

## **Wigan Council Waste Collection Policy (Issue 1 – 25/09/17)**

### **1 Introduction**

- 1.1 **The Deal for the Future** sets out Wigan Council's strategic direction. One of the key aims of this plan is to create strong, clean and safe communities by supporting and encouraging residents to take greater responsibility for their area and to instil pride in the borough.
- 1.2 To support this aspiration, the Council is asking communities to take more ownership of where they live and work together to keep the borough safe, clean and green, making it a more attractive place to live, visit and invest.
- 1.3 The Council has made a deal with its residents asking them to recycle more, recycle right which will enable us to spend less on waste services helping to keep council tax low. We want to encourage our residents to recycle correctly and, in doing so, help us to significantly improve the borough's overall recycling rate. This policy sets out how we will support and work with our residents to achieve this.

**When we refer to bins in this policy we refer to the wheeled bins, caddies or paper sacks.**

### **2 Aims**

- 2.1 This policy aims to provide the following:
  - A consistent approach to waste collection across the borough and how the Council delivers "our part" of The Deal to Recycle More, Recycle Right;
  - Clarity to residents to understand how they can deliver "your part" of The Deal to Recycle More, Recycle Right;
  - Help to reduce black bin waste and by doing so increase recycling rates;
  - Help to reduce contamination of our various waste streams.

### **3 Legal Framework**

3.1 This policy operates within the following legal framework:

- The Environmental Protection Act;
- The Controlled Waste (England & Wales) Regulations.

#### 4 The standard service for individual properties

4.1 The Council's method of storage and collection for individual properties is wheeled bins and caddies, which will be provided to households unless the resident specifically declines their allocation. The bins and caddies remain the property of Wigan Council and should not be removed from the property.

4.2 As the bins and caddies remain the property of Wigan Council, no other organisation is permitted to empty these containers.

4.3 The standard collection service is summarised below.

<b>Bin Type</b>	<b>Waste</b>	<b>Bin Size</b>	<b>Frequency</b>
BLACK	General household waste	240L or 140L	3 weekly
BROWN	Mixed Recycling	240L or 140L	3 weekly
BLUE	Paper and Card	240L or 140L or 1 x white sack	3 weekly
GREEN	Food and Garden	240L or 140L (terraced properties) 23L Caddies	2 weekly

4.4 All properties will be provided with 240Litre (L) bin as standard. Residents may request a smaller 140L bin as an alternative. The [smaller 140L bin can be requested](#) by visiting the website.

4.5 Where the Council has identified that a specific property or individual resident would benefit from a smaller or larger bin, this will be automatically arranged.

4.6 Residents living in terraced properties have the choice of a 240L or 140L green wheeled bins for their green/food waste collection. 23 Litre caddies are also available to residents living in terraced properties and will be supplied at the request of the resident or in circumstances where the Council considers that the property type or individual resident is more suited to that type of collection container.

- 4.7 All properties have been provided with a 5 Litre or 7 Litre kitchen caddy for internal food waste storage. Food may be placed in a kitchen caddy with or without a caddy liner. Where a caddy liner is used it must be compostable. Compostable liners can be identified as they are labelled with the word 'compostable' and will meet the standard EN13432.
- 4.8 Wigan Council provides residents with compostable liners. These can currently be collected from local outlets. From October 2017, the liners will be made available directly from collection crews.
- 4.9 Recycling and refuse should be presented in an approved Wigan Council bin. If residents choose to purchase their own bin, it must meet the approved BS standard EN8402012, be in good working order and be the correct colour for the waste being disposed, as detailed in section 4.3. If the resident presents waste in a bin that does not meet these requirements, it will not be collected.
- 4.10 The standard collection permits residents to have one black bin for their non-recyclable waste unless the Council has given approval for a second bin, see Section 11 of this policy for further details.
- 4.11 Bins will not be emptied if:
- The wrong coloured bin is presented;
  - The bin contains the wrong waste (contamination);
  - The bin is not placed at the agreed collection point for the property by 6:30am on the day of collection;
  - It has been overloaded and is too heavy to lift and presents a health and safety risk;
  - The bin does not clearly display the property house number;
  - Severe weather conditions don't allow i.e. snow, ice, and flooding etc;
  - Access is restricted by road works, parked vehicles etc.
- 4.12 Where prevailing weather conditions or vehicle access is an issue, the Council will aim to return to all affected properties on the first available collection date. Visit the website at [www.wigan.gov.uk/recycling](http://www.wigan.gov.uk/recycling) to access up to date information.

