



Refuse and Recycling Container Collection Policy

Harborough District Council provides waste and recycling services to approximately 45,000 households, covering an area of over 237 square miles. Our aim is to deliver a high-quality, value-for-money service to all domestic households, ensuring environmental responsibility, operational efficiency, and resident satisfaction.

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

1. Legislation

The Council's Refuse and Recycling Container Collection Policy is underpinned by key legislation that defines both the authority's responsibilities and the resident's obligations when using waste and recycling services.

Environmental Protection Act (EPA)

This Act outlines statutory duties and expectations:

- Section 45 – *Collection of Controlled Waste*
Defines the Council's duty to collect household waste.
- Section 46 – *Receptacles for Household Waste*
Specifies requirements for the type, number, and presentation of bins and caddies.

This Act forms a core component of this policy.

Controlled Waste Regulations 2012 (*Revised from 1992*)

This regulation clarifies:

- The types of premises eligible for waste collection
- The classification of waste based on:
 - Domestic
 - Commercial
 - Charitable status

It also sets out the legal framework for collection methods depending on the waste type and origin.

Environment Act 2021

This Act introduces the statutory requirement for a Food Waste Collection Service, now incorporated into the Council's operations.

- Standardizes recycling rules across England for homes and businesses via Simpler Recycling
- New developments must deliver a 10% increase in biodiversity.
- Tracks and manages sites contributing to biodiversity targets.
- From March 2026, households must separate food waste for weekly collection.
- Small businesses (under 10 employees) must comply by March 2027.

All documents are available as appendices to this policy.

2. Wheeled Bins/Caddies Provided

Harborough District Council has issued a range of wheeled bins to support household waste and recycling services. Below is a timeline of bin distribution and policy updates:

Bin Issuance Timeline

- 1994** – All households issued with a 240L wheeled bin for general use.
- 2004** – All households issued with a second 240L black wheeled bin for residual waste.
- 2012** – All households issued with a third 240L blue-lidded bin for co-mingled recycling, including a bin insert for paper, newspapers, pamphlets, and junk mail.
- 2012** – All new or replacement residual waste bins are now 180L in size.
- 2016** – Recycling bin inserts removed, and garden waste service made chargeable.
- 2026** – All households to be issued with a 7L internal food waste caddy and a 23L external food waste caddy for kerbside presentation

Bin Ownership & Relocation Policy

- All bins remain the property of Harborough District Council.
- Bins must stay at the property to which they were originally issued.
- Residents must not take bins with them when moving, unless instructed by a Council Officer.

Exception

- If issued under the large family policy below, the large black bin may be taken if relocating within the district.

3. Large family policy

Households with five or more permanent residents may be eligible for a 240-litre waste bin, subject to the following criteria:

- Proof of household size, such as birth certificates
- Demonstrated use of recycling receptacles
- Completion of an application form and approval by a Council Officer
- Annual review of all approved applications
- Responsibility to report changes: Residents must notify the Council immediately of any change in household circumstances. Failure to do so may result in the removal of the bin and a charge being applied.
- Relocation: If a resident moves to a new address, they must inform the Council and arrange for the bin to be transferred.

Households with four or fewer residents are not eligible for a 240-litre bin. The presence of young children in nappies does not qualify a household for a larger bin.

Existing 360-Litre Bins

Households with five or more residents that were previously issued a 360-litre bin under earlier arrangements may retain it until:

- The household size decreases
- The bin becomes damaged or unusable
- The bin is stolen or lost during collection

In such cases, residents must either reapply for a larger bin (240l) or accept the standard sized bin (180l).

Please note: The Council will no longer purchase 360-litre bins. Available bin sizes are now limited to 140, 180, or 240 litres.

Food Waste Service

Additional capacity will be provided for larger families under the food waste collection service - this will be assessed by Council Officers and is covered in the food waste section of this document.

Ongoing Reviews

Council Officers reserve the right to review households with large bins to assess continued eligibility. If it is determined that a large bin is no longer necessary, a 180-litre bin will be issued in its place.

4. Medical exceptions

Residents who require extra waste capacity due to medical reasons may be eligible for an additional 140-litre bin, subject to completion of an application form.

Eligibility will be assessed based on the following criteria:

- The nature and details of the medical condition
- The volume of additional residual waste generated
- A site visit, if deemed necessary by a Council Officer
- A letter from a registered GP practice if requested by a Council Officer

Bins provided under this provision will be issued free of charge and will remain so for the duration of the need.

