

Southampton City Council
**Household waste
and fly-tipping policy**
2023-26



Southampton City Council

INTRODUCTION	3
Purpose	3
Scope	3
Definitions	3
Activities.....	4
Area	4
Applicable law and guidance/codes of practice	4
The 'Waste Hierarchy'	4
THE POLICY	6
Part 1: Non-chargeable collection of general waste.....	6
Standard service for low-rise residential properties (kerbside collections)	6
Standard service for residential properties (e.g. flats) with communal bin areas.	7
Part 2: Non-chargeable collection of dry recyclable waste	8
Standard service for low-rise properties (kerbside collections).....	8
Standard service for properties (e.g. flats) with communal bin areas.	9
Part 3: Chargeable collection of household waste	11
Collections the council will arrange for collection of free of charge.....	11
Collections arranged on request on payment of a charge.....	11
Part 4: Consequences of failure by occupiers to present containers in accordance with this policy.....	13
Part 5: Bin and glass box requests	15
Part 6: Household Waste Enforcement action.....	18
Part 7: Fly-tipping	19
Part 8: Litter.....	21
Part 9: Governance and complaints	22

Household Waste and Fly-tipping Policy			
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INTRODUCTION

Purpose

This policy provides information about the management of household waste and fly-tipped waste by Southampton City Council 'the council'. It sets out requirements around the presentation of household waste for collection and information about the council's powers to prevent and respond to fly-tipping.

Scope

Definitions

Controlled waste –

means household, industrial, or commercial waste.

Household waste –

means waste from a domestic property as defined by section 75(5) of the Environmental Protection Act 1990 and Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012, or such other amending legislation as may from time to time come into force.

Occupier –

means a person/ persons or organisation who lives in or uses property and / or land, either legally as the owner or tenant, or illegally as a squatter.

Dry recyclable waste –

means household waste that is glass, metals, plastics, paper, or card (including cardboard). The council does not collect all types of dry recyclable waste; for a full list of materials accepted in blue-lidded recycling bins, see sections 10(b) and 13(b) below.

General waste –

means household waste, except:

- dry recyclable waste of the types collected by the council through its non-chargeable collection of dry recyclable waste.
- any article of waste exceeding 25kg in weight;
- garden waste;
- dead domestic pets;
- waste oil or grease;
- asbestos; and,
- clinical waste and offensive waste.

Fly-tipping –

means the illegal disposal of household, industrial, commercial or other 'controlled' waste. Fly-tipping is not the same as littering.

Littering –

means waste that is improperly discarded in a place where the public have rights of access and includes materials often associated with eating, drinking and smoking, including the discarded ends of cigarettes and discarded chewing gum, although this can also refer to other small waste items.

Container –

means wheeled bins, sacks and boxes provided by the council to store waste and recyclables.

Activities

Collection of household waste

As a Waste Collection Authority, the council is required by law to arrange for the collection of household waste in its area, subject to certain exceptions and provided the waste is presented in accordance with requirements set out in this policy. No charge will be made by the council for household collections, except in cases where the law provides that a charge may be made, and the council has decided to recover a reasonable charge for the collection of the waste.

Provision of Household Waste and Recycling Centres

The council is required by law to provide places for residents to deposit their household waste. The Southampton Household Waste Recycling Centre (“HWRC”), also known as the “tip/dump” is located at the following address:

Southampton HWRC
City Depot & Recycling Park,
First Avenue,
Southampton SO15 0LJ

Area

This policy applies to the city of Southampton.

Applicable law and guidance/codes of practice

The following sets out the main legal duties and powers in relation to the management of household waste and fly-tipping:

- The Environmental Protection Act 1990.
- The Controlled Waste (England and Wales) Regulations 2012.

Legislation remains under review and this policy will be updated with new legislative requirements as they come into effect. This policy has also been written with reference to the current Defra Code of Practice on Litter and Refuse.

The ‘Waste Hierarchy’

The waste hierarchy ranks decisions made about waste every day by households, businesses, and waste authorities according to what is best for the environment.



The principles of the waste hierarchy underpin this policy and other measures the council is undertaking in the area of waste to support residents to protect Southampton's environment.

