

# Document Pack



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FRIDAY, 22 NOVEMBER 2019

## TO: THE EXECUTIVE BOARD MEMBER FOR ENVIRONMENT

I HEREBY SUMMON YOU TO ATTEND A MEETING OF THE EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT WHICH WILL BE HELD IN EBM ENVIRONMENT OFFICE, COUNTY HALL, CARMARTHEN, AT 10.00 AM, ON FRIDAY, 29<sup>TH</sup> NOVEMBER, 2019 FOR THE TRANSACTION OF THE BUSINESS OUTLINED ON THE ATTACHED AGENDA.

*Wendy Walters*

**CHIEF EXECUTIVE**



PLEASE RECYCLE

Democratic Officer:	Janine Owen
Telephone (direct line):	01267 224030
E-Mail:	JanineOwen@carmarthenshire.gov.uk
Ref:	AD016-001

# A G E N D A

- |  |         |
|--|---------|
| 1. DECLARATION OF PERSONAL INTEREST  |         |
| 2. DECISION RECORD - 19 <sup>TH</sup> SEPTEMBER 2019   | 3 - 4   |
| 3. STOPPING UP OF REDUNDANT PUBLIC HIGHWAY LEADING TO THE FORMER GALLT-Y-BERE BRIDGE, RHANDIRMWYN. | 5 - 10  |
| 4. KERBSIDE RESIDUAL WASTE RESTRICTIONS  | 11 - 22 |

*Note:- The press and public are not be entitled to attend the meeting. The decision record will be published normally within 3 working days.*

# Agenda Item 2

## EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT

THURSDAY, 19 September 2019

**PRESENT: Councillor:** H.A.L. Evans (Executive Board Member).

**Present as Observer:-**  
Councillor J.G. Prosser

**The following officers were in attendance:**  
R. S. Waters, Highways and Transportation Manager  
C.T. Cleaton, Street Works & Adoptions Manager  
E. Bryer, Democratic Services Officer

Regeneration Meeting Room, County Hall, Carmarthen. - 10.00 am - 10.20 am

### 1. DECLARATION OF PERSONAL INTEREST

There were no declarations of personal interest.

### 2. DECISION RECORD - 6TH SEPTEMBER 2019

**RESOLVED** that the decision record of the meeting of the Executive Board Member for Environment held on the 6<sup>th</sup> September, 2019 be signed as a correct record.

### 3. PETITION - MACHYNYS EAST RESIDENTS ASSOCIATION - ADOPTION AND MAINTENANCE OF ESTATE ROADS

Further to minute 8 of the Council held on the 10th April 2019 a petition was presented by the Machynys East Residents Association to request that the County Council adopts the roads within the Machynys East development in Llanelli. Council resolved to refer the request to the Executive Board Member for Environment for consideration.

The Executive Board Member considered the petition along with a report which recommended that the estate roads are not adopted due to the costs, future liabilities and the legal reasons involved.

Following due consideration of the petition and the concerns raised by Machynys East Residents Association, the Executive Board Member was minded to approve the recommendations of the report not to adopt the estate roads on the basis that:

- There had been a clear understanding that the estate roads would not be adopted and would remain in private ownership.
- The developer had a commercial arrangement in place with a management company.
- The properties were marketed as homes on private roads.
- It had been made clear to the conveyancer that as there was no S38

Highway Adoption Agreement in place, there was no prospect of future highway adoption.

**RESOLVED that:**

- 3.1 the recommendation not to adopt the estate road be endorsed.**
- 3.2 a letter be sent to the petitioner detailing the reasons for the decision.**

**4. OBJECTIONS TO THE COUNTY OF CARMARTHENSHIRE (CARMARTHEN) (WAITING RESTRICTION AND STREET PARKING PLACES) CONSOLIDATION (VARIATION NO 20) ORDER 2019**

The Executive Board Member considered a report detailing objections to the Council's proposal to make an Order to amend The County of Carmarthenshire (Carmarthen) (Waiting Restriction and Street Parking Places) Consolidation Order 2019 (Variation No.20) the purpose of which was to safeguard road users and to facilitate the safe and unhindered passage of traffic at various locations in Carmarthen as indicated in the schedule appended to the report. The proposals related to the following roads:

- Bronwydd Road, Carmarthen
- Abergwili Road, Carmarthen
- Pentrefelin Street, Carmarthen
- The Grove, Carmarthen

It was reported that whilst no objections had been received to the proposal from the statutory consultees, four objections had been received from the public as detailed within the report together with the Department's responses thereto.

