

**Environment and Transportation Department,  
Block 2, Floor 6,  
Civic Offices,  
Dublin 8.**

**21<sup>st</sup> November 2018**

**To Each Member of the  
Environment Strategic Policy Committee**

**Dublin City Council Waste (Separation, Storage and Presentation of Household and  
Commercial Waste) Bye laws 2018**

To the members of the Environment Strategic Policy Committee,

Dublin City Council has drafted new Waste Bye Laws to replace the existing Dublin City Council Bye Laws for the Storage, Presentation and Collection of Household and Commercial Waste 2013.

These draft Bye Laws are proposed in the context of a requirement to review existing bye laws due to changes to legislation governing waste generally and the policy action C.2.1 of the Eastern Midland Regional Waste Plan.

**“To review/introduce presentation of waste bye-laws across the region, to maximise the quantity and quality of recyclable waste collected and amend/replace/introduce new bye-laws if appropriate”**

The key issues that are provided for in the new draft Waste Bye Laws are:

- The obligation to engage with an Authorised Collector or use an Authorised Facility and retain documentation to prove such arrangements are in place for specific amounts of time
- Specific requirements relating to multi user and multi let properties
- Continuation of Designated Collection Days
- Continued designation of the Central Commercial District with specific requirements for householders and business within this area.

- Acknowledgement and facilitation of bin sharing arrangements for householders

Additionally the draft Waste Bye Laws provide for the control of:

- How waste containers are maintained and stored
- Where bags or sacks may be used as waste containers
- Specific times for presentation of waste both within and outside the Central Commercial District
- Segregation and Contamination of Household Waste

## **Public Consultation**

Following the meeting of the Environment SPC held on the June 2018 the draft bye laws were approved for to be brought forward to the next meeting of the City Council at which they were approved for public consultation.

The advertisement of Draft Bye Laws for public consultation took place on the Monday 30th July and the consultation period commenced from that date until the 17<sup>th</sup> September 2018.

Seven submissions were received during the public consultation phase. Four submissions were received from members of the public, one submission was received from an elected representative, one submission was received from a business representative group, one submission was received from a business owner and these are set out below in the attachment to this report.

## **Issues Arising from Public Consultation**

A brief description of the issues raised in the submissions received during the consultation phase are outlined below including recommendations arising and rationale used to assess the validity of the issues in respect of the scope, purpose and existing provisions contained in the bye laws

- Obligations of Waste Collectors
- Regulation and Monitoring of Waste Collectors
- Regulation of Waste Collection Times

## **No amendment or alteration to the Bye – Laws is recommended.**

All of these issues are beyond the scope of the legal powers of the Bye Laws. The waste permitting regulations administered by the NWCPO and enforced by Dublin City Council Waste Enforcement Unit are the appropriate mechanisms for these issues to be addressed within.

Dublin City Council has been in contact with and will continue to liaise with the NWCPO in this regard and will seek amendments to permits as required to ensure that waste collection in the city is carried out in a manner appropriate to and convenient for the city.

- Location of Waste Presentation

**Amendment to Bye Laws recommended.** Bye Law 2.4 insert phrase 'in a prescribed place'

It is considered within the scope of the legal powers of the Bye Laws and desirable to manage waste presentation and the location in which waste is presented may require specific designation in certain scenarios

- Types of receptacles used for waste presentation

**No amendment or alteration to the Bye – Laws is recommended.**

Bye Laws do not place any restrictions on introducing or trialling new containers. The introduction of specific requirements relating to the standardisation of alternatives to wheeled bins is considered to be beyond the capacity of the local authority to enforce and administer. This could also potentially reduce the availability of service and increase cost to the consumer. Dublin City Council promotes the use of wheeled bins where possible and encourages the introduction of alternative receptacles to bags and is in contact with the waste industry regarding the introduction of such receptacles to provide for organic waste collection in the Central Commercial District.

- Designated Collection Days

**No amendment or alteration to the Bye – Laws is recommended.**

The provision of designated collection days is provided for within the bye laws and the ability to designate specific days and areas in which these designations are in place is assigned to the Local Authority.

- Objection to Bye Law 2.10 Interference with orderly waste collection.

**Amendment to Bye Laws recommended.** Bye Law 2.10 Delete (a) 'Employees of an Authorised Waste Collector or of Dublin City Council involved in the removal of waste shall not be wilfully obstructed, disturbed, interrupted or otherwise interfered with in the course of their engagement in waste collection.'

This Bye Law is considered to convey powers on the local authority that it will likely be unable to enforce as such it is considered unnecessary to include such a provision in the bye laws.

- Availability of Recycling facilities

**No Amendment or Alteration to Bye Laws Recommended.**

Not an issue that is relevant to the legal scope of the Bye Laws.

- Enforcement of Bye Laws

**No Amendment or Alteration to Bye Laws Recommended.**

Enforcement is provided for in the Bye Laws and the penalties are set at the maximum level allowable within the legislation.

- Lack of Organic Waste Collection

**No Amendment or Alteration to Bye Laws Recommended.**

This is beyond the scope of the legal power of the Bye Laws and is dealt with through the permitting system which is administered by the NWCPO and enforced by DCC Waste Enforcement.

- Waste Regulator

**No Amendment or Alteration to Bye Laws Recommended.**

This is beyond the scope of the legal power of the Bye Laws.

The full text of the bye laws as amended following the assessment of the submissions received is attached to this report.

I therefore recommend that that the Environment Strategic Policy Committee recommends to City Council that Dublin City Council Waste (Separation, Storage and Presentation of Household and Commercial Waste) Bye laws 2018 are adopted at the next available meeting of the City Council.

**DICK BRADY**

**ASSISTANT CHIEF EXECUTIVE**