

Contents

- 1. Recycling Policy No. 1 - Receptacles**
- 2. Recycling Policy No. 2 – Collection Frequency**
- 3. Recycling Policy No. 3 – Point of Collection**
- 4. Recycling Policy No. 4 – Acceptable and Unacceptable Materials**
- 5. Recycling Policy No. 5 - Excess or Side Waste and Open Bin Lids**
- 6. Recycling Policy No. 6 – Assisted Collections**
- 7. Recycling Policy No. 7 – Missed Collections**
- 8. Recycling Policy No. 8 – Receptacle Replacement and Cleansing**
- 9. Recycling Policy No. 9 – Bulky Waste**
- 10. Recycling Policy No. 10 – Clinical and Sharps Waste**
- 11. Recycling Policy No. 11 – Suitability of Households for Containment**
- 12. Recycling Policy No. 12 – Enforcement Policy**

Annex 2

Enforcement Procedures and Guidelines

Receptacles provided by the Council

All receptacles provided by the Council for the collection of recycling and waste materials remain the property of Thanet District Council. Without exception, only receptacles supplied/approved by Thanet District Council will be acceptable by the Council's collection service.

To accommodate the standard service, five receptacles have been specified, however, the Council appreciate that not all properties have the facilities to store all the receptacles as prescribed and alternative arrangements will be made for properties such as those with restricted storage, flats or HMO's.

Opting- out

If a resident decides they do not want to participate in the service, they may opt out however, they would then be responsible to dispose of their own waste in a safe and legal manner. Opting out of the service would not entitle residents to any reduction in Council Tax.

Recycling and Waste Receptacles

The distribution of wheeled bins to a majority of properties in Thanet has been completed using a variety of sizes including 140, 180, 190 and 240-litre capacity. There is no intention of replacing these existing containers however, for new properties and future replacement containers the standard will adopt the sizes and types of container as follows:

Mixed Recycling co-mingled 180 litre **BLUE** lidded wheeled bin or 55 litre **BLUE** kerbside box.

Paper and card 70 litre **RED** reusable woven bag

Food waste 7 litre **LIGHT GREY** kitchen caddy and 23 litre **BROWN** external bin

Residual waste 140 litre **BLACK** wheeled bin or a concession of 120 litre **BLACK** Seagull proof bags for containment of non provided plastic sacks.

Charged Service – Garden waste scheme

The Council provide an "Opt-in" Garden waste scheme. To participate in the scheme residents are required to pay a **one off** charge for the hire of a **GREEN** lidded wheeled bin or **GREEN** reusable woven bag and an annual collection fee. Cabinet approves all charges each year.

Garden waste 240 litre **GREEN** lidded wheeled bin or 120 litre **GREEN** reusable woven bag

Moving Home

Residents moving house must leave all bins, boxes, caddies and containers behind in a clean condition, ready for the next occupant.

Residents who have recently moved into a property are entitled to the standard service and they should contact the Council if they do not have the correct number, type or have non-standard sized containers at the property.

If the previous occupant has left behind a contaminated bin, Thanet District Council will empty it on the first occasion as a special arrangement if notified.

With regard to the charged Garden waste scheme, if moving within the district, residents are required to take the GREEN lidded bin or GREEN reusable woven bag with them and ensure that they have contacted the Council to inform of the change of location. If moving outside of the district, residents are required to inform the Council so that the garden waste bin/bag may be collected.

New Developments

Developers and/or new build homeowners will be required to supply, at their cost, all new properties with the correct quantity, size, type and number of receptacles. Only Council approved receptacles are accepted and Developers/Owners should contact the Council for advice and/or arrange supply of approved receptacles.

Tailoring Capacity

Thanet District Council understands that the standard issue of 180 litre BLUE lidded bin for mixed recyclables, 140 litre BLACK lidded wheeled bins for household waste, a concession 120 litre sea proof bag (where appropriate) and a 70 litre RED woven bag for paper and card may not always be suitable in all circumstances. Therefore, additional or different sized receptacles will be considered for issue/use under the following criteria and at the discretion on the relevant officer:

Larger Families - Recycling

- If a householder requests, larger or additional recycling containers because they are utilising or exceeding their recycling container's full capacity, whether this be the BLUE lidded wheeled bin, 55 litre BLUE box, 25 litre BROWN food bin or 70 litre RED reusable woven bag, further to consultation, the Council will provide additional or alternative sized receptacles.

Larger Families – Household Waste

- A larger household may, on application, receive a larger 180 or 240 litre BLACK lidded wheeled bin or additional seagull proof sacks for non-recyclable residual waste. A larger household defined as one where there are six or more people in permanent residence.

Semi restricted storage space

- If a property can only accommodate one wheeled bin, a BLUE lidded mixed recycling bin will take precedence. If a property cannot accommodate any wheeled bins, the alternative will be a BLUE box for mixed recycling and concessionary seagull proof bag for residual waste.

Smaller families requiring increased capacity

- Where a household of five or fewer people requests that they have insufficient capacity to store non-recyclable residual waste in a standard 140 litre wheeled bin or 120 litre seagull proof sack, in this case, an Officer will seek to establish the extent to which the householder is currently recycling. If the householder is fully utilising the recycling facilities provided (either kerbside or bring sites) but can still demonstrate a shortfall in their bin capacity, a larger 240 litre wheeled bin or additional sea proof bags may be provided for residual waste. Larger capacity will not be sanctioned where the Officer deems that a household is not making full use of the recycling collection services.

Additional Food Caddies

- To help alleviate problems with excessive residual waste, a consideration of additional food waste caddies may be necessary.

Children in Nappies

- The use of modern washable nappies (real nappies) as an alternative to disposables can be beneficial in managing waste disposal. However, some families with young children who use disposable nappies may require for a specified period additional residual waste needs. In agreement, Thanet District Council will offer families with small children additional residual waste capacity

reviewed yearly.

- Families with one or more children in nappies under 3 years of age can apply to Thanet District Council for additional residual waste capacity. Applications must be resubmitted on an annual basis, if not, the larger wheeled bin will be replaced with a standard size without notice.

Medical Conditions

- Thanet District Council recognises that some residents may have additional waste requirements for medical reasons. Where additional residual waste is generated and the capacity of the standard residual waste bin is not sufficient, householders (or carers on behalf of householders) can apply for additional residual waste capacity. Thanet District Council officers may assess each application and work with householders/carers to find an appropriate solution. Thanet District Council will seek to provide householders with additional capacity suitable to the householder's needs this could be additional sacks or bigger containers.

Clinical Waste

The Council will provide YELLOW sacks for containing clinical waste and YELLOW sharps boxes for needles on request.

- YELLOW infectious clinical waste sacks are collected weekly or as agreed with the resident.
- The collection of YELLOW 11.5 or 22 litre sharps boxes is as requested. The Council's collection crew will deliver replacement boxes.
- All clinical receptacles will be supplied free of charge to domestic households.

Mobility of wheeled bins

Situations where all occupiers, through infirmity or disability are unable to take a wheeled bin to the boundary of their property, boxes or reusable bags may be considered as an alternative where this would help residents bring their own recyclable waste to the boundary. Refer to the Policy on assisted collections.

Receptacle Recovery/Misuse

The Council reserves the right to remove, without notice, any containers that an officer deemed to be in excess of the provision or requirements as stated above. Should a receptacle need replacing because of misuse, this will be at the cost to the resident.

