

LEEDS CITY COUNCIL: - WASTE MANAGEMENT

Operational Policy Subject: Garden Waste Collection Service
Approved by: Chief Officer Waste Management Services
Date: 07 January 2014
Version Number: Final
Version Revised by: Waste Strategy Team

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1. Scope

- 1.1. This policy applies to all domestic properties within Leeds. It deals with the separate collection of garden waste which might otherwise have been disposed of in a residual refuse wheeled bin.
- 1.2. This service is provided in line with current legislation and guidance provided by the Department of the Environment, Fisheries and Rural Affairs (Defra), the Environment Agency (EA) and Leeds City Councils Legal & Democratic Services.
- 1.3. Free disposal and/or collection of garden waste from domestic properties is determined in the Environment Protection Act 1990 (EPA), the Household Waste Recycling Act 2003 (HWRA), Landfill Directive, Cleaner Neighbourhoods Environment Act 2005 (CNEA) and Controlled Waste Regulations 1992 (CWR).
- 1.4. Free disposal and/or collection of household waste from any other organisations/individuals is determined under the 'Discretionary Policy' of Free Waste Disposal and/or Collection Services for Charities, Places of Religious Worship and the Voluntary Sector. This policy is not relevant to business waste
- 1.5. Promotion and encouragement of recycling is in line with the Household Waste Recycling Act 2003.

2. Objectives

- 2.1. To provide a kerbside garden waste collection service across the City which complements all the existing collection and disposal infrastructure provided by the Authority.
- 2.2. To ensure that services offered are safe, efficient, and reliable to meet the needs of residents and are provided in accordance with the current residential collection strategy.
- 2.3. To provide suitable receptacles to contain the waste and ensure health and safety risks are controlled for all users.

- 2.4 To make provision for the community / voluntary sector who divert garden waste away from landfill. This will be managed under the Free Waste Disposal and/or Collection Services for Charities Policy.

3. Link to Best Council Plan 2013-2017.

- 3.1 This policy is complementary to, and supports the Best Council objective of *“Dealing effectively with the city’s waste: minimising waste in a growing city, with a focus on:*

- *ensuring a safe, efficient and reliable waste collection service;*
- *providing a long-term solution for disposing of our waste;*
- *increasing recycling;*
- *reducing landfill tax costs.”*

- 3.2 The Integrated Waste Strategy 2005 – 2035, and subsequent updates, aims to minimise waste sent to landfill and to increase the recycling of Household Waste to more than 55% by 2016 and more than 60% longer term.

3.3 Waste Management Service Priorities

The overall vision is to deliver a safe, flexible, high quality, efficient and reliable waste and recycling collection service that meets the needs of residents and delivers the waste strategic objectives to minimise waste sent to landfill and increase household waste recycling.

4. Garden Waste Collection Policy

- 4.1. The garden waste collection service is provided to properties identified as suitable to receive the service, in line with the availability of resources, and can accommodate a 240 litre wheeled bin.

Those households which are eligible to receive a brown bin and are on a collection route are not eligible to request a bulky waste collection for garden waste. These households are advised to take their excess garden waste to their nearest household waste sorting site or to compost it at home.

Those households which are not yet able to have a brown bin are urged not to dispose of their garden waste in their residual bin and advised to take it to the nearest household waste site, compost it at home or as a last resort request a bulky waste collection.

4.2. Collection Frequency

The garden waste collection service operates on a fortnightly basis during the months March to November. During December, January and February there are no garden waste collections.

4.3. **Container Type**

Suitable households will be allocated one brown 240 litre wheeled bin for the containment of their garden waste.

4.4. **Replacement/Extra Containers**

The garden waste collection service is intended to divert garden waste away from the residual waste bin, and not to displace existing, alternative disposal arrangements. It is not the Council's intention or policy to provide free collection or disposal for significant quantities of garden waste from households.

Only one garden waste bin is provided per household. Extra containers are not provided. Home compost bins are available to Leeds residents at a competitive rate via the Council's preferred supplier. Details can be found on the Council's website.