**RESOLVED that the objections received to the proposed Order to amend The County of Carmarthenshire (Carmarthen) (Waiting Restriction and Street Parking Places) Consolidation Order 2019 (Variation No.20) be noted but that the Order be confirmed, as detailed in the report and that the objectors be informed accordingly.**

\_\_\_\_\_  
**EXECUTIVE BOARD MEMBER**

\_\_\_\_\_  
**DATE**

## EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT

29<sup>TH</sup> NOVEMBER 2019

<b>Executive Board Member:</b> Cllr. Hazel Evans	<b>Portfolio:</b> Environment	
<b>STOPPING UP OF REDUNDANT PUBLIC HIGHWAY LEADING TO THE FORMER GALLT-Y-BERE BRIDGE, RHANDIRMWYN.</b>		
<b>Recommendations / key decisions required:</b>  To instruct the head of administration and law to process the stopping up of two short lengths of former highway under the highways act 1980 – section 116.		
<b>Reasons:</b>  To stop up a short length of public highway under Section 116, Highway Act 1980. On successful completion of the order, the land will revert to the control of the adjoining landowners for legal registration.		
<b>Directorate:</b> Environment <b>Name of Head of Service:</b> Stephen G Pilliner  <b>Report Author:</b> Nigel Skinner	<b>Designation:</b> Head of Highways & Transport  Transport Strategy and Infrastructure Engineer	<b>Tel No/E Mail Address:</b> 01267 228150 <a href="mailto:SGPilliner@Carmarthenshire.gov.uk">SGPilliner@Carmarthenshire.gov.uk</a>  01267 228179 <a href="mailto:NJSkinner@carmarthenshire.gov.uk">NJSkinner@carmarthenshire.gov.uk</a>

**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

**DECISION MADE:**

Signed:

DATE: \_\_\_\_\_

EXECUTIVE BOARD MEMBER

Recommendation of Officer adopted	YES
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE BOARD MEMBER DECISIONS MEETING FOR ENVIRONMENT

29<sup>TH</sup> NOVEMBER 2019

## STOPPING UP OF REDUNDANT PUBLIC HIGHWAY LEADING TO THE FORMER GALLT-Y-BERE BRIDGE, RHANDIRMWYN.

### BRIEF SUMMARY OF PURPOSE OF REPORT.

The construction of the new Gallt-Y-Bere Bridge has rendered the old bridge crossing route and associated highway links unnecessary. The old bridge was replaced due to structural concerns hence creating new highway links incorporated into the improvement scheme.

The stopping up of the disused route has been requested by the Principal Bridge Engineer. Costs will be met by the same.

The adjoining landowners are aware of the proposal and I can further advise that each landowner abutting the areas to be stopped up will be further consulted as part of the statutory legal process. Objections received at this stage will be investigated with an intention to secure a retraction of the objection/s prior to the Court hearing.

The area of public highway would be stopped up by way of Order at Magistrates Court under Section 116 of the Highways Act 1980. In this instance, upon approval of the Order the land will revert to the adjoining landowners for Land Registry registration.

Please refer to Appendix 'A' identifying the area to be stopped up hatched in red.

It is therefore requested that the Head of Administration and Law to proceed with the Order to present at Magistrates Court at their earliest convenience.

ATTACHMENTS?

APPENDIX A – Map – stopping up plan

# IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: S.G. Pilliner

Head of Highways & Transport

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Organisational Development	Physical Assets
<b>NONE</b>	<b>YES</b>	<b>YES</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>YES</b>

## 1. Legal

An application to stop up a highway has to follow a defined process and under the Highways Act 1980 can only be made on two grounds, namely the length of highway is unnecessary or that there is a more commodious route. There is an initial consultation process to be undertaken by the Environment Department which includes (inter alia) corresponding with the Community Council seeking its views on the proposal.

Should Executive Board consent be forthcoming there is then a requirement to make an application to the Magistrates Court to seek an Order pursuant to section 116 of the Highways Act 1980 to stop-up the highway. It will be necessary for an officer from the Authority to present evidence at the hearing advising why the application is appropriate and that the granting of the Order is necessary.

## 2. Finance

The legal costs for processing the order will be met by the Structures and Bridges resource division. These costs will be in the region of £1500.

