

Ref. No.	PL/WC/3
Category(Y/N)	
People	
Place	Yes
Corporate	
In Constitution	

Controlled Waste Regulations 2012 Policy

Policy Details

<p>What is this policy for?</p>	<p>The Controlled Waste (England and Wales) Regulations 2012 came into force on 6 April 2012. They replaced the Controlled Waste Regulations 1992 (CWR 1992) which exempted certain premises from the costs of disposing of their waste – this applied to some private institutions and businesses, and the disposal costs of waste from these premises was paid for by the taxpayer. As the cost of disposing of waste continued to increase, the market for waste services was increasingly distorted by artificially low local authority charges.</p> <p>The Controlled Waste Regulations classify waste as household, industrial or commercial, and also list which types of waste local authorities may make a charge for collection and/or disposal. The new 2012 regulations have re-classified a number of premises and also allow local authorities to charge for the disposal of waste from a wider range of non-domestic premises than the CWR 1992 permitted.</p> <p>In line with these regulations, the DWP policy is to charge for collection and disposal of waste where the regulations allow. Charges are not discretionary in any circumstances as a consistent and fair approach needs to be adopted.</p>
<p>Who does this policy affect?</p>	<p>The new Regulations now enable charges for disposal of waste to be levied on certain premises classed as household waste; this is in addition to the collection charges that were previously applicable. The types of premises this applies to include the following:-</p> <ul style="list-style-type: none"> • Waste from charity shops selling donated goods originating from the domestic waste stream (although the disposal charge can only be made for material that originated from non-domestic properties). • Waste from premises occupied by a community interest company or a charity or other not for profit body, which collects goods for reuse or waste to prepare for re-use from domestic property (in this case the disposal charge can only be made for material that originated for non-domestic property). • Waste from a residential or care home • Waste from premises forming part of a university, school or other educational establishment • Waste from a hospital or nursing home • Waste from prisons and penal institutions <p>The Regulations have re-classified the following premises as commercial waste and both collection and disposal charges are now applicable:</p> <ul style="list-style-type: none"> • Premises occupied by a club society or association • Premises occupied by a charity used for charitable purposes (although the disposal charge can only be made for material that originated for non-domestic property) • Self-catering holiday accommodation • Camping and caravan sites • Waste from any part of a composite hereditament used for the purpose of a trade or business. • Royal palace

	<p>The Government has taken steps to minimise the impact of the new Regulations on small businesses and publicly-funded educational establishments and as such certain exemptions from disposal costs have been included.</p> <p>The DWP approved this policy in order to meet the requirements of the new regulations and to provide a clear policy for communication to existing and potential users of the service and to ensure consistency of application.</p>
Keywords	Recycling, rubbish, waste disposal, waste collections, bins, charges, commercial waste
Author	Sarah Wasey, Business Development Manager, Waste Strategy Team
Dorset Council policy adopted from	Dorset Waste Partnership This policy applies across the Dorset Council area.
Does this policy relate to any laws?	Controlled Waste Regulations 1992 Controlled Waste Regulations 2012
Is this policy linked to any other Dorset Council policies?	The type of charges stipulated in the controlled waste regulations 2012 are reiterated in our Recycle for Dorset Service Policy and our Commercial Waste Strategy.
Equality Impact Assessment (EqIA)	No EQIA has been completed; however, the policies provide a consistent approach to charging in line with the legislation. No equalities issues have been identified. An EQIA will be completed when the policy is reviewed for Dorset Council.
Other Impact Assessments	None

Status and Approvals

Status	Live	Version	1
Last review date	26 July 2012	Next review date	The policy will be reviewed following any change in the relevant legislation.
Approved by (Director)	Director of the Dorset Waste Partnership	Date approved	26 July 2012
Member Approval	Dorset Waste Partnership Joint Committee	Date approved	26 July 2012



Councils working together

Agenda Item:

