

Title of meeting:	Cabinet Member for Environment & Community Safety
Date of meeting:	13 th July 2017
Subject:	Household Waste Recycling Centre (HWRC) - review of charging for 'DIY waste'
Report by:	Director of Property and Housing
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

1.1. To review the impact of the decision made on 22 September 2016 to align with Hampshire County Council (HCC) and Southampton City Council (SCC) and begin charging for non-household waste items at the HWRC with effect from 01 October 2016. (for full list of items see appendix 1)

2. Recommendations

2.1. That the Cabinet Member for Environment & Community Safety:

- 1) Approves that charging continue and this be kept under review
- 2) Approves that the impact on fly tipping continue to be monitored

3. Background

3.1. Port Solent Household Waste and Recycling Centre (HWRC) is part of an extensive, Hampshire wide network of 26 sites of this type. Along with our Waste Disposal partners - Hampshire County Council (HCC) and Southampton City Council (SCC), Portsmouth City Council (PCC) agreed to undertake a full review of all HWRCs in the county, in order to deliver a HCC savings target of £1.55m, required due to further reductions in local government funding.

3.2. A county wide consultation of service users and the public was undertaken, which ran from 16 March 2016 to 25 May 2016, via an online and paper questionnaire. A total of 11,497 responses were received, plus a further 137 letters and 5 petitions.

Respondents were asked to consider 3 separate proposals for reducing costs across the HWRC network as follows;

1. To reduce opening days and hours
2. To partially close one or more HWRC sites
3. To fully close one or more HWRC sites

3.3. The outcome was that the vast majority of residents preferred option 1 - to reduce opening days and hours, as opposed to potentially losing sites altogether. HCC's Executive Member for Environment and Transport took the decision to reduce opening hours and implement a county wide day closure at all sites. SCC and PCC mirrored this decision. HCC later delayed the changes to opening times and day closures until October 2017 and a further review of the network is now pending. PCC opted to also delay the changes to opening hours and day closures.

At the same time, a decision was also taken in line with the rest of the Hampshire wide network of HWRCs to commence charging residents for non-household waste (soil, rubble, plasterboard and asbestos). This began on 1st October 2016. Whilst these items were previously accepted for free, there is no statutory requirement for local authorities to accept these items. The previous restrictions on these materials were also removed. (appendix 2)

3.4. Additionally, charging regimes for small and medium sized enterprise (SME) trade waste also began on 1st October 2016. Trade waste was not previously accepted at the site although this was widely abused. The introduction of a trade waste service in conjunction with charging for non-household waste has considerably reduced these waste streams across all HWRC sites.

3.5. The charging system applies to a small range of materials only, is non-profit-making, has been calculated to cover the cost of disposal and is part of efficiency and savings measures introduced to protect council tax payers from unnecessary waste management costs.

3.6. The Government has also produced a Litter Strategy for England which references local authorities charging for these types of waste. The strategy indicates that the Government will work with WRAP and local authorities to:

- Explore further ways of managing these services to facilitate access by small businesses (We are already doing this as above 3.4)
- Review current guidance to ensure that reflects changes in the law and to make clear what can and cannot be charged for at HWRCs (including in respect of DIY waste); and
- Explore ways of managing HWRC services to facilitate access for local householders (and their waste other than household waste) and for small businesses at proportionate cost. Revised guidance will be published by the end of 2017.

4. Impact of the introduction of charging for these materials (effective date of change was 01 October 2016)

4.1. Charges for these streams (appendix 3)

Tonnages for these streams has reduced considerably as you might expect following the introduction of charging. However, there is no longer any cost incurred by PCC for the chargeable waste streams.

There has also been a decrease in other waste streams - although the data is limited to the number of months that the charging has been in place. (appendix 4)

4.2. Fly tipping data - incidents - The Clean City team monitors fly tipping and reports back to DEFRA regarding incidents. The team has been carefully monitoring the number of incidents reported which included the chargeable materials. (appendix 5) There has been an overall decrease in fly tips (by year), and no significant rise in fly tips containing these materials.