THE POLICY

Part 1: Non-chargeable collection of general waste

Standard service for low-rise residential properties (kerbside collections)

1. Frequency

The council will provide a fortnightly collection service of general waste, on alternate weeks to household recycling.

2. Container type and allocation

The council will issue low-rise residential properties in the city with one 240-litre capacity wheeled bin for general waste. Bins issued for general waste have a green lid.

Properties that have insufficient storage space for a bin will be issued with black sacks that are delivered twice a year by the council and must only be presented for collection on the designated collection day. Occupiers who believe their property is not suitable for wheeled bins (due to space, access, steps etc.) should go online and complete a 'changing your bin form' at www.southampton.gov.uk/changeyourbin.

3. Presentation of general waste bins by occupiers for collection

Occupiers are required to meet the following requirements when presenting bins for collection. Contravention by the occupier of the following requirements will result in the loss of the right to the free collection of household waste by the council until the requirements are met. Failure to meet the policy's requirements may result in action(s) by the council as set out in Part 4 of this policy.

a. Position and time

Occupiers must place bins at the edge of their property before 6:30am on their designated collection day. Occupiers can find their designated collection day by visiting the council's [bin collection calendar \(southampton.gov.uk\)](http://southampton.gov.uk/bin-collection-calendar) or by calling 023 8083 3005.

b. Substances/materials allowed in general waste bins

The following substances/materials are permitted in general waste bins: plastic packaging (except bottles) and film, polystyrene packaging, cartons, food waste, vacuum cleaner contents, cat, dog, or other types of pet litter, nappies, cold ash and disposable barbecues (allow to cool before depositing), broken glass, mirrors and crockery (wrapped safely with no exposed sharp edges).

c. Substances/materials not allowed in general waste bins

The following substances/materials are not permitted in general waste bins: garden waste, bricks, building waste, rubble or soil, wood, furniture or carpets, electrical items, engine oil, paint or other chemicals, batteries (including car batteries), or any other hazardous waste.

d. Return of bin to property following collection

Bins left on pavements can cause obstructions to pedestrians. Occupiers must return bins to their property by the end of the day (11.59pm) on collection day, unless advised otherwise by the council.

4. Additional premises which may be eligible for household waste collection

The Controlled Waste (England and Wales) Regulations 2012 sets out the types of additional premises which are eligible for non-chargeable household waste collection. These include places of worship, residential

hostels, charity shops, caravan and mobile home sites. The council may charge in some circumstances for collections from these premises. Further detail is provided in paragraph 18 of this policy.

Standard service for residential properties (e.g. flats) with communal bin areas.

5. Frequency

The council will determine the frequency of bin collections to properties with communal bin areas according to the number of properties served by the communal bin area, and the size of those properties.

6. Provision of 'communal' general waste bins by the council

The council will provide bins of appropriate size and number to each block individually. The council may provide wheeled bins or 'bulk' waste bins. In determining what is appropriate, the council will consider the specifications of the block, including the location, accessibility and size of its communal bin area.

7. Presentation of bins by occupiers for collection

Contravention of the following requirements will result in the loss of the right to the free collection of household waste by the council until the requirements are met. Failure to meet the policy's requirements may result in action(s) by the council as set out in Part 4 of this policy.

a. Position and time

Responsibility for the transfer of bins to and from the collection point will be determined between the council and the developers from the initial stages of planning the development. Further information for developers is set out in the council's [Residential Design Guide](#). Occupiers can find their designated collection day by visiting the [bin collection calendar \(southampton.gov.uk\)](#) or by calling 023 8083 3005.

b. Substances/materials allowed in communal general waste bins

The following substances/materials are allowed in communal general waste bins: plastic packaging (except bottles) and film, polystyrene packaging, cartons, food waste, vacuum cleaner contents, cat, dog, or other types of pet litter, nappies, cold ash and disposable barbeques (allow to cool before depositing), broken glass, mirrors and crockery.

c. Substances/materials not allowed in communal general waste bins

The following substances/materials are not allowed in communal general waste bins (and should instead be disposed of at the HWRC): garden waste, bricks, building waste, rubble or soil, wood furniture or carpets, electrical items, engine oil, paint or other chemicals, batteries (including car batteries), or any other hazardous waste.