Receptacles supply for Flats and HMO's

Owners, landlords or tenants of flats and houses of multiple occupation requiring communal bins will need to supply these receptacles at their cost. Only Council approved receptacles are accepted and representatives should contact the Council for advice and/or arrange supply of approved receptacles.

Appeals

Where a resident wishes to apply for non-standard arrangements for recycling or waste receptacles they must make their application in writing to the Council. Officers will make decisions in-line with this policy in the first instance. Only written appeals against refused decisions to the Head of Department are accepted.

Implications/Supporting Information	
Legal	The Law in Respect of Waste Collection Under the Environmental Protection Act 1990 – Section 46 the authority may, by notice served on the occupier, require him/her to place waste for collection in receptacles of a kind and number specified. The authority is entitled to specify that separate receptacles are used for waste to be recycled and waste which

	<p>is not. There is no legal requirement for householders to recycle unless they choose to do so.</p> <p>Section 46 (3) of The Act sets out that receptacles may be provided in a range of charged and non-charged options. By virtue of Section 46(6) of the 1990 Act a person who fails without reasonable excuse to comply with the requirements of Section 46 will be liable to a fine on summary conviction.</p> <p>The fine will not exceed level 3 on the standard scale of fines, currently £50. http://www.legislation.gov.uk/ukpga/1990/43/section/46</p> <p>Section 48 of the Clean Neighbourhoods and Environment Act 2005 has inserted Section 47ZA into the 1990 Act. This section allows a Local Authority to issue a fixed penalty notice for offences under sections 45 and 46 of the Environmental Protection Act 1990 as set out above.</p> <p>A fixed penalty notice can only be issued in circumstances where a notice under section 45 has already been served, effectively for non-compliance with that notice. This is a flexible alternative to the taking to court action. The default level for these offences is £50 but Local Authorities have the power to set the level of penalty within limits that will be defined in regulations.</p>
Financial	Provision of containers will have a financial impact upon the Council. The choice of receptacles has been taken to minimise where possible the financial impact.
Human Resources	The impact on human resources is included in the collection methods and frequency policy.
Equality and Diversity	Thanet District Council understands that there are residents who will not be able to use containers of certain sizes such as Wheeled bins through reasons such as ill health or disability, or because of the make-up of the occupancy of their property. This policy is designed to meet the requirements of these residents.
Environmental	The selection and type of receptacles will affect the environment in terms of material and production. This should be included in any environmental impact of implementing any new collection arrangements.

Standard Service Alternate Weekly Collections – Recycling materials

The standard service for recycling for the majority (approx. 55,000) of properties in Thanet will be an alternative weekly collection using 180 litre BLUE lidded wheelie bin or 55 litre BLUE kerbside recycling box for other mixed recycling and a 70 litre RED reusable bag for paper and cardboard.

Standard Service Alternate Weekly Collections – Residual waste

The standard service for residual waste for the majority (approx. 55,000) of properties in Thanet will be a alternative weekly collection from a 140 litre black wheeled bin or black sacks presented for collection in a BLACK 120 litre Seagull proof bag..

Weekly collections – Recycling materials

For those properties (approx. 13,000) with containment or access restrictions, Thanet District Council will offer an alternative weekly collection of recyclables. Week 1 paper and cardboard using an RED 70 litre reusable bag, Week 2 other mixed recycling from a 180 litre BLUE lidded wheelie bin or 55 litre BLUE kerbside recycling box.

Weekly collections – Residual waste

For properties with levels of containment or access restriction (approx. 13,000), Thanet District Council offer a weekly collections of residual waste from a 140 litre black wheelie bin or black sacks presented for collection in a BLACK 120 litre Seagull proof bag.

The seagull proof bag is only to protect plastic sack on the day of collection. It must not be used as a permanent container and only suitably bagged waste presented within a seagull proof bag is acceptable.

Weekly collections - Food

With a small number of exceptions (approx 3,000 households), all households in the District will receive a weekly collection of food waste using a BROWN lockable 23 litre external food bin.

Optional Garden waste

Residents have the option of subscribing to a chargeable garden waste service using a GREEN lidded 240 litre wheelie bin or GREEN 120 litre reusable woven bag. The Garden Waste service will provide a fortnightly, 25 times a year collections service; there are no Garden waste collections over the Christmas period.

Flats and HMO's

Where possible, the Council will collect residual, recyclable and food waste from communal properties. Collections from communal properties will utilise normal collection arrangements using large communal wheeled bin. It is expected that where possible communal properties will have sufficient storage capacity to permit alternate weekly collections. Where this is not possible and by agreement, alternative collection frequencies will be provided, but availability of waste for collection must meet the Council's time criteria.

Clinical waste

The collection of household clinical waste will be either weekly and/or on demand from

the resident when the sharps container is full.

Collection frequency exceptions

Collections will be made on all Bank Holidays with the exception of Christmas and the New Year.

During the Christmas and New Year period, households will remain on fortnightly collections.

Only during this period will residual side waste be collected.

The Council will publish on their website arrangements for collections for the Christmas and the New Year period on an e-calendar every year.

Implications/Supporting Information	Materials specification and enforcement policies
Legal	<p>The Law in Respect of Waste Collection</p> <p>Section 45 of the Environmental Protection Act 1990 (the 1990 Act) confers a duty on a local authority to arrange for the collection of household waste (it should be noted that garden waste is classified as household waste but the Local Authority may charge for collection). http://www.legislation.gov.uk/ukpga/1990/43/section/45</p> <p>The types of waste to be treated as household waste are shown in the Collection and Disposal of Waste Regulations 1988, Waste to be treated as household waste, section - 3. Waste of the descriptions set out in Schedule 1 shall be treated as household waste for the purposes of all the provisions of Part I of the Act. SCHEDULE 1, WASTE TO BE TREATED AS HOUSEHOLD WASTE http://www.legislation.gov.uk/uksi/1988/819/schedule/1/made</p> <p>Charges for the collection of household waste are identified in The Collection and Disposal of Waste Regulations 1988 - section 5. The collection of any of the types of household waste set out in Schedule 2 is prescribed for the purposes of section 12(3) as a case in respect of which a charge for collection may be made. SCHEDULE 2, TYPES OF HOUSEHOLD WASTE FOR WHICH A CHARGE FOR COLLECTION MAY BE MADE http://www.legislation.gov.uk/uksi/1988/819/schedule/2/made</p> <p><u><i>Arrangements for the separate collection of recyclable waste are contained in the Environmental Protection Act 1990, Section 45A.</i></u> http://www.legislation.gov.uk/ukpga/1990/43/section/45A</p> <p><u>Waste NOT to be treated as household waste is identified in</u> The Collection and Disposal of Waste Regulations 1988, Regulation 4. http://www.legislation.gov.uk/uksi/1988/819/regulation/4/made</p>
Financial	Residual waste collection from households is a Duty under the Environmental Protection Act 1990. The range of materials

	collected and method of collection will impact on the finances of the Council but should also be balanced against the income generated from material sales and the avoided cost of disposal.
Human Resources	Changing the frequency of collection is likely to have the effect of reducing/increasing employees directly employed to collect waste.
Equality and Diversity	Thanet District Council understands that there are residents within the District that will not be able to use wheelie bins through reasons such as ill health or disability. Similarly, those properties that are not suitable for the storage of wheeled bins will receive an alternative collection service (it should be noted that where the property is suitable for one wheeled bin, the presumption will be for that bin to be for the recycling service).
Environmental	The collection frequency will have an impact on the environment. Reduced frequency will reduce the use of fossil fuels, reduce co2 emissions and reduce noise pollution. The weekly collection of food waste in lockable containers will limit the impact of smell and vermin.

