
WASTE AND RECYCLING COLLECTION POLICY

1 PURPOSE OF REPORT

- 1.1 On 3 September 2019 the Review Committee resolved to form a Member Working Group (“MWG”) to consider the requirements for the new waste and recycling contract, and to bring forward recommendations for the procurement process to Council.
- 1.2 This report is the output from the MWG who have been looking at developing a waste and recycling strategy for the Council in the run up to the expiry of the Council’s current waste and recycling contract in March 2022.
- 1.3 The MWG identified two streams of work: the first stream looks at the current waste collection service practices, with a view to setting these out within a written document; and the second stream seeks to develop a draft waste & recycling strategy that will shape and inform procurement of any new contract.
- 1.4 This report deals with the first stream of work relating to setting out the existing waste collection policy. The proposed draft strategy, as set out in the second work stream, will report to a future Review Committee.

2 INTRODUCTION

- 2.1 At present the waste collection service does not have a published collection policy. Although it was acknowledged that policy may change, it was felt that it would be useful to have a formal collection policy that could be used as reference point for any future change to the service. It would also provide the basis for the detail of the any new contract specification.
- 2.2 The collection policy has been written to reflect the current contract specification, therefore, many aspects of the way the service is delivered cannot be changed without negotiation with the current contractor. With less than 2 years of the contract remaining, the collection policy does not fundamentally change aspects of the current contract specification, but instead provides wording that gives clarification for the remainder of the contract.
- 2.3 The MWG looked at a number of key aspects of the collection policy that required consideration, these are discussed below.

3 WASTE & RECYCLING COLLECTION POLICY

3.1 Changes to Bin Provision

- 3.2 The MWG discussed the benefits of supplying 2 bins of the same size, rather than 1 larger bin of double size as it would be easier to lift 2 lighter bins and the footprint for the larger bin would be equal to the 2 lighter bins. This also gave the advantage of only needing to keep stock of one type of bin.

3.3 Restricted Access Collections

- 3.4 It was agreed to rewrite these sections to reflect that for properties with restricted access, the bin should be left by the highway side of the gate for collection.

3.5 Unadopted Highways

- 3.6 The MWG was advised that sections 5.5-5.7, regarding unadopted highways, were stricter in the policy than occurs in practice, but when roads are in poor condition, it can mean that the Council vehicles become damaged. It was agreed that in this situation a risk assessment by the Council should be undertaken to identify whether the road is unsafe to collect from. This should be emphasised as a separate point in the document.

- 3.7 The MWG acknowledged the difficulty of collecting waste from private roads and unadopted highways and accepted that there was a need for clear wording in section 3.8 of the collection policy to ensure that the Council and any contractor is protected against claims of damage to the road surface.

3.8 Side Waste

- 3.9 The MWG recognised the need for a closed bin-lid and a definitive no 'side waste' policy. Excess material left beside or on top of the bin (i.e. side waste) will not be collected. This is to ensure that the bin is not over loaded, and because it is hard to precisely define what might be an acceptable amount of side waste. Lack of specificity has the potential to create confusion which in turn would result in large accumulations having to be collected which can impact heavily on the operational planning of collection rounds.

- 3.10 It was acknowledged, however, that there is a need for an exception in extenuating circumstances and the Council has the choice to communicate to the householder that side waste will be accepted, for example after severe weather or at Christmas.

3.11 Missed Collections

- 3.12 It was agreed by the MWG that section 6 on Missed Collections would need to be changed to reflect that the vehicles now have cameras on them.

- 3.13 It was noted and agreed that the existing approach to missed bins should remain in place, that is: The Council will make every effort to empty bins presented for collection on the scheduled day. If the Council is unable to empty bins on the scheduled day of collection then, provided the missed collection is reported within 2 working days, the Council will seek to complete the collection within one full collection working day of the report of a valid missed collection. However, if the Council is unable to do this, the bin will be emptied on the next scheduled collection day.

