

## Policy for Responding to Contaminated Domestic Recycling Bins

Residents in Chichester District can recycle a whole range of items owing to the technology at the Materials Recycling Facility. When the wrong items are placed in the burgundy recycling bin, we refer to this as contamination. We take the issue of contamination very seriously because if the recycling we collect is poor quality, the whole truck load could be rejected and sent to landfill. This is more expensive for council tax payers and has an adverse effect on the environment.

Whilst bin contamination levels across the district are generally low, we appreciate that residents can inadvertently put the wrong items in their recycling bin and we provide advice and information to help residents in their efforts to recycle. Unfortunately, there are occasions where some bins are contaminated on a regular basis and will remain unemptied unless the items are removed by the resident. In these circumstances further action may be necessary. The Council's policy for contaminated recycling bins is therefore broken down into two stages and is detailed below. At every point we encourage residents having difficulty understanding the recycling procedures to contact the Waste and Recycling Team for additional advice and support either via telephone: 01243 534619, email: [wasteandrecycling@chichester.gov.uk](mailto:wasteandrecycling@chichester.gov.uk) or website: [www.chichester.gov.uk/recyclingadvice](http://www.chichester.gov.uk/recyclingadvice).

The Council will take a staged and measured approach to such incidents as follows:

### Stage One

1. If the collection crew find a noticeable amount of contaminants in the recycling bin it will not be emptied. The crew will report the issue using their in-cab system and tie an information tag to the handle of the bin explaining why it was left unemptied.
2. We will write to the resident explaining why the recycling bin was left unemptied; specifying the items recorded via the in-cab system. The letter will ask the resident to take out the wrong item(s) from the bin and explain how to dispose of the item(s) correctly. Recycling advice is provided for future reference.
3. We will not return to empty any bin that has been left unemptied due to contamination until the next scheduled recycling collection. We will then empty the bin providing the contaminants have been removed by the resident. We appreciate that the resident may have extra recycling on the next scheduled recycling collection that will not fit in the recycling bin. We will remove this provided it is not contaminated, loosely tied in a black sack and placed next to the recycling bin.
4. If the resident continues to contaminate their recycling bin after the first letter has been issued, we will issue further communication to the resident. This communication will include:
  - a. A reminder letter explaining why the recycling bin was left unemptied; specifying the items recorded via the in-cab system.
  - b. If the issue continues, we will visit the resident's property on a scheduled recycling collection day, and check the contents of the recycling bin. We will speak to the resident if present and provide advice and guidance.
  - c. We will write to the resident detailing the outcome of the site visit and provide information on what will happen next including reference to the possible issue of a fixed penalty.

If the resident continues to present a contaminated recycling bin and this has caused, or is likely to cause, a nuisance; or has been, or is likely to be, detrimental to any amenities of the locality, the Chichester Contract Services Manager will consider moving to stage two of the policy.

**Stage Two – as provided by sections 46A to 46D of the Environmental Protection Act 1990, as amended (EPA 1990)**

5. A written notice will be issued to the resident identifying the breach of section 46 of the EPA 1990 and how this has caused, or is likely to cause, a nuisance; or has been, or is likely to be, detrimental to any amenities of the locality.
6. The resident has 30 days to comply with the requirement as set out in the written notice.
7. If the breach continues after 30 days or the resident commits a similar breach of section 46 within 12 months of the written notice, a notice of intent will be issued. The notice of intent will set out the reasons for considering a fixed penalty. The resident has 28 days to make representation to the Council as to why they should not be penalised.
8. After 28 days, if no representations are made to the Council or representations are made but the Council rejects them, a final notice will be issued. The final notice will specify why the fixed penalty is being issued, that the resident must pay £75.00 within 28 days, how to pay and the consequences of not paying.
9. The resident can pay a reduced charge of £60.00 if they pay within 14 days and this option will be set out in the final notice.
10. The resident has the right to appeal to the First-tier Tribunal, details of which will be set out in the final notice.
11. If the fixed penalty is not paid within 28 days (or 14 days if the resident chooses the early payment option) and no appeal is made to the First-tier Tribunal, the Council may decide to issue a civil claim in the County Court.
12. If the appeal to the First-tier Tribunal is made and the Tribunal rejects the fixed penalty, no further action will be taken.
13. If the appeal to the First-tier Tribunal is made and the Tribunal confirms the fixed penalty, the resident has a further 28 days to pay the fixed penalty or for a second appeal to the Upper-tier Tribunal.