Replacement bin requests will be recorded. If replacement bins are requested frequently, a charge may be incurred for the bin. The charge would cover the cost of administration and delivery of the bin. The bin would always remain the property of Leeds City Council.

When replacement bins are delivered and a bin is found to already be on site the new bin will not be left. The delivery crew will highlight this to the Waste Management Development Team.

4.5. **Presentation**

Garden waste bins must be presented, by the householder, for collection by 7am on the day of collection, at the kerbside, in a place which will cause the least obstruction to other users of the footpath such as visually impaired people and disabled people. The collection crew will return the bin to a similar position following emptying.

Any variations to the standard service will be notified to the householder.

The householder should return the bin back onto their property, as soon as possible on the same day as the collection takes place unless there is a service failure. If this is the case, refer to section 4.10.

If the bin continues to be left on the street it will be dealt with through the Council's 'Bins on Streets' enforcement policy by the Localities Team.

4.6. **Accepted Material Types**

Accepted material types are:-

- grass cuttings
- hedge clippings
- leaves

- dead houseplants and bedding plants
- windfall fruit
- weeds (except noxious / invasive weeds)
- twigs and small branches (no more than 3cm thick)

The types of materials accepted are determined by the outlet and treatment technology currently available to the Council. This will be subject to change from time to time when contractual arrangements are renewed / reviewed.

4.7. **Unaccepted Material Types**

Unacceptable material types are any wastes not included in the list at 4.7 above.

As explained above, the types of materials unacceptable are determined by the outlet and treatment technology currently available to the Council. This will be subject to change from time to time when contractual arrangements are renewed / reviewed.

It should therefore be noted that, although some are theoretically recyclable, the following materials are currently also unacceptable:

Unacceptable material types are:-

- plastic bags and papers
- metal
- soil, stones or rubble
- dog or cat faeces
- turf or ash
- animal bedding or straw
- kitchen / food waste
- noxious / invasive weeds (Japanese Knot Weed, Ragwort, Giant Hogweed)
- twigs / branches over 3cm in diameter and logs
- syringes / needles.

Some of these items listed above may be accepted at your local household waste recycling site. Check the Council website for details.

4.8. **Contamination**

Contamination of the brown bins is unacceptable as it has the potential to ruin the entire load of recyclable material collected. Once at the treatment facility the contractor may reject the load resulting in additional cost to the Council and loss of recycling.

When the collection crews discover a contaminated bin they will put a contamination sticker / tag on the bin. The sticker / tag states the reason as to why the bin was not emptied and requests that the householder remove the contaminating material.

If a bin/s is found to be persistently contaminated the crew highlight the issue to their manager. The manager will then assess the situation and investigate the appropriate course of action.

4.9. **Side Waste**

Side waste is excess waste from the household, which is presented for collection at the side of the brown wheeled bin. Households must place their garden waste in the brown wheeled bin.

Collection crews will not take any side waste from those households receiving a garden waste collection other than on the first collection after a period of significant service disruption.

More generally, the Council discourages householders from leaving side waste beside their brown wheeled bins. This is to minimise the environmental problems associated with uncontained waste.

If side waste is persistently left at the side of the brown wheeled bin the crew will take details of the address and report it to their manager. The manager will then assess the situation and investigate the appropriate course of action, which can include support, guidance and assistance.

Following this, residents who persistently leave out side waste are therefore failing to comply with this policy and legislation. These residents may be served with a legal notice in accordance with section 46 of the EPA 1990 formally requiring them to comply.

Section 45 of the EPA 1990 states that local authorities have a duty to arrange for the collection of household waste in its area'. This is discharged when an authority prescribes receptacles under section 46 of the EPA1990 and makes arrangements for the collection of waste from those receptacles. It follows that section 45 imposes no further duty to collect household waste deposited in breach of the requirements of such a notice. See section 7.2 of this policy for an amendment to section 46 of the EPA 1990 by the Climate change Act 2008.

4.10. **Missed Bins**

The Waste Management service strives to ensure that all bins are collected on the scheduled day. However, some level of missed collections may occur due to the scale and logistical complexity of collecting around half a million bins a week across the City (i.e. access, highways, vehicle maintenance, adverse weather related issues, human error, etc.).

