

# Detailed guide: Household waste bins: when and how councils may issue fixed penalties

The Government wishes to encourage a measured and balanced approach, where householders are not penalised for minor breaches of waste bin rules. The use of these penalties should focus on those who cause genuine harm to the local environment. It is good practice to try and inform the household about any issues on the presentation of their waste bins. For example, you could use a letter or information notice. You should do this before moving to the process of issuing penalty notices outlined here.

Where you chose to do so, you must follow these rules when issuing fixed penalties under section 46A of the Environmental Protection Act 1990.

## **When you can issue fixed penalties**

You may issue them when householders do not follow your waste collection rules, and their failure to comply does one of the following:

- causes or is likely to cause a nuisance
- has a negative effect or is likely to have a detrimental effect on local amenities

## **Examples**

You can issue fixed penalties if householders put waste out so it:

- causes an obstruction to neighbours, such as forcing people using wheelchairs or buggies to walk on the road
- restricts access to the pavement or street, for example leaving waste receptacles (bins or bags) out for several days
- is likely to attract vermin like foxes and rats, such as leaving bags or open receptacles out days before a waste collection
- is unsightly (torn bags or overturned receptacles are left out)

London councils can issue penalty charges instead of fixed penalties – the same rules apply.

## **When you cannot issue fixed penalties**

You cannot issue them for minor problems, such as when householders:

- put something in the wrong receptacle by mistake
- forget to close receptacle lids
- leave receptacles out for a few hours before a collection

# How to issue fixed penalties

You must follow 3 stages.

## 1. Written warning

Write to the householder and explain:

- how they have broken your waste collection rules
- how this has (or is likely to) cause a nuisance or have a negative effect on local amenities
- what they must do and how long they've got to fix the problem
- what will happen if they don't comply

If the householder does not comply, you can issue a notice of intent.

## 2. Notice of intent

Your notice of intent must name the householder and tell them:

- they may get a fixed penalty and why
- how much they'll have to pay
- they have the right to explain why they shouldn't have to pay the penalty within 28 days of the date on the notice

## 3. Final notice

You can issue a final notice 28 days after the notice of intent. You must consider any responses from the householder before you do this.

The notice must name the householder and tell them:

- why they have been given a fixed penalty
- [how much they must pay, noting the maximum full penalty you can apply is £80](#) and how they can pay it
- the deadline for the payment
- what happens if they pay the penalty early, for example if there's a discount
- what happens if they do not pay
- how they can appeal