

Waste Collection and Waste Enforcement Policy



North Kesteven
DISTRICT COUNCIL

Title: Waste Collection and Waste Enforcement Policy	Approved: Click here to enter text. On Click here to enter a date.	Effective from: Click here to enter a date.	Next review: Click here to enter a date.
Version: 0.3 (draft)	Author: David Steels, Assistant Director of Environment and Public Protection		Last review: 01/02/2023
Review Comments	Biennial policy review and seasonal working hours adjustments'		

Aim

The council has a broad and varied role in relation to waste and environmental management. The council is a waste collection authority and has a statutory duty imposed by section 45 (1) of the Environmental Protection Act 1990 ("the 1990 Act") to provide a collection service for household waste.

The council recognises the impact that non-compliance with waste collection methods can have on the immediate and broader environment. These effects can be felt either through reduced levels of recycling or incorrect presentation, leading to bins not being taken and accumulations of waste which may attract pests, damage health or become a nuisance, along with the damaging global effects of failing to recycle materials.

Under Section 46(4) of the 1990 Act, the council has specific powers to stipulate:

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

Through development of this policy, the council aims to achieve the following;

- Better understanding of waste collection requirements (including recycling)
- Increased compliance with waste collection requirements
- Effective enforcement for persistent non-compliance
- A cleaner and more welcoming street scene

The above aims are compatible with the overarching principles of the council vision; 'A District of Flourishing Communities', its purpose; 'A prosperous, sustainable District, delivered through effective & efficient public services that meet local

priorities, the challenges of climate change and the recovery from the economic and social impacts of Covid-19', and priorities around our communities, our council and our environment.

The council shares the strategic vision of the Lincolnshire Waste Partnership which is "to seek the best environmental option to provide innovative, customer friendly waste management solutions that give value for money to Lincolnshire".

Scope

This policy contains what and how waste collection services are provided and what residents should do to help us to achieve this. It also sets out what to do and what will happen should things go wrong and establishes the enforcement mechanisms for those who repeatedly fail to comply. It also seeks to provide a framework for education around waste collection requirements.

The council acknowledges our role as a part of a wider partnership across the county and will seek to work with members of the Lincolnshire Waste Partnership by cooperating and supporting neighbouring districts, along with the waste disposal authority (Lincolnshire County council, who is responsible for the recycling, composting or disposal of the waste the council collects) to improve compliance with waste collection requirements.

Definitions

Term	Abbrev.	Description
Alternate weekly collections ('every other week')		Typically, the collection of household residual waste is once a fortnight, whilst during the intervening week's recyclables are collected.
Energy from Waste	EfW	Any renewable energy technology that recovers energy from waste.
Household Waste	HW	Waste from domestic properties including waste from residual refuse collections, material collected for recycling and composting, plus waste from educational establishments, nursing and residential homes.
Household Waste Recycling Centre	HWRC	A place at which the public may deposit their household waste
(Joint) Municipal Waste Management Strategy	(J)MWMS	It is a statutory duty for local authorities in two-tier areas to have a JMWMS.
Lincolnshire Waste Partnership	LWP	Also referred to simply as "the Partnership". Brings together the public bodies within Lincolnshire responsible for collection and disposal of waste.