Standard Collections

The normal collection point for wheeled bins, caddies, boxes, bags and sacks will be at the boundary of the property, defined as the nearest to where the collection vehicles will pass. Receptacles are presented for collection by 06.00am on the day of collection but should not be put out more than 12 hours prior to collection.

It is the resident's responsibility that all receptacles placed on the pavement or highway are returned to within the property boundary by the end of the day of collection.

Concessionary Seagull proof bags

The seagull proof bag is a concession to the statutory service only for protection of plastic sacks on the day of collection and not a permanent container. Only suitably bagged waste presented within a seagull proof bag is acceptable. Loose and un-bagged waste presented within a seagull proof bag is deemed as contaminated waste.

The seagull proof bag must be removed from the collection point by the end of the day of collection.

Long and/or Private Drives

For properties with either long driveways or only accessible via private roadway, receptacles will be required to be placed at the access end of drive no further than 15 metres from where the collection vehicle passes.

Shared Drives

For instances of shared driveways, the presentation point of the containers should be at the boundary of each individual property, so long as this point is not further than 15 metres from the road which the collection vehicle uses to service those properties.

New Properties/Risk Assessment

In relation to new properties, the collection point will be located no further than 15 metres from where the vehicle passes. This policy will apply to all new developments and may apply to existing properties if risk assessments show the need for revised collection practices.

Confined Storage

Where the householder is not able to store receptacles at the normal collection point a variation from the normal collection point may, at the discretion of the appropriate officer, be agreed (e.g. at the side/rear of property, at the end of a rear entry, at the nearest adopted highway). In such circumstances, only written applications to the Council for variation are accepted and on agreement, the Council will notify the occupant of the property concerned of the revised location. The Council's decision as to where containers are presented for collection is final.

Back alley collection will only be made in exceptional circumstances. A communal collection point will be considered in the first instance in such cases. Where this applies, containers will need to be labelled by the residents with their property name or number. The containers will need to be returned back to the properties by the residents as soon as possible after collection.

Implications/Supporting Information	
Legal	<p>The Law in Respect of Waste Collection</p> <p>Under Section 46 of the 1990 Act, the authority may, by notice served on the occupier, require him/her to place waste for collection in receptacles of a kind and number specified.</p> <p>The authority is entitled to specify that separate receptacles are used for waste to be recycled and waste which is not. There is no legal requirement for householders to recycle unless they choose to do so.</p> <p>Sections 4(b) and (4) (e) of the Act allow the authority to make provision in respect of the placing of containers. Section (5) of The 1990 Act relates to the requirement for consents from the highway authority and liability for subsequent damage in relation to the placement of receptacles on the highway.</p> <p>By virtue of Section 46(6) of the 1990 Act a person who fails without reasonable excuse to comply with the requirements of Section 46 will be liable to a fine on summary conviction. The fine will not exceed level 3 on the standard scale of fines, currently £1000.</p> <p>[Section 48 of the Clean Neighbourhoods and Environment Act 2005 has inserted Section 47ZA into the 1990 Act. This section allows a Local Authority to issue a fixed penalty notice for offences under sections 45 and 46 of the Environmental Protection Act 1990 as set out above.</p> <p>A fixed penalty notice can only be issued in circumstances where a notice under section 45 has already been served, effectively for non-compliance with that notice. This is a flexible alternative to the taking of court action. The default level for these offences is £50 but Local Authorities have the power to set the level of penalty within limits that will be defined in regulations.</p> <p>http://www.legislation.gov.uk/ukpga/1990/43/section/46</p>
Financial	<p>Collection from the curtilage/edge of the property is a lower cost than collection from the point of storage. Therefore the number of 'exceptions' to this policy in terms of assisted collections and the like will have a marginal impact on the cost of service.</p>
Human Resources	<p>Collection from the curtilage/edge of the property has a lower resource requirement than collection from the point of storage. Therefore the number of 'exceptions' to this policy in terms of assisted collections and the like will have a marginal impact on the resources required to deliver the service.</p>
Equality and Diversity	<p>Thanet District Council understands that there are residents that will not be able to place wheeled bins or sacks at the normal collection point through reasons such as ill health or disability,</p>

	and has arrangements in place to assist.
Environmental	Collection from the curtilage/edge of the property reduces the time taken for collection and therefore the time that vehicles are operating but idle while waiting for collection crews. This reduces fossil fuel use and co2 emissions.

Recycling Policy No. 4 Acceptable and Unacceptable Materials



Contamination

Householders must put the correct materials in the correct bins and/or containers to ensure that they are emptied. Thanet District Council is unable to empty bins or containers that are contaminated and in this event information will be left on the bin advising for the reason why. The householder will need to remove all contamination from the bins or containers before the next scheduled collection or it will not be emptied.

Paper and Card Recyclables – Presented in the **RED** reusable woven bag. Acceptable paper based materials for the recycling scheme, must be kept clean and dry, these include:

RED Reusable Bag

- Paper including paper bags
- Light card, packing card
- Corrugated card
- Newspapers and magazines
- Directories and catalogues
- Envelopes and junk mail

Thanet District Council is unable to collect large pieces of cardboard, large cardboard boxes should be broken down and placed either in the recycling bin or beside the **RED** bag for collection. Large pieces of card should be taken to the Household Waste and Recycling Centre.

Mixed Dry Recyclables – Presented in the existing **BLUE** lidded wheelie bin or **BLUE** kerbside box

Acceptable recyclable materials for the mixed dry recycling scheme, which must be empty, clean and dry, these include:

BLUE lidded wheeled bin or Kerbside Recycling Box

- Glass bottles and jars
- Tins, cans and aerosols
- Plastic Bottles, Trays, Pots and Tubs
- Tetra Pak
- Aluminium Trays and Foil

unacceptable materials for either recycling collection stream include as these cannot be processed:

- Plastic film, bags or sacks
- Plastic wrapped items
- LDPE (Cling film)
- PVC (sheets, paddling pools)
- Plastic toys, buckets, plant trays
- Plate Glass and Pyrex
- Small electrical appliances

- Textiles
- Expanded polystyrene food trays
- General household waste
- Wet materials
- Scrap metal
- Clinical waste including medicines, needles or syringes (separate collection will be made on request)
- Food waste (separate collection will be made)
- Hazardous materials

Food Waste – Presented in the **BROWN** outside food container

Householders must only put food waste in their food waste container. Ideally, food waste should be put straight into the container, and the container washed out periodically. Thanet District Council understand that some residents would prefer to wrap food before placing it into the container and in this instance, the following advice should be adhered to prevent contamination:

- All food packaging must be removed prior to the waste being put into the internal or external caddy. **Plastic bags must not be used to contain the food waste.**
- A sheet or two of newspaper can be used to wrap food waste. Other types of paper such as magazines or cardboard are not acceptable.
- Starch or paper compostable liners are available from many supermarkets and local shops. Thanet District Council will only collect food waste containers with liners if they have the appropriate logo.
- No other liners should be used, e.g. plastic bags (including carrier bags marked as biodegradable) as this would contaminate the bin and TDC will not empty it.

