



Waste Collection Policy



Contents

Version Control	2
Introduction	3
What can you expect from the Council in relation to your waste collections?	5
What does the Council expect of me in relation to my waste collection?	5
Assisted Collections	6
General Collection Policy	8
Contaminated bag process flow chart	11
Absorbent Hygiene Products Service (Nappy Service).....	12
What happens in adverse weather?.....	12
What happens if my road is closed?	12
I have moved into a new development, what does that mean for my waste collection?	13
Communal Collection Points	13
I live on a Private Road, what does this mean for my waste collection?	13
Missed Collections	13
What to do if you are unhappy with the waste collection service?	14
Additional Services	14
Bulky Waste Collection Service.....	14

Version Control

Title	Waste & Street Services Operational Policies
Purpose	The purpose of this document is to describe the current operational procedures within Waste & Street Services
Owner	Carl Touhig
Approved by	Policy Working Group Select Committee
Date	Date that this document was approved
Version Number	3.1
Status	Draft awaiting approval
Review Frequency	Annual review
Next review date	12 months from committee approval
Consultation	Highways/Planning

Introduction

Our Purpose

To provide and promote a clean, safe and sustainable Monmouthshire

Through the delivery of our services in a reliable, flexible and cost effective way that meets the needs of our residents now and in the future

Monmouthshire County Council Purpose	Building Sustainable and Resilient Communities
Monmouthshire County Council Well-being Objectives prioritised to Waste & Street Services in the Service Improvement Plan 2017/18	Maximise the potential of the natural and built environment
	Future-focussed Council
	Lifelong wellbeing
	Best possible start in life
	Thriving and well-connected county

Background

Waste & Street Services is naturally focussed towards maximising the potential of the natural and built environment but recognise the important role we play in delivering services that contribute to the wider Well-being Objectives.

We are one of the few service areas that interact with all our residents on a weekly basis. We carry out 80,000 domestic collections of recycling and waste every week from over 44,000 households. We rely on residents to play an equally important part in this interaction, participating in the services on offer help us meet targets and reduce costs. We have a network of four household waste recycling centres that collectively where residents dispose 25,000 tonnes of waste and recycling every year.