## **5 The Standard Collection for multi-occupied properties and flats**

- 5.1 The Council will provide flats, apartments, or houses of multiple occupation with communal bins, where this is practical. The Council will provide sufficient bins to allow residents to recycle all their recyclable waste, and to dispose of any general waste that cannot be recycled.
- 5.2 To ensure equality of service across the borough, the Council will endeavour to make all recycling collections (paper/card, mixed recycling and food/garden waste) available to all communal properties. Where space is limited, this is likely to result in a corresponding reduction in the residual waste capacity.
- 5.3 In certain circumstances, it may be necessary for an Officer from the Council to visit a property to determine the suitability of the service and to offer advice and guidance.

## **6 Locations unsuitable for standard collections**

- 6.1 The standard collection service may not be suitable for all properties due to remote location, narrow access, steep lanes, flights of steps or properties with no storage areas. In these circumstances alternative options, such as sacks, may be offered at the discretion of the Council.

## **7 The placement of bins for collection and storage**

- 7.1 Wheeled bins, external caddies or sacks must be placed at the edge of the curtilage to the property, with bin handles facing the roadside, by 6.30am on the day of collection and not before 6:00pm the night before, unless the resident is in receipt of an assisted collection (see section 9) or has a specific agreement in writing with the Council. The collection point will normally be at the front of the property. However, some terraced properties will have designated collection points at the rear or side gates or at the end of alleyways. This is to allow safe access for a bin wagon.
- 7.2 After collection the bin or external caddy will be returned to the edge of the property or the designated collection point.
- 7.3 The resident must return the bin or external caddy to within the curtilage (boundary) of their property as soon as practically possible following collection and no later than midnight on the day of collection. Bins or external caddies that are left out may cause an obstruction, be of detriment to the local amenity and are vulnerable to theft or damage.
- 7.4 Residents who do not return their bins or external caddies to their property may be issued with a section 46 notice (detailed in section 23 – Enforcement) and subsequently fined if the issue is not adequately addressed.

- 7.5 It is the resident's responsibility to keep their bin or caddy safe and secure. Residents should endeavour to protect from misuse, and ensure it is returned to their property as soon as possible.

## **8 Labelling bin and external caddy with the property number**

- 8.1 Residents are required to label bins or external caddies with their property number to enable crews to return the bin to the correct address. The resident may wish to do this with number stickers or permanent markers. Numbering the bins will also help reduce the chance of the bin going missing or being stolen. It is the resident's responsibility to ensure that these numbers remain visible to the refuse crews.

## **9 Assisted collections**

- 9.1 Residents with disabilities or additional needs may request an assisted collection if there is no one else in the household who is able to take the bin to the edge of the property. As part of The Deal, residents could ask neighbours or family members to help them with putting their bin out and bringing it in if they do not want to access the assisted bin collection service.
- 9.2 The request will normally be granted where the resident is disabled or has a mobility problem. However, this is at the discretion of the Council and, in some cases, the request may require validation by a district nurse, social worker, care-worker, health visitor or housing warden.
- 9.3 Where the resident qualifies for an assisted collection, the collection crews will collect the bin from its normal storage area and return to the same place.
- 9.4 Residents are required to ensure that the bin storage area is easily accessible to the bin crews. Gates should be unlocked and in good working condition to allow access. Dogs should be secured elsewhere to allow staff to safely access the property.
- 9.5 Assisted bin collections will be reviewed every two years. If a household's circumstances change and, as a result, they no longer need an assisted collection, [residents must inform the Council](#) using the website.
- 9.6 When moving house, it is important that residents who have an assisted collection [inform the Council](#) using the website so that amendments to the collection rota can be made.

