

LINCOLNSHIRE WASTE PARTNERSHIP

REPORT REFERENCE: 3.1
3 MARCH 2011

SUBJECT:	DEFRA CONSULTATION ON THE REVIEW OF THE CONTROLLED WASTE REGULATIONS (AS RELATED TO SCHEDULE 2)
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BACKGROUND INFORMATION

DEFRA released a consultation paper on the review of the Controlled Waste Regulations (CWR) in November but due to the timing of the release it was too late to go to the December meeting of this committee and the consultation period had finished before this meeting could be held.

The Controlled Waste Regulations affect the way in which all waste authorities work and the Waste Officers Group considered it essential that a response was sent on behalf of the Lincolnshire Waste Partnership.

This issue was considered at length by the Waste Officers Group at its meeting on 6th January and a response prepared which was sent to Defra on the 14th January, this being the deadline for responses.

The response sent is attached as Appendix A to this report.

This report seeks the approval of the committee to the action of the Chairman sending a response on behalf of the LWP.

DISCUSSIONS

A full review of the Controlled Waste Regulations (1992) ("the CWR") has been taking place since 2008, and Schedule 2 of the CWR lists various types of 'household waste' for which local authorities can make a charge for collection.

'Household waste' in this context includes both waste from households and waste from various non-domestic institutions, including schools, hospitals and prisons.

Under the current legislation, local authorities have a duty to collect waste from these 'Schedule 2 institutions' if requested, but can only charge for the collection of the waste and not for its disposal.

The proposals in the consultation document only relate to charging powers for non-domestic 'household waste', and no proposals are being made in relation to charging for collection of waste arising from domestic properties.

When the Controlled Waste Regulations were introduced in 1992 disposal costs were very small in relation to collection costs but this has now changed and disposal forms the largest part of the overall cost of managing household waste and costs are continuing to rise.

By insulating certain organisations from the full cost of handling their waste, the CWR are seen as acting as a barrier to more sustainable waste management and are causing significant problems for both local authorities and private-sector waste contractors.

The current CWR are viewed as restricting local authorities' ability to provide services and make funding decisions based on local priorities, and the CWR are often difficult to interpret with some provisions having now become outdated.

The current legislation also fails to make clear provision for charity shops and re-use organisations, with the result that many are treated as commercial enterprises when it comes to waste charging. Defra is looking to acknowledge the contribution these organisations make to sustainable waste management by encouraging and facilitating the re-use of surplus goods.

The proposals in the consultation paper propose to amend the legislation to:

1. Give local authorities the power to charge for disposal of non-domestic 'Schedule 2' waste;
2. Retain local authorities' discretion on charging so that they can make decisions best suited to local circumstances;
3. Provide free disposal to the charity shops and re-use organisations who help to reduce household waste by encouraging re-use;
4. Make the regulations easier to use by restructuring, clarifying terminology and updating references to other waste legislation;
5. Retain local authorities' duty to collect, if requested, waste from institutions currently listed in Schedule 2, in the interests of public health.

RECOMMENDATIONS

The Lincolnshire Waste Partnership is recommended to note and approve the response sent to the Defra by the Chairman on behalf of the Lincolnshire Waste Partnership.