

# Waste Receptacle Regulations

2024



THE ROYAL BOROUGH OF  
KENSINGTON  
AND CHELSEA

# The Royal Borough of Kensington and Chelsea

## Waste Receptacle Regulations 2024

### THE ROYAL BOROUGH OF KENSINGTON AND CHELSEA WASTE RECEPTACLE REGULATIONS 2024 PERSUANT TO SECTION 47 OF THE ENVIRONMENTAL PROTECTION ACT 1990 (AS AMENDED BY SECTIONS 21 AND 22 OF THE LONDON LOCAL AUTHORITIES ACT 2007)

#### INTERPRETATION

1. In these Regulations: -

- (a) "The Council" means the Royal Borough of Kensington and Chelsea.
- (b) The "Commencement Date" means the date on which these Regulations take effect.
- (c) "The Act" means the Environmental Protection Act 1990 as may from time to time be amended, varied, substituted or re-enacted.
- (d) "The 2012 Regulations" means the Controlled Waste (England and Wales) Regulations 2012.
- (e) "Waste", "commercial waste", "industrial waste" and "hazardous waste" have the meanings given to them by section 75 of the Act.
- (f) "Trade waste" means any commercial or industrial waste produced as a result of business activities.
- (g) "Notice" means a notice issued under section 47 of the Act for commercial and industrial waste.
- (h) "Clinical trade waste" means clinical waste and offensive waste as defined in Part 1, Schedule 1 of the 2012 Regulations which is classified as being industrial or commercial waste by virtue of being produced in circumstances prescribed by the 2012 Regulations.
- (i) "Recyclate" means any waste segregated from household waste or trade waste receptacles and sent for treatment other than disposal by land filling or incineration.
- (j) "Recyclate" means all or any of the following:
  - (1) cleaned paper;
  - (2) cleaned cardboard;
  - (3) cleaned metal containers for food or drink;
  - (4) cleaned glass containers for food or drink;
  - (5) cleaned plastic bottles; and pots, tubs & trays
  - (6) cleaned cartons for food or drink.
- (k) "British Standard" or "BS" means a standard for the United Kingdom set by the British Standards Institute (BSI) or an equivalent and any reference to a particular standard shall include any supersession of such standard as may be after the Commencement Date.
- (l) "European Standard" or "EN" means a standard for 'the European Community, set by the European Committee for Standardization (CEN) or an equivalent. Any reference to a particular standard shall include any supersession of such standard as may be after the Commencement Date.

- (m) "Dustbin" means a metal or plastic receptacle constructed in accordance with BS 792:1973 or BS 4998:1985 or an equivalent.
- (n) "Wheelie bin" means a receptacle constructed in accordance with BS EN 840-1:2004 or an equivalent of capacity up to four hundred litres.
- (o) "Eurobin" means a metal receptacle constructed in accordance with BS EN 840-2:2004 or an equivalent of capacity over four hundred litres and under thirteen hundred litres.
- (p) "Paladin" means a steel receptacle constructed in accordance with BS 1136:1972 or an equivalent.
- (q) "Bulk bins" means Eurobins and/or paladins.
- (r) "Waste sack" shall mean a plastic sack made in accordance with BS EN 13592:2003 or an equivalent.
- (s) "Clinical waste sack" shall mean any waste sack of yellow base colour.
- (t) "Collection point" shall mean any point where waste is placed by the originator for collection by the Council or a waste carrier.
- (u) "Storage Point" shall mean any other point where waste is stored prior to placement at the collection point.
- (v) "Street" has the meaning given to it by section 329 of the Highways Act 1980.
- (w) "Highway" and "Public highway" have the meanings given to them by sections 328 and 329 of the Highways Act 1980.
- (x) "Internal collection" shall mean any point within a premise where waste is collected by hand from the originator for collection by the Council or a waste carrier, whereby no waste is presented onto the highway for any period.
- (y) "External collection" shall mean any point where waste is placed anywhere other than within the premise, and collection by the Council or a waste carrier when collection is made.
- (z) "Presentation point" shall mean the point where waste is placed by the originator for collection by the Council or a waste carrier.

#### **KIND AND NUMBERS OF RECEPTACLES FOR TRADE WASTE**

2.
  - (1) The occupiers of premises producing trade waste shall provide sufficient and suitable receptacles to contain the expected arising of trade waste from their premises.
  - (2) Receptacles may be dustbins, Eurobins, paladins, waste sacks or wheelie bins, constructed in accordance with BS EN 840 or equivalent that are clearly identifiable with respect to the waste carrier contracted to service collections.
  - (3) Only waste sacks may be placed out on the public highway for collection unless written permission from the Council provides authority for alternative receptacles to be placed out for collection.
3. Where cardboard is separated from any waste it should be tied in bundles not exceeding 25 kilograms in weight and having a maximum width, length or depth of 150 centimetres, with an identifiable waste collector logo visible. This will be regarded as a suitable receptacle.
4. A trade waste receptacle shall not be considered to be suitable if it allows waste to leak, escape or cause litter.

5. (1) Trade waste receptacles shall be maintained in a reasonable state for storage of waste.  
(2) Trade waste receptacles shall not have sharp edges or holes.
6. (1) Paladins being used as at the Commencement Date must no longer be utilised if stored for any period on the public highway; ·  
(2) Such receptacles are to be replaced with receptacles constructed to BS EN 840 or an equivalent.

