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## Disclaimer

- 27 Disclaimer
This Commercial Waste Information Guide is for any business - large or small - that has premises or operates within The Moray Council area.

It is for businesses that are:

- **Waste Producers**
  Businesses that produce waste as a result of their day to day operations;

  and/or

- **Waste Carriers**
  Businesses that transport waste either in the course of their business or for profit.

The information in this guide gives an overview of some of the waste issues that may affect your business.

For more in depth advice and assistance please contact:

**The Moray Council Waste Hotline**

📞 (01343) 557045
✉️ waste@moray.gov.uk

More businesses are implementing resource efficiency measures in energy, water, raw materials and waste management to reduce costs.

For many years we have relied on landfill as the main disposal option for our waste. It is now widely recognised that sending waste to landfill has significant environmental, social and economic impacts. Much of the waste that we throw away is a resource which can be reduced, reused or recycled.

A key principle of this is the waste hierarchy which prioritises the options for managing waste.

Many businesses both small and large across Moray are now incorporating the principle of the waste hierarchy into their waste management and day to day operations.
Managing business waste efficiently can bring a range of benefits to your company, including:

**Saving Money**

Business rates do not include the cost of collecting and disposing of your waste. Landfill tax costs are expensive, currently £88 per tonne (for the period 2014-15) with an incremental increase every year. By reducing the amount of waste your business produces, and reusing, refurbishing and recycling as much as possible, your business can save money.

**Meeting Legal Obligations**

As a waste producer you are responsible for managing your waste in a responsible manner. The range of legislation that affects your business will depend on the type of waste you produce and the sector you work in.

**Enhancing the Reputation of Your Business**

Reducing your environmental impact through sustainable waste management can improve your reputation and corporate image with customers, employees and external stakeholders. It can also give you a competitive advantage when pursuing business opportunities.

In order for you to manage your commercial waste effectively you need to understand:

- The legislation that applies to your business waste and how to comply;
- The types and quantities of waste your business produces;
- How to arrange a waste and recycling collection service for your business; and
- Your obligations if you are a waste carrier.

**Tackling Litter**

The Moray Council has produced guidance for businesses who wish to reduce the incidence of littering around their business premises. The Voluntary Code to Tackle Litter encourages participating businesses to pledge their commitment to the code, and carry out some simple actions to help reduce littering in their local area. The document is available on request here.
Different waste legislation will apply to your business depending on the sector you work in and the types of waste your business produces.

This section provides information on:

- Duty of Care
- Waste (Scotland) Regulations
- Other Relevant Legislation

As legislation is continually changing it is important that your business gets the most up to date information.

NetRegs provides free environmental guidance for small and medium-sized businesses to help you comply with environmental law and protect the environment. It also includes links to other key waste legislation that may apply to your business.

The Duty of Care is laid out in Section 34 of the Environmental Protection Act 1990 (as amended). This details the requirements for the management of waste by:

- Stating how it must be managed correctly by storing it safely and securely to prevent its escape;
- Only transferring it to a licensed waste carrier; and
- Ensuring that when it is transferred it is sufficiently well described to enable its safe recovery or disposal without harming the environment.

You have a legal Duty of Care to manage waste correctly. This means your business must:

- Apply the waste hierarchy to the management of your waste and promote ‘high quality’ recycling.
- Present glass, metal, plastic, paper and card for separate collection.
- Present food waste for separate collection (if applicable.)
- Prevent the escape of your waste by storing it in suitable containers.
- Set up a commercial waste collection service.
- Use Waste Transfer Notes or e-doc to accompany waste for disposal.
- Take reasonable measures to ensure that your waste does not cause pollution or harm to human health.

This duty is not voluntary. Businesses failing to meet these regulations may be prosecuted.

Detailed guidance on these statutory duties and information on how best to comply is available in the Duty of Care Code of Practice produced by the Scottish Government. You can access this guidance here.
The Waste (Scotland) Regulations 2012 amended Section 34 of The Environmental Protection Act 1990 to implement a number of actions in the Scottish Government’s Zero Waste Plan. Under these amendments, holders of waste, including producers, have a duty to take reasonable steps to increase the quantity and quality of recyclable materials.

