

APSE National Environmental Services Seminar 2014

Charging For Waste Services – What Can You Do Legally?

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Summary

Clinical, bulky waste and green waste

Charges on private landlords for student accommodation

Charges for receptacles

The question

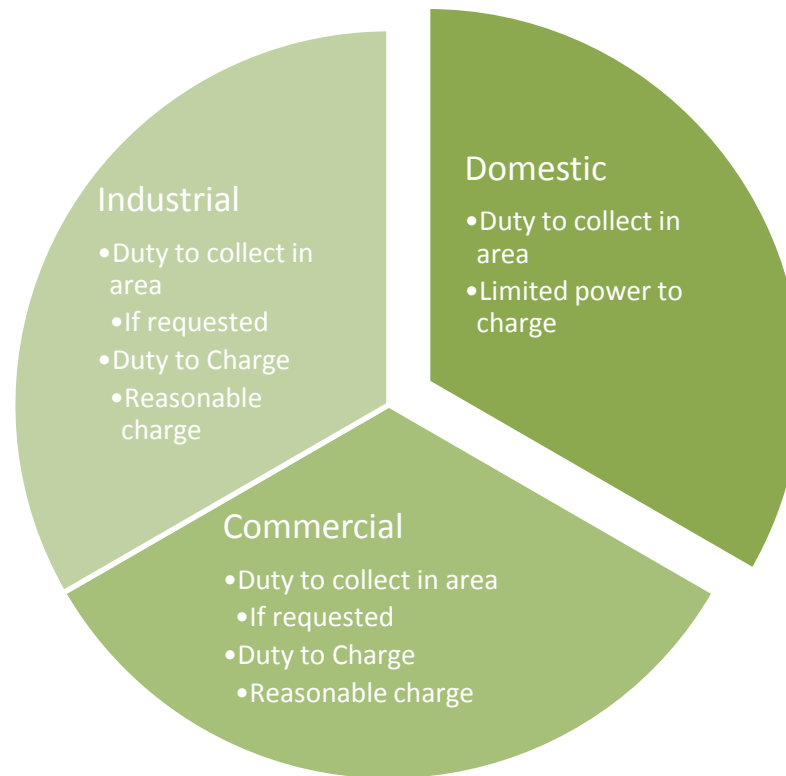
What can Local Authority waste services legally charge for?

It depends-

What type of waste?

Where are you collecting it?

What type of Waste?



Chargeable types of Domestic Waste

The Controlled Waste (England and Wales) Regulations 2012

Garden Waste

Dead
domestic pets

Waste oil or
grease

Asbestos

Clinical waste
and offensive
waste

Bulky Waste

Clinical Waste

- Can charge for clinical waste and offensive waste
- produced at a domestic property, a caravan or a vehicle or vessel used wholly for the purposes of living accommodation
- to cover the cost of collection.

Clinical Waste

Clinical Waste is:

- from a healthcare activity (including veterinary)
- contains viable micro-organisms or toxins which cause disease in humans or other living organisms,
- Contains a biologically active pharmaceutical agent,
- is a sharp, or a body fluid or other biological material (including human and animal tissue) containing a dangerous substance; or
- waste of a similar nature from a non-healthcare activity;

Clinical Waste

Offensive Waste is:

- not clinical waste,
- contains body fluids, secretions or excretions, and
- falls within code 18 01 04, 18 02 03 or 20 01 99 in
Schedule 1

Bulky Waste

- Exceeds 25kg in weight; or
- Any article of waste which does not fit or cannot be fitted into:
 - a receptacle for household waste provided in accordance with Section 46 of the Environmental Protection Act 1990; or
 - where no such receptacle is provided, a cylindrical container 750mm in diameter and 1m in length
- Charge to cover the cost of collection

Green Waste

- Local Authorities can charge for the collection of green / garden waste
- Charge to cover the cost of collection

