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Date: 31 August 2021

Dear Councillor

OVERVIEW AND SCRUTINY COMMITTEE - MONDAY 6 SEPTEMBER 2021

I am now able to enclose the following reports for the agenda of the Overview and Scrutiny Committee due to take place on Monday 6 September 2021

| Agenda No | Item |
|------------------|-------------|
|------------------|-------------|

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| 6. | <u>Scrutiny Work Programme</u> (Pages 3 - 22) |
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| | Appendix 2 – Waste Policy Scrutiny Working Group report |
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Yours sincerely

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Report to Overview and Scrutiny Committee

Subject: Waste Policy Working Group

Date: 6 September 2021

Author: Director of Environment, Communities and Leisure

Purpose

The purpose of this report is to set out the recommendations of the Waste Policy Working Group. The Working Group was established in line with the work planning cycle for the Overview and Scrutiny Committee to consider forthcoming policies for the Council. This report outlines the process of the consideration of draft Waste Policy, the Working Group's findings and its recommendations.

Key Decision

This is not a key decision, however the subsequent decision in relation to the adoption of the policy by Cabinet will be key.

Recommendations

THAT:

- 1. Overview and Scrutiny Committee considers the key findings of the Working Group in relation to Waste Policy and endorses the approach taken in consideration of the subject matter**
- 2. Overview and Scrutiny Committee notes the findings of the working group for Waste Policy and recommends the draft Waste Policy to Cabinet for adoption**

1 Background

- 1.1 Gedling Borough Council has not previously set out and formally adopted a Waste Policy. This is being brought forward for consideration now in order to progress the stated ambitions of the Council, to formalise the approach and to address areas of underperformance in relation to recycling rates and contamination levels. An associated strategy is also being developed to set out the approach of the Council in terms of how the policy will be

delivered for residents, organisations and businesses in Gedling Borough within the national, regional and local context both through and with partners.

The Working Group invited participation at its meeting of 5th July 2021, and the membership was subsequently made up of the following Councillors who volunteered to take part:

- Cllr Liz Clunie (Chair)
- Cllr Andrew Ellwood
- Cllr Mike Hope
- Cllr Paul Wilkinson
- Cllr Paul Feeney
- Cllr Jim Creamer
- Cllr Michael Boyle
- Cllr Marje Paling

1.2 The Working Group agreed a terms of reference provided at Appendix 2 of this report. The terms of reference sought to consider a Waste Policy that provides a sustainable service that is fair and accessible to all and meets our recycling objectives as a Council.

1.3 The Working Group for Waste Policy agreed an approach and set out the meeting schedule of 3 meetings to consider the elements outlined below. The original approach to consider best practice nationally was adjusted to consider a local high performer within the Nottinghamshire County Council area, based on the rationale that the authority selected was working under the same County and contract conditions as Gedling Borough Council.

| Meeting Date | Proposed Contents | Attendees |
|--|--|---|
| Monday 26th July 2021 at 4:30pm | Establish Issues 1. Performance Data 2. Meet a Supervisor 3. Elements of Waste Policy 4. Approach to Waste Policy Formulation | Supervisor Gedling Borough Council |
| Monday 9th August 2021 at 4:30pm | What Does Good Look Like? 1. LARAC overview of recycling / contamination 2. Technology use of microchipping for enforcement evidence – Research findings 3. Crew via video 4. Draft Policy sharing | Crew (video) LARAC CEO – Lee Marshall |

| | | |
|---|---|---|
| Monday 23rd August 2021 at 4:30pm | Firming Up Draft Policy 1. Example of Excellent Recycling Rates - Notts 2. Example of Low Residual Tonnage - Notts 3. Draft Policy 4. Draft Report for Cabinet | Daryl Birch – Waste Operations Rushcliffe Borough Council |
|---|---|---|

