

RECYCLING AND WASTE

COLLECTION POLICY.



London Borough of Newham, July 2022

WE ARE NEWHAM.

CONTENTS



1. LEGISLATIVE BACKGROUND	3
2. PRESENTATION OF WASTE & CONTAMINATION	5
3. EXCESS AND UNAUTHORISED WASTE	10
4. PROPERTIES WITH RESTRICTED ACCESS	12
5. TIMED COLLECTIONS	14
6. MISSED COLLECTIONS	15
7. SERVICE DISRUPTION	17
8. ASSISTED COLLECTIONS	18
9. BULKY HOUSEHOLD WASTE COLLECTIONS	20
10. GARDEN WASTE COLLECTIONS	22
11. CLINICAL WASTE	23
12. LICENSED HOUSES IN MULTIPLE OCCUPATION (HMO)	25
13. MIXED HEREDITAMENT PROPERTIES	27
14. RESIDENTIAL PROPERTIES ALSO USED FOR BUSINESS	28
15. COLLECTIONS FROM FLATS	29
16. NON-DOMESTIC AND COMMERCIAL/BUSINESS WASTE	32
17. COLLECTIONS FROM OUTDOOR EVENTS	33
18. ENFORCEMENT PROTOCOL	34

1. LEGISLATIVE BACKGROUND



- 1.1 Newham Council is a waste collection authority with a statutory duty under the provisions of the Environmental Protection Act 1990 (as amended), in particular Section 45 of the Act, to arrange for the collection of household waste in its area and the collection of commercial waste for which a charge can be made.
- 1.2 The statutory duty does not prescribe the method of collection of household waste. Newham Council, therefore, needs to determine the type and frequency of collections to be made available in the area and set out the policies to be applied in relation to these collections.
- 1.3 The Collection Policy is published in accordance with the provisions of Section 46 of the Environmental Protection Act 1990 which allows the Council to:
 - a. Specify the type of receptacle to be used by the householder for the collection of their non-recyclable waste
 - b. Specify the type of receptacles to be used by the householder for the waste which is to be recycled or composted
 - c. Specify the size, construction and maintenance of the receptacles provided
 - d. Determine the position that householders should place their receptacles for emptying by the Council and the steps to be taken by residents to facilitate the collection of waste from the receptacles
- e. Take enforcement action against a householder who fails, without reasonable excuse, to comply with the Council's requirements under this legislation
- f. Make a charge to residents for the provision of waste receptacles, if it so wishes
- 1.4 The Controlled Waste (England and Wales) Regulations 2012, in particular Schedule 1, defines what waste is to be treated as household waste or otherwise the waste that is considered to be industrial or commercial waste. These Regulations also define the types of household waste for which collection and / or disposal charges may be made.



2. PRESENTATION OF WASTE & CONTAMINATION



- 2.1 Newham Council operate a kerbside collection system. This requires waste materials to be separated into the different waste streams ready for collection. This helps ensure that as much waste material as possible can be recycled or composted.
- 2.2 A guide is published periodically, which sets out which materials are to be placed in each receptacle. An A-Z directory which explains how to recycle or dispose of different items is also available on the Newham Council website.
- 2.3 Separate collection arrangements exist for those people living in flats who make use of communal collection services.
- 2.4 In accordance with Section 46 of the Environmental Protection Act 1990 Newham Council directs householders receiving individual kerbside collections to use the bins provided and to present the materials for collection as described below:

TYPE OF RECEPTACLE	WASTE STREAM
Newham Livered Green Bins	Residual Domestic Waste
Newham Livered Orange Lid Bins	Recyclables as per Website
Black Bags	To be used for pre-arranged garden waste collections only

- 2.5 Materials to be collected shall be presented for collection at the boundary of the property [so they can be accessed from the adopted public highway] by the householder by 06:00 hours on the notified collection day. Householders should not put bins out for collection any earlier than 18:00 hours on the day before their collection day.
- 2.6 Bins shall be returned by crews to the curtilage of the property. Bins shall not be left on the footpath or highway between collections.
- 2.7 In a small number of cases, due to the access or location of a property, it may not be possible for householders to place bins at the kerbside in the front of their property. In these circumstances the Council will designate an alternative collection point for the householder.
- 2.8 Where the Council undertakes collections by passing over a private road or drive, the property owner will be required to indemnify the Council from any liability for damage to the road or other surfaces because of the collections. If such an indemnity is not provided, householders will be required to present their bins at an agreed collection point that can be accessed directly from the adopted public highway.
- 2.9 Newham Council will only empty bins that contain the items stipulated for each type of receptacle as listed in the most current version of the collection guide. Only liveried bins supplied by Newham Council will be emptied.
- 2.10 If a Recycling bin is contaminated with inappropriate materials, the bin will not be emptied, in which case the householder will need to remove the contaminated material and present the bin, uncontaminated, for emptying on the next scheduled day of collection or the householder will need to make their own arrangements for disposal of this waste at their own expense.

