

Kent County Council

Waste Management

Responsibility for Waste

Guidance document for Parish Councils, Town Councils,
Community Groups & Volunteers



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kent.gov.uk





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Or write to: *Kent County Council, Diversity & Equality Team Room G37, Sessions House, County Hall, Maidstone, Kent, ME14 1XQ*

Foreword

Kent County Council Waste Management Mission



We help people to manage their waste and encourage the use of waste as a resource in synergy with economic and housing growth in Kent

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Collection and disposal of waste

Background Information

Kent County Council (KCC) and District or Borough Councils would like to engage with Parish Councils, Town Councils, Community Groups and Volunteers to provide useful guidance on how to dispose of waste.

It is the responsibility of whoever generates waste to make the correct and legal arrangements for its collection and disposal. The methodology is simple and the first point of contact should always be your District/Borough Council.

District/Borough Councils; Waste Collection Authorities (WCAs) are responsible for collecting household waste from resident's houses, referred to as kerbside collections. The general and recyclable waste is collected by purpose built refuse vehicles and taken to contracted Disposal Outlet's managed by KCC; Waste Disposal Authority (WDA).

The WDA is responsible for the disposal of household waste from within its boundaries. In Kent, this is from the kerbside collections provided by the WCAs and from the Household Waste Recycling Centres (HWRCs) managed by KCC.

Kent's waste is disposed of using Kent Residents' money (through Council Tax contributions) and as such the disposal outlets and associated contracts are carefully managed to ensure efficiencies within relationships with the District/Borough Councils is paramount.

Frequently Asked Questions

What should we consider?

Every project if it is small or large will produce waste. You need to consider carefully what you are going to do with this waste to be both compliant with the law and kind to the environment.

When you are considering larger projects of any kind and applying for funding, remember to include disposal costs within your budget. Waste is expensive to dispose of and the process can be complicated by the type of waste you are disposing of. You will therefore need to follow strict guidelines.

Why can't we go directly to a HWRC?

Waste taken to a HWRC by any other party other than a Kent resident with their own waste, is not deemed as household waste. HWRCs are for household waste only.

This is because the waste could have been collected either from an area leased or owned privately, or collected via an activity such as a litter pick on public land (not an individual residents waste).

The HWRCs do not deal with Commercial waste¹ either (see page 12 for definition).

There are still several options open to you and to dispose of your waste, you should follow the Waste disposal flowchart shown on page 7.

**Section 51 of the Environmental Protection Act explains further and this is detailed on page 9 of this document.*

¹ see page 12 for definition

Under what circumstances would a Waste Collection Authority collect Waste?

WCAs have a legal duty (so far as is practicable) to clear litter and refuse from the Highway and land for which they are responsible, either through ownership or an accepted litter clearance responsibility. WCAs are more likely to agree to collect waste picked by volunteers from areas such as parks, playgrounds and pedestrian areas if given sufficient notice of such activity. Agreement in advance will assist resolution of Health and Safety considerations and ensure prompt removal of waste.