- 1.4 The working group found that the following key elements that influenced the subsequent draft policy were critical to the development of a policy that is supportive of the key objectives of an efficient and effective waste service:
- Clarity of the responsibilities of householders in terms of “rules” for waste and recycling
 - Consistent communication through all channels was vital
 - Working with partners such as the County and District Councils and the contractor within the two-tier local government system was essential
 - Focus on the big issues within policy and link to enforcement
 - Clarity of the responsibilities of the Council in the delivery of the waste and recycling services
 - Options for enforcement actions relating to all elements of the policy
 - Commitment to the policy needs to be from the crews right through the layers of the organisation, with clear understanding
 - Options was the critical element of enforcement to provide the opportunity to be consistent and proportionate:
 - Educate and inform householders in simple clear messages containing the policy requirements in the first instance with clear communication
 - Ongoing communication and reminders were essential for householders with fortnightly information across communication channels to reinforce policy

- Options to take action where householders are not compliant to be focussed on the key issues of contamination in particular
- Cease treating contaminated bins as missed bins
- If a Garden Waste bin replacement is required due to customer damage, it will attract a fee. This fee will only apply if replacement due to resident damage or loss
- A replacement black (residual) bin will also attract a fee if due to loss or damage by a resident
- Ability to take enforcement action for the issue of vehicles blocking access to streets for the bin lorries and preventing collection of waste for whole streets

2 Proposal

- 2.1 It is proposed that the approach to the subject matter be endorsed, and that the draft Waste Policy be recommended to Cabinet for adoption at the October 2021 meeting.

3 Alternative Options

- 3.1 The alternative option would be not to recommend the draft policy to Cabinet. This is not recommended as it would not respond to the recognised need to increase recycling rates, reduce levels of contamination and decrease levels of residual waste in the Borough, in line with the Performance Reports received and considered by this Committee on a quarterly basis.

4 Financial Implications

- 4.1 Any financial implications relating to proposed enforcement and other requirements associated with the Waste Policy will be set out in the forthcoming report to Cabinet and considered for inclusion in the Council's budget as part of the budget setting process for the 2022/23 financial year.

5 Legal Implications

- 5.1 A review of the draft Waste Policy has been undertaken. The relevant legislative framework is considered within the policy document.

- 5.2 **The Environmental Protection Act (1990)** - Deals with the protection of the environment and specifies responsibilities relating to litter and waste. The Act places a legal duty on local authorities to collect controlled waste and to recycle. The Act also provides enforcement powers in respect of how waste is presented by householders

6 Equalities Implications

- 6.1 It is noted that an equality impact assessment will be required for the Waste Policy prior to consideration by Cabinet. The service offers a range of assistance in terms of householder responsibility for waste disposal. This ranges from an assisted pull out to options to receive communication materials in a range of formats, to ensure services are inclusive.

7 Carbon Reduction/Environmental Sustainability Implications

- 7.1 The Waste Policy supports the efficient collection of waste which supports the carbon reduction agenda through minimisation of journeys by the fleet.
- 7.2 The Waste Policy supports environmental sustainability through the stated aims of increasing recycling levels and reducing levels of contamination in recycling across the Borough.
- 7.3 The Waste Policy also supports environmental sustainability through the stated aim of reducing levels of residual waste per household.

8 Appendices

- 8.1 Draft Waste Policy Gedling Borough Council 2021 (Separate Document)
- 8.2 Working Group Terms of Reference Waste Policy

9 Background Papers

- 9.1 None

10 Reasons for Recommendations

- 10.1 The recommendation is based on the performance improvement requirements in the waste service, identified in the regular performance reports provided to Councillors and Portfolio Holders.

Statutory Officer approval**Approved by: Paul Adcock****Date: 27/08/21****On behalf of the Chief Financial Officer****Approved by: Francesca Whyley****Date: 26/08/21****Monitoring Officer**

Gedling Borough Council's Waste Policy



1.0 Introduction

The Gedling Borough Council Waste Policy fits the Gedling Plan vision “Serving People Improving Lives” and stated priority within this to promote a sustainable environment through the objectives set out below:

- Provide an attractive and sustainable local environment that local people can enjoy
- Promote and protect the environment by minimising pollution and waste and becoming carbon neutral

Domestic waste collection across the borough is undertaken by GBC as Waste Collection Authority, whilst the recycling, reprocessing, treatment and disposal of waste from the seven district and borough councils in Nottinghamshire is managed by Nottinghamshire County Council as the Waste Disposal Authority. It is important to note that although both Gedling Borough and Nottinghamshire County Council have a role in collecting, processing and disposing of waste, as local authorities, we cannot control where waste comes from or influence the manufacturing process.