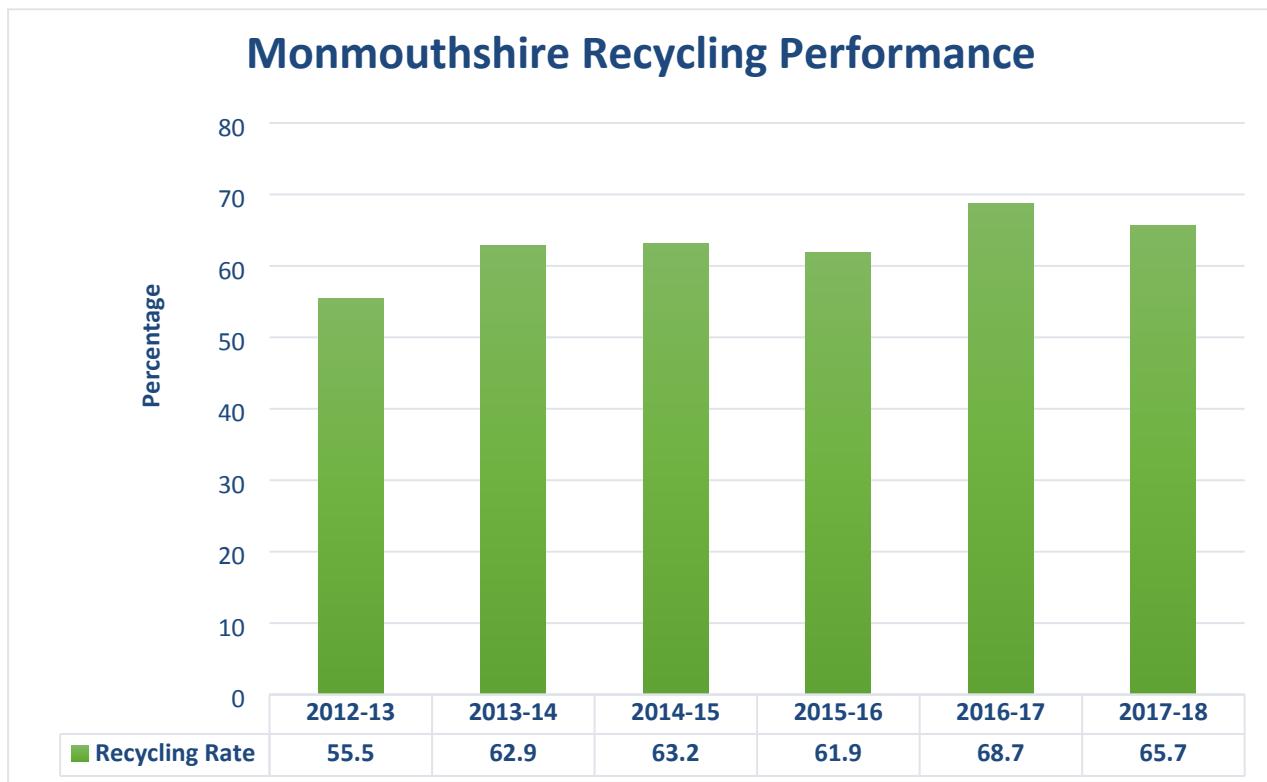
Our Duty

Under the terms of the Environmental Protection Act, 1990, Monmouthshire County Council is classed as a Waste Collection and Disposal Authority, and as such, under section 45 (1), has a statutory duty to collect household waste from all domestic properties in the county. Under Section 46(4) of the Act, the Council has specific powers to stipulate:

- The size and type of the collection receptacle(s);
- Where the receptacle(s) must be placed for the purpose of collecting and emptying;
- The materials or items which may or may not be placed within the receptacle(s).

The Welsh Government has set statutory targets of recycling 58 per cent by 2016-17, 64 per cent by 2019-20 and 70 per cent of waste by 2024-25. ‘Towards Zero Waste’ is the overarching waste strategy document from Welsh Government that outlines Wales’ aim to become a zero waste nation by 2050.

Monmouthshire has achieved high recycling rates in line with Welsh Government targets which can be seen in the table below.



Monmouthshire County Council sends all of the refuse and non-recyclable waste to an Energy Recovery Facility in Cardiff. This means that less than 1% of Monmouthshire’s waste is sent to landfill.

This policy outlines how Monmouthshire County Council is to deliver the refuse and recycling collection service as well as the actions required for householders to participate fully in the service to recycle and dispose of their waste.

What can you expect from the Council in relation to your waste collections?

Under Section 45 of the EPA 1990 the Council has a duty to arrange the collection of waste in its area except where in the opinion of the authority it is so isolated or inaccessible that the cost would be unreasonably high and is satisfied that adequate arrangements can reasonably be expected to be made by the residents or business that produces the waste.

We will provide a weekly recycling collection (red bag, purple bag and food waste), fortnightly recycling collection (glass box) and a fortnightly rubbish collection (2 rubbish bags and absorbent hygiene product collection in yellow bags). Garden waste is dealt with via a separate policy.

You will have an allocated day for each collection taking place between 7am and 3pm. Exceptions to this include Bank Holidays and adverse weather.

We will provide you with access to your collections dates and to be able to download a calendar via our [collection day's page](#).

We will ensure you have a blue bin for food waste collection, a kitchen caddy for food waste and free food waste bags, a red and purple bag for dry recycling, a box for glass and yellow bags for absorbent hygiene waste products. Replacements will be provided free of charge.

Our operatives will treat your bin/box/bag with care and put it back in the correct place. We will pick up any rubbish dropped by crews during the collections and report litter back to the cleansing teams.

Our operatives will be polite and courteous during their collections.

We have a statutory duty to provide one Household Waste Recycling Centre (HWRC) in the County. If you drive a van or a trailer you will need a permit before you can use the HWRC. Residents will need to have their residents permit or a driving licence with a Monmouthshire address to use the Household Waste Recycling Centres.

We will only collect waste in the correct containers which has been properly separated and presented— if something is not in the right bin/bag/box we will leave a note saying why it wasn't taken, you can read more on contamination below. If waste is strewn all over the location as a result of being mis-presented, we will leave a note saying why it wasn't taken.

What does the Council expect of me in relation to my waste collection?

Residents and businesses have a statutory duty to recycle their waste and present it separately in line with the collections system offered. Residents also have responsibility to present waste and recycling in a safe manner for our operatives. This means considering the following:

- Is the bag too heavy to lift;
- Are there any sharp objects that have not been wrapped up;
- Are there any contaminants or has anything been placed into the wrong receptacle.

If our operatives feel it is unsafe for them to collect a bag they will leave a sticker and your waste will not be collected, please note this is not a Missed Collection.

Please place your waste out by 7am to guarantee collection, please note you should not put waste out before 6pm the night before your collection as waste left on the street for a long period of time can cause a hazard. This is considered mis-presentation of waste and is enforceable under the Environmental Protection Act. Waste should not be left on the kerbside any later than 24 hours after your collection.

