

# COMMERCIAL WASTE AND YOUR DUTY OF CARE

Environmental Protection Act 1990

Do your bins often look like this?



If so, you are committing an offence and there is the possibility that legal action may be taken against you under the Environmental Protection Act 1990.

How should your bin look?



Your bin(s) should always have the lids closed, no bags/containers on the floor around the bin and no loose waste around the bin.

## **Legislation**

Section 34(1) of the Environmental Protection Act 1990 places a duty on waste producers to manage and dispose of their waste legally. This is especially relevant to those businesses who allow their waste to escape from their control.

Section 33 of the Environmental Protection Act 1990 makes it an offence to illegally deposit waste on land without authority, known as “flytipping”. The maximum fine for committing this offence is a maximum fine of £50,000 or 5 years imprisonment.

Some businesses think that once they have put their waste out for collection the waste is no longer their problem. This is not true you **are** still responsible. The most common problems are bin lids are found open, bins or bags of waste are found damaged or spilling over and loose waste is left on the ground.

**The Environmental Health - Commercial Team are able to help and advise you on how to manage your waste and how to comply with the law.**

## **Trade Waste Bins**

If you have trade waste bins and your contractor has not emptied them as they should, you should contact them at once and get them to attend as a matter of urgency.

**Do not** under **any** circumstances continue to over fill the bins so the lids cannot be shut and do not place the waste on the floor or in another premises’ bins.

If you find that you do not have enough space for the amount of waste you are producing consider having more collections or ask your waste contractor for another bin.

Ensure that all your staff are aware of these requirements and what their responsibilities are. If they deal with waste they should know what to do and where to put it.

Your waste contractor should provide you with proof of waste disposal. The Local Authority can require you to produce proof of waste disposal from any business going back two years.

## **Powers of the Local Authority under the Environmental Protection Act 1990**

### **Fixed Penalty Notices (FPN's)**

Fixed Penalty Notices can be issued for littering, uncontained waste, misuse of waste bins or if bags of waste are left out for unreasonable periods of time.

FPN's are maybe issued as a means of allowing a person the opportunity of avoiding prosecution for offences.

## Legal Notices

These notices can require businesses to

- produce proof of waste disposal going back to two years.
- provide commercial bins and have them emptied as many times as they think is sufficient for the amount of waste produced.

## Prosecution

Bracknell Forest Borough Council may also decide to take a prosecution in line with the Council's Enforcement Policy.

If you need any additional information regarding waste contact the Commercial Team via

Telephone: 01344 352000

Email: [environmental.health@bracknell-forest.gov.uk](mailto:environmental.health@bracknell-forest.gov.uk)