- Any unemptied contaminated bins will be logged on the internal system by the crews and will be stickered so that the householders are aware that it is contaminated.
 - It is expected that the resident will remove the contamination and present the bin for collection the following week. Contaminated bins will not be returned to in the same collection week, even if the contamination is removed.
 - Residents are reminded that the waste presented in their bins is the responsibility of the householder, bins should be kept in a secure location and only presented on collection day. Should the resident believe that the contamination has been placed there by a third party this will not affect the non-collection of the bin.
 - Where there have been 4 weeks in a row that the Recycling Bin has been contaminated a letter or notification card will be sent to the household by the Waste and Recycling Team reminding them of the items that are suitable for collection. An up to date list will also be available on the Newham Council website.
 - If the bin remains contaminated and unemptied for a further 4 weeks then a visit will be made to the Household by a Member of the Waste and Recycling Team, a further visit may be made by the Team or Enforcement. In exceptional circumstances the Waste and Recycling Team may remove the waste as domestic waste.
 - Should the bin remain contaminated and uncollected after this time (minimum 8 weeks), Waste and Recycling will look to remove the bin and no further Recycling Bins will be allocated to the household without a site visit. If the team attends the property but is unable to make contact with the householder this will not stop the removal process, however letters and notices will be left.
 - Further to the process above, the Waste and Recycling team will also look to make contact with any households that have experienced 6 contaminated non-collections in any rolling 6 month period. This will be through initial letters or notification cards and then a site visit.
 - If Waste and Recycling have been unable to make contact with the household or they feel that the bin is being fully utilised as additional domestic waste storage or used incorrectly the bin may be removed. Notices and letter will be left at the property to advise.
- 2.11 All bins supplied by Newham Council remain the property of the Council and should not be removed from the household address to which they have been issued. Householders are encouraged to appropriately mark their bins with their house number or name so that they can readily identify them. Only bins issued by Newham Council will be emptied.
 - 2.12 Householders are required to keep and maintain the bins provided to them by the Council in a safe and clean condition. Householders should only use the bin for their intended purpose; i.e. the presentation of materials for recycling and waste for collection.
 - 2.13 If a bin is damaged by the crew or lost in the freighter, a replacement will be issued on request. Replacement bins are provided free of charge if the damage or loss has been caused by the Waste and Recycling Team.
 - 2.14 For any other damage or loss of bins then a charge for replacement will be made.
 - 2.15 Newham Council will make a charge for replacement bins that are stolen, lost or damaged by any other mechanism than our collection crews. The charge will be waived for replacement stolen bins on receipt of a CAD number. This can be obtained by reporting the loss to the Police. Updated details and charges are on the website.
 - 2.16 Requests for a larger capacity wheeled bin for general non-recyclable waste will only be considered from households with six or more permanent residents. Applications will be assessed by Newham Council and the supply of a larger capacity wheeled bin will be conditional on the householder being able to demonstrate that they are already fully using the alternative recycling services available.
 - 2.17 Newham Council will review the provision of a larger capacity wheeled bin two years after issue and then periodically after that. Householders shall be required to notify the Council of any changes in their circumstances or if the resident moves house.

- 2.18 The larger capacity wheeled bin may be removed by the Council should householders:
- Not to be recycling effectively
 - Be found to be using the larger capacity wheeled bin inappropriately
 - Are found to have obtained the additional bin under false circumstances
 - Circumstances have changed affecting their entitlement to a larger bin since it was issued
- 2.19 Householders can request a smaller bin if they find that they do not need the additional capacity. This can be done through the website. Changes can only be made once a year.
- 2.20 Householders can request a larger capacity Recycling bin should they find that they have too much recycling. Waste and Recycling Officers may visit the property to ensure that the bin is being used in the correct manner and not to supplement domestic collections.
- 2.21 Householders should only use the bins issued to that property and should not place materials in neighbouring or adjacent bins. Unauthorised use of bins by householders may result in enforcement action being taken.



Underground Refuse Storage

Some new developments, as part of the planning permissions, will have Underground Refuse Storage (URS) instead of traditional bin stores and waste containers.

- 2.22 Any URS needs to be maintained by the Management Company to ensure that they remain fully functional and repairs should be carried out in a timely manner. URS that are not functioning should be clearly marked as such. Only working URS will be emptied by the crews.
- 2.23 The Management Company should ensure that the URS are free of excess waste, and that access is clear. If the bins are unable to be emptied due to not functioning properly, excess waste or parked vehicles then the Waste & Recycling team will not return until the next scheduled collection day. Should a return before that be required this will be a chargeable service.
- 2.24 The areas around the URS should be well maintained and of hard standing and of a suitable size for the collection vehicle with the stabilising legs fully extended. Should repairs need to be made to the area this should be completed as soon as possible. The collection vehicle requires a suitable surface to deploy the stabilising legs. Unsuitable surfaces include, and are not limited to, sand, plywood and bridging boards. In these instances collections will not be completed until a suitable surface is in location.
- 2.25 The Management Company should ensure that all hatches are locked to prevent misuse, the Waste & Recycling teams will also ensure that they are locked once collected.
- 2.26 Due to the methodology of emptying the URS, if extreme weather delays collection, it will be treated as a failed collection and the Waste & Recycling Team will return as soon as conditions are suitable.

