

# Waste and Recycling Service Collection Policy

February 2025



# Background

New Forest District Council is committed to tackling climate change, key to this commitment is the introduction of measures to reduce the environmental impact of waste in the New Forest. The most effective way to do this is to make changes to our frontline collection service and introduce policies that support and encourage waste reduction and recycling practices. In July 2022 the council approved a new Waste and Recycling Strategy for 2022 -2027. This Collection Policy supports the implementation of the new working practices.

Under the terms of the Environmental Protection Act, 1990, New Forest District council (the 'council') is classed as a Waste Collection Authority, and as such, under section 45 (1), has a statutory duty to collect household waste from all domestic properties within the district.

Section 46 of the Environmental Protection Act 1990 (EPA) empowers a Waste Collection Authority to require residents to place household waste out for collection in designated containers and separated into specified waste streams. In so doing it can stipulate:

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

The Environment Act 2021 paved the way for consistent recycling collections across England. We must therefore ensure that:

- Recyclable waste is collected separately from other waste
- Recyclable waste includes glass, metal, plastic, paper/card, food waste, and garden waste
- Recyclable waste streams must be collected separately from each other, unless not technically/economically practicable or if there is no environmental benefit in doing so

This document outlines how New Forest District Council intends to deliver waste and recycling collection services to its residents, and the actions required by householders to participate fully in the service.

## The service to residents

The property type, access and storage provision will determine the service that is provided to any given household. The core service will be provided to properties wherever possible. Variations will apply if a property is assessed as being unsuitable for the core service based on storage or access

restrictions. The assessment of property suitability for the core service is at the discretion of the council. Policies 1-3 outline the 3 types of service the council offer to households across the New Forest. The containers provided must be used to present waste for collection, no other containers will be accepted.

## 1. The Core Service

Waste Stream	Container	Container Colour	Collection frequency
General waste	180L wheeled bin	Black body with black lid	Fortnightly
Mixed recycling	240L Wheeled bin	Black body with green lid	Fortnightly
Glass	45L reusable box	Black	Four weekly
Food waste	23L external caddy	Brown	Weekly
Garden waste*	240L Wheeled bin	Black body with brown lid	fortnightly (subscription)

## 2. Properties with storage or access constraints

Waste Stream	Container	Container Colour	Collection frequency
General waste	Plastic sacks, max 2 per collection (max 90L), supplied by resident	Black sacks	Fortnightly
Mixed recycling	Clear sack (assessed by waste team)	Clear sacks	Fortnightly
Glass	45L reusable box	Black	Four weekly
Food waste	23L external caddy	Brown	Weekly

## 3. Properties with communal storage areas

Waste Stream	Container	Container Colour	Collection frequency
General waste	Communal bins	Black body with black lid	Fortnightly/weekly
Mixed recycling	Communal bins	Black body with green lid	Fortnightly
Glass	Communal bins	Black	Four weekly
Food waste	Communal bins (5L caddy for home storage)	Brown	Weekly

In addition to the containers set out in policy 1-3 the council will also provide smaller internal waste caddies at the initial service roll out, for residents to use within their home for the internal storage of food waste.

\* Please note the garden waste service is a chargeable service, only residents subscribed to this service will receive these containers.

#### 4. Wheeled bin property suitability

An authorised inspector will carry out a survey on all properties to assess whether they are suitable for a wheeled bin for general waste, mixed recycling and garden waste.

Wherever possible properties will be supplied with waste and recycling bins.

Properties will be considered unsuitable for wheeled bins if:

- there is no space, or a space under five square metres at the front of the property and no access from any other storage area to the point of collection other than through inhabited rooms (e.g. only access is through the house).
- there is space at the front of the property but it will cause an unacceptable obstruction on the highway.
- there is suitable space for storage at the rear of the property but no way of wheeling the bin to a collection point (e.g. only access is through the house) and the front area is sized less than five square metres. We will consider supplying residents in this category with bins only if they request them.
- there are an excessive number of steps to negotiate in a single flight or a very steep slope. we will consider supplying residents in this category with bins only if they request them.
- the distance required to manoeuvre a bin to a collection point is considered to be unreasonable by the Council.
- there is no reasonable access for the collection vehicle.
- the Waste and Transport Service Manager deems the property unsuitable for reasons of operational practicality or some other significant reason. This may include issues relating to specific house design or specific local issues that require special consideration.

