing

Appendices:

- Appendix A - Income - from glass sales
- Appendix B - VES proposal for income
- Appendix C - PISB Decision

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Environmental Protection Act 1990	http://www.legislation.gov.uk/ukpga/1990/43/contents

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

.....
Signed by:
Cabinet Member for Environment & Community Safety

Project Integra – Notice of Strategic Board Decisions

Name of meeting	Project Integra Strategic Board
Date of meeting	Thursday 28 th June 2018
Venue	Fareham Borough Council

6 Agenda Item 15 – Glass Processing Contract – Marked 080

RESOLVED

That members agreed the following recommendations:

- That the procurement exercise recently undertaken is formally abandoned and the tenderers notified of the decision not to award.
- That the County Council undertakes a variation of the WDC to make glass a contract material on the terms set out in section 5 of the report.

Officer contact details

Name	Vicky Beechey
Position	Head of Project Integra
E-mail	Vicky.beechey@hants.gov.uk
Telephone	01962 845539

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Title of meeting:	Cabinet Member for Environment & Community Safety
Date of meeting:	07 November 2018
Subject:	Ratification and update of waste management policy and rollout of wheeled bins for refuse to retain the weekly refuse collection
Report by:	Director of Housing, Neighbourhood and Building Services
Wards affected:	All
Key decision:	Yes
Full Council decision:	No

1. Purpose of report

- 1.1. To update the cabinet member on the outcomes of the previously approved weekly wheeled bins and weekly bin bag trials to include feedback from all trials
- 1.2. To ratify the strategy for retaining weekly refuse collection whilst increasing recycling rates
- 1.3. To update members on the progress of the changes being implemented to retain weekly refuse collections

2. Recommendations

- 2.1. That the Cabinet Member for Environment & Community Safety:
 - 1) Notes the outcomes of the weekly wheeled bins and weekly bin bag trials and approves the strategy for retaining weekly refuse collections whilst increasing recycling rates
 - 2) Notes the progress of the rollout and approves changes to the waste management policy

3. Background

- 3.1. Under the terms of the Environmental Protection Act, 1990, Portsmouth City Council (the 'Council') is classed as a Waste Collection and Disposal Authority, and as such, under section 45 (1), has a statutory duty to collect household waste from all domestic properties in the city. Under Section 46(4) of the Act, the Council has specific powers to stipulate:

- The size and type of the collection receptacle(s);
 - Where the receptacle(s) must be placed for the purpose of collecting and emptying;
 - The materials or items which may or may not be placed within the receptacle(s).
- 3.2. PCC operate a weekly refuse sack collection (which is not limited) and a fortnightly wheeled bin or container recycling collection. PCC also provide a network of recycling 'bring banks' for glass and textiles.
- 3.3. In addition to this, residents can take household waste to the Household Waste and Recycling Centre at Port Solent.
- 3.4. PCC has a waste collection contract with Biffa Municipal (which runs until Sep 2021). PCC are in a tri-partite partnership with Hampshire County Council and Southampton City Council for waste disposal (ends Dec 2030). The overall costs for waste management to PCC are in the region of £9million per annum.
- 3.5. PCC have one of the lowest recycling rates in the Country and are currently 340/350 local authorities with a recycling rate of just 24.7% (2015/16). (Appendix 1)
- 3.6. PCC also have the highest kg waste per household in the County at 654.83kg per household per annum. (2016/17) (Appendix 1)
- 3.7. An additional 15,000 homes are proposed for Portsmouth over the next 15 years

4. The waste reduction trials

- 4.1. The purpose of the waste trials was to see if we could achieve a reduction in waste tonnages in order to be able to retain weekly waste collections. It was hoped that we would also be able to get an improvement in recycling rates if we moved to a 140l wheeled bin or 3 standard bin bag system for general household waste. The change to how waste should be presented was designed to encourage behaviour change. A reduction to waste disposal charges would mean that PCC could retain the weekly collection frequency.
- 4.2. The waste management team completed 8 waste trials across the city. 6 of these have been wheeled bin trials. We also carried out 1 reusable sack trial and 1 restricted sack trial. 11693 households took part in the trials.
- 4.3. **Impact** The wheeled bins trials were carried out across the city in Cosham, Paulsgrove, Hilsea, North End, Southsea and Milton. Households in these areas were issued with a 140litre wheeled bin and the weekly collection frequency was retained. Residents had to contain



all of their waste within the bin - side waste and open lids were not permitted. NB. All surrounding local authorities operate a fortnightly refuse collection with households issued with a standard 240litre wheeled bin. They also operate a similar 'no side waste' policy.

- 4.4. Waste in these trial areas has reduced significantly with reductions ranging from 11% to 21% (see appendix 2)
- 4.5. The trend for recycling has mainly increased in these areas. Increases ranging from 2% to 7%. One area has seen no change in recycling tonnages (see appendix 2)
- 4.6. Before and during the trials, the Highways PFI team monitored the street cleansing. They have reported back that in the wheelie bin trials there has been a small improvement in street cleanliness. In the wheeled bin trial areas it was noticeable that the amount of litter caused by split bags decreased. The increased experience of the collection crews as the trials progressed was a likely contributing factor.
- 4.7. Compliance with the scheme was initially high and improved quickly to less than 1% non-compliance
- 4.8. The reusable sack trial was carried out in Fratton for a 10 week period and households were issued with a reusable sack for their rubbish - This had a capacity of 140litres and residents had to contain their waste within the sack
- 4.9. A separate but parallel trial limiting the number of refuse sacks a household could place out was also carried out in Fratton - again for a 10 week period. Residents were issued with 3 PCC bin bags per week - this equated to 140litres of capacity. Excess waste was not collected.
- 4.10. In these trials we also saw a significant reduction in rubbish collected and an improvement in recycling rates. (appendix 2)
- 4.11. Before and during the trials, the Highways PFI team monitored the street cleansing in both the reusable sack and 3 bin bag trial areas. In both trial areas there was a reduction in the waste left on the street post-collection. However this improvement was negated by fly-tipped bags which were attacked by foxes and seagulls etc. and reusable sacks being left out almost permanently in some areas attracting other people's bags and subject to the attentions of vermin. Increased fly tipping/domestic dumping was an issue although this was dealt with via an education and enforcement approach.
- 4.12. Compliance in these trials was less than in the wheeled bin trials with 4% (68 out of 1700) of residents continuing to put out excess waste despite notices reminding them of the correct procedure and limitations.
- 4.13. Following the completion of the 10 week trials in Fratton, all side waste was collected although it is worth noting that waste levels did not go back up to the pre-trial levels (see appendix 2). Waste levels are trending up in this area though as the team have not carried out any enforcement post

trial, reinforcing the need for a fundamental change to the waste collection service.

- 4.14. When reusable sacks were used correctly, these did improve the street scene and street cleanliness but there were issues with sacks being left out after collection, and they were blown about in high winds.
- 4.15. In all of the trial areas, residents could apply for additional capacity. Residents were visited by a waste management officer who carried out an assessment. This was done on a case by case basis and took into account how much waste was being produced by the household. More capacity was given to larger families, those with a medical need, families with young children in nappies, etc.(appendix 5)
- 4.16. An additional 419 recycling containers were also issued in the trial areas. Since the rollout has started containers requests have gone from an average of 9 per day to 30 per day. This will include recycling containers and approved larger containers.
- 4.17. An additional 58 households joined the green waste club in the trial areas during the trial period.
- 4.18. Residents were surveyed about the trials. (appendix 6)
- 4.19. The trials demonstrated that residents can reduce the amount of waste that they put out for collection if there are appropriate boundaries and controls in place. Whilst residents appear to have been restricted in terms of capacity, larger bins are available to residents who produce more waste and can demonstrate that they are fully recycling. Allowances are made where people are unable to use the on street bring banks due to age or disability.
- 4.20. The increase in tonnage for recycling also demonstrates that by placing limits on rubbish capacity residents are encouraged to participate more fully in the recycling scheme.
- 4.21. During the trials the waste management team found that many residents did not understand what they could recycle in their wheelie bin and that face to face interactions helped to improve understanding of what could be recycled and why.