You must provide your own bags for your rubbish collection. Each household can place out 2 x 80L rubbish bags. You need to put your waste & recycling placed in a visible and safe location which can be accessed by our operatives, or at your designated collection point which is normally the closest kerbside point to your property. If you are unsure please contact Waste & Street Services who will tell you the precise location for collection of your waste.

Assisted Collections

Purpose

The Council will consider requests for assisted collections for waste collections from its residents. Where a resident is infirm and/or struggles to manage to bring waste to the collection point the Council may be able to offer an assisted collection. An assisted collection application allows residents to request their waste be collected from a point other than the kerbside.

The Assisted Collection policy sets out the application process; how entitlement decisions are made, and your right to appeal a decision.

You may be entitled to an Assisted Collection for all of your waste services on a temporary or permanent period, the process is the same for both type of applications.

Application Process

Using My Council Services, our online self-serve tool, or make contact with us through the contact centre, or a local hub to request an assisted collection. You will be asked to provide some pertinent details such as:

- Name
- Address
- Reason for request

You may also be asked some questions to determine eligibility such as;

- If there is another member of your household able to present the waste
- If there is a neighbour or carer who can assist with presenting the waste.

Following receipt of your request which will be sent to the Waste & Street Services Education team, an officer from this team will make contact with you to arrange a site visit at a date and time which is convenient. You can expect to receive initial contact within 2 weeks of making the request.

What happens during a site visit?

The team member will check the information we have captured is accurate and still correct. The team member will carry out an eligibility check, which will include a risk and access assessment in relation to your application. Please bear in mind that part of this check will include the safety and practicality for our team members and operatives in delivering an assisted collection if one is granted.

The following are some considerations that will be taken into account during an assessment for collections crew: access and safety, distance from highway, time taken to complete, reasonable alternatives for disposal etc.

Outcome of the site visit?

The outcome of the site visit will determine your application for an assisted collection. Please note that the outcome of the application may be varied in relation to the different waste streams being presented. Each outcome is determined on the situation of the application being presented, not all assisted collections will be delivered in the same way.

You will receive notification of the outcome of the site visit from the Education Team during the site visit, or shortly following the site visit.

Please note the Council may include certain conditions or obligations on to you in relation to the assisted collection where we have to enter onto your property in order to maintain the health and safety of our operatives.

Change in Circumstance?

If there is a change in your circumstances, you may be required to resubmit an application; a change in circumstance could include a change to the risk assessment such as pet ownership or improvement in physical conditions. Please notify the Council using either the self-serve function or the contact centre of one of our local hubs.

Unhappy with the outcome of the assessment?

Should you be unhappy with the outcome of the assessment please use the Council Complaints procedure to lodge your complaint.

Review Period

Entitlement to an assisted collection will expire every 3 years and you may then be asked to resubmit an application for assisted collection.

Please note entitlement for temporary assisted collections will be awarded with an expiration or review period relevant to the condition.

The Council also reserves the right to withdraw or refuse an application should the health and safety of our operatives become compromised. You will be notified by the Council in writing of any changes to your assisted collection.

Will adverse weather affect my collection?

Your waste will be collected in line with the adverse weather conditions policy where it is safe for us to do so.

General Collection Policy

What does the Council collect and when?

Please see poster below which details all our services, please note these are examples and not an exhaustive list. If you are unsure about what goes where, or when, please just get in touch with us via the contact centre and we will be able to provide specific advice.

Acceptable receptacles

The Council will provide the receptacles for all your recycling and nappy bags. You will need to collect receptacles from your local Community hub. Please note all containers and bags remain the property of the Council.

The Council will not provide receptacles for residual/general waste for individual households.

WHAT GOES WHERE 2019



monmouthshire
sir fynwy

Red recycling bag

Weekly

- Paper and shredded paper
- Card/cardboard
- Junk mail
- Envelopes
- Magazines and newspapers
- Juice cartons (including Tetra Paks)



Blue food waste bin

Weekly

- All food (cooked and raw)
- Bones
- Peelings
- Tea bags
- Paper towels



Purple recycling bag

Weekly

- Tins and cans
- Plastic bottles and tops
- Kitchen foil
- Yoghurt pots and plastic punnets
- Margarine tubs and ready meal trays
- Empty aerosols



Glass recycling box

Fortnightly

- Glass bottles
- Glass Jars



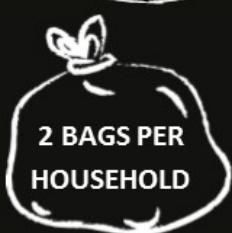
Black rubbish bag

Fortnightly

All non recyclable waste

Including:

- Polystyrene
- Crisp packets
- Plastic wrapping
- Cold ashes
- Cat litter and dog waste



Yellow nappy hygiene waste bag

Fortnightly

- Disposable nappies
- Incontinence waste
- Other changing waste including; cotton wool, wet wipes and nappy bags



Batteries and electrical items can be recycled at the Household Waste Recycling Centres
Visit Monmouthshire.gov.uk



Seasonal garden waste collection

Register for the service at
Monmouthshire.gov.uk



Are there items I cannot place in my recycling and black bag for kerbside collection?