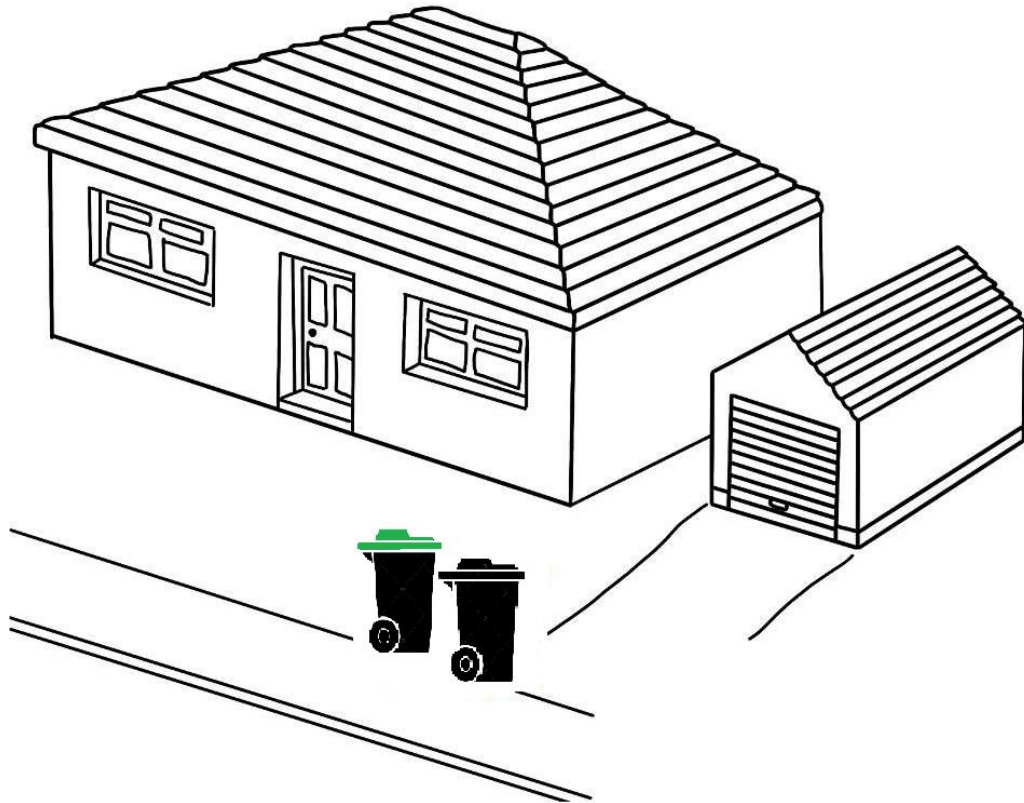
Residual waste		Kerbside collected household waste that is not recycled
The council	NKDC	North Kesteven District council
Waste Collection Authority	WCA	A local authority with the duty to collect specified wastes (including household waste). The seven WCA's covering the LWP area Boston Borough council, City of Lincoln council, East Lindsey District council, North Kesteven District council, South Holland District council, South Kesteven District council and West Lindsey District council
Waste Disposal Authority	WDA	A local authority with the duty to operate HWRC's and to dispose of waste collected by WCA's in its area. There is one WDA covering the LWP area: Lincolnshire County council.
Waste Regulatory Authority	WRA	Has responsibility for ensuring compliance with waste legislation. In England this is the Environment Agency.

Principles

PART 1 - WASTE COLLECTION

1. Presentation of kerbside waste. The role of residents.

- 1.1. Residents who use the council's kerbside waste collection service are required to present their waste in accordance with the requirements laid out within this policy. This includes ensuring materials are deposited in the bin specified.
- 1.2. The contents of a waste receptacle are the responsibility of the householder until it is collected by the council.
- 1.3. Residents are required to present their waste for collection in the bins provided on a day specified by us. This will usually be collected on the same day.
- 1.4. Residents must not use bins for the disposal of waste other than those arising from their domestic property.
- 1.5. Bins should be presented no earlier than 1900 on the night before collection and by 0630 on the day of collection.
- 1.6. Bins should be removed from the path/highway or other public areas as soon as they have been emptied and no later than 1900 on the day of collection.
- 1.7. Bins must be placed at the edge of the property where they can be easily seen to ensure that it is obvious to the collecting staff that they have been put there for collection