Chargeable Domestic Premises

Collection charge only

Premises used wholly or mainly for public meetings

Residential hostel for homeless

Collection charge plus Disposal if waste arises from domestic

Charity shop selling donated goods originating from domestic property

Premises occupied by a CIC, NPDO or charity which collects domestic goods or waste to prepare for re-use

Collection plus disposal

Residential home

Hospital or nursing home

Penal institution

University, school or other educational establishment - Subject to restrictions

Charges on Private Landlords for Student Accommodation

- The Controlled Waste (England and Wales) Regulations 2012 states that Local Authorities may charge for collection on "Domestic property used in the course of a business for the provision of self-catering accommodation".
- DEFRA letter sets out government position that the above should not include student halls or privately rented properties in this definition
- Position is not clear and is open to interpretation however pragmatic approach would be
 - Business rates charged = chargeable
 - Council tax charged (noting student exemption) = not chargeable

Charging for Receptacles

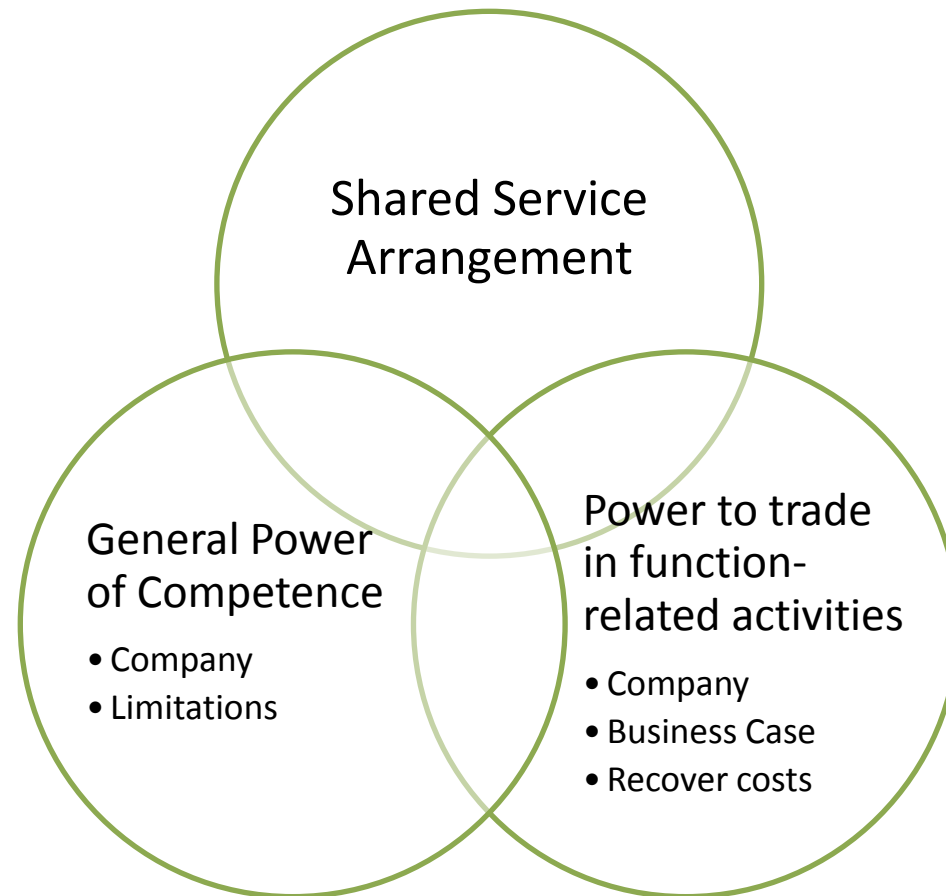
Domestic

- provided by the authority free of charge; or
- provided by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority; or
- provided by occupier

Trade

- may, supply receptacles for commercial or industrial waste
 - if requested
- Duty to make a reasonable charge for any receptacle supplied
 - unless in the case of a receptacle for commercial waste consider it appropriate not to make a charge

Out of Area?



Any questions?

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