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EXECUTIVE DECISION DAY NOTICE

Executive Lead Member for Universal Services Decision Day &
Executive Member for Countryside and Regulatory Services
Decision Day

Date and Time Monday, 11th December, 2023 at 2.00 pm

Place Remote Decision Day - Remote

Enquiries to members.services@hants.gov.uk

Carolyn Williamson FCPFA
Chief Executive
The Castle, Winchester SO23 8UJ

FILMING AND BROADCAST NOTIFICATION

This decision day is being held remotely and will be recorded and broadcast live via the County Council's website.

AGENDA

Executive Lead Member for Universal Services

Deputations

To receive any deputations notified under Standing Order 12.

NON KEY DECISIONS (NON-EXEMPT/NON-CONFIDENTIAL)

- 1. HOUSEHOLD WASTE RECYCLING CENTRES - CHANGES TO CHARGEABLE WASTE ARRANGEMENTS FOR NON-HOUSEHOLD ('DIY') WASTE** (Pages 3 - 14)

To consider a report of the Director of Universal Services regarding a change to the chargeable waste arrangements at Household Waste Recycling Centres in Hampshire, as a result of new government legislation.

ABOUT THIS AGENDA:

On request, this agenda can be provided in alternative versions (such as large print, Braille or audio) and in alternative languages.

ABOUT THIS SESSION:

The press and public are welcome to observe the public sessions of the decision day via the webcast.

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HAMPSHIRE COUNTY COUNCIL

Decision Report

Decision Maker:	Executive Lead Member for Universal Services
Date:	11 December 2023
Title:	Household Waste Recycling Centres - Changes to chargeable waste arrangements for non-household ('DIY') waste
Report From:	Director of Universal Services

Contact name: Paul Laughlin

Email: paul.laughlin@hants.gov.uk

Purpose of this Report

1. The purpose of this report is to outline the changes required to comply with the amended legislative position on charging for DIY waste at Household Waste Recycling Centres (HWRCs), and the recommended measures to ensure a smooth and efficient transition.

Recommendations

2. That the Executive Lead Member for Universal Services notes the amended legislative position regarding charging for waste at Household Waste Recycling Centres (HWRCs) such that charges for certain waste types will be lifted from 1 January 2024. DIY waste will continue to be accepted at all sites which currently accept it.
3. That the Executive Lead Member for Universal Services approves that quantities of DIY waste above the amounts permitted in the legislation will continue to be charged for at the current rate, with a review in due course to ensure full cost recovery.
4. That the Executive Lead Member for Universal Services approves the proposal to utilise the existing booking system to support the management and enforcement of the revised arrangements.
5. That the Executive Lead Member for Universal Services notes the potential for a significant budgetary impact as a result of the legislative change, and gives approval for officers to monitor inputs and bring forward further recommendations as appropriate in the future to balance service delivery and budget pressure.

Executive Summary

6. This paper seeks to:
 - set out the background and context to the Decision

- consider the options available and the impact on the County Council's waste disposal budget
- recommend how the service offered for acceptance of DIY waste can evolve to ensure a smooth and efficient transition that minimises the budgetary and operational impact and enables effective enforcement.