5. Changes required to retain weekly waste collections

- 5.1. The council operate a weekly rubbish sack collection and a fortnightly recycling collection. This is supported by a network of bring banks across the City, and the provision of a Household Waste and Recycling Centre. This is stated on the council website.
- 5.2. In light of the learning from these trials, it is proposed that the council make changes to the waste management policy. The changes would aim to ensure that refuse and recycling services operate effectively and efficiently to maximise recycling and reduce the amount of waste sent for disposal. (appendix 4)



- 5.3. The changes to the policy are designed to support the existing fortnightly recycling collection and to retain weekly refuse collection frequency, and set out a clearly defined process to ensure that residents, members, and officers are clear about their responsibilities.
- 5.4. Under the terms of the Environmental Protection Act, 1990, Portsmouth City Council is classed as a Waste Collection and Disposal Authority, and as such, under section 45 (1), has a statutory duty to collect household waste from all domestic properties in the county. Under Section 46(4) of the Act, the Council has specific powers to stipulate:
- The size and type of the collection receptacle(s);
 - Where the receptacle(s) must be placed for the purpose of collecting and emptying;
 - The materials or items which may or may not be placed within the receptacle(s).
- 5.5. Wheeled bins - The waste management team surveyed the city and determined that approximately 55,000 homes have the capacity to house a wheeled bin for rubbish. These properties mainly have forecourts, or front gardens where a bin could be stored. There are a further 11,000 homes where it was determined that storage could be a barrier to having a wheeled bin. In addition, there are approximately 25,000 homes within blocks of flats and whose rubbish and recycling is placed within communal bins.
- 5.6. Where suitable, households will be issued with a 140 litre wheeled bin for their rubbish.
- 5.7. In areas not suitable for wheeled bins, households can place out up to a maximum of 3 standard bin bags per week - this equates approximately to 140 litres (which is the same size as the wheeled bin). Where residents are unable to transport a full standard bin bag to the designated collection point, officers will agree the number and size of bags to be used with the resident.
- 5.8. Where households share a communal collection, it is recommended that bin capacity is reviewed and a further report submitted regarding communal collections. This may exclude some Houses in Multiple Occupation (landlords of such properties will be advised which scheme they are in).
- 5.9. The existing waste collection fleet is due for replacement in 2021 and at that time vehicles will be procured that can more easily combine wheeled bins and bag collections on the same round.
- 5.10. Households who regularly exceed the standard capacity of a 140l per week for refuse can apply for additional capacity (larger bin or additional bag allowance), but to secure this, they need to demonstrate that they are

recycling fully within the recycling scheme offered by Portsmouth City Council. Exceptions will be made where residents who are elderly or disabled are unable to access the on street bring banks.

- 5.11. Households may also purchase a limited amount of additional capacity for occasional additional waste.
- 5.13. Households who need additional recycling capacity can contact the council for a larger or additional container.
- 5.14. The policy will be subject to legislative changes and government policy and will be reviewed as required.
- 5.15. The policy covers:
 - Presentation, recycling scheme and frequency of collections
 - Side waste
 - Additional rubbish/recycling bins for households
 - Assisted collections
 - Enforcement Procedures
 - Bin repair/replacement
 - Bring banks for glass and textiles
 - Services to charities and community organisations
 - Garden Waste Club
 - Planning considerations
 - Bulky Waste
 - Household Waste and Recycling Centre

6.0. Update on implementing the changes to the waste management policy

- 6.1. All residents have been notified of which scheme they are in ahead of the implementation. Residents in the 3 x standard bin bag areas may opt in and have a wheeled bin if they are able to store it off the highway. The letter/information pack for wheeled bins explains what they need to do with their refuse and recycling. It also details how to apply for a larger rubbish bin or additional bag capacity or opt in for a wheeled bin.
- 6.2. Only 1 block of flats has had a change to collection days
- 6.3. The website has been updated to help residents understand their responsibilities and how to contact PCC for support or advice. This includes 'frequently asked questions'.
 - Wheeled bins and 3 x standard bin bag limit roll out to households on schedule to be completed by 1 December 2018
 - An education approach regarding excess waste will precede any potential enforcement action (i.e. fines)

- Review of capacity in blocks of flats begins 01 February 2019 with a report to follow

7. Costs of implementation and future cost reductions

- 7.1. The cost of rolling out wheeled bins was the subject of an approved capital bid. Funds were allocated for 55,000 wheeled bins, additional lifters for the open back fleet and an additional vehicle and crew to accommodate changes to rounds. There was also funding for additional project resource and communications to support the roll out. The project is on schedule to be delivered on budget.
- 7.2. If all areas with wheeled bins deliver similar reductions in waste as has been achieved in the trials, rubbish tonnage could be significantly reduced. A 10% reduction would deliver an ongoing estimated saving on waste disposal of £270,000 per annum.

8. Reasons for recommendations

- 8.1. Portsmouth City Council's recycling rate is one of the lowest in the country at 24.7% (340/350 Local authorities). This comes at significant financial cost, and the proposed change will support and encourage the behavioural changes required to reduce the amount of waste produced and improve recycling rates. The government have recently supported the adoption of higher recycling targets (50% by 2020, 55% by 2025, 60% by 2030 and 65% by 2035) as part of the EU's Circular Economy Package that was adopted by the European Parliament on 18th April 2018.
- 8.2. The majority of other local authorities have adopted wheeled bins or bag number restrictions along with changes to frequency of collection in order to encourage waste reduction and improve recycling participation. This change retains the weekly collection but still provides an opportunity to secure reductions in waste.
- 8.3. The budgets for collection and disposal are significant and with market fluctuations for materials along with financial pressures on all services, this change will deliver significant reductions in cost (up to £270,000 per annum), improvements in recycling and ensure that Portsmouth has a more sustainable service going forward.
- 8.4. The waste collection contractor Biffa has supported the Council to make these changes to the waste collection system and a contract variation has been secured. Biffa have supported the trials and are continuing to support the transition to the changes.
- 8.5. The Government is due to publish its waste and resources strategy later this year. The changes to refuse collections are likely to be required in order to move towards meeting recycling targets and to deliver a more

sustainable service. The policy will be reviewed following the publication of the strategy.

- 8.6. The council continues to work with its disposal partners HCC, and SCC on projects to reduce waste and look for opportunities to increase the range of items that residents can recycle.
- 8.7. The council has previously used media campaigns as the main method of engagement with residents to encourage good quality recycling. This will still be an important factor in ensuring behaviour change but with the addition of a redefined collection service, and an education led face to face approach with residents.

9. Equality impact assessment

- 9.1. There are some impacts identified in the EIA (appendix 5) but there are processes in place to ensure that these are mitigated.

10. Legal implications

10.1. As stated in 3.1. 'Under the terms of the Environmental Protection Act, 1990, Portsmouth City Council (the 'Council') is classed as a Waste Collection and Disposal Authority, and as such, under section 45 (1), has a statutory duty to collect household waste from all domestic properties in the city. Under Section 46(4) of the Act, the Council has specific powers to stipulate:

- The size and type of the collection receptacle(s);
- Where the receptacle(s) must be placed for the purpose of collecting and emptying;
- The materials or items which may or may not be placed within the receptacle(s).'

10.2. In addition the policy does outline the basis upon which enforcement of the PCC imposed obligations can be dealt with. The obligations set out above are reasonable and unlikely to be challengeable or reviewable in a legal sense.