**Details of the Waste Carriers Licence requirements are detailed on page 10 of this document*

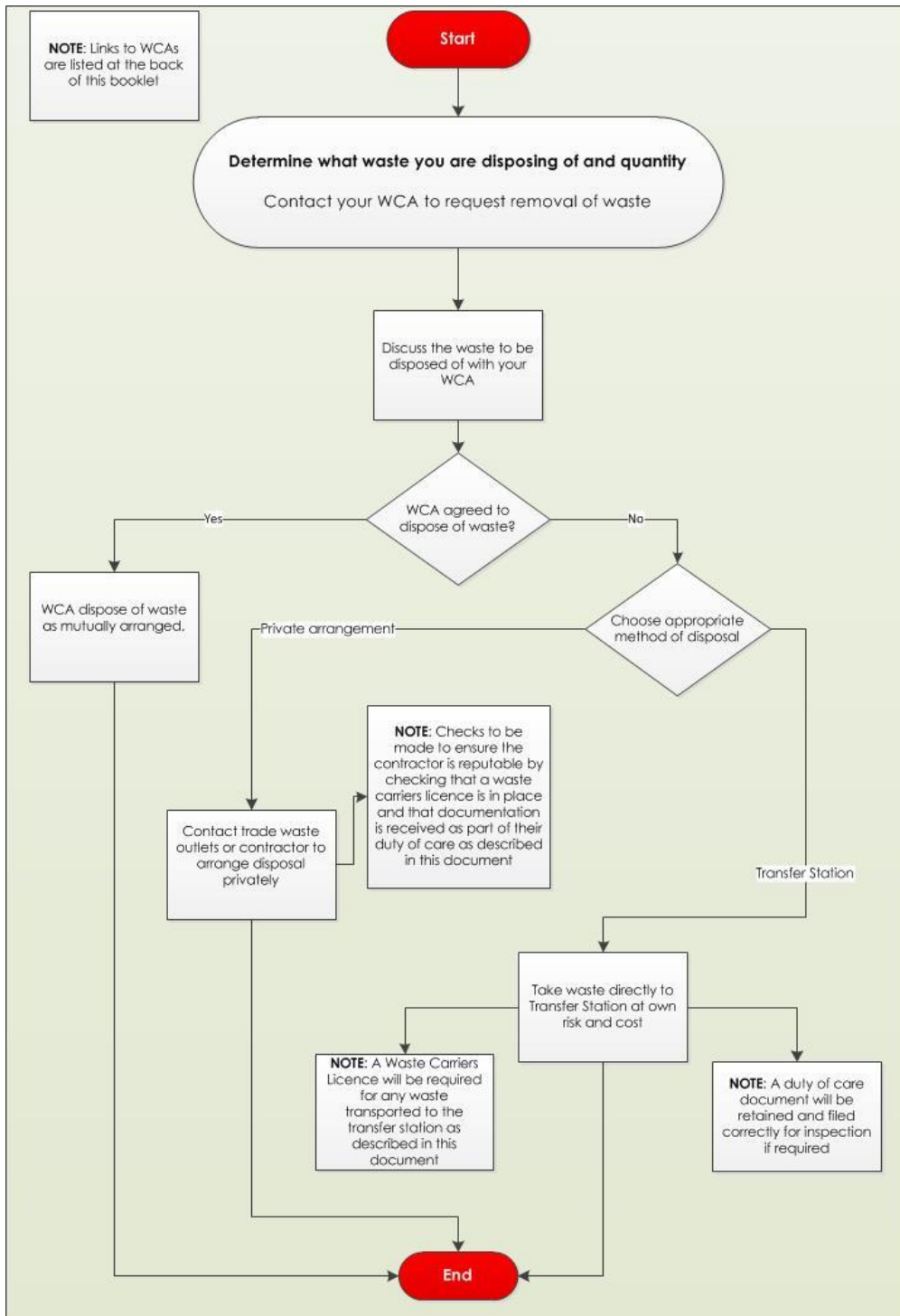
Why should we use a Transfer Station?

Waste should be taken to a Transfer Station if the WCAs are unable to collect the waste on your behalf.

Transfer Stations are equipped to deal with all types of commercial and domestic waste and have the facilities to bulk and haul to recycling plants or waste-to-energy plants.

Customers are charged by the weight of the waste they are disposing of. Please note there is also a minimum tonnage charge.

Process Map for Waste Disposal



Legal Obligations

Environmental Protection Act (EPA)

Section 51 of the EPA states that; “It shall be the duty of each waste disposal authority to arrange “for the disposal of the controlled waste² collected in its area by the waste collection authorities”. This ensures that the Waste Collection Authority has responsibility to manage the collection of litter and that the Waste Disposal Authority then disposes of that waste.

Household Waste Recycling Centres (HWRC) are only licensed by the EA to accept household waste and as such KCC advises householders to liaise with their Collection Authorities in the first instance to make arrangements for the collection and disposal of all other waste not accepted at an HWRC.

Duty of Care

We all have a Duty of Care for the waste that we produce. This means that all waste should be stored and disposed of correctly to ensure that it does not cause any harm.

Duty of Care starts from the moment waste is produced and lasts until it is handed over to a licenced waste business. You are responsible for checking that your waste is dealt with correctly and should report a business that mishandles your waste.

**Duty of Care is published on the Environment Agency website*

Waste Transfer Note

We are all responsible for the waste that we dispose of, and every transfer of waste between two parties must be covered by the appropriate documentation.