If the council decide that your property is not suitable for a wheeled bin, we may still supply bins on request, subject to the Council being satisfied that the residents can store the bin on their property between collections and present it for collection at their designated collection point or other agreed location.

If the council decide that there is only room for one bin, this will be a general waste bin. We will collect recycling from recycling sacks.

If the council decide that there is only room for two bins, these will be a general waste bin and a mixed recycling bin.

If the council decide that there is room for all three bins, no alternatives will be offered.

The only exception to this being if a resident is unable to physically manoeuvre a wheeled bin. We will review these cases on an individual basis and may offer an assisted collection to collect the bins or agree a suitable alternative.

The Waste and Transport Service Manager has the final decision on the collection container authorised for use at a property.

## 5. Recycling and waste capacity

### General Waste

The standard size containers provided to each household are listed in policies 1 – 3. The council will provide more capacity for larger households and those with additional waste needs (see table below). However, this will be subject to assessment made by the waste team.

Households will need to demonstrate that they are recycling everything that they can and taking measures to reduce general waste before additional general waste capacity is offered, a member of the waste team may visit the property to assess current recycling behaviours.

Applications for additional waste and recycling capacity can be made via the council website if the necessary criteria are met.

### Recyclable waste

Requests for additional recycling capacity will be accepted from all residents.

*Applications for additional general waste capacity must meet the minimum criteria stated in the table below:*

Household type	Provision
Up to 5 occupants	General waste - 1 x 180 litre black wheeled bin Recycling - 1 x 240 litre green lidded wheeled bin 1 x 45 litre glass box (extra boxes on request) 1 x 23 litre external kitchen bin
<ul style="list-style-type: none"> <li>●6 – 8 occupants</li> <li>●2 or more children in nappies</li> <li>●Additional waste due to medical needs</li> </ul>	<i>(Application process applies)</i> General waste - 1 x 240 litre black wheeled bin Recycling - 1 x 360 litre green lidded wheeled bin 1 x 45 litre black glass box (extra boxes on request) 1 x 23 litre external kitchen bin
9+	This assessment will be made by a Waste Officer
Flats/properties with communal bin areas	Waste and recycling will be contained in communal wheeled bins ranging from 140L for food waste up to 1100L for general waste and recycling. The number and size of the containers

will be dependent on the number of dwellings served and the space in the bin storage area. At least 90L capacity per household per week will be provided for general waste and mixed recycling. At least 45L capacity will be provided per household per four weeks for glass. At least 23L capacity per household per week will be provided for food waste.

The provision of additional waste capacity for any household is a temporary allowance. Should a household be allocated additional capacity, it will be informed of the review date of this service, currently set at 12 months. Upon review, should the household not meet the minimum criteria, additional general waste capacity will be removed.

## 6. Materials collected<sup>1</sup>

### General waste

Any domestic household waste that cannot be recycled. Exemptions apply please see **policy 13** of this document.

### Mixed recycling

All recycling must be clean and dry and added loose to the green lidded recycling bin

- Plastic bottles
- Aluminium and steel tins/cans
- Aerosols
- Flattened cardboard boxes
- Newspapers and magazines
- Packaging
- Junk mail and envelopes and greeting cards

### Glass

Glass should be placed in your black recycling box

- Glass bottles and jars

### Food waste

Food waste can be stored in your 5L kitchen caddy ahead of being placed in your 23L food waste caddy. Food waste should be wrapped in newspaper, placed inside a plastic bag (not black plastic) or compostable liner. Multiple food waste bags may be placed in your 23L food waste caddy.

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<sup>1</sup> Materials collected will be reviewed when the input specification of the MRF and Anaerobic Digestion facility is known.

