

# Chelmsford City Council

## Recycling and Waste Collection Policy

### **1. Contents**

2.	Legislative background.....	2
3.	Presentation of waste.....	2
4.	Excess and unauthorised waste.....	5
5.	Properties with restricted access.....	6
6.	Missed collections.....	7
7.	Service disruption.....	8
8.	Assisted collections.....	8
9.	Bulky household waste special collection.....	9
10.	Clinical waste.....	10
11.	Incontinence waste.....	10
12.	Licensed houses in multiple occupation (HMO).....	11
13.	Child minders.....	12
14.	Places of religious worship.....	12
15.	Premises occupied by a charity.....	13
16.	Waste collection from village halls.....	13
17.	Properties of mixed hereditament.....	13
18.	Residential properties also used for business.....	14
19.	Flats.....	14
20.	Collections from schools and education establishments.....	16
21.	Non-domestic and commercial / business waste.....	16
22.	Collections from outdoor events.....	17
23.	Enforcement protocol [This section to be reviewed].....	17

## 2. Legislative background

- 2.1. Chelmsford City 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 and the collection of commercial waste for which a charge can be made.
- 2.2. The statutory duty does not prescribe the method of collection of household waste. The City 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.
- 2.3. 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
- 2.4. 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.

## 3. Presentation of waste

- 3.1. Chelmsford City Council operate a kerbside separated collection system. This requires materials to be separated into the different waste streams ready for collection. This helps ensure that as much waste material as possible can be recycled or composted.
- 3.2. A guide is published periodically, which sets out which materials are to be placed in each receptacle. An A-Z directory which explains how to recycle or dispose of different items is also usually available on the Chelmsford City Council website.
- 3.3. Separate collection arrangements exist for those people living in flats who make use of communal collection services.

3.4. In accordance with Section 46 of the Environmental Protection Act 1990 Chelmsford City Council directs householders receiving individual kerbside collections to use the bins and receptacles provided and to present the materials for collection as described below:

Material	Receptacle	Collection frequency
Food waste	<ul style="list-style-type: none"> <li>➤ 23 Lt green external collection bin</li> <li>➤ 7 Lt grey internal kitchen caddy</li> <li>➤ 10 Lt HDPE food waste liners [one roll of 130 liners issued to each household once per year, usually around September]</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per week all year-round</li> </ul>
Aluminium and steel [cans, foils, aerosols etc.]	<ul style="list-style-type: none"> <li>➤ 55 Lt green box</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round</li> </ul>
Small electrical items	<ul style="list-style-type: none"> <li>➤ Placed in a plastic bag on or adjacent to the green box</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round [with green box]</li> </ul>
Textiles and shoes	<ul style="list-style-type: none"> <li>➤ Place in a plastic bag on or adjacent to the green box</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round [with green box]</li> </ul>
Cardboard	<ul style="list-style-type: none"> <li>➤ 55 Lt re-usable poly-sack</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round</li> </ul>
Paper	<ul style="list-style-type: none"> <li>➤ 55 Lt re-usable poly-sack</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round</li> </ul>
Plastics and food and drink cartons	<ul style="list-style-type: none"> <li>➤ 55Lt clear disposable sacks [one roll of 50 sacks issued to each household once per year, usually around September]</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round</li> </ul>
Garden waste	<ul style="list-style-type: none"> <li>➤ Up to 2 x 240Lt brown wheeled bins</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year-round</li> </ul>

Recycling and Waste Collection Policy

Material	Receptacle	Collection frequency
General non-recyclable or non-compostable waste [also termed residual waste]	<ul style="list-style-type: none"> <li>➤ 1 x 180Lt black wheeled bin</li> <li>➤ For households of 7 or more permanent residents a single 240 Lt black wheeled bin may be requested</li> <li>➤ For households with limited access a single 120 Lt black wheeled bin may be requested</li> </ul>	<ul style="list-style-type: none"> <li>➤ Once per fortnight all year- round</li> </ul>

