

Charity Retail Association campaign pack

**Waste disposal charge for
charity shops**

April 2018

Charity Retail Association[®]
The voice of charity retail

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Introduction

Fears are rising that cash-strapped Councils are reacting to continued budget cuts by passing on costs to local charity shops. The long-term settlements accepted by the vast majority of local authorities confirms that cuts to Town Hall budgets will continue for some time and so it is unlikely that this trend will end in the near future.

One of the key ways in which local authorities can pass on these cuts is to charge charity stores for services which were previously free, or significantly increase the charges for existing services. This increases the operating costs of charity shops and undermines their ability to raise funds for their charitable cause.

This often focuses around new waste charges - which we believe are perverse when considering how much the charity retail sector saves local authorities in waste disposal costs. To take textiles alone; charity shops diverted 333,000 tonnes of clothing from landfill in 2017, saving councils £27m in Landfill Tax charges.

For these reasons, councils have usually accepted this type of waste for free at the household recycling centres. But, as our members frequently report, this historic understanding is breaking down.

Case study

Animals in Distress run a small chain of charity stores active in Torbay and the West Country. Their shop operation funds a Rescue Centre which cares for and re-homes unwanted domestic animals. They re-home over 600 cats, dogs, rabbits and guinea pigs every year.

The chain is able to sell the vast majority of goods donated to its stores. However, in addition to the fraction of donated goods which they cannot sell, one of their stores has become the focus of fly-tipping and illegal dumping on the forecourt.

Animals in Distress have long enjoyed an excellent relationship with Torbay Council, who, in recognition of the fact that the waste they need to dispose of is domestic in origin, have not charged them to dispose of it at the local waste and recycling centre.

However, in 2010 a new disposal price of £22/tonne was introduced, and, in 2015 the price was increased again to £145/tonne – the full commercial rate.

This is having a crippling effect on *Animals in Distress's* retail fundraising efforts. They are currently being charged in the region of £1,300/month to dispose of unsaleable items that have been left at their shops. This money could be better spent to fund another Animal Welfare Assistant, care for 20 animals and find them a new home, or provide veterinary care for 375 animals while they are at the Rescue Centre.

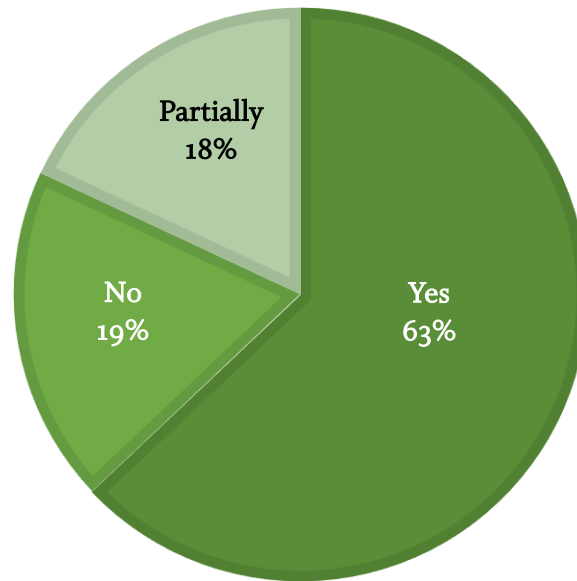
This campaign pack is designed to provide assistance, support and resources to charity shops fighting back against such charges.