- 3.14 The Council will not return to empty bins in the following circumstances, as listed in paragraph 5.2 of the collection policy. In these circumstances the bins will be emptied on the next scheduled collection day, provided they are presented in accordance with the collection policy.
- 3.15 It was agreed by the MWG that section 7.1 of the collection policy would be reworded to add the words “under normal circumstances” in order to reflect the COVID-19 situation, along with amendments to section 7.3 of the collection policy, which would state that collections would be in-line with Government recommendations when service disruption occurred.
- 3.16 Clinical Waste
- 3.17 The MWG was advised that whilst the Council currently charges for the collection of Clinical Waste, at the current time, the charge was not thought to be prohibitive.
- 3.18 Flats
- 3.19 It was acknowledged by the MWG that flats are considered differently under the collection policy, and that the contractor would need to clear all domestic waste irrespective of policy.
- 3.20 Enforcement
- 3.21 The MWG was advised that the Council’s Street Scene Enforcement Policy (approved as a Key Portfolio Holder Decision - April 2018), would need to be cross-referenced against section 22 of the collection policy. The necessary amendments were made.
- 3.22 The new collection policy is attached as Appendix 1 and reflects the agreed changes requested by the MWG as set out above.

4 RISK IMPLICATIONS

- 4.1 By publishing a collection policy that reflects the existing contractual arrangements, clarity is provided to residents and Members on the matter. This reduces potential for disputes, regarding the bin service, and provides a reference point against which potential changes to any new contract can be compared.

5 RESOURCE IMPLICATIONS

- 5.1 There are no resource implications anticipated to arise from the adoption of the Waste and Recycling Collection Policy.

6 LEGAL IMPLICATIONS

- 7 The policy is in compliance with the relevant statutory requirements. In line with section 45 of the Environmental Protection Act 1990, the council is

obliged to collect waste within its area. Under section 46 of the same act, the council may specify the size and type of containers, the frequency of those collections and the placing of the containers to facilitate the access and the emptying of them. Schedule 2 of the Controlled Waste Regulations 1992 allows Collection Authorities to make a charge for the collection of clinical waste. **EQUALITY AND DIVERSITY IMPLICATIONS**

- 7.1 An Equality Impact Assessment has not been completed as no decision is being made.

8 RECOMMENDATION

- 8.1 It is proposed that the Committee **RESOLVES** to note the content of the report and attached policy.



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Background Papers:-

None.

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Recycling and Waste Collection Policy



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1 Legislative background

- 1.1 Rochford District Council is a waste collection authority with a statutory duty under the provisions of the Environmental Protection Act 1990 (as amended), in particular Section 45 of the Act, to arrange for the collection of household waste in its area.
- 1.2 The statutory duty does not prescribe the method of collection of household waste. The Council, therefore, needs to determine the type and frequency of collections to be made available in the area and set out the policies to be applied in relation to these collections.
- 1.3 The Collection Policy is published in accordance with the provisions of Section 46 of the Environmental Protection Act 1990 which allows the Council to:
 - a. Specify the type of receptacle to be used by the householder for the collection of their non-recyclable waste
 - b. Specify the type of receptacles to be used by the householder for the waste which is to be recycled or composted
 - c. Specify the size, construction and maintenance of the receptacles provided
 - d. Determine the position that householders should place their receptacles for emptying by the Council and the steps to be taken by residents to facilitate the collection of waste from the receptacles
 - e. Take enforcement action against a householder who fails, without reasonable excuse, to comply with the Council's requirements under this legislation
 - f. Make a charge to residents for the provision of waste receptacles if it so wishes
- 1.4 The Controlled Waste (England and Wales) Regulations 2012, in particular Schedule 1, defines what waste is to be treated as household waste or otherwise the waste that is considered to be industrial or commercial waste. These Regulations also define the types of household waste for which collection and / or disposal charges may be made.

2 Presentation of waste

- 2.1 Rochford District Council operate a kerbside mixed recycling collection system. This requires waste materials to be placed into the correct bin ready for collection. This helps ensure that as much waste material as possible can be recycled or composted.
- 2.2 A guide is published periodically, which sets out which materials are to be placed in each bin. An A-Z directory which explains how to recycle or dispose of different items is also available on the Rochford District Council website.
- 2.3 Separate collection arrangements exist for those people living in flats who make use of communal collection services.
- 2.4 In accordance with Section 46 of the Environmental Protection Act 1990 Rochford District Council directs householders receiving individual kerbside collections to use the bins provided and to present the materials for collection as described below:

Table 1 – Container provision for household waste and recycling collections

Service	Capacity (in litres)	Colour	Frequency
Mixed recycling	240	Dark grey	Fortnightly
Food & Garden waste	140	Green with yellow lid	Weekly
General Waste	180	Dark grey with purple lid	Fortnightly