New Build Properties

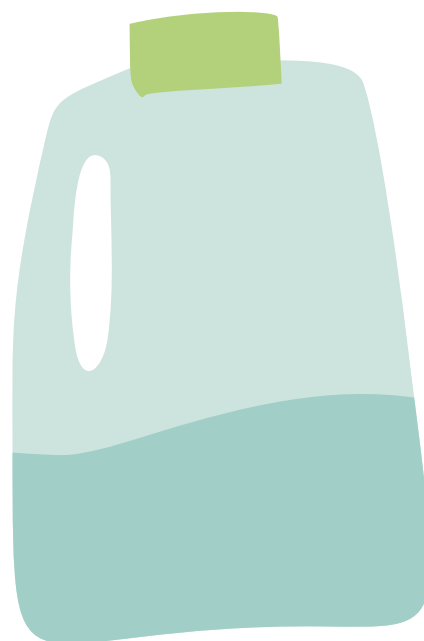
- 2.27 It is the responsibility of the Landlord, Managing Agent or Developer to purchase bins for new build properties. Full costs and delivery lead times are available on application. Updated prices are available on the Newham Council website
- 2.28 Bins must be purchased from Newham Council and advice will be provided by the Waste and Recycling Team on the number of required bins.
- 2.29 Newham Council will provide a full set of bins as appropriate to new dwellings within two weeks of occupation, provided that at least eight weeks prior notice of the occupation of any new property is provided by the developer, property owner, landlord, managing agent or the new resident. A purchase order or full payment must also be received prior to delivery.
- 2.30 Should access be constrained due to ongoing building works then a collection point may need to be agreed.



3. EXCESS AND UNAUTHORISED WASTE



- 3.1 Newham Council operates a closed bin-lid and a no 'side waste' policy. Collection of excess general waste from overfull bins and /or side waste provides no incentive for householders to use the recycling service provided and can have an adverse impact on the quality and appearance of the local environment. Newham Council will only collect household waste that is contained in the bins provided, as directed.
- 3.2 In the case of general non-recyclable waste wheeled bin lids should be closed. General waste presented outside the bin either on the lid or next to the bin as side waste will not be collected. Bins with waste placed on top of the bin will not be emptied. If side-waste is placed alongside the bin, but does not impede moving the bin and, provided that the bin lid is fully closed, then the bin will be emptied. The side-waste will not be removed. If a property presents side waste 6 times in 12 months then the household will be visited by the Waste & Recycling Team. Eligibility for a larger bin will be discussed and also waste minimisation and recycling.
- 3.3 The only exception to this may be after periods of severe weather which has disrupted collections when the Council may relax the no side waste policy to allow the unavoidable build-up of any waste to be removed.
- 3.4 In the case of recyclable waste wheeled bin lids should be closed. Waste and Recycling crews will accept excess waste only if presented in a Newham Council Orange Bag. Flattened cardboard presented next to the bin will also be accepted. Orange Recycling sacks will be available from libraries at Christmas and other peak times of the year. These will be limited to one roll per household. Materials presented for recycling that are contaminated will not be collected.
- 3.5 Waste that is not properly contained or presented as directed will constitute a littering or fly-tipping offence, which may result in enforcement action being taken against the householder deemed responsible.
- 3.6 Excessively heavy bins or bins containing non-household or commercially generated waste will not be emptied. Where the collection crew cannot safely empty a wheeled bin it will be left un-emptied. In these circumstances the householder will be required to remove sufficient material from the bin in order that it can be safely emptied on the next scheduled collection day.
- 3.7 Householders using domestic waste bins for business or commercial waste may be liable to prosecution, if that use contravenes the Controlled Waste (England and Wales) Regulations 2012, or any subsequent legislation.



4. PROPERTIES WITH RESTRICTED ACCESS



- 4.1 In situations where safe, efficient and economic collections cannot be made, for example steps or slopes that make manoeuvring wheeled bins hazardous, it may be necessary for the Council to specify alternative storage and collection arrangements for the property. In determining the collection points for those affected properties, consultation will take place with the householders concerned.
- 4.2 Where access to a property is controlled by electronic gates or other security barriers householders or their agent need to accommodate the arrival of the collection crews and provide timely entry. If access is not permitted within five minutes of arrival, the collection[s] will not be made and will take place at the next scheduled collection day.
- 4.3 Where access is not permitted to gated properties or properties that can only be accessed from an un-adopted road, householders will be required to present their bins outside the gates or at the edge of the public highway for collection.
- 4.4 To ensure that the Council retains an efficient and expedient level of service, all bins should be presented by the householder at an agreed collection point which will normally be where the end of the private road, driveway or other part of the property meets the public highway.
- 4.5 Where development of new properties is still taking place and roads are not yet adopted, but residents are in occupation, Newham Council will carry out a risk assessment to determine whether it is safe to enter the site to make collections. Where it is deemed unacceptable to make collections due to a health and safety risk, the Council will work with the developer to agree a temporary communal collection point. The waste collection crews will only make collections from this location once a satisfactory risk assessment is in place. The developer will be responsible for informing householders about the temporary arrangements. It will be the householders' responsibility to ensure that their waste/recycling is in the temporary area ready for collection by no later than 06.00 hours on the scheduled collection day.