Contextual information

7. Hampshire County Council, as the designated Waste Disposal Authority (WDA) for the administrative area of Hampshire, has a statutory duty through the Environmental Protection Act (1990)¹ to provide places where persons "resident in the area" may deposit their bulky household and garden waste for recycling and processing. This is delivered in Hampshire through a network of 24 HWRCs located across the county.
8. The Environmental Protection Act stipulates that HWRCs must freely accept waste classified as, and deriving from, a household source at no charge to the resident. Historically it has been commonly interpreted by Hampshire County Council and many other local authorities that waste types such as soil, rubble, gypsum (plasterboard) and cement-bonded asbestos were classified as construction and demolition waste, or so-called 'DIY waste', and therefore were outside of the legislative guidance on household waste.
9. The DIY waste streams listed above were previously accepted in limited quantities at Hampshire HWRCs at no charge. While other local authorities have opted not to accept these waste types at all, Hampshire County Council had taken the view that residents may undertake small, discrete DIY projects at their homes, and therefore it was felt prudent to facilitate a service. Soil, rubble and plasterboard is currently accepted at all HWRCs except New Alresford due to the extremely small capacity of this site. Cement-bonded asbestos is a hazardous material that requires a bespoke environmental permit and therefore is only accepted at 5 strategically located sites.²
10. Prior to 2016, residents were limited to deposit up to six 30-litre rubble sacks per household per month, and anything above this was advised to be collected via a commercial skip or similar. Provision of this service however cost the County Council around £1 million per year due to the high disposal costs incurred.
11. Following a decision by the then Executive Member for Economy, Transport and Environment on 4 November 2014, it was recommended to retain a service for receiving DIY waste from households, but to apply a charge in line with the legislative position that such waste types were not classified as household waste. This policy began on 1 June 2016 with the following schedule of charges:
 - soil and rubble: £2.50 per part or whole standard rubble bag, or £2.50 per individual item (for example, sanitary units such as wash basin, pedestal, toilet bowl, and cistern)

¹ [Environmental Protection Act 1990 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

² Cement-bonded asbestos is accepted at the following HWRCs: Andover, Basingstoke, Efford and Netley, as well as the Paulsgrove site provided by Portsmouth City Council.

- plasterboard: £6 per standard rubble bag or part bag, or £10 per sheet or part sheet, maximum size 3000 x 1200mm

- cement-bonded asbestos: £12 per sheet or part sheet, maximum size 1200 x 600mm

12. A key principle of the chargeable waste policy was a requirement that any charges applied were on a cost recovery basis only and not to generate any income. As such, the only cost increase since 2016 was to inflate the soil and rubble charge from £2.50 to £3 per sack/item. All other charges remain as of 2016.
13. Since 2016, a reduction of around 90% of DIY waste tonnage has been observed at HWRCs. While the charges may have deterred some residents from undertaking projects or made the hiring of a commercial skip more appealing, it is thought that a large proportion of this tonnage decrease is as a result of the redirection and restriction of trade and commercial soil and rubble that was previously being deposited undetected.

Year	2015/16 (t)	2022/23 (t)
Soil and rubble	39,194.06	3,726.07
Plasterboard	2,499.26	377.92
Asbestos	349.02	59.64

Table 1: DIY waste tonnage delivered comparing 2015/16 and 2022/23

Legislative position

14. The Government announced in April 2022 that it would be consulting on charging for DIY waste. The County Council submitted a formal response to the consultation on 1 July 2022, outlining the severe budget implications that a withdrawal of the chargeable waste policy would have and underlining the principle that a chargeable system offered residents choice of how to deposit any DIY waste created, while ensuring that the cost burden for this discretionary but expensive stream is borne by the waste producer rather than all taxpayers.
15. On 18 June 2023, the Government published its response³ to the consultation. In the response the Government outlined its desire to prohibit the imposition of charges on DIY waste and enable residents to deposit such waste for free at HWRCs when four criteria are met:
- the waste is produced by householders whilst carrying out small-scale construction or demolition works at their home;
 - the waste does not arise from activities that generate an income for the person who carried them out;
 - the waste is not produced on a regular basis requiring HWRC visits more frequently than once a week;
 - the volume of waste is no greater than 300 litres (based on the approximate boot size of a family car).

³ [Summary of responses and government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/summary-of-responses-and-government-response-to-the-consultation-on-charging-for-diy-waste)

16. The Government position was laid before Parliament on 21 November 2023 and legislation passed requiring all local authorities to comply by 1 January 2024.

