

Proposals to introduce charging for waste collections from some types of premises

1. Background

1.1 The Controlled Waste (England and Wales) Regulations 2012 came into force on 6 April 2012 and replace the previous Controlled Waste Regulations 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. These were extended in an amendment to the Regulations made on 9 October 2012.

1.2 The charging arrangements would be applied to all relevant premises across West Devon from April 2014 and will mirror wherever possible those of the Waste Disposal Authority, Devon County Council.

1.3 In accordance with the regulations, it is proposed that charges for collection of waste be levied on certain premises classed as household waste. The types of premises this applies to include the following:-

- Waste from a charity shop or community interest company which collects or sells donated goods from a non-domestic origin
- Waste from a residential or care home
- Waste from premises forming part of a university, school or other educational establishment (subject to certain exemptions see 3.3 below)
- Waste from a hospital
- Waste from prisons and penal institutions

1.4 The Regulations have re-classified the following premises as commercial waste and collection charges are now applicable. There are a number of exemptions which are described in section 2 below.

- Premises occupied by a club, society or association
- Premises occupied by a charity used for charitable purposes
- 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 palaces

2. Potential number of premises affected

2.1 The tables below detail the number of each category which may be affected. These are based on the premises which the Council currently collects from.

<i>Household Waste Classification</i>	Refuse	Recycling	Garden Waste
Charity Shops or Community Interest Companies	1	1	0
Residential or Care Homes	20	28	20
Educational Establishments	7	33	14
Hospitals & Prisons	0	0	0

<i>Commercial Waste Classification</i>	Refuse	Recycling	Garden Waste
Premises of Charity used for Charitable Purposes	39	39	11
Premises of Club, Society or Association	1	1	0
Self-catering Holiday Accommodation	227	226	215
Camping & Caravan /sites	17	18	4
Composite Hereditaments*	144	122	48

Royal Palaces	0	0	0
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*These are premises which may be used for domestic and trade purposes such as public houses. Any premise paying domestic rates will continue to have a free collection subject to domestic limits. Additional waste will be treated as commercial. This applies to other premises listed here which, are subject to domestic rates.

3. Decisions concerning premises and waste types

3.1 In several circumstances, there is a degree of flexibility in how the regulations are implemented. Categories affected by such discretionary decisions, or where a degree of pragmatism is required, are detailed below. It is intended that the Controlled Waste Regulations (2012) will be applied in all other cases.

3.2 Charity Shops, Community Interest Companies and Premises occupied by a Charitable Organisation

The Regulations make a distinction between 'Premises occupied by a charity and wholly or mainly used for charitable purposes' as commercial waste and 'A charity shop selling donated goods originating from domestic property' as household waste. In addition, the Regulation stipulates that where waste from the charity originates from a commercial source, disposal may be charged. However, it is acknowledged that differentiating between commercial and domestic sources of charity shop waste would prove challenging, particularly as all charity shops can currently dispose of their waste for free at Devon's network of recycling centres.

Recommendation

- Premises occupied by charities, but which are not charity shops, will be charged for collection and disposal.
- Charity shops will be charged for collection if required, but will be sign-posted to Devon County Council's recycling centres where disposal is currently free.

3.3 Universities, Schools and Other Educational 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 Local Authority funded educational establishments had their waste disposed of without charge 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 6 April 2012. Where an establishment uses a commercial provider for their waste disposal, but chooses to move to a Waste Collection Authority service after the Regulations came in on 6 April 2012, the full cost of both collection and disposal will be charged.

The immediate impact on West Devon's schools will be minimal as most currently use private contractors for their refuse collections. The Council works closely with schools and students to reduce, reuse and recycle their wastes and a free collection of recyclables was assured through a Memorandum of Understanding with the schools and Devon County Council.

Recommendation

- Where collection was provided free of charge prior 6 April 2012, the Council will not levy a collection charge provided the amount of waste and recycling presented does not exceed current levels. Any waste over this limit will be subject to charge. Wherever practicable, recycling banks will be allowed free of charge.
- Any new requests for collections will be charged for collection.
- All non-local authority supported educational establishments will be charged for collection.

3.4 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 6 April were (a) eligible for free waste disposal and (b) entitled to Small Business Rate Relief (SBRR).

Recommendation

- Where a business meets both requirements for this exemption they will be liable to pay a collection charge only 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 limits for their business waste. Extra waste will be charged for collection.

3.5 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.

Recommendation

- In line with Devon County Council disposal charge policy, the Council will also charge for collection where the regulations allow. Charges will not be discretionary in any circumstances as a consistent and fair approach needs to be adopted.

3.6 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 Devon 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, and others encourage users to take waste home.

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.

Recommendation

- Halls used wholly or mainly for public meetings will be offered the same service as a household for which a collection charge will be made
- Any additional waste generated at the premises would be treated as commercial waste