5. TIMED COLLECTIONS

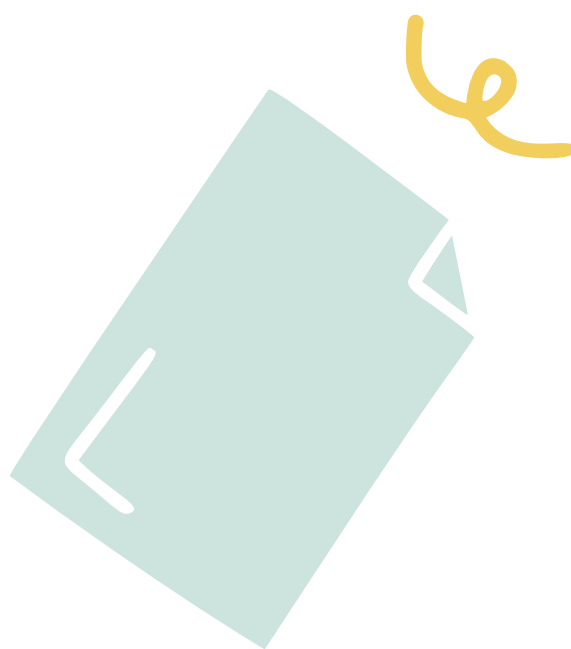


- 5.1 Some streets in Newham have been designated as requiring a 'Timed Collection' a list of these streets is available on the website. Residents will also have been notified directly.
- Timed collections only affect certain streets.
 - Timed band information is available on the website and also on street signage.
 - If you normally put rubbish bags and bins, or any recycling, on these streets for collection, you need to do it at set times and on set days.
 - If you live in a flat above a shop you must put your rubbish bags on the pavement of the main road for collection at set times. Please do not leave any rubbish on side streets or in alleyways.
- If you use a bin which is always stored on your property – that is if you do not normally put it on the road for collection – timed collections do not affect you. You can just use your bin as normal.
 - If your street is affected by timed collections, you must not put rubbish out on the street outside the set days and times (this includes all day on Sundays). Residents on these streets who don't follow the correct process not only risk their street being littered with household rubbish, but may also face a fine.

6. MISSED COLLECTIONS



- 6.1 The Council will make every effort to empty bins presented for collection on the scheduled day. If the Council is unable to empty bins on the scheduled day of collection then, provided the missed collection is reported within 24 hours, the Council will seek to complete the collection within one full working day of the report of a valid missed collection. However, if the Council is unable to do this, the bin will be collected on the next scheduled collection day.
- 6.2 The Council will not return to empty bins in the following circumstances:
- a. Where bins are not presented by 6.00am on the scheduled day of collection
 - b. Where bins are presented in the incorrect location
 - c. Where safe access was obstructed
 - d. Where bins have been contaminated or contain unauthorised waste
 - e. Where wheeled bin lids are not fully closed or side waste is placed on top of the bin
 - f. Where bins are overly compacted and cannot be fully emptied
 - g. Where bins are too heavy to safely manoeuvre
 - h. Where bins have already been emptied once on the scheduled day of collection
 - i. Where more than one wheeled bin for non-recyclable waste was presented for collection
- 6.3 In these circumstances the bins will be emptied on the next scheduled collection day, provided they are presented in accordance with the Collection Policy.
- 6.4 The Council will not return to empty bins where the missed collection is reported more than 24 hours after the scheduled collection day or where the reported missed collection is not valid.



7. SERVICE DISRUPTION



- 7.1 Where collections are disrupted due to the incidence of bank holidays over the Christmas/ New Year period the Council will put in place catch-up arrangements, with any necessary collections usually taking place on the following Saturday. Any such arrangement will be published at least 2 weeks in advance on Newham Council website.
- 7.2 During periods of severe weather the Council will endeavour to maintain scheduled waste collections. However, there may be circumstances where the Council has no option other than to suspend collections on grounds of safety or inability to access certain roads due to snow, ice or flooding. In such circumstances bins will be emptied on the next scheduled collection day. In such circumstances, catch-up arrangements will not be possible.