It should be noted that the Council commits to providing waste collections on specific days, not at specific times of day. Bins should not be deemed to have been missed because a collection has not taken place at the

accustomed time. Failure to present bins in accordance with the policy (see section 4.6), or contamination of bins (see section 4.9), may result in the service not being provided.

Where individual bins have unfortunately not been collected, the Service will not return, and the householder is advised to return the bin to their property and to await the next scheduled collection. There is a significant cost associated with deploying a collection vehicle and crew, and it is uneconomical to deploy this level of resource to recover individual bins.

In the instance of missed collections for a group of properties, residents are advised to leave their bin out for two working days after the normal collection day as the Service should be aware of the failure and may already have made arrangements to 'recover' the missed collection. If more than two working days have elapsed, the householder is advised to take their bin back in and present it again on their next scheduled collection day, and to notify the Contact Centre such that the Service can check for consistency with its own information and take the appropriate remedial action where required.

In those instances where unfortunately there have been consecutive missed collections for a particular recycling or waste stream, a bespoke response will be instigated by the Service whilst the on-going issue is investigated so as to ensure that the customer receives a regular and reliable collection service.

These instances of consecutive misses are often as a result of access problems for collection crews. Crews will endeavour to return to collect where this can be achieved without an unacceptable impact on collections for other residents. Residents are requested to ensure wherever possible that access issues do not arise (e.g. inconsiderate parking) that have a negative impact on the Council's ability to provide the Service.

In the case of households in receipt of assisted collections, a collection will be made within 2 working days of the scheduled collection day.

4.11. **Assistance**

This service is aimed at frail people and disabled people or people otherwise physically unable to wheel their bin out to the kerbside.

When a householder requires assistance in presenting their wheeled bin for collection they should contact the call centre to request the wheel out service.

If they meet the criteria (disabled, frail, or otherwise physically unable to wheel their bin out to the kerbside) to be entitled to this service a form is sent out to the householder to complete and return to the Development Team at Waste Management. The names and addresses of

householders which receive this service are logged on the Council's data recording system.

If a householder requests assistance for one type of waste collection they will automatically receive it for all waste services.

This service is reviewed every 18 months or sooner for individual properties if circumstances change and the Council is informed. Letters are sent to householders who are receiving the service asking them to confirm if they still require assistance. If no reply is received the service is withdrawn.

This service is not provided if an able bodied person over 16 years of age lives at the property.

4.12. **Closed Lids**

There is no requirement for the lids on wheeled bins to be completely closed for emptying. However, householders are advised to make sure the lid is closed to prevent wind blown litter and ensure their waste is contained.

However, crews may deem bins with lids open and overfilled to be too unsafe to handle and the bin will not be emptied. A sticker / tag will be put on the bin advising why the bin was not emptied.

4.13. **Overweight Bins**

If the bin is deemed too heavy to be emptied safely a sticker / tag is left on the bin advising the householder to remove heavy items.

Each bin will be assessed for safe emptying by the operative. Heavy bins may pose an injury risk to the operative, the bin may fall off the back of the wagon and the lifting equipment may be damaged.

4.15 **Spillages**

If a spillage of waste occurs whilst collection crews are emptying bins the crews are required to clean up any spilt waste. Where the waste is not cleaned up, the householder can report it to the Contact Centre.

4.16 **New Occupants**

If new occupants take up residence in a property and find their brown bin is contaminated they can ring the contact centre to have it exchanged. The information is logged on Siebel and the Development Team will arrange for a clean, good condition, second hand bin to be delivered along with information on how to use the bin correctly.

5 Enforcement Action

- 5.1 The Council recognises that the service requirement within this policy will take time to be fully communicated and understood by Leeds residents.

Therefore the Council has adopted an approach to offer advice, support and guidance in the first instance in order to implement this policy. However, where bins are persistently presented incorrectly or side waste is regularly left the use of more formal enforcement powers may be used. The approach we take will be inline with enforcement and the service level agreement of localities and area committees. The use of such powers will be made in a transparent, reasonable and proportionate way.

