



## Refuse and Recycling Operational Policy V3

DRAFT

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## Introduction

South Kesteven District Council's Refuse and Recycling Policy aims to ensure that waste and recycling services operate effectively and efficiently.

Under the Environmental Protection Act 1990, South Kesteven District Council is a Waste Collection Authority, and as such, has a statutory duty to collect household waste from all domestic properties within its administrative area. The Council has specific powers to specify:

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

The council acknowledges the environmental and community impact of not following proper waste collection practices. Failing to comply can lower recycling rates and leave waste uncollected, which may attract pests, pose health hazards, and create other nuisances.

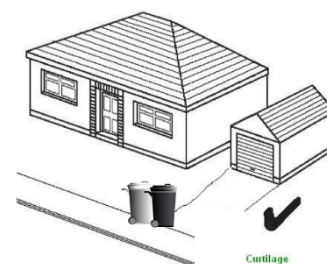
When residents do not comply with the Council's requirements, a proportionate response will be applied in line with the Council's Enforcement Policy. In line with the Section 46 notification, this could involve issuing a fixed penalty notice, taking other legal action, or suspending the collection service which can include removal of waste receptacle.

The council is committed to maintaining a clean, healthy environment and addressing climate change as part of its 'Sustainable South Kesteven' corporate plan. It aligns with the Lincolnshire Waste Partnership's strategic vision: "to pursue the best environmental solutions by providing innovative, customer-focused waste management that delivers value for money for Lincolnshire."

## Part 1 – Waste Collection

### 1 Presentation of Kerbside Waste – Residents' Responsibilities

- 1.1 Householders are responsible for the contents of their waste receptacles until they are collected by the council.
- 1.2 Residents must present their waste in bins or sacks provided by SKDC on the designated collection day.
- 1.3 Residents must only use household bins or sacks to dispose of waste generated from their own domestic property.
- 1.4 **Wheelie bins and sacks should be placed out for collection by 7:00 a.m. on collection day.** Householders can present wheelie bins and sacks from 6:00pm the evening before collection day and should take them back within their property boundary by 6:00pm after their collection. Any bins, sacks, or loose waste left on the street outside of collection days will be investigated.
- 1.5 **In some cases, such as extreme weather, it may be necessary to collect bins or sacks before 7:00 a.m.** When this happens, the council will make every effort to communicate any changes as widely as possible.
- 1.6 Wheeled bins and sacks must be placed out for collection in a visible location to ensure that collection staff can easily identify them for collection. Please ensure the handles are facing outwards to assist collection staff. Once emptied, bins should be returned to the property boundary as soon as practicable.
- 1.7 For properties located on private roads or shared driveways, bins and sacks must be placed where the private access road or driveway meets the public highway.
- 1.8 Bins should be positioned to prevent obstruction on pavements or walkways, with special consideration for partially sighted pedestrians, wheelchair users, and individuals with pushchairs or prams.
- 1.9 If residents are unable to place wheeled bins or sacks at the edge of the public highway due to access or property location issues, an individual assessment will be conducted to determine an appropriate collection point.



1.10 Residents are responsible for the storage, safekeeping, and cleanliness of their waste and recycling receptacles. These receptacles should not be allowed to overflow.

## 2 Presentation of Kerbside Waste – The Council’s Responsibilities

2.1 The council will supply an appropriate number of bins or sacks based on the property type and access requirements. Residents must not present additional bins or use their own.

2.2 The council will return bins to their collection point after emptying, unless doing so would cause an obstruction.

2.3 If the council causes a spillage, we will clean it up using brushes and shovels. For substances that are difficult to clear, such as paint or oil, a specialist team will be contacted as soon as possible to handle the situation.

2.4 Collection days for each residential address will be listed on South Kesteven’s website at [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk). Collection calendars will outline scheduled collections including changes to collection days for Bank Holidays. While the council cannot provide a specific time for collection due to factors such as roadworks, vehicle breakdowns, and other uncontrollable circumstances, collections will begin from 7:00 a.m. on the scheduled collection day.

2.5 Waste presented for collection may be inspected by an authorised officer, typically a member of the collection crew. These inspections are conducted to verify that the receptacle contains only the waste allowed for collection on that day.

