

Summary of changes in the Controlled Waste Regulations 2012 and the impact in Wiltshire

1. Summary of changes brought into effect by the Controlled Waste Regulations 2012

- 1.1. The Controlled Waste Regulations 2012 (CWR 2012) continues to define waste into the categories household waste, commercial waste and industrial waste but it has separate means of classification:
 - by the place of production
 - by the nature of the waste or the activity producing the waste
- 1.2. Where there is a conflict between how waste is classified by its place of production or the nature of the waste or the activity producing the waste, the latter will take precedence. The information in the sections below takes account of this hierarchy.
- 1.3. The legislation now tabulates types of household waste and whether charges for collection and disposal may be made. If there are exceptions stated in that table which differ from the classification of the waste by either place of production or the nature of the waste or the activity producing the waste, the exceptions stated in the table of charges for household waste will take precedence.
- 1.4. CWR 2012 introduces disposal charges to some non-domestic household waste producers and some premises formerly classified as producers of household waste are now identified as producers of commercial waste.
- 1.5. Where household waste producers can be charged for waste disposal they are to be treated as commercial waste producers for the purpose of section 45(4) of The Environmental Protection Act 1990 (EPA) (concerning liability to pay a reasonable charge for disposal of commercial waste and the recovery of such a charge).^a The waste should be treated as household waste for all other purposes.¹
- 1.6. Annexes 1 to 3 tabulate the classifications of waste producers and waste types in CWR 12, including notes on exceptions, and how they were classified under the Controlled Waste Regulations 1992 (CWR 92). It also quantifies the number of customers we serve against these classifications and what charges we apply.

2. Revisions of definitions of waste

2.1. Clinical and offensive waste

- 2.1.1. The definition of clinical waste in CWR 12 is defined as waste from a healthcare activity (including veterinary healthcare) that:

¹ With one further exception – section 52(9) of EPA 1990 – which is relevant to two-tier authorities only.

- contains micro-organisms or their toxins which are known to cause disease to humans or other living organisms
- contains or is contaminated with a medicine that contains a biologically active pharmaceutical agent
- is a sharp, or a body fluid or other biological material (including human or animal tissue) that contains or is contaminated with a dangerous substance, as defined by EU legislation (e.g. toxic substances which pose acute or chronic health risks).²

2.1.2. CWR 12 introduces the term “offensive waste” which includes waste that would have broadly been referred to as low grade clinical waste under the previous regulations. Offensive waste is defined as waste that:

- is not clinical waste (see 2.1.1 above)
- contains body fluids, secretions or excretions **and**
- includes items such as dressings, plaster casts, disposable clothes and linen used in healthcare and related research **and/or**
- comes from animal healthcare and related research that is not subject to any special requirements to prevent infection (i.e. not clinical waste and not an animal by-product, as defined by the EU directive).

2.2. Classification of clinical and offensive waste and powers to charge

2.2.1. Schedule 1, paragraph 3, table entry 12 of the regulations classifies clinical waste and offensive waste as industrial waste, which Wiltshire Council does not collect or dispose of.

2.2.2. However, there are exceptions to this classification stated in table entry 12 which mean that we will collect clinical waste from some of our customers. Clinical and offensive waste produced at the properties listed below is to be treated as household waste, with charges applied as indicated in the table:

Table 1

Producer of waste	Collection charge	Disposal charge	Change from CWR 92
Domestic property including caravans, vehicles and vessels used wholly or mainly for living accommodation and gypsy or traveller sites	Yes	No	No
Residential home (see the section ‘Residential homes, nursing homes and sheltered accommodation’ for further information)	Yes	Yes	Yes (disposal charge introduced)

² The categories of dangerous substances defined by 67/548/EEC are: explosive, oxidising, easily flammable, flammable, toxic, harmful, corrosive and irritant.

2.2.3. Where domestic properties and caravans are used in the provision of self-catering accommodation, any clinical or offensive waste produced is classified as commercial waste.

