

Important
Information

COMMERCIAL WASTE AND RECYCLING

A Guide to your Duty of Care



Every organisation and business has a duty of care (a legal responsibility) for the waste that they generate.



Section 34 of the Environmental Protection Act 1990 (EPA, 1990) requires businesses to:

- ✓ Store their waste securely so it does not cause litter or attract vermin
- ✓ Ensure their waste is transferred to an authorised collector such as a reputable waste contractor
- ✓ Complete a waste transfer note for any transfer of waste and retain a copy of this note for two years
- ✓ Ensure if carrying their own waste to disposal facilities they should be appropriately registered with the Environment Agency visit www.gov.uk/waste-carrier-or-broker-registration for more information.

This leaflet provides useful information to help you when it comes to disposing of waste.

I thought the cost of waste collection was included in my business rates?

Waste collection is not included in business rates.

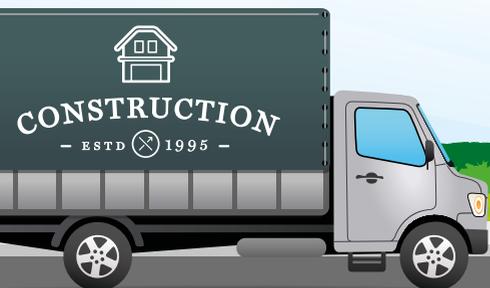
Businesses should contact a waste management company directly to arrange for the collection and disposal of their waste. Details of waste management companies can be found in the yellow pages or via the internet.

Working for private households

If your business carries out work at a private household e.g. building or gardening, any waste you produce is classed as business waste and you must treat it as such.

Home-based businesses

If your business is home-based, any waste you produce from your business activities is classed as business waste. You must keep it separate from your household waste and treat it as business waste.





What to do if you suspect something is wrong...

If you are paying someone to collect your commercial waste and believe they are breaking the law, do not give your waste to them or accept waste from them.

Report it to the Environment Agency by calling **0800 80 70 60** or Crimestoppers by calling **0800 555 111**.

Who has the authority to take waste?

There are numerous companies that provide services for the collection of trade or commercial waste from private business and if you are using such a company to move or dispose of your waste then you need to ensure that they are either a registered or exempted waste carrier. To ensure that you are giving waste to a registered waste carrier you can check their certificate of registration or check with the Environment Agency by visiting:

**[www.gov.uk/guidance/
access-the-public-register-for-environmental-information](http://www.gov.uk/guidance/access-the-public-register-for-environmental-information)**

If you want to transport your own waste to or from any place in Great Britain as part of your business you will generally need to be registered as a waste carrier. It is an offence to carry waste without being a registered waste carrier and can lead to a fixed penalty notice or prosecution.



Can I use the local Household Waste Recycling Centres, mini recycling centres or street litter bins to dispose of my waste?

No, these facilities are not for the disposal of commercial waste. If you use the facilities to dispose of waste produced by your business, then you are not complying with the legal requirements of your duty of care and could face a fine or prosecution.



Household
Recycling Centre



Food bins &
drink cans

Enforcement

Failure to comply with the duty of care requirements is a criminal offence and could lead to prosecution.

Enforcement action can be taken against anyone who is found not following their duty of care. Failure to comply with the EPA 1990 will result in a fixed penalty being issued or for more serious cases could result in prosecution.

You must also provide a written description of your waste to the person who removes it. A transfer note must also be filled in and signed by both persons involved in the transfer. This should indicate the quantity and type of materials in the waste. Offenders can be issued with a fixed penalty notice of £300, or may be required to pay a fine following a court conviction.

If the person who takes the waste from you is not authorised to do so, or your waste is illegally disposed of (e.g. fly-tipped), you could be prosecuted and fined if you have not taken all reasonable measures to meet your duty of care obligations.

Trade business or commercial waste of any description is not accepted at any of the household waste recycling centres in West Berkshire.



Remember

There are a number of steps that should be followed to ensure that you dispose of your waste legally:

- ✓ **Check waste carriers licenses**
- ✓ **Don't use a passing 'man with a van.'**
- ✓ **Get a waste transfer note**
- ✓ **Keep all related paper work for a period of two years**
- ✓ **Don't put your business waste out with your household waste (in doing so you will breach your duty of care).**

Use a trade waste facility to dispose of your waste. Do not use recycling facilities which are for householders because the act of leaving trade waste at such sites is a criminal offence.

Some registered waste carriers are only valid for certain kinds of waste or activities. Check that their certificate covers your type of waste.

Note: this leaflet is only an introduction to duty of care requirements. It cannot be relied upon as legal advice. For further information please contact the Environment Agency.



Fly tipped material

Fly tipped material collected from private land, ie. a farmer's field, cannot be disposed of at a household waste recycling centre. This type of waste is classed as commercial or business waste.

For more information on what landowners can do to prevent and remove fly tipping visit

www.tacklingflytipping.com/landowners/1500

You can find more information regarding Duty of Care online

www.gov.uk/managing-your-waste-an-overview

For more information or to receive this leaflet in an alternative format or translation, please contact West Berkshire Council's Customer Services:

Telephone: **01635 519080** Email: **customerservices@westberks.gov.uk**

Visit: **www.westberks.gov.uk/commercialwaste**

For more information about Veolia visit: **www.veolia.co.uk/westberkshire**