

**Harborough District Council**  
**Wheeled Bin Policy 202018- (Revised)**

Harborough District Council collects waste from approximately 40,000 households over 237 square miles. Our aim is to provide a high-quality value for money service to all domestic households.

This document will cover the following topics regarding wastes collection and wheeled bins:

1. Legislation
2. Wheeled Bins Provided
3. Large family policy
4. Medical exceptions
5. Policy for old bins previously issued
6. Sack collections
7. Frequency of collections
8. Presentation of bins for collection
9. Wheeled bin hygiene
10. Charging policy for replacement bins
11. New properties – developer contributions
12. Assisted collections
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17. Additional Information
18. Fines and non-compliance
19. Appendices/Briefing note

The document has been approved by Executive and all decisions by Officers will be based on the content of this document.

## 1. Legislation

The Environmental Protection Act (EPA) sets out by law what the authority's responsibilities are and the resident using the bins are required to do. This document forms a significant part of the policy.

Section 45 Collection of controlled waste  
Section 46 Receptacles for household waste

The second Document is the Controlled Waste Regulations 2012 (revised from 1992) This document clarifies the type of premises we collect from and the legislation on how to collect, dependant on Domestic, Commercial or Charity status.

Both documents are available as appendices.

## 2. Wheeled Bins Provided

All properties have previously been issued with a 240 litre black wheeled bin for residual waste, a 240 litre green bin for garden waste and a 240 litre blue lidded bin for co-mingled recycling.

The above was issued on the following timescale:

1994 all households were issued with 240 litre wheeled bins  
2004 all households were issued with a further 240 litre black wheeled bin  
2012 all households were issued a third 240 litre bin for co-mingled recycling. This is provided with a bin insert for paper, newspaper, pamphlets and junk mail.  
2012 All new residual waste bins once the old bin has come to the end of life are 180 litres in size. Residual bins issued to new addresses are 180 litres in size.  
2016 the insert was removed from the recycling bin and garden waste was made chargeable.

Residents may request a smaller green or black bin as a replacement for their existing bin. These will be provided free of charge to the resident, however annual restrictions on the number of smaller bins issued may be applied due to budget restraints.

Subject to paragraph 11 and the exceptions set out in this paragraph, All bins remain the property of Harborough District Council and must remain with the house that they are issued to. Residents should not take the bin when they move to a new house unless otherwise instructed by an officer of the Council. The exception to this is large black bins which should be moved by the householder if they move within the District.

## 3. Large family policy

All households that have 5 or more permanently resident people living at the address may be entitled to a ~~360~~240 litre bin. This will be subject to the following criteria:

- Number of householders (Proof of this will be required through birth certificates)
- Evidence of using the recycling receptacles
- Completion of an application form and Officer approval
- All applications will be reviewed after one year of commencement
- Emphasis will be on the resident to advise of any changes in circumstances and they should notify the Council immediately, failure to do this may result in the bin being removed and a charge placed on the householder
- If a resident moves to a new house they will have to inform the council and then make arrangements to move the bin.

Families with 4 or less will not be eligible and young children in nappies will not meet the criteria for a large wheeled bin.

Families with 5 or more permanent residents that have previously been issued with 360 litre bin under old arrangements will be entitled to keep it until such time that the household composition reduces, the bin is no longer in service due to damage or is lost on collection or stolen. In these cases, the resident will need to re-apply for a 240 litre bin or accept the standard 180 litre bin.

360 litre bins will no longer be purchased by the council and residents will have 140, 180 or 240 litre options only.

Officers will be entitled to undertake a review of households with a ~~360 litre~~240 or 360 litre bin to establish the ongoing need. If an Officer determines that the ~~360 litre~~240 or 360 litre bin is not required then a smaller 180 litre bin will be issued.

#### **4. Medical exceptions**

There are a number of residents that require additional capacity for medical reasons; these residents will be entitled to an additional 140 litre bin through an application form. The criteria for this bin will be based on the following:

- Medical condition
- How much additional waste will be residual waste
- If necessary, a site visit

Any bins issued under this part of the policy will continue to be issued free of charge.

#### **5. Policy for old bins previously issued**

There are a number of properties that have 360 litre black wheeled bins or additional bins that have either been paid for or they have met criteria for issue.