2.6 The council will tag and record bins that fail an inspection and will refuse to collect them. It is the householder’s responsibility to ensure that the receptacle is free from any contamination by the next scheduled collection day.

2.7 The council will make flexible and alternative arrangements for areas that face issues such as access restrictions or space restrictions to store waste containers on their premises. Local arrangements may be put in place to meet the needs of local areas.

2.8 Collections which fall on the following Bank Holidays will take place on the usual collection day and not be re-scheduled to accommodate the Bank Holiday:

- Easter Monday,

- Early May Bank Holiday,
- Spring Bank Holiday, and
- Summer Bank Holiday.

### 3 Kerbside Waste Collection Services

3.1 The council will supply 240L wheelie bins for the collection of specific waste types. Waste placed in council bins or sacks must correspond to the designated types for each receptacle. Wheelie bins may only be used if there is adequate space within the property boundary to store them. If there is insufficient room for wheelie bins, sacks will be provided (see section 4). The following bins will be provided:

- Black for household/residual waste that cannot be recycled,
- Silver for mixed dry recycling (excluding paper and card),
- Black with purple lid for paper and card,
- Green for garden waste (subject to subscription),
- Black with orange lid for food waste (from 13<sup>th</sup> April 2026).

3.2 The following materials are to be placed in each wheeled bin. The following lists are a guide. A comprehensive list of which items should be put into each receptacle is on our website and is kept up to date and is the definitive list for the purpose of this document [www.southkesteven.gov.uk/whichbin](http://www.southkesteven.gov.uk/whichbin).

3.3 Purple-lidded black bins for paper and card should contain:

All paper and card materials must be clean and dry with no food residue.

- Paper (with no glue or paint),
- Cardboard tubes and boxes,
- Food packaging boxes (with no food),
- Cardboard egg boxes,
- Envelopes with or without plastic windows,
- Junk mail,
- Newspapers and magazines,
- Household packaging, and
- Greeting cards and wrapping paper (with no foil or glitter).

3.4 Silver bins for dry mixed recycling (this should be clean and dry, with no food residue and it excludes paper and card) should contain:

- Glass bottles and jars,
- Metal cans,
- Clean foil,
- Aerosols,
- Waxed cartons, and
- Plastic bottles, pots and tubs.
- ***Soft plastics such as films and crisp packets cannot be recycled in your silver bin.***

3.5 Orange lidded black caddies should contain:

- Plate scrapings,
- Meat and bones,
- Fish,
- Dairy,
- Tea bags and coffee grounds,
- Rice, pasta and beans,
- Bread and pastries,
- Oils, fats and unused pet food, and
- Fruit and vegetables.

3.6 Black bins for all non-recyclable household waste should contain:

- All non-recyclable household waste that is not in the lists above.
- Hazardous waste.

3.7 The following items are not accepted in any receptacle and should be disposed of at Household Waste Recycling Centres. Details of locations can be found at [www.lincolnshire.gov.uk](http://www.lincolnshire.gov.uk).

- Electrical items (WEEE),
- Rubble,
- Soil, and
- Hazardous waste.

#### 4 Side Waste

- 4.1 The presentation of 'side' waste (extra waste placed next to the black wheeled bin) does not align with waste reduction principles. Any waste left beside a wheeled bin or within bin stores will not be collected.
- 4.2 Paper and card side waste which is not contained within the purple lidded wheeled bin will not be collected. This is because the paper and card must remain clean and dry. Householders must place all wet or dirty paper or card in the residual (black) wheeled bin.
- 4.3 Exceptions to the side waste requirements may occasionally be made, such as during severe weather conditions that affect the service. Any details regarding these exceptions will be posted on the council's website and social media channels.
- 4.4 Householders may dispose of excess waste and recycling at Household Waste Recycling Centers, details of locations can be found at [www.Lincolnshire.gov.uk](http://www.Lincolnshire.gov.uk).
- 4.5 If a wheeled bin is deemed overloaded, whether by weight or volume, it will not be emptied. This decision is at the discretion of the operative, taking into account health and safety considerations and the safe working limits of the collection vehicle's lifting equipment.