Impact on the service in Hampshire

17. While it is acknowledged that the Government's decision to prevent local authorities charging for DIY waste from 2024 will be positively received by some householders in the current financial climate, it is clear this will have a significant negative impact on the County Council's waste budget. It is important to note that the short notice requirement to comply with the revised legislative position from 1 January 2024 will result in unbudgeted spend from the last quarter of 2023/24.
18. The criteria set out by the Government on what constitutes an acceptable volume of DIY waste to be deposited is only partially helpful in determining how this service can be managed at HWRCs. It is clear that a system of monitoring and enforcement is required to ensure that the principles of the four criteria detailed in paragraph 15 above are met and to provide an effective trade waste deterrent to any unscrupulous trader who may wish to take advantage of the policy change in order to protect the County Council's budget.
19. The booking system that is operated at HWRCs offers a robust means of monitoring householder deposit of DIY waste to ensure no resident is abusing the prescribed limit. The County Council has worked with the booking system provider to develop options for managing this process through the booking system, with a key principle for development being ease of operability by residents and site staff. With an upgrade to the system it will be capable of maintaining a record of a household's monthly allowance within the prescribed limit for minimal additional resource, and can be available by 1 January 2024.
20. If a household wishes to deposit a greater amount than the prescribed limit, the County Council's interpretation of the new legislative position is that this would no longer classify the waste as household, and therefore a charge could be applied. In this circumstance, residents would have the option to pay for the surplus material, or take it away with them. The upgrade to the booking system will provide evidence to enable a charge to be applied. It is anticipated that initially the existing charging schedule would remain in place for this additional material, however this may need to be reviewed to ensure it still recovers the full disposal costs incurred.
21. The legislation advises that households may deposit *"up to two 50-litre rubble bags (or one bulky or fitted item no larger than 2,000mm by 750mm by 700mm, the approximate size of a bathtub or shower screen), at a frequency of four visits per household over a four week period"*.⁴ This limit is not dissimilar to the policy employed at Hampshire HWRCs prior to the implementation of charges in 2016. Site staff will be asked to apply common sense in the application of this limit such that a household may deposit its entire limit on the same day if necessary to reduce visits/journeys that would be incurred by returning on successive days or weeks. It is however recognised that some tensions may occur as a result of applying the new policy, and the County Council is clear that

⁴ [Summary of responses and government response - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/summary-of-responses-and-government-response)

it fully supports a zero tolerance approach to any form of abuse to site staff carrying out their duties.

22. In order to expedite compliance with the revised legislation by 1 January 2024 and ensure that an efficient and effective service continues to be provided to residents, it is necessary to consider options for provision. From reviewing the tonnage inputs of DIY waste streams over recent years, a number of options are available:

- a) **Maintain the existing provision:** The availability of HWRCs to accept soil, rubble and plasterboard remains as currently (i.e. all HWRCs except New Alresford), just with charges removed. This means an extensive service is available to Hampshire residents but could result in severe cost pressures through the potential for unlimited unknown tonnage being delivered.
- b) **Scale down provision to high and medium usage HWRCs only:** This option would focus service provision to only the most popular HWRCs for receiving soil, rubble and plasterboard (100+ tonnes per annum) based on 2022/23 tonnage data. These 13 sites (see Table 2 below) collectively handle 80% of DIY waste brought to Hampshire HWRCs, but would leave some minor service gaps in certain areas of the County resulting in a longer journey for some residents.

High use (200+ tonnes per annum)	Medium use (100+ tonnes per annum)	Low use (<100 tonnes per annum)
Basingstoke	Alton	Aldershot
Farnborough	Andover	Bishop's Waltham
Gosport	Eastleigh	Bordon
Havant	Efford	Casbrook
Segensworth	Marchwood	Fair Oak
Waterlooville	Netley	Hartley Wintney
Winchester		Hayling Island
		Hedge End
		Petersfield
		Somerley

Table 2: Hampshire HWRCs by tonnage received of DIY waste delivered 2022/23.⁵

- c) **Scale down provision to one site per district area:** This option would see one site in each of the 11 district/borough areas in Hampshire being nominated to receive DIY waste. Due to the uneven boundary spread across Hampshire however, this would result in some significant service gaps.
- d) **Scale down provision to only those sites that accept cement-bonded asbestos:** This option would see only five HWRCs available to accept DIY waste. These sites would however be unlikely to be able to sufficiently cope with demand if tonnages increased significantly.