- 2.5 Materials to be collected shall be presented for collection at the kerbside [so they can be accessed from the adopted public highway] by the householder by 07:00 hours on the notified collection day. Householders should not put bins out for collection any earlier than 18:00 hours on the day before their collection day.
- 2.6 Bins shall be removed from the kerbside [or any other part of the footpath or highway] as soon as practicable on the day of collection. Bins shall not be left on the footpath or highway between collections.
- 2.7 In a small number of cases, due to the access or location of a property, it may not be possible for householders to place bins at the kerbside in the front of their property. In these circumstances the Council will designate an alternative collection point for the householder.
- 2.8 Where the Council undertakes collections by passing over a private road or drive, the property owner will be required to indemnify the Council from any liability for damage to the road or other surfaces because of the collections. If such an indemnity is not provided, householders will be required to present their bins at an agreed collection point that can be accessed directly from the adopted public highway.
- 2.9 The District Council will only empty bins that contain the items stipulated for each type of bin as listed in the current version of the collection guide.
- 2.10 If a bin is contaminated with inappropriate materials, the bin will not be emptied, in which case the householder will need to remove the contaminated material and present the bin, uncontaminated, for emptying on the next scheduled day of collection or the householder will need to make their own arrangements for disposal of this waste at their own expense. Failure to do this may result in the Council taking enforcement action against the householder. If persistent misuse of collections occurs, the receptacle[s] may be removed.
- 2.11 All bins supplied by the District Council remain the property of the Council and should not be removed from the household address to which they have been issued. Householders are encouraged to appropriately mark their bins with their house number or name so that they can readily identify them.
- 2.12 Householders are required to keep and maintain the bins provided to them by the Council in a safe and clean condition. Householders should only use the bins for their intended purpose, i.e. the presentation of materials for recycling, composting and waste for collection.

- 2.13 If a bin is damaged or lost, a replacement will be issued on request. Replacement bins are provided free of charge unless replacements are required on a frequent or an unreasonable basis, in which case a charge for replacement will be made.
- 2.14 The District Council will replace free of charge any bins that are damaged whilst carrying out collection operations, excluding any damaged because of prohibited waste being placed in the bin, in which case a charge will be made.
- 2.15 The District Council makes a charge for the provision of wheeled bins to new properties. For larger developments, this charge will in most cases be paid by the property developer in advance of residents moving in. There may, however, be circumstances where this charge will be imposed on residents as they move into properties as the first resident. In the case of small & single property developments this charge is likely to be imposed on the resident moving in. Charges cover the cost of introducing services to a new property, wheeled bins provided remain the property of Rochford District Council.

A full set of bins as appropriate to new dwellings will be provided within two weeks of occupation, provided that at least four weeks prior notice of the occupation of any new property is provided by the developer, property owner, landlord, managing agent or the new resident.

- 2.16 Requests for a larger capacity (or second bin of standard size) wheeled bin will be assessed on a case by case basis and may be provided where the household meets the following criteria:
- There is excessive waste resulting from a medical condition
 - There are six or more permanent residents
 - There are two or more children in nappies.

Notwithstanding the above, additional bin capacity for general waste will only be provided where there is evidence that the household is making full use of their recycling and compostable waste bins (if provided).

Further information relating to bin capacity based on household occupancy is provided in Table 2 below.

Table 2 – Bin capacity eligibility

No. of residents	Capacity of bin offered (litres)		
	General waste	Mixed recycling	Compostable waste
5 or less	180	240	140
6+	Not applicable	Individual assessment	Not applicable
Medical waste	Individual assessment	Not applicable	Not applicable
2 or more in nappies	Individual assessment	Not applicable	Not applicable

- 2.17 The District Council will review the provision of additional bin capacity (either a larger bin or second wheeled bin at Council's discretion) two years after issue and then periodically after that. Householders shall be required to notify the Council of any changes in their circumstances or if the resident moves to a new house.
- 2.18 The larger/second wheeled bin may be removed by the Council should householders:
- Not to be recycling effectively
 - Be found to be using the larger/second wheeled bin inappropriately
 - Are found to have obtained the additional bin under false circumstances
 - Circumstances have changed affecting their entitlement to a larger/second bin since it was issued
- 2.19 Householders should only use the bins issued to that property and should not place materials in neighbouring or adjacent bins and receptacles. Unauthorised use of bins by householders may result in enforcement action being taken.