Prevalence

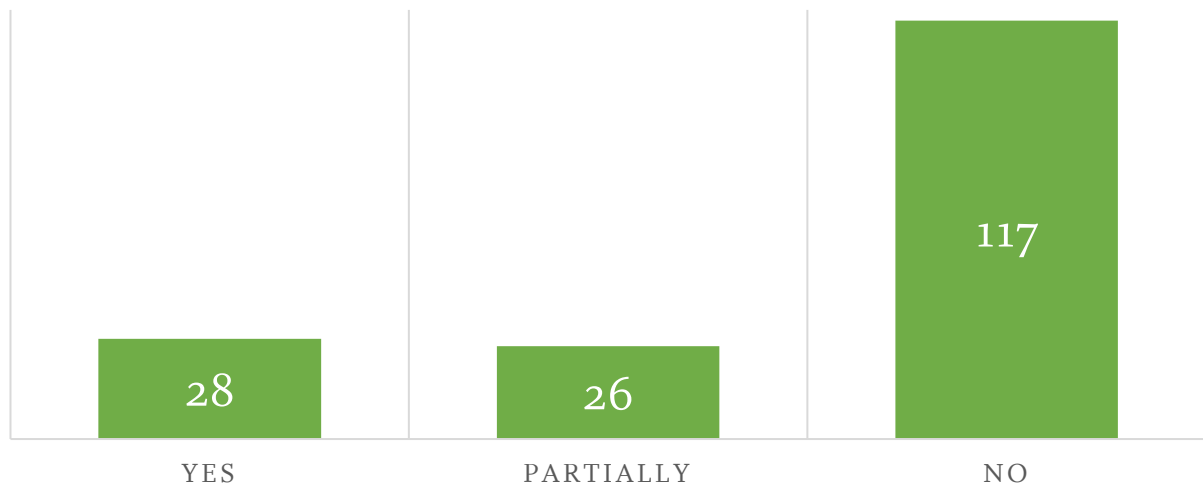
To understand exactly how they are using this influence, last year we decided to undertake a large-scale project to examine the relationship between charity shops and councils. We did this by sending Freedom of Information requests to all local authorities in England, Scotland and Wales. Our requests sought clarification on council behaviour at waste sites.

Fortunately, as the charts below demonstrate, the vast majority of waste disposal authorities do accept this waste at their civic amenities sites and do not charge for doing so.

Eligible councils - do they accept charity shop waste?



Eligible councils accepting household waste - do they levy a charge?



Despite the good headline figures, these charts do make it clear that a significant minority of local authorities are restricting charity shop access to their sites in one way or another.

Charity retailers should also bear in mind that these figures represent the official position. The responses we have received as part of this project predominantly came from a town hall or civic centre and reflect the official policy of the council as recorded on paper.

We know from speaking to members that sometimes these policies are not necessarily carried out at the household recycling centres as those working on site are not fully aware of the policy and may turn away vans even if they come from charity shops.

The legal picture

England and Wales

The regulations around waste disposal in England and Wales were most recently updated through the Controlled Waste Regulations (2012). We are confident that when they set about making these reforms, the government was not intent on introducing disposal charges for charity shops.

Schedule 1 of these regulations lists various types of waste and categorises each of them. Waste from ‘a charity shop selling donated goods originating from domestic property’ is clearly listed as ‘domestic waste’ and domestic waste is exempt from disposal charges.

Additionally, in the government’s official response to the public consultation on the new regulations they responded to Question 20 – ‘Do you agree that charity shops and re-use organisations should benefit from free waste disposal?’ by stating:

‘We believe these organisations play a crucial role in facilitating re-use and diverting used goods away from the waste stream, as the majority of items donated to charity shops and re-use organisations would otherwise probably have been discarded and disposed of in domestic waste. Their activities reduce the cost to local authorities, and hence to local taxpayers, of collecting and disposing of used items.

‘We therefore continue to believe that it is not appropriate for charity shops and re-use organisations to pay for the disposal of waste which originated in domestic properties.’*

Finally, the government’s own impact assessment on the proposed new regulations stated that they would:

‘... exempt charity shops and re-use organisations from disposal charging on the grounds that their activities contribute to waste prevention by encouraging and facilitating the reuse rather than disposal of goods, thereby benefitting taxpayers by reducing tonnages going to landfill. The Regulations will be amended to explicitly define waste from these sources as being household waste and ensure that they are entitled to free disposal.’†

How then, are local authorities able to instigate charges for household waste? The answer seems to be a contradiction in the law.

Whilst the 2012 regulations clearly define surplus donations as domestic waste, the Environmental Protection Act, which sets out the duty to provide places for the deposit of household waste, refers to those facilities being free of charge only for ‘persons resident’ in the waste collection authority’s area to deposit their household waste. A charity shop is arguably not a ‘person resident’ and some local authorities seem to be using this loophole to charge.