8. ASSISTED COLLECTIONS



- 8.1 Newham Council currently offers assisted collections to householders who find it difficult to move bins to the boundary of their property. Requests for assisted collections will only be considered if:
- there is no able-bodied person over 16 years old living at the household to help
 - the householder is reliant on a carer who does not live at the property
 - the householder has a permanent disability
 - the householder is unable to move a full bin without assistance
 - the householder requires short term assistance due to an injury or operation
- 8.2 Newham Council defines an assisted collection as the collection of a bin by the collection crews from an agreed collection point within the curtilage of the property, returning the bin(s) to that location after they have been emptied. The agreed collection point should be outside and freely accessible without engagement with the householder; as close to the adopted highway as is reasonably practicable. Bins will not be collected from the rear of the property, or from any areas that need to be accessed by side gates. In agreeing the designated collection point, due consideration will be given by the Council to any health and safety risks associated with access onto the property. Site visits by a member of the Waste & Recycling team may be necessary to assess the most suitable collection point.
- 8.3 Householders are required to make an application to Newham Council for this service. Evidence may be required, examples of such are Doctors Letters or ones from DWP. This list is not exhaustive and each case will be reviewed for eligibility by the service and requests made as appropriate. All records will be held in a secure location and in line with policies of Newham Council. Eligibility for this service will be reviewed periodically and at least every two years. If at any time the Council has reason to believe that the recipient no longer meets the criteria for the assisted collection service, the provision of this service will be reviewed accordingly.
- 8.4 Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.
- 8.5 In the case of Newham Council refusing an application for an assisted collection service, the applicant will be provided with an explanation of the reason for the refusal. The decision of the Waste & Recycling Manager is final.



9. BULKY HOUSEHOLD WASTE COLLECTIONS



- 9.1 Newham Council can arrange for the collection of large items of household waste such as furniture, electrical items, sheds, garden waste etc. from residential properties where these cannot be contained within the bins provided by the Council or where the item exceeds 25 kilograms in weight.
- 9.2 These collections need to be pre-arranged and items can only be collected from outside the property. A collection day will not be specified, nor an exact time during the day. Only items listed in the booking will be collected, additional items present will not be collected. Newham Council reserves the right not to collect any items deemed inappropriate or considered to be unauthorised waste. Please see the website for the most updated list of acceptable items that we can collect.
- 9.3 A collection charge is made for this service and this charge must be paid in advance of the bulky item[s] being collected. All payments for special / bulky collections are non-refundable.

Terms and Conditions below, the latest version will be on the website.

- By making a booking for a bulky waste collection, residents are giving authorisation to Newham Council to collect corresponding items from their property.
- A charge applies for each booked bulky waste collection after 1 October 2020. This charge is payable online by credit or debit card. Please see the website for the latest charges.
- The charge is non-refundable and the request for collection cannot be amended.
- Bulky waste items must be presented within the boundary of the resident's property in an external location within 10m of an accessible carriageway.
- Bulky waste items should be presented for collection as soon as a collection has been booked, but not before.
- If items are not presented in time for the booked collection, a new collection booking will need to be made by the resident and an additional charge will be made.
- If items are removed from the property by the resident or a third party prior to Newham Council undertaking the collection, there will be no refund of the charge provided.
- Additional waste items cannot be added to a bulky waste collection after it has been booked. Residents needing to have more items collected must book and pay for an additional collection.
- Residents may not have more than one bulky waste collection outstanding at any time.
- Newham Council aims to make all booked collections within five working days, but reserves the right to make collections within ten working days of a booking in exceptional circumstances.
- In circumstances outside of Newham's control the bulky waste service may be suspended or collections may take more than ten working days.
- Bookings for bulky waste collections will only be taken online from Newham residents relating to household waste generated in and presented at their sole/main place of residence. Bookings are not taken from private landlords of premises that are rented out to tenants, nor from managing agents of estates or blocks of flats.
- Residents must ensure that items booked for a bulky waste collection are kept separate from any other items on their property. Newham Council accepts no responsibility for the removal of non-waste items placed on or amongst bulky waste items awaiting a booked collection.

10. GARDEN WASTE COLLECTIONS



- 10.1 Newham Council can arrange a collection of Garden Waste for Newham Residents from their properties within the borough.
- 10.2 Collections are free and must be arranged through the Newham Council website or the call centre. Collections are available March to September. Although in exceptional circumstances this period of collection may be extended or shortened. Christmas Tree collections will also be available to book after the Festive period.
- 10.3 Only approved garden waste will be collected. A full list of acceptable and unacceptable waste is available on the website.
- 10.4 This service is based upon a fair use policy. Should the number of collection requests be deemed excessive a visit will be arranged for a Waste & Recycling Officer to attend the property and to approve any further collections. No more than 10 bags should be presented for collection at one time.
- 10.5 Waste should be presented in sealed black bags at the boundary of the property for collection.
- 10.6 Newham Council will aim to clear the agreed waste within five working days.