2.2.4. For further information on how clinical and offensive waste is classified per place of production, waste type or production activity see the clinical waste column in Annexes 1, 2 and 3. Further exceptions to the default classification apply to clinical waste found in litter etc, as noted in Annexes 1 and 2.

3. New definitions of places of production and waste producers

3.1. A caravan or mobile home site for gypsies and travellers

3.1.1. CWR 12 introduces this description of the place of production. The waste generated at such sites is household waste and there are no powers to charge for collection and disposal of this waste. The sites should be treated in the same way that we would for any other domestic property therefore.

3.1.2. Current practice in Wiltshire complies with CWR 12 in most areas except for the west hub. A charge for collection is made at two sites currently, which will have to cease. It is important that we treat any new sites that may develop in the same manner as any other domestic household.

3.2. Waste from GP surgeries

3.2.1. Waste from GP surgeries was not specifically mentioned in CWR 92 and Defra states that prior to any changes “such waste would be given the default classification of ‘industrial waste’”^b.

3.2.2. In practice many local authorities treated the waste as commercial waste, including Wiltshire Council, where customers receive this service from us.

3.2.3. GP surgeries have been included in CWR 12 as a separate place of waste production to clarify how local authorities should treat these premises.

3.2.4. Their waste is treated as commercial waste under the new regulations^c. This will have no impact on the way we deal with GP surgeries. Any clinical or offensive waste produced at these properties is classed as industrial waste, which we do not collect.

4. Revised and clarified definitions of waste producers in CWR 12

4.1. Charities, community interest companies and not-for-profit bodies

4.1.1. CWR 92 grouped all charities in Schedule 2, paragraph 15 but CWR 12 separates charities depending on the nature of their operations.

4.1.2. Certain charities are grouped alongside community interest companies and not-for-profit bodies because they are involved in reuse (shops selling

donated goods and charities, community interest groups or other not-for-profit bodies involved in collecting goods for reuse from domestic properties) while other premises occupied by charities are treated separately.

- 4.1.3. The reason for this distinction is that the government does not believe that “local taxpayers should be required by law to support all charities operating in their area”.^d Charities involved in reuse by receiving donated goods from households which would otherwise have been discarded are deemed to reduce costs to local authorities, so free waste disposal should remain in place.
- 4.1.4. CWR 12 gives local authorities the power to charge for both waste collection and waste disposal from charity shops selling donated goods and from reuse organisations, but disposal charges can only be applied “to the extent that the waste originated from a non-domestic property”.^e The vast majority of charity shops would be exempt from disposal charges therefore.
- 4.1.5. The practice of applying disposal charges is likely to be complex. Defra insists that if councils wish to charge for disposal from charity shops, they should give “clear guidance on the records [these organisations] need to keep in order to ensure that they are not charged for the disposal of waste originating from households”^f.
- 4.1.6. Any such guidance would have to be in the form of an easy-to-use system which allows these organisations to track where the waste they receive has come from. There is no data available on how much of the waste received by these organisations comes from non-domestic properties (although one might expect it to be low), so it is difficult to estimate the cost of designing and implementing such a system and whether the cost would outweigh the income received through disposal charges.
- 4.1.7. Other charities not specifically involved in selling donated goods from domestic properties or collecting goods for reuse are classed as producers of commercial waste^g. The criteria for discretionary passes at the household recycling centres should also follow this change in legislation, so we should allow passes only for charities and not for profit organisations who deal with donated goods from domestic properties.
- 4.1.8. There are examples of charities within Wiltshire which have a charity shop in a town or city centre and a warehouse/office premises on an industrial estate. If the warehouse/office element of the charity is not specifically engaged in reuse (such as undertaking work to prepare domestic goods for reuse), then the site should be treated as a commercial waste producer.
- 4.1.9. The situation outlined in 4.1.8 could therefore create a system where the same organisation pays different charges for different premises. While this will add a level of complexity to charging schedules for an organisation (which adequate training for waste officers should help to make clear), it would

ensure that taxpayers are not funding what amounts to an operating cost for a charity.