## 3. Physical Assets

The old bridge and associated highway links have been removed under the scheme contract with no future liabilities. The new bridge and highway links have become the new adopted highway.



# CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: S.G. Pilliner

Head of Highways & Transport

## 1. Scrutiny Committee - N/A

## 2. Local Members

Cllr. Handel Davies – Full support

Cllr. Arwel Davies – Full support

## 3. Community / Town Council

Llanfair-Ar-Y-Bryn Community Council

## 4. Relevant Partners

Assistant Area Manager – Eastern – in support

## 5. Staff Side Representatives and other Organisations

Wales and West Utilities

Openreach

Western Power Distribution

Welsh Water

Dyfed Powys Police

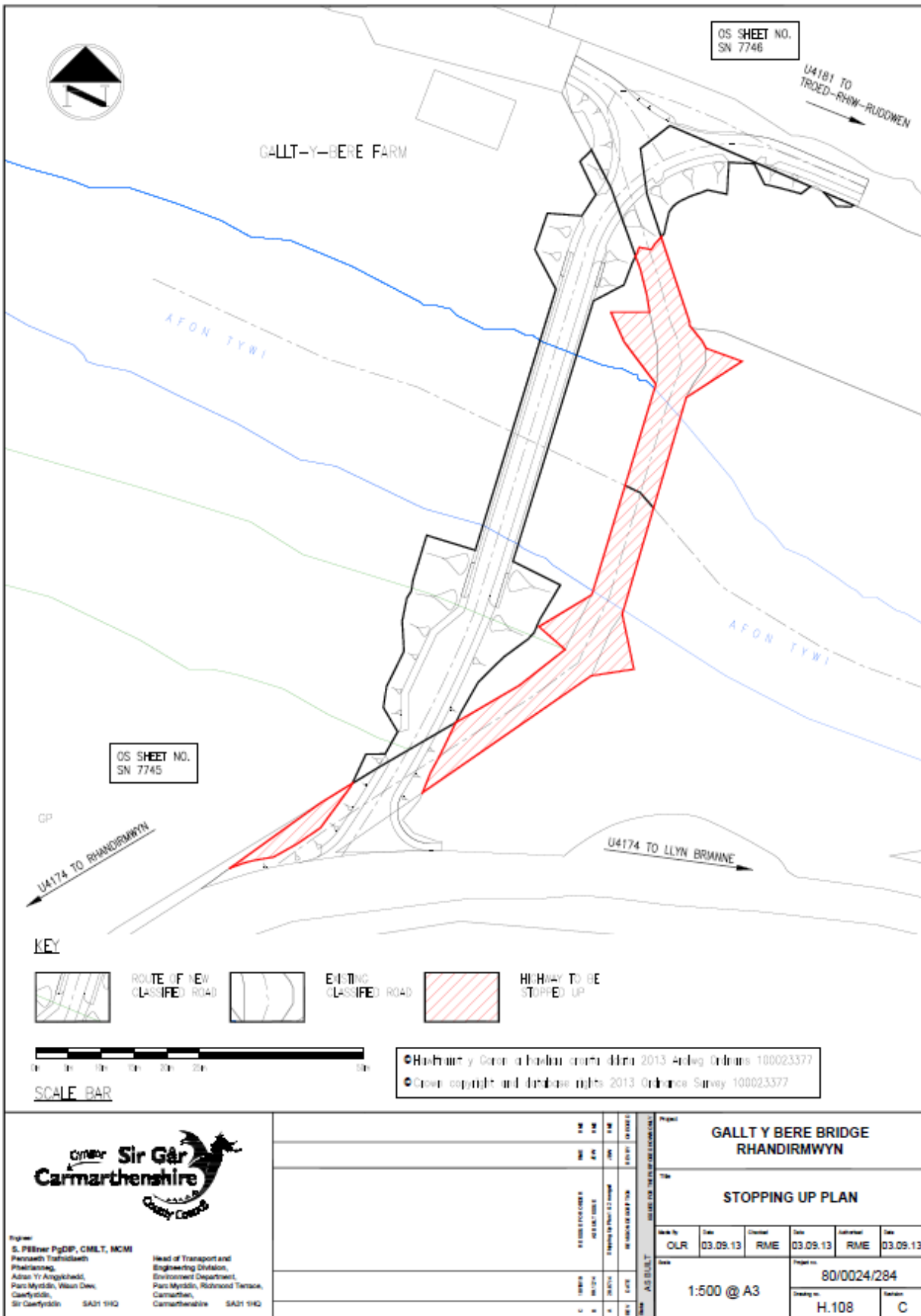
Mid and West Wales Fire

NHS

## Section 100D Local Government Act, 1972 – Access to Information

List of Background Papers used in the preparation of this report:

**THERE ARE NONE**



## EXECUTIVE BOARD MEMBER DECISION MEETING FOR ENVIRONMENT

29 NOVEMBER 2019

<b>Executive Board Member:</b>	<b>Portfolio:</b>
<b>Cllr. Hazel Evans</b>	<b>Environment</b>

### KERBSIDE RESIDUAL WASTE RESTRICTIONS

**Purpose:**

To propose changes to our Kerbside Residual Waste Restriction policy with clarification on the size of bags accepted at kerbside and additionality of detail to the arrangements for dealing with call backs for presentation of waste after 6am on day of collection, also the arrangements for excess waste collections during the Christmas and New Year period.

**Recommendations / key decisions required:**

To agree the amendments to the capacity limit of black bags presented for collection by residents at kerbside and/or communal collection points.

Similarly agree to no call back requirement if waste is presented after the designated timeframe for refuse/ recycling collections, if evidence is available as proof of non-presentation at time of collection.

Also, amendments to arrangements for collection of excess residual waste over the Christmas and New year period that would depend on resident's full contribution to the kerbside recycling scheme on a regular basis which would inform the decision on whether to collect excessive amounts of residual black bag waste.

**Reasons:**

Stipulating the maximum volume of the residual black bag will ensure that residents are complying to the kerbside residual waste restriction of three black bags per fortnight. This will allow the Authority to regulate and prohibit the usage of larger black bags which defeats the objective of ensuring as much as possible of household waste is recycled, either in the blue recycling bags and food waste bins.

Non presentation of waste at the kerbside or designated place of collection by 6am on collection day is resulting in unnecessary additional resource requirement for the service through call backs. If evidence is clear that non presentation is a reason for a missed collection the request for clearance can be declined with advice given to the residents on the subsequent steps to follow.

To ensure that residents recycle as much of their food waste and dry recycling materials as possible, no promotion of additional residual waste clearance of more than three black bags per fortnight will be announced during the Christmas and New Year period.

<p>Directorate: Environment</p> <p><b>Name of Head of Service:</b> Ainsley Williams</p> <p><b>Report Author:</b> Geinor Lewis</p>	<p><b>Designation:</b> Head of Waste &amp; Environmental Services</p> <p>Waste Strategy and Policy Manager</p>	<p><b>Tel Nos. / E Mail Addresses:</b> 01267 224500 <a href="mailto:AIWilliams@cararthenshire.gov.uk">AIWilliams@cararthenshire.gov.uk</a></p> <p>01267 224565 <a href="mailto:GMLewis@cararthenshire.gov.uk">GMLewis@cararthenshire.gov.uk</a></p>
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**Declaration of Personal Interest (if any):**

None

**Dispensation Granted to Make Decision (if any):**

N/A

**DECISION MADE:**

Signed: \_\_\_\_\_ DATE: \_\_\_\_\_  
EXECUTIVE BOARD MEMBER

**The following section will be completed by the Democratic Services Officer in attendance at the meeting**

Recommendation of Officer adopted	NO
Recommendation of the Officer was adopted <b>subject to the amendment(s) and reason(s) specified:</b>	
Reason(s) why the Officer's recommendation was <b>not adopted:</b>	

# EXECUTIVE SUMMARY EXECUTIVE BOARD MEMBER DECISION MEETING FOR ENVIRONMENT

29 NOVEMBER 2019

## KERBSIDE RESIDUAL WASTE RESTRICTIONS

Subsequent to the recent Kerbside Residual Waste Restrictions clarification on the black bag capacity is required to ensure acceptable compliance with the policy. To certify that residents are fully aware of the black bag size requirements of 60 litres and that anything exceeding this is not acceptable. Up to 3 black bags of 60 litre or below can be presented for kerbside or communal point collections on residual black bag weeks. The bags must be of reasonable weight and any bags deemed by the operatives to be excessive will not be collected due to the height needed to lift the bags into the designated collection vehicle. Specifying the capacity will allow any inconsistency with varying bag measurements provided by different manufacturers that residents may buy from varying outlets. Stipulating the litreage of the bags will enable education and awareness and if required enforcement action for non-compliance or continuous misuse of the three black bag restriction policy to be enforced. The changes have been amended to section 5c) of the policy (Appendix 1).