Dorset Waste Partnership Joint Committee

Date of Meeting	26 th July 2012
Officer	Bill Davidson, Head of Strategy and Commissioning
Subject of Report	The Controlled Waste (England and Wales) Regulations 2012
Executive Summary	<p>The Controlled Waste (England and Wales) Regulations 2012 came into force on 6th April 2012. They replace the Controlled Waste Regulations 1992 (CWR 1992) which exempted certain premises from the costs of disposing of their waste – this applied to some private institutions and businesses, and the disposal costs of waste from these premises was paid for by the taxpayer. As the cost of disposing of waste continues to increase the market for waste services was increasingly distorted by artificially low local authority charges.</p> <p>The 2012 Regulations classify waste as household, industrial or commercial, and also list which types of waste local authorities may make a charge for collection and/or disposal.</p> <p>The new Regulations have re-classified a number of premises and also allow local authorities to charge for the disposal of waste from a wider range of non-domestic premises than the CWR 1992 permitted.</p> <p>The Government has taken steps to minimise the impact of the new Regulations on small businesses and publicly-funded educational establishments and as such certain exemptions from disposal costs have been included.</p> <p>This report outlines the key impacts of the new regulations and proposes DWP policy in each circumstance.</p>

Impact Assessment:	Equalities Impact Assessment: No EQIA has been completed; however the policies provide a consistent approach to charging in line with the legislation. No equalities issues have been identified
	Use of Evidence: The Controlled Waste Regulations 1992 and 2012
	Budget / VAT / Risk Assessment: The policies, if agreed, will increase income where it is possible to do so. The policies, if agreed will increase income where it is possible to do so however the new Regulations prevent some current charges being continued. The impact is difficult to assess as it depends upon take up of the services, however it is anticipated that the overall impact will be between cost neutral and a cost of £2,000
Recommendation	That Joint Committee considers and approves the policies recommended in this report.
Reason for Recommendation	It is recommended that members approve this policy in order to meet the requirements of the new Regulations and to provide a clear policy for communication to existing and potential users of the service and to ensure consistency of application. This is particularly important as the implementation of the 'recycle for Dorset' service gets underway.
Appendices	Appendix 1: Controlled Waste (England and Wales) Regulations 2012- Summary of DWP policies
Background Papers	The Controlled Waste (England and Wales) Regulations 2012
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1. Background

- 1.1 The Controlled Waste (England and Wales) Regulations 2012 came into force on 6th April 2012 and replace the previous Controlled Waste Regulation 1992. The new regulations make a number of changes to the classifications of waste from some premises. They also enable local authorities to charge for the collection and disposal of waste from a wider range of premises. Certain exemptions have been made to reduce the burden of the Regulations on small businesses and publicly funded educational establishments.
- 1.2 As there are elements of discretion available to Local Authorities in the application of the new Regulations, a set of policies must be developed. These policies primarily relate to charging for collection and disposal.
- 1.3 The policies would be applied to all relevant premises in the phase one partner areas. Additionally, as the DWP acts as the Waste Disposal Authority

Page 3 - Controlled Waste Regulations

for West Dorset and Weymouth and Portland, a mechanism will have to be put in place to ensure appropriate disposal charges are applied in those areas. These disposal charges will be transferred to the DWP.

1.4 The new Regulations now enable charges for disposal of waste to be levied on certain premises classed as household waste; this is in addition to the

collection charges that were previously applicable. The types of premises this applies to include the following:-

- Waste from charity shops selling donated goods originating from the domestic waste stream (although the disposal charge can only be made for material that originated from non-domestic properties).
- Waste from premises occupied by a community interest company or a charity or other not for profit body, which collects goods for reuse or waste to prepare for re-use from domestic property (in this case the disposal charge can only be made for material that originated for non-domestic property).
- Waste from a residential or care home
- Waste from premises forming part of a university, school or other educational establishment (however certain exemptions apply see 2.1 below)
- Waste from a hospital or nursing home
- Waste from prisons and penal institutions

1.5 The Regulations have re-classified the following premises as commercial waste and both collection and disposal charges are now applicable. There are a number of exemptions which are described in 2.2 below.

- Premises occupied by a club society or association
- Premises occupied by a charity used for charitable purposes (although the disposal charge can only be made for material that originated for non-domestic property)
- Self-catering holiday accommodation
- Camping and caravan sites
- Waste from any part of a composite hereditament used for the purpose of a trade or business.
- Royal palace

2. Exemptions to disposal charges

2.1 Publicly-funded schools and further education establishments

Local Authorities could previously only charge for the collection of waste, but not disposal, from educational establishments including universities, schools and colleges. The new regulations now allow local authorities to also charge for disposal of waste.