10.3. The policy outlines what steps can be taken to assist those who have a protected characteristic (principally disability, age or medical need) to comply by way of seeking to register with PCC for assisted collection.

11. Director of Finance's comments

11.1 The Council approved capital expenditure of £1.12m for the rollout of wheeled bins across the City as part of the budget report in February 2018. This was to meet the cost of the provision of new wheeled bins and for lifters to the Waste Contractors vehicles. The recommendations of this report will be financed from this approved capital budget.

11.2 An estimate of the ongoing revenue impact of this initiative has been made using the results of the pilot scheme. There will be an ongoing cost of employing a new Waste Collection crew and this will be funded by savings made in the waste disposal contract. The current estimate based on the pilot show that the Council could achieve savings based on the increase in recycled waste and therefore a reduction in the cost of disposing of waste less the additional cost of Collection.

11.3 An estimate of the financial impact on the revenue budget suggests that a saving of around £193,000 per annum could be made once the scheme was fully rolled out. Initially the cost of employing an additional crew and vehicle paid for under the existing Waste Collection contract with Biffa would be in the region of £122,000 per annum.

11.4 As a result of this initiative it has been estimated that the Council will see an overall 16% reduction in the amount of waste tonnage that it sends to the Energy Recycling Facility (ERF). This would result in a saving of £141,000 per annum.

11.5 Additionally the Council, through the waste disposal contract, are able to sell this additional capacity which would generate £174,000 in income. The net overall revenue impact could therefore be a saving of £193,000 per annum.

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Signed by:
Director of Property & Housing

Appendices:

- Appendix 1 - Recycling rates and KGs per household per annum comparison
- Appendix 2 - Refuse and recycling tonnage table (wheeled bin and sack trials)
- Appendix 3 - Breakdown of capacity assessments
- Appendix 4 - Waste Management Policy
- Appendix 5 - Equality Impact Assessment
- Appendix 6 - Trial survey feedback

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Environmental Protection Act 1990	http://www.legislation.gov.uk/ukpga/1990/43/contents

The recommendation(s) set out above were approved/ approved as amended/ deferred/

rejected by on

.....
Signed by:
Cabinet Member for Environment & Community Safety

Appendix 1

Authority	Residual Household Waste per Household (Kg)	Percentage HH waste sent for Reuse, Recycling or Composting
Portsmouth City Council	654.83	24.7%
Southampton City Council	648.39	28.2%
Basingstoke and Deane Borough Council	593.19	26.3%
Rushmoor Borough Council	590.92	26.6%
Test Valley Borough Council	536.43	33.0%
Gosport Borough Council	513.42	22.0%
Hart District Council	511.54	38.3%
Havant Borough Council	511.18	29.5%
New Forest District Council	498.28	31.0%
Fareham Borough Council	491.73	33.2%
Winchester City Council	491.62	34.2%
East Hampshire District Council	476.48	33.8%
Eastleigh Borough Council	459.51	40.7%

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Appendix 2

Wheelie bin trials

Area	Refuse	Recycling
Highbury	-12%	+2%
Paulsgrove	-18%	+2%
Hilsea	-21%	+5%
North End	-19%	+1%
Southsea	-16%	No change

Reusable sack/3 bag restriction trials (10 week trial)

Area	Refuse - during trial	Refuse - post trial
Fratton	-17%	-10%
	Recycling - during trial	Recycling - post trial
Fratton	+23%	+5%

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Appendix 3 - Capacity assessments

	Total assessments	addresses assessed	180	240	Declined
Paulsgrove	171	67	17	6	44
Hilsea	166	94	20	8	68
North End	134	82	26	4	50
Southsea	92	62	11	4	47
Fratton	55	52	16 Bags		36
Total	563	305	74	22	209

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Portsmouth City Council Waste Collection Policy

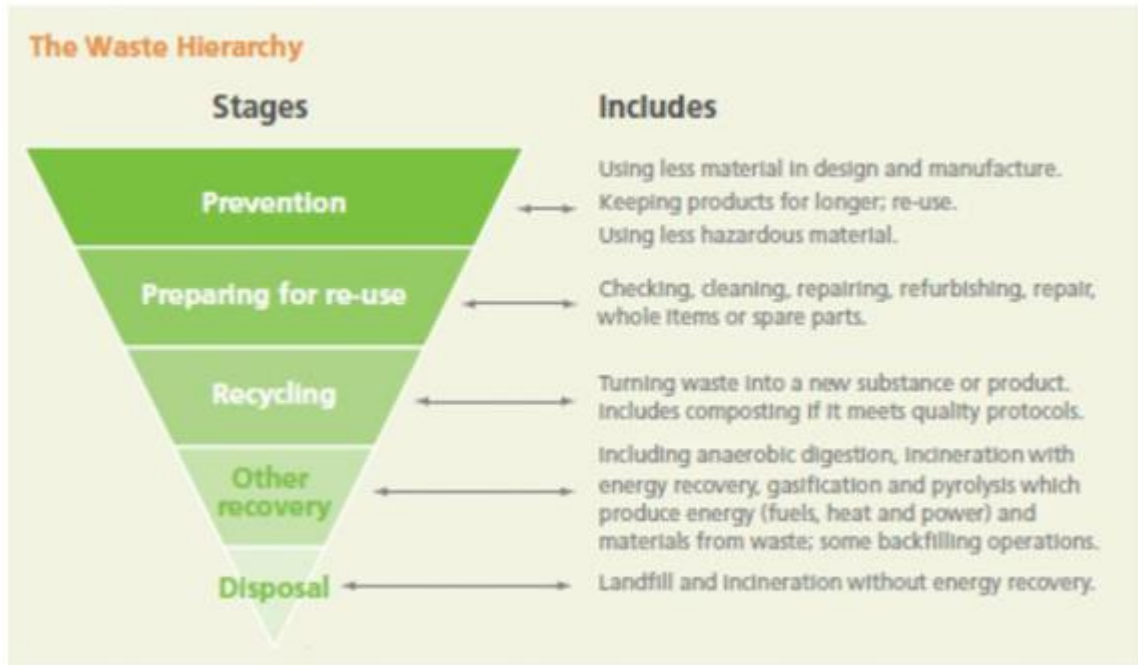
June 2018

Contents

1. Putting out your rubbish and recycling
2. Side waste/additional waste
3. Additional rubbish/recycling bins to households
4. Assisted collections
5. Enforcement Procedures
6. Bin replacement/repair
7. Bring banks for glass and textiles
8. Services to charities and community organisations
9. Garden waste club
10. Planning considerations
11. Bulky Waste

Introduction

Portsmouth City Council's waste collection policy aims to ensure that recycling and rubbish services operate efficiently in order to maximise recycling and reduce the amount of rubbish sent for disposal.



This policy is designed to support the existing fortnightly recycling collection and weekly rubbish collection system, and to layout an agreed policy detailing procedures that are clearly defined to ensure that residents, members, and officers are clear about their responsibilities.

Under the terms of the Environmental Protection Act, 1990, Portsmouth City Council (the 'Council') is classed as a Waste Collection and Disposal Authority, and as such, under section 45 (1), has a statutory duty to collect household waste from all domestic properties in the city. Under Section 46(4) of the Act, the Council has specific powers to stipulate:

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- Where the receptacle(s) must be placed for the purpose of collecting and emptying;
- The materials or items which may or may not be placed within the receptacle(s).

This document outlines how Portsmouth City Council intends to deliver the recycling and rubbish collection services, as well as the actions required by householders to participate fully in the service to recycle and dispose of their rubbish.

This policy covers the following:

1. Putting out your rubbish and recycling	p 5
2. Side waste/additional waste	p 7
3. Additional rubbish/recycling bins to households	p 9
4. Assisted collections	p 10
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1: Putting out your rubbish and recycling

This section sets out how the Council operates the recycling and rubbish collection service across the city and provides information to residents on how, where and when their recycling and rubbish should be presented.

