




Business Waste and Recycling

A Guide to your Legal Duty of Care

Every establishment or business that produces waste has a responsibility to manage and dispose of it properly.

This booklet will help you comply with the law.





Your Duty of Care starts the moment you produce the waste, and continues even when you give it to a waste management company to deal with, until it is recovered or disposed of.

The Duty of Care laws apply to all waste and recycling materials that have originated from business activity. This covers every type of business, from shops to services, property landlords to house clearers, and decorators to gardeners.

If you are paid to undertake work for someone else you are responsible for any waste created.

Recent research suggests that 90% of organisations who are currently breaking the law are SMEs, with 0-50 employees.

PLEASE NOTE: This leaflet is only an introduction to Duty of Care requirements. It cannot be relied upon as legal advice. For further information please contact the Environment Agency or visit [rightwasterightplace.com](https://www.rightwasterightplace.com) or [gov.uk](https://www.gov.uk).

What must businesses do with their waste to comply with Duty of Care?



Section 34 of the Environmental Protection Act 1990 requires all businesses to:

1 STORE

Sort and store waste properly and safely, so that nothing can escape (litter, liquids or odour), and other people cannot access it. Hazardous waste (including batteries, chemicals, oils, healthcare, and electricals) and non-hazardous materials must always be kept apart. Bins must be stored on private land, and not the public highway.



2 DISPOSE

Ensure safe transportation, by yourself or a contractor, to a registered waste disposal facility, which must provide a Waste Transfer Note (or equivalent) on receipt of your waste. The transporter must have a Waste Carriers License.



3 KEEP RECORDS

Keep all Waste Transfer Notes and/or invoices for 2 years, and Consignment Notes for hazardous waste for 3 years. Failure to produce these documents could result in your prosecution and an unlimited fine.

How can I dispose of business waste?

1 Dispose of it yourself

You can obtain a Waste Carriers Licence at gov.uk/waste-carrier-or-broker-registration, which is usually free if you're only transporting your own business waste. You can then take the waste to a trade waste disposal facility, such as Gypsum Close Trade Waste (see back page for more details). You cannot use household waste services such as the kerbside collections (i.e. orange bags), litter bins, bring banks or recycling centres for business waste.

2 Hire a contractor

You can hire a waste contractor to collect your waste. They may provide you with a bin, sacks, or a skip to store your waste, and will collect your waste as agreed. Always make sure to obtain a copy of their Waste Carrier's License, as well as any Waste Transfer Notes for the disposal of your waste (this may be issued annually or for each collection).



Enforcement:

Failure to comply with Duty of Care laws can result in an unlimited fine, and you can be prosecuted.

If another person takes your waste from you and is not authorised to do so, or it is disposed of illegally, YOU could be prosecuted and fined if you have not taken all reasonable measures to meet your Duty of Care requirements.

Leicester City Council's City Warden team undertake spot checks to ensure local businesses are complying with their legal responsibilities.

If your waste is discovered in a household waste stream or fly-tipped you will be investigated for illegal waste activity.



FAQs



Isn't my waste collection included in business rates?

NO, waste collection is not included in business rates. Businesses must make their own arrangements for waste disposal.



I run my business from home – can I put my business waste in my household bin?

If the main use of your home is to run your business, you must keep the waste produced at home from your business activities separate from household waste and dispose of it legally.



Can I take my waste to a Household Waste Recycling Centre (HWRC) or Bring Site?

NO, these are both classed as fly-tipping under Duty of Care laws, and if caught you may be prosecuted or fined. There is a dedicated Trade Waste facility on the same site as Gypsum Close HWRC - just use the right hand lane at the site entrance. Remember, you need to obtain a Waste Carriers License before transporting waste.





What if my business doesn't produce any waste?

It is highly unlikely that a business produces no waste at all – post, junk mail, damaged or obsolete equipment, packaging from deliveries, food and drink consumed by staff (and its packaging), cleaning materials and office paper, are all classed as business waste. Regardless of the volume you produce, you must still dispose of it legally.



What will happen if I have an inspection and can't produce any waste documents?

You will be given a notice to produce the documents within seven days. Businesses that cannot demonstrate compliance will be issued with a fixed penalty notice of £300.



What should I do if I suspect something is wrong?

If you are concerned that the company or person collecting your business waste may be breaking the law, stop giving them your waste and report it immediately by emailing **city.warden@leicester.gov.uk**.

You can dispose of the following types of waste at Gypsum Close Trade Waste from just £5

- ↘ General Waste
- ↘ Paper and Card
- ↘ Hardcore and Rubble
- ↘ Wood and Timber
- ↘ Plasterboard
- ↘ Garden Waste
- ↘ Scrap Metal

All items are charged to the nearest 20kg (minimum charge £5).
See website for full price list.

All waste materials must be sorted ready for disposal.



FIND US AT

Gypsum Close Recycling Centre, Lewisher Road,
Tron Industrial Area LE4 9AB

We are open 8am – 5pm Monday to Friday

Save time by
registering
online before
your first visit



Prices correct as of April 2018 and are subject to change.