

A Response to the review of Schedule 2 of the Controlled Waste Regulations by Forest Heath District Council and St Edmundsbury Borough Council

Consultation Document:

**Review of Schedule 2 of the Controlled Waste Regulations (1992)
Proposals for amending and updating the legislation**

A consultation document issued jointly by Defra and the Welsh Assembly Government

<http://www.defra.gov.uk/corporate/consult/controlled-waste-regs/index.htm>

Response Submission:

To:

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Deadline:

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Response Version:

Version 1

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Approval Date:

Xx January 2011

	Question	Proposed Response
	Option 1: Do you agree with our assessment that publishing guidance on the current CWR rather than amending the regulations would not be an effective means of tackling the problems with the legislation? If not, please set out why you would prefer guidance.	Yes. Previous Defra guidance issued did not clarify the position regarding the CWR.
	Option 2:	
1	Do you agree that waste from tents should be classified as commercial waste?	Yes, as this will be used for holiday accommodation.
2	Do you agree that waste from caravan sites or parts of caravan sites, not licensed for permanent domestic accommodation, should be classified as commercial waste?	Yes
3	Do you agree that waste from properties used for the provision of self-catering accommodation and registered for business rates should be classed as commercial waste?	Yes
4	Do you agree that local authorities should be entitled to charge charities for disposal of the waste they produce?	Yes. This is consistent with the polluter pays principle, although there would be a concern with regard to residents “dumping” waste at charity shops.
5	Do you agree that waste from premises used for public meetings should be classified as commercial waste?	Yes, particularly as they are normally multi use sites and available for private functions.
6	Do you agree that waste from Royal Palaces should be classified as commercial waste?	Yes
7	Do you agree with the reclassification of non-clinical waste from	Yes

	GP surgeries?	
8	Do you agree that local authorities should have the power to charge educational institutions for disposal of their waste?	<p>Yes</p> <p>The regulations need to clarify the position in terms of the council's duty to report household waste and whether there is an intention that this reporting extends to household waste that they no longer collect.</p> <p>It should also be noted that FHDC and SEBC do currently offer variable pricing strategies to encourage more sustainable waste treatment methods.</p>
9	Do you agree that litter collected on premises occupied by educational establishments should be charged for in the same way as other non-hazardous waste generated on the site?	Yes
10	Do you agree that local authorities should have the power to charge hospitals and nursing homes for disposal of their waste?	Yes
11	Do you agree that the term 'care home' is equivalent to 'residential home', and that 'nursing home' is equivalent to care home with nursing?	Yes
12	Do you agree that local authorities should have the power to charge residential homes for disposal of their waste?	Yes
13	Do you agree that local authorities should have the power to charge penal institutions for disposal of their waste?	Yes
14	Do you agree that decisions of collection and disposal charging are best made by individual local authorities, and therefore the discretion on whether to charge or not should be retained for collection and extended to the proposed new power to charge for disposal?	<p>Yes</p> <p>This supports the localism agenda and local sustainability. The regulations should extend the power to charge but not make it a duty.</p>

15	Is there any reason why the duty to make arrangements, if asked, to collect waste from institutions listed in the table at paragraph 4 of the schedule should not be retained?	No However, whilst there is an intention by the government to remove any unintentional public subsidy that makes private sector competition difficult, it should also be recognised that there is also a tendency for the private sector to “cherry pick” the more efficient waste collections, leaving the more difficult or least “profitable” collections to councils, particularly as councils have the duty to collect. Furthermore, the regulations must guard against the private sector also “cherry picking” the recycling waste streams, leaving the more expensive residual waste streams for council’s to collect.
16	Do you agree with the principle of postponing the introduction of disposal charging? If so, do you consider twelve months to be an appropriate period of time?	Yes
17	Do you think that the current definition of clinical waste in the regulations is useful? If not, what would you consider to be a better definition?	Note This needs further clarification before responding.
18	Is the new definition of a ‘residential hostel’ clearer? Does it exclude any types of hostel which you consider should be included?	Yes No
19	Do the new regulations make it clear that waste arising from domestic caravans and vehicles at a transit site is household waste?	Yes, although a specific definition of and reference to “transit sites” would be useful.
20	Do you agree that charity shops and re-use organisations should benefit from free waste disposal?	These organisations provide a valuable service to the local community, including wider social and environmental benefits. The decision regarding disposal should be applied at a local level.

		Moreover, it is important for the regulations to be clear about the definition of “charity” in the wider application of the regulations.
21	Do you consider that the restriction of free waste disposal to waste originating from a domestic property is practical?	This appears to be the most sensible approach, but the practicality will be influenced by the same problems experienced at present with regards to waste from non domestic origins being disposed of in the domestic waste bin.
22	If you are a waste disposal authority, would you be willing to accept all goods from charity shops for free disposal in order to reduce the administration burden? If so, do you think the legislation should refer to all goods, rather than specifying goods originating from domestic properties?	n/a
23	Are any safeguards necessary to ensure that commercial waste is not channelled through charity shops and reuse organisations in order to avoid disposal charging?	It is important that commercial waste is not managed as household waste as this will have implications for illegal waste transfer and also it will not support the polluter pays principle. The safeguards must be the responsibility of the charity to ensure that waste is transferred correctly.
24	Do you agree that the new structure is clearer? Please identify any wastes which are missing from the new Schedule which you believe should be listed in these Regulations	To be confirmed
25	Is the proposed hierarchy clear and easy to follow? Please highlight any conflicts between the tables, or perverse consequences of the proposed hierarchy.	To be confirmed