However an exemption applies, where publicly funded educational establishments had their waste disposed of without charge by the DWP prior to the new regulations coming into force; they would be able to continue to receive free of charge disposal after the Regulations came into force on 6th April 2012. The regulations make no distinction between local authority maintained schools and academies. As the ability to continue to receive free of charge disposal derives from the collection of waste from premises prior to the regulations coming into force, it will therefore make no difference, and a school receiving a free collection prior to the regulations will continue to do so after any change of legal status to an academy.

Where an establishment uses a commercial provider for their waste disposal, but, chooses to move to the DWP service after the Regulations came in on 6th April, then the DWP will be able to charge the full cost of both collection and disposal.

Policy recommendation

- Where DWP provided a free of charge collection prior 6th April 2012 the partnership will only charge for collection (not disposal)
- Where DWP charged for both collection and disposal prior to 6th April 2012 continue to charge for collection and disposal.
- Any new requests for collections will be charged at full collection and disposal rates.

2.2 Small and micro-businesses

The government has included the following exemption to help minimise the impact of the new Regulations on small and micro businesses.

The new Regulations provide an exemption from waste disposal charges for businesses which immediately before the Regulations came into force on 6th April were (a) eligible for free waste disposal and (b) entitled to Small Business Rate Relief (SBRR). This would apply to the following businesses (as they were previously entitled to free waste disposal under the CWR 1992), provided they are also entitled to SBRR:

- Self catering accommodation
- Camping and caravan sites
- Composite hereditament (which would include childminders etc working from home)

Policy recommendation

- Where a business meets both requirements for this exemption they would only be liable to pay a collection charge for their waste.
- Where a business operated from home is entitled to free disposal they would have the option of utilising spare capacity in their domestic containers for their business waste for a fixed annual charge. Extra waste would be charged at a collection only rate.

2.3 Businesses employing up to 20 people

To minimise the impact of the Regulations on firms employing up to 20 people, the new Regulations have provided that local authorities shall have the freedom to decide whether to charge for collection and disposal on a case-by-case basis, allowing them to make decisions which best support local needs and aspirations. Those most likely to be affected are in self-catering holiday accommodation and childcare (pre-school) categories.

Policy recommendation

- That DWP policy is to charge for collection and disposal of waste where the regulations allow. Charges will not be discretionary in any circumstances as a consistent and fair approach needs to be adopted.

3. Community and Village Halls

The new Regulations state that 'waste from premises used **wholly** or **mainly** for public meetings' is to be regarded as household waste for which a collection charge, but not disposal charge, may be made.

However most village and community halls which host public meetings are very often also used by clubs or societies or are hired out for events such as parties etc. The Regulations state that 'premises occupied by a club, society or any association' is classified as commercial waste for which both collection and disposal charges apply.

There is an obvious conflict between these two classifications and a policy is needed to avoid doubt.

Within the DWP area there is a contrast of policies in different areas regarding the services provided and the charges for these services. There are many ways such venues deal with waste for example: some have a commercial contract, some receive a free collection, others encourage users to take waste home. In addition a considerable number of sites have recycling bring banks located in their car parks which are also open to public use.

Whilst it is appropriate that discretion is used not to charge for waste collected from halls in the first category, there is a possibility of an unfair competitive advantage given to such premises which also generates commercial waste and which may be in competition with other venues (which are not exempt from charges) for social events, hosting clubs etc

Policy recommendation

- Halls used wholly or mainly for public meetings will be offered up to 240-litre of rubbish capacity and 240-litre of recycling capacity each fortnight on a collection only rate. A weekly food waste collection can also be provided if there is demand for this. This would also be charged on a collection only rate. Please note these services would only be available once the 'recycle for Dorset' service is available in that area. An alternative service will be offered in the meantime, however this may not include the same range of materials.

Page 6 - Controlled Waste Regulations

- Any additional waste generated at the premises would be classed as commercial waste and appropriate collection and disposal charges will apply.
- Note: where bring banks are located close to community or village halls for use of the general public they will remain in place. These bring banks will be considered as part of an over-arching review into the DWP bring bank provision.

Steve Burdis
Director
July 2012