

### Is your commercial waste often found like this?



If so, you are breaking the law and you risk being prosecuted for criminal offences under the Environmental Protection Act 1990.

Section 34 of the above Act, places a duty of care on all businesses to manage and dispose of their waste responsibly. This particularly applies to companies that allow their waste to escape from their control like the examples shown. Section 33 of the act relates to the illegal disposal of waste that is commonly known as fly tipping. The maximum fine for fly tipping is £50,000 and up to five years imprisonment.

Leeds City Council's health and environmental action service (HEAS) have prosecuted a large number of businesses and individuals for a variety of environmental offences. Thousands of legal notices and fixed penalties ranging from £75 to £300 have been served to those who pollute Leeds with litter and waste or who fail to comply with their basic duty of care.

### **HEAS officers are here to help and advise you how to manage your waste arrangements and to prevent businesses falling foul of the law.**

The main misconception is that once trade waste has been put out for collection by a business either in bags or in their commercial bins, the waste is no longer their responsibility. This is untrue. The waste still belongs to the producer until it is fully transferred to a third party. Common problems found by our team are bins found unlocked, lids wide open with waste spilling out, bins or bags of waste found thrown on the floor and often spilling out.

### **Do you have a legal means of waste disposal and proper waste transfer documents?**

The most important thing to do as a business is to ensure your waste disposal methods are legal. You have two ways of disposing of your commercial waste.

- 1) Take it yourself to a licensed trade waste facility, pay for the disposal and obtain a receipt called a waste transfer note. Keep your waste transfer notes for the minimum of two years.
- 2) If you cannot easily dispose of your own waste, find a company who is authorised to take your waste on your behalf. This will normally be someone who has a waste carrier's licence or a

waste permit. You can check with the Environment Agency if a person or a company are licensed to take your waste by ringing **0870 8506 506** (Monday to Friday 8 a.m. to 6 p.m.) or by checking on their web site: [www2.environment-agency.gov.uk/epr/?lang=\\_e](http://www2.environment-agency.gov.uk/epr/?lang=_e)

## **But I don't produce any waste**

This is highly unlikely and this is the most commonly used response to visits of small and medium sized businesses. The waste you produce as part of your business will include items such as cleaning material, the post you get, the food your staff eat on your premises, packaging, off cuts, spillages and any other waste item that is produced as part of your business and business premises. This also includes if you operate a business from home (child minding, postal services, tailoring) and as a mobile trader (burger vans, market stall holders, breakdown services).

## **Most common forms of illegal waste disposal from businesses**

You will be committing offences if you do one of the following with your commercial waste:

- Take it home and put it in your household waste bin
- Take it to a household waste facility
- Give it to someone who is not authorised to accept your waste
- Burn or treat it in a place where you are not permitted to do so

If you treat, keep or dispose of your commercial waste on any land, including at home, you need a permit or a registered exemption allowing you to do this. Permits and exemptions are approved by the Environment Agency.

## **Bagged Waste – Pre paid trade waste bags**

Pre paid bags are available from a number of licensed waste companies where costs range from less than £1 per bag up to £1.80p. These are useful if you do not have room to store a bin on your own land. You can buy a stock of pre paid bags, identified by the name of your chosen waste collector and use them for disposing of your commercial waste. You simply agree the best time to have them collected from your premises with your chosen waste company and when you run out, you simply order more bags. You also receive a waste transfer note or a valid waste disposal contract that satisfies your duty of care. Please remember, you are required to save your waste transfer notes or waste contracts for the minimum of two years.

If your waste contractor fails to collect your bags within a reasonable timescale, usually no more than a few hours, the waste must not be left out on the street. You must only put waste out on the days you have agreed with your waste contractor. Saturdays and Sundays are the most common days to find abandoned bags of trade waste. You must take them back inside your premises and telephone your contractor to collect them. Alternatively, you can take them to a licensed waste disposal facility. Consider negotiating with your waste contractor for a rebate of your account if your waste collection has failed. Leeds City Council has a trade waste disposal facility located at Evanston Avenue, Kirkstall near the cinema complex off Kirkstall Road. Please be aware there is a charge for all commercial waste disposal however, recyclable waste can be disposed of cheaper than general waste at our sites.

## Trade Waste Bins

If you have trade waste bins and your contractor has not emptied them, contact them at once and insist that they return and empty them. Do not continue to fill your bins so that the lids cannot be shut and do not place waste on the floor or in other firms or individual's bins.



This photograph shows the extent some business go to remove waste from their premises so it is out of sight.

### **“It was our cleaners/ new member of staff that put our waste out and they didn’t know”**

This type of excuse is often used but it is still your responsibility to ensure your employees know what to do with your waste. It certainly won't be the cleaner going to court.

The main reason businesses are taken to court is due to offences caused by their staff or by their own mismanagement. This could have easily been avoided by employees knowing the basic rules and procedures for your companies waste.

Make sure your staff are fully trained on your own waste disposal methods and waste storage arrangements. If they deal with your waste on your behalf, they should know what to do with it and where it should go.

### **“We share a yard - our rubbish was ok when we put it out”**



Sharing a bin yards with other businesses does not reduce your responsibility for your own waste.

You are responsible for your own waste at all times and must keep the waste tidy and secure. You have a legal duty to prevent the waste escaping or being interfered with by others. Carry out a quick waste audit in the areas once or twice per week to ensure your waste is stored correctly and it is not escaping. This is especially important if your waste storage area is out of your sight and open to the public. Keep your bins secure and be vigilant for those people who go through waste bins with a view to making a profit from other peoples waste. Remember, unless your bin is locked and secure the contents of your waste may be extremely attractive to those who use other's private information for fraudulent purposes.

You have a right to a lockable bin and you should pay for a service that best suits your needs. Please don't ignore the bin with the damaged wheel, the burnt out lid or with the lock missing.

### **Get your contractor to change your bin now before it is too late.**



A typical example of waste escaping from the businesses control

### **Stocks of bags, enough space for waste storage and sufficient collections**

It is likely your business has been visited by a HEAS officer to inspect your waste arrangements but if not, we are committed to visit every business in Leeds to ensure they are managing waste properly and legally.

### **One last thing.....**

Our officers have the power to inspect waste transfer notes or written proof of waste disposal from any producer of commercial waste. This will be by the service of a section 34(5) notice in accordance with the Environmental Protection Act 1990. This notice gives you seven days to produce your documents to us. If you can not and do not have written proof, you will be committing offences and the maximum fine in court for not having written proof of your waste transfer is £5000. The minimum we can do if you do not have these documents is offer you the opportunity of accepting a £300 fixed penalty notice. This is payable within 14 days and allows you to discharge your liability for the offence and avoid court action.

**For help or advice call us now before it's too late:**

**Environmental Contact Centre - 0113 222 4406**