You should discuss the requirement for these with your WCA and if required the outline is below:

For non-hazardous waste a Waste Transfer Note (WTN) will be required. This is a legal requirement containing certain information including details and signatures from the current holder, as well as the person to whom the waste is being transferred to; and will detail any licences and permits that they hold. It will also contain a brief description of the waste, the amount, how it is contained and the collection point.

Waste Transfer Notes are renewed annually and are available from:

² “Controlled waste” means household, industrial and commercial waste.

<https://www.gov.uk/government/publications/duty-of-care-waste-transfer-note-template>

When completing this form you will need to enter a Waste Regulation Code (Section A). The reference code you would use for Mixed Municipal Waste will be 20 03 01 and Street Cleansing Waste will be code 20 03 03.

Waste Carriers Licence

If you are carrying out any of the following activities, you are required to register for a 'Low Tier' Waste Carriers Licence:

- transporting waste
- buying, selling or disposing of waste
- arranging for someone else to buy, sell or dispose of waste

The registration should be free of charge if you are either a Parish Council, Town Council, Community Group or Volunteer if you are transporting waste you have produced yourself.

Registration can be completed online at <https://www.gov.uk/waste-carrier-or-broker-registration>

There is also an option to become an 'Upper Tier' Waste Carrier if you work as a business as a Carrier, Dealer or Broker.

Licences and Registration

Permits are required to treat or dispose of waste and a business that produces or holds hazardous waste must be registered as such.

You can check the requirements on <https://www.gov.uk/topic/environmental-management/environmental-permits>

Definitions

Street Waste

This includes waste resulting from sweeping the streets and clearing general litter, fly tipping and removal of graffiti.

The WCAs have a legal duty (so far as is practicable) to clear litter and refuse from the Highway and land for which they are responsible, either through ownership or an accepted litter clearance responsibility.

If a piece of private land is littered or fly tipped, the owner must accept responsibility for clearing the litter and its appropriate disposal.

Therefore landowners are to be encouraged to keep their land free of rubbish and litter.

Green Waste

Home composting is the preferred option for the disposal of green waste where however where grass, vegetation and tree management is substantial, you should seek guidance from your WCA website. .

If your WCA is unable to assist you, then disposal should be arranged locally in the appropriate way following the guide on page 7.

Hazardous Waste

Hazardous Waste poses substantial or potential threats to public health or the environment. Disposal of Hazardous Waste is strictly regulated and anyone producing Hazardous Waste has a Duty of Care to deal responsibly with its disposal.

Waste is generally considered hazardous if it (or the material or substances it contains) are harmful to humans or the environment. Examples of Hazardous Waste include:

- asbestos
- chemicals, e.g. brake fluid or print toner
- batteries
- solvents

- pesticides
- oils (except edible ones), e.g. car oil
- equipment containing ozone depleting substances, e.g. fridges
- hazardous waste containers

If any of this waste is found, it should be discussed with your WCA to ensure the appropriate disposal method is undertaken considering any Health and Safety implications. Where Emergency Disposal is necessary a licenced contractor should be used.

Commercial Waste

Commercial Waste is waste generated from:

- any commercial activity – including from homes or a Town or Parish owned/ let facility
- construction
- demolition
- industry
- agriculture

Commercial Waste should be taken to a Transfer Station by a licenced contractor to ensure the Duty of Care process is followed. This also includes the disposal of confidential information.