4.1.10. The data in Annexe 1 shows that each hub has customers that are charity shops or other organisations involved in reuse. They should experience no change to the way they are charged, unless we decide to implement disposal charges for any waste generated from non-domestic premises.

4.1.11. Only the east hub has official records of service provision to other charity premises, so these 15 customers will be affected by the change in classification to commercial waste.

4.1.12. There are some exceptions to the classifications above where the following places are also registered as charities:

4.1.12.1. waste from places of worship should be treated as household waste (with no powers to make charges) in line with 7.2 below.

4.1.12.2. waste from public meeting places should be treated as household waste for which a collection charge can be made, as discussed in 7.1 below.

4.2. A residential hostel which provides accommodation only to persons with no other permanent address or who are unable to live at their permanent address

4.2.1. In CWR 92 residential hostels were grouped with residential homes, educational establishments, hospitals and nursing homes in Schedule 2, paragraph 5.

4.2.2. The term residential hostel was identified as unclear by local authorities, so the new regulations treat it as a separate classification to add detail about what constitutes a residential hostel – namely that it is a main residence which provides accommodation to persons unable to live at their permanent address or who have no other permanent address.

4.2.3. In separating out the term residential hostel, separate classifications also have been given to educational establishments (see 6.2 below) and to waste from a residential home (see 4.3 below). Nursing homes and hospitals have been grouped as a classification in CWR 12 as well (see 4.3 and 4.4 below).

4.2.4. Examples of residential hostels cited by Defra include MoD Single Living Accommodation and shared accommodation for hospital staff. It does not include short-term accommodation such as a youth hostel.^h

4.2.5. The powers to charge for waste from residential hostels has not changed with the new regulations: it is still classed as household waste for which we can charge for collection only.

4.2.6. While the majority of our residential hostel customers will experience no difference to the type of charges they may be required to pay, there are three customers in the county which currently pay commercial waste charges despite CWR 92 defining them as household waste producers. This situation should be rectified as soon as practicable.

4.2.7. In the case of shared accommodation for hospital staff or nursing home staff, it is important that we do not treat this as waste from a hospital or nursing home because the powers to charge that apply to hospitals and nursing homes are not the same as the powers that apply to residential hostels (see sections 4.3 and 4.4 below).

4.3. Residential homes and nursing homes

4.3.1. These terms were often confused by local authorities when interpreting CWR 92. Defra has provided clarification on the terminology used to describe these premises to bring it into line with healthcare legislation:

- 'Residential home' means the same as 'care home'
- 'Nursing home' means 'care home with nursing'

4.3.2. The report by Defra states that residential homes are defined as providing residential accommodation with board and personal care.ⁱ

4.3.3. It does not consider that "groups of self-contained domestic accommodation, such as sheltered housing estates, could generally be classed as a 'residential home' for the purposes" of the new regulations.^j Sheltered housing should therefore be treated like any other domestic property: household waste where no charges are made.

4.3.4. In CWR 12 residential homes are classified as household waste producers. We can make a charge for collection and a charge for disposal.^k The capacity to charge for disposal was not featured in CWR 92, so it is a new power. Our customers, as quantified in Annexe 1, could be affected by this new power.

4.3.5. Local authorities can also charge for both waste collection and disposal from nursing homes, with the power to charge for disposal introduced in CWR 12.^l The only exclusion to this disposal charge is where the waste is generated from a residential hostel within a nursing home which is usually inhabited by staff members, as noted in 4.2.7.

4.4. Hospitals

4.4.1. Hospitals are grouped with nursing homes in CWR 12 and are therefore treated as household waste for which we can charge for both collection and disposal, as noted in 4.3.5. The exception to the power to charge, as noted in 4.2.7, applies to hospitals as well as to nursing homes.

- 4.4.2. We provide services to very few hospitals, as noted in Annexe 1, but they are subject to disposal charges which were not applicable under CWR 92, so these will be affected by the new regulations.