3 Excess and unauthorised waste

- 3.1 The District Council operates a closed bin-lid and a no 'side waste' policy. Excess material left beside or on top of the bin (i.e. side waste) will not be collected. It will be the responsibility of the householder to arrange alternative disposal of this waste. The exception will be when there have been extenuating circumstances and the council has communicated to the householder that side waste will be accepted, for example after severe weather.
- 3.2 Bin lids should be kept fully closed. If a bin lid is excessively open due to the amount of waste present, the collection crew will assess whether waste that is not properly contained within the bin should be removed and left for the householder to dispose of (on the basis that it is unsafe to wheel an overfilled bin to the collection vehicle).
- 3.3 Bins with waste placed on top of the bin will not be emptied. If side-waste is placed alongside the bin, but does not impede moving the bin and, provided that the bin lid is fully closed, then the bin will be emptied. The side-waste will not be removed.
- 3.4 The only exception to this may be after periods of severe weather which has disrupted collections when the Council may relax the no side waste policy to allow the unavoidable build-up of any waste to be removed.
- 3.5 Prohibited waste material in any bin will be classed as contamination. A consequence of this will be that the entire contents of the bin will not be collected.
- 3.6 Waste that is not properly contained or presented as directed will constitute a littering or fly-tipping offence, which may result in enforcement action being taken against the householder deemed responsible.
- 3.7 Excessively heavy bins or bins containing non-household or commercially generated waste will not be emptied. Where the collection crew cannot safely empty a wheeled bin, it will be left un-emptied. In these circumstances the householder will be required to remove sufficient material from the bin in order that it can be safely emptied on the next scheduled collection day.

- 3.8 Householders using domestic waste bins for business or commercial waste may be liable to prosecution, if that use contravenes the Controlled Waste (England and Wales) Regulations 2012, or any subsequent legislation.

4 Properties with restricted access

- 4.1 In situations where safe, efficient and economic collections cannot be made, for example steps or slopes that make manoeuvring wheeled bins hazardous, it may be necessary for the Council to specify alternative storage and collection arrangements for the property. In determining the collection points for those affected properties, consultation will take place with the householders concerned.
- 4.2 Where access to a property is controlled by electronic gates or other security barriers householders or their agent will be required to present their bins outside the gates for collection. If bins are not accessible, the collection[s] will not be made and will take place at the next scheduled collection day.
- 4.3 Where access is not permitted to gated properties or properties that can only be accessed from an un-adopted road, householders will be required to present their bins outside the gates or at the edge of the public highway for collection.
- 4.4 There are households within the District Council area, particularly outlying rural properties, where the use of regular collection vehicles is impractical. In such circumstances the District Council will endeavour to use a smaller collection vehicle and this will be known as the 'narrow access round'.
- 4.5 To ensure that the Council retains an efficient and expedient level of service, all bins and receptacles should be presented by the householder at an agreed collection point which will normally be where the end of the private road, driveway or other part of the property meets the public highway.
- 4.6 However, where the distances between the property and adopted highway is significant, collections will be made directly from the property; the property being accessed from private or un-adopted roads. In these circumstances the householder will need to indemnify the District Council against any responsibility for damage or wear and tear of surfaces and structure or alike.
- 4.7 Where development of new properties is still taking place and roads are not yet adopted, but residents are in occupation, the Council will carry out a risk assessment to determine whether it is safe to enter the site to make collections. Where it is deemed unacceptable to make collections due to a health and safety risk, the Council will work with the developer to agree a temporary communal collection point. The waste collection crews will only make collections from this location once a satisfactory risk assessment is in place. The developer will be responsible for informing householders about the temporary arrangements. It will be the householders' responsibility to ensure that their waste/recycling is in the temporary area ready for collection by no later than 07.00 hours on the scheduled collection day.

