

## **Waste and Recycling Quality Policy - Low-Rise Properties**

### **1. Introduction**

- 1.1. The purpose of this policy is to ensure waste and recycling is properly segregated, and contained and does not contain incorrect materials to ensure compliance with the requirements of sections 45(a) and 46 of the Environmental Protection Act 1990 (“the 1990 Act”) and to produce high quality recycling.
- 1.2. This policy is supplemental to the London Borough of Enfield Waste Receptacle Regulations 2015.
- 1.3. Residents are required to comply with the following requirements:

### **2. Residual Waste**

- 2.1. The residual containment as agreed by Enfield London Borough Council (“the Council”) should only be used for those general household items that cannot be recycled using the Council’s kerbside recycling services or the Re-use and Recycling Centre and any other agreed recycling provision provided by the Council.
- 2.2. Hazardous clinical waste, rubble, bricks and soil will also not be collected within residual waste containers. Hazardous waste must be collected using the hazardous waste collection and disposal service.
- 2.3. The Council’s website provides information about what can and cannot be disposed of as residual waste.
- 2.4. If any residual waste container is found at the point of collection to contain incorrect materials the waste operatives will not collect the container and it will be left at the kerbside with a sticker or other clear information identifying why the container has been left. This information will be recorded by the operatives with details of the materials.
- 2.5. If the container is left because of incorrect materials the resident may:
  - Remove the incorrect materials and re-present the container on the next due collection day; or
  - Make arrangements themselves for the proper and legal disposal of the waste.
- 2.6. With particular cases, such as hazardous clinical waste being deposited in the residual container, Council officers shall write to the household stating what the problem is and how the material should be disposed of.

### **3. Food and Garden Recycling Service (also referred to as Organic Service)**

- 3.1. The organic containment as described by the Council shall only contain food and garden materials. It shall not contain any non-recyclable material or any dry recyclables. Those materials suitable for recycling can be found in the Council’s recycling communication materials such as leaflets and the Council website.

3.2. If any organic waste container is found at the point of collection to contain incorrect materials the waste operatives will not collect the container and it will be left at the kerbside with a sticker or other clear information identifying why the container has been left. This information will be recorded by the operatives with details of the materials.

3.3. If the container is left the resident may:

- Remove the incorrect materials and re-present the container on the next due collection day; or
- Make arrangements themselves for the proper and legal disposal of the waste.

#### **4. Dry Recycling Service**

4.1. The dry recycling containment as described by the Council shall only contain dry recyclables. It shall not contain any garden waste, food or non-recyclable material such as nappies, hazardous waste, hard plastic toys or any other materials that are not accepted as recyclable. Those materials suitable for recycling can be found in the Council's recycling communication materials such as leaflets and the Council's website.

4.2. Wherever a recycling container is found at the point of collection to contain incorrect materials the recycling operatives will not collect the container and it will be left at the kerbside with a sticker or other clear information identifying why the container has been left. This information will be recorded by the operatives with details of the incorrect materials.

4.3. If the container is left the resident may:

- Remove the incorrect materials and re-present the container on the next due collection day; or
- Make arrangements themselves for the proper and legal disposal of the waste.

#### **5. Enforcement action**

5.1 If waste of any kind is put in the incorrect receptacles, the Council may take the following steps in accordance with the 1990 Act (as amended) and any subsequent regulations:

5.2 The Council has identified some waste incorrectly placed in waste receptacles which is similar to the authorised waste whilst some is dissimilar. For example, in relation to dry recycling similar items include plastic bags or other plastic items and glass other than jars and bottles. Dissimilar items include nappies, food waste, textiles and bags of general waste.

5.3 The Council's primary focus is on those who place dissimilar items in waste receptacles. Accordingly the Council will only seek a FPN against those households who have been placing dissimilar items in waste receptacles.