## **5 Flats and Communal Bin Stores**

- 5.1 There may be occasions where it is not practical to provide 3 x 240 litre wheeled bins for each household. The Council will assess the arrangements for flats/ mixed properties on an individual basis and the council may implement flexible arrangements based on need.
- 5.2 If a developer, builder, or management agent chooses to provide their complexes with 1100-litre bins, the council will empty these bins by arrangement.
- 5.3 Where agreed, wheeled bins will be collected from and returned to the communal bin store.
- 5.4 If bins in a communal storage area are contaminated, they will be rejected and not emptied. It will be the responsibility of the residents or managing agents to arrange for the removal of the contaminated materials before the bins can be emptied on the next scheduled collection day.
- 5.5 If residents of flats or mixed properties do not effectively segregate their waste for recycling, the council will work with them to promote better recycling practices through education and written instruction. If

necessary, the council may exercise its enforcement powers to improve recycling performance in multiple occupancy properties. In cases of recurring issues, recycling bins may be removed.

5.6 If excess waste, such as bags, loose items, or furniture, obstructs access to a bin store, the operatives will not clear the area, and the wheeled bins will not be emptied. It is the responsibility of the management company or residents to clear the area and dispose of the excess waste. Wheeled bins will be emptied at the next scheduled collection, provided access is available. Landlords and managing agents must dispose of waste in accordance with current legislation

5.7 For properties that are part commercial and part residential—such as a flat above a shop—the council will only provide collection for household waste. If there is uncertainty regarding the origins of the waste (e.g., if commercial waste is evident), the waste will not be collected, or a charge may be applied.

## **6 Sack Collections**

6.1 In instances where it is not possible to safely store wheeled bins on some properties – usually due to lack of space or poor access – households will be provided with an annual supply of council waste sacks. Sacks will be delivered in October. The number of sacks that are delivered will equal the capacity to a wheeled bin.

6.2 Properties that may be provided with council sacks as an alternative to wheelie bins include:

- Flats with limited/no external storage,
- Properties with no frontage,
- Properties with no rear access,
- Properties with a very long drive where it is not efficient for crews to walk to a wheeled bin, and
- Properties where the council's vehicle fleet cannot access.

6.3 Households that require a sack collection will be provided an annual supply of following sacks for the following waste type:

- SKDC pink sack for non-recyclable waste, and
- SKDC clear sack for dry mixed recycling including paper and card.

6.4 A maximum of 4 sacks will be collected from a household on any collection date.

6.5 Pink and clear sacks will be collected alternate weekly. Clear sacks for dry mixed recycling can be presented when wheelie bin customers are presenting their purple lidded bin for paper and card only, and these will be collected separately.

6.6 When vacating a sack collection property residents should leave the remaining sacks at the property. When moving into a property that requires sacks partway through the annual delivery period (October – September), orders should be ordered on the Council's website and the appropriate number of sacks for the remainder of the year will be delivered.

## **7 Garden Waste Collection – Green Bin**

7.1 A chargeable service for the collection of garden waste is available to householders. Information on the service, terms and conditions how to subscribe are available at [www.southkesteven.gov.uk/greenbin](http://www.southkesteven.gov.uk/greenbin).

7.2 Garden waste is not permitted in the residual waste or recycling wheeled bins/sacks. Bins/sacks containing garden waste will be rejected as contaminated and will not be emptied/collected. The householder will be responsible for removing the waste before the next scheduled collection.

7.3 Residents who do not subscribe to the service are encouraged to compost or dispose of garden waste at any of the Lincolnshire Household Waste Recycling Centres <https://www.lincolnshire.gov.uk/recycling-waste/find-recycling-centre>.

7.4 Residents who subscribe to the garden waste collection service can purchase the following container/s for the following types of waste. The following list is a guide, the most up to date record of items than can be placed in the green bin can be found on the council's website [www.southkesteven.gov.uk/whichbin](http://www.southkesteven.gov.uk/whichbin).

- Hedge trimmings/cuttings,
- Grass cuttings,
- Flowers and plants,
- Leaves and bark, and
- Twigs and small branches.

7.5 Scheduled garden waste collections will take place fortnightly from 1<sup>st</sup> March – 30<sup>th</sup> November. Customers will receive one collection in December, January and February.

