

Bin police work overtime

A Manifesto Club briefing document

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The 'harm to local amenity' test

There has been widespread public anger about councils fining people for minor infractions of rubbish collection policy - such as a slightly open bin lid, rubbish in the wrong bin, or rubbish put out too early. There has also been public concern about the surveillance methods used by councils to investigate those suspected of minor bin offences.

The coalition government has determined to make bin fines more proportionate and reasonable. In June 2011, the government's Waste Policy Review announced measures to limit councils' powers to issue unduly heavy bin fines, or to use surveillance against householders.¹

A new test will require that the householder cause 'harm to local amenity' before they can be fined. Under this test, penalties should not be issued to those who make minor mistakes, but only to those who 'behave in a way which reduces the quality of their neighbours' surroundings' (such as leaving bin bags in the street for days on end).²

Bin fines continue

A Manifesto Club FOI request reveals that some local authorities are continuing to issue substantial numbers of bin fines. Of the 358 UK councils who were able to supply data, 88 issued 'waste receptacle' fines in the year 2011-12. In total, 3197 fines were issued by UK local authorities (2734 of which were issued by English authorities).

The authorities with the highest number of bin fines were Nottingham City Council (853 fines), Edinburgh (337 fines), and Hammersmith and Fulham Borough Council (283 fines). The full statistics are in the Appendix of this report.

¹ Government Review of Waste Policy in England 2011: <http://www.defra.gov.uk/publications/files/pb13540-waste-policy-review110614.pdf>

² Consultation on amending the powers of Local Authorities regarding presentation of household waste for collection, January 2012: <http://www.defra.gov.uk/consult/files/household-waste-consult-doc-120116.pdf>

This figure represents a decline from the nearly 5000 bin fines issued in the previous year.³ However, bin fines are still high by historical standards: there were only 999 fines issued by English councils in 2006-7; and 1162 fines issued in 2008-9, the last year of data collected by Defra.⁴

Some councils are continuing to use fines as a way of communicating rubbish collection policies to their residents. At the end of June, Croydon Council announced a desire to increase recycling, and warned that residents 'who fail to recycle their rubbish could be hit with an £80 fine'. The rules would be 'enforced by a squad of bin monitors roaming Croydon's streets' and residents would be 'asked to shop their neighbours who fail to recycle'.⁵ Once there are nominated 'bin monitors' examining the contents of people's rubbish bins, it is inevitable that fines will follow.

Fined for a single bank statement

The total number of bin fines could be substantially higher than these statistics suggest, since councils may use different classifications of waste fines. For example, Westminster City Council issues bin fines ('street litter ticket') to some householders under the category of 'commercial waste', which means that it does not appear to be a residential fine. Yet these fines can be issued for actions as trivial as putting a single work bank statement in the household rubbish. The council issued 5302 fines for 'commercial' bin offences in 2011-12, which was significantly higher than the 163 fines for residential bin offences.⁶

Sabine Guerry, a resident of Westminster, approached us after receiving one of these fines in April 2012. She says:

'I do some of my work from home - as most people do these days - and have registered my company at my residential address for practical reasons. As a result, I receive post for my company at home. Westminster Council agents opened and searched my rubbish bag in front of my door, and found one bank statement from my company together with my personal waste. They deduced that this was "commercial" waste, took some pictures, and sent me an £80 fine for illegal commercial littering. They said I should have used a dedicated commercial bin bag, labelling who was collecting my rubbish. They seem to be suggesting that I employ somebody separately to take away my company's bank statement.'

³ Sunday Telegraph, 9 April 2011: <http://www.telegraph.co.uk/earth/greenpolitics/8440382/Bin-police-are-given-their-marching-orders.html>

⁴ Fixed penalties for 'waste receptacle', <http://www.defra.gov.uk/corporate/docs/data/>

⁵ <http://www.thisscroydontoday.co.uk/Croydon-bin-police-fine-people-don-t-recycle/story-16469942-detail/story.html>

⁶ Manifesto Club FOI request to Westminster City Council
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Ms Guerry appealed the fine with Westminster Council, but her appeal was rejected on the basis that her business was registered to her home address. She is refusing to pay the fine, and is awaiting the council's decision.⁷

Again, it is a council's employment of bin monitors – who go door to door, inspecting and photographing rubbish – that makes such unbelievably trivial fines possible.