- 3.5. 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 or receptacles out for collection any earlier than 18:00 hours on the day before their collection day.
- 3.6. Receptacles 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 and receptacles shall not be left on the footpath or highway between collections.
- 3.7. 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.
- 3.8. 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 and receptacles at an agreed collection point that can be accessed directly from the adopted public highway.
- 3.9. The City Council will only empty bins and receptacles that contain the items stipulated for each type of receptacle as listed in the current version of the collection guide.
- 3.10. If a bin or receptacle is contaminated with inappropriate materials, the bin or receptacle will not be emptied, in which case the householder will need to remove the contaminated material and present the bin or receptacle, 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.
- 3.11. All bins and receptacles supplied by the City 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 and collection receptacles

with their house number or name so that they can readily identify them.

- 3.12. Householders are required to keep and maintain the bins and receptacles provided to them by the Council in a safe and clean condition. Householders should only use the receptacle for their intended purpose; i.e. the presentation of materials for recycling, composting and waste for collection.
- 3.13. If a bin or receptacle is damaged or lost, a replacement will be issued on request. Replacement bins and receptacles 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.
- 3.14. The City Council will replace free of charge any bins and receptacles that are damaged whilst carrying out collection operations, excluding any damaged because of prohibited waste being placed in the bin or receptacle, in which case a charge will be made.
- 3.15. The City Council will provide, free of charge, a full set of bins and receptacles as appropriate to new dwellings 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.
- 3.16. Requests for a larger capacity wheeled bin for general non-recyclable waste will only be considered from households with seven or more permanent residents. Applications will be assessed by the City Council and the supply of a larger capacity black wheeled bin will be conditional on the householder being able to demonstrate that they are already fully using the alternative recycling and composting services available.
- 3.17. The City Council will review the provision of a larger capacity wheeled bin 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 house.
- 3.18. The larger capacity wheeled bin may be removed by the Council should householders:
  - Not to be recycling effectively
  - Be found to be using the larger capacity wheeled bin inappropriately
  - Are found to have obtained the additional bin under false circumstances
  - Circumstances have changed affecting their entitlement to a larger bin since it was issued
- 3.19. Householders should only use the bins and receptacles issued to that property and should not place materials in neighbouring or adjacent bins and receptacles. Unauthorised use of bins and receptacles by householders may result in enforcement action being taken.

#### 4. Excess and unauthorised waste

- 4.1. The City Council operates a closed bin-lid and a no 'side waste' policy. Collection of excess

general waste from overfull bins and /or side waste provides no incentive for householders to use the recycling service provided and can have an adverse impact on the quality and appearance of the local environment. The City Council will only collect household waste that is contained in the bins and receptacles provided, as directed.

- 4.2. In the case of general non-recyclable waste wheeled bin lids should be closed. General waste presented outside the bin either on the lid or next to the bin as side waste will not be collected. 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.
- 4.3. 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.
- 4.4. There is no limit to the presentation of materials for recycling, provided that any such materials are properly presented on the scheduled collection day, reasonably contained and free from contamination. Materials presented for recycling that are contaminated will not be collected.
- 4.5. Prohibited waste material in any bin or receptacle will be classed as contamination. A consequence of this will be that the entire contents of the bin or receptacle will not be collected.
- 4.6. 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.
- 4.7. Excessively heavy bins or bins and receptacles containing non-household or commercially generated waste will not be emptied. Where the collection crew cannot safely empty a wheeled bin or receptacle it will be left un-emptied. In these circumstances the householder will be required to remove sufficient material from the bin or receptacle in order that it can be safely emptied on the next scheduled collection day.
- 4.8. Householders using domestic waste bins and receptacles 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.

## 5. Properties with restricted access

- 5.1. 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.