7.6 Subscribing customers will be entitled to have their Christmas tree removed; Christmas tree removal will take place in January alongside their scheduled garden waste bin collection.

## **8 New, Additional and Replacement Receptacles**

8.1 A set of three 240 litre bins (silver, black and purple lidded) will be issued to new houses as standard, a charge is made for all new wheeled bins. The council will always request the developers, or the landlord pays for bins at a new property. Where the developer or landlord has failed to make this provision, the resident will be liable for the purchase of the wheeled bins.

8.2 Any damage to wheeled bins that occurs during the collection process will be replaced at no cost.

8.3 Residents will be charged for replacement wheeled bins if they are damaged due to neglect, intentional harm, or hot ashes. Charges are reviewed annually and can be found in the council's published fees and charges. Payment must be made at the time of ordering. Individual circumstances will be considered on a case by case basis and a manager will decide any flexible payment arrangements.

8.4 Replacement wheeled bins will be delivered to householders as soon as practicable after payment is received, typically within 15 working days. If the bin is damaged in a way that makes it unfit for use, alternative arrangements will be made whilst waiting for the replacement bins to be delivered.

8.5 The black, silver and purple lidded bins supplied to households remain the property of the council as the council has a statutory duty to collect these wastes. Garden waste bins purchased are the property of the householder.

8.6 When moving address, householders must leave the refuse and recycling wheeled bins and any remaining sacks at the property for the new occupant. If you move to another address in South Kesteven, you can take your green bin(s) with you. However, to ensure that your collections continue, you must contact [www.gardenwaste@southkesteven.gov.uk](mailto:www.gardenwaste@southkesteven.gov.uk) to transfer the service to your new address.

8.7 Householders are responsible for the storage, safe keeping and cleaning of refuse and recycling receptacles.

8.8 Where it is found that additional receptacles have been acquired by householders the Council will take measures to empty and remove additional bins.

8.9 New and replacement wheelie bins and sacks should be ordered online using the council's bin and bag services page [Bin and bag services | South Kesteven District Council](#).

## 9 Assisted Collection

- 9.1 Residents may request an 'assisted collection' at no additional charge if they are unable to transport their wheeled bins or bags to the kerbside for collection due to infirmity, disability, or other health-related reasons, and there are no other household members aged 16 years or older available to assist. Assisted collections can be provided on either a temporary or long-term basis, subject to the council's assessment that the service is warranted.
- 9.2 Residents requesting an assisted collection may need to provide a letter of support from a medical practitioner. They will typically receive either a home visit or a telephone consultation to confirm their eligibility for the service and to determine the collection location.
- 9.3 Wheeled bins/sacks will be collected from the agreed location. Wheeled bins will be returned to the same location.
- 9.4 Residents are responsible for ensuring that bins or sacks are visible to collection crews at the agreed location and that there are no obstructions. **Gates must be unlocked between 7:00 a.m. and 3:00 p.m. on the collection day.** If the operative is unable to gain access, no further collection will be attempted until the next scheduled date.
- 9.5 Residents must notify the council if their circumstances change, and the assisted collection is no longer needed. The register will be reviewed periodically, and users will be contacted to confirm ongoing eligibility. The service will be withdrawn if the household no longer qualifies. Temporary collections will generally have a set end date, after which the service will end automatically. Residents must contact the council to arrange any extension.
- 9.6 An assisted collection should be requested online at [Request an assisted waste collection | South Kesteven District Council](#).

## 10 Missed Bin/Sack Collections

10.1 There are occasions when bins and sacks will not be emptied at the scheduled time, the following is a list of the most common occurrences:

- Severe weather,
- Blocked access (parked cars), and
- Roadworks.

## **10.2 Severe Weather**

10.21 In the event of severe weather, such as snow, ice, floods, or other conditions disrupting waste and recycling collection services, the council will strive to continue services where it is safe to do so.

10.22 If collections are missed due to severe weather, residents should leave their bins or sacks out for up to one week, including the weekend, as missed collections may occur on Saturdays. If the collection has not been completed within this timeframe, bins or bags should be taken back into the property boundary and re-presented on the next scheduled collection day for that waste type.