1.1 Policy Aims

This policy aims to provide the framework for the following:

- A proportionate and considered approach to waste collection across the Borough of Gedling
- Clarity and communication for residents to support the Council's recycling targets
- Reduction in residual (black) bin waste
- Increase in recycling
- Reduction in contamination of waste streams
- Clarity of measures that will be taken for those who continually contaminate or do not comply with this policy
- Minimisation of the carbon impact of the Waste Service including fleet in terms of mileage and route optimisation

1.2 Legal Framework

This policy operates within the current legal framework set out below. It is noted that the Government is currently (2021) undertaking consultation in relation to Consistency in Household and Business Recycling in England, and also in relation to a Deposit Return Scheme and Extended Producer Responsibility. Following the consideration of the consultation results and any subsequent change in legislation or directive there may be a requirement for the Council to reconsider its Waste Policy.

The Environmental Protection Act (1990) - Deals with the protection of the environment and specifies responsibilities relating to litter and waste. The Act places a legal duty on local authorities to collect controlled waste and to recycle.

Environment Bill, 2020 - Sets out new legal frameworks for environmental governance and includes commitments to secure improvement on four priority areas - air quality, biodiversity, water and resource efficiency. It legally binds the government and future governments to address

these priority areas in order to improve the state of the environment. With regards to waste, it includes details on a new direction for resources and waste management

It is further noted that a range of directives, strategies and guidance are also relevant to the work of the Council in setting policy for waste, which include but are not limited to:

- **Waste Management Plan for England (2021)** - Provides an analysis of the current waste management situation in England and outlines how the plan will support the implementation of the objectives and provisions of the [Waste \(England and Wales\) Regulations 2011](#).
- **The Revised Waste Framework Directive (2018)** - Introduced in 2006 and revised in 2008 and again in 2018. The Waste Framework Directive provides an overarching legal framework for the management of waste across Europe, covering recycling targets and waste management plans and introducing the concept of the Waste Hierarchy.
- **The Circular Economy Package (2018)** - Sets ambitious, legally binding EU targets for waste recycling and reduction of waste to landfill, including:
 - Recycle 65% of waste by 2035
 - Recycle 70% of packaging by 2030
 - Reduce landfill to a maximum of 10% of waste by 2035

It promotes a shift towards a more circular economy. This is an economic model that optimises the use of resources within the economy by increasing the duration of a product's useful life and ensuring when a product has reached the end of its life its resources can be productively used repeatedly.

- **European Directive on the Landfill of Waste** - Aims to reduce reliance on landfill as a disposal option and seeks to decrease the impacts of landfill to both the environment and human health through rigorous operational and technical requirements.
- **Waste from Electrical and Electronic Equipment Directive (WEEE)** - Sets targets for electronic waste recycling and lays out rules for recycling electronic waste.
- **The Waste (England and Wales) Regulation (2012)** - This regulation requires that metal, glass, paper and plastic are collected separately where it is "Technically and Environmentally and Economically Practicable" (TEEP) to do so.
- **The Controlled Waste (England and Wales) Regulations** - States that household, industrial and commercial waste are classed as controlled waste and are subject to the Environmental Protection Act 1990.