- Uneaten food and plate scrapings
- Baked goods, bread, cakes, pastries
- Dairy product, eggs, and eggshells
- Fruit and vegetable peelings
- Out of date or mouldy food
- Pet food
- Raw and cooked meat or fish, including bones
- Tea bags and coffee grounds

#### **Garden waste**

- Grass cuttings and hedge clippings
- Flowers and non-invasive weeds
- Leaves
- Twigs and small branches (less than 75mm diameter)
- Christmas trees (cut up to fit in the container)

## **7. Storage and collection points for containers**

Household waste and recycling whether placed in a receptacle provided by the council or otherwise must be stored on private property between collection days. Storage is NOT permitted on the public highway. If an occupier continues to store household waste receptacles on the public highway an enforcement process will be followed by the council, see Appendix 1 for the council's enforcement process.

Unless otherwise agreed with the council, householders are asked to place their waste containers at the edge or curtilage of their property, where it meets the public highway. Our operatives will collect the container and return it.

If the property is in a private footpath, lane, or road, the collection point will, wherever possible, be where the lane or road meets the public highway. Householders are required to return their bins to their property at the end of the scheduled collection day to ensure the highway is not obstructed. Where collections have to be made from a private accessway, a responsible person will be required to sign an indemnity agreement indemnifying the council for any damage caused during collections.

The council reserves the right to change collection points if they are unsafe or impact on the efficiency of collections.

#### **Properties with access to free roaming animals**

Residents will be provided with secure containers, therefore, all containers should be set out at the edge or curtilage of the property, where it meets the public highway. In some circumstances the council may request that containers are left behind the householder's gate. Safe pedestrian access must be maintained, operatives cannot cross a cattle grid to collect waste and recycling containers.



## 8. Collections times and presenting waste and recycling

All bins, bags, caddies or boxes must be put out for collection before 6am on the specified collection day. Waste and recycling should not be put out before 6pm the day before the scheduled collection. Collection days can be found on the council website or through your customer account.

### Overflowing bins

All wheeled bins must be presented with the lid closed. They must not be overflowing or too heavy for the collection crew to manoeuvre safely. Overflowing or heavy bins will not be collected. The maximum weight for a wheeled bin we will collect is 45kg. A notice will be left on the bin stating why the bin has been left and residents will be required to remove the excess waste and wait for the next scheduled collection. This will also be reported via the crews in-cab units to the customer service team.

### Food waste<sup>2</sup>

Food waste bins must be presented with the lid closed. Food waste caddies should be presented with the carry handle in the upright position (which is locked) this reduces the bending over of operatives and ensures the lid is in the locked position.

### Garden Waste

Full details of the presentation of garden waste for collection is available in the Garden Waste Terms and Conditions.

Following the collection of waste containers, residents are required to remove them from the public highway by the end of the scheduled collection day. Householders that leave containers on the public highway could be subject to the council's enforcement procedure, see appendix 1 for more details.

### Missed collections

Our collection crew record the presentation of waste and recycling using an onboard in-cab technology system.

If a bin has not been collected, and there is no notice on it to explain why, it may have been missed by the collection crew. Missed collections can be reported via the council website. Missed collections must be reported by 12pm on the next working day after the scheduled collection day. We will send a vehicle back to collect waste within 2 working days of it being reported.

Before returning to collect any reported missed bins, the in-cab technology system will be checked to ensure the waste was presented on time and in accordance with our collection policy. We will not return to collect a reported missed bin if it is not presented in line with our policy.

## 9. Extra general waste

Additional household waste or side waste, that is left beside or on top of a black general waste wheeled bin, will not be collected. The lid of the wheeled bin must be fully closed for the collection to

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<sup>2</sup> Presentation of food waste and the use of liners will be reviewed when the input specification of the Anaerobic Digestion facility is known.

take place. If the bin is overflowing and the lid is not fully closed the bin will not be collected. A notice will be left on the bin stating why the wheeled bin and/or additional waste was not collected, this will also be logged via the crew's in-cab units to the customer service team.