10.23 Missed residual waste collections (black bins/pink sacks) will be prioritized. This may require the temporary suspension of the garden waste service during periods of disruption. Depending on the length of the disruption, additional waste may be accepted alongside containers.

10.24 Residents will receive updates through social media, the council's website, and any other appropriate communication channels.

## **10.3 Blocked Access**

10.31 If bins are blocked by a vehicle, the council will try to collect on the same day.

10.32 If access is blocked by roadworks or parked vehicles, the council will attempt collection within three working days, up to three attempts.

10.33 After three unsuccessful attempts, bins will be left until the next scheduled collection.

## **10.4 Roadworks:**

10.41 The council coordinates with the Highways Authority to ensure collection crews are aware of planned roadworks and can arrange alternatives.

10.42 Waste collection vehicle drivers will evaluate the safety of accessing areas affected by emergency roadworks and coordinate with the Highways Authority to maintain waste collection services. A smaller collection vehicle may be used, potentially altering the collection day. The council will make every effort to inform residents of these changes in advance of the collection.

## **10.5 Reporting and Returning for missed collections**

10.51 Residents may report a missed collection on the council's website starting from 3 p.m. on the scheduled collection day. Missed bin and sack reports made more than two working days after the scheduled collection day will not be accepted. Individual cases will be reviewed as needed.

10.52 Operatives will return for a missed bin or sacks within five working days if the resident has complied with the presentation requirements (see Section 3) but the bin or sack was missed. Residents should leave their bin or sack at the kerbside during this period. Operatives will not collect missed bins or sacks from within the property boundary unless the resident is enrolled in the assisted collection service.

10.53 A missed bin should be reported online at [Reporting a missed refuse collection | South Kesteven District Council](#)

## **10.6 Rejected Bins**

10.61 The Council will reject waste presented for collection for the following reasons:

- Overloaded wheeled bins (by weight and volume)
- Wrong receptacle presented e.g. recycling wheeled bin presented on refuse week
- Wheeled bin is too heavy to lift, due to containing heavy waste e.g. construction, DIY or soil waste
- Contamination of recyclable materials
- Garden waste in residual collection (black wheeled bin or pink sack)
- Hazardous waste types such as WEEE (waste from electrical and electronic equipment) and asbestos

10.62 It is the responsibility of the householder to remove the contamination and dispose of it in the correct manner. The council will not return for rejected bins or sacks.

10.63 Refuse collection vehicles are equipped with an in-cab system to monitor collections. Any bins or sacks not presented according to policy will be recorded in this system. Operatives have no incentive to skip collections or incorrectly report contamination. If a bin or sack is logged as not out, contaminated, or overweight, operatives will not return to collect it, even if the resident later rectifies the issue. The bin or sack must instead be presented on the next scheduled collection day.

10.64 Where a wheeled bin or sack is rejected, a tag or sticker giving the reason for rejection is attached to the wheeled bin or sack. Tagging/stickering will alert the resident to the issue and helps prevent future contamination, ensuring waste is managed efficiently in line with this policy.

## **11 Additional Capacity for Large families**

11.1 Households of five or more people can request additional residual and/or recycling wheeled bins to assist with recycling or disposing of their waste. It should be noted that this policy relates to single family units and not houses in multiple occupancy where other arrangements are in force.

11.2 Where a need is agreed, additional recycling capacity will take precedent. The ongoing need for additional capacity will be reviewed periodically.

11.3 Households who request additional residual and/or recycling bins will need to purchase them from the council. A list of the up-to-date fees and charges can be found on our website [www.southkesteven.gov.uk](http://www.southkesteven.gov.uk).

11.4 Additional bins should be purchased online at [Bin and bag services | South Kesteven District Council](#)

## **12 Bulky Household Waste Collection**

12.1 The bulky household waste collection service is a chargeable service for the collection of household items such as white goods e.g. fridges, televisions, furniture etc. This does not include the collection of fixtures and fittings such as kitchens, bathrooms, etc. Collections should be booked online at [www.southkesteven.gov.uk/bulky](http://www.southkesteven.gov.uk/bulky). Full terms and conditions of the service are available on the Council's website at [www.southkesteven.gov.uk/bulky](http://www.southkesteven.gov.uk/bulky).

