

## **Council – 13th September 2010**

### **Notice of Motion - Replacement bin charges**

#### **1.0 Purpose**

Set out below is a Notice of Motion from Councillor Smith to Council on 13th September 2010:

*This Council requests the Portfolio Holder for Leisure, Culture & Environment, through discussions with one of its partners, namely WHG, to resolve the issue of responsibility in the situation where a new tenant/s moves into a WHG property only to discover that there is no grey, green or brown bin and where requests for such bins by the new tenant/s are met by WHG and Walsall Council both denying that they have any responsibility to provide bins under these circumstances.*

#### **2.0 Background**

Under Section 46 of the Environmental Protection Act (EPA) 1990, the Council is allowed to charge for receptacles for collecting household waste if it chooses to do so. An occupier does not have a right to demand a bin free of charge from the Council. The policy adopted by the Council determines in the usual way the course the Council should adopt in relation to each case.

The Council's charging policy for replacement wheeled bins was introduced in April 2001 following concerns regarding the cost of replacing bins that were reported lost or stolen.

This policy was revised in 2009 to facilitate the move to the co-mingled dry recycling collection service and reducing the size of the rubbish bin.

It was noted in the January 2001 report that other authorities had reported decreases in lost bins following the policy being introduced.

An occupier can appeal against a requirement made by a Council on the ground that either the requirement is unreasonable or the receptacles already used are adequate.

It is an offence to fail to comply with a requirement under section 46.

### **3.0 Charges for bins**

WHG's policy on the provision of bins is that they will only pay for bins as part of the development costs associated with a new build scheme. Its position on the replacement of stolen or damaged bins is that this is a matter between the Council and the resident. As such, they accept no responsibility for providing replacements.

The Council's current policy for charging for replacement bins is as follows:-

The Council currently provides replacement bins in the following circumstances only:

- (i) Where there are more than six occupants in one household; the 140 litre grey bin may be exchanged for a 240 litre grey bin
- (ii) Bins which have been damaged by Council operatives or equipment during the collection process

The current circumstances for charging for replacement bins (for all services) are as follows;

- (i) Bins reported lost;
- (ii) Bins reported stolen;
- (iii) Bins reported vandalised;
- (iv) Bins reported to have been damaged (except those damaged by Council operatives or equipment during the collection process);
- (v) Bins for new properties and;
- (vi) Bins for new occupants of existing properties.

Where a replacement bin is purchased from the Council, the householder will be charged an amount equal to the costs incurred by the Council in purchasing the bin. Such costs will be reviewed on an annual basis to reflect this.

The decision to charge for a replacement bin may be reviewed, on a case by case basis, for households receiving means tested benefits.

The householder does not have to buy a replacement or new bin from the Council. They can make arrangements to purchase a bin elsewhere. However, in each case, replacement bins must be of the same size, colour and specification as those bins which are and would on each occasion be supplied by the Council.

Walsall Council has so far, in each and every case, decided that it will provide bins at a current charge of £18.50.

This policy applies to all residents within the borough irrespective of the tenure of their property. This means that it is as relevant to WHG tenants as it is to any other resident.

#### **4.0 Financial consideration**

At the time charging was introduced in 2001, a revenue commitment in excess of £60,000 per annum was spent on replacement bins, equating to 4,000 bins per annum.

A handwritten signature in black ink, appearing to read 'Jamie Morris', with a stylized flourish at the end.

Jamie Morris  
Executive Director

3rd September 2010