It is the responsibility of the householder to dispose of additional household waste as follows:

- **Place the waste in their wheeled bin awaiting the next collection.**
- **Dispose of the waste at their local Household Waste Recycling Centre (HWRC).**
- **Arrange for any licensed waste carrier to collect and dispose of the waste.**

*The council can provide this service via their bulky waste collection. Information can be found on the council website, please note there is charge for this service.*

If households leave uncontained additional/side waste on the public highway after the scheduled collection day the council may follow the enforcement process as set out in appendix 1.

Households will be able to set out additional bagged general waste for the first collection of general waste after the Christmas bank holiday. This is a maximum of 1 standard size 90L bag per household of general waste.

## 10. Extra recycling

The lid of the wheeled bin must be fully closed for the collection to take place. If the bin is overflowing and the lid is not fully closed the bin will not be collected. A notice will be left on the bin stating why the wheeled bin and/or additional material was not collected. No sacks should be left next to the bin. Any card should be flattened and bundled and placed next to the bin, a single bundle will be collected in addition to the bin. All glass must be contained safely in the boxes provided.

Residents can request additional recycling capacity through the council website. This would be either a larger wheeled bin (360L), an additional glass box, or additional mixed recycling sacks (for households not suitable for wheeled bins).

The householder must have capacity to store any additional containers safely off the public highway.

Households will be able to set out additional mixed recycle for the first collection after the Christmas bank holiday. This should be no more than the equivalent of 1 standard size 90L bag per household and must not be presented in black sacks. All glass must be contained safely in the boxes (or glass bins where collections are communal) provided.

## 11. Ownership and replacement of containers

The council requires that all household waste and recycling is placed in receptacles provided by the council.

Bins not supplied by the council will not be emptied. The councils' containers will be marked with an NFDC logo.

Residents should number their bin and other containers, so they are identifiable to the property.

The waste and recycling containers remain the property of the council, if you move house the containers must be left at the property. The council reserves the right to remove containers from residents in instances of misuse.

### **Unauthorised bins**

Any council owned bins that are not formally supplied to a property will be removed.

If the council become aware of a change in circumstances that means the household is no longer entitled to the supplied bins, (such as less people living at a property or the ending of a medical condition) the bins will be removed without notice.

In the event of bins being presented for collection that are clearly from another local authority area, we will not empty these bins and will seek permission from that local authority to recover their bins.

Bins that do not belong to the council will not be emptied and we will leave these at the property.

### **Replacement**

It is the householder's responsibility to pay for the administration and delivery of replacement wheeled bins from the council should the bin go missing or be damaged by the householder. Payment should be made online or via Customer Services.

The charge covers the administration and delivery of bins and is intended to encourage residents to take responsibility for the wheeled bins provided and to reduce demand for replacement containers.

However, should any bin be damaged or lost during the crew collection process, the council will replace it at no charge to the resident.

External food caddies, and glass boxes will be replaced free of charge.

Internal food waste caddies will be provided at the start of the food waste collection service and to new residents. These will not be replaced.

The replacement containers provided (including wheeled bins) will not always be a new container. Pre-used wheeled bins and other containers will be re-distributed wherever possible.

The delivery and administration charges for lost and damaged bins will be reviewed annually in the council's Fees and Charges report. Service charges are also listed in **Policy 20** of this document.

Even when a charge is paid by the householder or developer, the bin remains the property of the Council.

### **New build properties**

Property developers are required to meet the cost of providing bins for new developments and these must be procured through the council. Guidance on the requirements for waste storage and collection at new residential developments, can be found in the Technical Guidance note in the following link:

[Planning policy guidance - New Forest District Council](#)

## Sack provision

Where a property is assessed as requiring sacks for their general waste and mixed recycling collections the council will make an annual delivery of recycling sacks. It is expected that residents provide their own general waste sacks for collection.

The council will not provide any sacks to properties that are suitable for wheeled bins. Householders may choose to provide their own sacks to contain general waste within the bin.

All mixed recycling should be presented loose within the recycling bin as sacks cannot be recycled. Any recycling presented in sacks that have not been issued by the council will be treated as contamination and will not be collected.