2.0 Gedling Borough Council Waste Policies

2.1 The Standard Service for Individual Domestic Properties

All bins provided remain the property of the Council. The domestic waste collection comprises of three types of collection:

| Bin Colour / Type | Waste | Bin Size | Frequency | Note |
|-------------------|-----------------------------------|----------|-------------|--|
| Black wheeled | Residual Waste | 180 L | Fortnightly | Existing properties with a 240L black bin will be replaced with a 180L bin when lost, stolen or damaged, unless the criteria for a larger bin is met |
| Green wheeled | Mixed Recycling (excluding glass) | 240 L | Fortnightly | Residents can order additional green bins, free of charge |
| Box | Glass | 44 L | Four Weekly | Residents can order additional green bins, free of charge |

2.2 Optional Services for Domestic Waste from Individual Properties Where Fees / Charges Apply

The Council sets fees and charges annually, and these reports specify the definitions and application of each fee and charge to be applied.

| Bin Colour / Type | Waste | Bin Size | Frequency | Note |
|-------------------|---|----------|-------------------|---|
| Brown wheeled | Garden | 240L | Fortnightly * | Hedge trimmings, leaves, grass cuttings, plants weeds, pruning. are collected fortnightly for 10 months of the year March – Dec. Contracts for this waste service run from April 1 st – March 31 st |
| Individual items | Bulky Waste Type 1 - domestic fridges/freezers and electrical items Type 2 - bulky non-electrical items | N/A | As & when ordered | State pension-aged residents are entitled to a one-off collection per year. |

*Please note: as garden tonnages drop substantially during the winter months, it is not efficient or cost effective to run the service over the winter months

The Garden Waste service excludes the following materials: - see 4.6 for acceptable weights

- Food waste (raw or cooked)
- Branches over 10cm diameter
- Garden furniture

- Treated wood
- Soil / rubble
- General household waste
- Turf
- Animal bedding or waste

2.3 Multiple Occupancy Properties (flats or apartments) In areas where separate collections cannot be provided, large communal wheeled bins are provided where this is practical. The council will provide sufficient bins to allow residents to recycle all their recyclable waste and to dispose of any general waste that cannot be recycled.

All multiple occupancy properties shall receive the same alternate weekly collection service as other single occupancy properties in the borough, including recycling services.

2.4 Churches Provision is equivalent to that provided to their domestic neighbours. Any additional requirements will be treated and charged as Trade Waste. There will be no glass collections.

3.0 Requirements of Residents (Service Users)

3.1 Bin Collection (Presentation)

GBC has the right to determine how refuse and recycling materials are presented for collection and to decline to collect refuse and recycling materials that are improperly presented. GBC will not return to a property where the bin has not been presented in accordance with the following requirements. If a bin is not put out (presented) correctly it is the responsibility of the resident/householder to dispose of their waste at once of the Household Recycling Centres in the locations listed below. At the discretion of the Council residents may be authorised to leave or re-present their bin for collection within a timeframe agreed

Residents should put bins out (present bins) in line with the following requirements:

- 6.30am (6am Bank Holidays) on the collection day
Correct colour and **contents** of Gedling Borough Council supplied bin
- Recycling bins should not be contaminated with incorrect items – refer to section 5.5
- Easily seen ideally with handles facing ‘out’ towards the road
- Not causing an obstruction for pavement users, at the curtilage (boundary) of the property (unless a variation is agreed with GBC)
- Residents must label their bin with the property number/name clearly visible – this will enable the crew to return the bin to the correct address

- No form of advertising is permitted on bins unless authorised by GBC
- Cleaning of Bins Residents are responsible for the cleaning and general hygiene of their bins.
- All bins must be presented with the lid fully closed – lids partly open can get caught in the collection vehicle's machinery and cause a hazard
- Bin contents should not be compressed (excessively pushed or forced down)
- If using the bulky waste service items should be presented on the scheduled day of collection in line with the applicable booking

It is the responsibility of the householder to dispose of waste that is not collected by GBC due to a bin not being presented correctly. This may be done at one of the Household Recycling Centres listed below, and should always be done in a legal and compliant way.

Household Recycling Centres in Gedling (managed through Nottinghamshire County Council as the Waste Disposal Authority):

- Calverton Recycling Centre Hollinwood Lane, Calverton, NG14 6NR
- Nottinghamshire Recycling Centres Full List is Found [HERE](#)

3.2 **Prohibited Items – Residual** the following items are not to be deposited in residual (black) bins

- Soil and rubble
- Building Materials
- Liquid waste including paints and oils
- Furniture
- Hot ashes
- Car parts
- Electrical items, batteries
- Fluorescent tubes/low energy light bulbs
- Chemicals
- Weed killer
- Infectious materials
- Any item that does not fit in the bin
- Any item exceeding 25kg

3.3 **Prohibited Items – Recycling** prohibited items in recycling bins (green and glass) are covered in section 4.5 under contamination

3.4 Battery Recycling The Council provides a kerbside battery recycling collection service. Residents should place batteries in a bag or other secure container on top of either the residual (black) bin or recycling (green) bin and this will be collected on the same collection day. Batteries are kept separate from the general waste and will be recycled.