- 1.8. Bins must be positioned to avoid causing an obstruction on pavements or walkways, having particular consideration to partially sighted pedestrians, those with wheelchairs and those with pushchairs / prams.
- 1.9. Bin wheels should face into the road and the lid must be closed.
(Alternative arrangements will be made where collection assistance is given; see section 7, and / or the property is served by an unadopted road / private drive: please see below for details)
- 1.10. The council will not routinely collect waste that isn't in a wheeled bin.
- 1.11. Bins must not be unsightly (e.g. overturned receptacles left out). Residents are responsible for the storage at the property, safe keeping and cleanliness of refuse and recycling receptacles.
- 1.12. Unless marked by the council at the time of delivery, the council recommends and will encourage residents to put their house number or name on the back of the bin (where the handle and wheels are). Bin markings should not be excessively large, detract from the street scene or be marked in such a way that it might cause offence to others.
- 1.13. If the resident has been authorised to present sacks (see 4.2), these must not be presented inside a container or bin.
- 1.14. When householders move home they must leave the bins at the property for the new occupant.

2. Presentation of kerbside waste. The role of the Council

- 2.1. The council will provide appropriate quantities of bins depending on property type and household makeup. Residents must not present additional bin(s) or supply their own. Should this happen, the council will

- take measures to empty and remove the bin(s) and steps will be taken to ensure there are no further contraventions.
- 2.2. Bins will meet the requirements of EN 840 or ISO EN 3834 and will be procured with a minimum ten year guarantee.
 - 2.3. Waste presented will be liable for inspection before collection. This inspection may be conducted by any authorised officer and will usually be a member of the round collection crew at the point of collection. The inspection will be carried out to ensure the receptacle contains only the waste that may be presented on that day.
 - 2.4. After emptying a bin, the council will replace it where it was collected from unless this was creating an obstruction. The council will try to leave bins so that they do not block driveways.
 - 2.5. Individual circumstances are taken into account when the council is made aware of specific needs, or issues relating to a specific property. In these cases that property may be moved on to another collection schedule should the circumstances demand.
 - 2.6. On occasions, spillages occur during collections. In the event of spillage by the council, the council will clear up to the best of their ability at that time using brushes and shovels. If the spillage is a substance that is difficult to clear such as paint, oil etc. then a specialist team will be engaged at the earliest opportunity.

3. Kerbside waste collection services provided by the council

Waste placed in bins must be the types of waste specified for each receptacle. The following list is an indicative guide. A comprehensive list of which items should be put into which receptacle is kept up-to-date on our website and is the definitive list for the purposes of this document. The website also contains a list of items that will not be collected at the kerbside and details how they should otherwise be disposed of.

3.1. Recycling Collection

Dry recycling is collected every other week from one of two bins alternately. New properties will be provided with two 240 litre wheeled recycling bins as standard. Older properties may have a 360 litre as well as a 240 litre bin. Materials accepted:

- Green-lidded wheeled bin
 - ✓ Clean glass bottles and jars
 - ✓ Metals including:
 - Aerosols (empty)
 - Clean drink and food cans
 - Clean aluminium foil and food trays
 - ✓ Plastics including:
 - Clean food pots tubs and trays

Clean plastic bottles

- Purple-lidded wheeled bin: Paper and cardboard including:
 - ✓ Newspapers / magazines
 - ✓ Unwanted mail
 - ✓ Egg boxes (card)
 - ✓ Directories / catalogues
 - ✓ Card and cardboard
 - ✓ Clean waxed drink cartons
 - ✓ Cereal boxes

3.2. Green (Garden) Waste

The green / garden waste service is only available to those who pay. It is collected every other week with a reduced frequency in December and January. Bins are brown and are 240 litres in capacity. Up to 4 bins per property can be purchased. Residents not wishing to pay for the garden waste service can either compost the garden waste at home, take it to the Household Waste Recycling Centre or engage an authorised waste collection contractor to make a collection. Materials accepted:

- ✓ Grass, weeds and hedge cuttings
- ✓ Leaves
- ✓ Clean straw
- ✓ Flowers and plants
- ✓ Sticks, twigs and small branches up to a diameter of 2.5cm (1")
- ✓ Real Christmas trees (cut into small lengths)