5 Missed collections

- 5.1 The Council will make every effort to empty bins presented for collection on the scheduled day. If the Council is unable to empty bins on the scheduled day of collection then, provided the missed collection is reported within 2 working days, the Council will seek to complete the collection within one full collection working day of the report of a valid missed collection. However, if the Council is unable to do this, the bin will be emptied on the next scheduled collection day.
- 5.2 The Council will not return to empty bins in the following circumstances:
- a. Where bins are not presented by 7.00am on the scheduled day of collection
 - b. Where bins are presented in the incorrect location
 - c. Where safe access was obstructed
 - d. Where bins have been contaminated or contain unauthorised waste
 - e. Where wheeled bin lids are not fully closed, or side waste is placed on top of the bin
 - f. Where bins are overly compacted and cannot be fully emptied
 - g. Where bins are too heavy to safely manoeuvre
 - h. Where bins have already been emptied once on the scheduled day of collection
 - i. Where an unauthorised wheeled bin were presented for collection.
- 5.3 In these circumstances the bins will be emptied on the next scheduled collection day, provided they are presented in accordance with the Collection Policy.
- 5.4 The Council will not return to empty bins where the missed collection is reported more than 2 working days after the scheduled collection day or where the reported missed collection is not valid.

6 Service disruption

- 6.1 Where collections are disrupted due to the incidence of bank holidays over the Christmas / New Year period the Council will put in place catch-up arrangements, some services may be suspended temporarily and collections made on a later day than the scheduled collection day. Under normal circumstances any such arrangement will be published at least 4 weeks in advance on the Council website.
- 6.2 During periods of severe weather, the Council will endeavour to maintain scheduled waste collections. However, there may be circumstances where the Council has no option other than to suspend collections on grounds of safety or inability to access certain roads due to snow, ice, or flooding. In such circumstance's bins will be emptied on the next scheduled collection day. In such circumstances, catch-up arrangements will not be possible.
- 6.3 Where service disruption occurs due to adverse weather conditions, vehicle breakdown or industrial action and only a partial collection can be achieved, priority will be given to the collection of food and organic waste collections and then recycling collections over general non-recyclable waste collections. In the event of a pandemic, collections will take place in line with Government recommendations.

7 Assisted collections

- 7.1 The Council currently offers assisted collections to householders who find it difficult to move bins to the boundary of their property. Request for assisted collections will only be considered if:
- there is no able-bodied person living at the household to help
 - the householder is reliant on a carer who does not live at the property
 - the householder has a permanent disability
 - the householder requires short term assistance due to an injury or operation
- 7.2 The Council defines an assisted collection as the collection of a bin by the collection crews from an agreed collection point within the curtilage of the property, returning the bin(s) to the that location after they have been emptied. The agreed collection point should be outside and freely accessible without engagement with the householder as close to the adopted highway as is practically possible. In agreeing the designated collection point due consideration will be given by the Council to any health and safety risks associated with access onto the property.
- 7.3 Householders are required to make an application to the Council for this service. Eligibility for this service will be reviewed periodically and at least every two years. If at any time the Council has reason to believe that the recipient no longer meets the criteria for the assisted collection service, the provision of this service will be reviewed accordingly.
- 7.4 Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.
- 7.5 In the case of the Council refusing an application for an assisted collection service, the applicant will be provided with an explanation of the reason for the refusal.

8 Bulky household waste special collection

- 8.1 The Council can arrange for the collection of large items of household waste such as furniture, beds, TV's, carpets, washing machines and cookers etc. from residential properties where these cannot be contained within the bins provided by the Council or where the item exceeds 25 kilograms in weight.
- 8.2 These collections need to be pre-arranged and items can only be collected from outside the property. A collection day will be specified, but not an exact time during the day, the items must be presented for collection by 7am. Only items listed in the booking will be collected, additional items present will not be collected. The Council reserves the right not to collect any items deemed inappropriate or considered to be unauthorised waste.
- 8.3 A collection and disposal charge is made for this service and this charge must be paid in advance of the bulky item[s] being collected. All payments for special / bulky collections are non-refundable.