Acceptable items for the weekly food waste collection scheme:

- | | |
|---------------------------------------|------------------------------|
| ▪ Meat, fish and bones | Cakes, bread and pastries |
| ▪ Leftovers including plate scrapings | Tea bags and coffee grounds |
| ▪ Pasta and rice | Fruit and vegetable peelings |
| ▪ Eggshells | Cheese and dairy produce |

All other materials are unacceptable in the food waste collection scheme.

Residual Materials – Presented in the Black lidded bin or black disposable bag

The residual waste should only contain materials that cannot be recycled, where the preferred service is available. Where disposable bags are used, these **must be secure and tied** to avoid any leakage or fly away of material. If disposable bag are not correctly tied, they will not be collected and the householder will be required to dispose of them separately.

In addition the following materials will not be acceptable:

- | | |
|--------------------------------------|--------------------------------|
| ▪ Broken glass unless safely wrapped | Rubble, stone, soil and gravel |
| ▪ Syringes / clinical waste | Commercial waste |
| ▪ Garden waste** | Hot ashes |
| ▪ Electrical waste*** | Hazardous waste |
- Liquids including paint and oil

**** The disposal of garden waste is not allowed in either the residual waste bin or recycling bin/bags.** Residents will be encouraged to home compost, join the charged garden waste collection scheme or free disposal at a Household Recycling Centre.

***** The disposal of small electrical appliances (WEEE) is not allowed in either the general waste bin/sacks or recycling bin/bags.** Residents will be directed to free disposal at a Household Recycling Centre.

Receptacles that are contaminated will not be emptied.

Householders will be required to remove any contaminating material from receptacles and dispose of it separately.

Charged Optional Green Waste – Presented in the **GREEN** lidded wheelie bin
Acceptable materials for the green waste bin include:

GREEN lidded wheeled bin

- Grass Cuttings
- Leaves
- Hedge Trimmings
- Prunings
- Flowers
- Small branches of no more than 2.5cm/1" thick
- Weeds
- Plants

Unacceptable materials for the green waste bin

- Soil or turf
- Stones or rubble
- Branches greater than 2.5cm/1" thick
- Painted, varnished or treated wood
- Wood with nails, plastic or fabric
- Kitchen or food waste of any kind
- Plastic material
- Animal bedding or waste e.g. cat litter

Green lidded garden waste wheeled bins containing materials other than those permitted will not be emptied. Residents will be required to remove the offending material and make arrangements to dispose of it separately.

Householders are encouraged to home compost or use the Household Waste & Recycling Centres for free disposal of garden waste.

Bulky Items

Acceptable items collected on request and charged for include:

- Beds
- Tables and chairs
- Wardrobes
- Fridges
- Freezers
- Large electrical and electronic equipments

Unacceptable Waste

- Fridges or freezers containing food.
- Hardcore, builder's rubble, cement, paving slabs and plasterboard.

<ul style="list-style-type: none"> • Oils and fluids from motor vehicles. • Car parts, tyres, and batteries. • Heavy items such as pianos, cast iron baths etc. • Commercial waste. • Hazardous wastes. 	
Implications/Supporting Information	
Legal	<p>Section 46(4)(d) of The Environmental Protection Act 1990 permits the authority to make provisions as to the materials that can and cannot be placed in receptacles. http://www.legislation.gov.uk/ukpga/1990/43/section/46</p> <p>Regulation 12 of the Waste (England and Wales) Regulations 2011 says that businesses that import or produce, collect, transport, recover or dispose of waste, or who operate as dealers and brokers, must take all reasonable measures to apply the waste hierarchy when the waste is transferred. The Regulation 12 hierarchy duty comes into force from 28 September 2011.</p>
Financial	<p>Increasing the range of materials collected free of charge is likely to have the effect of increasing the costs associated with collection, including the provision of receptacles. However these costs should be offset against income from the sale of recyclable material and the avoided cost of disposal.</p> <p>Ensuring that unacceptable items are not placed into the waste stream through education and/or enforcement will ensure that the highest percentage of waste is recycled and the lowest amount disposed of, maximising the financial and other benefits to the Council.</p>
Human Resources	Changing the range of materials collected may have an effect the number of employees directly employed to collect waste.
Equality and Diversity	There are no significant implications in relation to equality and diversity.
Environmental	<p>The Waste Hierarchy gives top priority to preventing waste in the first place. When waste is created, it gives priority to preparing it for re-use, then recycling, then other recovery such as energy recovery, and last of all disposal (for example landfill).</p> <p>http://www.environment-agency.gov.uk/business/regulation/129223.aspx</p> <p>http://www.defra.gov.uk/publications/2011/06/15/pb13530-waste-hierarchy-guidance/</p> <p>The collection of materials in line with the waste Hierarchy</p>

	<p>will have a positive impact on the environment.</p>
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<http://www.defra.gov.uk/publications/files/pb13530-waste-hierarchy-guidance.pdf>

**Recycling Policy No. 5
Excess or Side Waste and Open Bin Lids**



Definition

“Side Waste” means residual waste or other recycling materials from the household that are left alongside the wheeled bin, food waste caddy or other receptacle. Also covered within this policy is excess rubbish or material which prevents the lid on a wheeled bin from closing or precludes the closure of the covering flap of a seagull proof bag.

Residual waste

Due to problems associated with seagulls and resulting strewn litter, side waste **will be** collected when left along side or over filling residual waste wheeled bins, seagull proof bags or larger communal bins. However, this will be regarded as a non-compliance event and an advice hanger left to inform the resident to correct. An exception for collecting excess residual waste will be made for the first collection after Christmas and New Year Bank Holidays.

Excess Recycling Materials

Excess recyclable materials that are properly presented **will be** collected together with the material contained with the approved TDC receptacle on the appropriate collection day. Recycling material must be suitably contained preferably in a rigid container such as a similar recycling box or cardboard box. Recycling materials presented in residual waste sacks or plastic carrier bags will not be collected. Additional containers may be offered where householders have a genuine reason for requiring additional capacity on a regular basis - see Waste Policy no. No 1.

Obstacles preventing collection of Receptacles

Should obstructions prevent the movement and emptying of any receptacle, an advice hanger will be left advising of the reason why the container had not been emptied. It will be the householder’s responsibility to remove all excess material and dispose of it separately before the next scheduled collection.

Implications/Supporting Information	
Legal	<p>The Law in Respect of Waste Collection</p> <p>Section 45 of the Environmental Protection Act 1990 (the 1990 Act) confers a duty on a local authority to arrange for the collection of household waste it should be noted that garden waste is classified as household waste but the Local Authority may charge for collection.</p> <p>Under Section 46 of the 1990 Act, the authority may, by notice served on the occupier, require him/her to place waste for collection in receptacles of a kind and number specified. The authority is entitled to specify that separate receptacles are used for waste to be recycled and waste which is not. There is no legal requirement for householders to recycle unless they choose to do so.</p> <p>By virtue of Section 46(6) of the 1990 Act a person who fails without reasonable excuse to comply with the requirements of</p>

	<p>Section 46 will be liable to a fine on summary conviction.</p> <p>The fine will not exceed level 3 on the standard scale of fines, currently £1000.</p> <p>Section 48 of the Clean Neighbourhoods and Environment Act 2005 has inserted Section 47ZA into the 1990 Act. This section allows a Local Authority to issue a fixed penalty notice for offences under sections 45 and 46 of the Environmental Protection Act 1990 as set out above.</p> <p>A fixed penalty notice can only be issued in circumstances where a notice under section 45 has already been served, effectively for non-compliance with that notice. This is a flexible alternative to the taking of court action. The default level for these offences is £50 but Local Authorities have the power to set the level of penalty within limits that will be defined in regulations.</p>
Financial	A no side waste policy usually improves the level of recycling and reduces the level of residual waste which has a positive impact on finances. This may also reduce the resources required for street cleansing.
Human Resources	A no side waste policy reduces the human resource required for collection and (potentially) street cleansing.
Equality and Diversity	No significant equality and diversity issues.
Environment	A no side waste policy usually increases the recycling percentage and has a positive impact on the environment. It also reduces windblown and discarded litter and waste in the street scene environment.