5. Changes to classifications from CWR 92 to CWR 12

- 5.1. Domestic property or caravan used in the course of a business for self-catering accommodation, a caravan not allowed to be used for human habitation throughout the year because of a licence, campsites and tents pitched on land other than a campsite
- 5.1.1. Under CWR 92 these premises were classified as household waste producers where authorities could charge for waste collection under Schedule 2.
- 5.1.2. CWR 12 defines them as commercial waste producers, so the legislation has amended our powers to charge. We now have the ability to recover our full costs for waste collection and disposal from these properties.
- 5.1.3. CWR 12 expands the definition of campsite to include tents pitched on land other than a campsite^m because other authorities have experienced problems with classifying waste from such sites in the past.
- 5.1.4. There are a handful of these premises from which we currently collect waste but we have incorrectly charged them at commercial waste rates, so they will experience no change. For information, the self-catering industry respondents to the consultation on the regulations agreed that they produce commercial waste.ⁿ
- 5.2. A royal palace
- 5.2.1. These premises were listed as producers of household waste for which a charge could be made under CWR 92. Under CWR 12 they are defined as commercial waste producers.^o
- 5.3. Directive waste from a place (including vehicles, vessels and aircraft) not described in CWR 12 or in section 75(5) or (7) of the EPA (household waste and commercial waste)^p
- 5.3.1. Directive waste is defined as “any subject or object which the holder discards or intends or is required to discard” subject to certain exclusions.³
- 5.3.2. Where directive waste does not fit into any of the categories defined in Schedule 1 of CWR 12 or in the relevant section of the EPA, the waste should be treated as industrial waste and, therefore, we will not collect it.

³ CWR 12, Regulation 2. Exclusions include animal by-products, gaseous effluents, certain uncontaminated construction wastes, decommissioned explosives. Further details on exclusions are defined in [Directive 2008/98/EC](#).

5.3.3. This provision in CWR 12 is designed to make it easier to identify what is industrial waste. In the consultation on the new regulations, Defra notes that the proposed structure of CWR 12, which it adopted when drafting the new regulations, makes some of Schedule 3 in CWR 92 redundant. Consequently there are fewer items specifically listed as industrial waste even though those wastes not specifically listed continue to be treated as such.

5.3.4. Officers should exercise care when applying this category to places of waste production to ensure that they have carried out sufficient research to prove that the premises should not be classified as household waste or industrial waste.

6. Additional or amended powers to charge producers of household waste

6.1. One of the main drivers behind the change in legislation was to ensure that waste disposal services provided by local authorities to non-domestic properties were not funded by tax payers. CWR 12 brings in additional powers to charge specified household waste producers for waste disposal, as outlined in the sections below.

6.2. Waste from premises forming part of a university, school or other educational establishment

6.2.1. The interpretation of how charges made to schools will work is complex. The majority of respondents to the government's consultation supported charging educational establishments for both collection and disposal and to classify the waste as commercial waste. Under CWR 92 waste from these premises was classed as household waste for which a collection charge could be made.

6.2.2. However, the government has done work subsequent to the consultation which shows that the way schools pay for the waste differs across local authorities to such an extent that it is difficult to apply a blanket approach to charging for waste disposal for these premises.⁹

6.2.3. In summary, the intention of the legislation was to make the responsibility for the cost of waste management sit with the producer but it is clear that the budget for the cost of waste management doesn't always sit with the producer.

6.2.4. As a result of this complexity identified after the consultation, the government has had to review its position to treat this waste as commercial waste so that waste producers are not immediately penalised by a change in legislation where budgets have not accounted for these costs.