4.3. Fly tipping data - tonnage - Tonnage is also recorded for COLAS, and Parks responding to fly tips on Portsmouth land (appendix 6). Housing also record the tonnage for bulky waste on their land. Disposal costs related to this tonnage are also recorded. Housing has shown a large drop - this is related to a change in the way the service manages this issue. COLAS tonnage (from the Highway or PCC land) appears to be trending downwards. Parks showed an increase over 2015/16 but has fallen since the introduction of charging. There has also been an increase in the tonnage collected by Biffa on the bulky chargeable service that the council offers.

4.4. Enforcement - The environmental enforcement and community warden teams were reviewed in 2015 with the review being completed in February 2016. In the year 2015/16 the team carried out:

- 1 Prosecution related to fly tipping

Following the review, in the year 2016/17 (and with the introduction of the new £400 FPN for fly tipping in May 2016) the team have:

- Completed 6 Prosecutions - one of these led to a custodial sentence
- Issued 5 of the new £400 FPNs

There are a number of cases with legal currently which should be heard in July/August.

The Clean City team are able to resolve most waste related issues without escalating to enforcement action and take an educational approach. Prosecution relies on evidence and/or witnesses who are prepared to make a statement.

4.6 Complaints - 5 complaints have been received since the introduction of charging - all came in between 6-11 October 2016. 2 of these related to the asbestos bin being at capacity during the previous week and the complainants having to pay for disposal. Charges were waived for those complainants due to the increase in volumes deposited in the lead up to charging. 1 related to the issuing of receipts, and 1 to signage. The last one related to an incident at the Havant HWRC but was from a Portsmouth resident. Since then, the council has received 1 complaint related to charging as well as 3 enquiries related to

charging. Additionally, a PCC officer has carried out monitoring at the site, and has not witnessed any issues relating to the charging. Veolia have reported only a small number of issues across the other 25 Hampshire sites.

The number of chargeable transactions at the Portsmouth site per day:

Oct 633
Nov 363
Dec 319
Jan 335
Feb 384
Mar 452

It is worth noting that the HWRC sees lower visitor numbers in the winter months.

5. Options

5.1. Option 1 - Do nothing - the change has only been in place since October 1st 2016 and there is not yet a full years' data which would be useful in order to understand the full effects of the change. There is no evidence that fly tipping has increased. This option has no additional cost for the Council and continues to deliver a substantial saving as the council no longer pays anything for disposal of these materials and has seen savings in other waste streams. (see appendix 4)

5.2. Reverse the decision to charge Portsmouth residents (PO1- PO6 + small list of PO7 householders see appendix 7) for non-household waste items. Portsmouth residents would need to provide a photo id to prove residency. Acceptable photo id would be:

- Valid photo driving licence
- Valid passport plus current year council tax bill
- Bus pass showing Portsmouth address
- Blue Badge plus current council tax bill

Failure to produce one of the acceptable forms of id would result in charging and non-Portsmouth residents using the HWRC would continue to be charged. Portsmouth residents using other HWRCs would continue to be charged. No refunds would be made retrospectively. This change would come at a financial cost to the council (see finance comments). There is unlikely to be any improvement to fly tipping numbers as these have not been adversely affected by the introduction of charges. The contractor Veolia Environmental Services (VES) would be required to robustly check IDs and continue to apply the charge to all residents who do not provide the photo ID. (See appendix 8 for operating proposal)

5.3. Reverse the decision to charge Portsmouth residents (PO1- PO6 + small list of PO7 householders see appendix 7) for non-household waste items excluding asbestos for which charging would remain in place. (Asbestos is an expensive material of

which to dispose but also one which needs to be handled appropriately. This includes the need for appropriate PPE and correct handling and transport methods. The health implications of not handling asbestos appropriately are well documented. Charging for this stream has seen a reduction in tonnage. This stream may have been a service that was being abused by small businesses). Portsmouth residents would need to provide a photo id to prove residency. Acceptable photo id would be:

- Valid photo driving licence
- Valid passport plus current year council tax bill
- Bus pass showing Portsmouth address
- Blue Badge plus current council tax bill

Failure to do so would result in charging and non-Portsmouth residents using the HWRC would continue to be charged. Portsmouth residents using other HWRCs would continue to be charged. No refunds would be made retrospectively. This change would come at a financial cost to the council (see finance comments). There is unlikely to be any improvement to fly tipping numbers as these have not been adversely affected by the introduction of charges. The contractor Veolia Environmental Services (VES) would be required to robustly check IDs and continue to apply the charge to all residents who do not provide the photo ID. (See appendix 8 for operating proposal)

6. Reasons for recommendations

6.1. The monitoring of the impact of the introduction of charges has not shown a significant change to fly tipping within the City. The change has been adopted smoothly and there have been few issues. Use of the HWRC varies seasonally so it would be important to continue to monitor the impacts for the full year. It would also be prudent to wait for the guidance that is expected in relation to this matter towards the end of 2017.

7. Equality impact assessment

7.1. This would not be required for option 1. The EIA for options 2 or 3 is included as appendix 9

8. Legal implications

As the report recommends that the Council continue the current charging regime, there are no contractual or other legal implications arising from this report at this time.

The Environmental Protection Act 1990 and the Controlled Waste (England and Wales) Regulations 2012/811 currently allow for discretionary charges to be applied for disposal of "Waste from construction or demolition works, including preparatory works" (classed as 'industrial waste' regardless of the place where it is produced) at HWRCs. Whilst there is no clear guidance as to what such waste includes, Portsmouth City Council along with its waste disposal partners (Hampshire County Council and Southampton City Council) have

taken the view that soil, rubble, plasterboard and asbestos reasonably fall within the above category of waste.

However, recently the Government has made it clear in the Litter Strategy for England (April 2017) that its view is that "DIY waste is classed as household waste if it results from work a householder would normally carry out" and it will review the current guidance "to make it clear what can and what cannot be charged for at HWRCs (including in respect of DIY waste)". The implications of such a revised guidance are currently unclear as a change in legislation may be required to alter the current classification of all "Waste from construction or demolition works, including preparatory works" as industrial waste.

The new guidance is expected to be issued by the end of 2017, and may require a review of the current charging arrangements for non-household waste at the Port Solent HWRC.

Should it be proposed that the current charging regime changes in the future, this will require a prior consideration of a potential increase to the HWRCs operation costs that would be passed to the Council under the existing contractual arrangements.

9. Director of Finance's comments

9.1 There are no adverse financial implications resulting from the approval of the recommendation within this report, as the charges for non-household waste fully recover the cost to PCC.

9.2 It should be noted that were the decision to be reversed, the anticipated loss of income and additional ongoing costs would result in an anticipated financial pressure of between £129,000 and £170,000, depending on whether the reversal includes asbestos disposal or not.

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Signed by:
Director of Property & Housing

Appendices:

- Appendix 1 - list of chargeable materials at the HWRC
- Appendix 2 - Previous restrictions applicable at the HWRC (prior to 1 October 2016)
- Appendix 3 - Costs for chargeable materials at HWRC
- Appendix 4 - Tonnages for other streams at HWRC
- Appendix 5 - Figures for fly tipping as reportable to DEFRA
- Appendix 6 - Figures for fly tipping/bulky waste streams collected in City

- Appendix 7 - addresses to which exemption could apply
- Appendix 8 - Operating proposal from Veolia Environmental Services
- Appendix 9 - Full EIA for options 2 and 3

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
Environmental Protection Act 1990	http://www.legislation.gov.uk/ukpga/1990/43/contents

The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by:
Cabinet Member for Environment & Community Safety