Recycling - All households are required to present their recycling in a 140/180 or 240 litre wheeled bin or 55 litre box. Residents should place **paper, card, tins, cans, aerosols and plastic bottles only** in their recycling container. Items should be loose, clean and dry. No other plastics should be placed in the recycling bin.

Glass and Textiles should be taken to a local bring bank (see section 7 for locations) - unless agreed with the council as part of your capacity or assisted collection assessment.

Small electrical items that can be placed within a standard carrier bag can be placed on top of the lid of the recycling bin or box.

Rubbish - Households are required to present their rubbish in a 140l 'PCC issued' wheeled bin or if they are in a non-wheeled bin area will present their rubbish in up to 3 standard bin bags. Residents should check with the Council which scheme they are in upon moving into a property.

a. Presentation of rubbish and recycling bins/boxes/bags

1.1 Rubbish and recycling bins/boxes/bags must be presented at the front boundary by 7.00am on the day of collection (and not before 7.00pm the day before) and bins/boxes taken back inside the property boundary on the same day.

1.2 Any variation of this policy will be at the discretion of the waste management officer.

The decision of the waste management officer will be deemed to be final and all decisions will be communicated clearly and in a timely way.

b. Frequency of collection

1.3 The Council collects **recycling** fortnightly and **rubbish** weekly. The collection day for each household is the same day of the week for both recycling and rubbish.

1.4 Collection days remain the same all year including when there are bank holidays, except for the Christmas period, where collection dates will be advertised to householders.

Residents can access their collection details on the council's website;

www.Portsmouth.gov.uk and these may also be presented in other formats.

c. Missed collections

1.5 Rubbish and recycling bins/boxes/bags should be presented ready for collection by 7.00am on the designated day of collection, but no earlier than 7pm the evening before.

1.6 Rubbish and recycling receptacles not correctly presented at the time the collection operatives arrive, will be recorded as such.

1.7 Any bins not correctly placed out for collection, but subsequently reported by residents as not having been collected, will not be considered as missed. Responsibility for disposal of the waste will then become that of the householder. Under such circumstances, PCC will not be required to return to empty the bin.

1.8 Should a missed collection be reported by a householder without valid supporting information by our collection service illustrating why this might have occurred our contractor will be required to return within 24 hours of the report.

1.9 Where householders do not present their waste for collection in accordance with Council requirements, the householder will have the following options:

- take the waste to the Household Waste Recycling Centre
- store the waste until the next collection day

If there is an excess of recyclables presented safely and suitably at the next collection day the operatives will collect all materials set out (See 2 b).

d. Servicing of flats/mixed use buildings

1.10 For the servicing of flats/mixed use buildings, the Council will usually supply, at the cost of the owner/managing agent, an appropriate number of PCC wheeled bins of various sizes, for both recyclables and rubbish.

1.12 Where residents of flats/mixed use buildings do not segregate their waste in an effective manner the Council will work with residents to encourage recycling. Where appropriate the Council may take appropriate actions to improve recycling performance.

1.13 The Council will assess the servicing of flats/mixed use buildings on an individual basis. Home visits or telephone contacts may be carried out where necessary.

e. Properties with access/storage issues

1.14 The Council will assess properties identified with access or storage issues on an individual basis. Alternative recycling/rubbish provision will be considered following an independent assessment made by the Council. Home visits or telephone contacts may be carried out where necessary.

2: Side Waste/Additional sacks

This section states that the Council will not collect any extra rubbish (side waste). This is defined as rubbish placed next to or on top of a household rubbish bin for collection, wheeled bins which are over loaded or unauthorised, additional sacks in excess of the standard 3 permitted bags.

a. No side waste (rubbish)

2.1 In areas where **wheeled bins** are provided, the presentation of 'side' waste does not support the aim of waste reduction or encourage residents to maximise recycling. Any side waste will not be collected. Lids should also be closed.

2.2 **Up to 3 standard bin bags scheme** - The presentation of 'side waste' does not support the aim of waste reduction or encourage residents to maximise recycling. Any excess household bin bags will not be collected.

2.3 Residents unable to contain their rubbish within the guidelines provided will be encouraged and supported to recycle as much as possible. If they still have excess waste they may take this to the Household Waste Recycling Centre (HWRC). If a resident regularly exceeds the allowed capacity they can apply for an additional bag allowance or larger wheeled bin Exceptions to this may be agreed as part of a capacity or assisted collection assessment. (see section 3)

2.4 The Council will provide advice to householders on reducing/recycling their waste upon request, or if issues have been reported via the crews.

2.5 Should the householder continue to present residual side waste, the Council will take appropriate action as defined in section 5 of this policy.

2.6 Exceptions to this policy may be permitted during adverse weather (snow and ice) and the Christmas period. This will be advised via the council website (www.portsmouth.gov.uk)

b. Presentation of additional recycling

2.7 The Council encourages households to maximise the presentation of materials for recycling.

2.8 Residents who have additional recyclable waste that exceeds the capacity of their recycling container/s should present it next to their bin/box. It should be contained - but not in a plastic bag or non-recyclable container.

2.9 Additional recyclable material will be collected at the discretion of the operator's due to the necessity for it to be safely handled by operatives.

2.10 Residents who have extra recyclable material on a regular basis can request an additional recycling wheeled bin/box. (see section 3)

c. Overloaded bins/boxes

2.11 Where a wheeled bin is presented and considered to be overloaded, either by weight or volume of material, it will be rejected at the discretion of the collection crew. The wheeled bin will only be emptied when deemed it is safe to do so by the collection crew.

3: Additional rubbish/recycling bins/allowance to households

This section outlines how households can request additional rubbish and/or recycling wheeled bins/bag allowance to assist with recycling or disposing of their waste.

3.1 **Recycling box/bin** Residents can request an additional recycling container by contacting the waste management team on 023 9284 1105 by emailing recyclingandrubbish@portsmouthcc.gov.uk or by visiting www.portsmouth.gov.uk

3.2 **Rubbish bin** Residents can also request a **larger rubbish bin** or a **larger allowance for bags** by contacting the waste management team on 023 9284 1105 or by emailing recyclingandrubbish@portsmouthcc.gov.uk

A waste management officer will visit the property on collection day to assess the need. To qualify for a bin or greater allowance for bags residents must satisfy the waste management representative that they are fully recycling; correctly using the recycling container and using bring banks for glass and textiles provided around the City. Exceptions to this will be made for disabled or elderly residents who are unable to access the on street bring banks. Additional capacity will also be given where more waste is produced due to a medical need.

The issuing of a larger bin or bag allowance is at the discretion of the waste management representative. Ad hoc checks may be made to ensure a continuing need remains.

Where bins are issued due to a need that is not necessarily permanent (e.g. children in nappies) the waste team will advise the resident of a review date for provision of additional capacity.

The waste management team reserve the right to withdraw a larger bin or bag allowance at any time should a resident be found to be misusing the bin (e.g. placing recyclable materials in the rubbish bin)

Residents may receive up to 2 assessments per annum except in exceptional/medical circumstances. Additional assessments will be at the discretion of the waste management officer.

3.3 **Occasional additional waste** Residents may buy a limited amount of additional capacity for occasional use. Contact the team on 023 9284 1105.

4: Assisted Collections

This section outlines how householders can access the assisted collection service

4.1. Residents who are physically unable to place their wheeled bins/box/bags at the required collection point can apply to be placed on the 'assisted collection' register. Householders with ill health, infirmity or disability and with no other occupants in the household able to assist them can apply to go on the register. Residents can request an assisted collection by contacting the waste management team on 023 9284 1105 by emailing recyclingandrubbish@portsmouthcc.gov.uk or by visiting www.portsmouth.gov.uk

4.2 Requests for an assisted collection must be made by the householder and are considered on their merits. Home visits or telephone contacts may be carried out where necessary.

