

Important information  
Do not ignore!



# Commercial Waste

A GUIDE TO YOUR LEGAL

# DUTY OF CARE



Visit [www.southend.gov.uk](http://www.southend.gov.uk) and select Mysouthend.



This leaflet provides useful information to help you when it comes to disposing of your business waste.

## Every organisation and business has a Duty of Care (a legal responsibility) for the waste they generate.

Section 34 of the Environmental Protection Act 1990 (EPA 1990) requires businesses to:

Store their waste securely so it does not cause litter or attract vermin



Ensure their waste is transferred to an authorised collector such as a reputable waste contractor



Complete a waste transfer note for any transfer of waste and retain a copy of this note for two years



Ensure that if moving their own waste to private disposal facilities they are appropriately registered with the Environment Agency. Visit: [www.gov.uk/waste-carrier-or-broker-registration](http://www.gov.uk/waste-carrier-or-broker-registration) for more information



### Isn't the cost of waste collection and disposal included in my business rates?

No. The collection of your business waste is not included in your business rates.

Businesses must contact a waste management company directly

to arrange for the collection and disposal of their waste. For further information and advice please see:

[www.southend.gov.uk/commercialwastecollections](http://www.southend.gov.uk/commercialwastecollections)

## Working for private households

If your business carries out work at a private household (e.g. building or gardening), any waste you produce is classed as business waste and you must treat it as such.

## Home-based businesses

If your business is home-based, any waste you produce in the course of your work is classed as business waste. You must keep it separate from your household waste and treat it as business waste.

### Who can collect my business waste?

The council's domestic waste contractor, Veolia, can be contacted on **0345 60 60 460** to arrange a commercial waste and recycling collection service.

There are other providers that can be contacted to arrange the collection and disposal of your business waste.

If you are using such a company to move or dispose of your waste, then you need to ensure that they are either a registered or exempted waste carrier. You can check their certificate of registration directly

or with the Environment Agency by visiting: [www.gov.uk/guidance/access-the-public-register-for-environmental-information](http://www.gov.uk/guidance/access-the-public-register-for-environmental-information)

If you want to transport your own business waste to or from any place in Great Britain you will generally need to be registered as a waste carrier. It is an offence to carry waste without being a registered waste carrier. Doing so can lead to a fixed penalty notice or prosecution.

## What to do if you suspect something is wrong?

If you are concerned that the company or person collecting your business waste may be breaking the law, stop giving them your waste and **report it immediately.**



Please report it to Southend-on-Sea Borough Council by emailing [council@southend.gov.uk](mailto:council@southend.gov.uk)



Calling the Environment Agency on: **0800 80 70 60**



Visiting the Crimestoppers website at: [www.crimestoppers.org/give-information/give-information-online/](http://www.crimestoppers.org/give-information/give-information-online/)

### Can I use the Household Waste Recycling Centres or street recycling and litter bins to dispose of my waste?

**No.** These facilities are not for the disposal of waste generated by your business. If you use the facilities for your waste then you are not complying with your legal duty of care and could face a fine or prosecution.

## Enforcement

Failure to comply with the Duty of Care requirements is a criminal offence and could lead to prosecution.

Enforcement action can be taken against anyone not meeting the Duty of Care requirements. Failure to comply with the EPA 1990 will result in a fixed penalty being issued. For more serious cases, prosecution can result.

If another person takes your business waste from you and is not authorised to do so, or if your waste is illegally disposed of (e.g. flytipped) YOU could be prosecuted and fined if you have not taken all reasonable measures to meet your Duty of Care obligations.

Environmental Care Officers will undertake spot checks to ensure local businesses are complying with their legal responsibilities. Businesses that cannot demonstrate compliance will be issued with a fixed penalty notice.

Trade, business or commercial waste of any description is not accepted at either of the Household Waste Recycling Centres in Southend-on-Sea.

A transfer note describing the waste quantity and type, and its transfer, must be filled in and signed by both persons involved. Failure to provide evidence of Waste Transfer Notes can result in a

**FIXED PENALTY  
NOTICE OF £300**

or the payment of an

**UNLIMITED  
FINE**

if you are prosecuted in a magistrate's court. Unlimited fines can be imposed if the case goes to Crown Court.

