

## **WEST DUNBARTONSHIRE COUNCIL**

### **Report by the Executive Director of Infrastructure and Regeneration**

#### **Housing, Environment and Economic Development Committee: 5 February 2014**

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**Subject: Review of Commercial Waste Charges**

#### **1. Purpose**

- 1.1** To inform the Committee of the outcome of a review of the commercial waste charges that the Council applies to its commercial waste customers (businesses and not for profit organisations) to take account of the Waste (Scotland) Regulations 2012.
- 1.2** To seek the Committee's approval for the introduction of charges from 1 April 2014 for the collection and processing of dry recyclable waste and food waste from commercial waste customers.

#### **2. Recommendations**

- 2.1** It is recommended that the Committee approves the scale of charges set out in Appendix 2 of the report in respect of the collection and processing of dry recyclable waste and food waste from the Council's commercial waste customers.

#### **3. Background**

- 3.1** The Waste (Scotland) Regulations 2012 came into force on 17 May 2012. The regulations impact on areas of waste management operated by the Council and on businesses operating within the Council area. The regulations complement the Zero Waste Plan which was launched by the Scottish Government in 2010 and set recycling and composting targets for Scottish local authorities. The targets are as follows:
  - 50% recycling/composting by 2013;
  - 60% recycling/composting by 2020;
  - 70% recycling/composting by 2025; and
  - No more than 5% of all waste to go to landfill by 2025.
- 3.2** Under section 45 of Environmental Protection Act 1990 it is the duty of each waste collection authority, if requested by the occupier of premises in its area, to collect, or to arrange for the collection of, any commercial waste from the premises. The waste collection authority is entitled to recover the costs of the collection and disposal of such waste.

- 3.3** The Council currently has 751 commercial waste contracts comprising 500 external contracts and 251 in house contracts. Variable frequencies of residual (landfill) waste collections are made based on each customer's specific waste collection requirements. A free of charge four weekly dry recyclable waste collection service has been available to all 751 customers for a number of years; however, to date only 250 customers have taken up this option.
- 3.4** A free of charge glass collection service is currently provided to 68 businesses, mainly public houses, restaurants and clubs, on the Councils behalf by Greenlight Environmental Ltd.
- 3.5** With regard to waste from registered charities operating in the Council area, under Schedule 2 of the Controlled Waste Regulations 1992 the Council is not permitted to charge charities for the disposal of their waste arisings but is permitted to make a charge for the collection of their wastes. In practice, and since its formation in 1996, the Council has not made a charge for the collection of waste from registered charities or for the collection & disposal of waste from places of worship in the Council area. These organisations are however required to purchase residual waste and recyclable waste wheeled bins to facilitate the collection of their wastes. Of the 751 commercial waste contracts currently in place, 40 are registered charities and 32 are places of worship.
- 3.6** A free of charge dry recyclable waste and a weekly food waste collection service is currently provided to all of the Council's schools

#### **4. Main Issues**

- 4.1** The Waste (Scotland) Regulations 2012 require businesses and/or not for profit organisations to:
- a) present metal, plastic, glass, paper and card for separate collection from 1 January 2014;
  - b) food businesses (except in rural areas) which produce over 50kg of food waste per week to present that food waste for separate collection from 1 January 2014;
  - c) food businesses (except in rural areas) which produce over 5kg of food waste per week to present that food waste for separate collection from 1 January 2016, and
  - d) from 1 January 2016, it shall be the duty of any person who produces food waste, other than an occupier of domestic property as respects household waste or an occupier of property in a rural area as respects food waste, produced on such premises, to ensure that food waste is not deposited in a public drain or sewer or that connects to a public drain or sewer.