Part 2: Non-chargeable collection of dry recyclable waste

Standard service for low-rise properties (kerbside collections).

8. Frequency

The council will provide a fortnightly collection service for dry recyclable waste on alternate weeks to the collection of general waste.

9. Container type and allocation

The council will issue low-rise properties in the city with:

- a 240-litre capacity wheeled bin for mixed dry recyclable waste (bins issued for mixed dry recyclable waste have a blue lid); and,
- a 40-litre plastic box for recycling glass bottles and glass jars.

Properties that have insufficient storage space for a bin will be issued with clear sacks that are delivered twice a year by the council. Sacks must only be presented for collection on the designated collection day. Occupiers who believe their property is not suitable for wheeled bins (due to space, access, steps etc.) should go online and complete a 'changing your bin form' at www.southampton.gov.uk/changeyourbin.

10. Presentation for collection

Occupiers are required to meet the following requirements when presenting their waste containers for collection. Contravention by the occupier of the following requirements will result in the loss of the right to the free collection of household waste by the council. Failure to meet the policy's requirements may result in action(s) by the council as set out in Part 4 of this policy.

a. Position and time

Occupiers must place containers at the edge of their property before 6:30am on their designated collection day. Glass is collected on the same day as mixed dry recyclable waste. Glass recycling boxes should be placed in a visible place at the front edge of the property. Occupiers can find their designated collection day by visiting the council's [bin collection calendar \(southampton.gov.uk\)](http://www.southampton.gov.uk/bin-collection-calendar) or by calling 023 8083 3005.

b. Substances/materials allowed in dry recycling bins

The following substances/materials are allowed in mixed dry recyclable waste bins (blue-lidded bin): paper (excluding shredded paper, gift wrap, wet or soiled paper, tissues, paper towels or photographs), cardboard (must be clean and dry, with no food waste on the cardboard and packing tape from cardboard boxes must be removed first), magazines, catalogues and junk mail, plastic bottles (must be rinsed, cap or lid replaced loosely, and excess air squeezed out gently. Trigger sprays must be removed), tins and cans (including metal, biscuit, and sweet tins), empty aerosols.

c. Substances/materials not allowed in dry recycling bins

The following substances/materials are not allowed in mixed dry recyclable waste bins: materials/substances allowed in general waste bins as set out in paragraph 3(b) above, glass, plastic or polystyrene packaging, plastic carrier bags and black sacks, Tetra Paks, food waste, textiles and shoes. Textiles and shoes can be reused or recycled via local charity shops or taken to one of the many 'textile banks' around the city.

d. Substances/materials allowed in glass recycling boxes

The council will collect glass bottles and glass jars only. Occupiers must rinse these and remove lids, corks and tops and place these in the general waste bin. Glass bottles and jars should be placed straight in the glass recycling box (not in carrier bags).

e. Substances/materials not allowed in glass recycling boxes

Glass kitchenware or homeware, such as Pyrex ovenware cannot be recycled. Broken or chipped Pyrex should be disposed of carefully in the occupier's general waste bin.

Broken glass, mirrors or panes cannot be put into the glass bin or recycling blue-lidded recycling bin and presents a hazard to the council’s recycling handlers. These items should be wrapped to prevent any sharp edges from being exposed and placed into the green-lidded general waste bin or taken to the HWRC.

Additionally, drinking glasses, ceramics i.e. crockery, and vases are not to be placed in glass recycling boxes and instead should be placed into the green-lidded general waste bin or taken to the HWRC.

To dispose of lightbulbs, please see the below guidance:

Light bulbs (energy efficient and fluorescent tubes)	Household Waste and Recycling Centre	These may contain hazardous waste that cannot be placed in your general waste bin
Light bulbs (halogen)	Green-lidded general waste bin	N/A
Light bulbs (LED)	Household Waste and Recycling Centre	LED light bulbs should be placed in the small electrical appliance container

f. Return of bins to property following collection

Occupiers must return containers to their property by the end of the day (11.59pm) on collection day. Containers left on pavements are a nuisance and endanger pedestrians.

Standard service for properties (e.g. flats) with communal bin areas.

11. Frequency

The council will determine the frequency of bin collections to properties with communal bin areas according to the number of properties served by the communal bin area, and the size of those properties.