## **10 Excess waste that will not fit in the bin or caddy**

- 10.1 The Council will only collect waste that is presented in approved bins/containers provided by Wigan Council or meets the requirements specified in section 4.9. If the resident presents waste in a non-approved bin/container or in a bin or container that poses a health and safety risk, **it will not be emptied.**
- 10.2 For the avoidance of doubt, any waste presented at the side of the bin or on top of the bins will not be collected. This applies whether the waste is presented loose or bagged or in any other type of container.
- 10.3 The council will only collect bins that do not pose a Health & Safety risk.

## **11 Requests for additional bin capacity**

- 11.1 Residents may request an additional 140L black, blue, brown or green bin. Requests should be made via [MyAccount](#) on the Council's website where an on-line application is available for completion.
- 11.2 Requests for additional black bin capacity will be granted in the following circumstances:
- Large families with six or more people permanently living at the property;
  - Families producing high volumes of nappies;
  - A resident generating a large quantity of non-hazardous medical waste;
  - Other exceptional circumstances when the resident has demonstrated that they are separating all recyclable waste into the correct bins.
- 11.3 The resident's existing capacity and recycling habits detailed in the 'additional capacity request form' will be reviewed. Following this the Council's Environment Team will normally visit the resident to provide advice on recycling and determine whether additional capacity is required and should be approved.
- 11.4 In the event that a household requests an additional black or green bin, the Environment Team will carry out an audit to assess the level of waste produced by the household, and determine whether their existing capacity would be sufficient if careful and consistent recycling was undertaken. Following this, the Environment team will either:

- With regards to green bin requests, establish if a compost bin would be an adequate solution; or
  - Determine whether the resident would be expected to use the Council's Household Waste Recycling Centres to dispose of additional garden waste; or
  - Arrange for an additional 140L black or green bin if the resident can demonstrate that they are taking all reasonable steps to separate all recyclable waste items; or
  - Inform the resident and explain why an additional bin will not be provided, and offer advice on how to maximise the household's recycling.
- 11.5 In the event that a household requires more recycling capacity relevant to their blue or brown bin, the Environment Team may at their discretion approve the issue of additional recycling bins.
- 11.6 For the avoidance of doubt, additional black bins will not be provided to any property that does not have a full set of recycling bins unless there are exceptional circumstances and/or there are space issues at the property.
- 11.7 The decision to issue additional bins will be reviewed at least every two years to ascertain whether circumstances have changed. When it is established that additional capacity is no longer required, the additional bin will be removed.
- 11.8 If a property has not been reviewed in the last two years, or the property is identified as having additional bins that have not been approved, these bins will be removed by the Council.
- 11.9 If a household's circumstances change and as a result alters the volumes of waste being produced, e.g. a member of the household leaves home, residents must inform the Council by visiting the [additional bins: no longer required page](#).
- 11.10 When moving house it is important that residents contact the Council. The additional bin may then be authorised to be taken to the new property and amendments to the collection rota will be made. This can be arranged by visiting the [additional bins: moving house page](#).

## **12 Bins that have not been collected**

- 12.1 It is the resident's responsibility to put the bin out by 6.30am on collection day. The Council will not return to a property where the bin has not been presented for collection on time.
- 12.2 In these circumstances the resident will normally be requested to take their waste to one of the Council's household recycling centres in the following locations:
- Kirkless, Makerfield Way, Higher Ince, WN2 2PR
  - Slag Lane, Leigh WA3 1BZ
  - Chanters Industrial Estate, Atherton, M49 9FF

**Please note that these sites employ certain restrictions. Information relating to these [restrictions and opening times](#) can be found on the website.**

- 12.3 Alternatively, and at the discretion of the Council, residents may be authorised to place their waste in a maximum of three standard size bin bags and present these on the next collection day. The collection crews will be informed of this arrangement.
- 12.4 Where there has been a change to the Council's waste collection arrangements, a flexible approach will be adopted for a period of three months, i.e. we may temporarily suspend the missed bin procedure; this will allow residents the time to adapt to the changes in collection regime.