This contradiction has also prompted some bizarre outcomes, specifically, that when a charity shop engages the waste collection authority to collect its domestic waste, the authority may impose collection charges but not disposal charges, but if the shop takes the same waste to a household recycling centre themselves they can be charged disposal fees!

Scotland

Scotland has no equivalent of the 2012 regulations. They are still using an older set of regulations which classify all waste from charities as household waste but do not include a set of provisions around charges and exemptions.

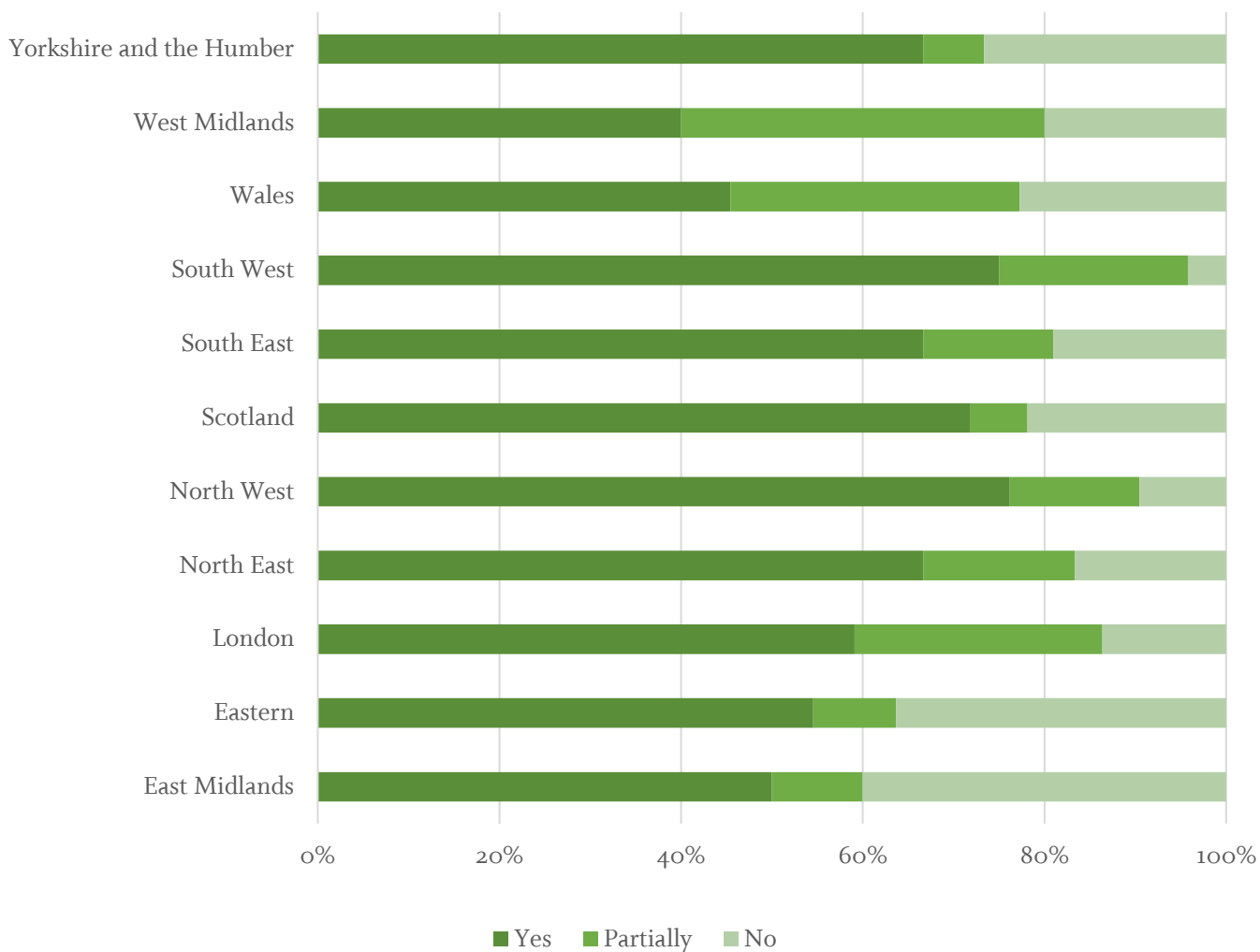
* 2012: p12 - Consultation on the Revocation and Replacement of the Controlled Waste Regulations (1992): Government Response to the Consultation.