- 4.2** From 1 January 2014 it shall be the duty of the Council to transport separately from other waste, any waste presented a) for collection as dry recyclate (i.e. paper, cardboard, glass, plastic containers and food & drinks cans) and b) for collection as food waste.
- 4.3** A funding bid was submitted to Zero Waste Scotland (ZWS) in the summer of 2013 to permit the Council to assist its commercial waste customers by providing them with receptacles (bins etc.) to enable them to recycle the waste materials specified by the Waste (Scotland) Regulations 2012. Unfortunately the funding bid was unsuccessful. ZWS received a total of 28 funding bids from local authorities and private sector waste contractors, however, only 7 were successful and the fund is now closed. On this basis it will fall to the relevant commercial waste customers to purchase the receptacles they require to enable them to separate out their wastes for recycling.
- 4.4** Local Authorities are permitted to make reasonable charges for the collection and treatment/disposal of commercial waste. Local Authorities are not permitted to subsidise the service of collection and disposal/treatment of waste. Local Authorities are not permitted to charge VAT for the collection and treatment/disposal of commercial waste.
- 4.5** The Council has a scale of charges for the collection & disposal of commercial residual waste. Appendix 1 shows the charges for 2014/15 which incorporate a 4% increase in the 2013/14 rates in line with the recently approved Finance Strategy. There are currently no charges set for the collection & processing of dry recyclable waste and food waste.
- 4.6** The scale of charges proposed for the collection and processing of dry recyclable waste and food waste, which would be effective from 1 April 2014, is shown in Appendix 2. The charges proposed reflect a full recovery of the Council's costs for collecting and processing these waste materials based on current financial assumptions regarding the future cost of the delivery of the service.

## **5. People Implications**

- 5.1** There are no people implications relating to this report.

## **6. Financial Implications**

- 6.1** The introduction of the Waste (Scotland) Regulations 2012 requires changes to be made to existing waste collection arrangements for commercial waste customers. The introduction of charges for the collection and processing of dry recyclable waste and food waste will offset the increased costs associated with the implementation of the Waste (Scotland) Regulations 2012.

- 6.2** The commercial waste charges made by other Councils and private waste contractors have been reviewed and it is apparent that West Dunbartonshire Council is competitively priced and is one of the lowest priced local authorities in Scotland for commercial waste collection, disposal & processing.
- 6.3** The new regulations require businesses to separate out recyclable material and make arrangements for the separate collection of these materials. Waste Services officers anticipate that they will be able to utilise existing resources to meet the increase in demand for recycling services. The scale of charges proposed in Appendix 2 take account of the anticipated collection and treatment costs of the recyclates.
- 6.4** It is difficult at this stage to determine the uptake of the recycling services as businesses and not for profit organisations have become more environmentally aware and as a consequence reduced the waste materials they are generating. In addition some businesses return recyclable products such as cardboard & plastic packaging and glass containers to their suppliers.
- 6.5** An Elected Members' Bulletin will be provided during the Autumn/Winter period of 2014 to give an update on the uptake of commercial waste recycling services and on whether a review of the scale of charges proposed for commercial dry recyclable waste and food waste collection & processing is required.

## **7. Risk Analysis**

- 7.1** Failing to provide additional dry recyclable waste and food waste collection services will result in the Council failing to meet its obligations under the Waste (Scotland) Regulations 2012.

## **8. Equalities Impact Assessment (EIA)**

- 8.1** No issues were identified in a screening for the potential equality impact of this report.

## **9. Consultation**

- 9.1** All of the Council's current commercial waste customers have been made aware of their obligations under Waste (Scotland) Regulations 2012 and advised where additional information, guidance and support can be obtained. Discussions have also taken place with the Environmental Health team in relation to further awareness raising exercises and enforcement procedures for the provisions of the Waste (Scotland) Regulations 2012 from 1 January 2014.

## **10. Strategic Assessment**

- 10.1** Having considered the Council's strategic priorities, the statutory obligations contained within the Waste (Scotland) Regulations 2012 contribute to an Environmentally Sustainable Infrastructure within the Council area.

**Richard Cairns**  
**Executive Director of Infrastructure & Regeneration**  
**Date: 15 January 2014**

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**Persons to Contact:**

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**Appendices:**

Appendix 1 - 2014/15 Charges for Commercial Residual Waste Collection & Disposal.

Appendix 2 - Proposed Charges for Commercial Dry Recyclate and Food Waste Collection & Processing.

**Background Papers:**

Report to Housing, Environment and Economic Development Committee, 14 November 2012, entitled; Food Waste: Collection Scheme Trial

Report to Housing, Environment and Economic Development Committee, 7 August 2013, entitled Implications of the Waste (Scotland) Regulations 2012

Equality Impact: Screening and Assessment Form

**Wards Affected:**

All