6.2.5. The government consultation summary states that:

Our intention is to legislate to support an interim position, reflecting existing practice. Those publicly-funded schools and Further Education colleges which

currently benefit from free waste disposal immediately prior to the Regulations coming into force will continue to be exempt from waste disposal charges levied by the local authority.^{r s}

- 6.2.6. Non-publicly funded schools do not benefit from the exemption, so they can be charged for disposal as well as collection. Where these non-publicly funded schools are registered charities, they can no longer use that status to avoid disposal charges because charities not involved primarily in reuse are commercial waste producers, as discussed in 4.1.7 above.
- 6.2.7. The current policy in Wiltshire is to charge for collection from publicly funded schools etc but we have not charged for disposal to date. For this reason we cannot charge our existing educational establishment customers for waste disposal.
- 6.2.8. Any educational establishments which come to us as new customers can be charged disposal costs. Defra's position is that these premises would have already been paying disposal costs with a private contractor, so they would not experience the financial problems encountered by schools etc that have not been paying disposal costs.
- 6.2.9. Our systems will require a means of identifying whether a customer is new on or after 6 April 2012 (when CWR 12 came into force) or existing before that date so that the correct charges are applied when invoices are issued each year.
- 6.2.10. The government will review this position in the Spending Review in 2015 with a view to implementing disposal charges to all educational establishments. Until the outcomes of the review are passed through legislation, the process outlined in 6.2.9 should continue to ensure we comply with the legislation.

6.3. Waste from a penal institution

- 6.3.1. The definition from CWR 92, which included a reference to prisons, has been modified to refer to all penal institutions rather than specific types in CWR 12.
- 6.3.2. These premises were formerly classified as household waste producers where authorities can charge for collection. In CWR 12 the power to charge for disposal costs has been introduced. We have one customer in the east hub which will be affected by this change.
- 6.3.3. There is one customer in the west which has been charged at commercial rates to date. While this practice was incorrect under CWR 92, the customer will experience no change to charges under CWR 12 because they have been paying for both collection and disposal to date.

6.4. Charities

6.4.1. As stated in 4.1.7, charities not involved in reuse are now listed as commercial waste producers under CWR 12.

6.5. Small and medium enterprises (SMEs)

6.5.1. Where under CWR 12 local authorities can charge for disposal from certain waste producers, any firms employing up to 20 people which fall under those categories are exempt from waste disposal charges where they are (a) entitled to Small Business Rate Relief and (b) they were eligible for free waste disposal under CWR 92 (i.e. companies covered by Schedule 2).⁴

6.5.2. The businesses most likely to be eligible for free disposal are self-catering holiday accommodation, camp sites and pre-school childcare organisations.

6.5.3. Our current systems cannot tell us whether existing customers are exempt. A review of all of our customers would be time consuming, so we could wait for contact from existing customers before exempting them from disposal charges.

6.5.4. For new customers which are SMEs we could investigate how our scripting might enable us to determine whether they are exempt from disposal charges. This task may require input from other departments and their databases.

7. Clarification of how we should deal with premises where local authorities' powers have not changed under CWR 12

7.1. Premises used wholly or mainly for public meetings

7.1.1. CWR 12 states that these properties produce household waste and that we can charge for collection but not disposal,^t which is the same as its classification under CWR 92.

7.1.2. These premises retain free disposal in the new regulations because it fits with the vision for Big Society.^u

7.1.3. In its response to the consultation Defra “encourage[s] these premises to work closely with [councils] to reduce the waste they produce and to recycle as much as possible, thereby reducing both collection and disposal costs”.^v

7.1.4. Church halls are not to be treated as public meeting places. CWR 12 continues to define them as places of worship, as noted in 7.2.2, so they should not charge them for waste collection or disposal unless we have information to prove otherwise, which would be provided by our colleagues in revenues and benefits.

⁴ The Explanatory Memorandum attached to CWR 12 explains that the majority of SMEs already pay for waste disposal, particularly where they are producers of commercial waste, so this measure aims to help those who have not/should not have been paying disposal charges before the new regulations came into effect.

- 7.1.5. Public meeting places which are also registered charities will be classified as public meeting places for the purposes of CWR 12, as mentioned in 4.1.12.2.
- 7.1.6. We currently charge village halls for collection only in most areas, although there may be some sites where their bins are collected by the domestic crew. The Head of Waste Collection is currently conducting a separate review of village halls specifically.
- 7.1.7. In the west hub, despite treating most village halls as household waste producers which we can charge for collection, there are two customers which are charged commercial waste rates. We should review the reason for this classification and rectify if we have made an error. This review may be incorporated in the work coordinated by the Head of Waste Collection (see 7.1.6).

