

Duty of Care

The duty of care has no time limit.

You are specifically responsible for your waste from when you produce it until you have transferred it to an authorised person. If you think that your waste is not being managed correctly you must take action to check and prevent this.

You must:

- store and transport your waste appropriately and securely
- check that your waste is transported and handled by people or businesses that are authorised to do so
- complete waste transfer notes to document all waste you transfer, and keep them as a record for at least **two years**
- If your business is **home-based**, any waste you produce from your business activities is classed as business waste. You must keep it separate from your household waste and complete waste transfer notes when it is collected or disposed of. This must be done by a Licensed Carrier.

Transferring Waste - Waste Transfer Notes

You must complete a **waste transfer note** (WTN) for every load of waste you pass to a third party. A WTN shows waste carriers and site operators who handle your waste what they are dealing with so that they can manage it safely and legally. WTNs also ensure there is a clear audit trail from when the waste is produced until it is disposed of.

You must keep copies of all your WTNs for at least **two years** and be able to produce them on demand to an Environmental Enforcement Officer of Swindon Borough Council. If you do not, **you could receive a fixed penalty fine or even be prosecuted.**

You must check that anyone you pass your waste to holds the relevant registration, licence or exemption for the type of waste you pass to them.

What Does A Waste Transfer Note Look Like?

A WTN is a document that details the transfer of waste from one person to another. Every transfer of waste must be covered by a WTN. There is no standard WTN. Many waste carriers produce their own versions.

What Details Should A Waste Transfer Note Contain?

A WTN must be completed and signed by both the person sending the waste and the person collecting it. It must contain enough information about the waste so it can be handled safely and either recovered or disposed of legally. It must include an accurate description of the waste.

The information on the WTN must include:

- an accurate description of the waste
- how the waste is contained or packaged
- the quantity of the waste
- the place, date and time of transfer
- the name and address of both parties
- details of the permit or licence of the person receiving the waste
- the appropriate European Waste Catalogue (EWC) code
- the signature of both parties
- confirmation that the waste hierarchy has been applied

What About "Season Tickets"?

For repeat transfers you can use a 'season ticket'. This is a single transfer note that can cover multiple transfers over a period of up to 12 months.

You can agree to use a season ticket if all of the following **stay the same**:

- the parties involved in the transfer
- the description of the waste being transferred
- the place where the waste is transferred from one person to the other.

You should estimate the total weight of waste over the 12-month period on the waste transfer note (season ticket). However, if any of these conditions change, you will need to complete a new WTN.

The Environmental Protection Act 1990 and the Waste (England and Wales) Regulations 2011 create criminal offences for those who do not comply with the WTN requirements. You could receive a fixed penalty fine or be prosecuted. Swindon Borough Council will be conducting routine audits to check for compliance to help ensure a level-playing field for all businesses that produce or transport waste.

Who Should Complete The Waste Transfer Note?

A WTN is a joint document between two parties involved in the transfer of the waste. You should never rely on waste carriers or waste management contractors to describe your waste for you.

As the producer, you are most able to describe your waste accurately. It is not acceptable to use nonspecific terms, for example 'general waste'. Both you and the waste carrier must sign the WTN before the waste leaves your site. If you transport waste yourself, you and the site operator must complete and sign the WTN.

You must keep copies of all WTNs for at least two years.

So there's no need to fall foul of the law through ignorance. Don't Get Caught Out!

The Council's Envirocrime Team can be contacted at:

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Streetsmart Envirocrime Team
Swindon Borough Council
Wat Tyler House 5th Floor
Beckhampton Street
Swindon SN1 2JG
streetsmart@swindon.gov.uk

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Trade Waste Duty of Care...

All businesses produce waste and most types of business waste are classed as controlled waste. Controlled waste includes commercial, industrial and household waste.

You have a legal responsibility to ensure that you produce, store, transport and dispose of controlled waste without harming the environment. This is called your duty of care.



Swindon
BOROUGH COUNCIL