## 12. Assisted collections

If residents are unable to put out their household waste to the edge of the property due to a disability, illness or injury, they can request an assisted collection. Assisted collections are available for all waste streams. We will collect the waste from an agreed location, on the normal collection day. We will return all containers after emptying.

Assisted collections are only available where a resident is physically unable to present their waste containers and where there is no one else in the household to help put out your waste for collection. The council will require supporting evidence to demonstrate the requirement submitted with applications. This can be in the form of:

- Blue badge (with number)
- A letter from doctor, nurse or hospital providing evidence of a requirement (this could be an appointment letter if it provides sufficient information)
- PIP confirmation letter evidencing a mobility score of 8 points or more
- A letter confirming entitlement to the mobility component or care at the higher rate of the Disability Living Allowance (DLA)
- A DWP letter of disability

Assisted collections can be requested on the council website. The council's decision to offer an assisted collection is dependent on:

- a) whether the resident can physically move the waste container to the collection point
- b) whether sacks can be transported to a permanently located container
- c) if there is another physically able person at that property to move the waste containers on the collection day. This physically able person includes carers not living at the property and anyone living at the residence.
- d) the accessibility of the proposed collection point

Assisted collection requests are reviewed annually and residents will need to reapply to ensure they continue to receive an assisted collection. A member of the waste team may visit the applicant/property to discuss the application or renewal.

If the council receive reports that assistance may no longer be needed at a property, it will be investigated and, if necessary, the crew will be instructed to collect from the designated collection point outside of the normal review process. We will notify the householder of this in writing giving one month's notice.

### 13. Contaminated/rejected bins

The council can only collect bins that contain the correct materials and is in a safe condition to empty. Operatives will not empty bins if they contain the wrong material, examples of this are listed below although this is not exhaustive:

- The mixed recycling bin contains non-recyclable material, bagged recycling, or glass.
- The glass box contains other materials or broken drinking glasses
- The food waste caddy contains non-food items (except for the newspaper, plastic or compostable bag used to line it)
- The general waste bin contains material that is excluded from general waste collections. A list of these items can be seen below:
  - Asbestos
  - Batteries
  - Commercial or industrial waste
  - Brick rubble, soil, and construction materials
  - Domestic appliances and electrical/electronic equipment
  - Bulky household items or fixtures and fittings
  - House clearance waste
  - knives
  - Green garden waste and soil
  - Hot ashes
  - Medication
  - Clinical waste deemed as infectious
  - Oil and flammable liquids
  - Paints and chemicals
  - Scrap metals
  - Other hazardous waste

Garden waste bins may also be rejected on collection, full details of the presentation of garden waste are available in the [Garden Waste Terms and Conditions](#).

If households consistently contaminate recycling containers with the wrong materials, the council could follow the enforcement process, set out in appendix 1.

In order to protect the health and safety of our crews and that of passing pedestrians, damaged wheeled bins will not be collected. This is to ensure that the bin is properly engaged with the bin lift prior to the emptying operation. This will prevent the loaded bin or its contents from falling and causing injury. Please view our policies on wheeled bin replacements.

If your bin is deemed too heavy by our collection crews, it will not be collected. Generally, the maximum acceptable weight of a wheeled bin for collection is 45kg. Heavy bins pose a risk to our

collection crew and the public and could damage the collection vehicle. Our crew will also take into account the prevailing conditions when making a decision on a heavy bin.

Heavy items should be removed and disposed of correctly. We will not return to empty your bin once the items have been removed. Please present your bin on the next scheduled collection day for general waste, mixed recycling or garden waste

## 14. Weather and bank holidays

In cases of severe weather, such as snow and ice, it may be necessary to cancel waste and recycling collection services for the safety of the crew and residents. Cancelling collections services is at the discretion of the waste and recycling management team.

Service cancellations will be displayed on the council website and social media.

