

Worcester City Council

Trade Waste Presentation Policy and Procedure

1 INTRODUCTION

Worcester City Council is committed to work with partners to maintain and improve the street scene within our City Centre to make it an attractive location which encourages footfall attracting inward investment and promoting growth.

The wider City Centre is home to over 700 businesses all of whom generate varying levels of trade waste. Arrangements for trade waste storage and collection vary, but in the main this waste is placed for collection outside business frontages at various different times of the day and is collected by a number of different contractors.

This can at times lead to the City Centre street scene including rubbish bags and bins which look unattractive, have the potential to be split open by gulls, foxes and other vermin, can cause access difficulties and can cause unpleasant odour or attract vermin.

2 THE POLICY

This City Centre Trade Waste Collection Policy aims to inform businesses about how and when to dispose of their waste encouraging them to play their part in ensuring the City Centre is attractive to visitors and other businesses.

- 1 Any business that generates waste should have in place a trade waste agreement with a registered waste carrier to collect that waste (this is a legal requirement under the Environmental Protection Act 1990). This trade waste agreement should be retained on site and be available for inspection upon request by an Authorised Officer of Worcester City Council.
- 2 Trade waste should only be placed on the street for collection on the day of collection;
- 3 Trade waste should not be put out for collection before 06:00hrs and should be collected in by 09:30hrs on that same day i.e. trade waste should not be left out for collection between the hours of 09:30hrs – 06:00hrs;
- 4 If trade waste has not been collected by 09:30hrs it should be retrieved and kept on the premises of origin until the next organised collection which should comply with this policy;
- 5 Businesses should label their trade waste receptacles clearly and legibly (including bins, bags and bundled items such as cardboard) with details of the business (Trading Name) the waste has originated from;
- 6 Trade waste should not be placed in public litter bins or another businesses trade waste bin.
- 7 Trade waste should not be placed on the highway (including pedestrianised areas) unless it complies with this policy and has been arranged to be collected under the terms of a trade waste agreement;
- 8 It is the responsibility of the waste producer to arrange for its retrieval and or collection where requested to do so by an Authorised Officer;

3 AREA TO WHICH THIS POLICY APPLIES

This Policy applies to the Worcester Business Improvement District Area as of 31 January 2016. See Map at **Appendix 1** and at www.worcesterbid.com

4 PROCEDURE FOR MONITORING, INVESTIGATION AND ENFORCEMENT

- 1 We will utilise all staff working within the City Centre, including by agreement those from partner organisations, to identify and report business waste that has been deposited in a manner that does not comply with this policy. Periodically we will also carry out proactive surveys of the designated City Centre area (relating to this policy) to assess businesses compliance with this policy.
- 2 Where trade waste is identified an Authorised Officer of the Council will visit and identify the source of the waste. If identification cannot be traced then we may utilise City Centre CCTV to identify the source.
- 3 Once identified an Authorised Officer will visit the business concerned and make that business aware of the non compliance and provide them with advice and support in order to comply. This verbal warning will also be followed up in writing.
- 4 If there is a further report and an Authorised Officer is satisfied that a business has for the 2nd time not complied with this policy an enforcement notice will be served on the business owner and all other interested parties requesting that trade waste be placed out in line with this Policy. If this enforcement notice is found to be breached then a Fixed Penalty Notice (FPN) will be issued.
- 5 The FPN will require the payment of £60 (or other sum specified by law) within 10 days or £100 within 14 days in order to discharge liability against the offence. Failure to pay the FPN will result in the Council instigating legal proceedings for the original offence of failing to comply with the terms of a Waste Receptacles Notice. Legal Proceedings may take the form of a Simple Caution or Prosecution.
- 6 Not complying with the Council's direction on how and when to place trade waste out will result in enforcement action being taken. The Council will make decisions to use enforcement powers on a case by case basis in accordance with its Enforcement Policy. Generally it will act in a staged approach as set out below but some incidents might require more stringent action to be taken at an earlier stage.

- Enforcement Notice / Fixed Penalty Notice
- Simple Caution
- Prosecution

5 RELATED DOCUMENTS

- Environmental Protection Act 1990 and related legislation
- Worcester City Council – Environmental Enforcement Policy

Glossary of Terms

Authorised Officer – an officer of Worcester City Council who is authorised for the purposes of carrying out investigations and enforcement under The Environmental Protection Act 1990 and associated legislation;

Duty of Care in Respect of Waste -A legal obligation to ensure that waste is only passed on to an authorised person (registered waste carrier) and documents recording this transfer must be retained for a period of two years for inspection purposes if requested by an authorised officer;

Registered Waste Carrier – An individual or business who are legally registered with the Environment Agency to transport waste;

Simple Caution – A formal warning that is given to a person who has admitted an offence. If the person refuses a simple caution then they will normally be prosecuted through the normal channels for the original offence. Although it is not technically classed as a conviction (as only the Courts can convict someone) it can be taken into consideration by the Courts (on sentencing) if the person is convicted of a further offence.

Trade Waste -Trade, commercial or business waste can be defined as waste from premises used wholly or mainly for the purposes of a trade or business or for the purpose of sport, recreation, education or entertainment but not including household; agricultural or industrial waste; and

Trade Waste Agreement – A legally required contract (for businesses who produce waste) with a Registered Waste Carrier which confirms that arrangements are in place for their trade waste to be legally and responsibly disposed of