3.3. Residual Waste

Residual waste is collected every other week. New properties are provided with a 240 litre wheeled residual waste bin with a black lid as standard. Older properties have either a 180 litre or 240 litre bin. Materials accepted:

- ✓ Other household waste that cannot be placed in any of the receptacles listed above.
- ✓ House plants and flowers (strictly no garden / other green waste)

4. Other receptacles provided (by exception)

4.1. Other bins

- 4.1.1. In areas where separate collections can't be provided, large wheeled bins may be provided for communal use, schools etc. A suitable and sufficient waste collection and presentation plan must be agreed with the council and access to the waste must be available from 0630 (e.g. gates unlocked, no loose dogs, clear access to the bin).

The arrangements will be reviewed if it is judged that this policy is not being complied with.

4.1.2. The combined capacity of all refuse bins supplied to houses in multiple occupation (HMOs) will not exceed 240 litres multiplied by the number of occupied units.

4.1.3. Smaller capacity wheeled bins where requested or where space is limited. In such circumstances the council may decide to provide a more regular collection service by exception where space is limited and there is a proven need due to the size of the household. Each case will be judged on its own merits and subject to site inspection and development of a suitable waste collection and presentation plan.

4.2. Sacks

4.2.1. Properties may be exempted from using bins after it has been assessed by the council that it is not possible to safely store or keep wheeled bins (usually due to lack of space or poor access). Requests will be considered for the following property types:

- Purpose-built blocks of flats
- Flats above shops
- Properties with no frontage
- Properties with very small front gardens (less than 1 metre deep) that have insufficient space for a wheeled bin
- Properties with a very long drive where it is not efficient for crews to walk to a wheeled bin
- Properties where the council's vehicle fleet cannot access.

4.2.2. The suitability of a bin collection to properties with steps or steep frontages will be assessed on a case by case basis.

4.2.3. Prior approval will be needed from the council before sack collections at the property commence and each application will be judged on a case-by-case basis in accordance with the principles and contents of this policy.

Application for any of the above can be made via the council's website, Customer Services team or usual contact channels.

5. Supply, delivery, repair or replacement of bins

5.1. The council delivers bins to new properties and replacement bins where they are missing, stolen, vandalised or damaged and cannot be repaired. A charge is levied for the provision of bins to new properties. The council will always try and repair broken or damaged bins rather than replace them.

5.2. Bin deliveries will usually take place within ten working days of the request being received. In the event of any delay (such as if the service is suffering a period of short term resource pressure, or the council is awaiting a supplier delivery) the council will endeavour to keep the resident informed.

5.3. The council may provide a good condition, pre-used bin to get the best value for money from them. Pre-used bins will be cleaned and any previous house numbers removed prior to re-use.

- 5.4. The council reserve the right to refuse to empty a damaged bin where there is a risk of injuring crews or damaging vehicles and so in such situations the resident must notify the council at the earliest possible opportunity and in any case within 2 working days after collection.
- 5.5. There may be a charge for time, materials and delivery if the cause is anything other than natural wear-and-tear, aging or loss or damage to the bin by the council.
- 5.6. When a resident reports their bin as stolen this must be supported by a police incident number. If this is not provided, a charge will be levied.
- 5.7. If a missing bin is found, residents must inform the council who will if necessary collect it at the earliest opportunity.
- 5.8. Residents can request to downsize from a 240 litre wheeled bin for residual or recycling bin if the resident is physically unable to handle the larger bin or is struggling to do so and wishes to retain their independence.

6. Applications for additional waste collection capacity

- 6.1. Requests for additional bin capacity will not normally be agreed to. The council will, however, accept applications from households where it is shown that;
 - More than two children are in nappies;
 - Households of more than 5 permanent residents over 16 years.
 - A medical condition results in the need to dispose of a large quantity of (low grade) medical dressings or medicine packaging. To be eligible, written confirmation of need is required from a qualified person (carer, nurse, doctor), which should include a description of the waste to be collected.
- 6.2. An officer may carry out a waste collection and presentation plan of the household's waste to assess the need for suitable and sufficient additional or larger bins to be provided on a time-limited basis and subject to review.