The Waste (Scotland) Regulations 2012 require you to recycle as much of your commercial waste as possible.

From 1st January 2014

- Businesses must present metal, plastic, glass, paper and card separately for collection.
- Food businesses (except in rural areas) which produce over 50 kg of food waste per week must present it separately for collection.

From 1st January 2016

- Food businesses (except in rural areas) which produce over 5 kg of food waste per week must present it separately for collection.
- Non-rural food businesses should no longer use food waste disposers, such as macerators, to discharge food waste to a drain or sewer if separate food waste collection services are available.

Click here to download a leaflet from Zero Waste Scotland for more information on these changes.

What is a food business?

The regulations define a food business as “...an undertaking, whether for profit or not, and whether public or private, carrying out any activity related to the processing, distribution, preparation or sale of food.”

Some examples of food businesses include restaurants, cafés, hotels, public houses serving food, supermarkets, shops that sell food and canteens.

You can find out if your business is located in a rural location by visiting the Resource Efficient Scotland Waste (Scotland) FAQ Database.
### Other Relevant Legislation

You may be required to comply with other legislation depending on the types of waste your business produces.

<table>
<thead>
<tr>
<th>Animal By-Products</th>
<th>You must comply with The Animal By-Products (Enforcement) (Scotland) Regulations 2011 if your business:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Handles or stores animal by-products;</td>
</tr>
<tr>
<td></td>
<td>• Transports animal by-products;</td>
</tr>
<tr>
<td></td>
<td>• Disposes of animal by-products;</td>
</tr>
<tr>
<td></td>
<td>• Disposes of animal carcasses; and/or</td>
</tr>
<tr>
<td></td>
<td>• Disposes of food and catering waste.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Asbestos</th>
<th>You must comply with legal duties relating to asbestos including The Control of Asbestos Regulations 2012 if you:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Own or operate a building;</td>
</tr>
<tr>
<td></td>
<td>• Work in construction, demolition or building maintenance; or</td>
</tr>
<tr>
<td></td>
<td>• Dispose of asbestos waste.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Batteries</th>
<th>You must comply with The Waste Batteries (Scotland) Regulations 2009 if your business:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Manufactures batteries or equipment containing batteries;</td>
</tr>
<tr>
<td></td>
<td>• Imports batteries into the UK for sale;</td>
</tr>
<tr>
<td></td>
<td>• Distributes and supplies batteries; and/or</td>
</tr>
<tr>
<td></td>
<td>• Is involved in the separate collection, treatment, recycling or export of waste batteries for recycling.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Carrier Bag Charge</th>
<th>The Scottish Parliament has passed legislation that will require ALL retailers (food and non-food) to charge a minimum of 5p for each new single-use carrier bag (including paper, those made from some plant based materials and plastic), from 20th October 2014. The aim is to encourage bag re-use and reduce the visible impact of litter.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Zero Waste Scotland is supporting Scottish retailers to help them understand their legal requirements under the regulations.</td>
</tr>
</tbody>
</table>

Click on the NetRegs logo to access further guidance.
If your business manufactures, fills, supplies or handles packaging or packaging materials you should refer to the following regulations:

**Producers’ Responsibility Obligations (Packaging Waste) Regulations 1997**
These regulations are intended to encourage the minimisation of packaging and packaging waste, incentivise re-use and increase the recovery and recycling of packaging waste. These apply to all UK companies that have a turnover exceeding £2 million and that handle more than 50 tonnes of packaging per annum. You must comply with these if you or someone acting on your behalf:

- Manufactures the raw materials used to make packaging;
- Converts raw materials into packaging;
- Fills packaging (putting goods or products into packaging);
- Supplies packaged goods to the end user (this may be another business or the public);
- Leases or hires out packaging, such as pallets;
- Operates a franchise or other licensed business, including pubs;
- Imports packaging, packaging materials or packaged goods into the UK; or
- Brings transit packaging into the UK that will end up as waste in the UK.