12.2 Only items that can be safely collected and recycled/disposed are available for collection. A full list of items the Council can collect can be found on the website. It is the responsibility of the householder to select the correct item from the bulky collection list. The council will refuse to collect any items that have not been booked.

- 12.3 Items that are booked for collection should be presented at the edge of the householder's property in a visible location clear from any obstruction. The council will not collect bulky household items from within the property boundary.
- 12.4 The Council may suspend the bulky household waste collection service during Bank Holiday periods and in cases of severe weather.
- 12.5 Fridges and freezers must be completely empty when presented for collection. If any items contain other waste at the time of collection, they will not be accepted.

### **13 Battery Collections**

- 13.1 Some types of used household batteries can be put out for collection on the same day as any of your wheelie bins. They must not go inside the bins.
- 13.2 Batteries can be put out for collection on any wheelie bin collection day. Batteries should be placed in a separate plastic bag, such as a sandwich bag, and fastened to the handle of the wheelie bin. There is no way to dispose of batteries if you are a council sack customer. This must be taken to a supermarket or HWRC for recycling.
- 13.3 The Council will collect batteries separately from other waste types and take them away for recycling. The following is a list of batteries that will be collected:
- All everyday household batteries,
  - Button batteries - e.g. from watches,
  - AA Batteries,
  - AAA Batteries,
  - C Batteries,
  - D Batteries,
  - 9V Batteries,
  - 6LR61 Batteries,
  - N LR1 Batteries, and
  - AAAA Batteries.

- 13.4 An up to date list of batteries that can be collected along with FAQs will be published on our website [Household Battery Recycling | South Kesteven District Council](#)

## **14 Medical and Clinical Waste**

- 14.1 Medical waste includes nappies, stoma bags (must be drained prior to disposal), sanitary products, non-infectious wound dressings and incontinence pads etc. These items should be bagged and placed in the residual black wheeled bin/pink sack for collection.
- 14.2 Residents with large amounts of medical waste that cannot fit within the regular residual bin may request an additional marked black bin, collected alongside the residual (black) bin. Written confirmation from a qualified individual (e.g., medical practitioner, nurse, GP) is required and should describe the type of waste to be collected. These bins are unsuitable for liquid waste, and any containing liquid will be rejected. Residents should arrange alternative collection of liquid waste with their medical practitioner.
- 14.3 The council will collect clinical sharps, which must be securely sealed in a designated sharps bin or container. The council does not supply these containers; they can be obtained on prescription from a GP or pharmacist. Residents can request a sharps bin collection online or by calling the Customer Service Centre at 01476 406080 and asking for “waste”. The council does not provide removal or disposal services for unused pharmaceuticals; these should be returned to a pharmacy.

## **15 Commercial / Trade Waste Collection**

- 15.1 The Council offers a collection service for commercial/trade waste. Details of the service may be found at [www.southkesteven.gov.uk/commercialwaste](http://www.southkesteven.gov.uk/commercialwaste)

## Part 2 – Education and Enforcement

### **16 Education**

16.1 Everyone providing feedback relating to waste collection can expect the council to:

- Take the matter seriously,
- Clearly explain what can and cannot be done, and
- Deal with the matter according to this policy.

16.2 The council will approach all feedback without bias or preconception. Investigations may involve the sharing of, or access to, partner information relating to the individuals or the feedback.

16.3 All parties will be kept up to date throughout the course of the investigation and will be notified of action being taken.

16.4 To provide us with Feedback on our service please complete our online process [Complaints, compliments and comments | South Kesteven District Council](#)

16.5 Section 58 of the Deregulation Act 2015 amends section 46 of the 1990 Act, through new sections 46A to 46D to de-criminalise offences relating to incorrectly presented domestic waste. These amendments enable waste collection authorities in England to issue a written warning if a person fails to comply with reasonable requirements regarding the storage of household waste. These include (but not limited to) the following:

- Prohibiting the presentation of loose residual waste ,
- Where and when the receptacle is presented for collection,
- Not to overload the receptacle (e.g. the bin lid is up), and
- What is to be placed within the receptacle.

16.6 This penalty is a civil penalty rather than being a criminal offence, and therefore a Fixed Penalty Notice can be issued.