3.5 Small Waste Electronic Electrical Equipment (WEEE) The Council provides a kerbside small WEEE items (laptop size) collection service from domestic properties. Items left on top of either the residual (black) bin or recycling (green) bin will be collected on the same collection day. WEEE items are kept separate from the general waste and will be recycled. There is limited capacity for collection so on occasions where an item cannot be taken a sticker will be left informing the resident that the item will be removed on the next collection date

3.6 Side Waste - Residual No residual (black bin) waste left outside of the black bin, whether in bags, on the ground or on top of the bin will be collected (with the exception of small WEEE items and batteries see policy 8.4 and 8.5), the responsibility for the disposal of excess residual (black bin) waste, including that in communal areas falls to the responsibility of the householder/s.

3.7 Side Waste - Recycling Recyclable materials presented as side waste on the recycling collection date will be collected, provided that it is not contaminated and is presented in a way that is easily handled. Recycling materials must never be presented for collection in plastic bags or black sacks.

3.8 Trade or Commercial Waste Householders are responsible for their bins, if commercial or trade waste is contained in a household waste bin then the bin will not be emptied. If this occurs, then enforcement action may be taken.

3.9 Bin Return

Residents should store their bin back within the curtilage (boundary) of the property:

- No later than 24 hours after midnight on the official council collection day (unless advised to leave out by GBC because it was uncollected)
- After emptying the bin / box will be returned as close to the collection point as possible.

3.10 Assisted Collections

Residents with disabilities or additional needs may request an assisted collection if there is no one else in the household (16 years and over) who is able to take the bin to the curtilage (boundary). The request is authorised at the discretion of the Council, validation by a Council officer, a home visit or an evidence request may be required. Residents are required to ensure that the bin is in an accessible location, gates should be unlocked and in good working order to allow entry. Dogs should be secured to allow safe access. Assisted bin collections may be subject to a periodic review. If a household's circumstances change the customer services department must be notified to cancel the assisted collection. A bi-annual review will be undertaken and residents may be asked to re-submit their application if required.

3.11 Replacement / Additional Bins / Additional Bin Capacity (Larger Bin Request)

Households that produce an exceptional amount of recyclables can request additional green recycling and glass boxes at the discretion of the Council, free of charge through the request function on the Council's website, or by phoning the customer services team.

Garden Waste Bins - All Garden Waste Bins delivered form a part of the optional Garden Waste service for which a charge is made. Additional bins may be requested and are subject to an additional charge for the service.

Additional Capacity Bin (Larger bin Request) - Requests for a large or additional general waste (black) bin will only be granted in the following circumstances:

- a) **Large Families** - A large family can request a larger residual bin online, these applications are subject to verification and spot checks
- b) **Medical Conditions** - An application for a larger residual bin due to additional waste as a result of a medical condition may be made online. Evidence may be required and these applications are subject to verification and spot checks.
- c) **Other Exceptional Circumstances** – A resident should outline the exceptional circumstances for a request and should also demonstrate full compliance with recyclable waste for a request to be considered

Residents that require a replacement black bin due to it being lost or damaged will be required to make a replacement request.

For the avoidance of doubt, additional residual (black) bins will not be provided to any property that does not have a full set of recycling bins unless there are exceptional circumstances. If a household's circumstances change and as a result alters the volumes of waste being produced, e.g. a member of the household leaves home, residents must inform the Council through the online process or by contacting the customer services team.

3.12 Moving House

When householders move home, all wheeled bins and recycling boxes must be left at the property ready for the new occupant to use. When moving house residents who have an assisted collection must inform the Council so that amendments to the collection round can be made.