**PLACING OF RECEPTACLES FOR TRADE WASTE FOR THE PURPOSE OF FACILITATING THE EMPTYING OF THEM.**

7. (1) The storage point for waste originating from any premises, shall be a suitable storage point within the premises.  
(2) The storage point for trade waste shall not be on any street or highway.
8. The presentation point for trade waste/refuse or recyclate from premises producing trade waste will be on the highway or street immediately adjacent to an entrance to the originating premises.
9. (1) The occupier of any premises producing trade waste shall provide suitable storage points and internal collection points within the originating premises for any clinical trade waste or hazardous trade waste.  
(2) Whether a storage point or collection point is suitable for the purpose of Regulation 7(1) is to be determined by the Council.  
(3) Such storage points shall be kept secure at all times with no access for the general public.  
(4) Storage and collection points provided for clinical trade waste or for hazardous trade waste shall be separate from storage or collection points for any other waste.

**THE SUBSTANCES OR ARTICLES WHICH MAY OR MAY NOT BE PUT INTO RECEPTACLES**

10. No more than 25 kilograms of trade waste/refuse or recyclate waste shall be placed in any individual waste sack.
11. The occupier of any premises provided with bulk bins for the storage of trade waste/refuse or recyclate shall present all waste in identifiable receptacles for collection (except where otherwise provided by these Regulations).
12. Waste receptacles with a base colour of yellow shall only be used for the storage of clinical trade waste and sanitary trade waste.
13. Occupiers of premises producing trade waste may only use receptacles clearly identifying the company collecting them. Additionally, such receptacles are not to be placed at/in any storage area or collection point used for household waste.

**THE STEPS TO BE TAKEN TO FACILITATE THE COLLECTION OF TRADE WASTE FROM RECEPTACLES**

14. All collection points for trade waste shall be reasonably accessible to waste carriers.
15. All receptacles for trade waste shall be clearly marked to show:
  - (a) the name and current address of the servicing waste carrier;
  - (b) the words "Trade Waste" or "Commercial Waste" and

(c) a current telephone number where a responsible person of the servicing waste carrier can be contacted at all reasonable times

16. Premises producing trade waste in streets covered by the Council's Time Banding Scheme (called "**Clear Streets**") must place their waste out for collection at the collection times scheduled by the Council. Streets within the scheme are indicated on the Council's website. All waste producers must follow these times notwithstanding who their registered waste carrier is. The day and times scheduled for collection can be found in **Appendix 1**.  
  
If the waste is not collected within the times specified on the website, then it must be removed from the street at the end of the collection period.
17. Premises producing trade waste in streets not covered by the Council's Time Banding Scheme and being collected by a registered waste carrier other than the Council can place their waste out at any day or time, but it must be collected within 2 hours of being presented. If the waste is not collected after 2 hours from presentation it must be removed from the street.
18. Premises producing trade waste in streets not covered by the Council's Time Banding Scheme and being collected by the Council must place their waste out for collection at the times scheduled for collection by the Council. In all cases, waste should not be presented on the street for longer than one hour, awaiting collection.
19. Where a sign specifying periods during which receptacles should be presented on the highway is displayed on the same side of a street or public highway as any premise producing trade waste, then the occupier of that premise shall only present such receptacles on that street or public highway during the periods prescribed by the sign.
20. (1) A collection point for trade waste shall be considered as reasonably accessible if it complies with the Council's approved Supplementary Planning Guidance on Waste.  
(2) Where a collection point for receptacles for trade waste has been in use prior to the Commencement Date, it shall be presumed to be accessible even if it fails to comply with the Council's approved planning guidance on waste unless the Council issues a Notice to improve access.

#### NOTICES UNDER SECTION 47 OF THE ACT

21. Where, on or after the Commencement Date, the Council serves a Notice on the occupier of any premises, the specific requirements in such a Notice shall supersede any conflicting provision in these Regulations.
22. (1) Prior to the Commencement Date, if the occupier of any premise is of the opinion that these Regulations require unreasonable changes to the practices in use before the Commencement Date then the occupier or anyone acting on his behalf may apply to the Council for exemption from specified requirements imposed by the Regulations.  
(2) The applicant or anyone acting on his behalf shall produce any evidence required by the Council to support the application.
23. For the purposes of section 23(4)(c) of the London Local Authorities Act 2007 (penalty charges) an application under Regulation 22 shall be treated as a reasonable excuse until the Council either rejects the application in writing or issues a Notice to take precedence over any or all of the specified provisions in the Regulations for such period as the Council considers to be reasonable.

## Appendix 1 – Time banding windows

<b>Brompton Road</b>	Days	07:00-08:00
	Evenings	17:00-18:00
	Nights	22:30-23:30
<b>Earl's Court Road</b>	Days	06:00-07:00
	Evenings	17:00-18:00
	Nights	21:00-22:00
	Nights	00:30-01:30
<b>Fulham Road</b>	Days	07:00-08:00
	Evenings	16:00-17:00
	Nights	21:00-22:00
	Nights	00:00-01:00
<b>Gloucester Road</b>	Days	08:00-09:00
	Evenings	15:00-16:00
	Nights	21:00-22:00
	Nights	00:30-01:30
<b>Kensington High Street</b>	Days	06:00-07:00
	Evenings	17:00-18:00
	Nights	21:00-22:00
	Nights	00:30-01:30
<b>King's Road</b>	Days	09:00-10:00
	Evenings	17:00-18:00
	Nights	21:00-22:00
	Nights	00:00-01:00
<b>Ladbroke Grove (between Lancaster Road and Cambridge Gardens)</b>	Days	06:00-07:00
	Evenings	16:00-17:00
	Nights	23:00-00:00
<b>Notting Hill Gate</b>	Days	06:00-07:00
	Evenings	16:00-17:00
	Nights	21:30-22:30
		00:00-01:00
<b>Sloane Street</b>	Days	07:00-08:00
	Evenings	17:30-18:30
	Nights	21:30-22:30