In the first case where a bin has been paid for the resident may keep the bin but they will not be able to present this for collection.

In the latter case where they previously have been able to qualify for the bin, they will now need to meet the new criteria. In the event that the resident does not meet the criteria a 180 litre bins will be issued for residual waste.

#### **6. Sack collections**

There will be households in the district that have limited space for the storage of wheeled bins or access issues in terms of presentation of a wheeled bin. These properties, subject to a site visit, may be placed on a sack collection.

There must be a valid reason for being on the sack collection service, householders who just do not want a wheeled bin will not be eligible, this service is designed to help residents who genuinely have access issues such as some terraced properties, flats and communal areas.

#### **7. Frequency of collections**

All properties will receive an alternate weekly collection of residual waste one week with recycling the following week.

The only exception to this is where there are communal areas with limited storage who may receive a weekly collection if after a site visit by an Officer it is felt that this is required. At anytime the service maybe reviewed and reduced.

Green waste is chargeable and residents must subscribe to this service to receive a collection.

Collections may be altered from time to time to accommodate Public Holidays, Christmas and New Year.

Any waste collection, including green waste collections, maybe be suspended by the Authorised Officer during inclement weather, the decision will be made by the Authorised Officer and agreed with the Portfolio Holder.

## **8. Presentation of bins for collection**

All wheeled bins must be presented at the edge of the curtilage by 7am; this is the point at which private land meets the public highway. All wheeled bins should have the lid shut to ensure the bin is safe for emptying.

There are exceptions to this rule for example if the resident does not have a driveway and the property is directly on to the public highway then from 7am until 7pm on the same collection day the resident may present the wheeled bin on the footpath. Wheeled bins should be removed as quickly as possible after the collection so not to cause an obstruction.

Any resident found to be leaving wheeled bins presented or not presenting on time may be subject to a letter and/or site visit.

Obstruction of the public highway is an offence through the Highways Act.

There are some properties that may have access issues such as rural properties and the distance from the road to the kerbside. In these circumstances a visit by an officer will be required at determine the point of collection.

## **9. Wheeled bin hygiene**

It is important to ensure that household waste is disposed of correctly throughout the year, responsibility for doing this lies with the individual householder.

There are a variety of ways in which that residents could ensure the wheeled bins stay clean and reduce the risk of maggots and bad smells.

Alternate weekly collections are not a risk to public health and studies funded by DEFRA and carried out by Enviro have confirmed this.

Residents should have regard to the following:

- Residents should use the wheeled bins provided correctly, ensuring the lid is shut
- Residents should ensure the wheeled bin is stored in the shade if possible
- Residents should bag all "smelly" waste in the residual bin
- Residents should ensure food waste is not left out on worktops for flies to lay eggs on
- Pet food is not left out as this can be a source of maggots in the bin.
- By eliminating areas where flies lay eggs will reduce the risk of maggots
- Residents should dispose of liquid waste down the sink, if placed in the residual bin this could lead to an infestation of flies.
- Residents should use fly sprays and bin odour products as per their instructions
- Residents should rinse out packaging in the recycling bin as this will reduce odours
- If residents have young children in nappies try to use re-usable nappies.
- If residents have to use disposable nappies, ensure the solid matter is flushed down the toilet and the remainder is double bagged in the residual bin to reduce smells

- Residents should ensure they wash out the bin regularly with disinfectant, this will kill any eggs from flies
- Residents should ensure the bin is numbered so they receive the same bin back after collection

## 10. Charging policy for replacement

Any wheeled bin that is damaged by the householder through misuse or fire damage will be charged for a replacement at the current rate published in the Council's Annual Fees and Charges.

If a wheeled bin is lost or stolen an incident report will need to be logged with the Police. It may be possible to claim the cost of the bin through house insurance. Replacement bins will be provided.

If a wheeled bin is damaged by the contractor through the collection process, then a charge will not be made to the householder and a replacement bin will be issued free of charge.

In exceptional circumstances, officers may be able to use discretion and issue bins free of charge.

## 11. New properties – ~~developer contributions~~

All new wheeled bins provided to new properties will be chargeable and the householder will need to make a payment for these, the price of the bin will be set in the fees and charges document. There will be a one off charge for a new property and subsequently it will be classed as an existing dwelling.