12. Provision of ‘communal’ mixed dry recyclable waste bins and glass bins by the council

The council will provide bins of appropriate size and number to each block individually. The council may provide wheeled bins or ‘bulk’ waste bins. In determining what is appropriate, the council will take into account the specifications of the block, including the location and size of its communal bin area.

13. Presentation of bins by occupiers for collection

Occupiers are required to meet the following requirements when presenting their waste bins for collection. Contravention by the occupier of the following requirements will result in the loss of the right to the free

collection of household waste by the council. Failure to meet the policy's requirements may result in action(s) by the council as set out in Part 4 of this policy.

a. Position and time

Responsibility for the transfer of bins to and from the collection point should be determined by the council and developers from the initial stages of planning the development. Further information for developers is set out in the council's [Residential Design Guide](#).

When disposing of their waste, occupiers of properties with communal bin areas must ensure that the bin area remain accessible and tidy.

Occupiers can find their designated collection day by visiting the [bin collection calendar \(southampton.gov.uk\)](#) or by calling 023 8083 3005.

b. Substances/materials allowed in communal mixed dry recyclable waste bins

The following substances/materials are allowed in communal mixed dry recyclable waste bins (blue-lidded bin): paper (excluding shredded paper, gift wrap, wet or soiled paper, tissues, paper towels or photographs, cardboard (packing tape from cardboard boxes must be removed first), magazines, catalogues and junk mail, plastic bottles, (must be rinsed, cap or lid replaced loosely, and excess air squeezed out gently. Trigger sprays must be removed), tins and cans including metal, biscuit, and sweet tins, empty aerosols.

c. Substances/materials not allowed in communal mixed dry recyclable waste bins

The following substances/materials are not allowed in communal mixed dry recyclable waste bins: materials/substances permitted in general waste bins pursuant to paragraph 3(b) above, glass, plastic or polystyrene packaging, plastic carrier bags and black sacks, Tetra Paks, food waste, textiles and shoes. Textiles and shoes can be reused or recycled via local charity shops or taken to one of the many 'textile banks' around the city.

d. Substances/materials allowed in communal glass bins

The council will collect glass bottles and glass jars only. Occupiers must rinse these and remove lids, corks and tops and place these in the general waste bin. Glass bottles and jars should be placed straight in the bin (not in carrier bags).

e. Substances/materials not allowed in communal glass bins

Glass kitchenware or homeware e.g. Pyrex, or drinking glasses, light bulbs or fluorescent tubes, broken glass, mirrors, or glass panes must not be placed in the glass recycling bin. These items should be placed in the general waste bin or taken to the HWRC.

Part 3: Chargeable collection of household waste

Collections the council will arrange for collection of free of charge

14. Clinical waste

Occupiers must arrange a clinical waste collection through their doctor's surgery or healthcare centre. Collections will begin after the doctor's surgery or health care centre have made a referral to the council. Occupiers should contact their surgery or healthcare centre for this service.

a. Sharps or needle collection

The council will provide a sharps box for the disposal of syringes and needles.

b. Other clinical waste

The council will provide an orange bag for other clinical waste. Clinical waste is used medical dressings, used sanitary products and other waste from a person who is suffering from an infectious disease. Occupiers must ensure all waste is double bagged and placed inside the orange clinical waste bags provided, bags are not overfilled and weigh no more than 9kg, bags are tied securely, any fluid in colostomy and urine bags is flushed down the toilet and not put into the bags, bags only contain clinical waste. Do not place syringes or sharp objects in the bag. The council may not be able to collect clinical waste if it is not presented properly or contains the wrong items.

15. Additional capacity for carers

The council will provide support to carers that require extra capacity for the specific needs of those they care for, separate to clinical waste, as set out in the Care Act 2014. Carers who require additional capacity for those they care for must visit [Change your bin size \(southampton.gov.uk\)](https://www.southampton.gov.uk/change-your-bin-size).

Collections arranged on request on payment of a charge

16. Oversize ('Bulky') waste

Bulky waste is household waste that either exceeds 25kg in weight or does not fit in the general waste or recycling bin provided by the council. This includes items such as mattresses, sofas and fridges.