4.3 Alternative bins/boxes for rubbish and/or recycling can be provided if requested and following independent assessment by the Council. Different sizes and number of bags can also be agreed between the resident and the Council.

4.4 Residents on the 'assisted collection' register will have their wheeled bins/box/bags collected by a collection operative from an agreed location, emptied into the collection vehicle and then returned to that same location.

4.5 If the householder's circumstances change, the resident must inform the Council.

4.6 The Council will periodically review the assisted collection register and may withdraw the service if the householder no longer meets the criteria.

4.7 Assisted collections are subject to the Council being satisfied that service provision is warranted. The decision of the supervising officer will be reconsidered in light of any changes to householder's circumstances.

5: Enforcement procedures

This section outlines the legislative enforcement procedures for the Recycling and Rubbish collection service.

The council will support residents to understand their responsibilities with regard to the presentation of their recycling and rubbish. Where a full education process has not been successful and residents persistently do not comply with the requirements of this policy the council may carry out enforcement actions.

Depending on the infringement, the support and advice may consist of warning and corrective hangers for bins/boxes, visits, leaflets and letters which will advise of the change required.

5.1 All waste must be presented in the appropriate Council provided receptacles, or in up to 3 standard bin bags (provided by householder) during the appropriate collection time window for their property to ensure it can be safely collected from the kerbside. Residents should check with the Council which scheme and collection days they are in upon moving into a property.

5.2 If support and advice does not lead to compliance with this policy, appropriate enforcement will be considered for the following behaviours:

- the wheeled bin, box or other container is overloaded (by weight or volume)
- the wheeled bin or bags contains non-domestic waste items e.g. construction, DIY waste or soil.
- contamination of the recycling bin/box - with materials not collected by PCC (see section 1, pg. 4)
- recyclable materials found within a householders general domestic rubbish
- side/additional waste
- presentation of waste other than the prescribed time window for that address (before 7pm on the evening before collection day)
- bin/box left on highway after collection day in an inappropriate way

Overloaded bins/boxes - Bins/boxes should not be overloaded. Items should fit within the bin/box and the lid should close. The bin or box should not be so heavy that it would be unsafe for the collection crew to move.

Presentation of non-domestic waste items - the council operates a household waste collection service and items such as construction materials, DIY waste, soil and green waste should not be placed in the domestic bin collection. The items should be removed and disposed of correctly Residents can take these items to the Household Waste and Recycling Centre (charges apply see www.portsmouth.gov.uk)

Contamination of recycling containers - where the collection crew consider a bin to be contaminated with non-targeted materials the crew will hanger the bin and the

resident should remove the non-targeted materials and present the bin for collection on the next collection date. .

Recyclables put out as rubbish - any items that are targeted for recycling should not be placed within the rubbish wheelie bin or bags. (For targeted recycling items see section 1, exceptions may be agreed see section 4)

Side/additional waste - side/additional waste will not be collected and residents need to take this back within the boundary of their property. Excess waste can be taken to the Household Waste and Recycling Centre at Port Solent (see section 11 for contact details). Residents who regularly exceed the stated limits can request an assessment for a larger bin or additional allowance (see section 2).

Early presentation of waste rubbish and recycling should not be presented before 7pm on the evening before scheduled collection day.

Bin/boxes left on highway after collection Bins/Boxes should be taken back within the property boundary on collection day following the collection.

Where householders *persistently* breach this policy, enforcement action may be taken using Section 46A of the Environmental Protection Act 1990.

Steps of enforcement:

1. Letter sent identifying the breach of the policy with guidance about what needs to change. This letter will also identify what the consequences of non-compliance could be.
2. If behaviour continues, PCC's Enforcement team will send them the formal Section 46A Environmental Protection Act 1990, Notice of Intent letter. The notice sets out specific instructions of what the resident is required to do with regard to their waste and the penalty they could face if they fail to adhere to the educational instructions they will have been given. The notice will lay out the process for making a representation to the authority.
3. Following a statutory 28 day period, the notice will come into effect if no appeal has been made against it. Should the residents behaviour continue in breach of the instructions on the notice of intent then along with a formal Section 46A 'Final Notice' together with a £60 fixed penalty and any costs incurred will be sent to the named resident.

The Final notice will set out:

- The grounds for the issuing of a fixed penalty
- The amount of the penalty and costs
- How payment may be made
- The period within which payment is required to be made
- The right of appeal
- The consequences of not paying the penalty

6: New bin/bin replacement/repair (rubbish, recycling and garden waste)

This section sets out what receptacles the Council provides to residents and how they can replace missing or stolen bin/box, or have their wheeled bin repaired. This only applies to PCC supplied bins.

6.1 Recycling - fortnightly Each household will receive as standard 1 x 240 litre wheeled bin for recycling of tins, cans and aerosols, plastic bottles, paper, and cardboard free of charge. Where storing or using a standard 240 litre wheeled bin is not practical, other non-standard sizes of wheeled bins and boxes are available on request. These include 140 litre and 180 litre wheeled bins and 55 litre green boxes.

6.2 Rubbish - weekly Wheeled bin areas - Each household will receive 1 x wheeled bin for general 'black bag' rubbish (standard of 140 litre - a larger bin may be issued following an assessment by council officers).

6.5 Residents living in non-wheeled bin areas can present 3 x standard bin bags per week (additional allowance/alternative size and number of bags may be approved following an assessment by council officers), but all bags are to be provided by the householder.

6.6 Any request to provide a new wheeled bin or recycling box e.g. damaged, lost or stolen, or for a newly built property, shall be made in writing, or by contacting the Council through the other routes, such as, phone, App, web form etc.
recyclingandrubbish@portsmouthcc.gov.uk or by visiting www.Portsouth.Gov.uk

6.7 A cost recoverable charge will be made to the owners or managing agents of flats and shared properties of multiple occupation, for the supply of larger communal bin(s). These will range in size from 360 litres up to 1280 litres. Charges also apply for the replacement of any broken or stolen bins.

6.6 Charges will also be made to the developers of any new build properties for any bins required for a new development.

6.7 Damage to wheeled bins caused by collection crews during the collection process (excepting wear and tear issues) will be replaced free of charge.

6.9 Replacement wheeled bins or recycling boxes and communal bins shall be delivered to individual households as soon as practicable after the request has been processed.

6.10 Rubbish and recycling bins/boxes supplied free of charge to householders remain the property of the Council.

6.11 All rubbish and recycling bins/boxes supplied for a charge to owners and managing agents of communal properties remain the property of the purchaser.

6.12 When householders move home they must leave all wheeled bins and recycling boxes at the property ready for the new occupant to use.

6.13 Householders are responsible for the storage, safe keeping and cleaning of rubbish and recycling receptacles provided by the Council, or purchased by owners or managing agents.

6.14 The cost of providing wheeled bins for the garden waste service is the responsibility of the waste collection contractor who provides the 'Green Waste Club' on behalf of the Council. (see section 9)

7: Bring Banks

This section sets out the part that bring banks have to play in increasing recycling and reducing waste.

7.1 The council provides a network of bring banks across the City and at the Household Waste and Recycling Centre so that residents can recycle additional materials that are not collected as part of the kerbside recycling collection. Bring banks are provided for:

- **Glass**
- **Textiles (clothes and bedding - not quilts)**

In addition, Charities and supermarkets also provide bring banks which are not managed by the council.

Most supermarkets also provide facilities for residents to recycle batteries.

To find the nearest bring bank to you visit www.portsmouth.gov.uk

8: Services to charities and community organisations

This section sets out the recycling and rubbish collection service which the Council provides to charities and community organisations within Portsmouth.

8.1 Registered 'not for profit' charities and community organisations can arrange collections from the Council, via PCC's chargeable bulky waste service.