## If you are producing business waste, you must remember to:

Use a private waste company or facility to dispose of your waste – do not use Household Waste Recycling Centres (these are for household waste and depositing business waste at these sites is a criminal offence)



Check that any company or person moving your waste has a Waste Carrier's Licence



Register for a Waste Carrier's Licence if moving your own waste or someone else's



Describe the waste in writing (Waste Transfer Note)



Keep all related paperwork for a period of two years



Not put out or mix your business waste with your household waste



Some waste carriers are only registered for certain kinds of waste or activities – check that their certificate covers your type of waste.

### Please note:

This leaflet is only an introduction to Duty of Care requirements. It cannot be relied upon as legal advice. For further information please contact the Environment Agency, or visit: [www.rightwasterightplace.com](http://www.rightwasterightplace.com) or [www.gov.uk](http://www.gov.uk) (search for business and commercial waste)

## Frequently asked questions

### My business doesn't produce any waste. What should I do?

It is highly unlikely - commercial waste includes:

- Post and junk mail
- Damaged, scrapped or obsolete equipment
- Packaging from deliveries
- Food and drink consumed by staff and its packaging (e.g. tea bags, crisp packets, drinks cartons, etc.)
- Cleaning materials
- Office paper



Regardless of the volume you produce, you must still dispose of it legally.

### Can I take my business waste home with me for recycling or disposal?

**No.** Taking it home, or asking staff to do so does not meet the requirements of your Duty of Care. Recycling and waste produced during business activities cannot be mixed with household waste and must be disposed of separately.

### Where can I get further information?

[www.rightwasterightplace.com](http://www.rightwasterightplace.com)  
[www.southend.gov.uk/commercialwastecollections](http://www.southend.gov.uk/commercialwastecollections)  
[www.southend.gov.uk/commercialwaste](http://www.southend.gov.uk/commercialwaste)

### What else must I consider?

The Duty of Care regulations also require that waste is stored safely and securely. To avoid a fixed penalty notice, please store your waste appropriately and prevent it from escaping. When it is stored, care must be taken to prevent:

- Corrosion or damage to containers
- Spillage and leaks
- Access by unauthorised persons
- Scavenging by animals



Your waste is your responsibility up until the moment it is collected. You will be liable for any littering caused by waste escaping because your bin lids are left open or because bags are scavenged by animals.

## Thank you!

Thank you for ensuring that you are meeting your Duty of Care responsibilities.

With your support we can make sure that everyone enjoys a pleasant, safe and clean borough.

A summary of this publication can be provided in alternative formats such as Braille, audio-tape or in large print. Translations of this document in alternative languages are also available.

---

#### **Albanian**

Nëse dëshironi një kopje të kësaj fletushke në gjuhën tuaj amtare, ose nëse doni të në kontaktoni, ju lutemi telefononi në numrin e poshtë-shënuar. Ne do të përdorim një përkthyes për mes telefonit të ndihmojmë me kërkesën tuaj.

#### **Czech**

Zkrácená verze této publikace je k dostání i v alternativních formátech, konkrétně v Brailu, na audiokazetě a tištěná ve velkém typu písma, které je snadno čitelné. Tento dokument byl přeložen i do dalších jazyků a tyto překlady jsou vám také k dispozici.

#### **Ndebele**

Lolugwalo luyatholakala njalo lunciphisiwe ngalezi indlela; ngombhala weziphofu (Braille), kasethi (audio tape), loba lulotshwe ngamabala amakhulu. Luyatholakala njalo lolugwalo lulotshwe ngezihlobo ezitshiyeneyo.

#### **Polish**

Streszczenie tej publikacji jest dostępne w innych formach, takich jak pismo Braille'a, taśmy audio lub w dużym druku. Dostępne są także przekłady tego dokumentu na inne języki.

#### **Portuguese**

Um resumo desta publicação pode ser fornecida em formatos alternativos tais como Braille, cassete áudio ou em impressão de letras grandes. Também temos disponíveis traduções deste documento em outros idiomas.

#### **Shona**

Pfupikiso yegwaro iri inowanika zvakare seBraille (bhuku rinoverengwa nemapofu), tepi yekuteerera nezvakanyorwa nerunyoro runooneka. Gwaro iri rakaturikirwa mune imwe mitauro zvakare, uye magwaro acho aripo.

