

Business Waste Duty of Care

Offences

- Not dealing correctly with your business waste can result in a fixed penalty of £300 for offences under section 34 of the Environmental Protection Act 1990 and a fixed penalty of £100 for offences under section 47.
- Failure to ensure that a person disposing of your waste is properly registered can result in a fine of up to £5000 if you are convicted of the offence.
- If your waste is fly-tipped by yourself or someone else it can result in an unlimited fine and/or imprisonment if you are convicted of the offence.



Useful contacts for businesses

Trade waste can only be taken by a waste carrier that is registered by the Environment Agency and once they have your waste they must provide you with a waste transfer note.

If you would like to check a Waste Carrier's registration contact the Environment Agency on **03708 506506** or visit **<https://environment.data.gov.uk/public-register>**

Building trade or garden maintenance businesses can register with the good trader scheme at **www.wigan.gov.uk/Business/Trading-Standards/Good-Trader-Scheme**

For information on waste carriers, brokers and dealers visit **www.netregs.org.uk/environmental-topics/waste/waste-carriers-brokers-and-dealers/**

To register to become a waste carrier visit **www.gov.uk/waste-carrier-or-broker-registration** For example - If you wish to take your waste to a waste transfer station yourself.



Every business has a legal 'duty of care' to ensure that any waste it produces or handles is stored, transported, treated, reprocessed and disposed of safely. If you give your waste to anyone else you must be sure they are authorised to take it.

Waste transfer agreements

The simplest solution to your Duty of Care may be to set up a Waste Transfer Agreement with a properly registered waste contractor. They will need to know what you are disposing of, and may advise you how you should store it and separate it and how they will collect it. The Waste Transfer Agreement will provide you with Waste Transfer Notes appropriate for Council inspection. If however the Council find that your agreement is not adequate to cover your needs they will ask you to amend it.

You must

- You must obtain Waste Transfer Notes for all your business waste and keep them for a minimum of two years. An annual Trade Waste Agreement with a disposal company may comply with this requirement.
- You must present your Waste Transfer Notes to the Council for inspection on request. Failure to do so can result in a fixed penalty or prosecution.
- You must have in place appropriate arrangements for the storage of your waste at your premises.
- You must deal appropriately with the type of waste your business produces and know what you are going to need to dispose of (e.g. plastic, cardboard, glass, leftover food etc.) and the proper means for disposing of it – including recycling where practicable.

You must not

- No matter how little or how much waste your business produces you must not take it home and put it in your domestic household waste and recycling bins.
- No matter how little or how much waste your business produces you must not put it into public waste bins (litter bins).
- No matter how little or how much waste your business produces you must not put it into public recycling containers on supermarket and pub car parks.
- No matter how little or how much waste your business produces you must not take it to Household Waste Recycling Centres.
- You must not give your waste to someone who is not properly licensed to take it. They must be properly registered or licensed by the Environment Agency to either receive your waste from you or transport your waste and dispose of it on your behalf.