The wheeled bin will become the property of the householder upon purchase. If the subsequent owner of the property requires a wheeled bin to be provided it will be provided free of charge subject to paragraph 10 above.

Developers will be asked to fund the costs of all wheelie bins and inserts required for all new properties. This will be via Section 106 funding or Community Infrastructure Levy.

## 12. Assisted collections

To offer a free assisted refuse/recycling service to residents who are unable to physically place out & return their own refuse/recycling containers.

The service is, also, available to those on the Garden Waste Collection Service if they have subscribed to the service.

The service is available to any resident who is physically unable to place a wheeled bin or recycling box out for collection and in addition there is no other able person living at the property to assist them. Groups that may be affected include the disabled, visually impaired, mental health, learning difficulties, elderly and pregnant.

An Equality Impact Assessment (EIA) was completed in 201~~2~~<sup>8</sup> which can be viewed on the council website.

## 13. Flats and communal properties

There are a number of flats and communal properties in the district, these often have aging bin stores that are limited on space and therefore the normal collection model may not be suitable.

Where these properties are highlighted by residents or are already on a special arrangement, they may need a visit to establish what is the best way to collect.

Many communal properties will require four wheeled steel containers which are labelled either co-mingled recycling or residual waste. The residual waste capacity is based on the 60 litres per person multiplied by the number of people present, for example, a one bed flat could have up to two people residing.

Some flats may have room for only standard wheeled bins and therefore capacity would be calculated on the same basis but based on multiples of 140, 180 and 240 litre wheeled bin.

If the flat is above a shop there may be storage issues for wheeled bins, therefore different colour sacks would be required, this would consist of green for green waste, clear for co-mingled recycling and red for residual waste.

#### **14. Missed collections**

The Council and our contractor aim for zero missed collections, however, where a missed collection arises and it is the contractor's error they will return as specified in the contract.

Any missed collections should be reported through the Council's customer services channels. This includes reports of missed bins made on behalf of residents by councillors.

Missed bins will be returned to within 48 hours of reporting, any missed collections reported after 7 days will not be returned to.

Any missed collection due to resident error will not be collected until the next scheduled collection. The resident may pay for a bulky waste collection of 12 sacks (please refer to the fees and charges document) or alternatively take their waste to the Recycling and Household Waste Site.

#### **15. Side waste**

The council will not collect side waste from any household on residual waste unless this has been authorised by an Officer, for example if a resident did not want a missed collection returning to and they would be willing to wait until the next residual waste collection up to three additional black sacks would be collected.

Side waste on the recycling wheeled bin will be allowed, for example, a cardboard box flat packed at the side of the blue lidded wheeled bin.

#### **16. What goes in each wheeled bin**

Blue Lidded Bin – Cardboard, Paper, Leaflets, Junk Mail, Newspapers, Magazines, Cans, Aerosols, Clean Foil and Foil Containers, Plastic Pots, Food Trays, Tetra Pak, Juice Cartons. No black plastic.

Green Bin – Grass cuttings, Hedge Cuttings, Plants, Flowers, Twigs, Leaves, Branches

Black Bin – Non-Recyclable Waste, Non-Compostable Domestic Waste, Food Waste

The following material cannot be collected by the Council's kerbside

collection scheme and should be disposed of at a recycling household waste site or other specialist disposal site:

Batteries (inc. Vehicle Batteries)

Oil and waste liquids of any type

Chemicals (inc. solvents and acids)

Asbestos

Soil, Rubble and Construction Waste

Furniture and bulky items

Wood

Electrical Items

Paint

Gas bottles

Other waste that may not be disposed of using routine methods

## **17. Additional Information**

There may be factors that stop Harborough District Council collecting the waste, such as very bad weather or public holidays. If the Council miss a collection of the bin(s), the Council will endeavour to reschedule a subsequent collection of the bin(s) as soon as practically possible, unless there is an issue logged by our contractor. Please note any bins that are compacted or frozen will not receive a return collection. Any resident will not receive a refund if the Council miss the bin(s) or if the Council are unable to collect the bin(s) or if the bin is frozen due to bad weather or compacted.

The bin(s) must only be used for the correct waste from the property and presented with the lid closed at the boundary where private property meets the Public Highway, by 7:00am on the day of collection. Only the bin issued to that property will be collected.

The Chief Officer for this service can make minor amendments to the policy in consultation with the Portfolio Holder.

