

EAST RENFREWSHIRE COUNCIL19 December 2018Report by Director of EnvironmentMANAGEMENT RULES – HOUSEHOLD WASTE RECYCLING CENTRES**PURPOSE OF REPORT**

1. To request that, by virtue of the powers conferred upon it by Part IX of the Civic Government (Scotland) Act 1982, the Council introduces Management Rules to regulate the use of, and the conduct of persons while using, any East Renfrewshire Council Household Waste Recycling Centre, such rules being set out in Appendix A.
2. To seek permission to advertise the proposed Management Rules and thereby to consult with and seek the views of members of the public in East Renfrewshire all as required by legislation.
3. To seek permission, in the absence of objections from the public, to move directly to the introduction of the Management Rules without the need for a further report to Council.

RECOMMENDATIONS

4. It is recommended that:-
 - (a) by virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, the Council introduces Management Rules for Household Waste Recycling Centres as set out in Appendix A;
 - (b) the Council's proposals to make the rules are advertised in accordance with the provisions in the said Act and, if no objections are received, authority is given to the Director of Environment to proceed to make said rules; and
 - (c) the Council notes that if objections are received then a further report containing details of the objections will be made which will allow the Council an opportunity to consider the objections and to allow any objector the opportunity to be heard by the Council before authority is given to make the rules.

BACKGROUND

5. Local authorities are empowered to introduce management rules for their facilities under the terms of the Civic Government (Scotland) 1982.
6. In addition it is regarded as good practice to do so as it provides clarity and a solid basis for the rules which shape the operation of the facility.
7. These management rules will replace the previous Management Rules which have expired after a 10 year period.

REPORT

8. The Management Rules, as shown in Appendix A, are intended to provide a clear set of rules for users of Household Waste Recycling Centres to abide by. Household Waste Recycling Centres are important facilities for Councils to reduce the amount of waste that is sent to landfill by encouraging greater separation of waste.

9. In addition to this, the proposed site rules and associated management practices applied to the Household Waste Recycling Centres should go a significant way to preventing the abuse of the sites through the deposit of commercial waste or the use of the sites by residents of other local authority areas.

10. The approval of the management rules will allow the site to operate in a proper manner that will maximise the opportunities for residents to recycle their waste and assist East Renfrewshire Council in maintaining its status as the top performing recycling council in Scotland.

FINANCE AND EFFICIENCY

11. The introduction of Management Rules for the Household Waste Recycling Centres will mitigate the risk of illegal dumping of waste on site which if not managed appropriately could have serious financial implications.

CONSULTATION

12. Public advertisement of the rules will take place. The public will have the opportunity to object and any objections will be taken into account before making the rules.

PARTNERSHIP WORKING

13. In order to ensure the effective implementation of the rules, we will be working in partnership with the private contractor that manages the Household Waste Recycling Centre at Greenhags, Newton Mearns to clarify that the management rules are being followed at this site.

IMPLICATIONS OF THE PROPOSALS

14. The formalisation of management rules will provide clarity and a solid basis for the rules which will shape the operation of the facility. The management rules will have no negative impact on staffing, legal, IT or equalities.

CONCLUSIONS

15. With the continued pressure on budgets and expenditure management rules are a critical tool in ensuring the site will operate in a proper manner to mitigate against the possible risk of illegal dumping of waste.

RECOMMENDATIONS

16. It is recommended that:-

- (a) by virtue of the powers conferred on it by the Civic Government (Scotland) Act 1982, the Council introduces Management Rules for Household Waste Recycling Centres as set out in Appendix A;
- (b) the Council's proposals to make the rules are advertised in accordance with the provisions in the said Act and, if no objections are received, authority is given to the Director of Environment to proceed to make said rules.
- (c) The Council notes that if objections are received then a further report containing details of the objections will be made which will allow the Council an opportunity to consider the objections and to allow any objector the opportunity to be heard by the Council before authority is given to make the rules.

Director of Environment

Further information can be obtained from: John Buchanan, Operations Manager on 0141 577 8640 or john.buchanan@eastrenfrewshire.gov.uk

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EAST RENFREWSHIRE COUNCIL
ENVIRONMENT DEPARTMENT
EAST RENFREWSHIRE COUNCIL MANAGEMENT RULES
HOUSEHOLD WASTE RECYCLING CENTRES

East Renfrewshire Council by virtue of the Powers conferred by the Civic Government (Scotland) Act 1982 and of all other powers authorising or empowering them in that behalf do hereby make the following Management Rules for the regulation of Household Waste Recycling Centres situated in East Renfrewshire.