9 Clinical waste

- 9.1 The Council's duty to collect healthcare / clinical waste from domestic properties is conditional upon the following circumstances:
- If patients treat themselves in their own home any waste produced because of treatment is considered to be their own. Sharps bins can be obtained on prescription from the NHS and the Council will collect and dispose of clinical waste on receipt of a completed application form validated by a healthcare professional.
 - In the case of pharmaceuticals (medicines etc.), the recommended means of disposal is to return them to a pharmacist. If this is not possible the Council is obliged to collect the waste separately when requested to do so by the waste holder.
- 9.2 If patients are treated in their home by a community nurse or a member of the NHS profession, any resulting waste produced is considered to be the healthcare professional's waste. If the waste is classified as hazardous, the healthcare professional should remove that waste and transport it in approved containers to the healthcare provider's base for appropriate disposal
- 9.3 Under the controlled waste regulations, the Council may charge for the collection of specific waste streams, including healthcare and clinical waste. However, the District Council currently arranges for the collection and disposal of needles, other sharps and hazardous healthcare waste clinical [appropriately contained in special yellow sacks] from residential properties within the Rochford District area free of charge. The Council, however, reserves the right to introduce a charge for collection and disposal of clinical and healthcare waste in accordance with the Controlled Waste (England and Wales) Regulations 2012.
- 9.4 Syringes, needles, or other sharps will only be collected if they are placed in a prescription sharps container. Empty sharps containers can be obtained from a GP surgery or other healthcare provider.
- 9.5 Householders should not dispose of syringes, needles and other hazardous healthcare wastes in the general domestic waste stream.
- 9.6 Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.

10 Incontinence waste

- 10.1 Normal non-infectious waste such as nappies, feminine hygiene products and incontinence pads should be double wrapped and placed in refuse sacks before placing in the NON-Recycling bin.
- 10.2 On request the District Council will provide a larger bin for eligible residential households within the Rochford area. This service is currently free of charge. However, the District Council reserves the right to introduce a charge for collection and disposal of incontinence waste in accordance with the Controlled Waste (England and Wales) Regulations 2012.

11 Licensed houses in multiple occupation (HMO)

- 11.1 Residents in houses in multiple occupation will be expected to make use of the full range of recycling, composting and waste collection services, including the separation of materials for recycling as directed by the District Council.
- 11.2 In the case of licensed HMOs, for properties of 6 or more rented rooms the provision for general non-recyclable waste will be a single bin of 360Lt capacity emptied once per fortnight. For properties of 5 rooms or less the provision for general non-recyclable waste will be a single bin of 180Lt capacity emptied once per fortnight. Un-licensed HMOs will receive a standard household collection service.
- 11.3 Where the residents of the HMO are responsible for the upkeep and maintenance of any gardens at the property, the District Council will provide a 140Lt wheeled bin for collection weekly. However, where the maintenance of the garden is the responsibility of the license holder, landlord, property owner or managing agent and this is undertaken through a gardening service; this will be classified as commercial waste and it will be the responsibility of the gardening service to remove the garden waste or to arrange for a licenced waste carrier to do so.
- 11.4 The license holder, property owner, landlord or managing agent of the HMO is required to ensure that waste is not allowed to accumulate within the house except where properly stored pending collection by the Council and that waste and recycling services are used as directed by the District Council . It is recommended that these requirements are incorporated in the HMO licence conditions.
- 11.5 The license holder, property owner, landlord or managing agent shall ensure that tenants are informed of the day on which their waste and recycling collections take place and this information should also be permanently displayed in a prominent position within the property.
- 11.6 Any waste arising from the maintenance of the property, including construction and demolition waste, garden waste where this is produced by a contractor, furniture from furnished properties and bulky items for disposal on change of tenancy will not be collected by the Council as household waste. This waste is classed as commercial waste, and therefore the license holder, property owner, landlord or managing agent should arrange for an appropriately registered waste collection contractor to remove this waste for disposal at an appropriate permitted facility.

12 Child minders

- 12.1 If a child-minding service is operating from any dwelling, the waste generated shall be contained within the bins provided to a standard residential household. If excess waste is generated beyond the standard collection capacity provided, then this shall be treated as business / commercial waste; the collection of which will need to be arranged for separately; for which a charge for collection and disposal will apply. The Council does not currently offer a Commercial Waste collection.