Contaminated waste bins which contain items that are not accepted as part of the Service will not be emptied and no return collection will be made for these bins. Please see the Service leaflet or the sticker previously issued for the items accepted.

Some waste can be heavy; the vehicle lifts are set to lift no more than 100kg. Any bins over this weight will not be emptied and the resident will be required to remove the excess and wait until the next scheduled collection.

### **17.18. Fines and Non-Compliance**

For any residents that continually choose not to recycle or place item/s in the incorrect wheeled bins causing contamination there will be a system of education/warnings and fines;

The basis of the system will be as follows:

1<sup>st</sup> offence – Notice and information

2<sup>nd</sup> offence – Final warning

3<sup>rd</sup> offence – Fine

The level of fixed penalties applying in relation to section 46 EPA will be set at £80 and reduced to £40 upon early payment.

## **Appendices**

### **Environmental Protection Act section 45 and 46**

45 Collection of controlled waste.

(1) It shall be the duty of each waste collection authority :-

(a) to arrange for the collection of household waste in its area except waste :-

(i) which is situated at a place which in the opinion of the authority is so isolated or inaccessible that the cost of collecting it would be unreasonably high, and

(ii) as to which the authority is satisfied that adequate arrangements for its disposal have been or can reasonably be expected to be made by a person who controls the waste; and

(b) if requested by the occupier of premises in its area to collect any commercial waste from the premises, to arrange for the collection of the waste.

(2) Each waste collection authority may, if requested by the occupier of premises in its area to collect any industrial waste from the premises, arrange for the collection of the waste; but a collection authority in England and Wales shall not exercise the power except with the consent of the waste disposal authority whose area includes the area of the waste collection authority.

(3) No charge shall be made for the collection of household waste except in cases prescribed in regulations made by the Secretary of State; and in any of those cases :-

(a) the duty to arrange for the collection of the waste shall not arise until a person who controls the waste requests the authority to collect it; and

(b) the authority may recover a reasonable charge for the collection of the waste from the person who made the request.

(4) A person at whose request waste other than household waste is collected under this section shall be liable to pay a reasonable charge for the collection and disposal of the waste to the authority which arranged for its collection; and it shall be the duty of that authority to recover the charge unless in the case of a charge in respect of commercial waste the authority considers it inappropriate to do so.

(5) It shall be the duty of each waste collection authority :-

(a) to make such arrangements for the emptying, without charge, of privies serving one or more private dwellings in its area as the authority considers appropriate;

(b) if requested by the person who controls a cesspool serving only one or more private dwellings in its area to empty the cesspool, to remove such of the contents of the cesspool as the authority considers appropriate on payment, if the authority so requires, of a reasonable charge.

(6) A waste collection authority may, if requested by the person who controls any other privy or cesspool in its area to empty the privy or cesspool, empty the privy or, as the case may be, remove from the cesspool such of its contents as the authority consider appropriate on payment, if the authority so requires, of a reasonable charge.

(7) A waste collection authority may :-

(a) construct, lay and maintain, within or outside its area, pipes and associated works for the purpose of collecting waste;

(b) contribute towards the cost incurred by another person in providing or maintaining pipes or associated works connecting with pipes provided by the authority under paragraph (a) above.

(8) A waste collection authority may contribute towards the cost incurred by another person in providing or maintaining plant or equipment intended to deal with commercial or industrial waste before it is collected under arrangements made by the authority under subsection (1)(b) or (2) above.

(9) Subject to section 48(1) below, anything collected under arrangements made by a waste collection authority under this section shall belong to the authority and may be dealt with accordingly.

(10) In relation to Scotland, sections 2, 3, 4 and 41 of the **M1** Sewerage (Scotland) Act 1968 (maintenance of public sewers etc.) shall apply in relation to pipes and associated works provided or to be provided under subsection (7)(a) above as those sections apply in relation to public sewers but as if :-

(a) the said section 2 conferred a power on a waste collection authority rather than a duty on Scottish Water;

(b) in the said section 3 :-

(i) references to Scottish Water were references to a waste collection authority; and

(ii) in references to public sewers and public sewage works the word "public" were omitted;

(c) in the said section 4, the reference to Scottish Water were a reference to a waste collection authority and the words from "by virtue" to the end were omitted; and

(d) in the said section 41, the reference to Scottish Water were a reference to a waste collection authority,

and the Pipe-lines Act 1962 shall not apply to pipes and associated works provided or to be provided under the said subsection (7)(a).