7. Assisted collections

- 7.1. This service is offered at no additional fee to any resident where there is no-one at a property to move their bin to the point of collection by reason of illness, disability or infirmity (permanent or temporary). Such residents may request the council to collect, empty and return their bins. Once a request is received a visit is made to the customer to agree the collection point. The council will make a decision regarding applications for assisted collections and put the necessary arrangements in place within 10 working days of the request being made.
- 7.2. Eligible residents must make sure the council can access the waste to be collected on the collection day (e.g. no locked gates, no loose dogs and clear access to the bins) between 0630 and 1600, otherwise the council may not collect and empty the bin until the next scheduled collection.
- 7.3. The council should be notified of any change of circumstances which means an assisted collection is no longer needed. In most cases, an

annual check will be made see if circumstances have changed (for example if the applicant has moved out of the property) and that the service is still required.

8. Non-domestic collections

- 8.1. The council offers waste collections for a range of non-domestic premises in accordance with the prevailing legislation e.g. to churches and community centres. Provision (capacity and number of containers) is proportionate to that provided for domestic collections.

9. Large or bulky waste collections

- 9.1. A separate collection service is provided for the collection of large or bulky domestic (items that will not fit into a wheeled bin or weigh over 25kg.) or electrical items, a charge is levied for this service.

10. Medical needle ('sharps') collections

- 10.1. The council will, upon request, provide a collection service of boxes containing waste medical needles at no additional fee. The council will not supply the sharps boxes. The council will collect sharps boxes either within 10 working days of a request or fortnightly and will inform the service user in advance which of these two arrangements are applicable to them. The service user will be advised on which day the collection is to be expected. Sharps may only be presented in sealed containers made for this purpose.
- 10.2. All healthcare and other professionals are responsible for the disposal of their own sharps.

11. Hazardous domestic wastes

- 11.1. Hazardous domestic waste is not collected at the kerbside. To dispose of a hazardous substance (for example asbestos) it may be taken to one of the specialist centres run by Lincolnshire County Council, details available on their website, or to a specialist registered private contractor engaged to collect and dispose of it safely for which there will be a charge.

12. Business / commercial / trade waste collection

- 12.1. Businesses are required to ensure they have in place suitable collection arrangements for their trade waste. The council does not offer a service for the collection of business / trade waste. However the law requires us to offer a service on request. Where such requests are received the council will arrange for the collection by a contractor and will pass on our direct costs in organising the collection. This means that it will usually be more cost-effective for the business to arrange a collection direct with the contractor.
- 12.2. Where a property is part commercial and part residential (for example a public house with living accommodation above or a shop with living accommodation) the council may charge for collection of all the waste. The council will provide standard capacity receptacles for the collection of the

household element and where there are doubts as to the origins of the waste (i.e. where commercial waste is apparent) then the waste will not be collected or a charge may be made.

- 12.3. It is recognised that some individual traders work from home and provided that any waste generated along with the normal household waste does not require any additional capacity or have any particular hazardous qualities it will be dealt with as normal domestic waste.

13. Kerbside waste collection arrangements

13.1. Collection days

- 13.1.1. Information on collection days are posted on our website for every residential address. The council aims not to change collection days from year to year. The time of collection cannot be specified due to road works, vehicle breakdowns or other situations outside of our control affecting this, other than that it will be after 0630.
- 13.1.2. From time to time, in order to take account of the varied locations of new home building, a fundamental review of all waste collection routes will be undertaken which may result in a change in collection days for some residents. This should be no more frequently than every 4-5 years, depending on the volume and location of building. In such circumstances every household will receive a calendar of collection dates once the review is complete. This may be by email, by post or on a tag or sticker attached to the wheeled bin or a combination of these.
- 13.1.3. The council will provide details of collection days to occupiers of new properties which will be delivered along with the new wheeled bins.
- 13.1.4. Garden / green waste collection dates will be posted on the letter sent at the time of (re) subscribing to the scheme.
- 13.1.5. Scheduled collections will not take place on public holidays. Alternative collections days will be published through emails, our website and social media.