- 5.2. Where access to a property is controlled by electronic gates or other security barriers householders or their agent need to accommodate the arrival of the collection crews and provide timely entry. If access is not permitted within five minutes of arrival, the collection[s] will not be made and will take place at the next scheduled collection day.
- 5.3. 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 and receptacles outside the gates or at the edge of the public highway for collection.
- 5.4. There are households within the City Council area, particularly outlying rural properties, where the use of regular collection vehicles is impractical. In such circumstances the City Council will endeavour to use a smaller collection vehicle and the householder will be notified that they are on the 'isolated properties round'.
- 5.5. To ensure that the Council retains an efficient and expedient level of service, all bins and receptacle 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.
- 5.6. 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 City Council against any responsibility for damage or wear and tear of surfaces and structure or alike.
- 5.7. Where development of new properties is still taking place and roads are not yet adopted, but residents are in occupation, the City 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.

## 6. Missed collections

- 6.1. The Council will make every effort to empty bins and receptacles 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 24 hours, 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 or receptacle

will be emptied on the next scheduled collection day.

- 6.2. The Council will not return to empty bins or receptacles in the following circumstances:
  - a. Where bins and receptacles are not presented by 7.00am on the scheduled day of collection
  - b. Where bins and receptacles are presented in the incorrect location
  - c. Where safe access was obstructed
  - d. Where bins and receptacles 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 and receptacles are overly compacted and cannot be fully emptied
  - g. Where bins and receptacles are too heavy to safely manoeuvre
  - h. Where bins and receptacles have already been emptied once on the scheduled day of collection
  - i. Where more than one black wheeled bin for non-recyclable waste or more than two brown wheeled bins for garden waste were presented for collection
- 6.3. In these circumstances the bins will be emptied on the next scheduled collection day, provided they are presented in accordance with the Collection Policy.
- 6.4. The Council will not return to empty bins or receptacles where the missed collection is reported more than 24 hours after the scheduled collection day or where the reported missed collection is not valid.

## 7. Service disruption

- 7.1. 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, with any necessary collections usually taking place on the following Saturday. Any such arrangement will be published at least 4 weeks in advance on the City Council website.
- 7.2. 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 circumstances bins and receptacles will be emptied on the next scheduled collection day. In such circumstances, catch-up arrangements will not be possible.
- 7.3. 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.

## 8. Assisted collections

- 8.1. The City Council currently offers assisted collections to householders who find it difficult to move bins and receptacles 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
- 8.2. The City Council defines an assisted collection as the collection of a bin or receptacle by the collection crews from an agreed collection point within the curtilage of the property, returning the bin(s) or receptacle(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.
- 8.3. Householders are required to make an application to the City 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.
- 8.4. Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.
- 8.5. In the case of the City Council refusing an application for an assisted collection service, the applicant will be provided with an explanation of the reason for the refusal.

## 9. Bulky household waste special collection

- 9.1. The City Council can arrange for the collection of large items of household waste such as furniture, electrical items, sheds, garden waste etc. from residential properties where these cannot be contained within the bins and receptacles provided by the Council or where the item exceeds 25 kilograms in weight.
- 9.2. 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. Only items listed in the booking will be collected, additional items present will not be collected. The City Council reserves the right not to collect any items deemed inappropriate or considered to be unauthorised waste.
- 9.3. 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.

## 10. Clinical waste

- 10.1. The City 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 and can be returned to the healthcare provider / doctor's surgery for disposal when full. However, the duty on local authorities to collect and dispose of clinical waste generated by households also applies to sharps waste
  - 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 City Council is obliged to collect the waste separately when requested to do so by the waste holder
- 10.2. 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
- 10.3. Under the controlled waste regulations, the City Council may charge for the collection of specific waste streams, including healthcare and clinical waste. However, the City 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 Chelmsford area free of charge. The City 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.
- 10.4. 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.
- 10.5. Householders should not dispose of syringes, needles and other hazardous healthcare wastes in the general domestic waste stream.
- 10.6. Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.