**The Packaging (Essential Requirements) Regulations 1998**
These regulations aim to minimise the amount of waste packaging created and ensure that packaging can be reused, recovered or recycled. Your business must comply with the Packaging (Essential Requirements) Regulations if you:

- Produce packaged goods;
- Design, specify or produce packaging;
- Pack or fill packaging to sell;
- Claim to have packed or filled packaging by putting your brand or trademark on the packaging; or
- Import packaging or filled packaging.

Click on the NetRegs logo to access further guidance.
| **Special Waste** | If your business produces any waste with hazardous properties which may render it harmful to human health or the environment you must comply with the Special Waste Regulations 1996. These set out the procedures to be followed when disposing of, carrying and receiving special waste. |
| **Unauthorised Signage** | The control of unauthorised signage can be addressed through a number of different pieces of legislation including various provisions within the Roads (Scotland) Act 1984, the Town and Country Planning (Scotland) Act 1997 and through the Council’s powers to advance well-being under the Local Government in Scotland Act 2003. It is an offence under Section 100 of the Roads (Scotland) Act 1984 to affix within a road an unauthorised sign. Furthermore Section 59 makes it an offence to place anything on or within the boundary of a public road. This includes the unauthorised display of advertisements. Under section 182 of the Town and Country Planning (Scotland) Act 1997 the display of placards and posters is unlawful and active steps can be taken under Section 187 of the Act to ensure their removal. Formal action can also be taken to regularise or remove other signage displayed without the requisite consent. Fly posting on private land or on privately owned property is unlawful and will be addressed by means of planning legislation under The Town and Country Planning (Scotland) Act 1997. The Moray Council will utilise the most appropriate legislative powers at its disposal to secure the removal of fly posting and unauthorised advertising. |
| **Waste Electrical and Electronic Equipment (WEEE)** | You must comply with the The Waste Electrical and Electronic Equipment Regulations 2013 if your business manufactures, imports, rebrands, distributes or disposes of electrical or electronic equipment, such as household appliances, IT equipment, lighting equipment and power tools. |

Click on the NetRegs logo to access further guidance.
Understanding the range and types of waste your business produces will allow you to manage waste more efficiently and effectively and ensure your internal and external waste management collection services meet your business requirements.

This information will allow you to determine the:

- Compliance required for your Duty of Care obligations;
- Legislation that applies to the specific types of waste your business produces;
- Types and numbers of the internal waste and recycling containers you will need to provide;
- Types and numbers of the external waste and recycling containers (including the collection frequency) that the Moray Council will need to provide; and
- Waste documentation you need to complete and retain.

If you do not already understand the range and types of waste your business produces you should carry out a waste audit.

The Moray Council can provide specific audit guidance and support, or your existing waste management contractor may be able to also help you understand your business waste composition.

A template spreadsheet to record and analyse internal waste audits is available to download from WRAP here. This also provides advice on how to communicate the audit and its findings to staff.

You can find out more about undertaking a waste audit on the Resource Efficient Scotland website.
The waste and recycling collection service that is most suitable for your business will be determined by the types of waste your business produces and the corresponding legislative requirements.

As well as external containers, it is likely you will require internal containers in which to collect waste and recycling. Your waste contract may supply these, or you may have to provide them yourself.

It is important to consider:

**Location**

To optimise recycling ensure containers are located as close to the source of waste as possible.

**Signage**

Clearly labelled containers which highlight the range of materials that can be recycled will help to promote positive recycling behaviours. Exemplar signage and good practice guidance is available from WRAP.

**Staff Training**

A well informed and engaged workforce will help to optimise recycling. Appendix 1 has more information about staff training.

**Operations**

Responsibility should be appointed for managing, handling and emptying waste and recycling containers on the business premises. If you do not have a facilities management team to administer this it may be worthwhile assigning different employees responsibility for this task.