- a) **New Build Properties** There will be a charge for the provision of an initial set of bins for newly built properties. Where appropriate, developers or the builder, will be charged for new bins in accordance with the council's prevailing fees/charges policy. If developers fail to make this provision, the resident will be liable for the purchase of the bins, to the specified standard currently BS EN840 Standard (amended 2012). No collections will be made from a new build property until such time as bins of the required standard are in place.

4.0 Requirements of Gedling Borough Council

4.1 Bin Use

GBC has the right to determine how refuse and recycling materials are presented for collection and to decline to collect refuse and recycling materials that are improperly presented.

4.2 Damage during Collection & Replacement Bins

If the bin is damaged during collection, the Council will either repair or replace it within 10 working days, at no cost to the resident, subject to stock availability.

A replacement bin may have been reconditioned i.e. cleaned and repaired.

4.3 Waste Calendars a calendar will be issued annually for residual waste and recycling showing bin collection days and can also be found on the Council's website, by contacting Customer Services, or by signing up to the bin reminder email. During Bank Holiday weeks, collections may change.

4.4 Bin deliveries Bin deliveries (either to new properties, as replacement or additional bins) will normally take place within 7-10 days of request, but this can be delayed during periods of heavy demand, and are subject to stock, vehicle and staff availability.

4.5 Bulky Waste The Council offers a separate paid for service for large household items from domestic properties. There are two different types of bulky waste collection:

- Type 1 - domestic fridges/freezers and electrical items
- Type 2 - bulky non-electrical items

There is an initial charge for the first item, and a reduced charge for each additional item. If there is a mix of type 1 and type 2, then there is a charge per type.

If an item is not presented in line with this policy in a visible location on the scheduled day, or if a bin is contaminated it will not be collected – it is the responsibility of the householder to present waste for collection correctly.

4.6 Healthcare Waste Collection Service There are two types of healthcare waste currently collected from domestic households. The first type of waste is classed as offensive and relates to waste such as incontinence waste. This type of waste can go into the residual (black) bin. However, households producing exceptional amounts of this type of waste can request a larger or additional bin upon completion of an application.

The second type of healthcare waste is classed as infectious and relates to waste such as dressings and needles. This waste may contain blood and as such, may be hazardous. The Council offers a separate collection service (currently provided through Rushcliffe Borough Council), for infectious wastes in orange sacks and/or yellow & orange lidded sharps boxes (please note: these sacks and boxes are not provided by the Council). Residents requiring an infectious healthcare waste collection should contact the Customer Services department.

Please note: purple lidded boxes cannot be collected as these contain Cytotoxic and Cytostatic waste which require a suitably permitted facility.

5.0 Uncollected Bins

5.1 Reporting an Uncollected Bin All uncollected bins/boxes must be reported to the Council by residents within 3 working days (Mon-Fri). Each uncollected bin report will be investigated and where appropriate, the Council will aim to return within 5 - 7 working days after the reported day, unless advised otherwise by the Council or in unforeseen circumstances. The uncollected procedure will only be actioned if a resident reports their bin/box as uncollected. Bins will not be collected as a missed bin if the bin has incorrectly presented (put out), or is contaminated refer to 2.1 above.

5.2 Bad weather In the event of severe weather, when snow, ice, floods or other conditions disrupt the waste and recycling collection services, the Council will attempt to maintain services. However, collections will only be made where the area has been assessed as safe by the collection vehicle driver. Key factors that will affect this include road conditions, safe access past parked cars and risks to the public and crews.

If the decision to suspend the service is made depending on the duration of the disruption, the Council will return to uncollected bins within 5 - 7 working days. In the event of the disruption lasting a number of days, then extra waste may be accepted upon a return to collections, in these circumstances the Council will advise residents of issues, arrangements, and timescales for a return to services through social media, the Council website and the waste email alert service.