The council provides a collection service for bulky waste, which can be booked via the council's website [Book a bulky waste collection \(southampton.gov.uk\)](https://www.southampton.gov.uk/book-a-bulky-waste-collection). There are some items we are unable to collect, these can either be taken to the HWRC or disposed of by a commercial waste contractor. Full details can be found on the council website at [Bulky Waste \(southampton.gov.uk\)](https://www.southampton.gov.uk/bulky-waste).

The council recommends that bulky waste in good condition can be donated to charity shops for re-sale. Visit [Other ways to dispose of bulky waste \(southampton.gov.uk\)](https://www.southampton.gov.uk/other-ways-to-dispose-of-bulky-waste) to find out more.

17. Garden waste

The council will provide a fortnightly household garden waste collection service to occupiers who sign up to receive this service and pay the associated charge. Garden waste must not be placed into any other waste container other than the one provided by the council. The council will remove the bin if the annual or half year charge is not paid. To sign up for this service, visit [Garden waste collection \(southampton.gov.uk\)](https://www.southampton.gov.uk/garden-waste-collection).

18. Other household waste

For other chargeable household waste as set out in Schedule 1 of the Controlled Waste (England and Wales) Regulations 2012, the council may collect this for a charge or provide guidance on arranging their collection with a third party who will charge for the service. Any contract for collection and disposal of waste will be between the householder and the third party. The council accepts no responsibility for collections undertaken by third parties. Occupiers requiring this support must contact 023 8083 3005.

Part 4: Consequences of failure by occupiers to present containers in accordance with this policy

19. Incorrect position or time for low-rise residential properties (kerbside collections)

Containers that are not in the correct position (at the edge of the property) for collection on the designated collection day will not be collected. Occupiers must present their containers for collection by 6:30 am on the designated day or the council may not be able to collect the waste. Occupiers can find their designated collection day by visiting the [bin collection calendar \(southampton.gov.uk\)](https://www.southampton.gov.uk/bin-collection-calendar) or by calling 023 8083 3005.

20. Containers 'contaminated' with materials not allowed by this policy

Occupiers must place the correct materials in each container, as set out in Part 1 and Part 2 of this policy. Containers that do not have the correct materials placed inside will not be collected, and the council will take the following action:

- inform occupiers why the container has not been collected via a tag/hanger on the container
- the council may also take action in line with its [Enforcement Policy](#)
- garden waste bins may be removed

Contamination found in communal bins will be dealt with through the building's managing agent, landlord or housing manager.

21. Containers left on pavements

The council understands that there may be circumstances when occupiers are unable to put their container away promptly. However, if a container is repeatedly left out following collection then the council may take action in line with its [Enforcement Policy](#).

22. Overweight/overfilled bins

Bins that are considered too heavy to be moved safely by the collection crew or to be lifted safely by the collection vehicle lift mechanism will not be emptied and the council will take the following action:

- inform occupiers why the bin has not been collected via a tag/hanger on the bin.
- the council may also take action in line with its [Enforcement Policy](#).

Occupiers must ensure bins are not overfilled and the lid can close. The council may take action in line with its [Enforcement Policy](#) against occupiers that repeatedly present overfilled bins or residual side waste for collection.

The HWRC provides a disposal point for heavier items.

23. Use of non-standard bins

The council will not collect general waste, recycling and glass that is not presented in the containers provided by or meeting the exact specification set by the council.

24. Missed bins

Occupiers can report missed bins provided they have complied with the terms set out in this policy. Reports must be made within one working day of the designated collection date. Occupiers must wait until after 4pm

on the designated collection date before reporting. To report a missed bin, visit [Report a missed bin collection \(southampton.gov.uk\)](https://www.southampton.gov.uk) or call 023 8083 3005.

25. Side waste

a. Definition of side waste

Side waste is waste or any other items placed beside or on top of bins. This waste can become blown around by the wind, littering the surrounding area, and has the potential to attract rodents, pests and other wildlife. This incurs a cost to the council or other residents to clear up the waste.

b. Residual and recyclable side waste

The council will not collect side waste. Crews may record incidences of side waste (using photographic evidence) and will notify the customer as to why the waste has not been collected using a tag on the bin. Excess general waste that does not fit in the bin can be disposed of at the HWRC.