## **13 Replacement Bins and New Build Property Bin Requests**

- 13.1 Residents are required to clearly number their bins. Residents that request a replacement recycling bin (Brown, Blue, or Green) due to it being lost, damaged or stolen, will be provided with a bin free of charge in the first instance.
- 13.2 Residents requesting a second replacement recycling bin for the same reasons will be liable for an administration charge.
- 13.3 Residents that request a replacement black bin due to it being lost, damaged or stolen will be required to pay a fee. For a list of [fees and charges](#) and terms and conditions, please see the website.

- 13.4 If the bin is damaged during collection, the Council will either repair or replace it before the next scheduled collection at no cost to the resident..
- 13.5 Where a resident requests a replacement bin they may receive a bin that has been reconditioned i.e. cleaned and repaired. Residents moving into a new build property will need to arrange delivery of a new black bin. A charge will be applied for the administration and delivery of this; please note the bin will remain the property of Wigan Council. For a list of [fees and charges](#) and to [make a request](#) please see the website.
- 13.6 Where the resident has moved into a new build property and purchases their black bin from Wigan Council, they will be given a full set of recycling bins free of charge. Requests can be made via the Council's website at [MyAccount](#).
- 13.7 Residents are able to purchase their own bins but they must meet the BS standard specification EN8402012 and be the correct colour for the waste being disposed.
- 13.8 Where appropriate, developers will be charged for new bins in accordance with the council's fees/charges policy.
- 13.9 Replacement bins will normally be delivered within 10 working days.

#### **14 Contamination of wheeled bins and external caddies**

- 14.1 "Contamination" refers to any item that has been placed in the wrong bin. A list of what [items we accept](#) in each bin is available on the website.
- 14.2 The Council's collection crews are authorised to inspect each bin for contamination prior to collection.
- 14.3 The bin will not be collected if it is contaminated with multiple items that are not approved for that particular bin.
- 14.4 A sticker will be placed on any bin that has not been emptied due to contamination. The sticker is designed to inform the resident to remove the contamination; the issue will be recorded by the relevant collection crew and may result in a visit from an Environment Officer to offer advice and assistance.
- 14.5 If the bin contains a very small amount of contamination i.e. a couple of small items, the collection crew will remove the contaminant where possible and collect the bin as normal. A sticker will be placed on the bin informing the resident that the item/s placed in the bin are not recyclable, and the incident will be recorded by the relevant collection crew.

- 14.6 When a resident repeatedly contaminates their recycling bins and after receiving previous warnings, the bin will not be collected, irrespective of the quantity of contamination. A sticker will be placed on the bin and the incident recorded by the collection crew. This may result in a visit from an Environment Officer to offer advice and assistance.
- 14.7 When a bin has been rejected due to contamination, the resident must remove the incorrect items and place in the correct bin prior to the next scheduled collection for that particular bin. Crews will not return to a property until the next scheduled collection day for that particular waste stream. This may result in a visit from an Environment Officer to offer advice and assistance.
- 14.8 If the recycling bin is contaminated to the extent that it needs to be emptied by refuse crews, or the resident continues to breach the Council's Waste Policy, formal legal proceeding will/may be taken against the resident under Section 46 notice of the Environmental Protection Act.
- 14.9 For residents who move into properties where bins are left contaminated by a previous resident, the following options are available to rectify this issue:
- Residents to remove contamination or empty bins themselves; or
  - Wigan Council to empty recycling bins and place household under s46 of Environmental Protection Act; or
    - For rental properties, residents in the first instance should approach their landlord. Landlords will be charged for this service. To request emptying a bin, please visit [the contaminated bins page](#).

## **15 Prohibited items**

- 15.1 There are a number of items that cannot be disposed of in any of the bins provided by the Council. You can find a list of these [prohibited items](#) on the website.
- 15.2 If a collection crew discovers a bin containing any of these prohibited items, the bin will not be emptied. In such cases, a sticker will be placed on the bin to explain why the bin has not been emptied. This may result in a visit from an Environment Officer to offer advice and assistance.