Not emphasising that additional black bag waste may be collected during the Christmas and New Year period will encourage additional recycling and reduce the likelihood that some may waver from recycling as much of the additional waste generated around this time. Every effort will be made to support residents with the disposal of waste, however demonstration of full contribution to the kerbside recycling scheme will be required if large amounts of residual black bag waste is evident. Education and awareness raising will be key in assisting residents with the knowledge and understanding of what can be recycled at kerbside prior and during the festive period. Amendments are made to point 8) of the policy (Appendix 1).

Collection timescale are widely publicised and form a part of our regular communications regarding the kerbside waste collections and issued with every change or bulleting in relation to kerbside waste collections. Waste must be presented prior to 6am on day of collection or not before 6pm on the day prior to collection. Collection crews commence collections at 6am and travel by each household's collection point on their round on the designated collection day, only deviating from their schedule if there are delays on the road due to access issues or adverse weather conditions. In such cases they endeavour to return when practically possible or when circumstances allow. If there are no issues, then rounds will be completed routinely with crews collecting the bags and food bins which are presented at the time of collection. If residents contact to advise that collections have not been made and onboard camera footage demonstrates that the waste was not presented, then the resident will be informed to take their waste back in and advised accordingly to take to the Household Waste Recycling Centre or present for collections on the next scheduled collection week. Call backs are an additional resource to the service increasing costs unnecessarily when a service has already been completed and conducted appropriately. The amendments have been included into point 17) of the policy (Appendix 1).

Attachments

Appendix 1 – Revised Kerbside Residual Waste Restriction Policy

## IMPLICATIONS

I confirm that other than those implications which have been agreed with the appropriate Directors / Heads of Service and are referred to in detail below, there are no other implications associated with this report :

Signed: **Ainsley Williams** **Head of Waste & Environmental Services**

Policy and Crime & Disorder	Legal	Finance	ICT	Risk Management Issues	Staffing implications	Physical Assets
<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>	<b>NONE</b>

## CONSULTATIONS

I confirm that the appropriate consultations have taken in place and the outcomes are as detailed below

Signed: **Ainsley Williams** **Head of Waste & Environmental Services**

1. Scrutiny Committee - N/A
2. Local Member(s) N/A
3. Community / Town Council -N/A
4. Relevant Partners N/A
5. Staff Side Representatives and other Organisations -N/A

**Section 100D Local Government Act, 1972 – Access to Information**  
**List of Background Papers used in the preparation of this report:**

**THERE ARE NONE**

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# Restricted Residual Policy

## Introduction

1. It is the duty of the Carmarthenshire County Council (CCC) to arrange for the collection and disposal of household waste as stated in Section 45 and 48 of the Environmental Protection Act 1990 (EPA).
2. From the 1<sup>st</sup> October 2019 CCC will operate a policy of restricted residual waste, both from kerbside collections and at household waste recycling centres (HWRCs).
3. This document details the policy.

## Kerbside Residual Waste Restriction

- 4 The EPA (46(1)) permits Councils to require householders to place waste for collection in receptacles of a kind and number specified. On this basis a restriction on the amount of residual (refuse/black bag waste) is enforced within the CCC.
- 5 The following **RESTRICTION** is applicable within CCC:
  - a. Households are permitted to put out for collection **3** black bags of residual waste (refuse/black bag waste) per fortnight, which equates up to 180 litres in capacity;
  - b. **Householders are to provide black bags** for residual waste collections, the Council does not supply bags to householders;
  - c. Each bag must be no larger than **60 litres in volume** and bags above 60 litres or oversized bags (such as wheelie bin liners) will not be collected. Equally very heavy bags will not be collected as the bags need to be lifted up into a waste vehicle and manual handling guidelines will be adhered to;
  - d. Where householders leave additional black bags out for collection, they will not be collected, and the householder will be subject to CCC Enforcement Policy.
- 6 Use of **DUSTBINS AND WHEELED BINS**:
  - a. Use of wheeled bins are permitted for storage purposes only by the householder, on collection day householders must put their three bags on the kerbside for collection, and not the wheeled bin.
  - b. In place of wheeled bins, householders may use standard 'dustbin(s)' to store their black bags on the kerbside. However, the dustbin(s) must be of a standard size (80 to 90 litres) and the householder must still house their waste in black bags (maximum of three);
- 7 Note: The restriction only applies to residual (refuse/black bag waste), there is no restriction to the amount of recycling that householders put out for collection.