⁵ Please note New Alresford HWRC does not accept soil and rubble waste.

Finance

23. Prior to 2016 when charging was introduced at Hampshire HWRCs, disposal costs resulted in a budget pressure of around £1 million per year. This placed an unfair burden on all Hampshire taxpayers, rather than just affecting the minority of residents that periodically undertake DIY type projects on their homes. Although fees were set to recover handling and disposal costs only, this immediately saved the County Council £1 million per year.
24. Due to the significant cost associated with the haulage and disposal of these waste types, there is a significant risk to the Council of increased costs as a result of this change in legislative position. At a time when the County Council is having to consider substantial budget savings in line with the SP25 programme, this change could add as much as £2.5 million per year to waste disposal costs.
25. Market intelligence indicates that the current disposal rate for soil and rubble is more than double where it was in 2016. Should volumes of DIY waste delivered to HWRCs return to pre-2016 levels, it is reasonable to assume that in line with inflation since that time that the disposal costs will be significant. This would be unbudgeted spend. An additional allocation of around £1 million (subject to approval by Full Council in February) has already had to be added to the 2024/25 waste budget as contingency to cover this pressure.
26. The table below compares soil and rubble (as the predominant DIY waste type received) tonnage across all sites in 2015/16 (the last full year before charges were implemented), 2019/20 (pre-pandemic) and 2022/23. While it is difficult to predict the input level at which DIY waste will return once charges are lifted, it is reasonable to estimate that the annual impact could be between £1.5 million and £2.5 million. This is particularly critical as implementation coincides with the County Council's wider *Balancing the Budget* consultation, and a need to make savings in order to balance the budget for 2025/26 and beyond.

	Soil and rubble tonnage received		
<i>HWRC</i>	<i>Apr 2015 - Mar 2016</i>	<i>Apr 2019 - Mar 2020</i>	<i>Apr 2022 - Mar 2023</i>
Aldershot	1122.44	104.66	69
Alresford	0	0	0
Alton	864.44	173.64	110.87
Andover	1717.5	217.78	134.11
Basingstoke	3095.54	582.92	364.31
Bishops Waltham	543.68	57.78	50.11
Bordon	1045.42	172.92	87.44
Casbrook	840.36	123.62	85.2
Eastleigh	1100.14	304.8	130.7
Efford	1254.2	219.77	198.74
Fair Oak	609.38	86.8	72.8
Farnborough	1930.62	311.54	220.79
Gosport	2766.26	318	217.65
Hartley Wintney	554.32	96.23	78.68
Havant	3123.27	373.26	265.13
Hayling Island	375.4	51.59	51.4
Hedge End	1669.58	177.46	63.14
Marchwood	1549.06	179.17	106.24
Netley	2211.3	125.96	128.36
Petersfield	888.9	101.14	77.14
Segensworth	3026.77	232.48	212.83
Somerley	950.86	142.12	73.55
Waterlooville	1863.26	277.84	200.2
Winchester	1500.08	265.38	227.49
<u>Totals:</u>	34,602.78	4,696.86	3,225.88

27. In order to upgrade the existing booking system, a minor one-off cost of around £5,000 will be incurred, which will be managed under usual delegated budget responsibilities.

Consultation and Equalities

28. The Public Sector Equality Duty, established by the Equality Act 2010 (“the Act”), places a duty upon the County Council to have due regard to the need to eliminate discrimination, to advance equality of opportunity and to foster good relations. Age, disability, gender reassignment, marriage or civil partnership (in employment only), pregnancy and maternity, race, religion or belief, sex and sexual orientation are protected characteristics for the purposes of the Equality Act 2010 and the Public Sector Equality Duty.

29. An Equalities Impact Assessment identified that the removal of charges for DIY waste would have a neutral impact on groups with protected characteristics, and a minor positive impact on those experiencing poverty.