Once you have identified the types of waste your business produces - and the legislation you must comply with - you can arrange for someone to collect waste and recycling from your premises.

The Moray Council provides a comprehensive waste and recycling collection service for a range of materials. For more information about this service and to find out how to join click [here](#).

Resource Efficient Scotland has produced a [Procurement Support Guide](#) to provide organisations with additional support when setting up a waste and recycling service.
When appointing your waste carrier you have a legal obligation to ensure that they are authorised to carry waste.

You can validate this by checking your waste carrier’s certificate on the SEPA website.

The Moray Council is registered as a Professional Collector and Transporter of Waste who can collect your commercial waste and recycling.

You are legally required to describe the wastes you produce and intend to transfer for disposal or recovery. This is commonly known as a trade waste agreement or a waste transfer note.

A sample waste transfer note can be downloaded from the NetRegs website here.

More information on what needs to be included on a waste transfer note can be found here.

**Electronic Duty of Care (e-doc)**

e-doc is a new online system designed to simplify the way you record what happens to the waste you produce or handle. It removes the requirement for hard copies of waste transfer notes. More information about the system can be found here.

Businesses who appoint The Moray Council as their commercial waste and recycling contractor will sign a Trade Waste Agreement which replaces the requirement to complete waste transfer notes.
Who needs to register?

If you transport other people’s controlled waste, or your own construction and demolition waste, you must register with the Scottish Environment Protection Agency (SEPA) as a waste carrier.

You must even register if you only transport controlled waste once in a while. The requirement to register applies to self-employed carriers as well as partnerships and companies.

Some types of businesses which may require registration include:

- Builder/construction
- Painter/decorator
- Electrician
- Plumber
- Glazier
- Roofing contractor
- Carpenter/joiner
- Waste paper recycling
- Metal recycling
- Glass recycling
- Vehicle dismantler
- Plastics recycling
- Bulk transporter/hauler
- Tanker transport
- Gardener/landscaper
- Demolition contractor
- Waste management contractor
- Skip hire
- Special waste transport
- Clinical waste transport

Are there any exemptions?

The following businesses do not have to register as waste carriers but must instead register as professional collectors and transporters of waste if they carry waste and are a:

- Waste collection, disposal or regulation authority; or
- Charity or voluntary organisation; or
- Business that regularly transports its own waste (unless it is construction and demolition waste).

Registration is a new requirement for businesses who regularly transport their own waste. It is free to register and your registration lasts indefinitely unless it is revoked or withdrawn.

For more information please visit the SEPA website here.

If you are in any doubt as to whether registration is required contact your local SEPA office.
The Moray Council Commercial Waste and Recycling Service

With a locally based specialised fleet of vehicles Moray Council offer a reliable, practical and cost effective commercial waste service.

Flexible contracts, support and advice from a dedicated Waste Officer can help to manage your waste in the best possible way.

In addition, Local Authority commercial waste collection services are outside the scope of VAT. Therefore commercial waste collection services provided by Moray Council are zero rated for VAT.

Click here to view the current Trade Waste Service Charges and Conditions of Service.

Waste and Recycling Containers

A range of waste and recycling containers ranging from plastic sacks, 140 litre to 1280 litre wheeled bins are available to suit the volume, types of waste and the space available at your business premises.

A Waste Officer will be able to advise you on the container types that will be most suitable for your needs.

Types of Waste and Recycling Collected

The Council offer a commercial recycling service for paper and cardboard, tins and cans, plastics and glass bottles and jars.

All types of waste that are classified as non-hazardous waste can be disposed of using this commercial waste service.

If your business produces hazardous waste and you would like information on how to deal with it please contact the Waste Hotline.

If your business produces other types of waste that cannot be recycled using the Moray Council service, for example food waste or WEEE (waste electrical and electronic equipment) you can find a local waste management company that can here.

The Moray Council Standard

The Moray Council are committed to managing your waste and recycling collection service in a manner that is sustainable, good value for money and meets your business needs. The full standard can be viewed in Appendix 2.

