

**MID DEVON DISTRICT COUNCIL  
WASTE & RECYCLING ENFORCMENT POLICY  
SEPTEMBER 2015**

**1. Introduction**

Mid Devon District Council has taken the decision to introduce Compulsory Recycling.

Current recycling procedures are a **black** recycling box for paper, glass, tins, cans, household metals, textiles, batteries and for the recently introduced mixed plastics, and a **green** recycling box for cardboard and cartons.

Both of these boxes are collected fortnightly.

From Autumn 2015, there will be a weekly food waste kerbside collection using **blue** food caddies and an opt-in fortnightly chargeable garden waste collection service using a **brown** bin.

One of the purposes of introducing compulsory recycling is to increase our recycling performance and to reduce costs for the Council. This will have a positive effect by reducing the amount of waste, especially garden waste, that goes into landfill, by minimising the impact on the environment and at the same time promoting the waste hierarchy. A noticeable improvement in the cleanliness of the district has been proven in other districts that have also introduced this scheme.

The legislation is aimed at encouraging everybody to use the right containers for the right materials. It is not aimed at those who are already doing the right thing but at those who insist on not recycling.

**2. The legislation and offences**

Compulsory Recycling legislation falls under the Environmental Protection Act 1990 and in particular Section 46 of this Act.

It would mean that all households in the Mid Devon District Council area will be covered by this section and once the Council has provided householders with separate containers for waste and recycling, householders have a responsibility to ensure that the correct containers are used for the correct materials and are put out on the correct days and at the correct times.

Section 46 gives authorised officers of the Council the ability to investigate those who put out their waste and recycling in the wrong containers, or who leave their waste out on the wrong day, time or frequency contrary to that prescribed by the Council.

### 3. Penalties and Payments

The presentation of waste for collection in the incorrect containers, on an incorrect day or before or after the prescribed time is an offence, which could result in a fine in the form of a Fixed Penalty Notice for £75.

The fixed penalty notice would be issued under section 47(ZA) of the Environmental Protection Act 1990 and it applies where on any occasion an authorised officer of a waste collection authority has reason to believe that a person has committed an offence under section 46 (domestic) or 47 (business) in the area of that authority.

Prosecution will follow failure to pay a fixed penalty notice issued, by the Council, to the person seen to be responsible for the alleged offence.

### 4. Procedure

The Council intends to use its powers under Section 46 of the Environmental Protection Act to assist in achieving higher levels of recycling. Although the Act gives the Council power to impose penalties against non-compliance, it is the intention of the Council to do this only as a last resort against persistent offenders.

The Council will ensure that residents receive relevant information and education before issuing Fixed Penalty Notices or taking prosecutions against residents. This will be a leaflet which explains what recycling goes in where similar to the one used at the start of the scheme and to be issued to new households.

Mid Devon District Council will have a 'four steps to rubbish and recycling enforcement' policy.

The four steps below will be followed before a fixed penalty notice is given. Ultimately, step 4 will be for non-recyclers who persistently put their waste or recycling out in the wrong container, put it out late or on the wrong day.

**STEP 1** - Waste or recycling found in the wrong container, put out late or on the wrong day will not be collected and will be stickered – authorised officer identifies source of waste or recycling

- **NO?** – Supply all householders in area with information leaflets about recycling – record incident and waste is collected – NO FURTHER ACTION
- **YES?** – Unless a 'carer' is involved whereby Council will leave information leaflets with them, then move to:

**STEP 2** - First occasion in six months – authorised officer calls at home. Ensures resident is fully informed about recycling and issues information leaflets – **First Warning issued and recorded** (letter to householder (SEE APPENDIX B) and an entry in the authorised officer's Pocket Notebook) – waste collected – NO FURTHER ACTION

**STEP 3** – Second occasion in six months – authorised officer calls at home. Explains that this is the second recorded occasion. Re-issues information leaflets – **Formal Section 46 Notice Served**. (SEE APPENDIX C) **and incident recorded** in officer's pocket notebook – waste NOT collected. Resident asked to put waste out in correct container, on the next collection day and time.

**STEP 4** – Third and subsequent occasion in six months – Authorised officer calls at home. Explains that this is the third recorded occasion. Re-issues information leaflets – **Fixed penalty notice for £75 issued under Section 47(ZA) of Environmental Protection Act 1990** - waste not collected. Resident asked to put waste out in correct container on the next collection day, on time.

Fixed Penalty Notice paid within 28 days?

- **YES** – No Further Action
- **NO** – Refer for prosecution

## **5. Further Comments**

The Fixed Penalty rate should be initially set at £75 and reduced to £50 if paid within 14 days of issue. The discount period is to encourage settlement at an amount that is sufficient to act as a deterrent to future offences.

Warning Period – No warning will remain 'live' for longer than six months. Where a resident has previously received a warning and a further warning is required outside of the six month period, the offence will not be escalated but dealt with as a first offence.