1. Interpretation of Terms

Throughout these Management Rules:-

- (a) "Council" means East Renfrewshire Council constituted in terms of the Local Government etc. (Scotland) Act 1994 and having its headquarters at Eastwood Park, Rouken Glen Road, Giffnock G46 6UG and its statutory successors and where lawful includes any officer of the said Council with the appropriate delegated powers and any employee of the said Council representing him/her or acting on his/her behalf.
- (b) "Household Waste Recycling Centres" means Greenhags Household Waste Recycling Centre, Newton Mearns, Barrhead Household Waste Recycling Centre, Carlibar Road, Barrhead and any other council designated recycling centre from time to time displaying these rules;
- (c) "Trade waste" means any commercial or industrial waste arising out of a trade or business activity as more particularly described in Section 75 of the Environmental Protection Act 1990;
- (d) "Household waste" means generally any waste from a domestic property as more particularly described in Section 75 of the Environmental Protection Act 1990.
- (e) "Special/hazardous wastes" are defined in the Special Waste Regulations 1996 Amended by the Special Waste Amendment (Scotland) Regulations 2004.
- (f) "Clinical waste" is defined in the Controlled Waste Regulations 1992.
- (g) "Trade or business" means any company, partnership or sole trader carrying on any business or trade.
- (h) "Commercial vehicle", "pick up" or "van" means any vehicle primarily designed for trade or business use even if used privately. The authorised person shall be sole judge as to what constitutes the above vehicles.
- (i) "Commercial style trailer" means any trailer not being a domestic, small general or small "camping style" trailer. The authorised person shall be sole judge of what constitutes a commercial style trailer. No discussions will be entered into regarding this decision and any appeal must be dealt with in accordance with paragraph 16 below.

- (j) "Authorised Person" means the Council Officer duly authorised by the Council to have responsibility for the management of the Household Waste Recycling Centres and any other person deriving authorisation from that person including an agent or contractor and their employees; and
- (k) The provisions of the Interpretation Act 1978 shall apply to the interpretation of these Management Rules as they apply to the interpretation of an Act of Parliament.

2. Trade or Business Waste

Trade waste is not permitted at Household Waste Recycling Centres without the prior agreement of the council and on such terms and conditions as the council decide from time to time.

3. Special/Hazardous or clinical waste

Special/Hazardous or clinical wastes are not permitted on Household Waste Recycling Centres, without prior agreement with the authorised person.

4. Recycling

All persons using the site shall take advice from the authorised person to ensure that recyclable waste where possible is placed in the proper recycling bank or container.

5. Rules of Admission

- (a) The Household Waste Recycling Centres are for the use of residents of the East Renfrewshire Council area only, free of charge subject to satisfactory photographic proof of residency within East Renfrewshire being exhibited to the authorised person on demand and the authorised person being satisfied as to the home address of the person and the waste being household waste.
- (b) Registration numbers of vehicles and/or other personal information may be recorded by the Council and used for lawful purposes, including the investigation of the deposit of trade waste.
- (c) Unless prior agreement for the deposit of trade waste under paragraph 2 above is obtained, Commercial vehicles, including pick-ups or vans and commercial or private vehicles towing any form of commercial style trailer will only be permitted entry to Household Waste Recycling Centres (a) for the deposit of household waste and (b) only if the Household Waste Recycling Centre is designated by the council as one which accepts commercial vehicles or commercial trailers. The visit to the site must be pre-booked in accordance with the council's pre-booking arrangements and on the provision of such information as may be required by the authorised person from time to time. Repeated or regular visits using commercial vehicles or commercial style trailers may be refused if the authorised person suspects trade or commercial waste is being deposited. On arrival at the site the authorised person may require sight of acceptable photographic identification such as a driver's licence and/or correspondence from the Council in order to verify the name, address and vehicle/trailer details given to the Council in terms of its pre-booking arrangements. In these circumstances only household waste is allowed and paragraph 2 above still applies.