16.7 The education process takes place in 2 stages; these are:

- **Stage 1 – tag placed on bin or advice letter** - The first step in response to any reports regarding waste collection will be to provide education, guidance and support, whether this be in relation to what items can go in each receptacle, when and where to present the waste or where the waste is being stored. For example, when bin contamination is found the details will be recorded and a tag will be attached to the

bin explaining the reason it has not been emptied and that it will be emptied on the next scheduled date (once the contamination has been removed), or when waste is persistently kept on the public pathway/highway an advice letter will be sent to all properties in the area explaining where waste should be stored.

- **Stage 2 – formal instruction** - If education has not been successful, the council will issue formal written instruction on how to comply. This will be done as soon as possible to encourage early compliance. This intervention will serve as a warning that failure to comply in the future may result in the issuing of a Fixed Penalty Notice. The written warning will be issued in accordance with the 1990 Act, clearly outlining specific requirements and providing details on how and by when the recipient can achieve compliance. Advice and guidance will be available throughout this process. Legally, enforcement action may be taken one year from the date of the written warning.

## 17 Enforcement

17.1 Should the above steps fail to deliver the desired impact, appropriate enforcement powers will be used to bring about a resolution and maintain a clean street scene. In such instances, the Council will seek to use powers contained within the 1990 Act, or part 4 of the Antisocial Behaviour, Crime and Policing Act 2014 as appropriate. Education will continue to be provided at all stages of enforcement. Designated officers are authorised through delegations of the council's constitution, to discharge the legal aspects of this policy.

17.2 Enforcement is only applicable where non-compliance causes a nuisance or is likely to be detrimental to the amenity of the locality and there has been continued or repeated non-compliance.

Examples of non-compliance include but are not limited to:

- Waste receptacles being kept on the public highway/pathway on days that are not the collection day,
- Waste presented for collection not in a council-agreed bin or sack, and
- Presenting the wrong waste, such as waste not from the household or hazardous waste.

17.3 Following education and formal instruction, further non-compliance with waste collection requirements may result in an authorised officer serving the person a 'notice of intent' to serve a Fixed Penalty Notice. A 'notice of intent' will contain information about:

- The grounds for proposing to require payment of a fixed penalty,
- The amount of the penalty that the person would be required to pay, and
- The right to make representations (within 28 days).

17.4 A person on whom a 'notice of intent' is served may make representations to the authorised officer within 28 days as to why payment of a fixed penalty should not be required. If the representations are accepted, no monetary penalty will be imposed.

17.5 If there is still no compliance after this letter a 'final notice' to pay a fixed penalty will be issued as set by our current schedule of fees and charges. If failure to comply continues, further fixed penalties may be issued. A warning will be issued prior to each penalty.

17.6 The Council may refuse to collect waste if notices are not complied with and relevant legal and waste contractual contravention conditions are met. This option will be carefully considered against any potential long-term impacts.

## **18 Appeals against a notice**

18.1 Persons may also appeal to the First-Tier Tribunal against the decision to require payment of a fixed penalty. Payment periods are suspended until the case is determined.

## **19 Payment of a fixed penalty**

19.1 Failure to pay any penalty imposed under this policy will lead to recovery action either summarily, as a civil debt or through a high court or county court order.

## **20 Continued Non-Compliance**

20.1 Should there be continued non-compliance leading to the service of more than one fixed penalty notice within a 12-month period, consideration will be given to further actions other than the use of fixed penalties to include but not limited to:

- Criminal proceedings under the 1990 Act (potentially leading to prosecutions),
- Withdrawal of aspects of the service (for example garden / green waste and / or recycling bins).

20.2 Such measures are as a last resort when all other avenues have expired. Such actions will be decided by the appropriately delegated officer.

20.3 Cases will usually be closed following contact with the complainant or confirmation from officers that the issue no longer exists. We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the impact of any relevant issues. If an individual remains dissatisfied, they can use the Council's complaints procedure.

20.4 Further Guidance is available at:

- Sections 35 to 54 of the Clean Neighbourhoods and Environment Act,
- DEFRA, Fixed Penalty Notices issuing and enforcement by Councils and Guidance on the legal definition of waste and its application <https://www.gov.uk/environment/waste-and-recycling>.

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