5.3 Blocked Streets If a road is inaccessible on the day of collection due to parked cars, road works or other obstruction, then the scheduled collection may not be possible. Wherever possible, the Council will attempt to maintain services, however the safety of the public and crews, alongside and risk to property will be a priority. The Council will aim to return to make the collection within 5 - 7 working days or when the known obstruction has moved, for example in the case of road works. If a vehicle is blocking a street the Council may take enforcement action against the registered owner.

5.4 Inaccessible Bins If a bin is inaccessible on the day of collection due to locked gates etc, then the scheduled collection may not be possible. Wherever possible, the Council will attempt to maintain services. However, the Council will not take any action with regards to removing the blockage e.g., alerting residents and requesting that they unlock their gates/or remove the obstruction.

5.5 Contaminated Bins 'Contamination' refers to any item that has been placed in the wrong bin. Details of what can be placed in each bin are available on the Council website. The Council's collection crews are authorised to inspect each bin for contamination prior to collection. Under normal circumstances the bin will not be collected if it is contaminated with items that are not approved for that particular bin. Waste Supervisors have the authority to re-direct the bin into the residual waste stream in exceptional circumstances to support efficient service delivery. For any bin that has not been emptied, a sticker will be placed on the bin, this sticker is designed to inform the resident to remove the contamination; the issue will be recorded by the relevant collection crew and may result in enforcement action, refer to section 6.

If the bin contains a very small amount of contamination i.e., a couple of small items, the collection crew may remove the contaminant where possible and collect the bin as normal, however, a sticker may be placed on the bin informing the resident that the item/s placed in the bin are not recyclable, and the incident may be recorded by the collection crew.

When a bin has not been collected due to contamination, the resident must remove the incorrect items and place them in the correct bin prior to the next scheduled collection for that particular bin. Crews will not return to a property until the next scheduled collection day for that particular waste stream. Where a bin is not collected due to contamination it remains the responsibility of the householder to dispose of the waste in accordance with legal requirements.

5.6 Overloaded bin Any bin that is too heavy to be moved by collection operatives or be lifted by the collection vehicle will not be collected. A guidance weight limit for any bin will be 60kg and for boxes the limit will be 25kg.

Rubbish that is compressed in bins may not empty when lifted and tipped into the vehicle. The emptying process does not permit the crew to get in and loosen materials, so if it sticks and cannot be emptied, then the bin may be unemptied or partially emptied. In such circumstances, it is the responsibility of the customers to loosen the contents. An additional visit for collection will be at the discretion of the Council and missed bin collections may be restricted in these circumstances.

5.7 Returning for uncollected bins If a customer reports a bin as not being emptied (and this is a missed bin), and the resident is unable to wait until the next scheduled collection, the Council will aim to return between 5 - 7 working days. **Residual (black) bins will always be prioritised over recycling (green) bins due to the nature of the waste stream.** Where prevailing weather conditions or vehicle access is an issue, the Council will aim to return to all affected properties on the first available collection date. Where any bin or box is not emptied or collected due to contamination, the resident will be directed by means of a sticker on the bin/box to remove incorrect material from the appropriate bin/box, properly dispose of it and advise the Council that this action has been taken. The resident can then request an additional visit for the bin to be emptied. An additional visit will be at the discretion of the Council and will only be undertaken on the first instance of contamination within a 12-month period.

5.8 Damaged during collection If a bin is damaged during collection, the Council will either repair or replace it within 10 working days at no cost to the resident, unless advised otherwise by the Council. Only bins that have been numbered by the householder will be repaired or replaced.

5.9 Abandoned bins Residents can report an abandoned bin through Customer Services. When an abandoned bin has been reported to the Council, it will normally be removed within 10 working days.

Please note : The Council uses a real time monitoring system to monitor the collections. All bins / boxes not presented will be logged as 'not out'. Bins reported as not out on the system will be accepted as factual. It takes longer to report a bin than it does to collect so there is no incentive for the crew to report available bins as not out. Crews will not revisit properties reported under this method.