8.2 Churches and other places of religious worship are provided with 1 x 240 litre recycling bin free of charge (which receives a fortnightly collection) and they are also allowed to present up to 3 x black bags of rubbish per week (or a 140l wheeled bin), which are also collected free of charge.

9: Garden Waste Club

This section sets out the options for Green Waste from gardens of residents in the City.

9.1 Garden Waste should not be placed within your rubbish or recycling wheelie bin or in rubbish bags. This will not be removed by the collection crews.

The council's waste collection contractor operates a garden waste club. To join contact the Green Waste Club team on 0800 0858 286 or email gwc.pcc@biffa.co.uk

Alternatively green waste can be taken to the Household Waste and Recycling Centre (HWRC) at Port Solent:

Portway, Port Solent, PO6 4UD

Phone [02392 387015](tel:02392387015)

- Open 7 days a week, except Christmas Day, Boxing Day and New Year's Day when the site is closed
- 9am to 6pm 1 April to 30 September
- 9am to 4pm 1 October to 28 February
- 9am to 5pm 1 March to 31 March

There are no charges for green waste but soil is chargeable. For charges go to our website www.Portsmouth.gov.uk

10: Planning considerations

This section sets out the waste management considerations in relation to planning applications

10.1 Planning applications are reviewed by Waste Management to ensure there is safe access and egress to the waste storage point. Additionally checks are carried out to ensure that the waste storage area is of sufficient size and designed to the best interests for all parties in order to help design out issues that could cause problems after construction. The planning team can supply a multi-point check list when considering how waste storage facilities should be designed and this is reviewed on a regular basis.

10.2 Applications which include waste storage for flats and Houses of Multiple Occupation (HMO's) are given particularly careful consideration. HMO's of 6 or more beds will require communal waste collections, starting with a minimum of a 360 litre rubbish bin. The waste management team will work with developers and architects to design out potential issues. As the collection authority, the council can state how the collections will take place (see introduction). If a building is not built as agreed/instructed, or is not safe to collect for, the Council may suspend all waste collections from the property. This would mean that the owners would need to make arrangement for the collection of waste until the matter is resolved.

11: Bulky Waste

This section sets out how residents can get rid of larger bulky items

11.1 Larger household items that need to be disposed of should not be put out for collection as part of the normal rubbish collections.

11.2 Residents should make arrangements for disposing of bulky items. This could include the following:

- If the item is in good condition why not consider selling (eBay/Freecycle) or donating the item to charity. Many items can be reused or 'upcycled'
- Take the item to the HWRC at Port Solent, Port Way, Portsmouth, PO6 4UD - We recycle as much as possible
- Arrange a bulky collection - contact 023 9284 1105 (please note this is a chargeable collection - call for a quote)
- Arrange a private collection - Always check that you are using someone who has a waste carriers licence - you could be liable if your items are fly tipped!
- Arrange for the item to be collected when your new item is delivered (some suppliers offer this service for a small charge)

Equality Impact Assessment

Full assessment form 2018

www.portsmouthccg.nhs.uk

www.portsmouth.gov.uk

Directorate:

Housing, Neighbourhood & building services

Service, function:

Waste collection

Title of policy, service, function, project or strategy (new or old):

Waste Collection policy

Type of policy, service, function, project or strategy:

Existing

New / proposed

Changed

Lead officer

Colette Hill

People involved with completing the EIA:

Vince Venus

Introductory information (Optional)

As a unitary authority, Portsmouth City Council (PCC) is responsible for both the waste collection and the waste disposal services. Waste Management services are provided to every domestic household in the City and this is a statutory function.

Currently, Portsmouth residents are not limited on the amount of refuse they can present for collection. In order to introduce a limited capacity refuse collection, 8 trials were conducted in Highbury, Hilsea, North End, Southsea, and Milton and Fratton (2 trials). There are 11,693 households in these areas of which 9844 were given 140l refuse bins to present their weekly waste for collection - with no side waste, and 734 were given a 140l reusable sack, and 1115 were given a 3 standard bin bag allowance.

Households were consulted with prior to the trials beginning. Waste officers started the communications of each trial by door knocking and delivering a letter to all the households in the trial area. Through this communication, approx. 25% households were engaged with on the door and the remaining households received a letter (trials 1-5). Evening drop-in sessions were also held for the first 5 of the trial areas at local community centres (these were not well attended, 9 at the wheelie bin trials, 20 at the Fratton trial event) and were discontinued for the remaining wheelie bin trials). Second communications comprised of leaflets delivered to the residents detailing what to expect when the bin arrived. Final communications occurred alongside the delivery of the refuse wheelie bins preparing residents for the the start of wheelie bin collections for refuse.

The first trial of wheelie bins was 23rd September 2016 and the last trial began on 8th June 2018. Waste officers worked along side the collection crew to provide feedback to residents who had either: placed out side waste, had an overflowing bin or placed black sacks out for collection instead of bin. This exercise was conducted for four - six consecutive collections (depending on what was needed) in order to ensure residents were aware that any extra waste, not in the bin, would be left. After approx. 5 collections in the Fratton bag waste trial, all side waste was removed and noted and letters/visits made to those addresses producing more waste - this was so that the team could deal with those who were not complying with the system without impacting on the streetscene.

During the trial period, households had the opportunity to contact us if they believed they needed a bigger bin for refuse. Larger capacity bins were available (180l and 240l) and additional sacks and bags issued in those trials. The additional capacity was issued after an assessment by Waste Officers. Households qualified for a larger bin if they could show that they are diverting all their recycling out of the refuse and generate more waste than would fit into a 140l bin. Exceptions were made where residents were unable to access on street recycling facilities due to a disability or infirmity. Out of 814 households contacting us for an assessment, 30% households qualified for a larger bin/additional capacity. Of these applicants, 14 had a medical need.

Step 1 - Make sure you have clear aims and objectives

What is the aim of your policy, service, function, project or strategy?

The aim of the policy change is to provide 140l (standard) refuse bins for weekly kerbside collections where residents can store a bin off the highway. For properties where storage could be an issue, residents will be able to place up to 3 standard bin bags weekly out for collection. No side waste will be collected - although residents with greater waste needs can apply for a larger bin or bag allowance. The aim is to encourage all residents to participate in the recycling scheme provided by PCC. This includes kerbside collection of paper/card, tins/cans, aerosols, and plastic bottles. On street bring

banks are also provided for glass and textiles. Greater participation should reduce the amount of waste collected and increase the amount of recycling collected.

As well as reducing waste and increasing recycling, street cleanliness should also be improved.

Who is the policy, service, function, project or strategy going to benefit or have a detrimental effect on and how?

This policy will impact on all domestic collections including some HMOs, but except for communal collections for blocks of flats. This will affect approx. 66,500 households. Where properties can store a wheelie bin this will be issued, houses where storage is an issue (primarily flat fronted properties) will move to 3 standard bin bag scheme.

Residents who are elderly, infirm or disabled or have a medical need could suffer a detrimental impact from this change.

There should be benefits in terms of street cleanliness.

What outcomes do you want to achieve?

Reduce rubbish and increase recycling through use of wheeled bins and introduction of 3 standard bin bag limit.

Ensure that the introduction meet the needs and reflected needs of all the residents.

That we comply with the equalities act 2010

A fair and reasonable outcome is achieved for all residents affected by the permanent change in service.

What barriers are there to achieving these outcomes?

Residents may object to having a wheeled bin over the current system

Residents understanding what to do with their rubbish and recycling bins

Storage

Residents identifying to us that they need a larger bin

Language - comprehension of the scheme

Step 2 - Collecting your information

What existing information / data do you have? (Local or national data) look at population profiles, JSNA data, surveys and patient and customer public engagement activity locally that will inform your project, national studies and public engagement.

