

DRAFT CITY CENTRE TRADE WASTE COLLECTION POLICY

Applicable To	Business premises within the designated city centre area relating to this policy
Effective Date	TBC
Current Policy Date	TBC
Next Review Date	TBC
Review Cycle	2 years
Policy Owner	Lloyd Griffiths - Environmental Services Manager

1. Policy Introduction

Gloucester City Council is committed in partnership with AMEY to improving the street scene within our City Centre to make it an attractive location which encourages inward investment and promotes growth.

The wider City Centre is home to some 375 businesses all of whom generate varying levels of trade waste. In the main this waste is placed for collection outside business frontages at various different times of the day and is collected by a number of different contractors.

This can at times lead to the City Centre street scene being littered with rubbish bags which do not look pleasant, have the potential to be split open by gulls, foxes and other vermin, can cause access difficulties and can cause unpleasant odour or attract vermin.

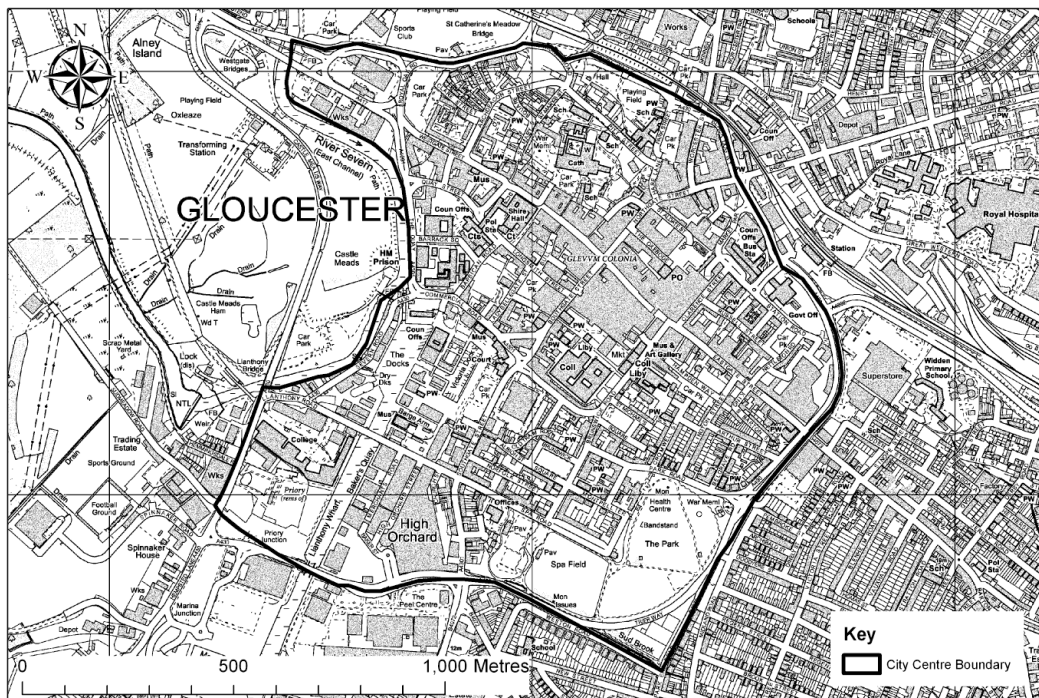
This City Centre Trade Waste Collection Policy aims to inform businesses about how and when to dispose of their waste encouraging them to play their part in ensuring the City Centre is attractive to visitors and other businesses.

Policy Statement

1. Any business that generates waste should have in place a trade waste agreement with a registered waste carrier to collect that waste. This trade waste agreement should be retained on site and be available for inspection upon request by an Authorised Officer of Gloucester City Council;
2. Trade waste should only be placed on the street for collection on the day of collection;

3. Trade waste should not be put out for collection before 06:00hrs and should be collected by 10:00hrs on that same day;
4. 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;
5. Businesses are asked to label their trade waste receptacles clearly and legibly (including bins, bags and bundled items such as cardboard) with details of the business the waste has originated from;
6. Trade waste should not be placed in public litter bins or another businesses litter bin.
7. 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;
8. Gloucester City Council is not responsible for collecting trade 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;
9. 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;
10. Registered Waste Carriers contracted to collect trade waste should be informed of this Policy and should take measures to ensure compliance on behalf of their business clients.

2. Designated City Centre Area



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3. Monitoring, Investigation and Enforcement

In partnership with AMEY we will utilise all staff working within the City Centre to identify and report business waste that has been deposited in a manner that does not comply with this policy. Periodically we will also carry out proactive surveys of the designated City Centre area (relating to this policy) to assess businesses compliance with this policy. Trade waste arrangements will also be discussed as part of Food Safety, Health & Safety and Licensing inspections carried out by officers of our Public Protection Service.

Where trade waste is identified an Authorised Officer of the Council will visit and identify the source of the waste. If identification cannot be traced then we will utilise City Centre CCTV to identify the source.

Once identified an Authorised Officer will visit the business concerned and make that business aware of the non compliance and provide them with advice and support in order to comply. This verbal warning will also be followed up in writing.

If there is a further report and an Authorised Officer is satisfied that a business has for the 2nd time not complied with this policy an enforcement notice will be served on the business owner and all other interested parties requesting that trade waste be placed out in line with this Policy. If this enforcement notice is found to be breached then a Fixed Penalty Notice (FPN) will be issued.

The FPN will require the payment of £60 within 10 days or £100 within 14 days in order to discharge liability against the offence. Failure to pay the FPN will result in the Council instigating legal proceedings for the original offence of failing to comply with the terms of a Waste Receptacles Notice. Legal Proceedings may take the form of a Simple Caution or indeed prosecution.

Not complying with the Council's direction on how and when to place trade waste out will result in enforcement action being taken. This Council will make decisions to use enforcement powers on a case by case basis in accordance with its Enforcement Policy. Generally it will act in a staged approach as set out below but some incidents might require more stringent action to be taken at an earlier stage.

1. Enforcement Notice / Fixed Penalty Notice
2. Simple Caution
3. Prosecution

4. 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.

5. Contacting Us

If you require further information in respect of this policy or have a general query relating to trade waste then please contact us on 01452 396396 or at heretohelp@gloucester.gov.uk. Alternatively you may wish to visit our website at www.gloucester.gov.uk which contains further information.

AMEY, the Council's Streetcare Partner Contractor is a registered waste carrier who provide trade waste collection services. For more information please contact us using the details above.

6. Definitions

AMEY – Amey is Gloucester City Council's Streetcare Partner Contractor responsible for delivering its front line environmental services across the City;

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;

Simple Caution – A formal warning that is given to a person who has admitted an offence. If the person refuses a simple caution then they will normally be prosecuted through the normal channels for the original offence. Although it is not technically classed as a conviction (as only the Courts can convict someone) it can be taken into consideration by the Courts (on sentencing) if the person is convicted of a further offence.

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

7. Related Policies, Procedures and Legislation

- Environmental Protection Act 1990 – Section 33 – Unauthorised deposit of waste on land
- Environmental Protection Act 1990, Section 34 – Duty of Care in respect of Waste etc
- Environmental Protection Act 1990, Section 47 – Commercial Waste Receptacles
- Gloucester City Council, Environmental Health & Regulatory Services, Enforcement Policy 2010

Revision History		
Version	Author	Effective Date
1.0	Lloyd Griffiths	TBC