Yes, please see below a list of items that may not be presented in your recycling and black bag collections. These materials may be able to be taken to a Household Waste & Recycling Centre.

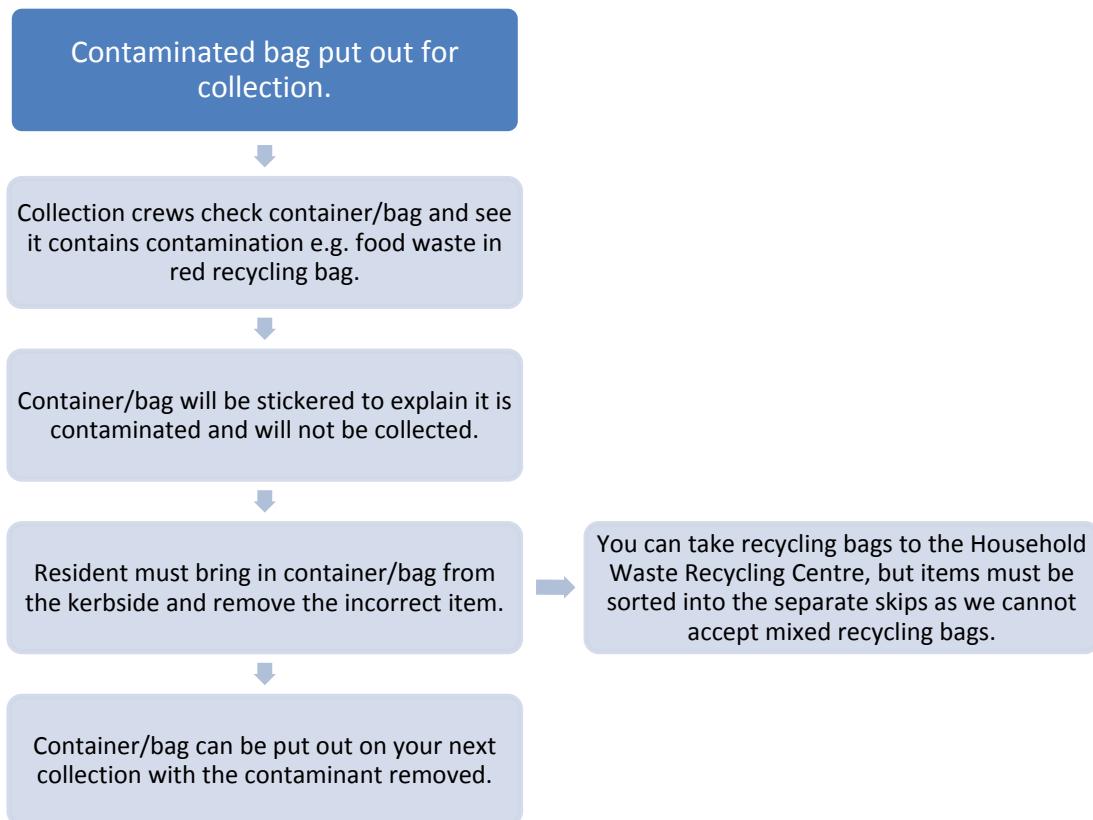
- Clothes, shoes, fabric and bedding
- Uncontained liquid waste
- Commercial/business waste
- Hot ashes (please allow to cool)
- Batteries
- Car batteries
- Hazardous wastes e.g. asbestos
- Corrosive substances including paint & oil
- Materials generated from construction, demolition, DIY home improvement or decorating e.g. Rubble, bricks, Plasterboard, Wood etc
- Soil, stones, Garden Waste (we have a dedicated collection for garden waste)
- Fluorescent tubes/low energy light bulbs
- Waste Electrical & Electronic Equipment e.g. Microwaves, TV's, Irons, Toasters, Kettles, Hairdryers, Electric Toothbrushes, Computers. Anything with
- Pesticides & weed killer
- Paint (in liquid form)
- Tyres
- Bulky Waste or large items such as furniture or appliances

Any items with the crossed out bin sign on it cannot go in your kerbside waste and must be taken to a Recycling Centre for correct disposal.

If you present waste which our operatives believe contains any of the above, or any not accepted materials, the operatives will not collect the waste. The collection crew is not permitted to remove contaminating materials. A label will be affixed to the container detailing the reason for non-collection, please note this will not be classed as a missed collection and we will not return to collect the waste.