### **Stage 1:**

- 5.4 If a recycling container is found at the point of collection to contain incorrect materials, the occupier of the property will be issued with a written warning under Sections 46 – 46D of the 1990 Act if the Council considers that it has caused or is likely to cause a nuisance or has been or was likely to be detrimental to any amenities of the locality. The notice will be provided in accordance with section 46 – 46D of the 1990 Act and will include details of the nature of the failure to comply and how the failure to comply has caused or is likely to cause a nuisance or has been or was likely to be detrimental to any amenities of the locality. Failure to comply with a written warning may lead to a fixed penalty notice (“FPN”) being issued.
- 5.5 If the failure to comply is continuous then the warning letter will specify a date for compliance. Failure to comply within the compliance period may lead to the issue of a Notice of Intent. This notice will inform the occupier that the Council intends to take enforcement action. An individual will have 28 days to make representations to the Council if they disagree with the reasons for its issue.

### **Stage 2:**

- 5.6 If a container is found a second time within a year at the point of collection to contain incorrect materials, a written warning will be given. The type of incorrect materials being put in the container may be considered by the Council when considering whether to issue a Notice of Intent.
- 5.7 If the Council decides to seek a FPN then a Notice of Intent will be served on the occupier, if the occupier has been issued a written warning for the same or similar offence within the last 12 months. The Notice of Intent will inform the occupier that the Council intends to take enforcement action and issue a FPN for the breach.
- 5.8 The occupier has 28 days from the Service of the Notice of Intent to make representations to the Council against the Notice of Intent. After the 28 days, if no representations are received or if representations are rejected a Final Notice is issued.
- 5.9 Once a Final Notice is issued a FPN is payable by the occupier within 28 days of service of the Final Notice. Alternatively the occupier can appeal.
- 5.10 A right of appeal exists to the First-Tier Tribunal. The First –Tier Tribunal will either confirm that the FPN is payable or reject it. From the date of the ruling the occupier has 28 days to pay. Further appeal may then be possible, for example to the High Court.
- 5.11 The current FPN for placing incorrect materials in waste receptacles is £60. This amount may be varied by the Council from time to time.
- 5.12 On the third and each subsequent occasion a container is found with incorrect items then a written warning will be given to the occupier. A Notice of Intent may be served on the occupier if the occupier has received a warning notice from the Council within the last 12 months for the same or similar offences. Following this the process in sections 5.4 to 5.11 above will be followed.

## **6 Implementation**

- 6.1 This policy requires significant resource to implement and it is not possible or proportionate to implement it across the entire borough permanently.
- 6.2 The policy will therefore be applied where and when specific problems with incorrect waste being placed in waste receptacles are identified. This may be at ward, round, street or individual property level.
- 6.3 Enforcement policy stages 1 and 2 (sections 5.4 -5.12 above) will usually be implemented over a six week period although this may be extended or reduced as appropriate
- 6.4 The Council has discretion to pause or stop the policy at any point, where it is considered reasonable to do so.
- 6.5 Prior to the implementation of stage 1 the Council may undertake specific monitoring at ward, round, street or individual property level to determine if specific problems exist and it is appropriate to implement the policy. This may include detailed inspection of the waste presented for collection along with issuing of communications setting out what can and cannot be placed in the waste receptacles provided by the Council.
- 6.6 The Council has discretion to remove recycling containers and organic material containers where issue of FPNs is ineffective or inappropriate.
- 6.7 Failure to pay a FPN may result in further FPNs being applied and action being taken in court to recover fixed penalties as a civil debt.
- 6.8 In the event of any conflict between this policy and the provisions of the Environmental Protection Act 1990 (as amended) and subsequent regulations, the provisions of the Environmental Protection Act 1990 (as amended) and subsequent regulations will take precedence.
- 6.9 In the event of any conflict between this policy and the provisions of the London Borough of Enfield Waste Receptacle Regulations 2015, the London Borough of Enfield Waste Receptacle Regulations 2015 will take precedence.
- 6.10 The decision to implement the policy will be taken by the Assistant Director Public Realm.

## **7 Monitoring and Review**

- 7.1 This policy will be reviewed periodically to ensure it remains effective.