7.2. Places of worship

- 7.2.1. Places of worship were exempt from any charges for the waste which they produced under Schedule 1 of CWR 92^w and CWR 12 continues to define them as household waste producers^x where no charges may be made.
- 7.2.2. Church halls fall within the definition of a place of worship^y as does an office used for church administration, clerical work and handling money.^z
- 7.2.3. The regulations state that where such premises listed in 7.2.2 are exempt from non-domestic rates they should receive free collection and disposal of their waste. Where officers are unsure of the status of a property, our colleagues in revenues and benefits should be able to assist in identifying whether it is exempt from non-domestic rates.

7.2.4. Cemeteries

- 7.2.4.1. Recently we have received enquiries about collections from cemeteries, particularly regarding garden waste bins.
- 7.2.4.2. The legislation from which CWR 12 takes the meaning of the term 'places of worship' defines them as places which are exempt from paying non-domestic rates. Our revenues and benefits team have confirmed that cemeteries are subject to non-domestic rates, so they do not benefit from any exemption and should therefore not be considered as a place of worship.
- 7.2.4.3. We do not offer a commercial waste collection for garden waste currently. We would be unable to offer the service that some cemeteries require therefore.

7.2.4.4. However, there are some cemeteries which include a place of worship within their grounds, so we would be obliged to collect waste from the place of worship element as household waste. We should treat these premises in the same way as other places of worship as outlined in 7.2.1, including the limit on the number of containers for garden waste which applies to households.

7.3. Premises occupied by a club, society or any association of persons in which activities are conducted for the benefit of members

7.3.1. These premises continue to be defined as commercial waste under CWR 12^{aa}. However, despite the classification as commercial waste having been in place under CWR 92^{bb}, most of our customers under this category are charged at the old 'Schedule 2' rates. As shown in Annexe 2, there are some customers in the east which are charged at commercial rates and some which remain on the household waste rates.

7.3.2. At the next annual review point we should advise these customers of the change to the charges that apply to them.

7.4. B&Bs and other composite hereditaments

7.4.1. Under CWR 92 our interpretation of how to deal with these premises was uncertain for some time. The problem came in deciding whether a B&B fell under the definition of self-catering accommodation, which was household waste where we could charge for collection, whether it would be classed as a hotel under the definition in the Hotel Proprietors Act 1956, which was commercial waste or whether it was waste from part of a composite hereditament, which was commercial waste.

7.4.2. We resolved to treat these properties as commercial waste, although this only applies to properties which have approached us about their waste collection because many others will be using domestic bins allocated to their properties when each former district rolled out bins.

7.4.3. The new regulations now class all types of premises listed in 7.4.1 as commercial waste producers, so we should continue to charge these customers as we have done to date for waste produced from their commercial activities.

7.4.4. Most B&Bs will contain a domestic residence though because the owners almost always live where they work.

7.4.5. The Local Government Ombudsman suggests that we should follow government advice and allow B&Bs to have a free of charge domestic collection for the waste produced by the domestic element but that we can charge for any commercial waste produced from the premises.^{cc} They are

clear that we should have a policy that can be referred to in the event of a complaint should someone be unhappy about paying for services.

- 7.4.6. In practice it would be difficult to determine what is and is not commercial waste so we are likely to deal with these cases as requests for additional capacity over and above the bin used by the domestic element.
- 7.4.7. Where the proprietor can prove that the additional capacity was generated from within the household, we could assess against the policy for providing extra capacity. However, in most cases the waste will come from the business element, so we should pass requests to the commercial waste team.
- 7.4.8. For other composite hereditaments, such as pubs and post offices, we should deal with collections from these properties in the same way outlined in points 7.4.5, 7.4.6 and 7.4.7.