11. CLINICAL WASTE



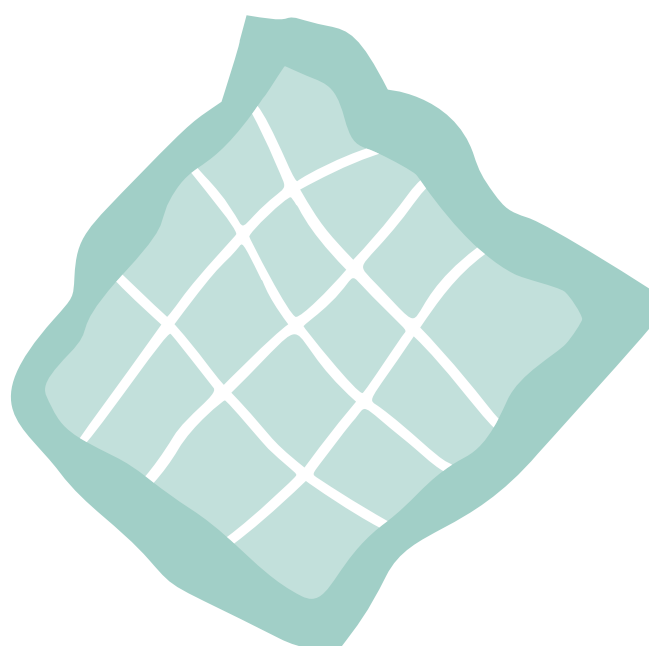
- 11.1 Newham Council's duty to collect healthcare / clinical waste from domestic properties is conditional upon the following circumstances:
- If patients treat themselves in their own home any waste produced because of treatment is considered to be their own. Sharps bins can be obtained on prescription and can be returned to the healthcare provider / doctor's surgery for disposal when full. However, the duty on local authorities to collect and dispose of clinical waste generated by households also applies to sharps waste.
 - In the case of pharmaceuticals (medicines etc.), the recommended means of disposal is to return them to a pharmacist. If this is not possible Newham Council is obliged to collect the waste separately when requested to do so by the waste holder.
- 11.2 If patients are treated in their home by a community nurse or a member of the NHS profession, any resulting waste produced is considered to be the healthcare professional's waste. If the waste is classified as hazardous, the healthcare professional should remove that waste and transport it in approved containers to the healthcare provider's base for appropriate disposal.
- 11.3 Under controlled waste regulations, Newham Council may charge for the collection of specific waste streams, including healthcare and clinical waste. However, Newham Council currently arranges for the collection and disposal of needles, other sharps and hazardous healthcare clinical waste [appropriately contained in special yellow sacks] from residential properties within the Newham area free of charge. Newham Council, however, reserves the right to introduce a charge for collection and disposal of clinical and healthcare waste in accordance with the Controlled Waste (England and Wales) Regulations 2012.
- 11.4 Syringes, needles or other sharps will only be collected if they are placed in a prescription sharps container. Empty sharps containers can be obtained from a GP surgery or other healthcare provider.
- 11.5 Householders should not dispose of syringes, needles and other hazardous healthcare wastes in the general domestic waste stream.
- 11.6 Householders shall be required to notify the Council of any changes in their circumstances that may affect their eligibility for this collection.



12. LICENSED HOUSES IN MULTIPLE OCCUPATION (HMO)



- 12.1 Residents in houses in multiple occupation will be expected to make use of the full range of recycling, and waste collection services, including the separation of materials for recycling as directed by Newham Council.
- 12.2 In the case of licensed HMOs, for properties of 3 or more storeys the provision for general non-recyclable waste will be a single bin of 360Lt capacity emptied once per week. For properties of 2 storeys or less the provision for general non-recyclable waste will be a single bin of 240Lt capacity emptied once per week. Un-licensed HMOs will receive a standard household waste & recycling collection service.
- 12.3 Where the residents of the HMO are responsible for the upkeep and maintenance of any gardens at the property, Newham Council will provide a garden waste collection if requested through the website or call centre. However, where the maintenance of the garden is the responsibility of the license holder, landlord, property owner or managing agent and this is undertaken through a gardening service; this will be classified as commercial waste and it will be the responsibility of the gardening service to remove the garden waste or to arrange for a licensed waste carrier to do so.
- 12.4 The license holder, property owner, landlord or managing agent of the HMO is required to ensure that waste is not allowed to accumulate within the house except where properly stored pending collection by the Council and that waste and recycling services are used as directed by Newham Council.
- 12.5 The license holder, property owner, landlord or managing agent shall ensure that they comply with all items regarding waste on the HMO Licensing document.
- 12.6 Any waste arising from the maintenance of the property, including construction and demolition waste, garden waste where this is produced by a contractor, furniture from furnished properties will not be collected by the Council as household waste. This waste is classed as commercial waste, and therefore the license holder, property owner, landlord or managing agent should arrange for an appropriately registered waste collection contractor to remove this waste for disposal at an appropriate permitted facility.



13. MIXED HEREDITAMENT PROPERTIES



- 13.1 Mixed hereditament properties are generally business properties with living accommodation attached e.g. a flat above a shop. Waste collections from the residential element of mixed hereditament properties are treated by Newham Council in the same manner as normal domestic properties.
- 13.2 The bins provided by the Council for household waste collection must not be used to dispose of business waste and any person found using bins in this way may have them removed and may be subject to prosecution by the Council under the provisions of the Environmental Protection Act 1990.
- 13.3 Newham Council require wheeled bins to be stored within the curtilage of the property.
- However, it is acknowledged that for mixed hereditament properties this is not always possible. In such cases, Newham Council will identify and agree with the property owner, landlord or managing agent and residents a specific storage location[s] and collection point[s].