13.2. Unadopted Roads

- 13.2.1. Council refuse collection vehicles will not normally drive on roads and driveways not maintained by a local authority (known as 'unadopted roads' and 'private driveways'). Residents of properties accessed by such roads must bring their bins to an approved collection point adjoining the public highway. In some circumstances such as some residential caravan sites, the council will use our smaller refuse collection vehicles to collect waste. This will only be done with the consent of the site owner/residents.
- 13.2.2. The council will look to influence developers to provide roads to a standard so that they may be maintained by a Local Authority and as such provide suitable access for refuse collection vehicles, or where this is not achieved, to minimise their length.

13.3. Missed Collections

There are occasions when bins are not emptied at the scheduled time. The following is a list of the most common occurrences. This list is not exhaustive:

13.3.1. *Severe Weather*

- 13.3.1.1. The council will empty bins on the specified day unless there is severe weather which prevents this due to safety risks to employees and the public. A decision will be made by 0900 as to whether normal collections will be attempted; thereafter hourly reassessments will be made until 1400. In the event of snow and ice, waste should continue to be presented to the collection point as normal by 0630 and the council will update on any potential changes to collection arrangements, including catch-up arrangements through our website, social media and local radio.
- 13.3.1.2. Should it be necessary to suspend the service due to severe weather, staff will be re-deployed if and as appropriate to support the council's severe weather operational response.
- 13.3.1.3. To assist with catching up, other waste collections (e.g. bulky waste collections) may be suspended for a time after the severe weather event.
- 13.3.1.4. In the event of excessively windy weather, wheeled bins may be emptied and left on their side to prevent them blowing over.

13.3.2. *Access issues*

- 13.3.2.1. If access to bins is blocked by a vehicle, the council will try to call back on the same day. If the council are unable to access a road due to road works or parked vehicles, the council will call back within three working days. There will be a maximum of three attempts. If collection is not possible after three attempts, the bins will be left until the next collection.
- 13.3.2.2. For parked vehicles, the council will record the vehicle registration number, make and model and evidence with a photo. If the same vehicle is reported more than 3 times to be blocking a road, the information will be used to take further action which could include a Community Protection Warning to the registered keeper.
- 13.3.2.3. For roadworks, the council will work closely with the Highways Authority to make sure collection crews are aware of planned works which may affect collection times and plan and promote suitable alternative arrangements. Drivers of waste collection vehicles will make a judgement as to if it is safe to access an area subject to emergency roadworks (even if it may be safely accessed by smaller vehicles).

13.3.3. *Frozen waste*

- 13.3.3.1. In some extreme cases in the winter, waste can freeze into bins. At such times the council will attempt to empty the bin at least twice but may not be able to do so. If this occurs the council will make a case by case assessment to see how the problem be best resolved. It may not be possible to return to make a second attempt to empty until the next scheduled collection day.

13.3.4. *Compaction*

- 13.3.4.1. It is acceptable to firm waste down a little to maximize use of the capacity available but if the waste is so compacted that it will not come out of the bin when lifted and tipped, crews will not be permitted to enter the bin and loosen materials. In such circumstances residents will need to loosen the contents so that it may be emptied on the next scheduled collection day.

13.3.5. *Overloading*

- 13.3.5.1. Bins must be able to be collected by an average person to protect both the wellbeing of collection operatives and the area surrounding lifting equipment on the back of the collection vehicles. Any containers judged by the council's collection operative to be too heavy will not be collected and the household will be responsible for reducing the weight before the next scheduled collection day. Crews will not return to bins which are too heavy. Lifting equipment has an operating safety limit of 80kg

13.3.6. *Emergencies*

- 13.3.6.1. During the worldwide lockdown in early 2020 as a result of the COVID19 pandemic, the LWP was proud that household kerbside waste collections continued almost without interruption. This event highlighted that sometimes emergencies are outside the operational control of the WCAs and as such there is always the risk that collections will be affected. If this happens the council will provide updates on any potential changes, including catch-up arrangements through our website, social media and local radio.