The Council also recognises that legislation can change from time to time, therefore this policy will be reviewed periodically to ensure it complies with current legislation.

6 Integrated Waste Strategy 2005 – 2035

The Integrated Waste Strategy 2005 – 2035 for Leeds outlines 4 key priorities including an action plan on how they will be delivered in order to meet the waste prevention and recycling objectives and targets.

The garden waste collection service enables the authority to implement the aims and objectives of two of the key priorities. These are:-

- Waste Prevention
 - to target key waste streams for minimisation
 - to develop schemes to increase the reuse of resources
 - to support social enterprise and the voluntary and community sectors by reserving areas of reuse, recycling and reprocessing for these sectors where appropriate.
 - to increase the use of durable items and products with recycled content
- Recycling & Composting
 - to use Education and Awareness to increase participation in recycling and composting by all.
 - to increase the range of materials recycled, including those collected at the kerbside.
 - to improve the provision of non-kerbside recycling facilities including for commercial and industrial wastes.
 - to develop a range of policies and measures to support waste minimisation and recycling of all waste streams.

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7. Legislation

Policy	Act	Section
<p>Residual Waste Operational Policy</p> <p>Mixed Dry Recyclables Collection Service</p> <p>Garden Waste Collection Service</p> <p>Bulky Waste Collection Service</p>	<p>Environment Protection Act (EPA) section 45</p>	<p>(1) – It shall be the duty of each collection authority –</p> <p>(a) To arrange collection of household waste in its area except waste –</p> <p>(i) which is situated at a place which in the opinion is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and</p> <p>(ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can be expected to be made by a person who controls the waste;</p> <p>(3) – No charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State; and in any of those cases –</p> <p>(a) the duty to arrange for the collection of the waste shall not arise until a person who controls the waste requests the authority to collect it; and</p> <p>(b) the authority may recover a reasonable charge for the collection of the waste from the person who made the request.</p>
<p>Residual Waste Operational Policy</p> <p>Mixed Dry Recyclables Collection Service</p> <p>Garden Waste Collection Service</p>	<p>Environmental Protection Act (EPA) section 46</p>	<p>(1) – Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.</p> <p>(2) – The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but, subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and waste which is not.</p> <p>(3) – In making requirements under subsection (1) above the authority may, as respects the provision of the receptacles—</p> <p>(a) determine that they be provided by the authority free of charge;</p> <p>(b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority;</p> <p>(c) require the occupier to provide them if he does not enter into an agreement under paragraph above within a specified period; or</p> <p>(d) require the occupier to provide them</p> <p>Section 76, of the Climate Change Act 2008, Collection of Household Waste states that ‘a waste collection authority is not obliged to collect household waste that is placed for collection in</p>

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		contravention of a requirement under this section'. The section being section 46 of the EPA 1990.
Residual Waste Operational Policy Mixed Dry Recyclables Collection Service Garden Waste Collection Service	The Household Waste Recycling Act 2003 (HWRA)	<p>Arrangements for separate collection of recyclable waste (added to section 45 of the EPA).</p> <p>Section 45A –</p> <p>(1) – This section applies to any waste collection authority whose area is in England (an “English waste collection authority”).</p> <p>(2) – Where an English waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority shall ensure that the arrangements it makes in relation to those premises include the arrangements mentioned in subsection (3) below, unless it is satisfied that (in that case)—</p> <p>(a) the cost of doing so would be unreasonably high; or (b) comparable alternative arrangements are available.</p> <p>(3) – The arrangements are arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste.</p> <p>(4) The requirement shall apply from 31st December 2010.</p>
Residual Waste Operational Policy Mixed Dry Recyclables Collection Service Garden Waste Collection Service	Cleaner Neighbourhoods Environment Act 2005	<p>As of 6th April 2006 local authorities have the power to issue a fixed penalty notice to any householder not complying with directions on the presentation of refuse and recycle for collection (section 48 Clean Neighbourhoods and Environment Act 2005). Failure to comply with the fixed penalty notice will result in prosecution.</p> <p>These new powers will help waste collection authorities to tackle low participation in recycling schemes (which creates inefficiencies) contamination of recyclate with residual waste and general non-compliance with publicised collection arrangements (e.g. waste left out on the wrong day, in the wrong receptacle, at the wrong time, etc). The local authority will need to ensure collection arrangements are well publicised.</p>
Residual Waste Operational Policy	Waste Emissions Trading Act 2003	<p>Household waste is defined in the Waste and Emissions Trading Act 2003 as –</p> <p>‘Interpretation of Chapter 1 21 “Biodegradable waste” and “municipal waste”</p> <p>(3) In subsection (2) “municipal waste” means—</p> <p>(a) waste from households, and (b) other waste that, because of its nature or composition, is similar to waste from households.</p>
Residual Waste Operational Policy	Controlled Waste Regulations 1992	SCHEDULE 1