14. RESIDENTIAL PROPERTIES ALSO USED FOR BUSINESS



- 14.1 Waste produced during any activity for gain or reward, whether on business or domestic premises, while self-employed or working for others is classed as commercial waste. Businesses are legally obliged to store their waste securely and to dispose of it responsibly using an appropriately licenced waste carrier.
- 14.2 Failure to comply with the duty of care requirements is a criminal offence and could lead to prosecution.
- 14.3 Newham Council will not collect through its household waste collection services waste that it believes is generated by a business at a residential property. However, Newham Council can, by separate arrangement, provide a commercial waste collection service for which a charge will be made.
- 14.4 Where a business operates from a residential property and waste from the business is found within the household bin, the bin will not be collected and Newham Council may take enforcement action against the occupant that is operating the business.

15. COLLECTIONS FROM FLATS



- 15.1 Blocks of flats will usually be provided with communal recycling and waste collection facilities, although in some circumstances, such as independent flats above commercial premises, maisonettes and alike, an individual ‘kerbside’ collection may be provided.
- 15.2 Whilst Newham Council has an obligation to collect household waste, property owners, landlords and managing agents have a ‘Duty of Care’ obligation, imposed under section 34 of the Environmental Protection Act 1990 to ensure that all waste arising from the premises is:
- Safely and securely stored
 - Prevented from escaping from the property owners, landlords or managing agents control
 - Prevented from causing environmental pollution or harming anyone
 - Only passed to an appropriately licenced person for transfer and disposal
- 15.3 Failure to comply with the duty of care obligations is an offence and could lead to prosecution.
- 15.4 Communal collection services provided to blocks of flats will often need to be individually assessed and tailored to a specific location, taking into consideration:
- The number and type of property
 - Bin and container storage capacity
 - The presence of waste chutes
 - Any limitations on access by collection vehicles
- 15.5 The standard collection services for blocks of flats will comprise:
- A weekly collection of recyclables
 - A weekly collection of non-recyclable waste
- 15.6 The number and capacity of the communal bins provided will be based on a formula calculation based on a standard collection capacity per dwellings / bedrooms and will vary according to the number and types of property serviced. However, in some circumstances this will need to be adjusted due to the capacity of any bin stores / compound areas.
- 15.7 It is the responsibility of the property owner, landlord or managing agent to identify appropriate space for any bins required. Storage areas should be designed to be secure and convenient to encourage their responsible use by residents.
- 15.8 Where residents use a chute system for the disposal of their general non-recyclable waste, the property owner, landlord or managing agent will be required to manage the bin store area to prevent waste overspill.
- 15.9 Occupiers of flats of whatever tenure are required to present their waste in the manner prescribed by Newham Council using the bins provided by the Council and in accordance with these collection policies. Should the bins need to be presented at an agreed collection point these should be presented by 6am on the collection day and then removed once collection has taken place, no later than 10pm.
- 15.10 Newham Council recommends that conditions should be included in any tenancy / leaseholder agreements to ensure that residents commit to segregating their waste for recycling and presenting it in the prescribed manner.
- 15.11 If the designated collection point is within the grounds of a property it is the responsibility of the property owner, landlord or managing agent to arrange appropriate access before collections can be made. If access is blocked for any reason, then the collection will not be made.
- 15.12 The property owner, landlord or managing agent shall be required to keep and maintain the bins provided to them by the Council in a safe and clean condition and ensure that residents of the flats only use the bins for their intended purpose.
- 15.13 Newham Council will only collect waste that is properly contained in the bins provided and not on the floor. Newham Council will not empty bins that are overfilled or contaminated by unauthorised waste.

- 15.14 Where excess waste is left in bin stores and compounds and this prevents access to bins, these will not be emptied.
- 15.15 Newham Council will not remove bulky household waste items deposited in communal bin storage areas. This remains the responsibility of the property owner, landlord or managing agent.
- 15.16 If bin stores and bins are subject to misuse or are not properly controlled, preventing the regular scheduled collection of household waste then the property owner, landlord or managing agent will be required to take any necessary remedial actions to remove waste or clear bins stores and compounds. If Newham Council is required to undertake any such remedial action the costs will be charged directly to the property owner, landlord or managing agent.
- 15.17 Any waste produced from the maintenance of the property, including construction and demolition waste, garden waste and alike, where this is produced by a contractor or service provider, or furniture from furnished properties and bulky items arising for disposal on change of tenancy, will not be collected by Newham Council as domestic waste.

These are classed as commercial waste and must be collected for disposal by an appropriately registered waste contractor.

- 15.18 In the case of bulky items, Newham Council can arrange a bulky waste collection, for which there will be a charge for collection. Residents should arranged the collection through the website and place the items in the bin store along with the reference number given. In some new developments Bulky Collections may be arranged privately through the Management Company.
- 15.19 Newham Council will only empty bins that contain the items stipulated for each type of receptacle as listed in the most current version of the collection guide. Only liveried bins supplied by Newham Council will be emptied.

