

# BUSINESS WASTE

Your Duty of Care

Frequently Asked Questions



**#DontDump  
inDoverDistrict**

**ENVIRONMENTAL  
CRIME TEAM**



# What is the Duty of Care?

The Duty of Care is a law which says that you must take all reasonable steps to keep waste safe. If you give waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely. If you break this law, you can be fined an unlimited amount.



**I'm only a small business and don't produce any waste, do I still need to comply?**

The law applies to almost every business, whether large or small, including offices, shops, and hotels.

It is unlikely that your business does not produce any controlled waste. Controlled

waste includes anything whatsoever that is no longer required such as post/used envelopes, cleaning products, food eaten on your premises, milk cartons, cardboard, plastics, shrink wrapping, sweepings, damaged goods that cannot be returned, etc.

It does not apply to businesses operating from home where a private dwelling remains the primary use of the property.

**Can I use the local Household Waste & Recycling Centres or street litter bins to dispose of my waste?**

No, the County Council Household Waste & Recycling Sites and street litter bins are for the disposal of household waste and street litter only. Business and commercial waste is not permitted at any of the sites. If you take your business waste to any of these sites then you are not complying with the legal requirements of your Duty of Care.

**Can I burn my waste?**

The law is very clear. Burning your waste to avoid disposing of it properly, to save a few pounds is illegal. The requirement is that businesses must deal safely with waste to protect the environment and human health. By burning your business's waste you will not be able to account for your waste or have the documents to prove you have disposed of the waste appropriately.



**Working at private households**

If your business carries out work at a private household e.g. building or gardening, any waste you produce is classed as business waste and you must treat it as such.

**Can I take my business waste home?**

No, the law does not allow you to use household waste bins for the disposal of business waste. As with burning your business' waste, by taking it home you will not be able to account for its disposal or have the documents to prove you have disposed of the waste appropriately.

**Why is a commercial waste collection not included in my business rates?**

The collection and disposal of controlled waste is not included in business rates. This is because there are vast differences in the amount of waste each business produces. Paying for disposal separately means collections can be tailored, and priced, according to individual business needs.

# Who has authority to take waste?

Most carriers of waste have to be registered with the Environment Agency. To be sure that you are giving waste to a registered carrier, look at the carrier's certificate of registration or check with the Environment Agency by telephoning 03708 506 506.

Some certificates of registration are only valid for certain kinds of waste or certain activities. Check that it covers your type of waste.

**How can I ensure my business's waste is disposed of legally?**

**Option 1 - Dispose of your own waste**

You must be able to provide documents called 'Waste Transfer Notes' or provide some form of receipts showing:-

- Where you disposed of the waste (tip location)
- How much of it there was (weight)
- And when it was tipped (date) and what waste was tipped (type)
- You may be able to take it to a Commercial Waste Transfer Station, however you are advised to contact them prior to visit to confirm this. You will be charged.

*Please note if you choose to transport your own business's waste to a licensed commercial waste disposal site you will be required to have a lower tier waste carrier's registration with the Environment Agency.*

*It is free to register for the lower tier waste carrier license. For further information please contact the Environment Agency by telephoning 03708 506 506*

**Option 2  
Have someone else collect and dispose of it for you**

- They must be licensed waste carriers
- You must have filled in a form commonly known as an annual 'Duty of Care Agreement' with your chosen contractor or be provided with a waste transfer note by them for each collection. You can check with the Environment Agency that your contractor is licensed.



**You are committing offences and can be prosecuted if you give your waste to anyone who is not licensed to carry and dispose of controlled waste.**



### **You must ensure:**

- Your business has a sufficient number of suitably sized bins and frequency of collections by a licensed contractor, to ensure that they are not overfilled. Bins and skips used for waste must be kept closed or covered so that waste cannot escape or be attacked by pests pending collection. You may need to keep containers locked to prevent unauthorised persons using the bin or interfering with the waste.
- Bags of trade waste must be contained and must not be put out until the time of collection. Bagged waste is particularly vulnerable to attack by pests.
- Retain all documentation in connection to your business's waste and keep it for at least two years.

### **Failure to follow the Duty of Care requirements could result in:**

- Your business being served a Notice requiring it to produce documentary proof of waste disposal
- Your business being formally required to implement a commercial waste collection with a licensed contractor
- Being served with Fixed Penalty Notices with fines ranging between £100 and £300
- Your business being prosecuted for failing to comply with Duty of Care legislation

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