

SUBJECT:	REVISED CONTROLLED WASTE REGULATIONS
REPORT BY:	WASTE OFFICER GROUP
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BACKGROUND INFORMATION

The Revised Controlled Waste Regulations were released in April and this report is to advise committee of the likely impact of those changes.

A copy of the Revised Controlled Waste Regulations is attached to this report as Appendix A.

The previous Controlled Waste Regulations were released in 1992 Regulations and defined the waste types referred to in Environmental Protection Act (1990), and in particular specified (as follows) the types of waste where the option existed for a Local Authority to introduce a charge for either collection, disposal or both.

Waste Type	Charge for Collection allowed?	Charge for Disposal allowed?
Commercial or Industrial Waste. (e.g. from a business)	Yes	Yes
“Household Waste” from specific sources listed in “Schedule 2”. (e.g. from a school or hospital)	Yes	No
Other Household Waste. (e.g. from a household)	No	No

The practice in Lincolnshire is that many businesses choose to make their own private arrangements for waste collection and disposal, but where a business chooses to use a Waste Collection Authority (WCA) trade waste collection then the WCA charge customer for both collection and disposal and the Waste Disposal Authority (WDA) recharge the WCA for disposal costs.

All WCA's operate "Schedule 2" waste collection services where the WCA charge the customer for collection and the WDA meets all the disposal costs.

Defra's 2010/11 Consultation on Schedule 2 recognised that disposal costs have risen substantially since the introduction of Landfill Tax and sought to address the impact this has had on WDA budgets.

In that consultation Defra stated that "As a result, the market for waste collection became increasingly distorted, and large numbers of the non-domestic "Schedule 2" premises sought waste services from local authorities in order to take advantage of taxpayer-funded waste disposal."

This recognition resulted in the introduction of new regulations to replace the old ones.

The 2012 Regulations

These apply to England and Wales and replace 1992 Controlled Waste Regulations from April 2012, and whilst they do include some changes to waste type definitions (such as clarifying the position of waste from caravan used as main residence but not for 12 months a year) the main changes they contain seek to address the results of the "Schedule 2" consultation relating to the expansion of the opportunities to introduce charges for disposal.

Waste Type	Charge for Collection?	Charge for Disposal?
Commercial or Industrial Waste. (e.g. from a business)	Yes	Yes
"Household Waste" from specific sources. This is no longer defined as "Schedule 2", but a similar list. (e.g. from a school or hospital)	Yes	Yes
Other Household Waste. (e.g. from a household)	No	No

There are some specific exceptions such as waste from schools which already had a WCA collection arrangement in place prior to the introduction of the new Regulations.

Each WDA needs to decide whether or not to start recovering disposal costs on

“schedule 2” wastes where this opportunity now exists.

If Lincolnshire County Council were to decide to introduce charges then these would be recovered from the WCA’s who in turn would pass on these additional costs to their customers as already happens with waste from businesses.

Lincolnshire County Council has not yet formally considered this matter, and this report offers the opportunity for the Partnership to express views to be taken into account as a part of that consideration.

RECOMMENDATIONS

The Lincolnshire Waste Partnership is recommended to note the contents of this report and for express any views that the Partnership would wish the County Council to take into account when it formally considers the position of the Waste Disposal Authority to the introduction of charges for disposal where these are allowed by the new regulations.