Contaminated bag process flow chart



The crew will not return to collect rubbish containers rejected for collection, even if the offending material has been removed, until your next scheduled collection date. The disposal of the contaminant becomes the responsibility of the householder, who will be required to dispose of the waste in accordance with instructions provided by the Council Officer. Generally, the householder will be required to remove the waste contravening this policy. The container can then be presented on the next scheduled rubbish collection day for emptying.

Failure to comply with the instructions of the Council Officer may result in enforcement action being taken under appropriate legislation.

Absorbent Hygiene Products Service (Nappy Service)

Monmouthshire provides yellow single use bags for nappy and hygiene waste which are collected fortnightly in along with your refuse collection.

As with other recycling bags, the bags are available for you to collect from your local Community Hub. This service is free of charge to residents of Monmouthshire and does not require pre-registration.

For discretion, we are able to collect yellow bags from inside a small dustbin placed at the kerbside alongside your refuse.

The yellow bags must only be used for nappy and hygiene waste and associated items such as; disposable nappies, cotton wool, wet wipes, nappy sacks and absorbent hygiene waste products. If they are used for general household rubbish they will not be collected and will be subject to the contaminated bag process.

What happens in adverse weather?

We often experience periods of adverse weather where the priorities for delivery of the service are determined by what is safe and reasonable for our operatives to do. In many cases the waste operatives are usually diverted to deal with the adverse weather event or exceptional circumstance so the Council has to operate a reduced waste collection service.

We will prioritise the collection of residual/general waste above recycling in areas where it is safe to do so. You will be able to find up to date information in relation to your collections on our website or social media channels.

If it is unsafe for us to collect your waste, please note that this is not a missed collection for reporting purposes, we will endeavour to collect the waste when it becomes safe for us to do so.

What happens if my road is closed?

Where the Council has been notified of a road closure that will affect waste collections we will work with the contractor and may be able to assist residents in transferring waste to the safe location. You will be notified of any change that affects where you must present your waste.

We will endeavour to collect waste once it is in a safe accessible location; however if there is not a suitable safe location you are able to take your waste to the Household Waste Recycling Centres should you wish.

If there is an emergency road closure our operatives will do what they can to collect presented waste, if this is not possible for safety we will update Contact Centre and Hubs who will be able to provide you with additional information in relation to your waste collections.

I have moved into a new development, what does that mean for my waste collection?

Whilst under “developer control” – responsibility for presenting waste lies with the developer to present it to the Council in a location where we can safely and practically collect the waste. The developer should inform of you of what this means when you take up residency of the property.

As developments become safe and viable for us to collect in a phased manner, you will be contacted by either the developer or the Council in advance of your collections being collected from the kerbside. The decision in relation to kerbside collections on new developments is with the Council and based on risk assessments and health and safety of our operatives and vehicles.

Communal Collection Points

A communal collection point is where two or more households present their waste in the same location.

In order to promote high levels of recycling and reduce fly tipping and deliver an operationally efficient service, the Council does not encourage communal collection points.

In exceptional cases where a communal collection point may be beneficial a Recycling Officer can visit and assess your requirements.

I live on a Private Road, what does this mean for my waste collection?

In normal circumstances we do not drive on a private road.

However, there are circumstances where it may be necessary to access a private road. In this instance, MCC vehicles will only travel on roads where it is deemed safe and suitable to do so.

The decision on safety and suitability will be made by an officer of the council in the form of a risk assessment and will take various factors into account such as surface condition, width and turning space of the road.

If MCC agree to access a private road, permission may be required from the owner and indemnity required towards any damages caused whilst delivering services.

Should a private road become unsuitable or deteriorate in condition, the Council will review to determine suitability for delivering services and advise the owner on the outcome and any remedy required to continue collections.

Should you wish to appeal a decision in relation to a Private Road, you can use the Council Complaints Procedure.

Missed Collections

A missed collection is defined as recycling or waste bags/boxes presented within the stated parameters of the collection policy (ie: placed out kerbside by 7am, correct materials present in the waste stream, presented in the correct containers) that is not collected by our collection crews either in error or due to unforeseen circumstances such as emergency road closure etc.

If MCC collection crews pass a property and there is no waste presented this is **NOT** classed as a missed collection.

In this instance, MCC collection crews will record when a property has no waste out for collection on an in-cab system which feeds information back to the contact centre.

If a 'missed collection' is reported to the contact centre by a member of the public but it has been recorded by our crew that waste was not presented, MCC will not return to collect the waste.

Members of the public will be advised to hold on to their waste until their next scheduled collection or use the Household Waste Recycling Centre.