The Moray Council Waste Hotline

☎️ (01343) 557045
✉️ waste@moray.gov.uk
Paper and Cardboard

You can recycle a wide variety of items including:

- Newspapers and magazines
- Office quality paper
- Telephone directories
- Envelopes
- Unwanted mail
- Shredded paper
- Flat and corrugated cardboard
- Cardboard packing tubes

Tins and Cans

You can recycle a wide variety of items including:

- Drinks cans
- Food tins
- Aerosols
- Metal tops and lids
- Aluminium foil and trays

Plastic Bottles and Containers

You can recycle a wide variety of plastic bottles and containers including:

- Drinks and milk bottles
- Sauce bottles
- Cleaning product bottles
- Plastic lids
- Food trays

You can recycle any plastic bottle or container that is marked as Type 1 (PET/PETE) or 2 (HDPE). Look for the above symbols to make sure they can be recycled.

Glass Bottles and Jars

You can recycle all colours of glass bottles and jars. You cannot recycle Pyrex, light bulbs or flat glass using this service.

Please remove the tops and lids.
Moray Council Commercial Waste customers can receive an entry pass to use the Council’s staffed Recycling Centres free of charge.

This pass only permits the deposit of the following recyclable materials:

- Paper and cardboard
- Glass bottles and jars
- Plastic bottles and containers (Type 1 and 2 only)
- Tins and cans

No residual waste is accepted at Recycling Centres under this arrangement.

**Buckie Recycling Centre**
Gollachy, Golf View Road, Buckie AB56 5BE

**Dallachy Recycling Centre**
Nether Dallachy, Speybay IV32 7PL

**Elgin Recycling Centre**
Chanonry Road South, Elgin IV30 6NG

**Forres Recycling Centre**
Waterford Road, Forres IV36 3EE

**Keith Recycling Centre**
Balloch Road, Keith AB55 3EN

All staffed Recycling Centres are open:
**Monday - Saturday 8am - 4pm.**

Buckie, Elgin, Forres and Keith are also open:
**Sunday 10am - 3pm.**

Opening times are subject to change without notice.
Successful business waste management requires support from your staff.

There are a number of opportunities open to employers who wish to engage staff in the waste and recycling management practices within their business. Many of these options are either free to attend or can be completed as e-learning options which may be more convenient.

Some examples of the training available are:

**The Chartered Institute of Waste Management (CIWM) - Waste Smart Certificate**

The Waste Smart course provides knowledge, guidance and skills that can be adopted by all businesses to reduce the quantity of waste produced, whilst saving money and benefiting the environment.

The course can be taken at either a Foundation or Advanced level, and all successful delegates will receive a certificate that is valid for 5 years.

For more information or to sign up please click here.

**Resource Efficient Scotland**

Resource Efficient Scotland provide a range of free support to give your staff the skills they need to improve the resource efficiency of your organisation and make cost savings. This includes:

- Workshops and Webinars
- Green Champion Training
- Online Videos
- Staff Engagement Toolkit

**NetRegs - Duty of Care Training Tools**

These e-learning training tools have been designed to provide an interesting and interactive learning experience that will help businesses reduce their environmental impact, comply with environmental regulations and potentially save money in the process.

They are particularly useful for businesses that want to:

- Raise environmental awareness among their existing staff;
- Train new members of staff;
- Get things right from the start when launching a new business; and
- Check on their performance and refresh their understanding of the regulations.

For more information about how to sign up please click here.
APPENDIX 2:
THE MORAY COUNCIL STANDARD
If you become one of our commercial waste customers we are committed to managing your waste and recycling collection service in a manner that is sustainable, good value for money and meets your business needs.

How We Will Help You

- Clearly explain the service, how it operates and the commitment to collect.
- Provide a regular and reliable waste and recycling collection service.
- Inform you of any changes to your service.
- Respond to the diverse needs of our customers, adapting our approach as needed.
- Carry out collections in a way that doesn’t cause litter.
- Always be courteous and polite and respond promptly to complaints.
- Answer phone calls promptly.
- Respond to letters or emails within 10 working days.
- Regularly review our working practices to ensure we are always offering the best service.
- Publish our performance on the Council website.