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<p>Mixed Dry Recyclables Collection Service</p> <p>Garden Waste Collection Service</p>		<p>WASTE TO BE TREATED AS HOUSEHOLD WASTE</p> <ol style="list-style-type: none"> 1. Waste from a hereditament or premises exempted from local non-domestic rating by virtue of— <ol style="list-style-type: none"> (a) in England and Wales, paragraph 11(1) of Schedule 5 to the Local Government Finance Act 1988(2) (places of religious worship etc.); (b) in Scotland, section 22(3) of the Valuation and Rating (Scotland) Act 1956(4) (churches etc). 2. Waste from premises occupied by a charity and wholly or mainly used for charitable purposes. 3. Waste from any land belonging to or used in connection with domestic property, a caravan or a residential home. 4. Waste from a private garage which either has a floor area of 25 square metres or less or is used wholly or mainly for the accommodation of a private motor vehicle. 5. Waste from private storage premises used wholly or mainly for the storage of articles of domestic use. 6. Waste from a moored vessel used wholly for the purposes of living accommodation. 7. Waste from a camp site. 8. Waste from a prison or other penal institution. 9. Waste from a hall or other premises used wholly or mainly for public meetings. 10. Waste from a royal palace. 11. Waste arising from the discharge by a local authority of its duty under section 89(2). <p>SCHEDULE 2</p>
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		<p>TYPES OF HOUSEHOLD WASTE FOR WHICH A CHARGE FOR COLLECTION MAY BE MADE</p> <ol style="list-style-type: none">1. Any article of waste which exceeds 25 kilograms in weight.2. Any article of waste which does not fit, or cannot be fitted into—<ol style="list-style-type: none">(a) a receptacle for household waste provided in accordance with section 46; or(b) where no such receptacle is provided, a cylindrical container 750 millimetres in diameter and 1 metre in length.3. Garden waste.4. Clinical waste from a domestic property, a caravan or from a moored vessel used wholly for the purposes of living accommodation.5. Waste from a residential hostel, a residential home or from premises forming part of a university, school or other educational establishment or forming part of a hospital or nursing home.6. Waste from domestic property or a caravan used in the course of a business for the provision of self-catering holiday accommodation.7. Dead domestic pets.8. Any substances or articles which, by virtue of a notice served by a collection authority under section 46, the occupier of the premises may not put into a receptacle for household waste provided in accordance with that section.9. Litter and refuse collected under section 89(1)(f).10. Waste from—
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		<p>(a)in England and Wales, domestic property forming part of a composite hereditament;</p> <p>(b)in Scotland, the residential part of part residential subjects.</p> <p>11. Any mineral or synthetic oil or grease.</p> <p>12. Asbestos.</p> <p>13. Waste from a caravan which in accordance with any licence or planning permission regulating the use of the caravan site on which the caravan is stationed is not allowed to be used for human habitation throughout the year.</p> <p>14. Waste from a camp site, other than from any domestic property on that site.</p> <p>15. Waste from premises occupied by a charity and wholly or mainly used for charitable purposes, unless it is waste falling within paragraph 1 of Schedule 1.</p> <p>16. Waste from a prison or other penal institution.</p> <p>17. Waste from a hall or other premises used wholly or mainly for public meetings.</p> <p>18. Waste from a royal palace.</p>
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