If waste is presented but contaminated with materials not in line with the collection policy this will be classed as mis-presented, stickered as so by MCC collection crews and also recorded on an in-cab system which feeds information back to the contact centre.

If a 'missed collection' is reported to the contact centre by a member of the public but it has been recorded by our crew that waste was contaminated, MCC will not return to collect the waste.

Members of the public will be advised sort the waste into the correct receptacles, or remove the contaminant. The waste will then be collected on the next scheduled collection date or alternatively can be taken to the Household Waste Recycling Centres. (nb: the HWRC's don't accept red and purple recycling bags – you will need to separate the recycling out into different material streams).

If waste has been stickered as contaminated it is the resident's responsibility to remove this from the kerbside within 24 hours.

Please note if we are unable to collect waste as a result of an adverse weather or exceptional circumstance, this will not be classed as a missed collection and you will find further details on our website in relation to when full services will resume.

Please note the following guidelines for missed collections where the waste was correctly presented before 7am on the day of collection:

All waste streams - we will collect within 3 working days but we will endeavour to get there sooner.

All reports of missed collections must be made using the self-serve function on My Council Services, via the contact centre or in your local hub.

If you have confirmed missed collections on more than 3 occasions during a 12 month period, a Supervisor may need to attend to investigate the issues. The Council Complaints Policy is available if needed.

What to do if you are unhappy with the waste collection service?

If you are unhappy with the waste collection service, please use the Councils Complaints procedure to lodge your complaint, which will be directed to the correct officer and dealt with in accordance with the policy timescales.

Additional Services

Recycling Officer Visit

Recycling officer visits/contact can be requested officer if you have any problems or questions about your recycling/waste collection.

If a household has exceptional circumstances and require extra allowance of refuse, for example large families, you can request to have a visit from a recycling officer to discuss your needs. You can request to be contacted by a recycling officer if you have any problems or questions about your recycling collection. You can do this by contacting Monmouthshire County Council via the methods in the contact section of this document.

Bulky Waste Collection Service

Monmouthshire County Council provides a Bulky Waste Collection Service to collect furniture and large household items from residents. This service is operated by Homemakers Community Recycling. Homemakers Community Recycling is a registered charity and they aim to reuse or recycle all the items they receive.

Home collection costs start from £15 for 1-3 items and increases for additional items. More information can be found on Homemakers website - <http://www.hmcrecycling.co.uk/bulk-collection.html>

To arrange a collection please contact Homemakers on 01873 857618.

Commercial Waste Customers

Please note all the above policies are applicable to commercial waste customers.

If you require additional information on your legal obligation in relation to commercial waste please visit our website for more details.

Garden Waste

Please note there is a separate policy for Garden Waste Customers available online.

Waste and Street Services Enforcement Policy

1. Introduction

Fair and effective enforcement is essential to protect the health, safety and interests of the residents, visitors and businesses of the Monmouthshire area. The appropriate use of enforcement powers, including prosecution, is important, both to secure compliance with the law and to ensure that those who have duties under it may be held to account for failures to safeguard health and safety.

This enforcement policy sets out the general principles and approach that officers within the WSS Section follow when carrying out enforcement work. By applying the same principles, everyone involved in the process is helping to treat stakeholders fairly and effectively.

All authorised officers, when making enforcement decisions, will abide by this policy. Any departure from this policy must be exceptional, capable of justification and must be approved by the WSS Manager.

2. Purpose and Method of Enforcement

- 2.1. This policy applies to the enforcement activities undertaken by Waste and Street Services Officers.

The term “enforcement” has a wide meaning and applies to all dealings between authorised officers and those on whom the law places duties. This is not limited to formal enforcement action, such as prosecution and includes, for example, checking compliance with Acts and Regulations and the provision of advice to aid compliance.

- 2.2. The purpose of enforcement is to:-

- * ensure that duty holders take action immediately
- * promote and achieve sustained compliance with the law
- * ensure that duty holders who breach statutory requirements, may be held to account, which may include bringing alleged offenders before the courts.

- 2.3. The authorised officers have a range of tools at their disposal in seeking to secure compliance with the law and to ensure a proportionate response to criminal offences. Authorised officers may offer duty holders information and advice, both face to face and in writing. This may include warning a duty holder that in the opinion of the officer, they are failing to comply with the law. Where appropriate, officers may also serve statutory notices including fixed penalty notices, issue formal cautions and prosecute where necessary.
- 2.4. Authorised officers must use discretion in deciding when to investigate or what enforcement action may be appropriate. This policy includes information on the decision making process which officers must follow when deciding on enforcement

action. Further details may be found in the relevant Monmouthshire County Council enforcement procedure. Monmouthshire County Council expects that judgements will be made in accordance with the following principles. These are in accordance with the enforcement concordat agreed between Government and Local Authority Associations.