(10A) Where a waste collection authority, in the exercise of its powers under subsection (7)(a) above, proposes to execute works outside its area, it shall, in addition to any notice served under section 3(2) of the Sewerage (Scotland) Act 1968 as applied by virtue of subsection (10) above, serve notice of its intention on the waste collection authority within whose area it is proposed to execute the works together with a description of the proposed works and if, within two months after the service of the notice, the waste collection authority on whom it was served objects to the proposed works, and that objection is not withdrawn, the first-mentioned authority shall not proceed to execute the works without consent after mentioned but may refer the matter for the determination of the Scottish Ministers who may grant consent to the proposed works either unconditionally or subject to such terms and conditions as they think just, or who may withhold their consent, and their decision on the matter shall be final.

(11) In the application of this section to Scotland, subsection (5)(b) and the references to a cesspool occurring in subsection (6) shall be omitted.

(12) In this section "privy" means a latrine which has a moveable receptacle and "cesspool" includes a settlement tank or other tank for the reception or disposal of foul matter from buildings.

#### 45A Arrangements for separate collection of recyclable waste

(1) This section applies to any waste collection authority whose area is in England (an "English waste collection authority").

(2) Where an English waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority shall ensure that the arrangements it makes in relation to those premises include the arrangements mentioned in subsection (3) below, unless it is satisfied that (in that case) :-

(a) the cost of doing so would be unreasonably high; or

(b) comparable alternative arrangements are available.

(3) The arrangements are arrangements for the collection of at least two types of recyclable waste together or individually separated from the rest of the household waste.

(4) The requirement in subsection (2) above shall apply from 31st December 2010.

(5) The Secretary of State may, if requested to do so by an English waste collection authority, direct the authority that subsection (4) above shall have effect in relation to that authority as if

the date mentioned there were such later date as may be specified in the direction (being a date no later than 31st December 2015).

(6) In this section, "recyclable waste" means household waste which is capable of being recycled or composted.

46 Receptacles for household waste.

(1) Where a waste collection authority has a duty by virtue of section 45(1)(a) above to arrange for the collection of household waste from any premises, the authority may, by notice served on him, require the occupier to place the waste for collection in receptacles of a kind and number specified.

(1A) Where :-

(a) subsection (1) applies to a waste collection authority, and

(b) a waste reduction scheme under Schedule 2AA to this Act is in operation in the authority's area,

the authority may require the occupier to place the waste for collection in receptacles identified by such means as may be specified.

(1B) A requirement under subsection (1A):-

(a) must be imposed by notice served on the occupier;

(b) may be imposed instead of, or in addition to, any requirement imposed on the occupier under subsection (1).]

(2) The kind and number of the receptacles required under subsection (1) above to be used shall be such only as are reasonable but, subject to that, separate receptacles or compartments of receptacles may be required to be used for waste which is to be recycled and waste which is not.

(3) In making requirements under subsection (1) above the authority may, as respects the provision of the receptacles:-

(a) determine that they be provided by the authority free of charge;

(b) propose that they be provided, if the occupier agrees, by the authority on payment by him of such a single payment or such periodical payments as he agrees with the authority;

(c) require the occupier to provide them if he does not enter into an agreement under paragraph (b) above within a specified period; or

(d) require the occupier to provide them.

(4) In making requirements as respects receptacles under subsection (1) above, the authority may, by the notice under that subsection, make provision with respect to :-

- (a) the size, construction and maintenance of the receptacles;
- (b) the placing of the receptacles for the purpose of facilitating the emptying of them, and access to the receptacles for that purpose;
- (c) the placing of the receptacles for that purpose on highways or, in Scotland, roads;
- (d) the substances or articles which may or may not be put into the receptacles or compartments of receptacles of any description and the precautions to be taken where particular substances or articles are put into them; and
- (e) the steps to be taken by occupiers of premises to facilitate the collection of waste from the receptacles.

(5) No requirement shall be made under subsection (1) above for receptacles to be placed on a highway or, as the case may be, road, unless :-

- (a) the relevant highway authority or roads authority have given their consent to their being so placed; and
- (b) arrangements have been made as to the liability for any damage arising out of their being so placed.