5. Policy for old bins previously issued

Some properties currently have 360-litre black wheeled bins or additional bins that were either:

- Purchased by the resident, or
- Issued based on previously met eligibility criteria

For bins that were purchased, residents may retain ownership, but these bins cannot be presented for collection under this policy.

For bins that were issued based on prior eligibility, residents must now reapply under the updated criteria. If the new criteria are not met, the Council will provide a standard 180-litre bin for residual waste.

6. Sack collections

Certain households within the district may face space constraints or access difficulties that prevent the use of wheeled bins. These properties may be considered for the sack collection service, subject to a site assessment by a Council Officer.

Eligibility for this service requires a genuine and valid reason. It is intended to support residents who experience practical barriers to wheeled bin use—such as those living in terraced housing, flats, or communal areas with restricted access.

Please note: Personal preference alone is not a valid reason for sack collection. Households that simply do not wish to use a wheeled bin will not be eligible for this service.

7. Frequency of collections

All properties will receive an alternate weekly collection service:

- Residual waste collected one week
- Recycling collected the following week
- Food waste collected weekly for all households
- Opt-in fortnightly chargeable Garden Waste Service

Exceptions for Communal Properties

Properties with communal areas and limited storage capacity may be eligible for a weekly collection of residual and recycling waste. This will be determined following a site visit by a

Council Officer. Please note that this arrangement is subject to ongoing review and may be reduced if deemed appropriate.

Service Adjustments

- Collection schedules may be modified during Public Holidays, including Christmas and New Year
- Any waste collection, including garden waste, may be temporarily suspended during severe weather conditions
- Suspension decisions will be made by an Authorised Officer and agreed with the Contracts Manager
- Collections may be adjusted at certain times during the year due to operational issues. We recommend that you present your bin the night before collection to prevent missed collections. Return collections will be offered subject to a council officers discretion during these periods. The council will publish any upcoming changes on social media platforms.

8. Presentation of bins for collection

All wheeled bins and food waste caddies must be presented for collection by 7:00 AM on the scheduled day. They should be placed at the edge of the curtilage—the point where private property meets the public highway—with lids securely closed to ensure safe and efficient emptying.

Exceptions for Properties Without Driveways

For properties that open directly onto the public highway and do not have a driveway, bins and caddies may be placed on the footpath between 7:00 AM and 7:00 PM on the day of collection. Residents must remove bins and caddies promptly after collection to avoid causing an obstruction.

Enforcement and Compliance

- Residents who fail to present bins on time or leave bins out after collection may receive a warning letter and/or be subject to a site visit by a Council Officer.
- Obstruction of the public highway is a legal offence under the Highways Act.

Properties with Access Challenges

Some properties—particularly rural locations or those with extended distances between the house and kerbside—may face access issues. In such cases, a site visit will be conducted by a Council Officer to determine an appropriate collection point.

9. Wheeled bin and caddy hygiene

Proper disposal of household waste is essential throughout the year. Responsibility lies with each individual householder to ensure waste is managed correctly and hygienically.

While alternate weekly collections are sometimes a concern for residents, studies funded by DEFRA and conducted by Enviros have confirmed that this system does not pose a risk to public health.

To maintain cleanliness and reduce the risk of maggots, unpleasant odours, and infestations, residents are encouraged to follow these best practices:

General Bin and Caddy Use

- Always use the bins and caddies provided correctly, ensuring lids are securely closed

- Where possible, store bins and caddies in shaded areas to reduce heat exposure
- Ensure bins and caddies are clearly numbered to help return the correct container after collection

Hygiene and Odour Control

- Bag all odorous waste before placing it in the residual bin or external food caddy
- Rinse packaging before placing it in the recycling bin to reduce smells
- Wash bins and caddies regularly with disinfectant to kill fly eggs and bacteria
- Use fly sprays and bin odour products according to manufacturer instructions

Fly and Maggot Prevention

- Avoid leaving food waste or pet food exposed on worktops, as this attracts flies
- Dispose of liquid waste down the sink—not in the residual bin—to prevent fly infestations
- Eliminate fly breeding areas by keeping bins clean and sealed

Nappy Disposal

- Consider using reusable nappies where possible
- If using disposable nappies, flush solid waste down the toilet and double-bag the remainder before placing in the residual bin

10. Charging policy for replacement

Damage Caused by the Householder

If a wheeled bin or caddy is damaged due to misuse or fire, the householder will be charged for a replacement at the current rate listed in the Council's Annual Fees and Charges.