Part 5: Bin and glass box requests

26. Replacement

Occupiers are responsible for keeping bins and containers safe.

a. Lost/damaged household bins

If an occupier loses or damages their bins or glass box they must pay a charge for the council to provide and deliver a new container. To find the current prices of each sized bin or box, and to order a new bin or box, visit [Lost, damaged or stray bins \(southampton.gov.uk\)](https://www.southampton.gov.uk) or call 023 8083 3005. The cost of each bin or glass box is an administrative charge and is non-refundable. Replacement bins or glass boxes will be delivered by the council within 7 days of receipt of payment, subject to availability.

If a bin or glass box has been damaged by general wear and tear, the council will replace it free of charge. Wear and tear is defined as deterioration due to age and normal use.

The council will replace bins or glass boxes that are crushed or damaged by a collection vehicle or lost in a collection vehicle free of charge. The council will notify the occupier if a bin or glass box has been damaged on a collection via a tag/hanger on the front door. Replacement bins or glass boxes will be delivered within two working days, subject to availability.

Occupiers who believe their bin or glass box has been damaged whilst on a collection and have not received a notification can report this online at [Bins - Report a bin as lost, damaged or stray | Southampton City Council](https://www.southampton.gov.uk).

To reduce the risk of bins getting lost or stolen, the council advises occupiers to number their bins by using stickers that show the house numbers. Do not permanently mark or paint the bins as they cannot be recycled at end of life.

b. Lost/damaged communal bins in flats and HMOs

Damage to communal bins will be dealt with through the building's managing agent or housing manager.

27. Removal

a. Stray bins

Stray bins (bins that are not in their intended or expected place) can be reported to the council online at [Lost, damaged or stray bins \(southampton.gov.uk\)](https://www.southampton.gov.uk), and the council will organise the collection of the bin.

To ensure that stray bins are returned to the correct household, occupiers should number their bins to make them more identifiable by using stickers that show the house numbers. Do not permanently mark or paint the bins as they cannot be recycled at end of life.

b. Excess bins

If an occupier is identified as having more bins than should be necessary in line with the policy, the council will contact the occupier to assess need. The council will remove excess capacity if the assessment demonstrates there is more capacity than is required, or residents are not maximising their recycling.

c. Moving house (low-rise residential)

Occupiers who have excess or reduced bin capacity must inform the council when moving house.

28. Additional capacity

Occupiers can request additional general waste capacity by visiting [Change your bin size \(southampton.gov.uk\)](https://www.southampton.gov.uk). The council may use a waste diary which requires occupiers to record the rubbish that is placed in their general waste bin over a two-week period to assess occupiers' needs for additional capacity.

Upon requesting additional capacity, occupiers should be aware that in some cases the council may visit to:

- confirm the recycling waste collection service is being fully used
- provide information and assistance on the options available for waste reduction, reuse, and recycling where appropriate
- provide an opportunity to discuss the reasons why they need additional capacity
- provide evidence that there is room to store an additional recycling bin/container on their property. Additional capacity can only be provided for occupiers when requested if there is space to safely store the containers within the property boundary.

Additional capacity is often required on a temporary basis. Therefore, approved additional capacity requests will be reviewed regularly to assess need.

The waste diary process will not be used to assess the need for additional capacity for occupiers of HMOs and flat blocks.

When requesting additional recycling capacity, occupiers will not be required to complete a waste diary.

29. Reduction

If occupiers require a smaller general waste bin (140 litre capacity) visit [Change your bin size \(southampton.gov.uk\)](https://www.southampton.gov.uk) or call 023 8083 3005. Requests will normally be processed within 7 working days, subject to availability.

30. New developments

Waste storage areas must be sited and designed to enable residents and collection crews to access waste containers conveniently and safely. Further information for developers is set out in the council's [Residential Design Guide](#).

Developers are required to meet the cost of providing bins to new residential units and must contact the council at least three months in advance of occupation to request a detailed specification for the bin requirements for the sites. Bins are to be allocated to specific property sites and must not be moved between developers' properties. Bins that do not meet the council's specification will not be collected, and developers that fail to meet their obligations may be subject to action as set out in Part 6 of this policy and in line with the council's [Enforcement Policy](#).