† 2001: p8 - Review of Schedule 2 of the Controlled Waste Regulations (1992): Impact Assessment

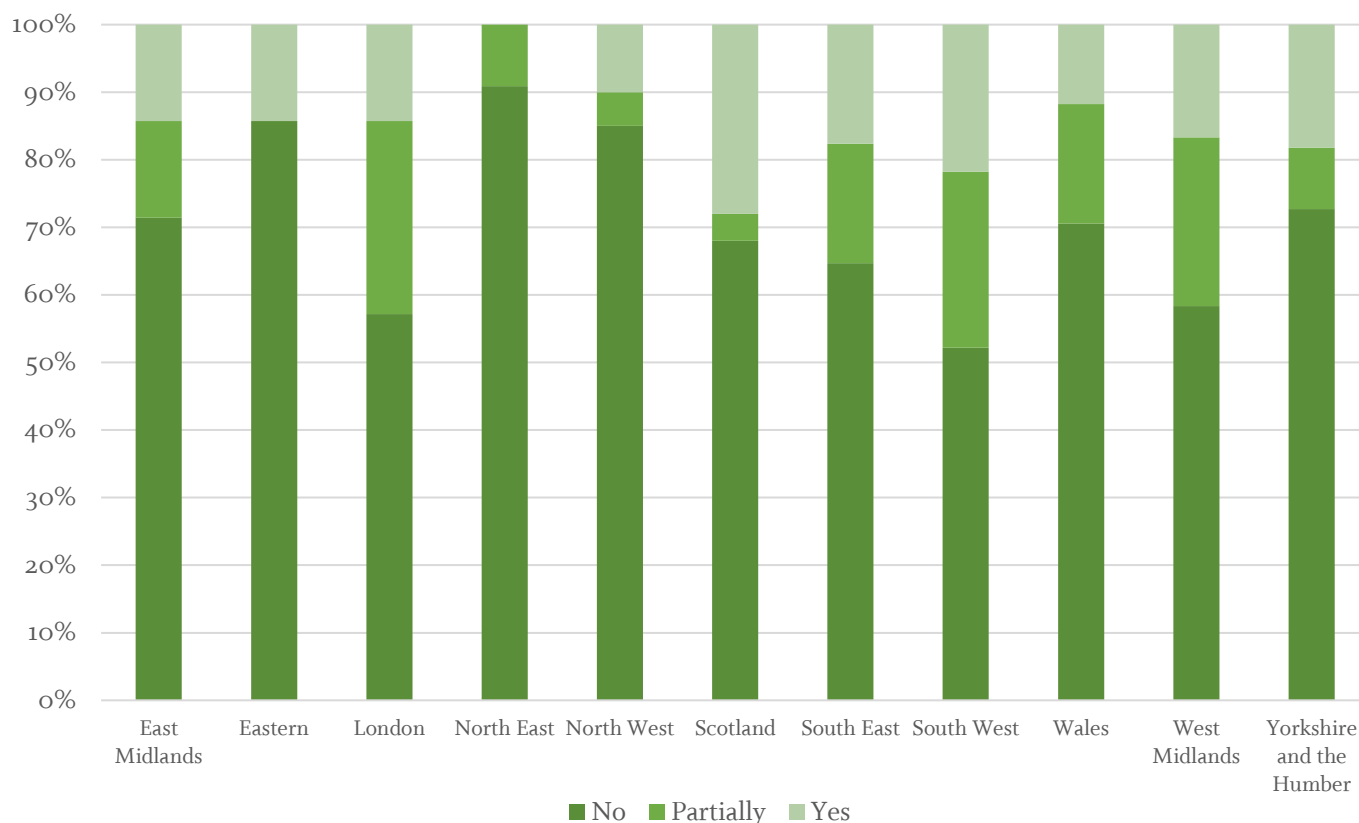
The Scottish equivalent of the Environmental Protection Act again notes that free disposal is for ‘persons resident’ in the council area.