Conclusion

The Manifesto Club supports government efforts to make bin fines more proportionate and targeted against serious offenders.

When councils gravely prosecute the 'offence' of a single bank statement, this suggests that bin fines have become a money-making operation, rather than a last resort employed to punish those who are creating a problem for their neighbours.

We urge councils to view rubbish collection as a public service, rather than as an opportunity for surveying and fining householders. It is only when councils dismantle their bin policing infrastructure that fines are likely to become proportionate and to focus on serious offenders.

⁷ Subsequently, Ms Guerry called the Westminster commercial waste helpline and asked if she could put her company's mail in her personal bin bag. They said that considering that it a residential property, this was absolutely fine.

Appendix: Bin fines, by UK local authority, 2011-12⁸

Local authority	Bin Fines
Nottingham City Council	853
Edinburgh City Council	337
Hammersmith and Fulham London Borough Council	283
Islington London Borough Council	224
Leicester City Council	223
Westminster City Council	163
Waltham Forest London Borough	95
Newham London Borough Council	92
Hartlepool Borough Council	86
Leeds City Council	83
Welwyn Hatfield District Council	67
Cardiff Council	48
Bedford Borough Council	35
Braintree District Council	34
Bristol City Council	32
Charnwood Borough Council	28
Halton Borough Council	27
Tower Hamlets London Borough Council	25
Neath Port Talbot County Borough Council	25
Burnley Borough Council	23
Hull City Council	22
Kingston upon Hull City Council	22
Northampton Council	22
Kensington and Chelsea Royal Borough Council	19
Lambeth London Borough Council	19
Enfield London Borough Council	17
Peterborough City Council	17
Merthyr Tydfil County Borough Council	17
Glasgow City Council	17
West Lancashire District Council	16
Thanet District Council	14
Belfast City Council	14
Cheshire West and Chester Council	11

⁸ From Manifesto Club Freedom of Information request to all UK local authorities
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Manchester City Council	11
Hackney London Borough Council	9
Blackpool Borough Council	8
Brent London Borough Council	8
Epping Forest District Council	7
Barking and Dagenham London Borough Council	6
Middlesbrough Council	6
Slough Borough Council	6
Solihull Metropolitan Borough Council	6
Three Rivers District Council	6
Amber Valley Borough Council	5
Havering London Borough Council	5
Kirklees Council	5
Oxford City Council	5
Richmond upon Thames London Borough Council	5
Wyre Borough Council	5
Bromsgrove District Council	4
Coventry City Council	4
Ealing London Borough Council	4
Oldham Metropolitan Borough Council	4
Salford City Council	4
South Kesteven District Council	4
Teignbridge District Council	4
Carmarthenshire County Council	4
Cambridge City Council	3
Camden London Borough Council	3
Corby Borough Council	3
Wakefield Metropolitan District Council	3
Wellingborough Borough Council	3
Winchester City Council	3
Bracknell Forest Borough Council	2
Bromley London Borough Council	2
Gravesham Borough Council	2
Haringey London Borough Council	2
Hastings Borough Council	2
Sheffield City Council	2
Stockport Metropolitan Borough Council	2
Sunderland City Council	2
Trafford Metropolitan Borough	2
Ashfield District Council	1
Basildon District Council	1
Basingstoke and Deane Borough Council	1

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City of London	1
Derby City Council	1
Doncaster Metropolitan Borough Council	1
East Hertfordshire District Council	1
Hounslow London Borough Council	1
Milton Keynes Council	1
Portsmouth City Council	1
Redbridge London Borough Council	1
Redcar and Cleveland Borough Council	1
Shropshire Council	1
Tonbridge and Malling Borough Council	1
Wolverhampton City Council	1
Denbighshire County Council	1
TOTAL	3197