

WASTE COLLECTION ENFORCEMENT POLICY

CITY OF LINCOLN COUNCIL

WASTE COLLECTION ENFORCEMENT POLICY

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1. Vision

To provide an effective, trusted, fair and consistent service which is accessible for and seeks to promote a positive street scene.

2. Policy summary

Service commitments	
Our response	
Recording of complaint	We will record all complaints consistently and in accordance with the Data Protection Act 1998.
Investigation of complaints	We will investigate all reports without bias and clearly communicate actions and/or intentions to witnesses
Tools and powers	We will use our powers proportionately and in line with the relevant legislation
Closing cases	We will only close cases when issues are resolved or enforcement is not applicable in the circumstances
Seeking your views	We will seek views from all who engage the service in order to improve the service

3. Introduction

- 3.1 Waste collection is a key function of local authorities and essential to the maintenance of clean, healthy and welcoming communities. The Council (herein referred to as we, us and our) has a broad and varied role in relation to waste and environmental management and we recognise 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.
- 3.2 This policy seeks to highlight some of the common problems in relation to waste collection, offer education to the public around waste collection and establishes the enforcement mechanisms for those who repeatedly fail to comply, for the benefit of local communities.

4. Aims

- 4.1 Through development of this policy, we aim 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

We have a new set of strategic priorities for the council and the above aims are totally compatible with the overarching principles of these priorities; to improve the place where we live, work and take leisure. The Council's strategic aims are:

- Let's enhance our remarkable place
- Let's reduce inequality
- Let's drive economic growth
- Let's deliver quality housing

5. Scope of this policy

This policy applies to all people living, visiting and working within the City of Lincoln Council's boundaries.

6. Policy statement

- 6.1 This policy is designed to inform members of the public what they can expect from us in terms of its handling and response to issues regarding waste collection. We are committed to providing all people living, visiting and working within the City of Lincoln with a high standard of service, irrespective of age, gender, race, sexual orientation, disability, religion, belief or housing tenure.
- 6.2 This policy also seeks to provide a framework for education around waste collection requirements.
- 6.4 We also acknowledge our role as a part of a wider partnership across the County and will seek to work with and support neighbouring districts, along with Lincolnshire County Council to improve compliance with waste collection requirements.

7. Publicity

- 7.1 This document will be published, following approval by the Executive Committee, on our website. Residents of Lincoln will be informed of the existence of this policy through local media along with our own publications such as 'Your Lincoln' or 'Home' magazine. Alternative formats will be made available on request, from the Public Protection and Anti-Social Behaviour Team, City Hall, Beaumont Fee, Lincoln, LN1 1DD, 01522 873378 or email: ppasb@lincoln.gov.uk
- 7.2 We 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.

8. Service structure

- 8.1 The management of waste collection is delivered by our Community Services department, within the directorate of communities and environment. Matters that relate to enforcement, are managed within our public protection and anti-social behaviour service.
- 8.2 We have various statutory responsibilities in relation to waste collection, and enforcement thereof, as detailed in the Environmental Protection Act 1990

9. What are the waste collection requirements?

9.1 Presentation

Residents within the city are required to present their waste in accordance with the requirements laid out by ourselves, as detailed within the Environmental protection act 1990. Residents within the City will all be provided with an appropriate bin (which meets the specifications that enable it to be collected by our contractors refuse lorries) or, where no storage areas exists for bins, purple refuse sacks.

9.2 Bins (or refuse (purple) sacks)

Residents are required to present their waste for collection in the bins provided (or in some cases, the refuse bags provided).

Bins (or refuse sacks) must be presented on a day specified by us. Information on your bin collection day can be found on our website at www.lincoln.gov.uk

Bins (or refuse sacks) may be presented no earlier than 7pm on the night before collection and must be removed from the path/highway or other public areas by no later than 7pm on the day of collection.

9.3 Recycling

The waste placed in recycling bins should only be the types of waste as specified on our website <https://www.lincoln.gov.uk/living-in-lincoln/rubbish-recycling-and-waste/what-to-put-in-your-bin/> .

9.4 Businesses

Businesses are required to ensure they have in place suitable collection arrangements for their trade waste. Waste should only be presented for the shortest possible amount of time and in compliance with their own waste collection arrangements.

10. Our response to waste collections issues

10.1 We are committed to providing all people living, visiting and working within the City of Lincoln with a high standard of service, as follows.

10.2 What people reporting waste collection related issues can expect of us

Everyone making a complaint relating to waste collection can expect us to:

- take the matter seriously;
- explain what we can do and what we cannot do;
- deal with the matter in accordance with this policy and its associated operational procedures.

10.3 Education

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.

10.4 Early Intervention

Where education does not address the issues of concern, we may well seek to issue formal advice in writing, along with information on how to comply. We 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 should the individual(s) responsible fail to comply in the future.