Definition

An assisted collection is where a resident is not physically capable of presenting their wheeled bins and/or containers for collection or where there is nobody living at the premises capable of moving the containers on their behalf.

Application

Residents must apply to Thanet District Council for an assisted collection. In some circumstances, Thanet District Council may ask the resident to provide information to support the application in the form of a medical practitioner statement and a Council Officer will visit the property concerned to agree or determine the presentation point for the container(s). The officer will in making a decision require assurances that there are no occupiers in the property who are able to place the containers at the normal collection point. Before agreeing to an assisted collection, the Council may be able to offer alternative options, which would enable the resident to retain their independence such as smaller bins, boxes or sacks.

Where Thanet District Council agrees to provide an assisted collection, the receptacles will be collected from and returned to an agreed point on the specified collection day. Unrestricted access must be available to the agreed collection point from 06:00am onwards on the day of collection. To carry out an assisted collection the collection crew may have to enter the garden/surrounding of a private property and Thanet District Council is not liable for any damage caused. Council collection staff are not authorised to enter the residents home.

Review

Resident receiving assisted collections will be reviewed on an annual basis in the form of a letter requesting them to reconfirm that the assisted collection is still required. It is the resident's responsibility to respond confirming that an assisted collection is still required, should no response be forthcoming the assisted collection will be withdrawn. Withdrawal of the assisted collection will require the household to present their receptacles as stated in policy 3. For elderly or residents needing care, special circumstances will be made to review their situation on a less regular basis. Throughout the year, it is the responsibility of the householder to inform the council if circumstances change and the service is no longer needed.

Implications/Supporting Information	Application form
Legal	There are no legal requirements requiring an assisted collections policy (other than any equity/diversity requirements).
Financial	There is a marginal financial implication as assisted collections will be marginally more expensive. The full implication will depend on the number of assisted collections required and will be managed by the requirement to completed an application form and meet the relevant criteria.

Human Resources	There is a marginal human resource implication as assisted collections will be marginally more resource intensive. The full implication will depend on the number of assisted collections required and will be managed by the requirement to completed an application form and meet the relevant criteria.
Equality and Diversity	Thanet District Council understands that there are residents within the Borough that will not be able to place wheeled bins or sacks at the normal collection point through reasons such as ill health or disability. This policy is designed to meet the requirements of these residents.
Environment	There are no significant environmental implications.

Presentation of receptacles

As stated in Policy 3 Residual Waste or Recycling materials for collection, are to be made available and correctly presented from 06.00am on the due collection day.

Crew's inattention

If collections are missed as a result of the crew's inattention, if reported before midday of the day of collection, a collection will be made the same day otherwise will be collected by the end of the next working day.

Exceptional circumstances

Should a collection be missed as a result of the highway being temporarily blocked, extreme weather or for any other exceptional circumstance, then an alternative collection will be made at the earliest practical time, usually within 24 hours after the cause has abated.

Resident's failure to present

Residents who fail to present their wheeled bin, box or bags on the day of collection as stated in Policy 3, and are therefore not emptied, will be required to manage their waste until the next scheduled collection or remove any excess waste material from receptacles and dispose of it separately.

Unacceptable for collection

Wheeled bins, boxes or bags identified as being unacceptable for collection such as the contents containing contaminated materials and which have been identified by a advice hanger or not collected due to the resident not making them available, including blocked access, will not be collected until the next scheduled collection.

Excess or Side material, Recycling Policy No. 5 will apply to subsequent collections.

Implications/Supporting Information	
Legal	<p>Section 46(4) of The Environmental Protection Act 1990 permits the authority to make provisions as to the materials that can and cannot be placed in receptacles and the receptacles that are to be used.</p> <p>Section 46(11) identifies that and authority is 'not obliged' to collect waste that is placed in contravention of this section.</p>
Financial	Returning for missed collections has a negative impact in finance.
Human Resources	Returning to collect missed bins has an increased resource implication which should be addressed through performance management.
Equality and Diversity	There are no significant equity and diversity implications.
Environment	There are minor environmental implications in the increased resources utilised to return for collection.

Recycling Policy No. 8 Receptacle Replacement and Cleansing



Replacement or damaged receptacles

All supplied wheeled bins, bags and boxes remain the property of Thanet District Council. Householders are responsible for keeping containers safe, clean and reporting any that are damaged, lost or stolen. Thanet District Council will replace any containers that become faulty through fair wear and tear. Thanet District Council reserves the right to make a charge to replace any containers damaged because of misuse by the householder.

Receptacles damaged during the collection process

On occasion receptacles are damaged during the collection process, where this occurs, Thanet District Council will replace the wheeled bin, box or bag as soon as is reasonably practicable, free of charge.

Stolen Wheelie Bin, Boxes or Bags

If a householder suspects that their wheeled bin, box or bag has been stolen, they should contact Thanet District Council in the first instance. If it is believed the container has genuinely been stolen the householder will be required to report this to the police and obtain a police reference number. Once the Council receives this information from the householder and is satisfied it is a genuine case of theft, the receptacle will be replaced free of charge.

Antisocial Behaviour

If a resident has been subject to antisocial behaviour and their containers have been damaged through no fault of their own Thanet District Council will replace the containers free of charge provided the Council have been advised of the incident and a Police reference number can be provided.

Collection crews have a duty to report any damaged containers caused either through their activities or otherwise.

Receptacle Cleansing

Thanet District Council is not responsible for cleaning dirty bins. There are companies that provide a wheeled bin cleaning services.

A fee based service for a wheeled bin or caddy cleaning service may be offered at some time in the future. However, responsibility for cleaning containers provided will remain with the householder.

Implications/Supporting Information	
Legal	Under Section 46 of the 1990 Act, the authority may, by notice served on the occupier, require him/her to place waste for collection in receptacles of a kind and number specified. The authority is entitled to specify that separate receptacles are used for waste to be recycled and waste which is not. There is no legal requirement for householders to recycle unless they choose to do so.

	http://www.legislation.gov.uk/ukpga/1990/43/section/46 There is no requirement for the authority to pay for the provision or replacement of receptacles.
Financial	There are no implications for finance where a charge is made and fully covers the cost of the supply and delivery of containers.
Human Resources	There are no implications for human resources.
Equality and Diversity	Is there a policy to assist, for instance, those on benefits?
Environmental	There are no significant environmental implications

Definition

Bulky Waste is something within the house that would normally be taken when moving home and does not fit within the normal containment provision for household collection.

Charges

This is a charged for service and a Schedule of Charges will be agreed on an annual basis, displayed on the Council website.

Acceptable Items

The weekly refuse collection service does not include the removal of bulky items of furniture, white goods, fridges, freezers or televisions from domestic households.