## 11. Incontinence waste

- 11.1. Human hygiene or sanitary waste can sometimes be produced in large quantities. Although such waste may be non-hazardous and can usually be disposed of as general

non-recyclable waste, in larger quantities it can be offensive and cause handling problems. In these cases, where a household generates more than one standard container of human hygiene waste over the usual collection interval, the City Council will arrange to collect it separately from other waste streams as healthcare waste.

- 11.2. On request the City Council will provide a weekly incontinence waste collection service for residential households within the Chelmsford area. This service is currently free of charge. However, the City 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.
- 11.3. Nappies are not considered to be incontinence waste and these can be disposed of in the black bin provided for non-recyclable waste.
- 11.4. Wheeled bins provided specially for incontinence waste [usually identified by a yellow top / lid] should only be used for that purpose and not for general non-recyclable waste of whatever nature. If these bins are misused or are contaminated by unauthorised waste the collection will be withdrawn.
- 11.5. Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.

## 12. Licensed houses in multiple occupation (HMO)

- 12.1. 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 City Council.
- 12.2. In the case of licensed HMOs, for properties of 3 or more storeys the provision for general non-recyclable waste will be a single bin of 360Lt capacity emptied once per fortnight. For properties of 2 storeys or less the provision for general non-recyclable waste will be a single bin of 240Lt capacity emptied once per fortnight. Un-licensed HMOs will receive a standard household collection service.
- 12.3. Where the residents of the HMO are responsible for the upkeep and maintenance of any gardens at the property, the City Council will provide up to two 240Lt wheeled bins for collection once per fortnight. 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.
- 12.4. 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 City Council. It is recommended that these requirements are incorporated

in the HMO licence conditions.

- 12.5. 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.
- 12.6. 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.

### 13. Child minders

- 13.1. If a child minding service is operating from any dwelling, the waste generated shall be contained within the bins and receptacles 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.

### 14. Places of religious worship

- 14.1. If requested, the City 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.
- 14.2. 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.
- 14.3. 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.
- 14.4. 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 City Council will make a charge for both

collection and disposal in these circumstances.

## 15. Premises occupied by a charity

- 15.1. The City Council will 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.
- 15.2. However, if the activities of the charity are about the conduct of public religious worship the City Council will not charge for collection or disposal.

## 16. Waste collection from village halls

- 16.1. 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.
- 16.2. Collections will comprise one 240Lt non-recyclable waste bin emptied per week or per fortnight as requested. Any additional collections [higher capacity per week, more bins or increased frequency] will be treated as commercial waste, attracting a charge for both collection and disposal.
- 16.3. A charge will be made for the collection of materials for recycling and composting, including food waste.
- 16.4. 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.

## 17. Properties of mixed hereditament

- 17.1. 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 City Council in the same manner as normal domestic properties.
- 17.2. The bins and receptacles 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.
- 17.3. The City 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 City Council will identify and agree with the property owner, landlord or managing agent and residents a specific storage location[s] and collection point[s].

## 18. Residential properties also used for business

- 18.1. 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.
- 18.2. Failure to comply with the duty of care requirements is a criminal offence and could lead to prosecution.
- 18.3. The City Council will not collect through its household waste collection services waste that it believes is generated by a business at a residential property. However, the City Council can, by separate arrangement, provide a commercial waste collection service for which a charge will be made.
- 18.4. 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 City Council may take enforcement action against the occupant that is operating the business.

## 19. Flats

- 19.1. 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.
- 19.2. Whilst the City 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
- 19.3. Failure to comply with the duty of care obligations is an offence and could lead to prosecution.