Therefore, the legal situation in Scotland is much the same, only without recent (2012) public statements from the government about their intention to ensure charity shops can dispose of waste without charges. Despite this, the data from our FOI survey of councils reveals that authorities in Scotland are amongst the least likely to reject or charge for charity shop household waste, as shown below.

Councils accepting charity shop waste - by location



Councils charging for charity shop waste - by location



Northern Ireland

Northern Ireland's equivalent of the 2012 regulations are the Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013. These regulations made the same changes in terms of defining charity shop waste as household waste and also referring back to underlying legislation about what services a civic amenities site must offer.

This underlying legislation (the equivalent to the Environmental Protection Act in England and Wales) does not make reference to 'persons resident' in the same manner, instead saying that 'no charge shall be made ... in respect of household waste.'^{*} Such provisions should ensure that charity shops are able to dispose of household waste in Northern Ireland.

The campaign

The Charity Retail Association believes that, given the invaluable role charity shops play in reducing waste that goes to landfill (and local authorities' landfill tax bills), and the waste's clear legal status as household waste, councils should allow charity shops to dispose of this waste for free at their local civic amenities site.

To be clear, we are not asking councils to let shops dispose of the other regular business waste they produce in their back offices. We are also not asking them to collect the waste for free.

At a national level, we will campaign for this policy to be made mandatory by tightening up the contradictions in current regulations. In the meantime, we understand that many charity shops will wish to lobby their own councils about certain charging policies. This campaign pack provides them with the tools to do just this.

^{*} 1997: section 25 - Waste and Contaminated Land (Northern Ireland) Order 1997

Standard letter to the council

When to use: The letter you should send in the first instance to the council's chief executive, director of environment or another senior member of staff who works for the council. This will get them to take account of the issue and give a formal response. This can be particularly effective with councils that do not have an official policy on the matter but whose operatives may charge for access to their waste site out of habit.

Dear XXX,

I am writing on behalf of XXX, a registered charity which operates [a] charity shop/s locally. The money we raise goes to [insert examples of the good work your charity does, the more locally focused this is, the better].

As a shop/chain of stores [delete as appropriate] we are able to re-sell the vast majority of items donated to us by local residents who want to support our cause. For example, across the charity retail sector 99 per cent of donated books, 95 per cent of donated clothes and 92 per cent of donated music and video is re-used or recycled.

However, in addition to the fraction of donated goods which we cannot sell, we also receive some donations which are clearly not intended be genuine donations of resalable property but a way for individuals illicitly exposing of waste – for example dirty nappies.

All of this waste must be disposed of so that we can continue to operate our stores and fund our vital work.

In recognition of this, the Controlled Waste (England and Wales) Regulations 2012/Controlled Waste Regulations for Scotland 1992/Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 [delete as appropriate], explicitly define this kind of waste as being household, rather than commercial, in nature.

Indeed, when these regulations were most recently amended in 2012, the government stated in their impact assessment that the regulations would 'exempt charity shops and re-use organisations from disposal charging on the grounds that their activities contribute to waste prevention by encouraging and facilitating the reuse rather than disposal of goods, thereby benefitting taxpayers by reducing tonnages going to landfill. The Regulations will be amended to explicitly define waste from these sources as being household waste and ensure that they are entitled to free disposal.' [this paragraph England only]

Therefore, we do not believe that your council should be charging us to dispose of this form of household waste when we take it to the household recycling centre at XXX and are extremely disappointed that you are currently charging us £XXX.

This is having a crippling effect on our fundraising efforts by taking resources which could be better spent on XXX [include some information about specific projects, jobs or achievements which the charity funds, the more locally focussed; the better].

These charges are particularly perverse when you consider how much our sector does to assist local authorities. To take textiles alone, last year charity shops diverted over 330,000 tonnes of clothing out of landfill and saved council across the country a staggering £27m in Landfill Tax in the process.

Supporting local charity shops to thrive makes sound business sense for the council.

With this in mind we hope you will agree to cancel all charges and instruct your household recycling centre to allow us to dispose of our form of household waste for free.