All fridges or freezers contain either CFC's (chlorofluorocarbons) or other gases that may damage the ozone layer and increase global warming and are classified as special waste and must be collected separately. Televisions are also classified as needing specialist disposal.

Collections for bulky items must be made using the Council Customer Contact Centre and payment received before collection. Items for collection should be placed at the front of the property not causing pavements or access to be restricted and safely and easily accessible for collection.

Unacceptable items

Thanet District Council will not collect the following items:

- Fridges and freezers containing food or rubbish.
- Hardcore, Builders rubble, cement, bricks, concrete, paving slabs, plasterboard, etc.
- Oil from cars, vans or cooking etc.
- Car tyres, batteries or any car parts.
- Exceptionally heavy items such as pianos, cast iron baths etc.
- Waste arising from a trade or business activity.
- Hazardous waste such as pesticides, etc.
- All waste must be dry and reasonably contained. Loose rubbish will not be collected.
- Dry cell batteries.

Households will be advised of alternative arrangements for disposal including the availability at the household Waste Recycling Centres.

Dumping furniture or other waste on open land, in alleyways or by litter bins is illegal.

There will not be any bulky collections during Christmas period

A service for the collection of additional or bulky household waste may be undertaken at the discretion of the relevant officer and subject to individual pricing. However rubble or soil will not be removed.

The normal collection point for bulky items will be on the owner's property at the nearest

point to the highway. Consideration will be made for those residents who are elderly or have a disability to enter the property subject to a disclaimer being completed before removal of bulky items from inside premises which may be subject to an additional charge as identified in the Charging Schedule.

Collections will be made within 5 working days or by agreement.

Implications/Supporting Information	
Legal	<p>The Law in Respect of Waste Collection Section 45 of the Environmental Protection Act 1990 (the 1990 Act) confers a duty on a local authority to arrange for the collection of household waste (it should be noted that garden waste is classified as household waste but the Local Authority may charge for collection).</p> <p>Schedule 2 of the associated Collection and Disposal of Waste Regulations 1988 includes SCHEDULE 2 Types of household waste for which a charge may be made.</p> <p>http://www.legislation.gov.uk/uksi/1988/819/schedule/2/made</p>
Financial	<p>Offering a free service for bulky waste collections has a financial implication of £x (budget?). Where a charge is made for certain material this will be cost neutral as a minimum.</p>
Human Resources	<p>Offering a free service will potentially require increased resources over and above a free service.</p>
Equality and Diversity	<p>Thanet District Council understands that there are residents within the Borough that will not be able to place bulky waste for collection on their property at the nearest point to the highway.</p>
Environment	<p>A free service has a negative impact on the environment as it encourages disposal rather than promote the Waste Hierarchy and re-use or recycle waste as a priority.</p>

Definition

Clinical waste is defined in regulation 1(2) of The Controlled Waste Regulations 1992 (SI1992/588) as meaning any waste which consists wholly or partly of human or animal tissue, blood, other body fluids, excretion, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which unless rendered safe may prove hazardous to any person coming into contact with it.

It also covers any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it.

Acceptable items

The Council classes clinical waste as the following items:

- Syringes
- Colostomy waste
- Dialysis waste
- Soiled dressings

Clinical waste, including needles, **must not be** placed inside normal wheeled bins, bag or sack. It must be collected and dealt with separately as 'special waste'.

Unacceptable items

Incontinence pads do not require a clinical waste collection and can be **double bagged** and disposed of as residual waste in the black lidded wheeled/communal bin, or household black sacks placed inside seagull proof bags.

Collection days

Council offers a free collection for clinical waste from private households. Clinical waste collection day may differ from normal recycling and waste collection days.

Application

Council will require confirmation in writing from resident's doctor or other medical authority before collections can be arranged.

Thanet District Council will collect both infectious and non-Infectious waste.

The council will provide a free, separate clinical waste collection service for the collection of infectious waste, sharps (needle) waste, cytotoxic waste and offensive waste to households on application/request from a relevant health professional.

The Council will collect, within the residual waste service, children and adult disposable nappies (non-infectious waste)

All clinical waste contained in the correct containers will be collected from an agreed collection point, notwithstanding the distance from the collection point to where the waste can be loaded onto a vehicle, the site conditions, handling problems, mode of storage, access problems, weather conditions or other constraints.

Information	
Legal	<p>Clinical waste is defined in regulation 1(2) of The Controlled Waste Regulations 1992 (SI1992/588) as meaning:</p> <p>(a) any waste which consists wholly or partly of human or animal tissue, blood, other body fluids, excretion, drugs or other pharmaceutical products, swabs or dressings, or syringes, needles or other sharp instruments, being waste which unless rendered safe may prove hazardous to any person coming into contact with it; and</p> <p>(b) any other waste arising from medical, nursing, dental, veterinary, pharmaceutical or similar practice, investigation treatment, care, teaching or research, or the collection of blood for transfusion, being waste which may cause infection to any person coming into contact with it.</p> <p>In addition The Collection and Disposal of Waste Regulations 1988</p> <p>Regulation 5 - Charges for the collection of household waste includes '4. Clinical waste from a private dwelling or residential home.</p>
Financial	Cost of service
Human Resources	<p>Any service delivery, direct or indirect, should be undertaken with in the relevant waste management guidelines and health and safety requirements.</p> <p>http://www.defra.gov.uk/environment/waste/business/hazardous-waste/healthcare-waste/</p>
Equality and Diversity	This service is designed to meet the needs of residents who require clinical waste collection.
Environment	Collection and storage will keep infectious clinical waste separate from other wastes and disposal of infectious waste will be incinerated to protect the environment.

Recycling Policy No. 11 Suitability of Households for Containment



All households will be assessed for their individual suitability to store wheeled bins or other containers for recycling and waste collections. Those properties that have sufficient storage area for two wheeled bins will, wherever possible, receive the standard service of fortnightly alternative weekly collections of recycling and residual waste alongside the weekly food waste collection.

Properties which are not suitable to store one or both wheeled bins will be offered alternative receptacles to contain recycling materials and/or waste. Where storage space is restricted households may be offered a weekly collection of residual waste and alternative weekly collection of recycling materials, Week 1 paper and cardboard, Week 2 other mixed recycling.

The types of containers offered to residents who have insufficient storage space are covered in Recycling Policy No. 1.

House of Multiple Occupation and flats that require communal recycling and refuse collections will be assessed for their containment requirements and collection frequency agreed to meet the needs of the location and situation.

Opting- out

If a resident decides they do not want to participate in the service, they may opt out however, they would then be required to dispose of their own waste and in a safe and suitable manner. Opting out of the service would not entitle residents to any reduction in council tax.

Appeals

Where a resident wishes to apply for non-standard arrangements for recycling and waste receptacles they must make their application in writing to the Council. Officers will make decisions in-line with this policy in the first instance. Appeals against refusal decisions should be made in writing to the Head of Department.