13.3.7. *Other missed collections*

- 13.3.7.1. Where the council is notified of a missed collection due to an error or omission by the collection service the council will return to rectify this by the end of the next working day. There will be no return if the waste is:
- Not presented for collection by 0630 on the day of collection
 - Not presented at the kerbside or an alternative agreed location
 - Inaccessible
 - The wrong bin is presented (e.g. recycling bin presented on residual waste week)
 - Overloaded such that the bin lid is not closed.
 - Mixed with other waste items that should not have been presented for collection on that day (otherwise known as contamination)
 - Reported as missed very close to your next scheduled collection
- 13.3.7.2. If asked, the council will explain to the customer the legitimate reason why a bin has not been collected.

PART 2 - ENFORCEMENT

14. Tools and powers

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

- prohibiting the presentation of loose residual waste (i.e. not in the bin)
- where and when the bin is presented for collection
- not to overload the bin (e.g. the bin lid is up)
- what is to be placed within the bin

14.2. This penalty is a civil penalty rather than being a criminal offence.

15. Our response to waste collections issues

15.1. Everyone making a complaint relating to waste collection can expect the council to:

- Take the matter seriously,
- Explain what can and cannot be done,
- Deal with the matter in accordance with this policy and its associated operational procedures.

16. Education

16.1. The first step in response to any reports regarding waste collection will be to seek to provide education, guidance and support, whether this be in relation to what to put in your recycling bin or when it should be presented.

16.2. For example, the first time bin contamination is found the details will be recorded and a tag will be attached to the bin explaining the reason it has not been emptied and that it will be emptied on the next scheduled date (once the contamination has been removed). A letter or email will be sent to the resident confirming the action and spelling out the process in the event of a recurrence.

17. Early Intervention

17.1. Where education does not address the issues of concern, the council will seek to issue formal advice in writing, along with information on how to comply. The council will seek to do this at the earliest opportunity to attempt to ensure compliance at an early stage. This intervention will serve as a warning that actions may escalate to service of a Fixed Penalty Notice should the individual(s) responsible fail to comply in the future. This will be in the form of a written warning as specified by the 1990 Act. Any specific requirements would be made clear and will provide details on how the

recipient can achieve compliance and by when. Advice and guidance will remain available throughout this process. Enforcement action could be taken 1 year from the service of the written warning.

18. Enforcement

- 18.1. Should the above steps fail to deliver the desired impact then the council will utilise appropriate enforcement powers in order to bring about a resolution, and maintain a clean and welcoming street scene. In such instances, the council will seek to use powers, such as those contained within the 1990 Act or Part 4 of the Anti-social Behaviour, Crime and Policing Act 2014 ('Community Protection') as appropriate. Education will continue to be provided at all stages of enforcement. Designated officers are authorised through delegations of the council's constitution, to discharge the legal aspects of this policy.
- 18.2. Enforcement is only applicable where non-compliance causes a nuisance or is likely to be detrimental to the amenity of the locality and there has been continued or repeated non-compliance (for example, but not limited to, blocking the footpath or limiting access). The council cannot and will not use enforcement for minor problems, for example when householders may on occasions:
 - Put something in the wrong bin by mistake
 - Forget to close bin lids

19. Failure to comply

- 19.1. Where the above steps have been taken in relation to reports of non-compliance with waste collection requirements, an authorised officer may serve on the person a 'notice of intent' to serve a Fixed Penalty Notice.
- 19.2. A 'notice of intent' will contain information about:
 - The grounds for proposing to require payment of a fixed penalty
 - The amount of the penalty that the person would be required to pay
 - The right to make representations (within 28 days)
- 19.3. A person on whom a 'notice of intent' is served may make representations to the authorised officer within 28 days as to why payment of a fixed penalty should not be required. If the representations are accepted, no monetary policy will be imposed.