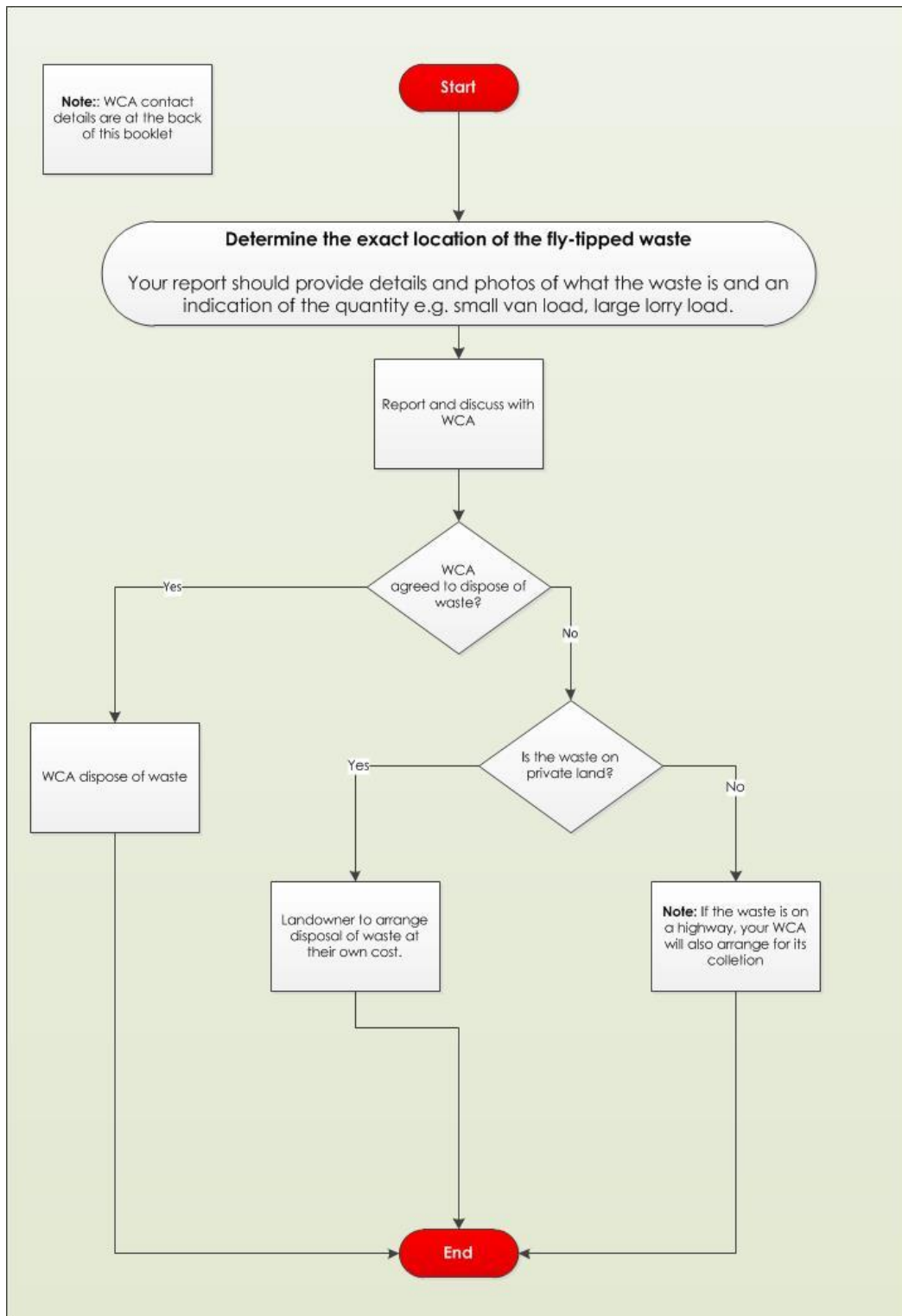
Registered Charity waste is classified as Commercial Waste (unless from a charity shop – previously household waste) but you may discuss this with your WCA to discuss any eligibility for free waste and recycling collection.

Fly Tipping

Illegal dumping, also called fly dumping or fly tipping, refers to dumping waste illegally instead of using an authorised method such as relying on kerbside collection or using an authorised waste disposal site/company. It is the illegal deposit of any waste onto land; waste dumped or tipped on a site with no licence to accept waste.

If anyone spots any fly tipping, they should report it including as much information as possible to their WCA immediately. If the fly tipping is on the Highway or land for which it is responsible, the WCA will arrange for the waste to be collected. Clearance of fly tipped waste on private land is the responsibility of the land owner. WCAs will also use this information to prosecute where possible so any additional information such as pictures would be welcomed.