8. Consultation with VCS

- 8.1. Any changes which affect VCS organisations will be subject to a minimum of three months' notice, as set out in the Wiltshire Compact agreement.
- 8.2. It will be easier for us to implement changes in one go, with the opportunity to train officers about the impact of all changes in one programme. This means that the timetable for introducing changes will not happen any earlier than three months after we notify VCS organisations at least.

9. Recycling from producers of household waste and from commercial waste producers

- 9.1. There is an inconsistent approach to the provision of recycling to these premises across the county at the moment. The table below summarises the work that has already been presented at a member briefing in July:

Table 2

Hub	Commercial	Household (former Schedule 2) excluding schools	Schools
East	<p>CW customers were offered a free black box collection.</p> <p>Around 200 CW & S2 customers took up the offer, but also use wheeled bins rather than black boxes.</p> <p>Cabinet Member decision taken in July to offer service on a c chargeable basis from 1 October 2012.</p>	<p>S2 customers were offered a free black box collection.</p> <p>Around 200 CW & S2 customers took up the offer, but also use wheeled bins rather than black boxes.</p> <p>Cabinet Member decision taken in July to offer service on a chargeable basis from 1 October 2012.</p>	<p>A limited number of schools currently in receive FOC paper collection from Hills.</p> <p>Cabinet member decision in progress to bring this service to an end in Sep/Oct 2012. The schools will be offered PB&C and black box collections on a chargeable basis.</p>

Hub	Commercial	Household (former Schedule 2) excluding schools	Schools
North	No official recycling services offered	No official recycling services offered	As east
South	<p>Some CW customers have historically paid a nominal £3/lift charge for a collection of cardboard, if they used a wheeled bin for containment.</p> <p>A further unknown quantity of customers in the south put out their cardboard loose and this is collected free of charge by the council. This includes cardboard put out by businesses who do not have a CW residual waste contract with the council.</p> <p>Whitespace records 87 charities in receipt of free cardboard collections. We have powers to charge around 50 of these premises for collection and disposal, and a further 25 that we have the power to charge for collection only.⁵</p>	<p>Some S2 customers have historically paid a nominal £3/lift charge for a collection of cardboard, if they used a wheeled bin for containment.</p> <p>A further unknown quantity of customers in the south put out their cardboard loose and this is collected free of charge by the council. This includes cardboard put out by businesses who do not have a S2 residual waste contract with the council.</p>	As east
West	No CW recycling service is offered.	No S2 recycling service is offered	As east

- 9.2. The new regulations may have an impact on the elements of the service that we can charge organisations for, so the implementation of the decisions referred to in Table 2 must ensure that we make charges only where powers stated in CWR 12 allow.
- 9.3. Some of the data in Annexes 1 and 2 does not tally with the information gathered in Table 2, which was collated as part of a separate exercise. This demonstrates the lack of a harmonised approach to recycling from chargeable household waste customers and commercial waste customers.
- 9.4. The Household Waste Recycling Act 2003 requires us to collect at least two types of recyclable waste from premises which produce household waste. In the north and west hubs, we are not complying with this requirement currently. To comply

⁵ A quick review of Whitespace shows that the charities can be further separated as follows (all figures approximate, as further investigation is required per property): 12 church halls (no charges); 9 public meeting places (charge for collection only); 15 charity shops/reuse organisations (charge for collection only); 51 other charities (charge for collection and disposal).

with the act, we should offer recycling services to all premises listed as household waste producers in Annexe 1.

- 9.5. The easiest means of providing recycling services to these premises would be to offer a plastic bottles and cardboard bin, particularly given that collection vehicles have capacity for material.
- 9.6. However, these producers of household waste might generate paper, glass and cans waste, so the black box service may be of interest to them. The provision of this service would rely on the agreement of Hills.
- 9.7. Defra's position throughout the consultation period is that taxpayers should not continue to fund waste collection and disposal from non-domestic properties. If we are to charge for recycling services, we will have to identify our costs so that we can calculate charges that fully account for them.
- 9.8. Any decision about the provision of recycling services should consider how it sits with the outcome of the review of bring sites. Further work is required to pull this information together.