- 15.3 When a bin has been rejected due to it containing prohibited item/s, the resident must remove the items and safely and legally dispose of them prior to the next scheduled collection. Crews will not return to a property until the next scheduled collection day for that particular waste stream. This may result in a visit from an Environment Officer to offer advice and assistance. The resident may also be asked to clean their bin before it is next scheduled to be emptied.

## **16 Abandoned bins**

- 16.1 Residents can report an abandoned bin using [MyAccount](#).
- 16.2 When an abandoned bin has been reported to the Council, it will normally be removed within 10 working days
- 16.3 Abandoned bins once removed, and following cleaning and refurbishment, will be re-issued to residents.

## **17 Communication**

- 17.1 Residents are encouraged to visit the website to find their collection dates and to [download the calendar](#) specific to their property. Residents are also encouraged to check the website regularly for updates to the calendar.
- 17.2 Updates will be provided on other service issues affecting collections such as the impact of severe weather conditions, road closures, flooding etc. Up to date information will be available at [www.wigan.gov.uk/news](http://www.wigan.gov.uk/news).
- 17.3 Residents can also visit the Council's web site to access on-line resources which provide further information regarding [recycle more, recycle right](#).
- 17.4 Residents are issued with a collection calendar that covers an 18 month – 2 year period.

## **18 Cleaning of bins**

- 18.1 Residents are responsible for the cleaning and general hygiene of their bins. For hints and tips please visit [the keeping your bins clean page](#).

## **19 Large or bulky waste items**

19.1 The Council also provides a waste collection service for certain large or bulky items. Before booking a bulky waste collection, residents are asked to consider if the item can be re-used by someone else. Charities can also often make good use of items that some residents are prepared to dispose of and, in some cases, may even be able to arrange for the item to be collected.

19.2 The Council charges for collection of bulky waste items. An up to date list of [fees and charges](#) and [advice on donating to charity](#) is available on the website.

19.3 The items must be booked in for collection and will only be collected if they are dry and easily accessible. A [list of items](#) and how to [book a bulky waste collection](#) is available on the website.

## **20 Fly-tipping**

20.1 Incidents of [fly-tipping can be reported](#) on the website.

20.2 A zero tolerance approach will be taken to fly-tipping. When a fly-tipping incident is reported, it will be thoroughly investigated and, when sufficient evidence is gathered to commence legal proceedings, offenders will be prosecuted.

20.3 For a more detailed overview on how the Council will respond to fly tipping visit [the fly-tipping page](#).

## **21 Duty of care**

21.1 Residents and businesses have a legal duty of care to ensure their waste is disposed of and handled correctly, and that it is only transferred to waste disposal businesses and traders authorised to carry and/or treat the waste. When a resident passes the waste onto the local authority, they have complied with the law. However, when they use a commercial business, they must ensure that the business is licensed to take their waste.

## **22 Business and Non-Household Waste**

22.1 Businesses and traders have a duty of care to make arrangements to ensure their waste is disposed of correctly and must maintain records of their duty of care waste transfer notes. The Council may issue traders with a fixed penalty notice if they fail to produce, on request, the correct documentation.

- 22.2 For the avoidance of doubt, traders may not dispose of waste that has arisen in association with their business in household waste bins, litter bins or at household waste recycling centres. When evidence is obtained that a trader has unlawfully disposed of waste, the Council will issue a Section 34 Notice under the Environmental Protection Act. If the trader is unable to produce the waste transfer notes to demonstrate that waste has been lawfully disposed of, they will be issued with a fixed penalty notice and further legal action will be considered.
- 22.3 For details on how to deal with business waste, visit [the trade waste page](#).
- 22.4 The collection of non-household waste will normally be charged unless the organisation has a specific legal exemption.

