

keep it legal



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duty of care – hazardous waste – packaging waste



keep it legal

What's in this fact file?

- **Waste regulations for hospitality businesses both large and small.**
- **Your Duty of Care.**
- **Useful websites.**

waste regulations

There are two objectives that drive waste regulations in the UK:

- **to maintain a clean, healthy and safe environment. Regulations dealing with this issue must be monitored, managed and reported on by each business unit;**
- **to ensure the UK meets the recovery and recycling targets agreed with the EU.**

Some regulations connected to recycling targets apply only to companies or individual business units over a certain size.

But it's vital to remember that regulations change. You need to be aware of new legislation as it emerges.

So this fact file is all about how you can stay on the right side of the law.

regulations that apply to all hospitality businesses

There are two general environmental regulations for businesses in the UK:

- **duty of Care Regulations;**
- **hazardous Waste Regulations (2005).**

These regulations apply to all hospitality waste and all hospitality businesses.

The requirements of these regulations must be met on each site on which the business operates.



Duty of Care Regulations

These regulations require each business unit to:

- **keep all wastes in a suitable container;**
- **cover any loose waste placed in a skip or lorry;**
- **ensure that any organisation or individual carrying the waste is authorised to carry it;**
- **pay an authorised waste collector to remove waste from the premises;**
- **record information about the nature of the waste collected and transported on a Waste Transfer Note and retain copies of Waste Transfer Notes for at least two years. [Annex 1](#) contains a copy of a Waste Transfer Note.**

hazardous Waste Regulations (2005)

New controls on hazardous waste came into force in England, Northern Ireland and Wales on July 16, 2005, replacing the previous Special Waste regime. With some exceptions (including small domestic scale hospitality businesses such as B&Bs) **they apply to all businesses** – and **you should include the costs of compliance** as part of your annual budget.

The regulations are not straightforward, and differ according to the size and type of your business. The **Environment Agency's NetRegs website** contains advice specific to hospitality businesses:

www.netregs.gov.uk/netregs/sectors/278280

What the regulations cover

Hazardous waste **includes items like fluorescent light tubes, solvents and pesticides**. These wastes must be **stored separately** to general wastes and disposed of via a specialist waste contractor who will issue a Waste Transfer Note for the hazardous materials (see Annex 2 for a sample Hazardous Waste Transfer Note). A list of materials commonly used by hospitality businesses and included within the **Hazardous Waste Regulations** is included as Annex 3.

In England and Wales, all premises producing hazardous waste must register with the Environment Agency each year.

An easy way to do this is to ask your waste management contractor to register for you, though they will probably charge you a fee, and there is also a registration cost of between £18 and £28 to be paid to the Environment Agency.

Electrical waste

Proposals for regulations on the recovery of electronic components (the **Waste Electrical and Electronic Equipment (Producer Responsibility) Regulations**, known as WEEE) are also under consideration, and will affect businesses disposing of washing machines, computers, televisions and other electrical equipment. They are due to come into force in 2006.

regulations which apply to larger businesses

UK Producer Responsibility Obligations (Packaging Waste) Regulations 1997

These regulations apply to your business if:

1. in the previous year (and in Northern Ireland the current year) your business or group of companies handled more than 50 tonnes of packaging or packaging materials, **and**
2. the annual turnover of your business or group of companies was more than £2 million.

The main packaging materials are paper, cardboard, glass, steel, aluminium, plastic, wood and composites of any of the above. Other packaging includes jute, hessian, cork and ceramics.

How to comply

There are two main ways to meet the Packaging Waste Regulations. If your business meets the threshold for obligation and annual turnover is less than £5 million, you can choose either to:

- have a “recycling obligation” allocated to the business;
- collate and provide data each year to the Environment Agency (see below).

The allocation is **based on the previous year's turnover** and **recycling** is to be carried out in the **main material handled** (for a nightclub, for example, this would be glass). If you choose this way of complying with the regulations, you must stick to it for **at least three years** (and providing that turnover remains below £5 million).



what the regulations cover

Changes to the Packaging Regulations in 2006

Packaging waste recovery and recycling **targets have been amended** to take account of recent changes designed to **bring more packaging into the regulations**, such as packaging associated with pub operating companies.

Pub operating companies and companies operating under similar business models are **now obligated for certain packaging bearing their trademark** or associated with goods that bear their trademark or **provided by an agreement between themselves and** their non-obligated (i.e. do not meet the threshold tests) **licensees or tenanted pubs.**

The regulations place three main obligations on businesses which exceed the threshold and **have not opted for the allocation method or do not qualify for it** (see left).

1. to register with the Environment Agency and provide data on the packaging handled by the business.
2. to carry out specified tonnages of recovery and recycling of packaging waste, calculated on:
 - the basis of the tonnage handled by the business;
 - the national recovery and recycling targets for the year;
 - and the obligation for the activity carried out.

3. to certify that the necessary recovery and recycling has been carried out, through a Certificate of Compliance accompanied by copies of all Packaging Recovery Notes (PRNs) obtained during the year.



Responsibility across the supply chain

When the **Packaging Waste Regulations** were brought in, they aimed to ensure that each sector in the supply chain bears a proportion of the total obligation – from manufacturers, fillers and packers, to sellers.

A “seller” (retailer) is a **hospitality business that meets the threshold described above**. Sellers have to recover or recycle **48% of packaging** they handle.

And now new activity definitions have been introduced – including service providing and importing.

about Packaging Recovery Notes (PRNs)

PRNs show that you’ve obeyed the law. They can only be issued by accredited UK recycling/recovery operations, which are approved and registered as such by the Department for Environment Food and Rural Affairs (Defra), and only cover packaging waste that is reprocessed in the UK.

A PRN is issued for every tonne of packaging recycled. PRNs are issued solely by the Environment Agency to accredited reprocessors (equivalent to companies involved in recycling activities) and then exchanged for material with collectors and traders of recyclable materials.

Registered companies must produce (or get a compliance organisation to do it for them) a Compliance Plan, which is their detailed plan for buying PRNs. You should stagger the purchase of PRNs throughout the year, rather than leaving it to the year-end in December – that forces up the price of PRNs and leads to a

severe shortage. If you wait until December to purchase your PRNs, you could in theory be prosecuted for this offence, as well as facing higher costs.

Web resources

Hazardous Waste

http://environment-agency.gov.uk/subjects/waste/1019330/1217981/?lang=_e

Producer Responsibility (Packaging Waste)

Summary of User’s Guide – Packaging waste booklet 2006:

www.defra.gov.uk/environment/waste/topics/packaging/pdf/packagewaste06.pdf

User’s Guide to the Packaging Regulations (2003), guidance note for licenses and pub operating businesses and other information:

www.defra.gov.uk/environment/waste/topics/packaging/index.htm

The Environment Agency provides further advice at:

www.environment-agency.gov.uk/business/444304/444641/595811/136872/.

List of accredited reprocessors:

www.letsrecycle.com/materials/packaging/packagingRecyclers.jsp

Lists of compliance schemes:

www.defra.gov.uk/environment/waste/topics/packaging/pdf/compliance-schemes.pdf

www.letsrecycle.com/materials/packaging/compliance.jsp

Regulatory guidelines for hospitality businesses

www.netregs.gov.uk

Keeping up with the news on waste

www.defra.gov.uk/environment/waste/index.htm



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