Assessment Criteria

The criteria being used for assessing each new property for wheeled bin storage are:

1. The property should have access from its front to the rear. If not, the property should have storage space at the front into which the bin would fit.
2. Narrow streets and parked cars may prevent the effective emptying of bins and properties on such streets may be excluded from the wheeled bin service.
3. It is considered that any frontage larger than four square metres is automatically suitable for storing two bins. Any properties with a frontage smaller than this may still be able to accommodate two bins, but if not, will be offered alternative containers for their recyclables.
4. Due to Health & Safety reasons, wheeled bins will not be provided where resident or the collection crew has to negotiate the bin over more than three steps between collection point and collection vehicle. In this case an Officer will visit to discuss alternative collection methods. Such properties will typically remain on sack collections for refuse and will be offered boxes for recycling. However, should a resident wish to have a bin and is willing to move the bin to the collection point over more than 3 steps, a bin may be provided.
5. The Council will provide a 180 litre wheeled bins, a food caddy and a reusable bag as the standard receptacles in which Council residents are asked to store their

<p>recyclables and refuse. However, there may be certain properties or other circumstances where a larger bin for recyclables might be more appropriate and will be provided subject to an assessment with a Council Officer as stated in Recycling Policy No. 1.</p> <p>6. Where a weekly sack collection service continues to be provided the Council will not provide sacks in line with current policy. A householder can request a wheeled bin to store non-recyclable waste between collections or concessionary seagull proof bag in which they must only present sacks for collection on the designated day at the correct collection point.</p>	
<p>Implications/Supporting Information</p>	
<p>Legal</p>	<p>The Law in Respect of Waste Collection</p> <p>Section 45 of the Environmental Protection Act 1990 (the 1990 Act) confers a duty on a local authority to arrange for the collection of household waste (it should be noted that garden waste is classified as household waste but the Local Authority may charge for collection).</p> <p>Under Section 46 of the 1990 Act, the authority may, by notice served on the occupier, require him/her to place waste for collection in receptacles of a kind and number specified. The authority is entitled to specify that separate receptacles are used for waste to be recycled and waste which is not. (There is no legal requirement for householders to recycle unless they choose to do so).</p> <p>By virtue of Section 46(6) of the 1990 Act a person who fails without reasonable excuse to comply with the requirements of Section 46 will be liable to a fine on summary conviction.</p> <p>The fine will not exceed level 3 on the standard scale of fines, currently £1000.</p> <p>Section 48 of the Clean Neighbourhoods and Environment Act 2005 has inserted Section 47ZA into the 1990 Act. This section allows a Local Authority to issue a fixed penalty notice for offences under sections 45 and 46 of the Environmental Protection Act 1990 as set out above.</p> <p>A fixed penalty notice can only be issued in circumstances where a notice under section 45 has already been served, effectively for non-compliance with that notice. This is a flexible alternative to the taking of court action. The default level for these offences is £100 but Local Authorities have the power to set the level of penalty within limits that will be defined in regulations</p>
<p>Equality and Diversity</p>	<p>Thanet District Council understands that there are residents within the district that will not be able to use wheeled bins through reasons such as ill health or disability. This policy is designed to meet the requirements of these residents.</p> <p>Similarly, newly assessed properties that are not suitable for the storage of wheeled bins will receive an alternative collection service. It should be noted that where the property is suitable for one wheeled bin, the presumption will be for that bin to be blue lidded for the recycling materials. Should the property already have a black lidded refuse bin this will not be changed.</p>

Recycling Policy No. 12 Enforcement Policy



Introduction

Where a resident does not wish to participate in the service (for example, the resident finds the bin unsightly or they are not prepared to accept or use the containers provided) a number of steps will be taken to ensure that the householder is fully aware of how the service operates. These steps are set out below, the final step being to take enforcement action using powers given to the Council under the Environmental Protection Act 1990.

1. If the resident fails to use the recycling or food waste collection service but instead stores all their waste in their black lidded residual waste bin or sacks (if on sack collections) between residual waste collections, then enforcement action may be taken.
2. Where a resident contaminates the contents of a recycling container the resident will be required, where practicable, to remove the contaminating items or failing that will be emptied by the residual waste collection vehicle on the following week. The Enforcement Procedures and Guidelines document details the act to be taken in such instances.

If the resident then fails to use the system correctly, further enforcement action may be taken:

In accordance with Section 46 of the Environmental Protection Act 1990, the Council may serve a Statutory Notice to the householder to require waste to be placed within the containers specified. The authority is entitled to specify that separate containers are used for recycling and waste materials and to determine where such containers must be placed to facilitate the emptying of them.

Any person that fails, without reasonable excuse, to comply with the requirements of such a Notice they may be issued a Fixed Penalty Notice of £50 in accordance with section 46 of the Environmental Protection Act 1990.

However, any such action will only be taken as a last resort.

This document outlines the enforcement policy and provides information on:

- the purpose of our enforcement policy
- our principles of enforcement
- our enforcement actions
- what you can expect of us
- our accessibility/advice details
- our policy review period

'Enforcement' includes any action taken by officers aimed at ensuring that businesses or individuals comply with the law. These actions will range from offering advice, information issuing public warnings, cautions and instituting legal proceedings and prosecutions.

Enforcement decisions will be fair, impartial, independent and objective and will not be influenced by issues such as ethnicity or national origin, gender, religious beliefs,

political views or the sexual orientation of the suspect, victim, witness or offender. Decisions will not be influenced by improper or undue pressure from any source.

This Enforcement Policy Statement sets out the general principles and approach that Thanet District Council will follow when enforcing Waste Legislation. It will be used in conjunction with and be governed by guidance issued from the Department for the Environment and Rural Affairs (DEFRA) and other professional bodies.

Waste is refuse or rubbish and can include domestic, commercial and industrial waste. It also includes fly tipped waste. Poor management of waste can include poor storage of waste, illegal dumping of waste, transfer of waste to unauthorised persons or without the correct documentation and placing waste out for collection too early. This can lead to a detrimental affect on the quality of the local environment and how an area is perceived.

Resident compliance will be achieved primarily through education and advice. Where education has not been effective in securing a change in attitude or behaviour, enforcement of regulations would be considered. Securing compliance with statutory requirements and using enforcement powers, including prosecution is an important part of this enforcement policy but will only be used where necessary and where other methods have failed.

Thanet District Council will ensure that all appointed officers are competent and are trained in the use of this policy. Thanet District Council will work with the other Local Authorities, professional bodies and DEFRA to ensure coherent regulation.

2 | Background Documents

Thanet District Council Enforcement Policy has been produced having regard to three principal documents:

- The Enforcement Concordat
- The Code for Crown Prosecutors
- The Regulators' Compliance Code

The Enforcement Concordat

<http://www.berr.gov.uk/consumers/enforcement/enforcement-concordat/index.html>

The Concordat is a Code of Practice between Government and local Councils. It sets out what businesses and others being regulated can expect from the Council's enforcement services. Thanet District Council has signed the Concordat which means all Services provided by Thanet District Council are committed to good enforcement practices and procedures.

The Code for Crown Prosecutors

<http://www.cps.gov.uk/publications/docs/code2004english.pdf>

The code for Crown Prosecutors sets out general principles to be applied when making decisions about prosecutions. As a regulatory body Thanet District Council also follows the principles of the guide when considering enforcement action.

Regulators' Compliance Code

<http://www.berr.gov.uk/files/file45019.pdf>

The Regulators' Compliance Code (the Code) is made under Legislative and Regulatory Reform Act 2006. The code sets out that Regulator's must *have regard* to the provisions of the Code when determining general policies and principles or when setting standards or giving general guidance about the exercise of general functions. It does not apply to the work of individual inspectors.

The Legislative and Regulatory Reform (Regulatory Functions) Order 2007 (specifically part 3) sets out those regulatory functions by local authorities to which the Code applies. This Enforcement Policy has included those aspects of the Code which are relevant to our activities. The intention of Thanet District Council is to help to promote an efficient and effective approach to inspection and enforcement, which improve regulatory outcomes without imposing unnecessary burdens.