13 Places of religious worship

- 13.1 If requested, the District Council will collect waste from places of worship and will not charge for collection or disposal, in accordance with paragraph 1 of Schedule 1 of the Controlled Waste Regulations which classifies waste from a hereditament or premises exempt from local non-domestic rating under the provisions of paragraph 11 of Schedule 5 to the Local Government Finance Act 1988 as household waste.
- 13.2 Collections from places of religious worship shall be the same as those provided to general households and may include garden waste collections if required. Collections will be made on the same frequency as general domestic households.
- 13.3 However, where the maintenance of the garden is undertaken through a gardening service; this will be classified as commercial waste and it will be the responsibility of the gardening service to remove the garden waste.
- 13.4 In accordance with paragraph 11(1)(b) of Schedule 5 of the Local Government Finance Act 1988, these collections also apply to buildings used in connection with the conduct of public religious worship such as an office or church hall. However, if the religious group hires out such buildings to other persons not connected with the conduct of religious worship this is a commercial activity and the District Council will not collect this waste and a separate Commercial Waste collection will need to be arranged.

14 Premises occupied by a charity

- 14.1 The District Council can make a charge for the collection of waste (but not disposal) from premises occupied by a charity in accordance with Paragraph 15 of Schedule 2 of the Controlled Waste Regulations.
- 14.2 However, if the activities of the charity are about the conduct of public religious worship the District Council will not charge for collection or disposal.

15 Waste collection from village halls

- 15.1 For village halls and similar premises used wholly or mainly for public meetings any waste arising is treated as household waste for which a collection charge will be levied, but not a disposal charge.
- 15.2 In situations where village halls are also hired out or where use for other purposes exceeds the level of use for 'public meetings', waste arisings are defined as commercial waste, attracting a charge for both collection and disposal and a Commercial Waste collection will need to be arranged.

16 Properties of mixed hereditament

- 16.1 Mixed hereditament properties are generally business properties with living accommodation attached e.g. a flat above a shop. Waste collections from the residential element of mixed hereditament properties are treated by the District Council in the same manner as normal domestic properties.

- 16.2 The bins provided by the Council for household waste collection must not be used to dispose of business waste and any person found using bins in this way may have them removed and may be subject to prosecution by the Council under the provisions of the Environmental Protection Act 1990.
- 16.3 The District Council require wheeled bins to be stored within the curtilage of the property.

However, it is acknowledged that for mixed hereditament properties this is not always possible. In such cases, the District Council will identify and agree with the property owner, landlord or managing agent and residents a specific storage location[s] and collection point[s].

17 Residential properties also used for business

- 17.1 Waste produced during any activity for gain or reward, whether on business or domestic premises, while self-employed or working for others is classed as commercial waste. Businesses are legally obliged to store their waste securely and to dispose of it responsibly using an appropriately licenced waste carrier.
- 17.2 Failure to comply with the duty of care requirements is a criminal offence and could lead to prosecution.
- 17.3 The District Council will not collect through its household waste collection services waste that it believes is generated by a business at a residential property.
- 17.4 Where a business operates from a residential property and waste from the business is found within the household bin, the bin will not be collected and the District Council may take enforcement action against the occupant that is operating the business.

18 Flats

- 18.1 Blocks of flats will usually be provided with communal recycling and waste collection facilities, although in some circumstances, such as independent flats above commercial premises, maisonettes and alike, an individual 'kerbside' collection may be provided.
- 18.2 Whilst the District Council has an obligation to collect household waste, property owners, landlords and managing agents have a 'Duty of Care' obligation, imposed under section 34 of the Environmental Protection Act 1990 to ensure that all waste arising from the premises is:
- Safely and securely stored
 - Prevented from escaping from the property owners, landlords or managing agents' control
 - Prevented from causing environmental pollution or harming anyone
 - Only passed to an appropriately licenced person for transfer and disposal