### **23 Enforcement action**

- 23.1 The Council's approach is, in the first instance, to offer education, support and advice to ensure that the policy is fully understood and allow the resident time to address any issues or misunderstanding regarding the presentation of their waste for collection. However, the Council has a duty to take action where a resident's behaviour is causing a nuisance to the environment or impacting on others by causing a detriment to local amenities. Therefore, the Council will resort to formal legal powers in these circumstances.
- 23.2 When a resident does not present their bins correctly for recycling, such as leaving the bins in the wrong place, or not returning them to their property, or contaminates their bin, the Council may decide to take a formal approach to enforcement. A formal approach will involve the following stages:
- Advice and warning
  - Section 46 notice
  - Written warning
  - Notice of intent
  - Final notice
  - Appeal
- 23.3 When the decision has been taken to take formal action against a resident because the bin has been presented incorrectly, the resident will be contacted by the Council and provided with written advice to inform them how to present their waste correctly. Where possible, Environment Officers will also present the same advice verbally.

## 23.4 Section 46 Notice

If the resident continues to present their waste incorrectly, they will receive a formal written warning in the form of a 'Section 46 Notice' as required by the Environmental Protection Act explaining:

- The impact of their failure to comply on the environment and local amenity;
- A date by which they must comply;
- Failure to comply will result in the issue of a fixed penalty notice.

The Section 46 Notice informs the resident how they must present their bins correctly in order to avoid further action. A sample is shown below:

Take notice that under the provisions set out in Section 46 of the Environmental Protection Act 1990, as the occupant of the postal address overleaf, Wigan Council requires you to present household waste for collection as specified below.

1. Bins should only contain acceptable items. All households are supplied with a full guide to rubbish and recycling collections. If you require further information, then please visit [www.wigan.gov.uk/recycling](http://www.wigan.gov.uk/recycling)
2. Your rubbish and recycling must be contained in your bins with the lids closed flat at all times to prevent litter. No side waste will be collected unless otherwise agreed by the Council. Overloaded bins will not be taken.
3. You must ensure that all your bins are clearly and permanently marked with your house number (digits must be no less than 10 cm high).
4. You must not use other resident's bins. If your bin is missing, please report it on the website – [www.wigan.gov.uk/recycling](http://www.wigan.gov.uk/recycling)
5. On collection day, bins and/or caddies/sacks must be at the place agreed for the waste collection by **6:30am**.
6. Bins and/or caddies/sacks must not be put out earlier than **6:00pm** on the day before collection unless otherwise agreed in writing with your Council.
7. If, for any reason, you do not put your rubbish or recycling out on time, please store it carefully until your next collection day. Please do not leave it on or outside the boundary

of your property. Alternatively take it to one of our HWRC's, the locations and opening times which can be found [www.wigan.gov.uk](http://www.wigan.gov.uk)

8. All bins must be returned back within the boundary of your property. This should be done on the day of collection.
9. Please refrain from presenting bulky items that are not considered household rubbish. These items will not be collected and would, therefore, be considered fly tipping.

**Failure without reasonable excuse to comply with this notice may result in a fixed penalty notice being issued.**

#### 23.4 Written Warning

If the residents continue to present the waste incorrectly a warning letter will be sent detailing:

- How the residents have breached the notice;
- What the residents need to do rectify this;
- That any further breaches may result in a fine.

#### 23.5 Notice of Intent

If the resident continues to present the waste incorrectly, Environment Officers may issue the householder with a Section 46 notice of intent, detailing:

- The reason why a fixed penalty notice will be issued;
- The cost attached to such penalty notice;
- The right to make a representation within 28 days to the Authority.

#### 23.6 Final notice

Following the 28 day period to make a representation, a fixed penalty notice will be issued. The penalty notice will also include the following information:

- The reason why a fixed penalty notice has been issued;
- The amount payable;
- How payment can be made and the period within which it must be paid;

- Right to appeal to the First Tier Tribunal within 28 days;

### 23.7 Appeal

When issued with a fixed penalty notice, the resident has a right to appeal to the First Tier Tribunal within 28 days.

General Regulatory Chamber  
HM Courts & Tribunals Service  
PO Box 9300  
Leicester  
LE1 8DJ

- 23.8 The requirement to pay the fixed penalty is suspended pending the determination or withdrawal of the appeal. Where the requirement to pay the fixed penalty is confirmed on appeal, payment must be made within 28 days of the confirmation.
- 23.9 If the fixed penalty is not paid, even after an appeal, then the Authority will commence further action.