3 | Principles of Enforcement

Targeting

The aim of Thanet District Council is to prioritise and direct the regulatory effort effectively. Action will be primarily focused on breaches of the law or those directly responsible for the risk and who are best placed to control it.

Proportionality

Thanet District Council will ensure that enforcement action is proportionate to the risks involved, and that the sanctions applied are meaningful.

Accountability

Thanet District Council will be accountable for the efficiency and effectiveness of enforcement activities.

Fairness and Consistency

Thanet District Council will treat all service users and businesses fairly and will ensure that enforcement practices are consistent. This means the adoption of a similar approach in similar circumstances to achieve similar ends.

Thanet District Council will have regard to national guidelines in the decision-making processes.

Openness and Transparency

Thanet District Council is committed to the open provision of information and advice in a format that is accessible and easily understood.

Thanet District Council ensures that there is always a clear distinction between those actions necessary to comply with the law, and those which we recommend as best practice but which are not compulsory.

Reducing enforcement burdens

If there is a shared enforcement role with other agencies, e.g. the Environment Agency or the Police, Thanet District Council will consider co-ordinating with these agencies to minimise unnecessary overlaps or time delays and to maximise overall effectiveness.

4 | Enforcement Actions

The range of enforcement options available are set out in the following:

a. No action | In certain circumstances, contravention of the law may not warrant any action.

b. Indirect action | Including referral to another authority or agency for information or action.

c. Verbal Warning | A verbal warning should be used where the offender complies with the direction they have been given but are resistant to the rationale behind it.

The offender should be aware that they have been warned as to their future conduct and that repeating the behaviour may lead to more serious consequences.

Where a verbal warning has been given the details of the offender should be recorded and stored in accordance with the Data Protection Act 1998. Should an offender show any signs of violence or aggression then the verbal warning shall be confirmed by a written warning.

d. Written Warnings | Written warnings can be used where:

- A verbal warning or relevant advice has been given and has been ignored.
- It is not possible to make contact with the offender in person, e.g. if it is a company and the warning is to the director(s).
- The offender is known to be violent or aggressive.
- English is not the offender's first language.

e. Fixed Penalty Notices | Certain offences are subject to Fixed Penalty Notices (FPN) – they are recognised as a low-level enforcement tool.

Where legislation permits an offence to be dealt with by way of a Fixed Penalty Notice (FPN), Thanet District Council may choose to administer a FPN on a first occasion, without issuing a warning. This avoids a criminal record for the defendant.

f. Official Caution | To deal quickly and simply with less serious offences and to avoid unnecessary appearances in criminal courts.

A caution is an admission of guilt but it is not a form of sentence, nor is it a criminal conviction. It may be cited in court in certain circumstances. A record of the caution will be sent to the Office of Fair Trading and to other bodies that are required to be notified.

g. Prosecution

A prosecution will only be undertaken when the evidence passes the 'Evidential Test' and when it is in the public interest to do so – we will have regard to the Crown Prosecution Service Code of Practice which is available at:

<http://www.cps.gov.uk/publications/docs/code2010english.pdf>

Where it is necessary to carry out a full investigation, the case will be progressed without undue delay. All investigations into alleged breaches of legislation will be conducted in compliance with statutory powers and all other relevant legislation (and relevant Codes of Practice), including the requirements of:

- Police and Criminal Evidence Act (PACE)
- Criminal Procedure and Investigations Act (CPIA)
- Regulation of Investigatory Powers Act (RIPA)
- Human Rights Act (HRA).

As part of the investigation process, persons suspected of breaching legal requirements will, wherever possible:

- Be formally interviewed in accordance with PACE
- Be given the opportunity to demonstrate that a statutory defence is available
- Have the opportunity to give an explanation or make any additional comments about the alleged breach.

Before a decision to prosecute is taken, the alleged offence(s) will be fully

investigated, a Report compiled by the Investigating Officer and the file reviewed by a Senior Manager. We will take into account the views of any victim, injured party or relevant person to establish the nature and extent of any harm or loss, including potential harm and loss and its significance in making the decision to take formal action.

5 | What Can You Expect From Us

a. Incoming Telephone Calls

Provide an initial response at the time of call or within one working day

b. Incoming Letters and emails, including written requests for consumer and business advice

Acknowledged within 3 working days of receipt. Straightforward matters given full response within 10 working days (5 working days for business advice)

c. General

To keep people informed on unresolved issues at no longer than monthly intervals

d. Inspection of Business Premises

Provide written notification of any problems found or any alleged offence at the time of visit or within 10 working days

You are entitled to expect our staff to:

- Be courteous and helpful.
- Identify themselves by name and produce identification if requested.
- Provide a contact point for any further dealings.
- Give clear and simple advice.
- Confirm advice in writing on request, explaining why action is required and over what time-scale.
- Clearly distinguish between what you must do to comply with the law and what is recommended as best practice.
- Minimise the cost of compliance by requiring proportionate action.
- Give you reasonable time to comply (unless immediate action is necessary in the interest of health, safety or to prevent evidence being lost).
- Notify you if the matter is to be reported for legal proceedings.
- Advise you of the procedure for making a complaint or representations in cases of dispute.
- Maintain confidentiality.

Before any legal action is taken there will be an opportunity to discuss the case, although if we are considering a prosecution it will be a formal interview.

Where a right of appeal against a formal action exists other than through the courts, advice on the appeal mechanism will be clearly set out in writing at the time the action was taken.

6 | Accessibility and Advice

Our contact details:

Thanet District Council, PO Box 9, Cecil Street, Margate, Kent, CT9 1XZ

For customer advice contact

Telephone: 01843 577115

Web: www.thanet.gov.uk

7 | Policy Review Period

This policy will be reviewed every 3 years to identify if modification or adjustment is required or sooner where significant change or circumstances are known.

Implications/Supporting Information	
Legal	<p>Section 46 of the Environmental Protection Act 1990, the Council may serve a Statutory Notice to the householder to require waste to be placed within the containers specified. The authority is entitled to specify that separate containers are used for waste to be recycled and waste which is not recycled and to determine where such containers must be placed to facilitate the emptying of them.</p> <p>Any person that fails, without reasonable excuse, to comply with the requirements of such a Notice they may be issued a Fixed Penalty Notice of £100 in accordance with section 46 of the Environmental Protection Act 1990.</p> <p>Section 46(11) identifies that and authority is 'not obliged' to collect waste that is placed in contravention of this section.</p> <p>http://www.legislation.gov.uk/ukpga/1990/43/section/46</p> <p>http://www.legislation.gov.uk/ukpga/1990/43/section/47ZA</p> <p>http://www.legislation.gov.uk/ukpga/1990/43/section/47ZB</p>
Financial	<p>There are financial implications when contamination is found in the waste stream which reduces the potential income and avoided disposal costs. There are also financial implications dependent upon the level of enforcement employed, and the number of actions taken and to what level they are taken.</p>
Human resources	<p>There are human resource implications dependent upon the level of enforcement employed, and the number of actions taken and to what level they are taken. However, there are also implications when contamination is found in the waste stream which increases the time taken to deal with the issue and potential time taken for diverted loads.</p>
Equality and Diversity	<p>There are no significant equity or diversity implications if the legal procedures are followed.</p>
Environment	<p>Ensuring compliance with the policies has a positive effect on the environment and meets the Waste Hierarchy requirements.</p>