(6) A person who fails, without reasonable excuse, to comply with any requirements imposed under subsection (1), (1A), (3)(c) or (d) or (4) above shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

(7) Where an occupier is required under subsection (1) above to provide any receptacles he may, within the period allowed by subsection (8) below, appeal to a magistrates' court or, in Scotland, to the sheriff by way of summary application against any requirement imposed under subsection (1), subsection (3)(c) or (d) or (4) above on the ground that :-

- (a) the requirement is unreasonable; or
- (b) the receptacles in which household waste is placed for collection from the premises are adequate.

(8) The period allowed to the occupier of premises for appealing against such a requirement is the period of twenty-one days beginning :-

- (a) in a case where a period was specified under subsection (3)(c) above, with the end of that period; and
- (b) where no period was specified, with the day on which the notice making the requirement was served on him.

(9) Where an appeal against a requirement is brought under subsection (7) above :-

- (a) the requirement shall be of no effect pending the determination of the appeal;

(b) the court shall either quash or modify the requirement or dismiss the appeal; and

(c) no question as to whether the requirement is, in any respect, unreasonable shall be entertained in any proceedings for an offence under subsection (6) above.

(10) In this section :-

- “receptacle” includes a holder for receptacles; and
- “specified” means specified in a notice under subsection (1) or (1A) above.

(11) A waste collection authority is not obliged to collect household waste that is placed for collection in contravention of a requirement under this section.

## **Controlled Waste Regulations 2012**

### **Briefing Note on Controlled Waste Regulations (CWR) 2012**

#### **Background**

In November 2010, the Department for Environment, Food and Rural Affairs (DEFRA) issued a consultation on revising the Controlled Waste Regulations 1992. This consultation closed on 14<sup>th</sup> January 2011. The contents and proposed implications have been discussed in the meeting on 30<sup>th</sup> September 2011.

Further to this meeting a questionnaire was issued to all Waste Collection Authorities based on the draft legislation. 6 of the 7 Waste Collection Authorities have responded to this questionnaire. This questionnaire provided an indication of the overall impacts from the proposed legislation.

DEFRA released the revised legislation in March 2012 with the legislation coming into force from the 6<sup>th</sup> April 2012.

#### **Update on the Current Regulations**

There are some changes of significance and as such the questionnaire previously provided has been expanded to incorporate the changes. The changes of significance are as follows:-

- (a) Schools, academies, colleges etc (but not universities) can continue to request a collection of waste without a disposal charge if they are:-
- (i) Publicly funded; and
  - (ii) were provided a collection by a WCA *immediately prior to* the coming into force of the CWR 2012

Currently, and subject to any further guidance, it is reasoned that ‘immediately prior to’ means if such an institution had an agreed contract or arrangement with a WCA on 5<sup>th</sup> April 2012.

If an institution did not have an agreement on 5<sup>th</sup> April 2012 (e.g. they used a private contractor), then if they subsequently request a collection they are not entitled to free disposal.

***It is recommended that all WCAs keep a separate record where a collection agreement was in place on 5<sup>th</sup> April 2012 with educational establishments highlighted above to avoid any challenges in future years.***

- (b) Some businesses may be able to continue to request a collection of waste without a disposal charge if they are:-
  - (i) eligible for Small Business Rate Relief; and
  - (ii) were eligible for free disposal prior to the coming into force of the CWR 2012

As such businesses that are provided a commercial waste collection (regardless of whether they are eligible for small business rate relief) can continue to be charged for disposal. This appears to mainly affect small self catering businesses where they were previously provided a collection with free disposal; however it is uncertain as to the scale of this and the legislation needs to be reviewed in more detail.

- (c) Waste from premises used wholly or mainly for public meetings, unlike the consultation proposals (which proposed such waste is reclassified as commercial waste) remains as household waste where no disposal charge can be made.

Further details are shown in Appendix A and in the guidance notes available by following the links below.

### **Summary**

Given the scope of the changes, an updated questionnaire will be issued to all WCAs with a few additional questions and amendments. The questionnaire will include the original responses and should be completed and returned by 6<sup>th</sup> June 2012.

We propose not to make any change in how we charge for disposal until at least autumn 2012. This will allow time for discussion and a common understanding to be developed.