Standard letter to councillors

When to use: Councillors are elected to set the policy for the local authority. Persuading them to back your local campaign can therefore be very effective in unblocking local government bureaucracy and prompting action. As elected politicians, councillors are also more likely to be swayed by the message from a popular local charity than unelected council officers would be. You could also invite local councillors into your shop to see first-hand the good work you do. Find your local councillors by entering the postcode of your shop at this website: www.writetothem.com

Dear Cllr XXX,

I am writing on behalf of XXX, a registered charity which operates a charity shop at [insert address] in your ward. The money we raise goes to [insert examples of the good work your charity does, the more locally focused this is, the better].

As a shop/chain of stores [delete as appropriate] we are able to re-sell the vast majority of items donated to us by local residents who want to support our cause. For example, across the charity retail sector 99 per cent of donated books, 95 per cent of donated clothes and 92 per cent of donated music and video is re-used or recycled.

However, in addition to the fraction of donated goods which we cannot sell, we also receive some donations which are clearly not intended be genuine donations of resalable property but a way for individuals illicitly exposing of waste – for example dirty nappies.

All of this waste must be disposed of so that we can continue to operate our stores and fund our vital work.

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Therefore, we do not believe that your council should be charging us to dispose of this form of household waste when we take it to the household recycling centre at XXX and are extremely disappointed that we are currently being charged £XXX.

This is having a crippling effect on our fundraising efforts by taking resources which could be better spent on XXX [include some information about specific projects, jobs or achievements which the charity funds, the more locally focussed; the better].

These charges are particularly perverse when you consider how much our sector does to assist local authorities. To take textiles alone, last year charity shops diverted over 330,000 tonnes of clothing out of landfill and saved council across the country a staggering £27m in Landfill Tax in the process.

Supporting local charity shops to thrive makes sound business sense for your council.

As our locally elected representative we would hope that you would support our campaign to remove these charges and help us by agreeing to:

- a) Visit our store to see first-hand how we bring added social value to the community by helping young volunteers to gain the skills they need to find full time roles in the retail sector, tackling social isolation amongst older people, bringing footfall to the high street and boosting local recycling.
- b) Lobby XXX Council's Cabinet Member for the Environment and senior officers to stop these charges for charity shops like our own. We would be interested to read any of the responses you receive.
- c) Ask the council's waste manager to meet with us to develop a collaborative approach to managing waste which could bring benefits to the council and local charity shops.

We look forward to hearing from you, and hopefully welcoming you to our shop, very soon.

Standard letter to the local MP

When to use: MPs do not have any formal authority of their local councils, however they are important local figures and recruiting them to your campaign could help to prompt action from the local authority. Again, it would be beneficial to invite them to the store so they can see the positive work you do first hand. Find your MP by entering your store's postcode here: <https://www.parliament.uk/mps-lords-and-offices/mps/>

Dear Mr/Ms/etc XXX MP,

I am writing on behalf of XXX, a registered charity which operates [a] charity shop/s in your constituency. The money we raise goes to [insert examples of the good work your charity does, the more locally focused this is, the better].

As a shop/chain of stores [delete as appropriate] we are able to re-sell the vast majority of items donated to us by local residents who want to support our cause. For example, across the charity retail sector 99 per cent of donated books, 95 per cent of donated clothes and 92 per cent of donated music and video is re-used or recycled.

However, in addition to the fraction of donated goods which we cannot sell, we also receive some donations which are clearly not intended be genuine donations of resalable property but a way for individuals illicitly exposing of waste – for example dirty nappies.

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Therefore, we do not believe that XXX council should be charging us to dispose of this form of household waste when we take it to the household recycling centre at XXX and are extremely disappointed that we are currently being charged £XXX.

This is having a crippling effect on our fundraising efforts by taking resources which could be better spent on XXX [include some information about specific projects, jobs or achievements which the charity funds, the more locally focussed; the better].

These charges are particularly perverse when you consider how much our sector does to assist local authorities. To take textiles alone, last year charity shops diverted over 330,000 tonne of clothing out of landfill and saved council across the country a staggering £27m in Landfill Tax in the process. Supporting local charity shops to thrive makes sound business sense for the council as well.