Developers must inform the council of any property that is unable to house the standard waste capacity for each household. Where the council decides there is no space available to store a wheeled bin within the premises the council will, on a six-monthly cycle, deliver black sacks for general waste and clear sacks for recycling.

Further details can be found at [Bin information for developers \(southampton.gov.uk\)](https://www.southampton.gov.uk).

31. Assisted collections

Assisted collections are provided to occupiers who have difficulties moving their containers to the pre-arranged required collection point for health, medical or disability related reasons. To be eligible for assisted collections there must be no-one in the property over 16 years old able to present containers/sacks for collection. The council will assess applications on a case-by-case basis. Occupiers who require an assisted collection should either complete an application online at [Get help putting your bins out \(southampton.gov.uk\)](https://www.southampton.gov.uk) or call 023 8083 3005.

Occupiers must ensure their bins are safely presented and easily accessible to the bin crews. Gates should be unlocked and in good working condition to allow access. Dogs should be secured elsewhere to allow staff to safely access the property.

Every assisted collection will be reviewed regularly. Occupiers must inform the council if they no longer require an assisted collection.

Part 6: Household Waste Enforcement action

32. In the event the council consider enforcement to be appropriate it will follow the following process:

a. Stage One

Occupiers will receive a letter or verbal warning to remind them of how they must present their waste for collection, or a notice under section 46 of the Environmental Protection Act 1990, which sets out how general waste and recycling should be presented for collection. If the occupier contacts the council within 14 days and offers a reasonable excuse for the infringement, that the council accepts, then no further action will be taken. If no reasonable excuse is offered by the occupier, or if the excuse is not accepted by the council, then the case moves to Stage Two.

b. Stage Two

A written warning will be issued to the occupier stating that formal action may be initiated if the failure to comply with the presentation of the household waste continues or recurs. The warning remains in force for a year.

c. Stage Three

Continued failure to comply with the collection requirements set out in this policy may result in a notice of intent being served. This states that a Fixed Penalty Notice (FPN) will be issued and the reasons why. The recipient has the right to make representations on the proposed issue of an FPN and if none are made that are considered valid by the council within 28 days, an FPN will be issued.

d. Stage Four

If the Fixed Penalty is paid then no further enforcement action will be taken in relation to the infringement. Failure to pay the FPN can result in it becoming a civil debt and payment pursued through the County Court. If an offence has been committed by operators in the waste management industry, repeat offenders, those responsible for large-scale fly-tipping, or the fly-tipping of hazardous waste, the legislation does not allow the use of FPNs and the council may prosecute instead.

Part 7: Fly-tipping

33. Fly-tipping on council land

The council will remove and dispose of all fly-tipped waste if it is on relevant land, highways that fall under the council's responsibility, or in water on council land. Relevant land is where all of the following apply:

- It is open to the air on at least one side
- It is under the council's direct control
- It is publicly accessible (with or without payment)

The council will refer all incidents of fly-tipping to the Environment Agency that are more than 20 tonnes, containing a large amount of asbestos or potentially hazardous waste, or possibly linked to organized criminal activity.

The council will aim to clear fly-tipping on relevant land within five working days of a report. Reports of fly-tipped waste must be made via the council's website at [Fly-tipping \(southampton.gov.uk\)](https://www.southampton.gov.uk) or by calling 023 8083 3005.

34. Fly-tipping on private land

Private land is land owned by an individual or a corporation. It is the responsibility of the landowner to arrange the removal and disposal of fly-tipping from private land.

Where the landowner does not comply with this responsibility, the council may take the following action:

- serve and enforce a notice requiring the occupier of the land to remove the fly-tipped waste and restore the land within no less than 21 days. It is an offence not to comply with a notice
- enter the land and clear it, and recover reasonable costs by way of civil debt
- issue a notice to landowners requiring land or buildings to be cleaned up if its condition adversely affects the amenity of the area
- remove from land open to the air or on a highway anything (other than a motor vehicle) that has been abandoned. If the land is occupied, the council must give notice of their intention to remove it. The council may recover costs from the person leaving the refuse or a person knowingly permitting it by civil debt
- serve a notice requiring an owner to remove accumulated waste to keep land free from rats and mice. The council may recover costs by way of civil debt
- serve an abatement notice on an occupier requiring them to stop causing a nuisance. Failure to comply with a notice can result in a fine of up to £5,000, with a further fine of up to £500 for each day on which the offence continues after conviction. Statutory nuisance can include odours, accumulations or deposits that "must be or be likely to become, prejudicial to people's health or interfere with a person's legitimate use and enjoyment of land".