DEFRA have indicated that some of the above changes (a, b and c) may be reviewed after April 2015.

### **Useful Links**

Legislation

<http://www.legislation.gov.uk/uksi/2012/811/contents/made>

DEFRA Guidance

<http://www.defra.gov.uk/environment/waste/local-authorities/controlled-waste-regs>

**Appendix A – Summary of Changes in the Controlled Waste Regulations 2012**

Description	Previous Regulations (CWR 1992)		CWR 2012		
	Classification	Collection Charge only	Classification	Change	Exceptions
<b>No Change</b>					
Domestic caravan	Household waste	No	Household waste	No change	
Places of worship	Household waste	No	Household waste	No change	Excludes Construction and demolition waste
Moored vessel for living accommodation	Household waste	No	Household waste	No change.	If used for a self catering business then to be treated as commercial waste.
Residential hostel <sup>1</sup>	Household waste	Yes	Household waste	No change	
Garden Waste	Household waste	Yes	Household waste	No change	Disposal charges may be applied if from non-domestic premises (with a few exceptions). Construction and demolition 'garden' wastes are Industrial Waste
Clinical Waste from domestic property	Household waste	Yes	Household waste	No change	
Waste arising from works of construction or demolition, including waste arising from preparatory work	Industrial Waste	Yes	Industrial Waste	No change	

<sup>1</sup> Provision of accommodation only to persons with no other permanent address or who are unable to live at their permanent address.

Description	Previous Regulations (CWR 1992)		CWR 2012		
	Classification	Collection Charge only	Classification	Change	Exceptions
Asbestos	Household waste	Yes	Household waste	No change	Does not apply to construction and demolition wastes
Premises used wholly or mainly for public meetings	Household waste	Yes	Household	No change.	
<b>Change – Power to charge for disposal</b>					
Schools maintained by a local authority; further educational institutions; and Academies	Household waste	Yes	Household waste	No charge for disposal <b>only</b> if public funding and receiving LA collection on 5 <sup>th</sup> April 2012.	Non-publicly funded schools and those with commercial collections immediately before the regulations came into force are chargeable.
University or other higher educational establishment	Household Waste	Yes	Household Waste	Power to charge for disposal	
Hospital & Nursing Homes	Household waste	Yes	Household waste	Power to charge for disposal	No disposal charge if waste from on site residential hostel
Residential home, care home and care home with nursing.	Household waste	Yes	Household waste	Power to charge for disposal	

Prison or penal institution	Household waste	Yes	Household waste	Power to charge for disposal	
<b><i>Change – Now classified as commercial waste rather than household waste</i></b>					
Premises occupied by a charity used for charitable purposes	Household waste	Yes	Commercial	Chargeable for collection and disposal	Charity Shops are considered separately
Camp and caravan site	Household waste	Yes	Commercial	Chargeable for collection and disposal if non-domestic.	Provision of exemption to pay disposal subject to liability of small business currently eligible for free waste disposal and eligible for small business rate relief. **
Royal Palace	Household waste	Yes	Commercial	Chargeable for collection and disposal.	None in Leicestershire
Self Catering accommodation	Household Waste	Yes	Commercial	Chargeable for collection and disposal	See above comment for Camp and caravan sites
<b><i>Change – not specifically defined in 1992 regulations</i></b>					
Charity Shops	Not defined in Regulations but treated as household	Yes	Household waste	No charge if domestic waste.	Disposal charge only for waste from non-domestic property.

Waste from premises occupied by— (a) a community interest company (being a company which is registered as such with the registrar of companies), or (b) a charity or other not for profit body, which collects goods for re-use or waste to prepare for re-use from domestic property	Not defined in Regulations but treated as household	Yes	Household waste	No charge if domestic waste.	Disposal charge only for waste from non-domestic property.
Gypsies and travelers caravan site	Not defined in Regulations but treated as household for permitted sites; industrial waste if non-permitted sites	No	Household waste	No charge if domestic waste.	May be able to apply reasonable terms to the collection of waste from caravan sites.
Club, society or association	Not defined in Regulations but treated as commercial waste		Commercial	Chargeable for collection and disposal	
Medical Practitioners	Not defined in Regulations but treated as Industrial Waste		Commercial	Chargeable for collection and disposal	