From the trials, we gathered tonnage data of both refuse and recycling in the trial areas to see if the changes had an impact.

We conducted a residents satisfaction survey after each trial.

Background information was gathered from the Council's equality and diversity strategy 2014-17 (and Draft Equality and Diversity Strategy 2019-21 and the Joint Needs assessment (JSNA).

Using your existing data, what does it tell you?

Refuse tonnage reduced by up to 20% and recycling tonnage increased by up to 6% in all of the trial areas. This indicates that the introduction of wheelie bins and 3 standard bin bag allowance has impacted on how residents manage their waste.

16% of City's population are not of White British ethnicity. Over the next 20 years, the population is projected to increase to about 238,000 persons (11% increase). The greatest proportionate increase (49% increase) will be in the population aged 65+ years which will increase from 14% to comprise 19% of the total population. The proportion of the total population aged 0-19 years will slightly decline from 24.3% to 23.6%⁹. This tells us that in the future there may be greater demand for assisted collections.

Wheelie bin - 498 respondents - 76.1% were satisfied or very satisfied with new collection method, 93.1% thought street cleanliness had improved or stayed the same, 82.7% were satisfied or very satisfied that their bins were placed back neatly, 72.3% were able to dispose of their weekly waste. Fratton trials - 364 respondents - 37.1% were satisfied or very satisfied with new collection method - this was largely related to waste left behind uncollected which was changed halfway through the trial. 23% felt that street cleanliness improved or stayed the same. This was where side waste was left in the early stages of the trial. 57% were able to dispose of their weekly waste.

Step 3 - Now you need to consult!

Who have you consulted with?

We have consulted with residents of all of the trial areas in Highbury, Hilsea, North End, Southsea, Fratton and Milton. We did this by door knocking, engagement around assessments and via a survey once each trial was embedded.

If you haven't consulted yet please list who you are going to consult with

n/a

Please give examples of how you have or are going to consult with specific groups or communities e.g. meetings, surveys

Before the trials started, we door knocked properties who would be affected by the trial (first 5 trials) and engaged with approx. 25% of households. We did also hold 4 drop in sessions which were held in local (to the trial) accessible community centres. Once the trials were embedded, we did a leaflet drop to invite residents to take part in a satisfaction survey which was both online and a paper copy. Out of 11693 households, 862 responded (7.37%)

Step 4 - What's the impact?

Is there an impact on some groups in the community? (think about race, gender, disability, age, gender reassignment, religion or belief, sexual orientation, sex, pregnancy and maternity, marriage or civil partnerships and other socially excluded communities or groups)

Generic information that covers all equality strands (Optional)

The general impact on residents will be having to place their wheelie bin for refuse or up to 3 standard bin bags out for collection each week.

The bins may obstruct pavements for wheelchair users, parents with buggies, and people who are visually impaired. The impact would be greater on recycling week when both bins will be placed out.

To mitigate this, crews have been instructed to ensure that they return bins neatly to ensure minimum obstruction of the pavement.

Ethnicity or race

In the wheelie bin trials, of the 498 respondents, 7 indicated that they had an ethnic group of Asian or Asian British, or mixed or multiple ethnic groups, 1 indicated that they were either Black, African, Caribbean or Black British and 1 as any other ethnic group.

In the Fratton trials, 4 respondents identified themselves as Asian and British Asian, no other groups were identified with other than White (British).

Feedback from the Highbury trial from a resident of a mixed or mixed ethnic group was that they 'want to recycle more' but knowing 'what to recycle is complicated'. The subsequent communications were made more pictorial and with ticks and crosses to indicate what can go in the recycling bin.

Gender reassignment

There was no specific data collected on gender reassignment but we would not envisage this would cause a negative impact on this protected characteristic.

Age

The change to wheeled bins for refuse or up to 3 standard bin bags may have an impact on residents who struggle to wheel the bin to the collection point, or who struggle to lift a full standard bin bag. In the wheeled bin trial areas 90.9% residents over 65 who responded (n.121) were satisfied or very satisfied with the change to wheeled bins. In the Fratton trials, this number (n. 34) was 53% of residents over 65 who were satisfied or very satisfied.

It is recognised some older people with a medical conditions may have extra waste to be removed, in these cases there would be an exception and more bags of rubbish would be allowed, also it may not be easy for them to take it to the HWRC. The limited size of wheelie bin may have had an impact on residents with medical needs whereby they need to dispose of medical waste into their refuse . Larger bins can also be provided if required or as mentioned extra bin bags would be allowed.

Disability

The change to wheeled bins for refuse or up to 3 standard bin bags may have an impact on residents who struggle to wheel the bin to the collection point, or who struggle to lift a full standard bin bag due to a disability. In the wheeled bin trial areas 84.21% residents with a disability who responded (n. 38) were satisfied or very satisfied with the change to wheeled bins. In the Fratton trials, this number (n.17)was 23% of residents who responded with a disability were satisfied or very satisfied.

Some people including children with a disability may have extra medical waste so a larger bin can be provided if needed or extra bin bags will be allowed.

There is the possibility that residents with a disability may struggle to manoeuvre the wheelie bin, as with an older person, an assisted collection can be set up. Assisted collections enable the crew to collect refuse/recycling from an agreed point and place back the container after it has been emptied. However, the crew are unable to go inside the property of the resident to collect domestic waste.

Religion or belief

The change to wheeled bins for refuse or up to 3 standard bin bags would not have an impact on residents of certain religions or beliefs. Residents already use wheelie bins for recycling. However, we did not collect this equality data.

Sexual orientation

The change to wheeled bins for refuse or up to 3 standard bin bags would not have an impact on sexual orientation. Residents already use wheelie bins for recycling. However, we did not collect this equality data.

Sex

The change to wheeled bins for refuse or up to 3 standard bin bags would not have an impact on sex. Residents already use wheelie bins for recycling. However, we did not collect this equality data.

Marriage or civil partnerships

The change to wheeled bins for refuse or up to 3 standard bin bags would not have an impact on marriage or civil partnerships. Residents already use wheelie bins for recycling. However, we did not collect this equality data.

Pregnancy & maternity

Families with babies/children in nappies may be impacted due to the size of the bin. Residents who are participating in the recycling scheme who need additional rubbish capacity will be issued either a larger bin or if they are in the 3 standard bin bag scheme, additional allowance. In the wheelie bin trials 53% of households with children under 5 who responded were either satisfied or very satisfied. In the Fratton trials 26% of households with children under 5 who responded were either satisfied or very satisfied. The main reason for dissatisfaction is the bin not being big enough to accommodate their waste.

Within the refuse collection families with babies or young children in nappies can contact the waste officer for them to be allowed a larger bin or bag allowance through this period or disposing of nappies.

Other socially excluded groups or communities

The rollout of wheelie bins and the 3 standard bin bag should not effect socially excluded groups. However, we did not collect this data.

Literacy - those with low literacy skill might not understand the literature that accompanies the scheme - subsequent communications have taken this into account and are more pictorial.

Note:Other socially excluded groups, examples includes, Homeless, rough sleeper and unpaid carers. Many forms of exclusion are linked to financial disadvantage. How will this change affect people on low incomes, in financial crisis or living in areas of greater deprivation?

Health Impact

Have you referred to the Joint Needs Assessment (www.jsna.portsmouth.gov.uk) to identify any associated health and well-being needs?

Yes No

What are the health impacts, positive and / or negative? For example, is there a positive impact on enabling healthier lifestyles or promoting positive mental health? Could it prevent spread of infection or disease? Will it reduce any inequalities in health and well-being experienced by some localities, groups, ages etc? On the other hand, could it restrict opportunities for health and well-being?