If a landowner reports fly-tipped waste on their land the council may carry out an investigation. Further detail is set out in section 37 and Part 6 of this policy.

35. Fly tipping on unadopted highways

Unadopted highway is highway that the council is not responsible for maintaining. Fly tipping on unadopted highway is the responsibility of the 'frontagers' (the owner or occupier of premises that fronts a road, footway or footpath) of that area to remove. The council may in certain circumstances assist with the removal and disposal operation but must recover any additional costs incurred.

The council is committed to working with communities who wish to keep unadopted highways and alleyways clear and help them to apply for community funds if appropriate. The Fly-tipping Action Plan is to be finalised alongside this Policy.

Where the frontagers do not comply with this responsibility, the council may take the following action:

- sweep and cleanse any court, yard or passage which is used in common by the occupants of two or more buildings and which is not regularly swept and kept clean to the satisfaction of the authority. The council may recover reasonable expenses from the occupiers of the buildings by way of civil debt
- remove from land open to the air or on a highway any thing (other than a motor vehicle) that has been abandoned. If the land is occupied, the council must give notice of their intention to remove it. Costs can be recovered from the person leaving the refuse or a person knowingly permitting it by civil debt.

36. Householder responsibilities

The duty of care set out under section 34(2A) of the Environmental Protection Act 1990 requires householders to take all reasonable measures available to them in the circumstances to ensure that they only transfer household waste produced on their property to an authorised person. The council may issue a Fixed Penalty Notice when a householder appears to have failed to comply with their duty of care, and seek to prosecute in the most serious cases. Householders can check for free whether a waste carrier is licensed at the following website [Waste carriers, brokers and dealers \(data.gov.uk\)](https://data.gov.uk).

37. Information on how to report fly-tipping

Fly-tipping must be reported via the council's website at [Fly-tipping \(southampton.gov.uk\)](https://southampton.gov.uk) or by calling 023 8083 3005.

38. Investigations

The council may investigate cases of fly-tipping on relevant land or water.

Where a perpetrator is identified the council may choose to pursue enforcement action, in line with delegated powers and the Council's [Enforcement Policy](#).

The council may seize a vehicle, trailer or mobile plant (vehicle generally used in construction work) suspected of being involved in waste crime.

The council can request information to assist with fly-tipping investigations under section 108 of the Environment Act 1995 (as amended) or under the Local Government (Miscellaneous Provisions) Act. Failure to supply the information is an offence.

Where sufficient evidence is available to support a prosecution, the council may seek an outcome through the courts.

Part 8: Litter

The council is responsible for the clearance of litter and refuse from 'relevant land'. The council must also ensure that any 'relevant highway' it is responsible for is kept clear of litter and refuse.

It is an offence to drop litter under section 87 of the Environmental Protection Act 1990. Anyone caught dropping litter may be fined up to £2,500.

The council may take appropriate enforcement action, including but not limited to, the issue of formal Notices where there is litter or refuse and this is detrimental to the amenity of the area. It is an offence not to comply with a formal Notice, and if the land is not cleared, or is not cleared satisfactorily, the council can enter the land, clear it, and recover the costs by way of civil debt.

Where the council provides and maintains bins for refuse or litter in streets or public places, it must arrange for them to be regularly emptied and cleaned frequently to ensure that no bin (or its contents) becomes a nuisance or gives reasonable ground for complaint.

Part 9: Governance and complaints

Officers are authorised to enforce regulations in accordance with the council's Scheme of Delegation. The Executive Director for Place is responsible for the implementation of this policy. The policy will be reviewed periodically.

39. What to do if you are unhappy with the council's waste collection service.

If you are unhappy with the council's waste collection service you can make a complaint via the website at [How to make a complaint \(southampton.gov.uk\)](https://www.southampton.gov.uk), or call 023 8083 3005.

[END]