20. Service of a fixed penalty notice

- 20.1. If there is still no compliance after this letter a 'final notice' to pay a fixed penalty will be issued as set by our current schedule of fees and charges.
- 20.2. If failure to comply continues, further fixed penalties may be issued. A warning will be issued prior to each monetary penalty.
- 20.3. The council may refuse to collect waste if notices are not complied with and relevant legal and waste contractual contravention conditions are met. This option will be carefully considered against any potential long-term impacts.

21. Appeals against a notice

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

22. Payment of fixed penalties

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

23. Continued non-compliance

- 23.1. Should there be continued non-compliance leading to the service of more than one fixed penalty notice within a 12 month period, consideration will be given to further actions other than the use of fixed penalties to include but not limited to:
- Criminal proceedings under the 1990 Act (potentially leading to prosecutions).
 - Withdrawal of aspects of the service (for example garden / green waste and / or recycling bins).
- 23.2. Such measures are as a last resort when all other avenues have expired. Such actions will be decided by the head of the waste service or equivalent.

24. Investigation of reports

- 24.1. The council will approach all reports without bias or preconception. Investigations of complaints may involve the sharing of, or access to, partner information relating to the individuals or complaint.
- 24.2. All parties will be kept up to date throughout the course of the investigation and will be notified of action being taken.

25. Closing cases

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

Supporting procedures

This document relates to the provision of kerbside domestic waste collections. It does not cover other waste collection services such as litter and dog bins, household

waste recycling centres or the collection of recycling from sites where recycling materials are deposited, (also known as 'bottle banks' or 'bring sites'). Separate policy documentation is also available relating to the charged green / garden waste service. Other services may also incur a charge, details of which are not contained within this policy but is the subject of annual review by the council of corporate fees and charges and is published separately. Information on all waste collection services and issues is available on the council's website and is kept under constant review.

Policies/published documents which may be relevant to the application of this policy are:

- Corporate Enforcement Policy
- Private Sector Housing Enforcement Policy (in particular, education and enforcement in pursuit of the legal duties of persons in control of houses in multiple occupation to manage the presentation of waste by residents)

Monitoring

This policy will be reviewed every other year in conjunction with other members of the Lincolnshire Waste Partnership and the relevant Member of the Executive Board.

Consultation

The Lincolnshire Waste Partnership drafted a Waste Policy Framework for partners to localise and adopt. Executive Board considered this at their meeting on 3 December 2020. Since then the framework was available to view and comments invited through various engagement opportunities, both in North Kesteven district and Lincolnshire.

Communication

This document will be published on our website. Residents will be informed through local media along with our own publications.

The council will produce literature to make individuals and businesses aware of their responsibilities and outlining what actions the council will take against offenders.

Wherever appropriate, and if possible, information is made available in languages other than English. Bold print versions can also be made available upon request. If required an interpretation service can be used. Braille stickers are available for bins where sight problems are an issue.

The council will take an active approach to publicising action taken in response to waste collection requirements, where this presents no risk to individuals involved and is deemed of benefit to the wider community.

Implementation

This Policy supersedes previous waste policies that this document covers.

Operational oversight of individual cases relevant to this policy will be provided by the line manager responsible for the officer in charge of that particular case. This will generally be the officer's immediate line manager.

Operational oversight of waste related collection and enforcement will be provided by the Waste & Street Scene Manager and the Environmental Protection Manager who have responsibility for monitoring and implementing national legislative changes, case law and best practice which may stem from revised national guidance or serious case reviews. These officers will also represent the council in respect of local, regional or national matters of relevance.

Strategic oversight will be provided by the Assistant Director of Environment and Public Protection who carries responsibility for both waste collection and enforcement matters.

Leadership, along with overarching responsibility, will be provided by the Director of Resources.

Policy Approval

-

Signed:

(Leader of council/Deputy Leader)

(Chief Executive/ Deputy Chief Executive)