10. Bulky waste collections from producers of chargeable household waste

- 10.1. Waste commonly referred to as bulky waste is defined in legislation as any article which exceeds 25kg in weight or any article which does not or cannot be fitted into the designated household waste container, which is a wheeled bin in Wiltshire.
- 10.2. We can make a collection charge for bulky waste and we can recover disposal costs for waste generated at certain premises such as residential homes, hospitals, nursing homes and penal institutions.
- 10.3. The bulky waste collection service currently operating in Wiltshire is intended for use by residents in domestic households only, but there are occasions where other household waste producers, such as schools, have used the service. However, the approach to requests from non-domestic household waste producers has not been consistent across the county to date.
- 10.4. Our implementation of these new regulations offers us the opportunity to harmonise our approach to bulky waste collections from non-domestic household waste producers.
- 10.5. The bulky waste service operates at a loss currently. One of the reasons for this position is that the service used to be free to residents, so charges introduced by the former district councils were set at relatively low levels and have risen only in line with inflation. A full review of this service is likely to take place during this financial year, but a resident using the service is unlikely to be paying the full cost of collection and disposal for every transaction.

10.6. Any producers of household waste who are not domestic residents would also currently benefit from a relatively cheap means of disposing of their bulky items. Taxpayers are therefore subsidising bulky waste collections from these organisations.

10.7. While the legislation requires us to collect the waste from these organisations if requested, there are a number of voluntary and community sector (VCS) bodies which offer free collections of this material, so there are cheaper alternatives than using the council service. The re-use activities of these VCS companies are a more sustainable option as well, so it is in our interests to highlight the merit of their service in comparison to ours.

10.8. Increasing our costs to producers of household waste who are not domestic residents to reflect the full collection costs and, where the legislation allows, full disposal costs would encourage organisations to use more sustainable options. If they insist that they want to use the council service, we would then ensure that local taxpayers are not subsidising the operation.

^a As defined by CWR 12, schedule 1, paragraph 4(3)(a).

^b Review of Schedule 2 of the Controlled Waste Regulations 1992, p.18.

^c CWR 12, Schedule 1, paragraph 2, table entry 21.

^d Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.6.

^e CWR 12, Schedule 1, paragraph 4, table entry 11

^f Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.13.

^g CWR 12, Schedule 1, paragraph 2, table entry 13.

^h See Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.11 for details.

ⁱ Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.9.

^j Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.9.

^k CWR 12, Schedule 1, paragraph 4, table entry 14.

^l CWR 12, Schedule 1, paragraph 4, table entry 16.

^m CWR 12, Schedule 1, paragraph 2, table entry 14.

ⁿ Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.5.

^o CWR 12, Schedule 1, paragraph 2, table entry 15.

^p CWR 12, Schedule 1, paragraph 2, table entry 27.

^q Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.7.

^r See reference in footnote q.

^s CWR 12, Schedule 1, paragraph 4(8) defines the exemption from waste disposal charges, as indicated in Schedule 1, paragraph 4, table entry 15.

^t CWR 12, schedule 1, paragraph 4, table entry 8

^u Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, pp.6-7.

^v Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to Consultation, p.7.

^w CWR 92, schedule 1, paragraph 1(a).

^x CWR 12, schedule 1, paragraph 2, table entry 5

^y As defined by Local Government Finance Act, Schedule 5, paragraph 1(b), which is referenced in CWR 12, schedule 1, paragraph 1.

^z As defined by Local Government Finance Act, Schedule 5, paragraph 2, which is referenced in CWR 12, schedule 1, paragraph 1.

^{aa} CWR 12, Schedule 1, paragraph 4, table entry 16.

^{bb} CWR 92, Schedule 4, paragraph 5.

^{cc} <http://www.lgo.org.uk/publications/fact-sheets/complaints-about-refuse/>