10.5 Enforcement

Should the above steps fail to deliver the desired impact then it may well be necessary to utilise appropriate enforcement powers in order to bring about a resolution and maintain a clean and welcoming street scene. In such instances, we will seek to use powers contained within the Environmental Protection Act 1990. Education will continue to be provided at all stages of enforcement.

10.6 Notices

Where the above steps have been taken in relation to reports of non-compliance with waste collection requirements, we may choose to serve a notice under the Environmental Protection Act 1990 mentioned act. This notice would make any specific requirements clear and will provide details on how the recipient can achieve compliance. Advice and guidance will remain available throughout this process.

10.7 Failure to comply with a notice

If persons fail to comply with a requirement of the notice a further warning will be issued prior to any monetary penalty being imposed. The individuals failure to comply must have caused (or be likely to cause) a nuisance or be detrimental to the local amenities (for example blocking the footpath or limiting access). If one of these elements apply, the individual will be served with the afore mentioned warning which will specify a period for compliance and explain that failure to comply will result in a monetary penalty (fixed penalty).

The individual concerned may make representations to the case officer (authorised officer) as to why payment of any penalty should not be required. This should be made within 7 days of the service of the notice. If the representations are accepted, no monetary penalty will be imposed.

If there is still no compliance after this letter a fixed penalty will be issued as set by our fees and charges.

If failure to comply continues, further fixed penalties may be issued. A warning will be issued prior to each monetary penalty.

We may, in certain circumstance, refuse to collect waste if notices are not complied with and relevant legal conditions are met. This option should be carefully considered against any potential long-term impacts and is likely to be better suited to issues relating to recycling.

10.8 Appeals against a notice

Individuals may appeal fixed penalties and this must be done in writing to the public protection and anti-social behaviour service manager. Persons may also appeal to a first-tier tribunal. In either case, payment periods are suspended until the case is determined.

10.9 Payment of fixed penalties

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.

11. Recording of reports

- 11.1 All reports across the authority will be logged on a single system (Authority Public Protection or 'APP') to ensure that officers are aware of full histories relating to particular complaints. Every complaint made to us will carry a unique reference number, which will be quoted on all correspondence, along with having a stated single officer in charge throughout the duration of the case. This person will be made known to the complainant and they will be given the contact details of the lead officer.

12. Investigation of reports

- 12.1 We 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.

- 12.2 Things we cannot do include

- acting without any evidence;
- moving people on to purple sacks without identified need

- 12.3 The complainants will be kept up to date throughout the course of the investigation and will be notified of action being taken.

13. Tools and powers

- 13.1 As detailed above, the legal powers to be utilised in such cases are those contained within section 46 of the Environmental Protection Act 1990.

14. Closing cases

- 14.1 Cases will only be closed following contact with the complainant or confirmation from officers that the issue no longer exists. Cases may be closed without agreement from the original complainant, but complainants should be advised as to how they can challenge this decision by writing to the next most senior officer, to the officer in charge of their case. Any such challenges will be assessed with reference to the full case details and an unbiased judgement of the case made and notified to the complainant within ten working days. Thereafter if an individual remains dissatisfied they can use the Council's complaints procedure.

- 14.2 We may close cases in circumstances where the complainant refuses to co-operate and/or engage in working with us in providing evidence of the impact of any relevant issues.

15. Seeking complainants'/victims' views

Following closure of a complaint, complainants will be asked to complete a customer satisfaction return. This can be done via the post, over the phone or in person, dependent upon the level of returns and demand against the service. This information will be used to improve service delivery, assess the accessibility of the services, and provide an opportunity for complainants/victims to report dissatisfaction to a senior officer and discuss the case with them.

16. Oversight

- 16.1 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. For the purposes of the investigation, this role will be known as 'senior investigating officer' (SIO) and will generally be the officer's immediate line manager.
- 16.2 Corporate oversight of waste related enforcement will be provided by the public protection and anti-social behaviour manager, who will 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. This officer will also represent the council in respect of local, regional or national matters of relevance.
- 16.3 Strategic oversight will be provided by the Assistant Director for Communities and Street Scene, who carries responsibility for both waste collection and enforcement matters.
- 16.4 Leadership, along with overarching responsibility, will be provided by the Strategic Director for Communities and Environment.

17. Legal framework

This document has been drafted in compliance with the following Acts:

- Human Rights Act 1988
- Data Protection Act 1998
- Equality Act 2010
- Environmental Protection Act 1990

18. Relevant policies/published documents

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

Domestic Refuse, Recycling and Composting Collection Policy (2013)

19. Monitoring/Review

- 19.1 Enforcement services are the responsibility of the Portfolio Holder for Public Protection and Environmental Services.

19.2 This policy will be reviewed biennially in conjunction with the relevant portfolio holder.

20. Policy tracker

Policy tracker				
Author	Responsible director	Responsible portfolio holder	Version	Date implemented
Sam Barstow Public Protection and ASB Manager	Simon Walters Director Communities and Environment	Cllr Fay Smith Public Protection and Environment	1.0	XYZZ