Climate Change Impact Assessments

30. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

Climate Change Adaptation

31. The adaptation project screening tool considers vulnerability of proposals to the effects of climate change and whether any adaptations are required. A full assessment of climate change vulnerability was not completed in this instance as the initial vulnerability assessment indicated that the project is at minimal risk from climate vulnerabilities.

Carbon Mitigation

32. The mitigation decision-making tool considers the impact of carbon emissions and whether any mitigations are required. Reuse and recycling activity produces fewer carbon emissions than waste disposal, so maximising recycling and reuse has clear carbon benefits. The overall aim of the HWRC service is to minimise landfill where possible and therefore reuse, recycling and recovery actions will be prioritised in line with the waste hierarchy.

Conclusion and recommendations

33. It is clear that the change to the legislative position for acceptance of DIY type waste will have a significant impact on Hampshire County Council. While it is recognised that a removal of nominal charges will be seen as a positive for residents wishing to carry out DIY projects on their homes in the current financial climate, the impact on waste disposal budgets could potentially be severe. It is appropriate therefore to evaluate how this impact can be minimised while ensuring compliance with the new legislative position.
34. There is the potential for HWRCs to be inundated with soil, rubble and plasterboard from 1 January 2024 once the charges are lifted. A reshaping of the service could mitigate this impact by diverting these waste types to those HWRCs that are large enough to cope with this influx and making onward haulage more efficient. This would however result in a withdrawal of service at some HWRCs, which may not be reasonable to implement at short notice.
35. While residents tend to dispose of this waste type infrequently, this still represents a significant annual tonnage. It is therefore necessary to ensure that the scope of the service is capable of handling this effectively once charges are

lifted. As such, proposals to reduce service to only those sites with higher tonnage or that currently accept cement-bonded asbestos would be unlikely to cope efficiently with this demand. Similarly, retaining just one accepting site in each district or borough would result in some significant geographical gaps.

36. While recognising that maintaining the existing service represents a high level of risk given that post-charging tonnages are unknown, it is recommended that the existing provision of accepting soil, rubble and plasterboard at all HWRCs except New Alresford is maintained. It is however recommended that this is kept under review until the impact of the removal of the charges is understood with a view to revisiting it in line with wider future savings proposals required from 2025. Where a resident wishes to deposit a greater volume than that permitted by the legislation, a charge may be levied for the excess amount.
37. It is recommended that there is no change to the provision for cement-bonded asbestos acceptance as the current five sites cope sufficiently with demand, and any expansion would require application for hazardous waste licences which would generate a cost.
38. The HWRC booking system offers a robust platform for managing inputs of DIY waste once the charges have been removed, ensuring that sites do not become overwhelmed while providing necessary monitoring to ensure householders remain within the prescribed monthly limit and limiting abuse by non-household sources. It is therefore recommended that officers continue to explore this option with the system provider to ensure maximum benefit is derived to support the service change.

REQUIRED CORPORATE AND LEGAL INFORMATION:

Links to the Strategic Plan

Hampshire maintains strong and sustainable economic growth and prosperity:	no
People in Hampshire live safe, healthy and independent lives:	yes
People in Hampshire enjoy a rich and diverse environment:	yes
People in Hampshire enjoy being part of strong, inclusive communities:	no

Other Significant Links

Links to previous Member decisions:	
Household Waste Recycling Centres Contract: Council meeting summary About the Council Hampshire County Council (hants.gov.uk)	<u>04/11/2014</u>
Direct links to specific legislation or Government Directives	
<u>Environmental Protection Act (1990) – s51</u>	

Section 100 D - Local Government Act 1972 - background documents	
<p>The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)</p>	
<u>Document</u>	<u>Location</u>
None	

EQUALITIES IMPACT ASSESSMENT:

1. Equality Duty

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant characteristic connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity which participation by such persons is disproportionately low.

2. Equalities Impact Assessment:

An Equalities Impact Assessment identified that the removal of charges for DIY waste would have a neutral impact on groups with protected characteristics, and a minor positive impact on those experiencing poverty.

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