- 2.5 The authority has regard to the Regulators' Code in undertaking its enforcement activities.

3. **Principles of Enforcement**

Monmouthshire County Council believes in firm but fair enforcement of legislation.

This should be informed by the principles of proportionality in applying the law and securing compliance; consistency of approach; targeting of enforcement action; transparency about how the regulator operates and what those regulated may expect; and accountability for the regulator's actions. These principles should apply both to enforcement in particular cases and to the Council's management of enforcement activities as a whole.

3.1. **Proportionality**

Proportionality means relating enforcement action to the risks involved. Any action taken by authorised officers to achieve compliance should be proportionate to any risks involved, or to the seriousness of any breach.

Some legislative requirements are specific and absolute, others require action so far as is reasonably practicable or only where necessary. Some commercial operations will also have a defence under the law, such as 'best practicable means'.

Deciding what action is necessary to control risks to public health and the environment involves the exercise of judgement. Officers must take account of the degree of risk on the one hand and on the other the sacrifice, whether in money, time or trouble, involved in the measures necessary to avert the risks to health and the environment. Unless it can be shown that there is gross disproportion between these factors and that the risk is insignificant in relation to the cost, the duty holder must take measures and incur costs to reduce the risk.

When assessing compliance with legislation officers should have regard to current good practice and available guidance material eg Industry Guides, Codes of practice, etc. Ultimately, the courts decide what is reasonably practicable/necessary in particular cases.

3.2. **Targeting**

Targeting means making sure that enforcement activity is targeted primarily on those whose activities give rise to the most serious risks or where the hazards are least well controlled; and that action is focused on the duty holders who are responsible for the risk and who are best placed to control it – whether employers, residents or others.

Reactive investigations or requests for service are prioritised according to relative risk by the investigating officer. It is Monmouthshire County Council's policy that all requests for service are responded to within five working days.

3.3. Consistency

Consistency of approach means taking a similar approach in similar circumstances to achieve similar ends.

Guidance is provided for authorised officers on appropriate enforcement methods within this policy and in the various documented Monmouthshire County Council procedures.

In order to secure a consistent approach between officers in interpreting relevant guidance WSS will work closely with officers from Environmental Health.

Other internal quality assessment arrangements include:-

- * 'file review' programme to monitor post inspection paperwork
- * annual performance review
- * joint visits with line manager
- * benchmarking of performance with other local authorities

Effective liaison arrangements are also in place between Monmouthshire County Council and other enforcing bodies. Where formal arrangements exist a designated officer will attend regional group meetings. Issues of enforcement method, interpretation of legislation, etc are discussed to ensure a consistent approach throughout South East Wales. Where formal liaison groups have not been established informal liaison arrangements have been forged with neighbouring authorities.

3.4. Transparency

Transparency means helping duty holders to understand what is expected of them and what they should expect from the local authority. It also means making clear to duty holders not only what they have to do but, where this is relevant, what they don't. That means distinguishing between statutory requirements and advice or guidance about what is desirable but not compulsory.

Duty holders, employees, residents and others need to know what is expected of them when they are contacted by an authorised officer. In particular:

- * when officers offer duty holders information, or advice, face to face or in writing,
 - including any warning, officers will tell the duty holder what to do to comply with the law, and explain why. Inspectors will, if asked, write to confirm any advice and must distinguish legal requirements from best practice advice
- * in the case of statutory notices the inspector will discuss the notice and, if possible, resolve points of difference before serving it. The notice will say what needs to be done, why, and by when, and that in the inspector's opinion a breach of the law has been committed

In addition, where enforcement action is initiated, duty holders must be clear on what rights of complaint are open to them . Where appropriate written correspondence must contain details on who to contact in case of disagreement with the enforcing officer and all statutory notices must contain information on how to appeal.

3.5. Accountability

Regulators are accountable to the public for their actions. Monmouthshire County Council therefore has policies and standards against which they can be judged and an effective and easily accessible mechanism for dealing with comments and handling complaints.

The details of Monmouthshire County Council's procedure for handling complaints are set out in the Monmouthshire County Council Complaints Procedure document.

Where appropriate written correspondence must contain details on who to contact in case of disagreement with the enforcing officer and all statutory notices must contain information on how to appeal.