- 18.3 Failure to comply with the duty of care obligations is an offence and could lead to prosecution.
- 18.4 Communal collection services provided to blocks of flats will often need to be individually assessed and tailored to a specific location, taking into consideration:
- The number and type of property
 - Bin and container storage capacity
 - The presence of waste chutes
 - Any limitations on access by collection vehicles
- 18.5 Only items specified within the scheme will be collected. No loose rubbish or sacks around the bins will be collected or any other materials not accepted by collection services. It will be the responsibility of the residents / managing agents to remove or clear any such items. Where a bin is blocked in with loose rubbish / sacks it will not be emptied until this has been removed. The bin will then be collected on the next scheduled collection day.
- 18.6 The number and capacity of the communal bins provided will be based on a formula calculation based on a standard collection capacity per dwellings / bedrooms and will vary according to the number and types of property serviced. However, in some circumstances this will need to be adjusted due to the capacity of any bin stores / compound areas.
- 18.7 It is the responsibility of the property owner, landlord or managing agent to identify appropriate space for any bins and collection receptacles required. Storage areas should be designed to be secure and convenient to encourage their responsible use by residents.
- 18.8 Where residents use a chute system for the disposal of their general non-recyclable waste, the property owner, landlord or managing agent will be required to manage the bin store area to prevent waste overspill.
- 18.9 Occupiers of flats of whatever tenure are required to present their waste in the manner prescribed by the Council using the bins provided by the Council and in accordance with these collection policies.
- 18.10 The Council recommends that conditions should be included in any tenancy / leaseholder agreements to ensure that residents commit to segregating their waste for recycling and presenting it in the prescribed manner.
- 18.11 If the designated collection point is within the grounds of a property it is the responsibility of the property owner, landlord or managing agent to arrange appropriate access before collections can be made. If access is blocked for any reason, then the collection will not be made.
- 18.12 The property owner, landlord or managing agent shall be required to keep and maintain the bins provided to them by the Council in a safe and clean condition and ensure that residents of the flats only use the bins for their intended purpose.

- 18.13 The Council will only collect waste that is properly contained in the bins provided and not on the floor. The Council will not empty bins that are overfilled or contaminated by unauthorised waste.
- 18.14 Where excess waste is left in bin stores and compounds and this prevents access to bins these will not be emptied.
- 18.15 The Council will not remove bulky household waste items deposited in communal bin storage areas. This remains the responsibility of the of the property owner, landlord or managing agent.
- 18.16 If bin stores, bins are subject to misuse or are not properly controlled, preventing the regular scheduled collection of household waste then the property owner, landlord or managing agent will be required to take any necessary remedial actions to remove waste or clear bins stores and compounds. If the Council is required to undertake any such remedial action the costs will be charged directly to the property owner, landlord or managing agent.
- 18.17 Any waste produced from the maintenance of the property, including construction and demolition waste, garden waste and alike, where this is produced by a contractor or service provider, or furniture from furnished properties and bulky items arising for disposal on change of tenancy, will not be collected by the Council as domestic waste. These are classed as commercial waste and must be collected for disposal by an appropriately registered waste contractor.
- 18.18 In the case of bulky items, the Council can arrange a bulky waste collection, for which there will be a charge for collection and disposal.

19 Collections from schools and education establishments

- 19.1 Whilst waste from schools is classified as household waste for which a charge for collection can be made, the Council, at its sole discretion, will provide source separated recycling and food waste collections free of charge to eligible schools. A separate Commercial Waste contract must be in place for non-recyclable waste.
- 19.2 Waste from universities, colleges, independent schools, nurseries, playschools and pre-schools is not currently collected by the Council.

20 Collections from outdoor events

- 20.1 All waste generated at outdoor events is classified as commercial waste. Event organisers and vendors have a 'Duty of Care' to ensure all waste is disposed of in a proper manner using a registered waste carrier in accordance with Section 33 of the Environmental Protection Act 1990.

21 Enforcement protocol

- 21.1 In accordance with the provisions of the Environmental Protection Act 1990, the Council has directed householders within the District Council area to use a mixed recycling, mixed garden and food waste collection service.

- 21.2 The Council considers this to be a compulsory recycling and waste collection scheme and, consequently, any persons failing to comply with these directions could be subject to enforcement action, using, but not limited to, the provisions of, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005 and the Anti-Social Behaviour, Crime and Policing Act 2014 as appropriate.
- 21.3 Failure to remove a bin from the footpath or highway within the prescribed timescale or between scheduled collection days may also result in enforcement action being taken.
- 21.4 Excess or authorised waste not properly contained with the bin provided or presented next to or on top of the bin as side waste will be considered to be a incidence of fly-tipping or littering which may render the offender liable to enforcement action.
- 21.5 In circumstances where the Council incurs additional cost in collecting waste set out in contravention of the notice issued pursuant to s.46 (1A) of the Environmental Protection Act 1990, the District Council reserves the right to issue a charge to the occupier under the Controlled Waste (England and Wales) Regulations 2010. The charge will be used to recover the additional collection / disposal costs and not as a means of enforcement.
- 21.6 For further information refer to the Street Scene Enforcement Policy March 2018.