

Policy Statement

1. Any business that generates waste should have in place a trade waste agreement, with a waste carrier registered with the Environment Agency (EA) to collect that waste. This trade waste agreement must, by law, be retained on site and be available for inspection, upon request, by an Authorised Officer of Gloucester City Council, for a period of 2 years.

2. For all businesses across the City,

Trade waste should only be presented on the highway on the day of collection;

3. For businesses operating in the City Centre /Gate Streets.

Trade waste should not be put out for collection before 06:00hrs and should be collected by 10:00hrs on that same day. If trade waste has not been collected by 10:00hrs it should be retrieved and kept on the premises of origin until the next organised collection which should comply with this policy.

4. Trade waste should not be placed in public litter bins or another businesses waste bin.

5. 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 your trade waste agreement;

6. Gloucester City Council is not responsible for collecting commercial waste and it will be the responsibility of the waste producer to arrange for its retrieval and or collection where requested to do so by an Authorised Officer;

7. Where it is deemed necessary, Gloucester City Council may remove trade waste and recover costs (including administration, collection, storage and disposal costs) from a business if it has not complied with this policy, in addition to taking enforcement action;

8. Registered Waste Carriers contracted to collect trade waste must be informed of this Policy and should take measures to ensure compliance on behalf of their business clients.

Monitoring, Investigation and Enforcement

The City Council, its contractors and other partners will utilise all staff working within the City to identify and report business waste that has been deposited in a manner that does not comply with this policy.

Where non-compliant trade waste is found, an Authorised Officer of the Council (or partners) will visit and identify the source of the waste. If the source cannot be traced then we will utilise CCTV and any other evidence available.

Not complying with the Council's direction on how and when to place trade waste out may result in enforcement action being taken, which could take the form of a Fixed Penalty Notice (on the spot fine) or legal proceedings resulting in a caution or a prosecution.

The Council will make decisions to use enforcement powers on a case by case basis in accordance with its Enforcement Policy. Some incidents may require immediate, stringent action.

Council Responsibilities

Section 89 of the Environmental Protection Act 1990 places a duty on Local Authorities to ensure that as far as is practicable its land is kept clear of litter and refuse. It also requires that Local Authorities so far as is practicable ensures that roads and highways are kept clean. This policy has been developed to assist us in complying with this duty.

This duty does not mean that the Council takes responsibility for the clearance of trade waste that has been mis-presented or remains uncollected. Responsibility for retrieval and or clearance rests with the waste producer.

Definitions

Authorised Officer – an officer of Gloucester 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 - this is the only way to dispose of commercial waste.

Several companies operate in the City, including Gloucester City Council's partner waste contractor Urbaser, who offer a competitive waste & recycling collection service to all businesses.

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