

Publicly funded bodies and the Controlled Waste Regulations 1992

A joint statement from Defra, DCSF, DoH, BIS and NOMS

Schedule 2 of the Controlled Waste Regulations 1992 sets out a number of types of household waste for which local authorities may make a charge for collection. These wastes include those from domestic properties which require special handling, for example because they are unusually bulky or potentially dangerous.

Also included is waste from certain non-domestic premises whose waste is classified as 'household waste' by the Environment Protection Act 1990. These premises include educational facilities, hospitals, and prisons (in this context often referred to as "Schedule 2 premises"). At present, local authorities have no powers to charge for disposal.

We acknowledge that the Regulations are difficult to interpret in places, that certain definitions are unclear, and that there is considerable confusion among local authorities and customers over how they apply in certain circumstances.

Defra are currently reviewing the Regulations, with a view to establishing a simpler and more equitable system. There is considerable stakeholder support for change, particularly to bring the Regulations into line with the general principle that those who produce waste should be fully responsible for the costs it creates. This would require a change in legislation to allow local authorities to charge Schedule 2 premises for disposal as well as collection.

We are aware that, with budgets under pressure, facilities managers of some of the premises listed in Schedule 2 who currently use private waste contractors, may be considering seeking local authority waste collections in order to benefit from 'free' disposal. We encourage all local authority customers and potential customers to be aware of the review, and to take into account the possibility of future changes to the Regulations when making their waste management decisions.

However, it is important to recognise that there is no such thing as 'free disposal'. The waste management costs for publicly-funded bodies are ultimately paid for with public monies, regardless of who provides the service.

We therefore encourage local authorities and publicly-funded Schedule 2 organisations to take a pragmatic view and seek to achieve the best overall value for money for the taxpayer. In some cases, this may well be achieved by the use of private waste contractors rather than the local authority.

We would also encourage all publicly-funded bodies to continue to work towards reducing the waste they produce in order to reduce the burden on local authorities and on the environment.

This statement is endorsed by the review steering group comprising representatives from LGA, NAWDO, LARAC, NHS, National Association of School Business Management, Government Offices, Kent Waste Partnership and Hampshire County Council.