- (d) No person shall:-
- (i) enter or leave any Household Waste Recycling Centre except by the entrances and exits provided for that purpose during the hours in which the same is open to the public;
 - (ii) enter or wilfully remain within any Household Waste Recycling Centres except during the hours in which the same is open to the public.
- (e) The hours during which any Household Waste Recycling Centre shall be open to the public shall be intimated by notice displayed at or near the principal entrances to any recycling centre or on the council's website. The Council reserves the right to alter the opening hours from time to time. The Council also reserves the right to close any Household Waste Recycling Centre or any portion of a Household Waste Recycling Centre to the public for such time as may be considered necessary or expedient. In this event, information regarding the closure will be posted at or as near as practicable to the place to which it refers or on the council's website as soon as practicable.
- (f) No person shall enter an "unauthorised area" except with the consent of the authorised person.
- (g) All gangways, doorways, stairways, entrances, exits and emergency exits shall be kept clear and unobstructed at all times.
- (h) Persons under the age of 16 should remain in the vehicles except when suitably supervised by an adult.
- (i) All persons using or servicing the site shall have regard to traffic management on site and in particular obey any instructions of the authorised person.
- (j) All users at the site shall obey speed restrictions in operation at the facilities.
- (k) All persons shall obey the instructions of the authorised person in attendance in cases where the site is fully loaded or where temporary closure is required to service banks or containers even when no prior notice is given of the same.
- (l) Last entry to the sites will be permitted 15 minutes prior to the advertised closing time.

6. Provisions as to Behaviour

(a) Animals

No animals (except guide dogs) are allowed to enter the Household Waste Recycling Centres unless they remain securely within a vehicle.

(b) Alcohol

No alcohol is to be consumed by any person at a Household Waste Recycling Centre.

(c) Bonfires

No person is permitted to light any fire or bonfire within any Household Waste Recycling Centre.

(d) Charitable Collections

No person, group or organisation is permitted to collect money for a charitable collection in any Household Waste Recycling Centre without the prior written consent of the authorised person;

(e) Climbing

No person shall in any Household Waste Recycling Centre climb upon any tree, shrub, wall, fence or railing or upon any collection bay, recycling bank, skip or receptacle.

(f) Disturbance

No person shall by any disorderly or improper conduct disturb, interrupt or wilfully intrude upon or interfere with the privacy of any person within the Recycling Centre.

(g) Filming/Photography

No person, group or organisation is permitted to take photographs or video images or shall film in any Household Waste Recycling Centre for any commercial or charitable purpose except with the prior written consent of the authorised person and the payment of such fee and under such conditions, as the Council may from time to time deem appropriate;

(h) Littering

No person shall throw down, deposit or leave any rubbish, litter or waste materials of any nature whatever in any Household Waste Recycling Centre, other than in a receptacle/location provided for that purpose.

(i) Obstructions of Officers

No person shall wilfully or carelessly obstruct, disturb or interrupt any authorised person or officer or employee of the Council or the Council's contractor or agent in exercise of his duties or in the execution of any work associated therewith.

(j) Offensive Language and Antisocial Behaviour

(i) No person shall whilst in a Household Waste Recycling Centre use any profane, sectarian, sexist, racist or offensive language or behave in an offensive, disorderly, antisocial or insulting manner;

(ii) No person who, in the opinion of the authorised person, appears to be under the influence of alcohol or drugs to such an extent as to be a danger to themselves or other persons at the Household Waste Recycling Centre will be allowed entry to the site.

(k) Not to remove waste

No person shall sort over or remove any material from the Household Waste Recycling Centres except by prior written agreement of the authorised person. In addition no person shall loiter at or near the site with a view to carrying out such activities.

7. Prevention of Injury

No person shall:-

- (i) wilfully or improperly or recklessly interfere with any person in the proper use of the Household Waste Recycling Centre;
- (ii) wilfully or recklessly behave so as to endanger their own or any other person's safety;
- (iii) disobey any lawful instruction given by the authorised person to ensure the safety and comfort of any persons using the Household Waste Recycling Centre at that time.
- (iv) carry or discharge any firearm or weapon; or
- (v) throw, shoot or propel any waste, stone, firework, arrow, knife, missile or other similar article;

8. Personal Responsibility for Safety

Any person using any of the facilities in any Household Waste Recycling Centre shall be held to have satisfied himself/herself as to the condition of the facilities and as to the suitability thereof for the purpose of use.

The Council shall not be held responsible for any accident or injury to any such person arising from the use of the facilities, however such accident or injury may be caused.