As our locally elected representative we would hope that you would support our campaign to remove these charges and help us by agreeing to:

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- b) Lobby XXX Council's Cabinet Member for the Environment to stop these charges for charity shops like our own. We would be interested to read any of the responses you receive.
- c) Ask the council's waste manager to meet with us to develop a collaborative approach to managing waste which could bring benefits to the council and local charity shops.

We look forward to hearing from you, and hopefully welcoming you to our shop, very soon.

Standard press release

When to use: If your initial overtures to the council prove unsuccessful you may wish to publicise the issue more widely to gain public support for your campaign. This standard press release could be sent to the local newspaper. If you would like to discuss your options with our team before sending out please call 020 7697 4080 or email mail@charityretail.org.uk.

Local charity outraged at council waste charges

Local charity workers have today expressed outrage at XXX Council's policy of charging for them to dispose of domestic waste.

On average, charity shops are able to re-use or recycle 99 per cent of donated books, 95 per cent of donated clothes and 92 per cent of donated music and video. The Controlled Waste (England and Wales) Regulations 2012/Controlled Waste Regulations for Scotland 1992/Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 [delete as appropriate], make it clear that the small amount left over which cannot be sold is household waste and therefore should be free to dispose of at a household recycling centre.

Research indicates that over three-quarters of councils in the UK do therefore accept this kind of waste, however XXX Council are setting themselves up against this understanding by imposing harmful charges on local charity shops like XXX.

XXX [name], XXX [title] said:

"People from XXX choose to shop in, or donate to, our store to support the great work we do locally. Unfortunately, some of this is being undermined by XXX Council's decision charge us for the disposal of domestic waste. These

disproportionate charges eat into our ability to raise funds for XXX [insert examples of local work here]. We hope they will end this policy as soon as possible.”

Robin Osterley, Chief Executive of the Charity Retail Association, the trade body which represents 80 per cent of charity shops in the UK, said:

“The added social value which charity shops bring to their communities have long been recognised in government regulations. So, it’s extremely disappointing to see XXX Council go against this by charging to dispose of this domestic waste. We also think it’s counter-productive. To take textiles alone, last year charity shops diverted over 330,000 tonnes of clothing out of landfill and saved council across the country a staggering £27m in Landfill Tax in the process. Supporting local charity shops to thrive makes sound business sense for the council as well.”

>>ENDS<<

For further comment please contact XXX [insert local details here] or Mark Chapman, Communications and Campaigns Executive at the Charity Retail Association, mark@charityretail.org.uk / **07824 770491**

Notes to editors

- The Controlled Waste (England and Wales) Regulations 2012/Controlled Waste Regulations for Scotland 1992/Controlled Waste and Duty of Care Regulations (Northern Ireland) 2013 [delete as appropriate], explicitly define this kind of waste as being household, rather than commercial, in nature.
- The waste’s clear legal status as household waste, councils should allow charity shops to dispose of this waste for free at their local civic amenities site. To be clear, that charity is not asking councils to let shops dispose of the other regular business waste they produce in their back offices and are also not asking them to collect the waste for free.
- When these regulations were most recently amended in 2012, the government stated in their impact assessment that the regulations would ‘exempt charity shops and re-use organisations from disposal charging on the grounds that their activities contribute to waste prevention by encouraging and facilitating the reuse rather than disposal of goods, thereby benefitting taxpayers by reducing tonnages going to landfill. The Regulations will be amended to explicitly define waste from these sources as being household waste and ensure that they are entitled to free disposal.’ [This paragraph in England only]

Standard letter to the local newspaper

When to use: Another good way to generate local publicity

Dear editor,

Our local charity shop is a vital part of the community in XXX. In addition to raising vital funds to pay for [insert examples here] our volunteering opportunities help to tackle social isolation and improve employability skills. We also ensure a range of products are resold or recycled rather than thrown away, saving XXX Council a fortune in landfill taxes. So, it is particularly disappointing that XXX Council are going against what the majority of councils do and are charging us to dispose of domestic waste. This takes away £XXX a year which we could otherwise spend on XXX. We hope your readers will back our campaign to end these unfair charges.

Yours,

XXX

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