Lost or Stolen Bins and Caddies

In the event that a bin or caddy is lost or stolen, the householder must log an incident report with the Police. It may be possible to claim the replacement cost through household insurance. Once reported, a replacement bin or caddy will be provided.

Damage Caused by the Contractor

If a bin or caddy is damaged during the collection process by the contractor, the householder will not be charged, and a replacement will be issued free of charge.

Officer Discretion

In exceptional circumstances, Council Officers may exercise discretion and issue replacement bins or caddies free of charge.

11. New properties – developer contributions

For developments with planning permission for 10+ dwellings, the developer will be responsible for funding the cost of all wheeled bins and caddies required for each dwelling on site.

This requirement will be fulfilled through:

- Section 106 Agreements, or
- The Community Infrastructure Levy (CIL)

These contributions ensure that new developments are equipped with appropriate waste and recycling containers, supporting efficient service provision from day one.

12. Assisted collections

The Council offers a free assisted collection service for residents who are physically unable to place out and return their refuse, recycling, and food waste containers.

Service Features

- Crews will collect containers from a designated point specified by the resident when registering for the service.
- Food waste caddies will be collected from the same location.
- The service also extends to residents who have subscribed to the Garden Waste Collection Service.

Eligibility Criteria

This service is available to any resident who:

- Is physically unable to move wheeled bins or recycling boxes, and
- Has no other able person living at the property to assist

Eligible groups may include:

- Individuals with physical disabilities
- Those who are visually impaired
- Residents with mental health conditions or learning difficulties
- The elderly
- Women who are pregnant

Equality Impact Assessment

An Equality Impact Assessment (EIA) was completed in 2018 and is available to view on the Council's website.

13. Flats and communal properties

Due to space limitations and aging bin stores, the standard waste collection model may not be suitable for many flats and communal properties across the district.

Assessment & Special Arrangements

- Properties identified by residents or already on a special collection arrangement may require a site visit to determine the most appropriate collection method.
- The Council will assess storage capacity, resident numbers, and accessibility to tailor the service.

Container Types & Capacity Calculations

Four-wheeled steel containers are commonly used for communal properties and will be clearly labelled:

- Mixed Recycling Only
- General Waste Only

Residual waste capacity is calculated at 45 litres per person. For example:

- A one-bedroom flat may house up to two residents, requiring 90 litres of residual waste capacity.

Where space allows only for standard wheeled bins, capacity will be calculated using:

- 140L, 180L, or 240L bins, depending on available space and resident numbers.

Flats Above Shops

Flats located above commercial premises often face storage constraints.

In such cases, colour-coded sacks will be used:

- Co-Mingled Recycling - Clear
- Residual Waste – Red
- Garden Waste – Clear (separate from Co-Mingled Recycling)

Food Waste Provision

- This service will be provided subject to a prior site visit from a Council Officer to determine the best course of action for residents and landlords.

14. Missed collections

The Council and its contractor strive for **zero missed collections**. However, when issues do arise, the following procedures apply:

Contractor Error

- If a missed collection is due to contractor error, a return visit will be made in accordance with the terms of the contract.
- Missed bins or caddies will be collected within 48 working hours of being reported.
- Reports made more than 2 working days after the scheduled collection will not be eligible for a return visit.

Resident Error

- If the missed collection is due to resident error (e.g. bins not presented correctly or on time), the waste will not be collected until the next scheduled collection.
- Residents may choose to:
- Arrange a bulky waste collection (up to 12 sacks) — see the Council's Fees and Charges document for current rates.
- Take their waste to the Recycling and Household Waste Site.

15. Side waste

To maintain efficient and safe waste collection services, the Council has specific rules regarding side waste (additional waste placed beside bins).

Residual Waste (Black Sack Waste)

- Side waste will not be collected unless authorised by a Council Officer.
- In exceptional cases, such as when a resident declines a missed collection return and agrees to wait until the next scheduled collection, up to three additional black sacks may be collected with prior approval.

Recycling (Blue-Lidded Wheeled Bin)

- A reasonable quantity of side waste is permitted for recycling collections, crews reserve the right not to collect excessive amounts as this can cause issues with the round.
- Acceptable items include:
- Flat-packed cardboard boxes placed neatly beside the blue-lidded bin.