6.0 Enforcement

The Council's approach to enforcement in relation to instances of non-compliance with this waste policy broadly follows the Nottinghamshire Principles for the Reduction of Contamination, approved by the Joint Waste Management Committee [JWMC] which sets out measures to reduce contamination of recycling and minimise levels of residual waste. The approach adopted is proportionate and fair. Information to support householders in their understanding of waste requirements is provided on the Council website. The Council has a duty to take action where a

resident's behaviour is causing a nuisance to the environment or impacting on others by causing a detriment to local amenities. In such circumstances, the Council will implement legal powers. The Nottinghamshire Principles state:

"If a second contamination event occurs within a reasonable time frame the Waste Collection Authority should engage with the resident and endeavour to visit the property with a view to understanding the reason why a second contamination event has occurred. If a visit is not possible the Waste Collection Authority may utilise alternative methods to interact with the resident." And

"If appropriate, a section 46 notice may be issued to the resident in accordance with the Waste Collection Authority's policies"

In the first instance, education, support and advice is provided to ensure that policy is fully understood and allow the resident time to address any issues or misunderstandings regarding the presentation of their waste for collection. This may not be a visit in person, but rather information provision.

When a resident does not abide by this waste policy following a reminder of requirements through a sticker placed on a bin for example, the Council may elect to take a formal approach to enforcement. A formal enforcement approach will include the following steps:

- First contravention / contamination; warning sticker, note on Council system
- Second contravention / contamination; within a reasonable time frame educational information will be provided to resident
- Third contravention / contamination; Section 46 notice may be issued to inform the resident how they must present their bin correctly in order to avoid further action, including a penalty such as withdrawal of recycling bin for a period set at the Councils discretion, or fixed penalty notice

When the decision has been made to take formal action against a resident following advice and warning, they may receive a Section 46 Notice as specified in the Environmental Protection Act explaining (but not limited to):

- How waste should be presented for collection, including the type of waste and number of receptacles to be used

The Section 46 Notice informs the resident how they must present their bins correctly in order to avoid further action, the process consists of the following:

6.1 Written Warning Following the service of a Section 46 Notice, if the residents continue to present the waste incorrectly, and/or fails without reasonable excuse, to comply with the requirements of a Section 46 Notice, a warning letter will be sent detailing:

- How the residents have breached the notice; (identifying the requirement which has not been complied with, explain the nature of the failure and the effect the failure has had)

- What the residents need to do rectify this and any time period in which the requirement must be complied with;
- The consequences of any further breaches which may result in a fine

6.2 Notice of Intent If the resident continues to present the waste incorrectly, the Council may issue the householder with a notice of intent to issue a fixed penalty. The notice of intent will detail:

- The reason why a fixed penalty notice will be issued;
- The amount of the penalty the householder will be required to pay;
- The right to make a representation within 28 days to the Council

6.3 Final notice - Following the 28-day period and subject to consideration of any representations made by the householder, a fixed penalty notice will be issued. The penalty notice will also include the following information:

- The reason why a fixed penalty notice has been issued;
- The amount payable;
- How payment can be made and the period within which it must be paid;
- Right to appeal to the First Tier Tribunal within 28 days;
- The consequences of non-payment

6.4 Appeal When issued with a fixed penalty notice, the resident has a right to appeal to the First Tier Tribunal within 28 days.

General Regulatory Chamber
HM Courts & Tribunals Service
PO Box 9300
Leicester
LE1 8DJ

The requirement to pay the fixed penalty is suspended pending the determination or withdrawal of the appeal. Where the requirement to pay the fixed penalty is confirmed on appeal, payment must be made within 28 days of the confirmation. If the fixed penalty is not paid, even after an appeal, then the Authority will commence further action.

6.5 Enforcement of Blocked Streets Preventing Access for Waste Collection Vehicles

In the instance of a street being blocked by one or more vehicles being parked inconsiderately the Council may instigate the following process in line with the required process for the issuing of Community Protection Warnings and Notices, the application of the applicable tests, and its Environmental Enforcement Policy (2021):

- Information may be placed on the windscreen of the vehicle/s preventing access
- Letter to notify registered owner of issue, and information about the email reminder service for waste collection
- Second letter of continuing issue to the registered owner
- Community Protection Warning to the registered owner
- Community Protection Notice to the registered owner
- Fixed Penalty Notice issued to the registered owner