How You Can Help Us

- Maintain and provide the correct documentation.
- Do not overfill your collection containers.
- Inform us of any missed collections as soon as possible.
- If the amount of waste your business produces varies, please contact our Trade Waste Officer for assistance.
- Treat us with respect - do not use aggressive behaviour or bad language.

Steve Williamson  
Waste Management Officer  

September 2014
APPENDIX 3: USEFUL CONTACTS
USEFUL CONTACTS

Business Gateway
www.bgateway.com
Business Gateway offer a wide range of professional resources and support designed to help you learn new skills, create opportunities and develop strategies for a sustainable business.

The Carbon Trust
www.carbontrust.com
The Carbon Trust is a world-leading organisation helping businesses, governments and the public sector to accelerate the move to a sustainable, low carbon economy through carbon reduction, energy-saving strategies and commercialising low carbon technologies.

Chartered Institution of Wastes Management (CIWM)
www.ciwm.co.uk
CIWM is the leading professional body for waste and resource management in the UK. Provides training courses and publications.

Considerate Constructors Scheme
www.ccscheme.org.uk
The Considerate Constructors Scheme is the national initiative set up by the construction industry to improve its image. Construction sites and companies that register with the Scheme are monitored against a Code of Considerate Practice, designed to encourage best practice beyond statutory requirements.

Federation of Small Businesses (FSB)
www.fsb.org.uk/scotland
The FSB in Scotland campaigns for a better social, political and economic environment in which to work, learn and do business. With a strong grassroots structure, regular members’ meetings and dedicated Scottish staff to deal with Scottish institutions, media and politicians, the FSB in Scotland is widely recognised as one of the most influential business organisations in Scotland.

Keep Scotland Beautiful
www.keepscotlandbeautiful.org
Keep Scotland Beautiful (KSB) is the independent charity which takes action, campaigns and educates on a range of local, national and global environmental issues affecting people’s quality of life. It is committed to making Scotland clean and green, today and tomorrow.

Moray Chamber of Commerce
www.moraychamber.co.uk
Moray Chamber of Commerce is Moray’s leading business organisation representing, galvanising and supporting businesses of all sizes.
USEFUL CONTACTS

NetRegs
www.netregs.org.uk
NetRegs is a partnership between the Northern Ireland Environment Agency (NIEA) in Northern Ireland and SEPA in Scotland. They provide free environmental guidance for small and medium-sized businesses throughout Northern Ireland and Scotland, as well as helping business to understand how to comply with environmental law and protect the environment.

Resource Efficient Scotland
www.resourceefficientscotland.com
Resource Efficient Scotland offers free support to help organisations save money and grow, by using energy, water and raw materials more efficiently. They offer support, training and access to funding.

Scottish Enterprise
www.scottish-enterprise.com
Scottish Enterprise identifies and exploits opportunities for Scotland’s economic growth by supporting Scottish companies to compete, helping to build globally competitive sectors, attracting new investment and creating a world-class business environment.

Scottish Environment Protection Agency (SEPA)
www.sepa.org.uk
As Scotland’s environmental regulator SEPA helps business and industry to understand their environmental responsibilities, enabling customers to comply with legislation and good practice and to realise the many economic benefits of good environmental practice.

Zero Waste Scotland
www.zerowastescotland.org.uk
Zero Waste Scotland is funded by the Scottish Government to support the delivery of its Zero Waste Plan and other low carbon and resource efficiency policy priorities.
This document can only serve as a guide to, and synopsis of, the law relating to waste and litter. It does not constitute legal advice. It may be misleading if relied upon as a complete explanation of the legal issues involved. If any matter is to be acted upon, the full texts of Part IV of the Environmental Protection Act 1990 and relevant statutory instruments must be consulted.

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