Collection services will take place as normal on banks holidays throughout the year. The exception to this is at Christmas where collections will not take place on Christmas day (25 December), boxing day (26 December) or New Year's Day (1 January). These changes will be posted on the council website and social media. Where possible alternative collection days will be scheduled, which could include weekend collections for some households.

## 15. Access issues

If our crew cannot access a road or property safely, they will not collect the waste and recycling. There are several reasons why this might happen:

- Road works / road closures
- Fallen trees / overhanging branches
- Poorly parked cars blocking access /building works

If the road cannot be accessed on collection day, the crews will log the reason via the in-cab technology system. Where time allows, they will return twice more, on the same collection day to attempt to access the road, each visit will be logged to ensure customer services have up to date information.

If the collection cannot be made on the same day, where possible, alternative collection arrangements will be put in place within 2 working days, in line with our missed bin collection policy.

For longer term road works/building works/overhanging branches, other solutions maybe sought, which could include temporarily moving the collection point for waste and recycling.

## 16. Garden waste

The council provide a chargeable garden waste collection service.

Residents can join garden waste collection service at any time of the year, it is a rolling year subscription.

Customers must use a council supplied garden waste wheelie bin to display their garden waste for collection. There is an administration and delivery charge for the garden waste wheeled bins. Current service charges can be seen on the council website.

The policies within this document apply to the garden waste collection service. Additionally, the full garden waste terms and conditions can be found on the council website.

## 17. Bulky waste

The Controlled Waste (England and Wales) Regulations 2012, sets out what types of household waste are defined as chargeable. The council collect bulky waste items for a small charge.

Residents in receipt of certain benefits can apply for one free collection of up to three items in any one financial year (April to March).

Full details of how to book, the cost of the service, and the items that can be collected can be seen on the council website.

- bulky waste items must be at the front of the property by 6am on the day of collection.
- Upholstered furniture is collected separately from other items due to regulations around the transport and disposal of fire-retardant foam.
- Upholstered items that have been split or damaged, will need to be sealed with tape or plastic, by the resident, before collection. Upholstered items also need to be protected from the rain and covered. Otherwise, our crews will be unable to collect the items, and another chargeable collection will need to be booked.
- Items must be left outside the property. We cannot enter the house, garage, or shed to collect items.
- We can only collect items which have been specified at the time of booking.
- Cancellations made after 48 hours of booking will not be refunded.

Services charges are also listed in **Policy 20** of this document: [Bulky waste collection - New Forest District council](#)

## 18. Healthcare waste

Residents can apply for our free healthcare waste collection service if they have a medical condition and are treating themselves at home.

There are two types of healthcare waste: infectious waste and offensive waste. These require different methods of collection and disposal; offensive waste can usually be disposed of as general household waste. However, classification of healthcare waste is determined through a healthcare professional.

This service only collects healthcare waste from households.

The following types of waste will be collected:

- Infectious sharps contaminated with medicines arising from self-treatment (yellow sharps boxes).
- Cytotoxic / cytostatic waste arising from self-treatment (sharps boxes with purple lid).

- Infectious waste, that can be treated, arising from self-treatment (orange sacks).

The following types of waste will not be collected:

- Waste resulting from treatment by a healthcare worker within the home (this is not defined as household waste and will be removed by the healthcare worker).
- Waste arising from commercial premises as defined within The Controlled Waste (England and Wales) Regulations 2012.

Full details of the types of healthcare waste collected, when they are collected and how to apply, can be found on the council website.

[Healthcare waste collection - New Forest District council](#)

## 19. Business waste

Business waste is everything a business owns, uses or produces that it wishes to dispose of. This includes:

- waste produced while working at private households
- waste produced by contractors working at a business premise
- any waste produced from home-based business activities
- waste produced from holiday lets and B & B's

Every business, no matter how large or small, has a duty of care under Section 34 of the Environment Protection Act 1990 to ensure their waste is collected, treated, and disposed of by an authorised waste service provider. If householders dispose of business waste using their kerbside household collection containers the council will follow their enforcement process.

Business Rates do not cover the removal of business waste.