Food Waste

- No side waste will be collected on food waste collection days unless authorised by a Council Officer.

16. What goes in each wheeled bin

Container/Service	Accepted Materials
Residual Waste <i>Black Bin or Red Sacks</i>	General household waste Non-recyclable waste Non-compostable waste Disposable nappies Domestic animal waste and bedding (limited amounts) Black plastics
Dry Mixed Recycling <i>Blue-Lidded bin or Clear Sacks</i>	Aerosols (empty) Cans & tins Card & cardboard Catalogues Envelopes Foil (clean) Glass bottles and jars Newspapers/magazines Paper Plastic bottles Plastic packaging (no black bags/plastic) Wrapping paper (no foil/glitter embossed)
Garden Waste <i>Green Bin or Clear Sacks</i>	Flowers Grass cuttings and plants Hedge and shrub cuttings Hutch bedding Leaves Plants Prunings Sticks/Twigs (small only) Weeds
Food Waste <i>Grey Caddy</i>	Bread, cakes and pastries Cooking oils and fats Eggshells Fruit and vegetable peelings

	Leftover, out-of-date and mouldy food Meat & fish – raw or cooked Nutshells Tea bags and coffee grounds
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17. Additional Information

The Council aims to provide reliable waste collection services, but certain factors may affect scheduled collections.

Disruptions to Collection

- Collections may be delayed due to severe weather, public holidays, or contractor-reported issues.
- If a bin or caddy is missed by the Council, a rescheduled collection will be arranged as soon as practically possible.
- No return collection will be made for:
- Frozen or compacted waste
- Contaminated bins/caddies containing unacceptable items

Refunds will not be issued for missed or uncollected bins/caddies due to:

- Severe weather, such as heavy snow
- Compacted or frozen waste
- Contamination

The Head of Service and Contracts Manager will agree whether collections will take place based on the health & safety of the general public and collection crews.

Presentation Requirements

To ensure collection:

- Bins and caddies must be:
 - Used only for the correct waste type
 - Presented with the lid fully closed
 - Placed at the property boundary where it meets the Public Highway
 - Ready by 7:00 AM on the day of collection
- Only the Council-issued bin/caddy for that property will be collected.

Contamination & Overweight Bins

- Contaminated bins/caddies will not be emptied, and no return visit will be made.
 - Refer to the Council's website or bin sticker for accepted items.
- Bins must not exceed 100kg.
- Overweight bins will not be emptied.
- Residents must remove excess waste and wait for the next scheduled collection.

Policy Amendments

Minor amendments to this policy may be made by the Director and Head of Service, in consultation with the Portfolio Holder.

18. Fines and Non-Compliance

To maintain the integrity of the recycling service, the Council has introduced a system of education, warnings, and fines for residents who repeatedly contaminate bins or fail to recycle appropriately.

Offence & Penalty Structure

Offence	Action Taken
1 st Offence	Notice issued with recycling guidance leaflet
2 nd Offence	Final written warning
3 rd Offence	Fixed Penalty Notice issued

- The fixed penalty is issued under Section 46 of the Environmental Protection Act (EPA).
- The penalty is £80, reduced to £40 if paid early.

Education First

The Council prioritises education and awareness before enforcement. Residents will be provided with:

- Clear information on what can and cannot be recycled
- Guidance on correct bin usage
- Access to support materials such as leaflets and online resources

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;

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 firstmentioned 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
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;
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 14th January 2011. The contents and proposed implications have been discussed in the meeting on 30th 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 6th 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 5th April 2012.

If an institution did not have an agreement on 5th 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 5th 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 6th 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/ukxi/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
No Change					
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 ¹	Household waste	Yes	Household waste	No change	
Garden Waste	Household waste	Yes	Household waste	No change	Disposal charges may be applied if from nondomestic 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	

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.	

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

Change – Power to charge for disposal					
Schools maintained by a local authority; further educational institutions; and Academies	Household waste	Yes	Household waste	No charge for disposal only if public funding and receiving LA collection on 5 th 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	
Change – Now classified as commercial waste rather than household waste					
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 nondomestic.	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
Change – not specifically defined in 1992 regulations					
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 reuse 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 nondomestic property.
Gypsies and travelers caravan site	Not defined in Regulations but treated as household for permitted sites; industrial waste if nonpermitted 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	