

## Section 46 Environmental Protection Act 1990

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### **Wheeled bins and recycling enforcement**

The central government require local authorities to meet targets for reducing the amount of waste sent to landfill and increase the amount of waste recycled.

To meet these targets we provide a fortnightly collection of household waste from wheeled bins and recycling boxes to the majority of houses in Luton.

### **The council's requirements under section 46 of The Environmental Protection Act 1990**

The council has a duty to collect household waste. Part of this duty involves setting standards for residents to understand how waste must be stored and presented for collection.

To do this, we offer a fortnightly household waste and recycling collection, along with a subscription garden waste service.

The following guidance is also given to residents:

- Wheeled bins should not be stored on the public highway (pavement, road or alleyway) unless for collection
- Wheeled bins may be put out the night before collection but must be removed and returned to your property 12 hours after collection
- Recyclable items must be placed into the correct receptacle. Additional recyclable materials that do not fit within your recyclable bin can be placed into a clear see through sack and then left next to your recycling bin on the day of authorised collection
- Additional waste must be disposed of in the correct manner, please click on the link for details of how to do this. [Waste Management](#)

## **Enforcement of Section 46 of the Environmental Protection Act 1990**

In order for the council to carry out its functions under the above legislation the council has introduced the Waste Solutions Team. The focus of the team is to look at identified areas throughout the borough whereby bins and waste on pavement causes a detriment to the local amenity. To do this the team will carry out the following functions within an identified area:

- Engage with residents around bin provisions and the requirements under the legislation
- Send warning letters
- Monitor the area for improvement
- Issue Section 46 Notice for repeat perpetrators
- If failure to comply issue Fixed Penalty Notice for offence.

### **FAQ's**

#### **Why was the notice sent to me? I manage my bins and recycle properly?**

You have not been singled out. Our waste solutions team is currently working in a pilot area around the town centre so the letters you received have been sent out to all properties in the area to make sure everybody understands the requirements for presenting household waste.

We also wanted to thank everyone for their efforts because most residents are using the bins properly and recycling well. The leaflet provided shows the types of waste that can be recycled in the green-lidded wheelie bin/glass box so we hope this will help residents get it right.

#### **What if other people put rubbish into my recycling bin?**

We are aware that this can happen so our officers will always engage with residents to offer assistance and advice to resolve their problems.

The enforcement process itself involves us notifying residents that a problem has been identified, and provides opportunities for residents to explain the circumstances and ask for support. Fixed penalties are reserved only for the persistent cases where it is clear that a resident refuses to try and manage their waste properly.

#### **You are just encouraging people to fly-tip by not taking waste put beside the bin**

By making it a requirement that all the waste needs to be within the bin, the aim is to stop the practice of side waste being left out as this tends to be wind-blown, or attract pests and wildlife to damage it. Both scenarios tend to lead to the contents being distributed into the local environment which needs to be dealt with by the council or by residents themselves, who take pride in the area.

The other main aim is to encourage residents to put all the recyclable waste in the green-lidded bin, so that only a smaller amount of general, non-recyclable waste will need to go into the household wheelie bin.

If residents need additional bin capacity on a regular basis they can apply for a larger bin. Any requests for a larger waste bin will require a visit by a Recycling Officer.

**If you wish to discuss the content of any letter, notice or fixed penalty that you have been issued or wish to report any concerns then please e-mail the team using the following e-mail address [waste.solutions@luton.gov.uk](mailto:waste.solutions@luton.gov.uk) or 01582 546000**