8 **Christmas Collections:** Waste increases during the Christmas and New Year period should be managed through householders utilising the full kerbside recycling scheme available to all domestic residents. All accepted recycling materials should be placed in the blue recycling bags or food waste caddy, wherever possible. Blue bag and food waste recycling is unlimited and if residents are contributing to the full kerbside scheme reasonable excess in residual waste will be collected. No publication of additional residual black bag collections will be carried out, although emphasis on unlimited recycling materials will be collected from kerbside with awareness raising of which materials can be recycled will be communicated via several communication methods prior and during the Christmas and New Year period.

9 **Exemptions:**

10 If householders recycle all that they can within CCC's current services, but are unable to restrict the number of black bags that they put out for collection to three bags per fortnight, they may apply for an exemption;

- 11 This may be for reasons such as;
- they produce nappy/AHP waste;
  - they have 6 or more residents living in their household;
  - they produce coal ash waste from indoor fireplaces or
  - other special circumstances.

12. To apply for an exemption, the householder should contact the Council Contact Centre. An advisor will discuss the householder's needs over the phone, following which a house visit by a Waste Advisor may be arranged.

13. The application of any exemption, including the number of extra bags that a householder may be permitted to put out for collection, will be at the discretion of the Advisor/Waste team. The Advisor will inform the householder of the number of extra bags permitted during their phone call/visit.

14. If the exemption is granted the Council will supply the householder with an appropriate sticker to be placed on additional bags that are presented for collection.

15. Householders that have been granted an exemption may be required to re-register for the exemption periodically. CCC will agree the required re-registration period with the applicable households at the point that the exemption is granted.

16. Where householders put out additional waste for collection as per the exemptions stated above, only the extra number of bags as permitted by the Council will be collected. Any other waste put out for collection above the householders' 3-bag limit will not be collected and the applicable education and enforcement procedure will be utilised by CCC.

17. All waste and recycling must be placed out by 6am on the morning of collection to ensure collection. Any waste witnessed, reported or evidenced as non presentation at the time of original collection will not receive a call back as a result of a missed collection being reported via the resident. The resident will be advised that they need to take in the waste and either take to the nearest Household Waste Recycling Centre or present on the next scheduled kerbside collection.

**18. Education and enforcement of the restriction:**

19. CCC will educate householders about the requirements of restricted residual waste in the first instance. Enforcement will be used only for those householders and persons that have received prior education and guidance, which has then not been adhered to.

20. The following policy will be utilised when a householder places more than 3 black bags out on collection day:

- a. First occurrence: Additional bags will be left and stickered by crews. Householders will be asked to take the bags back in, remove recyclables and only place three bags out in future. No further enforcement action will be taken
- b. Second occurrence: Additional bags will again be stickered and left by crews. The household will be subject to CCC's Enforcement Policy.

# HWRC Residual Waste Restriction and Proof of Residency

21. The following restriction applies in Carmarthenshire County Council Household Waste Recycling Centres:

- c. Unsorted black bag waste is not accepted at the household waste recycling centres (HWRCs).
- d. Householders are instead required to sort all recyclable material from non-recyclable materials prior to arriving at the HWRCs.
- e. On arriving at the HWRCs, householders are required to place recyclable items in the relevant recycling container, and only non-recyclable items in the residual waste (refuse/black bag) skip.
- f. If a person arrives at the HWRCs with unsorted waste, they will be given the option to either sort their black bags in a designated sorting area at the site, or return home to sort their black bag waste.
- g. Any bags sorted on site must be sorted by householders, site staff will be able to provide guidance but will not assist with the sorting.
- h. The deposit of recyclable items in the residual skips will not be permitted.

## **22. Proof of Residency:**

- 23. Any person visiting the HWRCs in the CCC will be required to produce proof of residency when requested by site staff (meet and greet staff or other).
- 24. Proof of residency will be taken to include items such as driving licence, council tax bill or recent utility bill (within 3 months) with a CCC address.
- 25. Those who are not able to produce proof of residency when requested, will be turned away from the site.

## **26. Education and enforcement:**

- 27. Any person that leaves unsorted black bag waste at, or in the vicinity of, the HWRCs, will be considered to have committed the offence of 'flytipping' as per s34 of the EPA 1990, and will be subject to CCCs Enforcement Policy.

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