More information regarding business waste collections can be found at [Business waste - New Forest District council](#)

## 20. Charges /costs

The council will levy charges for certain services, as follows:

- Garden waste collection service
- Garden waste wheeled bins (administration and delivery)
- Replacement wheeled bins (administration and delivery)
- Business waste collections
- Bulky waste collections

Up to date charges for the services listed can be seen on the council website [www.newforest.gov.uk](http://www.newforest.gov.uk)



## 21. Policy review

The Council has implemented this Waste and Recycling Collection Policy in line with Government legislation.

Officers of the Council will manage and operate the waste and recycling collection service in line with this policy. The Strategic Director - Place Operations & Sustainability is authorised to make technical amendments to ensure it continues to meet the needs of both the Council and its residents and remains in line with Central Government legislation and guidance.

We will review this policy every 3 years, or sooner in the event of a relevant change in legislation or if a significant operational need is highlighted.

## Key contacts:

For information on all the ways to contact the council visit the website

- [Contact us - New Forest District council](#)
- Tel. 023 8028 5000
- Email. [customer.services@nfdc.gov.uk](mailto:customer.services@nfdc.gov.uk)

To appeal a decision on container allocation or container presentation point please visit our website for more information

- [Appeal our waste container assessment for your property - New Forest District Council](#)

To make a complaint please visit the council website for more information

- [Feedback, comments and complaints - New Forest District council](#)
- Email. [complaints@nfdc.gov.uk](mailto:complaints@nfdc.gov.uk) or fill in the [online complaint form](#)

# Appendix 1

## Enforcement

The primary legislation governing the collection of household waste is S.45 – 46 Environmental Protection Act 1990 (as amended by the Climate Change Act 2008 and the Deregulation Act 2015).

### Section 45 states:

It shall be the duty of each waste collection authority—

(a) to arrange for the collection of household waste in its area except waste—

- I. which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and
- II. as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste; and

(b) if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste: and

(c) if requested by the occupier of premises in its area to collect from the premises dry recyclable waste or food waste presented for collection, to arrange for the collection of the waste.”

### Section 46 states:

Where a waste collection authority has a duty by virtue of section 45(1) to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.

In so doing it can stipulate:

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

S.46 (6) provides the basis for enforcement of any breach of a s.46 Notice. Essentially, if a person, without reasonable excuse, fails to comply with a s.46 Notice they may be liable to enforcement action.

In order to take enforcement action, an authorised officer of the council must be satisfied that a person has failed without reasonable excuse to comply with a requirement imposed AND that failure has;

- (i) caused, or is or was likely to cause, a nuisance, or
- (ii) has been, or is or was likely to be, detrimental to any amenities of the locality.

The council therefore has the power to follow an enforcement process that may result in the issuing of fixed penalty notice for the following reasons:

- Contamination of waste and recycling containers with the wrong materials
- Waste containers left on the public highway outside of the scheduled collection day
- Uncontained waste or additional/side waste left on the highway

If the council is carrying out enforcement steps, the following is a summary of the process that must be taken by the council:

### **1. Written warning / waste advisor visit**

Issue written warning explaining:

- identify the section 46 requirement with which the person has failed to comply
- how this has (or is likely to) cause a nuisance or have a negative effect on local amenities
- what they must do and how long they've got to fix the problem
- what will happen if they don't comply

### **2. Notice of intent**

Before requiring payment of a fixed penalty notice an authorised officer must serve on the person notice of intent addressed to the occupier by name stating:

- if they continue to default, they may get a fixed penalty and why
- how much they'll have to pay
- that they have the right to explain why they shouldn't have to pay the penalty within 28 days of the day of service.

### **3. Final notice**

A final notice must be served before the FPN, 28 calendar days after service of the Notice of Intent. An authorised officer must consider any representations and take a formal decision to issue a FPN before taking this step.

The notice must name the occupier and tell them:

- why they have been given a fixed penalty
- how much they must pay (maximum full penalty set by our Policy) and how they can pay it
- the deadline for the payment
- what happens if they pay the penalty early, and if there's a discount for early payment
- what happens if they do not pay
- how they can appeal