- 15.20 If a Recycling bin is contaminated with inappropriate materials, the bin will not be emptied, in which case the property owner, landlord or managing agent will need to remove the contaminated material and present the bin, uncontaminated, for emptying on the next scheduled day of collection.
- Any unemptied contaminated bins will be logged on the internal system by the crews and will be stickered so that the property owner, landlord or managing agent and residents are aware that it is contaminated.
 - It is expected that the property owner, landlord or managing agent will remove the contamination and present the bin for collection the following week. Contaminated bins will not be returned to in the same collection week, even if the contamination is removed.
 - Where there have been 4 weeks in a row that the Recycling Bin has been contaminated contact will be made, wherever possible, with the property owner, landlord or managing agent. An up to date list of suitable items will also be available on the Newham Council website.
 - If the bin remains contaminated and unemptied for a further 4 weeks then contact will be made again with the property owner, landlord or managing agent. In exceptional circumstances the Waste and Recycling Team may remove the waste as domestic waste. The charge for this will be paid by the property owner, landlord or managing agent.
 - Should the bin remain contaminated and uncollected after this time (minimum 8 weeks), Waste and Recycling will look to remove the bin and no further Recycling Bins will be allocated to the property without a site visit. Should it be deemed necessary to remove a bin an additional domestic waste bin will not be provided.
 - Newham Council are happy to support wherever necessary, however the obligation to educate residents and ensure that the bins are presented in the correct manner in line with the policies and contamination policy lies with the property owner, landlord or managing agent.

16. NON-DOMESTIC AND COMMERCIAL/BUSINESS WASTE



- 16.1 Section 75(7) of the Environment Protection Act 1990 defines commercial waste as 'waste from premises used wholly or mainly for the purposes of a trade or business or the purposes of sport, recreation or entertainment'.
- 16.2 The classification of waste is set out in Statutory Instrument No 811 the Controlled Waste (England and Wales) Regulations 2012, which came into effect on 6 April 2012. The Regulations prescribe how waste is to be treated – as household, industrial or commercial waste – defined either by its source or the activity producing the waste. The regulations further define household waste for which a collection and / or disposal charge may be made.
- 16.3 No commercial waste, or waste deemed to be commercial will be removed. Newham Council or other suppliers are able to provide a Commercial Waste collection and these should be utilised.
- 16.4 Failure to use a correct collection service may result in a visit from the Enforcement Team.

17. COLLECTIONS FROM OUTDOOR EVENTS



- 17.1 All waste generated at outdoor events is classified as commercial waste. Event organisers and vendors have a 'Duty of Care' to ensure all waste is disposed of in a proper manner using a registered waste carrier in accordance with Section 33 of the Environmental Protection Act 1990. Newham Council can, by separate arrangement, provide a commercial waste collection service for which a charge will be made.
- 17.2 For third party organised events taking place in parks, on green spaces and in other public places the terms and conditions of hire require the event organiser to produce for approval an effective waste plan and to manage the recycling and waste management activities at the event accordingly. Persons or organisations hiring parks, green spaces or other public places will be expected to apply the principles of waste minimisation in the first instance and then encouraging as much of the remaining material as possible to be source separated for recycling or composting.
- 17.3 Event organisers shall be responsible for managing levels of contamination and ensuring that commercial operators [such as food vendors] fulfil their 'duty of care' responsibilities. Event organisers shall be required to ensure that vendors operating catering and refreshment concessions substitute any non-recyclable containers, cartons and receptacles with items made from materials that can be recycled – for example using plastic or card that can be more readily recycled rather than polystyrene cups and trays.

18. ENFORCEMENT PROTOCOL



- 18.1 In accordance with the provisions of the Environmental Protection Act 1990, Newham Council has directed householders within Newham Council area to use a kerbside recycling and waste collection service.
- 18.2 Newham Council considers this to be a compulsory recycling and waste collection scheme and, consequently, any persons failing to comply with these directions could be subject to enforcement action, using, but not limited to, the provisions of, the Environmental Protection Act 1990, the Clean Neighbourhoods and Environment Act 2005 and the Anti-Social Behaviour, Crime and Policing Act 2014 as appropriate.
- 18.3 Failure to remove a bin from the footpath or highway within the prescribed timescale or between scheduled collection days may also result in enforcement action being taken.
- 18.4 Excess or authorised waste not properly contained with the bin provided or presented next to or on top of the bin as side waste will be considered to be an incidence of fly-tipping or littering which may render the offender liable to enforcement action.
- 18.5 In circumstances where Newham Council incurs additional cost in collecting waste set out in contravention of the notice issued pursuant to s.46 (1A) of the Environmental Protection Act 1990, Newham Council reserves the right to issue a charge to the occupier under the Controlled Waste (England and Wales) Regulations 2012. The charge will be used to recover the additional collection / disposal costs and not as a means of enforcement.