- 19.4. 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
- 19.5. The standard collection services for blocks of flats will comprise:
- A weekly separate collection of food waste
  - A fortnightly separate collection of cardboard and paper for recycling
  - A fortnightly separate collection of cans for recycling
  - A fortnightly separate collection of glass for recycling
  - A fortnightly separate collection of plastics and food and drink cartons for recycling
  - A weekly collection of non-recyclable waste
- 19.6. 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.
- 19.7. 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.
- 19.8. 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.
- 19.9. Occupiers of flats of whatever tenure are required to present their waste in the manner prescribed by the City Council using the bins and receptacles provided by the Council and in accordance with these collection policies.
- 19.10. The City 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.
- 19.11. 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.
- 19.12. The property owner, landlord or managing agent shall be required to keep and maintain the bins and receptacles provided to them by the Council in a safe and clean condition and ensure that residents of the flats only use the bins and receptacles for their intended

purpose.

- 19.13. The City Council will only collect waste that is properly contained in the bins and receptacles provided and not on the floor. The City Council will not empty bins and receptacles that are overfilled or contaminated by unauthorised waste.
- 19.14. Where excess waste is left in bin stores and compounds and this prevents access to bins and receptacles these will not be emptied.
- 19.15. The City 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.
- 19.16. If bin stores, bins and receptacles 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 City Council is required to undertake any such remedial action the costs will be charged directly to the property owner, landlord or managing agent.
- 19.17. 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 City Council as domestic waste. These are classed as commercial waste and must be collected for disposal by an appropriately registered waste contractor.
- 19.18. In the case of bulky items, the City Council can arrange a bulky waste collection, for which there will be a charge for collection and disposal.

## 20. Collections from schools and education establishments

- 20.1. Whilst waste from schools is classified as household waste for which a charge for collection can be made, the City Council, at its sole discretion, will provide source separated recycling and food waste collections free of charge to those schools that are contracted to receive a chargeable non-recyclable waste collection from the City Council.
- 20.2. Waste from universities, colleges, independent schools, nurseries, playschools and pre-schools is classified as household for which a charge shall be made for both non-recyclable waste collection and collection of materials for recycling / composting.

## 21. Non-domestic and commercial / business waste

- 21.1. Section 75(7) of the Environment Protection Act 1990 defines commercial waste as 'waste

from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment’.

- 21.2. The classification of waste is set out in Statutory Instrument No 811 the Controlled Waste (England and Wales) Regulations 2012, which came into effect on 6 April 2012. The Regulations prescribe how waste is to be treated – as household, industrial or commercial waste – defined by either by its source or the activity producing the waste. The regulations further define household waste for which a collection and / or disposal charge may be made.
- 21.3. Collections of commercial waste from whatever source will be made in accordance with the City Council’s ‘Non-domestic and trade waste collection policy’.

## 22. Collections from outdoor events

- 22.1. 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. The City Council can, by separate arrangement, provide a commercial waste collection service for which a charge will be made.
- 22.2. For third party organised events taking place in parks, on green spaces and in other public places the terms and conditions of hire require the event organiser to produce for approval an effective waste plan and to manage the recycling and waste management activities at the event accordingly. Persons or organisations hiring parks, green spaces or other public places will be expected to apply the principles of waste minimisation in the first instance and then encouraging as much of the remaining material as possible to be source separated for recycling or composting.
- 22.3. Event organisers shall be responsible for managing levels of contamination and ensuring that commercial operators [such as food vendors] fulfil their ‘duty of care’ responsibilities. Event organisers shall be required to ensure that vendors operating catering and refreshment concessions substitute any non-recyclable containers, cartons and receptacles with items made from materials that can be recycled – for example using plastic or card that can be more readily recycled rather than polystyrene cups and trays.

## 23. Enforcement protocol [*This section to be reviewed*]

- 23.1. In accordance with the provisions of the Environmental Protection Act 1990, the City Council has directed householders within the City Council area to use a source separated recycling, composting and food waste collection service.
- 23.2. The City 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.

- 23.3. Failure to remove a bin or receptacle from the footpath or highway within the prescribed timescale or between scheduled collection days may also result in enforcement action being taken.
- 23.4. Excess or authorised waste not properly contained with the bin or receptacle 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.
- 23.5. In circumstances where the City 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 City 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.