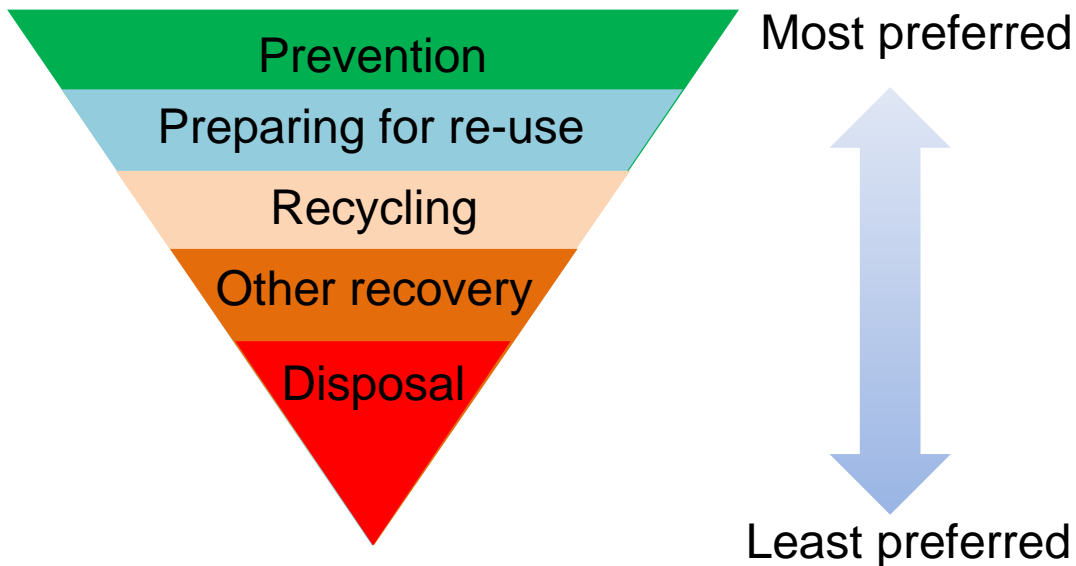
Process Map for reporting Fly Tipping



Conclusion

Our aim is to work together to find the best solution for the waste that requires disposal.

KCC is working with the WCAs to ensure that there is clear guidance to signpost individuals in the right direction to ensure that waste is reduced, reused or recycled where possible; in line with the Waste Hierarchy, thus avoiding waste being sent to landfill.



Waste Collection Authority Contact Details

- Ashford Borough Council
www.ashford.gov.uk/
- Canterbury City Council
www.canterbury.gov.uk
- Dartford Borough Council
www.dartford.gov.uk/
- Dover District Council
www.dover.gov.uk/
- Folkestone & Hythe District Council
www.folkestone-hythe.gov.uk/
- Gravesham Borough Council
www.gravesham.gov.uk/
- Maidstone Borough Council
www.maidstone.gov.uk/
- Sevenoaks District Council
www.sevenoaks.gov.uk/
- Swale Borough Council
www.swale.gov.uk/
- Thanet District Council
www.thanet.gov.uk/
- Tonbridge & Malling Borough Council
www.tmbc.gov.uk/
- Tunbridge Wells District Council
www.tunbridgewells.gov.uk/

Quick Links

- Right Waste Right Place
<http://www.rightwasterightplace.com/#intro>
- WCA Information
<http://www.kent.gov.uk/about-the-council/how-the-council-works/district-councils>
- Planned Works by KCC
<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/find-planned-work-on-streets-near-you>
- To report a KCC problem including issues associated with signs, footpaths, lighting and potholes
<http://www.kent.gov.uk/roads-and-travel/report-a-problem>
- Commercial Waste Disposal Guidance
<http://www.kent.gov.uk/waste-planning-and-land/rubbish-and-recycling/business-and-commercial-waste>
- Find your nearest HWRC
<http://www.kent.gov.uk/waste-planning-and-land/rubbish-and-recycling>
- Environment Agency
<https://www.gov.uk/government/organisations/environment-agency>
- Fly Tipping Reporting
<https://www.gov.uk/report-flytipping>
- Waste Transfer Station site locations
<http://www.kent.gov.uk/waste-planning-and-land/rubbish-and-recycling/business-and-commercial-waste/transfer-stations>
- Permitted waste locations
<http://www.kent.gov.uk/waste-planning-and-land/rubbish-and-recycling/business-and-commercial-waste>
- Duty of care code of practice
<https://www.gov.uk/government/publications/waste-duty-of-care-code-of-practice>
- Public register for environmental information
<https://www.gov.uk/guidance/access-the-public-register-for-environmental-information>



Bredhurst residents taking a pride in where they live supported by Maidstone Borough Council who collect the waste in an agreed place arranged in advance of any activity taking place.

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Kent County Council
Waste Management