4. Enforcement Options

- 4.1. Officers will select the most appropriate enforcement procedure to take after having considered all the issues of the case. Enforcement decisions will be consistent, balanced, fair and relate to standards that ensure the public or the environment is properly protected. The criteria to be considered will include:
 - * the seriousness of the offence
 - * the history of the activity
 - * confidence in achieving compliance
 - * the consequences of non-compliance
 - * the likely effectiveness of the various enforcement options
- 4.2. After considering the criteria the following options are available:-

- * to take informal action
- * to serve statutory notices
- * to issue formal cautions
- * to prosecute

A staged approach to enforcement should always be adopted and persons or businesses should be given the opportunity to discuss and remedy problems before action is taken, unless circumstances require immediate action, for example to secure public and environmental health/safety.

5. Prosecution

The recommendation to pursue a prosecution will be made by an authorised officer after consultation with the WSS Manager. The Council's solicitor will be consulted on the quality and adequacy of evidence and other legal issues raised. The criteria for the issue of proceedings are:

- * the alleged offence involves a flagrant breach of the law such that the public is or has been put at risk or irreversible damage has resulted
- * there has been a reckless disregard for the environment
- * the alleged offence involves deception which may or may not result in loss or potential loss to public funds
- * the alleged offence involves a failure to correct an identified potential risk having been given a reasonable opportunity to do so by an officer
- * the alleged offence involves a failure to comply either in part or in full with the requirements of a statutory notice
- * there is a history of similar offences
- * a formal caution has been offered and refused
- * the prosecution is in the public interest and it is desirable to reassure the public or deter other offenders.

All prosecutions will be conducted in accordance with normal legal procedures,

including the Code of Practice for Crown Prosecutors and will take account of the

Police and Criminal Evidence Act, the Criminal Procedures and Investigations Act, and the Human Rights Act. All relevant evidence will be considered and there will be a realistic prospect of obtaining a conviction.

Before the final decision to proceed is taken regard must be had to the prosecution criteria listed below.

i) Evidence Sufficiency

A prosecution must not be started or continued unless there is admissible, substantial and reliable evidence that a criminal offence known to the law has been committed by an identifiable person or company. There must also be a realistic prospect of conviction.

ii) Public Interest Criteria

Following consideration of the above items, once an enforcement officer is satisfied that there is sufficient evidence to provide a realistic prospect of conviction, there must also be a positive decision based on relevant criteria, that it is in the public's interest to prosecute. For this purpose, regard shall be had to the Code for Crown Prosecutors issued by the Crown Prosecution Service.

5.4. Cautions

A caution may be offered as an alternative to prosecution. A caution may be offered where there is sufficient evidence that an offence has been committed and:

- * consideration of the aforementioned Public Interest Criteria presumes in favour of not prosecuting the offender and/or
- * where an offence is not carried out wilfully or maliciously; there is no previous history of similar offences and there is a positive attitude to rectify and prevent further offences on the part of the offender.

Prior to issuing a caution in order to safeguard the suspected offenders interests, the following conditions must be fulfilled:

- * there must be evidence of the suspected offenders guilt sufficient to give a realistic prospect of conviction
- * the suspected offender must admit the offence
- * the suspected offender must understand the significance of the caution and give an informed consent to being cautioned.

The use of cautions by Waste and Street Services will be in accordance with Monmouthshire County Council's written procedures and Home Office Guidance.

6. Monitoring & Review

This policy will be monitored and reviewed by the Environmental Health Manager and Senior Environmental Health Officers in the course of their line management supervision.

Instances of non-compliance with this policy will be recorded and reported to the Environmental Health Manager, who will instigate appropriate action.

7. What we will enforce

Neighbourhood Services will undertake enforcement actions in relation to the following areas:

Domestic and commercial missed presentation of waste, examples might include:

- Using the wrong receptacle for recycling and waste
- Repeatedly putting waste out for collection on the wrong day.
- Repeatedly putting waste out in the incorrect place
- Contaminating recycling by placing the wrong materials within the receptacle
- Putting out too much waste – the Council currently operates a 2 bag maximum on household rubbish.
- Household waste in public litter bins
- Failure to provide a Duty of Care Waste Transfer Note duty of care, failure to have a properly organised waste carrier or evidence of a waste transfer note.

8. How will we enforce

Where issues are identified, this will trigger the first part of the process.

Informal Action Letter – letter identifies the issue, the resolution process and how to deal with waste correctly going forward

Formal warning letter – letter identifies issue as more serious or where repeated offence has occurred. Notices are to the person at specific address

Final warning and Section 46 notices – letter sets out impact if behaviour continues and is first stage of process that can lead to issue of Fixed Penalty Notice. Gives information on how to appeal and what must be done in relation to waste storage at the address.

Fixed Penalty Notice – £100 issued to resident and payable to MCC

Court – for not paying FPN or prosecution for the original offence or where offence is more serious, payable to the Court and expenses to MCC.