The use of wheelie bins has enabled people to secure their waste thus mitigating the issue of street litter and attraction to pests. From the satisfaction survey, 93.1% (wheelie bin) of residents felt that street cleanliness had improved since the trials began and 23% (3 standard bin bag) of residents felt that street cleanliness had improved since the trials began. We have made a change in that we will remove all excess waste in the 3 standard bin bag areas. Also residents in these areas can opt in and have a wheeled bin if they are able to store it off the highway.

Health inequalities are strongly associated with deprivation and income inequalities in the city. Have you referred to Portsmouth's Tackling Poverty Needs Assessment and strategy (available on the JSNA website above), which identifies those groups or geographical areas that are vulnerable to poverty? Does this have a disproportionately negative impact, on any of these groups and if so how? Are there any positive impacts?, if so what are they?

For more help on this element of tackling poverty and needs assessment contact Mark Sage: email:mark.sage@portsmouthcc.gov.uk

n/a

Step 5 - What are the differences?

Are any groups affected in a different way to others as a result of your policy, service, function, project or strategy?

Please summarise any potential impacts this will have on specific protected characteristics

Under the Equalities Act 2010, the Council has a duty to ensure that they eliminate unlawful discrimination and to advance the equality of opportunity for those residents who share a protected characteristic. This may mean that people with disabilities are treated more favourably than those who do not. Residents with disabilities who would struggle to place a bin out for collection would be given an assisted collection. whereby the bin would be collected and placed back by the crew. Whereas, able bodied residents would need to put out and collect the bin themselves from the boundary with the pavement.

Residents who produce more waste than fits in the bin or bag allowance can apply for a larger bin or more allowance. This is applicable to large families, families with young children/pets etc. as long as they are recycling. There are exemptions to the recycling rule where a resident is unable to use the bring banks due to a disability, age or infirmity. Residents who produce non-clinical medical waste can also have a larger bin or bag allowance if needed.

Does your policy, service, function, project or strategy either directly or indirectly discriminate?

Yes No

If you are either directly or indirectly discriminating, how are you going to change this or mitigate the negative impact?

Residents who need more capacity can apply for a larger bin or additional bag allowance. This includes all households and will be given where households have young children in nappies, etc.

Communications are more pictorial and residents can request information in different languages and braille.

Disabled, elderly and infirm residents can apply for an assisted collection service and size of bags/bins can be agreed to suit the residents.

Residents who produce more non-clinical waste due to illness or medical condition can have a larger bin or additional allowance - exemptions to full participation in the recycling scheme may also apply eg, use of bring banks.

It is possible that able bodied residents are being discriminated against, due to assisted collections and exemptions being available to disabled, elderly or infirm residents. However, this is allowed under the Equalities act 2010 as it achieves the same outcome for all residents through enabling waste to be removed from all households.

Step 6 - Make a recommendation based on steps 2 - 5

If you are in a position to make a recommendation to change or introduce the policy, service, project or strategy clearly show how it was decided on and how any engagement shapes your recommendations.

The recommendation is to permanently install 140l wheelie bins for refuse where appropriate across the City thus limiting refuse capacity. This has been led by the refuse tonnages decreasing, on an average of up to 20% per week, and the quantity of recycling increasing up to 6% per week in the trial areas.

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From the satisfaction surveys 73% (n.522) of residents were either satisfied or very satisfied with the

introduction of wheelie bins for refuse. One resident emailed to convey their satisfaction detailing that "I want to thank all of you for implementing the black wheelie bins in our area.

What a great improvement - in environment, with regard to split black bags, smells, vermin and marauding cats (through the night targeting the black bags on peoples' drives, a real nuisance). Also black bags being blown around the streets in high winds, ending up all over the place and being split. Also people putting out rubbish too early, the day before collection, sometimes in the mornings, leaving bags around too long before collection.

For the above reasons if not more, thank you again for the black bins PLEASE DON'T TAKE THEM AWAY, make them a permanent fixture, as they are in numerous other council areas. I really don't want to have that loose rubbish bag problem again.

We have had wheelie bins before where we lived and it is so much more preferable to the black bags dumped on the driveways, often ending up causing a nuisance on the pavement or road."

With regard to the Fratton trials 37% were satisfied or very satisfied with the changes to waste collection. Whilst this is a lower satisfaction figure we have made adjustments to reduce the amount of bags left out and also will offer the choic to opt in to the wheeled bin scheme.

The recommendation is to permanently change to a 140l wheeled bin or 3 standard bin bag weekly collection service

What changes or benefits have been highlighted as a result of your consultation?

Throughout the trials, residents have contacted us regarding the size of the bin/bag allowance. As there are households varying in size throughout the trial areas,we quickly learnt that a 140l bin/3 standard bin bag allowance may not be adequate for a larger family or households with specific needs.

One of the changes introduced during the trials was providing residents with a larger capacity bin (180L or 240L) If a household was unable to fit all their weekly waste in the 140L wheelie bin, an assessment was conducted by a Waste Officer. This is to ensure that the resident is recycling all that they can (i.e. no recycling found in their refuse) and their weekly refuse does not fit in the 140L bin. These assessments are given a review timescale. This will be an area which will may change or continue once the wheelie bins become permanent as households can change in size. It may however, mean some form of review/audit on these properties once agreed initially.

Of the 814 residents who requested a larger bin or more capacity, 30% actually qualified for a larger bin with many residents requesting a bin and then finding they could manage with the 140l bin (the bin capacity is more generous than most local authorities who provide 240l fortnightly)

If you are not in a position to go ahead what actions are you going to take?

(Please complete the fields below)

Action

Timescale

Responsible officer

How are you going to review the policy, service, project or strategy, how often and who will be responsible?

We will continue to monitor the tonnage, review capacity, carry out assessments and make changes in line with any legislative changes.
The Head of Waste Management will be responsible and will review on an annual basis or as necessary.

Step 7 - Now just publish your results

This EIA has been approved by: James Hill

Contact number: 4872

Date: 08/10/2018

PCC staff-Please email a copy of your completed EIA to the Equality and diversity team. We will contact you with any comments or queries about your preliminary EIA.

Telephone: 023 9283 4789, Email: equalities@portsmouthcc.gov.uk

CCG staff-Please email a copy of your completed EIA to the Equality lead who will contact you with any comments or queries about your full EIA. Email: sehccg.equalityanddiversity@nhs.net

Appendix 6

Trial Survey feedback - highlights

Wheeled bins

- 498 residents responded, which is 5% of the overall number of residents in the trial areas.
- 76.1% of residents felt that the introduction of wheeled refuse bins has led to the same or improved level of service as before.
- 93.1% of residents have reported street cleanliness has improved or stayed the same.
- 72.3% of residents are able to dispose of their weekly rubbish in the bin. Out of those residents who reported they could not fit their weekly waste in the bin, only 31% contacted us for an assessment for a bigger bin.
- Of those that did request an assessment for a bigger, 30% were provided with one.
- 19% of residents felt they are recycling more since the trial began with 'I want to recycle more items' being the main reason preventing residents from recycling more.
- Overall, 76.1% of residents are either 'very satisfied' or 'satisfied' with the introduction of wheeled bins for refuse.

3 bin bag or reusable sack trials

- 364 residents responded, which is 20% of the overall number of residents in the trial areas.
- 10% of residents felt that the introduction of reusable bags, 3 bag restriction had improved the collection service, 31% felt it had stayed the same and 59% felt it got worse.
- 30% of residents have reported street cleanliness has improved.
- 76% of residents are able to dispose of their reusable bag/ 3 x bags. Out of 209 residents who reported they could not dispose of all of their waste in this way, only 52 contacted us for an assessment for a bigger bin.
- Of those that did request an assessment for a bigger, 30% were provided with one.
- 16% of residents felt they are recycling more since the trial began with 'I want to recycle more items' being the main reason preventing residents from recycling more.
- Overall, 37% of residents are either 'very satisfied' or 'satisfied' with the introduction of reusable sacks or 3 x bin bag.

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