9. Sale of Goods/Services

No person, group or organisation shall sell or buy any object, goods, food stuffs or services within any Household Waste Recycling Centre unless with the prior written agreement of the council.

10. Protection of Property and Equipment

No person shall:-

- (i) wilfully or carelessly break, damage, deface, disfigure, tamper with or improperly soil any tree, shrub, planting, wall, fence, railing, building structure, temporary or mobile building, vehicle or any other property of whatever nature belonging to the Council or the Council's contractor or agent or any of their employees in any Household Waste Recycling Centre;
- (ii) retain or remove any article supplied for use by the authorised person after the purpose for which same was issued has been served.

11. Car Parking Facilities

(i) Parking Bays

Where vehicle-parking bays are marked no persons shall park out with the marked areas or on any grassed area;

(ii) Restrictions as to Length of Stay

Vehicles may only park at a Household Waste Recycling Centre for the time taken to unload the vehicle;

(iii) Damage to or Loss from Vehicles

The Council will not be held responsible for any damage to, loss of or loss from any vehicle or any property left in a vehicle, however such damage or loss may occur.

12. Valuables, Clothing, Equipment etc

The Council will not be responsible for the loss of or damage to clothing, valuables, equipment or any other belongings of any person or organisation using the Household Waste Recycling Centre.

13. Rules not to Affect Employees in the Performance of their Duties

These Management Rules shall not apply to an authorised person, officer or employee of the Council while acting within the scope of his employment in or about any work in connection with any Household Waste Recycling Centre.

14. Waste Management Licence

All persons using or servicing the Household Waste Recycling Centre shall have regard to the fact that the site is governed by a Waste Management Licence issued by the Scottish Environment Protection Agency and shall therefore ensure that the site is operated within the requirements of the Working Plan in accordance with the Waste Management Licence.

15. The previous Management Rules made by the council are hereby revoked.

16. Arbitration

Without prejudice to the right of any authorised person of the Council to ask a person to leave a Household Waste Recycling Centre, or expel or exclude that person from any Household Waste Recycling Centre in terms of these Rules, any difference or dispute arising as to the true intent, meaning or interpretation of these Rules shall be taken up and disposed of by the Council's Chief Officer (legal and procurement) or other person appointed by him/her to do so. The authorised person and any other party disputing the matter shall be invited to make oral or written submissions which shall be considered in reaching a decision and the decision of said officer or person so appointed shall be final.

17. Alteration of Rules

The Council shall be entitled to alter these Rules or any part of them from time to time as they see fit and make and enforce such other rules, as they consider necessary for the proper or better management of any of the Household Waste Recycling Centre.

18. Expulsion or Exclusion for Breach of Management Rules

- (i) If the authorised person has reasonable grounds for believing that a person has contravened, is contravening or is about to contravene any of the Management Rules, expel that person from the Household Waste Recycling Centre; and
- (ii) If the authorised person has reasonable grounds for believing that a person is about to contravene these Management Rules, exclude that person from the Household Waste Recycling Centre.

19. Exclusion Orders

In terms of Section 117 of the Civic Government (Scotland) Act 1982 the Council may decide that a person who has persistently contravened or attempted to contravene these Management Rules and is, in their opinion, likely to contravene them again, shall be made subject to an Exclusion Order. This decision will only be implemented after having given the person an opportunity to make written or oral representations to the Council. An Exclusion Order may have effect for such a period not exceeding One year as the Council may determine and the Council may at any time reduce that period or revoke an Exclusion Order made by them.

20. Offences

In terms of Section 118 of the Civic Government (Scotland) Act 1982 any person who:-

- (i) on being required to leave the Household Waste Recycling Centre by the authorised person who has reasonable grounds for believing that the person has contravened, is contravening or is about to contravene any of these Rules fails to leave; or
- (ii) on being informed by the authorised person who has reasonable grounds for believing that the person is about to contravene any of these Rules that he is excluded from any Household Waste Recycling Centre, enters or attempts to enter the Household Waste Recycling Centre; or
- (iii) being a person subject to an Exclusion Order under Management Rule 19 above enters or attempts to enter the Household Waste Recycling Centre;

shall be guilty of an offence and liable on Summary Conviction to a fine not exceeding Level 1, presently £200.00.

Made by The East Renfrewshire Council on the day of Two thousand and Eighteen

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Proper Officer of the Council

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